

AGENDA

Regular Meeting

of the

CITY COUNCIL OF THE CITY OF TROY

APRIL 12, 2004

CONVENING AT 8:00 P.M.

**Submitted By
The City Manager**

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Goals

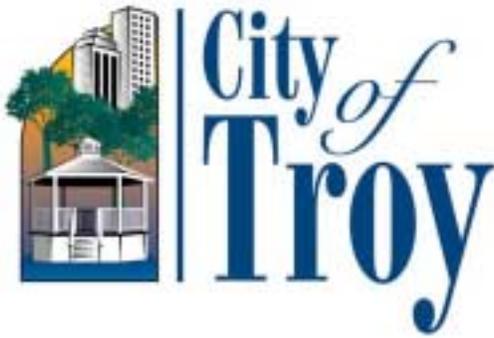
1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

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

Respectfully submitted,

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

John Szerlag, City Manager



CITY COUNCIL

AGENDA

April 12, 2004 – 8:00 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER **1**

INVOCATION & PLEDGE OF ALLEGIANCE – Father Ron Jozwiak – St. Elizabeth Ann Seton **1**

ROLL CALL **1**

PRESENTATION: **1**

A-1 2004-2005 City Council Convenes: (a) Installation of New Members; (b) Adoption of Rules of Procedure; (c) Appointment of Mayor Pro Tem 1

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

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Committee for Persons with Disabilities; 2. Advisory Committee for Senior Citizens; 3. Board of Zoning Appeals; 4. Board of Zoning Appeals; 5. Charter Revision Committee; 6. Library Board; 7. Employees Retirement System Board of Trustees; 8. Troy Daze 7

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CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE – Father Ron Jozwiak – St. Elizabeth Ann Seton

ROLL CALL

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

PRESENTATION:

A-1 2004-2005 City Council Convenes: (a) Installation of New Members; (b) Adoption of Rules of Procedure; (c) Appointment of Mayor Pro Tem

(a) Installation of New Members

Members of the City Council who begin new terms will be administered the Oath of Office by Judge Michael A. Martone.

(b) Adoption of Rules of Procedure

Attached is a copy of the Rules of Procedure, which is subject to renewal and/or amendment at this time.

Suggested Resolution

Resolution #2004-04-
Moved by
Seconded by

RESOLVED, That the Rules of Procedure of the City Council of the City of Troy are hereby **(ADOPTED or AMENDED)** as recorded by the City Clerk in the Minutes of this meeting.

Yes:

No:

(c) Appointment of Mayor Pro Tem

Council's Rules of Procedure address the appointment of Mayor Pro Tem as follows:

1. Appointment of Mayor Pro Tem

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Robin Beltramini, David Eisenbacher, Cristina Broomfield, Martin F. Howrylak, Jeanne M. Stine, David A. Lambert.

Suggested Resolution

Resolution #2004-04-

Moved by

Seconded by

RESOLVED, That Robin Beltramini is hereby **APPOINTED** to serve as Mayor Pro Tem for the 2004-2005 City Council of the City of Troy.

Yes:

No:

A-2 Presentation: Distinguished Budget Presentation Award

PUBLIC HEARINGS:

POSTPONED ITEMS:

D-1 Amendment to Rules of Procedure – Proposed by Council Member Beltramini from the Regular Meeting of March 1, 2004

Resolution

Moved by Beltramini

Seconded by Stine

RESOLVED, That Council Rules of Procedure be **AMENDED** as proposed and further revised on March 1, 2004 effective at the next meeting of Council.

Vote on Amendment

Resolution

Moved by Pryor

Seconded by Howrylak

RESOLVED, That the Resolution to “*Amend the City Council Rules of Procedure – Proposed by Council Member Beltramini*” be **AMENDED** by placing non-agenda items to be addressed be placed before Reports and Communications, G items.

Yes:

No:

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

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

B. Items Not on the Current Agenda

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

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended September 22, 2003)

E-1 Approval of Consent AgendaSuggested Resolution

Resolution #2004-04-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

E-2 Minutes: No City Council Minutes submitted.

E-3 Proposed City of Troy Proclamation(s): No City of Troy Proclamations submitted.

E-4 Standard Purchasing Resolution 3: Exercise Renewal Option – Transit Mixed Concrete

Suggested Resolution
Resolution #2004-04-

WHEREAS, On March 3, 2003, one-year contracts with an option to renew for one additional year to provide transit mixed concrete was awarded to the low bidders, Superior Materials, Inc., the primary supplier and Van Horn Concrete, the secondary supplier (Resolution #2003-03-126-E-9); and

WHEREAS, Both awarded bidders have agreed to exercise the one-year option to renew under the same prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Superior Materials, Inc., the primary supplier and Van Horn Concrete, the secondary supplier, to provide transit mixed concrete for an estimated total cost of \$162,000.00, under the same contract prices, terms, and conditions expiring April 30, 2005.

E-5 Application for New Class C (Quota) License by Fleming's/Great Lakes-I, Limited Partnership (Fleming's Steak House)

Suggested Resolution
Resolution #2004-04-

(a) Request for a New Quota Class C Licensed Business

RESOLVED, That the request from Fleming's/Great Lakes-I, Limited Partnership for a new Quota Class C licensed business with Sunday Sales, Official Permit (food) and Outdoor Service Area, located at 3001 W. Big Beaver Rd., Troy, MI 48084, Oakland County [MLCC REQ ID #238468) "above all others"; be considered for **APPROVAL**. It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

AND

(b) Approval of Agreement

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Fleming's/Great Lakes-I Limited Partnership, which shall become effective upon approval of the request for a new Quota Class C licensed business with

Sunday Sales, Official Permit (Food) and Outdoor Service Area, “above all others”, located at 3001 W. Big Beaver Rd., Troy, MI; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Mosquito Control

Suggested Resolution
Resolution #2004-04-

RESOLVED, That a two-year contract for mosquito control with an option to renew for one (1) additional year is hereby **AWARDED** to the low bidder, Advanced Pest Management, of Fenton, Michigan for an estimated total two-year cost of \$117,900.00, at unit prices contained in the bid tabulation opened March 10, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

E-7 Long Lake Road Development Partners L.L.C. and Good Development Company, L.L.C. v. City of Troy

Suggested Resolution
Resolution #2004-04-

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Long Lake Road Development Partners, L.L.C. and Good Development Company, L.L.C. v. City of Troy and to **RETAIN** any necessary expert witnesses to adequately represent the City.

E-8 Request for Acceptance of Permanent Sanitary Sewer Easement: Sidwell No.'s 88-20-18-477-046, -070, -071 & -072 – Project No. 01.913.3 – 4175 Coolidge Lot Splits

Suggested Resolution
Resolution #2004-04-

RESOLVED, That the Permanent Easement for sanitary sewer from Woodward Common Land Company, L.L.C., a Michigan Limited Liability Company, having Sidwell No.'s 88-20-18-477-046, -070, -071 and -072, is hereby **ACCEPTED**; and

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

E-9 Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000.00 – 2003/04 Michigan Municipal League Membership Renewal

Suggested Resolution
Resolution #2004-04-

RESOLVED, That approval is **GRANTED** to pay the 2003/04 Michigan Municipal League membership fee covering the time period of May 1, 2004 through April 30, 2005 in the amount of \$13,474.00.

E-10 Standard Purchasing Resolution 1: Award to Low Bidder – Standard and Compound Water Meters

Suggested Resolution
Resolution #2004-04-

RESOLVED, That a two-year contract to provide Standard and Compound Water Meters with an option to renew for two additional years is hereby **AWARDED** to the low bidder, SLC Meter Service, Inc., at an estimated annual cost of \$148,390.00, at unit prices contained in the bid tabulation opened January 28, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the contract award **INCLUDES** additional cable at \$.08 per foot and Neptune meter replacement parts at a discount of 10% off list.

E-11 Standard Purchasing Resolution 1: Award to Low Bidders – Liquid Calcium Chloride

Suggested Resolution
Resolution #2004-04-

RESOLVED, That a contract to provide one-year requirements of Liquid Calcium Chloride with an option to renew for one additional year is hereby **AWARDED** to the low bidders, South Huron Industries, Inc., as the primary supplier and Michigan Chloride Sales, Inc. as the secondary supplier for Option B, at an estimated total cost of \$54,000.0, which includes \$500.00 for the “additional insured endorsement” clause, at unit prices contained in the bid tabulation opened March 5, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

E-12 Standard Purchasing Resolution 1: Award to Sole Bidder – Electrical Upgrades at the Troy Museum and Historic Village

Suggested Resolution

Resolution #2004-04-

RESOLVED, That a contract to upgrade electrical service at the Museum and Historic Village is hereby **AWARDED** to the sole bidder, Shoreview Electric Company, for an estimated total cost of \$34,500.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon vendor submission of proper contract and bid documents, including insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or \$3,450.00.

REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended September 22, 2003. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1. Civil Service Commission (Act 78); 2. Brownfield Redevelopment Authority; 3. Economic Development Authority and (b) City Council Appointments: 1. Advisory Committee for Persons with Disabilities; 2. Advisory Committee for Senior Citizens; 3. Board of Zoning Appeals; 4. Board of Zoning Appeals; 5. Charter Revision Committee; 6. Library Board; 7. Employees Retirement System Board of Trustees; 8. Troy Daze

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

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

(a) Mayoral AppointmentsSuggested Resolution

Resolution #2004-04-

Moved by

Seconded by

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

Civil Service Commission (Act 78)**Mayor, Council Approval (3) – 6 years****(1-Mayor, 1-Police and Fire Depts. 1-Civil Service)****Term expires 04-30-2010****CURRENT MEMBERS**

NAME	TERM EXPIRES
Cannon, David C (Council)	04/30/06
McGinnis, Donald E (Police/Fire)	04/30/04
Daugherty, Patrick (Civil Service)	04/30/08

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Easterbrook, David J	09/25/01-09/2003	10/01/01
Powers, Brian M	10/15/02-10/2004	10/21/02
Rogowski, Robert F	11/14/01-11/2003	12/17/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Sobota, Christopher A	02/14/02-02/2004	02/18/02
Ziegenfelder, Peter	06/11/03-05/2005	06/16/03

Brownfield Redevelopment Authority**Mayor, Council Approval (7) – 3 years****Bruce J. Wilberding seeks reappointment****Term expires 04-30-2007****Victor Lenivov seeks reappointment****Term expires 04-30-2007****CURRENT MEMBERS**

NAME	TERM EXPIRES
Cotsonika, Arthur	04/30/06
Wilberding, Bruce J	04/30/04
Lenivov, Victor	04/30/04
Goss, Laurence R	04/30/05
Swartz, Robert D	04/30/05
Lee, Katherine M	04/30/05

Ullmann, Lon M	04/30/06
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INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baptista, Michael	05/21/03-05/2005	06/02/03
DeBacker, Deborah	05/20/02-05/2004	06/03/02
Dziurman, Theodore	06/10/03-05/2005	06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Joseph, Luke	03/10/03-03/2005	03/17/03
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Silver, Neil S	08/11/00-06/20/01- 06/09/03-05/2005	08/21/00-07/09/01- 06/16/03
Smits, Beatrice G	12/2/03-12/2005	12/15/03

Economic Development Corporation**Mayor, Council Approval (9) – 6 years**

Stuart F Redpath does not seek reappointment & Term expires 04-30-2009
has been appointed to the Parks & Rec Board on March 15, 2004.

Charles Salgat seeks reappointment Term expires 04-30-2010

Term expires 04-30-2009

Term expires 04-30-2009

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02

Hall, Patrick C	01/26/01-06/12/01-05/2003	02/05/01-07/09/01
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Freliga, Victor P	11/25/02-11/2004	12/02/02
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jaysree	08/28/01	09/17/01
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Victor, Robert	6/03/03-05/2005	06/16/03

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2004-04-

Moved by

Seconded by

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

Advisory Committee for Persons with Disabilities

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

Term expires 11-01-2006 (Alternate)

Term expires 07-01-2004 (Student)

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Connor, Kathleen Ann	02/25/04-02/2006	03/01/04
Fuhrman, Adam	04/07/04	04/12/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Advisory Committee for Senior Citizens**Appointed by Council (9) – 3 years****Ed Forst does not seek reappointment.****Term expires 04-30-2007****Term expires 04-30-2007****Term expires 04-30-2007****CURRENT MEMBERS**

NAME	TERM EXPIRES
Banch, Steven M	04/30/04
Crowe, Jane	04/30/04
Dixon, Merrill W	04/30/06
Forst, Ed	04/30/04
Hoag, Marie	04/30/06
Ogg, David S	04/30/05
Rhoads, Josephine	04/30/05
Thompson, JoAnn	04/30/06
Weisgerber, William	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Buchanan, Cynthia	06/07/00	06/19/00
Burt, Susan	09/24/01	10/01/01
Connor, Kathleen Ann	02/25/04-02/2006	03/01/04
Freliga, Mary E	11/25/02-11/2004	12/02/02
Lang, Victoria	6/16/03-06/2005	07/07/03
Pietron, Dorothy A	12/21/98-07/10/01	07/23/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Wheeler, Nancy	03/08/04-03/2006	04/12/04

Board of Zoning Appeals**Appointed by Council (7) – 3 years****Kenneth Courtney seeks reappointment****Term expires 04-30-2007**

Marcia Gies seeks reappointment**Term expires 04-30-2007****CURRENT MEMBERS**

NAME	TERM EXPIRES
Courtney, Kenneth L	04/30/04
Fejes, Christopher	04/30/06
Gies, Marcia	04/30/04
Hutson, Michael W	04/30/06
Kovacs, Matthew R - Does not wish to be reappointed/ 6/25/03	04/30/05
Maxwell, Mark	04/30/05
Strat, Thomas (Plan Rep)	12/31/04
Schultz, Robert M (Plan Rep Alt.)	12/31/04

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Anderson, David C	12/06/01-06/16/03- 05/2005	12/17/01-07/07/03
Baptista, Michael	05/21/03-05/2005	06/02/03
Bordas, Douglas M	08/19/99	
Deel, Ryan J	05/17/01-06/25/01- 05/2003	05/21/01-07/09/01
Dziurmanh, Theodore	06/10/03-05/2005	06/16/01
Godlewski, W S	07/01/03-07/2005	07/07/03
Hall, Patrick C	06/16/03-05/2005	07/07/03
Hanna, Atef A	10/28/02-10/2004	11/04/02
Howe, Peter Thomas	03/12/03-03/2005	03/17/03
Joseph, Luke	03/10/03-03/2005	03/17/03
Kohut, Gary L	02/17/03-02/2005	03/03/03
Lakin, David	01/13/04-01/2006	02/02/04
Minnick, Richard D II	04/29/02-07/18/03- 07/2005	05/06/02-08/04/03
Noce, Robert Wilson	11/16/00-07/11/03- 07/2005	11/20/00-07/21/03
Ogg, David	02/09/99-06/09/03- 05/2005	04/23/01-06/16/03
Peard, James R	11/25/02-06/09/03- 05/2005	12/02/02-06/16/03
Powers, Brian M	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Sawyer, Thomas G	10/04/02-06/09/03- 05/2005	11/04/02-06/16/03
Shah, Jayshree	01/12/04-01/2006	
Shier, Frank	02/18/03-02/2005	03/03/03
Smits, Beatrice G	12/02/03-12/2005	
Strat, Thomas	09/16/02-09/2004	09/23/02

Wright, Wayne C	01/07/99-06/18/03- 06/2005	
Yousif, Gary	11/24/03-11/2005	01/05/04

Charter Revision Committee**Appointed by Council (7) – 3 years****Jerry E. Bloom seeks reappointment****Term expires 04-30-2007****Shirley Kanoza seeks reappointment****Term expires 04-30-2007****CURRENT MEMBERS**

NAME	TERM EXPIRES
Barno, Lillian	04/30/06
Bliss, Daniel H	04/30/06
Bloom, Jerry E	04/30/04
Kanoza, Shirley	04/30/04
Noce, Robert	04/30/06
Solomon, Mark R	04/30/05
Wilsher, Cynthia A	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-06/09/03- 05/2005	07/09/01-06/16/03
Courtney, Kenneth	03/12/04-03/2006	03/15/04
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Silver, Neil S	06/09/03-06/2005	06/16/03
Weisgerber, William	0/23/01-07/14/03- 07/2005	04/23/01-07/21/03
Wheeler, Nancy	03/08/04-03/2006	04/12/04
Ziegenfelder, Peter F	12/07/00-06/11/01- 06/11/03-05/2005	12/18/00-07/09/01-06/16/03

Library Board**Appointed by Council (5) – 3 years****Lynne R. Gregory seeks reappointment****Term expires 04-30-2007****Nancy D. Wheeler seeks reappointment****Term expires 04-30-2007**

CURRENT MEMBERS

NAME	TERM EXPIRES
Allen, Joanne C	04/30/05
Griffen, Brian	04/30/06
Gregory, Lynne R	04/30/04
Wheeler, Nancy D	04/30/04
Zembrzuski, Audre	04/30/05
Zhang, Steve (Student)	07/01/04

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Blythe, Wilson Deane	03/06/02-03/2004	03/18/02
Brady, Michael	04/30/03	
Freliga, Mary E	11/25/02-11/2004	12/02/02
Gauri, Kul B	08/26/99-07/03/03-07/2005	
Hashmi, Amin	08/22/02-08/2004	
Mellen, Dick	05/02/03-05/2005	05/05/03
Nelson, Albert T Jr	03/16/99	
O'Brien, Michael	07/28/03-07/2005	08/04/03
Powers, Brian M	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shah, Jayshree	08/28/01-01/12/04-01/2006	09/17/01-02/02/04
Shah, Oniell	08/07/02-08/2004	09/23/02
Shiner, Mary E	11/28/01	12/09/01
Smits, Beatrice G	12/2/03-12/2005	12/15/03
Solomon, Mark R	02/05/99-06/16/03-05/2005	07/07/03

Employees Retirement System Board of Trustees

3 by Council, 3 by Members, Assistant City Manager/Finance, City Manager – Ordinance – 3 years

Change in number of members to include a non-voting retiree member that is appointed by Council per Resolution by Council – March 1, 2004.

Retiree Appointment

Term expires 12-31-2004

CURRENT MEMBERS

NAME	TERM EXPIRES
Steven Pallotta (Employee)	12/31/06
Robert Crawford (Employee)	12/31/05
Thomas Houghton (Employee)	12/31/04
Mark A Calice (Council)	12/31/06
David A Lambert (Council)	04/15/06

New Appointment	12/31/04
John M Lamerato	Ordinance
John Szerlag	Ordinance

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kenneth Courtney – Retiree	03/12/04-03/2006	03/15/04
Mark Halsey – Retiree	03/10/04-03/2006	03/15/04
James Hamzey-Retiree	03/12/04-03/2006	03/15/04
William Need-Retiree	03/23/04-03/2006	04/12/04

Troy Daze

Appointed by Council (9) – 3 years

Term expires 11-30-2004

Term expires 07-01-2003 (Student)

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/03-05/2005	05/05/03
Freliga, Mary E	11/25/02-11/2004	12/02/02
Hashmi, Amin	08/22/02-08/2004	
Huber, Laurie G	09/22/00-06/18/01-05/2003	09/22/00-7/09/01
Musick, Marilyn K	12/01/03-12/2005	12/15/01
Pietron, Dorothy Ann	07/10/01-07/2003	07/23/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Wells, Alexandra	08/22/02-08/2004	09/09/02

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Yes:

No:

F-2 Closed SessionSuggested Resolution

Resolution #2004-04-

Moved by

Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Paul Mancini v City of Troy , after adjournment of this meeting.

Yes:

No:

F-3 Sole Source – Lifeguard/CPR Training Services Troy Family Aquatic Center and Troy Community CenterSuggested Resolution

Resolution #2004-04-

Moved by

Seconded by

WHEREAS, Jeff Ellis and Associates, Inc. is the sole known provider of complete services for Southeastern Michigan.

WHEREAS, Jeff Ellis and Associates, Inc. has been providing lifeguard services at the Troy Family Aquatic Center since it opened and Troy Community Center for the past two years.

NOW, THEREFORE, BE IT RESOLVED, That comprehensive lifeguard services **CONTINUE** throughout December 2004 at the Troy Family Aquatic Center and Troy Community Center and be **PROVIDED** by Jeff Ellis and Associates, Inc., the sole known provider, at an estimated total cost of \$30,000.00, at rates contained in Appendix I, 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 contract documents, including insurance certificates, and any other contract requirements.

Yes:

No:

F-4 City of Troy v Rauhut – Oakland County Circuit Court Case No. 02-042746 CCSuggested Resolution

Resolution #2004-04-

Moved by

Seconded by

RESOLVED, That the City of Troy City Council **APPROVES** the proposed consent judgment; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, in the City of Troy v Rauhut condemnation case, Oakland County Circuit Court Case No. 02-042746 CC and **AUTHORIZES** payment in the amount stated therein, and further **AUTHORIZES** the Assistant City Attorney to **EXECUTE** the consent judgment on behalf of the City of Troy.

Yes:

No:

F-5 Approval of Subdivision Entrance Sign/Agreement – Woodside Manor Subdivision

City Management requests a 2-3 minute presentation regarding this item.

Suggested Resolution

Resolution #2004-04-

Moved by

Seconded by

RESOLVED, That the sign application submitted by the Woodside Manor Homeowners Association for the placement of a sign in the median of the intersection of Teakwood Drive and Square Lake Road is hereby **APPROVED** as to the design and materials proposed; and

BE IT FURTHER RESOLVED, That the agreement regarding the maintenance and liability coverage for the sign is also approved and the Mayor and City Clerk are **AUTHORIZED** to sign the attached agreement on behalf of the City.

Yes:

No:

F-6 2004 Magic of Fall/Troy Daze Festival Schedule/FeesSuggested Resolution

Resolution #2004-04-

Moved by

Seconded by

RESOLVED, That the Troy Daze/Magic of Fall schedule and fees are hereby **APPROVED** as requested by the Troy Daze Advisory Committee, and a copy shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

Yes:

No:

F-7 2004-05 Proposed Budget – Study Sessions

Suggested Resolution

Resolution #2004-04-

Moved by

Seconded by

RESOLVED, That the following study session dates are **SCHEDULED** for budget review:

Wednesday, April 21, 2004 at 7:30 PM in the Council Board Room

Monday, April 26, 2004 at 7:30 PM in the Council Board Room

Wednesday, April 28, 2004 at 7:30 PM in the Council Board Room

Yes:

No:

F-8 Amendment #1 – Hard Rock Concrete, Inc. – Sidewalk Replacement and Installation Program

Suggested Resolution

Resolution #2004-04-

Moved by

Seconded by

WHEREAS, A contract to provide Sidewalk Replacement and Installation was awarded to the low bidder, Hard Rock Concrete, Inc. on August 4, 2003, at an estimated cost of \$366,210.00, and if changes in the quantity of work are required, either additive or deductive, such changes are authorized in an amount not to exceed 25% of the contract total per year (Resolution #2003-08-425-E-9).

WHEREAS, It is recommended that the contract be amended to include amounts over the authorized 25% for work to be completed by June 15, 2004, to complete sidewalk installation for major road gaps and sidewalk replacement at scattered locations throughout the City of Troy.

NOW, THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** for additional sidewalk work at an estimated total cost of \$69,000.00.

Yes:

No:

F-9 Standard Purchasing Resolution 8: Best Value Process Award – Food Service Provider Sanctuary Lake Golf Course

Suggested Resolution

Resolution #2004-04-

Moved by

Seconded by

RESOLVED, That a contract to provide Food Service at Sanctuary Lake Golf Course for one year with an option to renew for two additional one-year periods is hereby **AWARDED** to Emerald Food Service, Inc. the bidder with the highest score and overall return, as a result of a Best Value process which the Troy City Council determines to be in the public interest at a guaranteed minimum of \$10,000.00 per year or an incremental revenue sharing plan as detailed in Appendix 1, based upon recasting the Lease Agreement to include the Community Center Café Operation and Sanctuary Lake combined; copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Yes:

No:

F-10 Revisions to Chapter 97 - Troy City Code – Coin Operated Amusement Devices and Arcades

Suggested Resolution

Resolution #2004-04-

Moved by

Seconded by

RESOLVED, That an ordinance amendment to Chapter 97, Section 4 and Section 14 is hereby **ADOPTED** as recommended; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-11 Water System Feasibility Study

Suggested Resolution

Resolution #2004-04-

Moved by

Seconded by

WHEREAS, Various Oakland and Macomb County communities are interested in evaluating the feasibility and costs to establish a water authority (or authorities) to construct facilities and deliver water to member service areas.

WHEREAS, On behalf of St. Clair Shores and Warren, internal staff and outside consultant Anderson, Eckstein & Westrick, have prepared a “*Request for Proposal*” (RFP) to perform a Water System Feasibility Study.

WHEREAS, At a recent meeting of the member communities it was agreed that each potential member community must secure a financial commitment from their local council and assign a staff member to sit on the RFP Review Committee.

WHEREAS, It is required that each community take formal action to commit to the Study and report back to the Review Committee by April 16, 2004.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy hereby **AGREES** to take part in the RFP process; and

BE IT FURTHER RESOLVED, That the City of Troy hereby **ASSIGNS** City Engineer, Steven J. Vandette as its liaison and member of the RFP Review Committee; and

BE IT FINALLY RESOLVED, That the City of Troy hereby **AGREES** to allocate its share on a population basis not to exceed \$40,500.00 for the Study.

Yes:

No:

COUNCIL COMMENTS/COUNCIL REFERRALS

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

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- (a) Board of Canvassers/Final – April 8, 2003
- (b) Historic Commission/Draft – November 24, 2003
- (c) Historic Commission/Draft – December 23, 2003
- (d) Employees’ Retirement System Board of Trustees/Final – January 14, 2004
- (e) Historic Commission/Draft – January 27, 2004
- (f) Employees’ Retirement System Board of Trustees/Final – February 11, 2004
- (g) Downtown Development Authority/Final – February 18, 2004
- (h) Historic Commission/Draft – February 24, 2004
- (i) Planning Commission/Special-Study/Final – February 24, 2004
- (j) Youth Council/Final – February 25, 2004

- (k) Planning Commission/Special-Study/Draft – March 2, 2004
 - (l) Planning Commission/Special-Study/Final – March 2, 2004
 - (m) Animal Control Appeal Board/Final – March 5, 2004
 - (n) Building Code Board of Appeals/Final – March 3, 2004
 - (o) Advisory Committee for Senior Citizens/Final – March 4, 2004
 - (p) Liquor Advisory Committee/Draft – March 8, 2004
 - (q) Planning Commission/Draft – March 9, 2004
 - (r) Planning Commission/Final – March 9, 2004
 - (s) Board of Zoning Appeals/Draft – March 16, 2004
 - (t) Youth Council/Draft – March 24, 2004
 - (u) Advisory Committee for Senior Citizens/Draft – April 1, 2004
-

G-2 Department Reports:

- (a) 2004 First Quarter Litigation Report
-

G-3 Announcement of Public Hearings:

- (a) Commercial Vehicle Appeal – 6881 Westaway – **SCHEDULED for April 19, 2004**
 - (b) Parking Variance Request – 440 E. Maple – **SCHEDULED for April 19, 2004**
 - (c) Parking Variance Request - 345 Minnesota – **SCHEDULED for April 19, 2004**
 - (d) Commercial Vehicle Appeal –5184 Rochester – **SCHEDULED for April 19, 2004**
-

G-4 Green Memorandums:

- (a) Troy Fire Incentive Plan for Volunteer Firefighters
-

G-5 Proposed Proclamations/Resolutions from Other Organizations:

- (a) Resolution – City of Pleasant Ridge – Urge Michigan Legislature to Correct Assessment Inequity
 - (b) Resolution – City of Clawson – Consideration of a Resolution in Opposition to House Bill 4234, a Bill to Exempt the First \$10,000.00 of Taxable Value from the Personal Property Tax Roll
 - (c) Resolution – City of Madison Heights – Resolution Opposing Substitute for House Bill 4234
-

G-6 Calendar

G-7 Letters of Appreciation:

- (a) Letter of Appreciation from John F. Myszak III CSS/CPO – Directory of Security – Somerset Collection, to Officer Jay Reynolds Thanking Him for His Support to Somerset Collection Over the Years and for His Involvement With the Avril Lavigne Event
- (b) Letter of Appreciation from A.J. Desmond & Sons – Funeral Directors to Chief Craft Thanking Officer N. Kaptur for Her Presentation Regarding Fraud and Personal Safety
- (c) Letter of Appreciation from Gordon M. Armstrong – Adjunct Professor, Wayne State University, to Chief Craft Thanking Sergeant S. Post for Speaking to His Investigations Class
- (d) Letter of Appreciation from Wayne C. Wright to John Szerlag to Express His Appreciation of the DPW for Replacing His Mailbox in a Courteous and Respectful Manner and of the City Clerk's Office for Their Helpfulness and Professionalism in Issuing His Dog License and Absentee Voter Application
- (e) Letter of Appreciation from John F. Myszak III CSS/CPO – Director of Security – Somerset Collection, to Lieutenant Richard Riesterer Thanking the Troy Fire Department for Their Assistance with the Avril Lavigne Event Held at Somerset Collection
- (f) E-Mail from Debbie Morrison to Loraine Campbell Thanking Her for The Great Experience She Had When Her Son's Fourth Grade Class Toured the Historical Museum
- (g) E-mail from Terry Smith to Mark Stimac Thanking Him for His Assistance Regarding a Parking Issue on Her Street
- (h) Letter of Appreciation from Chief Theodore H. Quisenberry – Royal Oak Police Department, to Chief Craft Thanking Officer Ed Klutz for Assisting Their Agency by Participating in an Oral Review Board for the Position of K-9 Officer
- (i) Letter of Appreciation from John F. Myszak III CSS/CPO – Director of Security – Somerset Collection, to Sergeant David Livingston Thanking Him for His Assistance with the Avril Lavigne Event Held at Somerset Collection
- (j) Letter of Appreciation from Kevin M. Sagan – Madison Heights, Chief of Police, to Chief Craft Thanking Sgt. Michael Bjork for His Assistance in Arranging to Loan Equipment to Their Department for Training Purposes

G-8 Memorandum – Re: Kunjamma Antony v. City of Troy

G-9 Memorandum – Re: City Employees' Short-term Disability, Long-term Disability, Life, and Accidental Death and Dismemberment Insurance Coverage

G-10 Memorandum – Re: Annual Library Survey of Users

G-11 Survey – Re: 2003 Rouge River Watershed Frog and Toad Survey Results from Friends of the Rouge

G-12 Memorandum – Re: Distribution of the 2004-05 Budget

PUBLIC COMMENT

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

STUDY ITEMS – No Study Items submitted.

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

Respectfully submitted,

John Szerlag, City Manager

To: Mayor and Members of City Council
cc: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney

From: Robin Beltramini, Council Member

Subject: Amendment to Rules of Procedure

Date: February 24, 2004

Pursuant to last night's discussion, Tonni Bartholomew and I worked to streamline the agenda and comments procedures. Most of the changes proposed satisfy the interests of keeping action items at the forefront of discussion, minimizing staff overtime, and giving the general public timely, structured opportunity to comment on agenda items.

The primary change is in the Public Comment portion of the agenda. All Consent Agenda items will be considered before Regular Business items. Audience members wishing to address items in either section may ask to have them separated as each section is addressed by Council. Consent agenda items removed for discussion will be discussed after the remaining consent items are approved. Regular Business items separated will be handled prior to Regular Business items not requested by the audience. "Public Comment for Items not on the Agenda" has been moved to after Reports and Communications. This allows us to review all items that were properly placed on the agenda for action or information before addressing inquiries not relating to business currently or proposed before Council.

There is one "housekeeping" change suggested by the Clerk. The addition of the "Closed Session" after Study Items' Public Comment actually brings our meeting into better compliance with the OMA through a recess procedure rather than an adjournment.

Finally, I concur with Martin's comments that a careful and thorough overall review would be appropriate after the local election in April. Obviously, there are other amendments we could make, but I believe, based on last night's discussion that these are the ones where we currently share the most concurrence.

REB



**RULES OF PROCEDURE FOR THE
CITY COUNCIL
CITY OF TROY, MICHIGAN**

Adopted: November 3, 2003

1.	APPOINTMENT OF MAYOR PRO TEM	1
2.	DESIGNATION OF ACTING MAYOR.....	1
3.	REGULAR MEETINGS.....	1
4.	AGENDA.....	1
5.	ORDER OF BUSINESS.....	1
6.	REGULAR BUSINESS.....	2
7.	CABLE CASTING OF CITY COUNCIL MEETINGS	2
8.	MINUTES	2
9.	PROCLAMATIONS	3
10.	RECONSIDERATION OF QUESTIONS	3
11.	RESCISSION OF QUESTIONS.....	3
12.	PUBLIC HEARING	3
13.	CONSENT AGENDA	3
14.	APPOINTMENTS.....	3
15.	VISITORS	4
16.	POSTPONE	54
17.	RULES OF ORDER	5
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19.	EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS.....	5
20.	ABSENCES AT COUNCIL MEETINGS.....	5
21.	SUSPEND RULES.....	55
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23.	AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:	65
24.	VIOLATIONS.....	6

1. APPOINTMENT OF MAYOR PRO TEM

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Lambert, Beltramini, Eisenbacher, Broomfield, Howrylak, Stine.

2. DESIGNATION OF ACTING MAYOR

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

3. REGULAR MEETINGS

Regular meetings shall be held in the Council Chambers at 7:30 P.M on the first and third Monday each month, except for holidays or holiday-eves recognized by the City of Troy, regular or special election days, except school district elections, or unless canceled by resolution of the Council.

4. AGENDA

(a) Regular Agenda: A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

(b) Closed Session Agenda: Where a a Closed Session is requested of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

5. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Certificates of Appreciation
6. Carryover Items
7. Public Hearings

8. Postponed Items
- ~~9. Consent Agenda~~
 - ~~a. Approval of "F" Items NOT Removed for Discussion~~
 - ~~b. Address of "F" Items Removed for Discussion~~
- ~~10. Public Comment Council will move forward all of the items on which members of the audience would like to address:~~
 - ~~B. Items not on the Agenda~~
- ~~10. Consent Agenda~~
 - ~~Address Remaining E Items~~
- ~~11-10. Regular Business~~
 - ~~a. Address of "F" Items Advanced to be addressed by request of Audience Members~~
 - ~~b. Address Remaining "F" Items~~
- ~~12-11. Council Referrals - Action items brought forward by Mayor and Council~~
- ~~13-12. Council Comment~~
- ~~14-13. Reports and Communications~~
- ~~15-14. Public Comment - Limited to people who have not addressed Council during the 1st Public Comment Section Items not on the Agenda~~
- ~~16-15. Study Items~~
- ~~17-16. Public Comment Section~~
- ~~17. Closed Session~~
18. Adjournment

6. REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda under Regular Business, "F" Items, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion, Item Number 10, of the agenda ~~item's discussion~~). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question /item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 14, as amended August 4, 2003. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

7. CABLE CASTING OF CITY COUNCIL MEETINGS

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

8. MINUTES

- a. Regular Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.
- b. Closed Session Minutes: Where a Closed Session is requested for discussion of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even

though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) of a collective bargaining unit is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

9. PROCLAMATIONS

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member. Proclamations will be placed on the Consent Agenda for approval.

10. RECONSIDERATION OF QUESTIONS

Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members.

11. RESCISSION OF QUESTIONS

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members.

12. PUBLIC HEARING

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings". Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council.

13. 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. Consistent with Order of Business Number 9, the City Council will remove the specific Consent Business "E" items, which audience members would like to address under item 9. The Mayor shall announce the items, which are to be removed. Any item so removed from the Consent Agenda shall be considered after approval of the remaining other items on the consent portion of the agenda. have been heard. Items will be taken individually and members of the audience will address Council prior to Council discussion of the individual item.

14. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall submit such name, along with a brief summary of background and personal data as to nominee's qualifications, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of voting.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

B. Method of Voting on Nominees.

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
2. Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.
5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

15. VISITORS

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #511, the City Council will move forward the specific Regular Business "F" items, which audience members would like to address under item 10A. The Mayor shall announce the items which

are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Regular Business "F" Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.

16. POSTPONE

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

17. RULES OF ORDER

Robert's Rules of Order, Newly Revised 10th Edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

18. MISCELLANEOUS EXPENSES

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

19. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS

A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.

B. Detailed and receipted expenses, not to exceed \$150, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

20. ABSENCES AT COUNCIL MEETINGS

In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

21. SUSPEND RULES

The Rules of Procedure may be waived by a simple majority.

22. COUNCIL DISCUSSION

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5)-minutes at a time.

23. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 15 minutes.

24. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

March 31, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
 Jeanette Bennett, Purchasing Director
 Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 3: Exercise
 Renewal Option –Transit Mixed Concrete

RECOMMENDATION

On March 3, 2003, Troy City Council approved one-year contracts to provide Transit Mixed Concrete on an as needed basis for replacement of sidewalks, curbs and streets with an option to renew for one additional year to the low bidders, Superior Materials Inc. as primary supplier and Van Horn Concrete as secondary supplier. (Resolution #2003-03-126-E-9). City management recommends accepting the offers to renew from Superior Materials Inc. and Van Horn Concrete for an estimated cost of \$162,000.00, at the same prices, terms and conditions as the original contract expiring April 30, 2005. (see letters attached).

SUMMARY

PROPOSAL A - WEEK DAY DELIVERY

ITEM	EST QTY	DESCRIPTION	SUPERIOR UNIT PRICE W/TERMS	VAN HORN UNIT PRICE
1.	100 Yds.	6 Sack Mix	(\$67) \$65.00 /yd	\$ 65.00
2.	500 Yds.	7 Sack Mix (High Early)	(\$72) \$70.00 /yd	\$ 70.00
3.	800 Yds.	8 Hour 3000 PSI Mix Flexural Strength/ 9 sack	(\$82) \$80.00 /yd	\$ 80.00
<hr/>				
4.		Split Load Charges		
	15 Times	2 Locations	\$50.00 ea	\$ 50.00
	2 Times	3 Locations	\$60.00 ea	\$100.00
5.	25 Times	Below Minimum Load Charge	\$70.00 ea	\$ 70.00
6.	50 Yds.	Cold Weather Protection	(\$5) \$ 3.00 /yd	\$ 5.00
TOTAL ESTIMATED COST:			\$108,270.00	\$108,450.00

Superior Materials allows an additional discount of \$2.00/cy, if invoice is paid within 30 days.

March 31, 2004

To: John Szerlag, City Manager
Re: Option to Renew – Transit Mixed Concrete

PROPOSAL B - SATURDAY DELIVERY

ITEM	EST QTY	DESCRIPTION	SUPERIOR UNIT PRICE W/TERMS	VAN HORN UNIT PRICE
1.	25 Yds.	6 Sack Mix	(\$72) \$70.00 /yd	\$ 71.00
2.	100 Yds.	7 Sack Mix (High Early)	(\$77) \$75.00 /yd	\$ 76.00
3.	500 Yds.	8 Hour 3000 PSI Mix-Flexural Strength/ 9 sack	(\$87) \$85.00 /yd	\$ 86.00
<hr/>				
4.		<u>Split Load Charges</u>		
	5 Times	2 Locations	\$50.00 ea	\$ 50.00
	2 Times	3 Locations	\$60.00 ea	\$100.00
5.	20 Times	Below Minimum Load Charge	\$70.00 ea	\$ 70.00
6.	60 Yds.	Cold Weather Protection	(\$5) \$3.00 /yd	\$ 5.00
TOTAL ESTIMATED COST:			\$53,700.00	\$54,525.00

MARKET SURVEY

The Purchasing Department has conducted a market survey and concurs with the recommendation to exercise the option to renew as fuel prices are expected to rise in the next year.

BUDGET

Funds are available in the Public Works Operating Budgets.

March 31, 2004

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – Transit Mixed Concrete

CLAWSON & KILLINS CONCRETE - Edward Barelotti Jr (248) 349-6000

Edward has indicated that prices will be remaining the same for about one or two years. There are no costs increases on the product to be considered at this time. The only cost that would or might increase the product would be fuel costs, which are slowly rising.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for transit mixed concrete with the current vendor based on the fact that costs of mixed concrete are not expected to drop and may increase depending on the gasoline market.

CC: Susan Leirstein
File



March 2, 2004

ATT: Mr. Steve Ryan
 Superior Materials US Concrete
 33469 W. 14 Mile Rd Suite 100
 Farmington Hills, MI 48331

Dear Mr. Ryan

On May 1, 2003 the City of Troy entered into contract #20200871 OB with Superior Materials US Concrete, to provide one-year requirements of Transit Mix Concrete. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Superior Materials US Concrete wishes to renew this contract until April 30, 2005. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

Superior Materials US Concrete is interested in renewing the contract under the same prices, terms, and conditions:

Superior Materials US Concrete is not interested in renewing the contract:

X 
 Signed: Authorized Company Representative

Date: 3/2/04

Thank you,
 Emily Frontera
 Department of Public Works, City of Troy



March 2, 2004

ATT: Mr. Gim F Cipriano
Van Horn Concrete
2294 Auburn
Auburn Hills, MI 48326

Dear Mr. Cipriano

On May 1, 2003 the City of Troy entered into contract #20200872 OB with Van Horn Concrete, to provide one-year requirements of Transit Mix Concrete. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Van Horn Concrete wishes to renew this contract until April 30, 2005. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

Van Horn Concrete is interested in renewing the contract under the same prices, terms, and conditions:

Van Horn Concrete is not interested in renewing the contract:

X Gim F Cipriano
Signed: Authorized Company Representative

Date: 3/2/04

Thank you,
Emily Frontera
Department of Public Works, City of Troy

E-6 Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Resolution #2003-03-126-E-6

RESOLVED, That contracts to provide fleet vehicles from Red Holman Pontiac, Aurand Slingerland Chrysler Dodge, Shaheen Chevrolet, Golling Chrysler and Buff Whelan Chevrolet are hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$207,300.00.

E-7 Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement – Fleet Vehicles

Resolution #2003-03-126-E-7

RESOLVED, That a contract to provide one (1) fleet vehicle from Signature Ford L-M Jeep Eagle is hereby **APPROVED** through a Macomb County Cooperative Purchasing Agreement at an estimated total cost of \$26,030.00.

E-8 Private Agreement for Schoolhouse Montessori of Troy – Project No. 01.930.3

Resolution #2003-03-126-E-8

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

E-9 Standard Purchasing Resolution 1: Award to Low Bidders – Transit Mixed Concrete

Resolution #2003-03-126-E-9

RESOLVED, That a contract to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year is hereby **AWARDED** to the low bidders: Superior Materials, as the primary supplier and Van Horn Concrete, as the secondary supplier, at unit prices contained in the bid tabulation opened February 4, 2003 at an estimated total cost of \$161,970.00, 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's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

February 6, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

RE: Standard Purchasing Resolution 1: Award to Low Bidders –
Transit Mixed Concrete

RECOMMENDATION

On February 4, 2003, bid proposals were opened to furnish one-year requirements of Transit Mixed Concrete with an option to renew for one (1) additional year. This material is used throughout the year for repairs to sidewalks, curbs and streets. After reviewing these proposals, the Public Works Department recommends awarding the contract to the low bidder, Superior Materials as the primary supplier, at unit prices listed below. In the event the primary supplier is unable to deliver the material as specified, Van Horn Concrete shall be named as the secondary supplier. Superior Materials allows an additional discount of \$2.00/cy, if invoice is paid within 30 days.

PROPOSAL A - WEEK DAY DELIVERY

ITEM	EST. QTY.	DESCRIPTION	UNIT PRICE
1.	100 Yds.	6 Sack Mix	(\$67)/\$65.00 /yd
2.	500 Yds.	7 Sack Mix (High Early)	(\$72)/\$70.00 /yd
3.	800 Yds.	8 Hour 3000 PSI Mix flexural strength/ 9 sack	(\$82)/\$80.00 /yd
4.		Split Load Charges	
	15 Times	2 Locations	\$50.00 ea
	2 Times	3 Locations	\$60.00 ea
5.	25 Times	Below Minimum Load Charge	\$70.00 ea
6.	50 Yds.	Cold Weather Protection	(\$5) /\$3.00 /yd
TOTAL ESTIMATED PRICE: (WITH TERMS)			\$108,270.00

PROPOSAL B - SATURDAY DELIVERY

ITEM	EST. QTY	DESCRIPTION	UNIT PRICE
1.	25 Yds.	6 Sack Mix	(\$72)/\$70.00 /yd
2.	100 Yds.	7 Sack Mix (High Early)	(\$77)/\$75.00 /yd
3.	500 Yds.	8 Hour 3000 PSI Mix-Flexural Strength/ 9 sack	(\$87)/\$85.00 /yd
4.		Split Load Charges	
	5 Times	2 Locations	\$50.00 ea
	2 Times	3 Locations	\$60.00 ea
5.	20 Times	Below Minimum Load Charge	\$70.00 ea
6.	60 Yds.	Cold Weather Protection	(\$5) /\$3.00 /yd
TOTAL ESTIMATED PRICE: (WITH TERMS)			\$ 53,700.00

BUDGET

Funds for these materials are available through the Public Works operating budgets.

13 Bids Sent

3 Bids Rec'd

2 No Bids: (1) Company does not handle the type of product specified.

(1) Company couldn't service the north end of Troy due to distance from plant.

Prepared by: Vicki C. Richardson, Administrative Aide

Opening Date -- 2/4/03
 Date Prepared -- 2/6/03

CITY OF TROY
 BID TABULATION
 TRANSIT MIXED CONCRETE

VENDOR NAME:			(Primary)	(Secondary)	CLAWSON & KILLINS CONCRETE	
			SUPERIOR MATERIALS	VAN HORN CONCRETE		
EST ITEM	QTY	DESCRIPTION	UNIT PRICE PRICE/YD	UNIT PRICE PRICE/YD	UNIT PRICE PRICE/YD	UNIT PRICE PRICE/YD
PROPOSAL A: WEEKDAY DELIVERY						
			(\$67.00)			
1.	100 YDS	6 SACK MIX	\$ 65.00	\$ 65.00	\$ 66.00	
			(\$72.00)			
2.	500 YDS	7 SACK MIX (High Early)	\$ 70.00	\$ 70.00	\$ 71.00	
			(\$82.00)			
3.	800 YDS	8 HR 300 PSI MIX Flexural Strength/ 9 sack	\$ 80.00	\$ 80.00	\$ 81.00	
4.		SPLIT LOAD CHARGES				
	15 TIMES	2 LOCATIONS	\$ 50.00	\$ 50.00	\$ 50.00	
	2 TIMES	3 LOCATIONS	\$ 60.00	\$ 100.00	\$ 100.00	
5.	25 TIMES	BELOW MINIMUM LOAD CHARGE	\$ 70.00	\$ 70.00	\$ 80.00	=>Average
			(\$5.00)			
6.	50 YDS	COLD WEATHER PROTECTION	\$ 3.00	\$ 5.00	\$ 4.00	
ESTIMATED TOTAL - PROPOSAL A:			\$108,270.0	\$108,450.0	\$110,050.0	
PROPOSAL B: SATURDAY DELIVERY			(WITH TERMS)			
			(\$72.00)			
1.	25 YDS	6 SACK MIX	\$ 70.00	\$ 71.00	\$ 71.00	
			(\$77.00)			
2.	100 YDS	7 SACK MIX (High Early)	\$ 75.00	\$ 76.00	\$ 76.00	
			(\$87.00)			
3.	500 YDS	8 HR 300 PSI MIX Flexural Strength/ 9 sack	\$ 85.00	\$ 86.00	\$ 86.00	
4.		SPLIT LOAD CHARGES		+\$6/CUYD		
	5 TIMES	2 LOCATIONS	\$ 50.00	\$ 50.00	\$ 50.00	
	2 TIMES	3 LOCATIONS	\$ 60.00	\$ 100.00	\$ 100.00	
5.	20 TIMES	BELOW MINIMUM LOAD CHARGE	\$ 70.00	\$ 70.00	\$ 80.00	=>Average
			(\$5.00)			
6.	60 YDS	COLD WEATHER PROTECTION	\$ 3.00	\$ 5.00	\$ 4.00	
ESTIMATED TOTAL - PROPOSAL B:			\$ 53,700.0	\$ 54,525.0	\$ 54,665.0	
UNLOADING TIME PER CUBIC YARD:			(WITH TERMS)			
			6 MIN LOAD			
			\$1.5/MIN EXCESS	6 MIN	6 MIN	
HOURS OF OPERATION:			7-5	6-6	7-5	
MINIMUM LOAD:			7 CUBIC YARDS	6 CU YDS	2 CU YDS	

Opening Date -- 2/4/03
 Date Prepared -- 2/6/03

CITY OF TROY
 BID TABULATION
 TRANSIT MIXED CONCRETE

VENDOR NAME:		(Primary)	(Secondary)	
		SUPERIOR	VAN HORN	CLAWSON &
		MATERIALS	CONCRETE	KILLINS
				CONCRETE
INSURANCE:	Can Meet Cannot Meet	XX	XX	XX
TERMS:		\$2.00/CY DIS NET 30	30 DAYS	ATTACHED TO BID
WARRANTY:		N/A	BLANK	ATTACHED TO BID
EXCEPTIONS:		BLANK	BLANK	BLANK

NO BIDS:
National Asphalt Products
Koenig Concrete

Proposal -- One(1) Year Requirements of Transit Mixed Concrete with an Option to Renew for One(1) Additional Year

ATTEST:
Charlene Macomb
Vicki Richardson
Linda Bockstanz

BOLDFACE TYPE DENOTES LOW BIDDERS

 Jeanette Bennett
 Purchasing Director

ASPHALT CONCRETE SERVICES
2715 S HURON ROAD
KAWKAWLIN MI 48631

CLAWSON CONCRETE COMPANY
27575 WIXOM RD
P O BOX 768
NOVI MI 48374

DETROIT CONCRETE PRODUCTS
4900 MCCARTHY
MILFORD MI 48042

KOENIG FUEL & SUPPLY
500 E 7 MILE ROAD
DETROIT MI 48203

MASCHMEYER CONCRETE
32401 STEPHENSON
MADISON HEIGHTS MI 48071

NAGY READY MIX INC
48000 HIXON
UTICA MI 48317

NATIONAL ASPHALT PRODUCTS INC
45000 RIVER RIDGE DRIVE, STE 200
CLINTON TWP MI 48038

STERLING CONCRETE PRODUCTS INC
6227 16 MILE ROAD
STERLING HEIGHTS MI 48312

SUPERIOR REDI-MIX INC
P O BOX 4290
AUBURN HILLS MI 48321

TJ FIORE'S CRUSHED CONCRETE
33200 MOUND
STERLING HEIGHTS MI 48310

TRI-CITY AGGREGATES INC
P O BOX 182
HOLLY MI 48442

UTICA TRANSIT MIX INC
42501 VAN DYKE AVENUE
STERLING HEIGHTS MI 48314

VAN HORN CONCRETE
3770 AIRPORT ROAD
WATERFORD MI 48329

March 15, 2004

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police
Gary Mayer, Police Captain
Thomas Gordon, Police Sergeant

SUBJECT: Agenda Item - Application for new Class C (quota) license by Fleming's Steak House

FLEMING'S/GREAT LAKES-I, LIMITED PARTNERSHIP, requests a **new full year (quota) Class C** license with Sunday Sales, Official Permit (Food), and Outdoor Service Area, to be located at 3001 W. Big Beaver Rd., Troy, MI 48084, Oakland County. [MLCC REQ ID# 238468]

At its March 8th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was Mr. Scott Edwards, Attorney for Fleming's, and Mr. Tim Gavigan, a joint venture partner in the corporation. They explained that Fleming's is a dinner-only, non-smoking, high-end neighborhood steak house. There are Fleming's in 23 cities in the U.S., and the Troy location will be their first in Michigan. Seating capacity for the restaurant will be 225, with additional outdoor seating when weather permits.

The liquor training for employees and alcohol management policy is very strict with a zero tolerance policy regarding service to minors and intoxicated patrons. Mr. Edwards stated that the 22 Outback Steak House locations in Michigan have received only one violation since 1998. The Committee unanimously approved this request.

The police department's background investigation of the shareholders revealed no criminal activity or disqualifying factors. Consequently, we have no objection to this request.

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Request ID: 238468

Date: February 4, 2004

To: Troy City Council
500 W Big Beaver Rd
Troy, MI 48084-5285

Applicant: Fleming's/Great Lakes-I, Limited Partnership

General Partner: Outback/Fleming's, LLC

Limited Partner: Fleming's Greatlakes I, Inc.

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

January 13, 2004

VIA OVERNIGHT MAIL

Sgt. Tom Gordon
City of Troy Police Department
500 W. Big Beaver
Troy, MI 48084

RE: Applicant: Fleming's/Great Lakes, Limited Partnership
Location: 3001 West Big Beaver Rd., Troy, MI 48084

Dear Sgt. Gordon:

This firm represents Fleming's/Great Lakes, Limited Partnership in connection with its application a new Quota Class C liquor license and Sunday Sales Permit. In addition we are requesting a new Official Permit for the Sale of Food on Sundays between the hours of 11:00 a.m. and noon. In conjunction with the application, enclosed please find the following:

1. Police Department Questionnaire for Fleming's/Great Lakes, Limited Partnership;
2. A copy of the letter to Julie A. Wendt, Director of Licensing Division of the Michigan Liquor Control Commission with the enclosures representing the application package; and
3. A check in the amount of \$1,000 in payment of the required fee payable to the City of Troy.

If you require any additional information, please feel free to contact me.

Very truly yours,

PLUNKETT & COONEY, P.C.



Scott D. Edwards
Direct Dial: (248) 901-4045
E-Mail: sedwards@plunkettcooney.com

Enclosure

cc: Ms. Tonni L. Bartholomew, Clerk, City of Troy (w/encl.)

Blmfield.17001.36122.523824-1

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 2004, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and **FLEMING'S/GREAT LAKES-I, LIMITED PARTNERSHIP**, the applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the APPLICANT "above all others" for a **new full year (quota) Class C license with Sunday Sales, Outdoor Service Permit and Official Permit (Food) to be located at 3001 W. Big Beaver Rd., Troy, MI 48084, Oakland County.**
2. In consideration of the City of Troy's recommendation for approval of the license, APPLICANT hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter Nos. 67, 68, 92, and Chapter No. 98 (effective 02/01/2001), and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. APPLICANT agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. APPLICANT agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. APPLICANT agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

By: Outback/Fleming's, LLC, Its General Partner

By: _____
Authorized Representative, Joseph J. Kadow

FLEMING'S/GREAT LAKES-I, LIMITED PARTNERSHIP

Witnesses:

Kimberly Sedlard
[Signature]

Subscribed and sworn to before me
this 4th day of March, 2004

[Signature]

Notary Public, State of Florida
County, Hillsborough
My commission expires: 8/24/05

CARRIE CHADBOURNE
Notary Public, State of Florida
My comm. exp. Aug. 24, 2005
Comm. No. DD 037217

CITY OF TROY

By: _____
Matt Pryor, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me
this _____ day of _____, 200__

Notary Public, Oakland
County, Michigan
My commission expires:

A regular meeting of the Liquor Advisory Committee was held on Monday, March 8, 2004 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:01 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Alex Bennett
W. Stan Godlewski
James C. Moseley
James R. Peard
Emily Polet, Student Representative
Carolyn Glosby, Assistant City Attorney
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: Anita Elenbaum

Resolution to Excuse Committee Member Elenbaum

Resolution #LC2004-03-007
Moved by Moseley
Seconded by Allemon

RESOLVED, that the absence of Committee member Elenbaum at the Liquor Advisory Committee meeting of March 8, 2004 BE EXCUSED.

Yes: All-6
No: None
Absent: Elenbaum

Resolution to Approve Minutes of February 9, 2004 Meeting

Resolution #LC2004-03-008
Moved by Peard
Seconded by Moseley

RESOLVED, that the Minutes of the February 9, 2004 meeting of the Liquor Advisory Committee be approved.

Yes: All-6
No: None
Absent: Elenbaum

Agenda Items:

1. **FLEMING’S/GREAT LAKES-I, LIMITED PARTNERSHIP**, requests a **new full year (quota) Class C** license with Sunday Sales and Official Permit (Food) with outdoor service area to be located at 3001 W. Big Beaver Rd., Troy, MI 48084, Oakland County. [MLCC REQ ID# 238468] *New construction; final approval dependant on building inspections*

Present to answer questions from the Committee were Tim Gavigan and Scott Edwards.

Fleming’s Steak House (whose parent company is Outback Steak House) will be housed in a new building to be constructed at the southwest corner of Coolidge and West Big Beaver Roads. Mr. Gavigan, a joint venture partner in the corporation, gave the Committee the following items to review: dinner menu, reserve wine list, beverage menu, photographs of existing restaurants, and drawings of proposed layout for new construction. Fleming’s Steak Houses are currently in 23 cities in the U. S and the Troy location will be their first in Michigan. They are a dinner-only, non-smoking, high-end neighborhood steak house. They pride themselves in offering 100 different wines available by the glass, as well as wines from their reserve list available by the bottle to complement their 46-item menu. Their focus is on the local community, not business travelers. The general manager and head chef are brought on as equity partners rather than employees of the business. They will have a seating capacity of 225 patrons, with additional outdoor seating when the weather permits, and a valet-only parking lot.

The liquor training for employees and alcohol management policy is very strict with a zero tolerance policy regarding service to minors and intoxicated patrons. Mr. Edwards stated that the 22 Outback Steak House locations in Michigan have received only one violation since 1998.

Sgt. Gordon confirmed that they passed the background check.

Resolution #LC2004-03-009

Moved by Allemon

Seconded by Peard

RESOLVED, that FLEMING’S/GREAT LAKES-I, LIMITED PARTNERSHIP, be granted a new full year (quota) Class C license with Sunday Sales and Official Permit (Food) with outdoor service area to be located at 3001 W. Big Beaver Rd., Troy, MI 48084,

Oakland County. [MLCC REQ ID# 238468] New construction; final approval dependant on building inspections.

Yes: All-6
No: None
Absent: Elenbaum

Carolyn Glosby, assistant City Attorney, presented the following facts to the Committee regarding Kelly's Market. In September 2003, Kelly's Market was cited for sale to minor. At that time, the underage buyer who purchased the alcohol provided a written statement to police that he used a Michigan State University photo-identification card for the purchase of the alcohol. Recently, this underage buyer has stated that he does not recall which form of identification he presented to the sales clerk at Kelly's Market, and it could have been a counterfeit State of Colorado driver's license. Since it is now the underage buyer's contention that he may have used this false identification, the City Attorney's Office advised City Council not to conduct the scheduled due process hearing at this time, in the spirit of fairness to the licensee.

Carolyn Glosby and Sgt. Gordon also stated that Kelly's Market mailed a letter to the Mayor on the eve of the due process hearing complaining about the law enforcement methods employed by the Police Department in its investigations of reported sales to minors.

Sgt. Gordon stated that there are now four server-training programs available (TIPS, TAMS, Barcode, and CARE). He will include this updated information with all mailings.

The meeting adjourned at 7:47 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Clerk-Typist

March 17, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

Subject: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder
– Mosquito Control

RECOMMENDATION

On March 10, 2004, bid proposals were opened to provide the two-year requirements for mosquito control in the City of Troy parks, retention ponds, and open drains with an option to renew for one (1) additional year. After reviewing these proposals, City management recommends awarding the contract to the low total bidder, Advanced Pest Management of Fenton, MI for an estimated total cost for the two years of \$117,900.00, at unit prices contained in the attached bid tabulation expiring December 31, 2005.

The award is contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

SUMMARY

This contract covers the application of larvicide and adulticide on:

- All developed parks
- One undeveloped park in section #36 (larvicide only)
- Both golf courses
- Lloyd A. Stage Nature Center (larvicide only)
- Four City owned wet retention ponds
- Seven sections of open drains.

Advanced Pest Management has held the mosquito control contract with the City of Troy since 1998. Their adulticiding costs are considerably less than the next low bidder, but are inline with previous contracts.

The costs submitted by Owen Tree Service are considerably higher than any other bid. Staff has contacted the bidder and confirmed accuracy of prices quoted.

BUDGET

Funds for this project are available through the following Park Maintenance Account #770.7802.160.

39 Vendors Notified on the MITN System

1 Vendor Walk-In

3 Bid Responses Received

3 No Bids: (3) Companies not interested in bidding at this time.

Prepared by: Ron Hynd, Landscape Analyst

**CITY OF TROY
BID TABULATION
MOSQUITO CONTROL**

VENDOR NAME:

* ADVANCED PEST MANAGEMENT	TRI-COUNTY PEST CONTROL INC	OWEN TREE SERVICE INC
----------------------------	-----------------------------	-----------------------

UNIT PRICES SHALL BE QUOTED BY THE COST / ACRE / APPLICATION FOR EACH DESIGNATED YEAR OF SERVICE.

<u>Est Qty</u>		2004	2005	2004	2005	2004	2005
RETENTION PONDS							
6.43 Acres	Larvicide X 4	\$ 50.50	\$ 51.00	\$ 50.00	\$ 50.00	\$ 230.00	\$ 250.00
9.6 Acres	Adulticide X 5	\$ 6.40	\$ 6.50	\$ 100.00	\$ 100.00	\$ 190.00	\$ 205.00
PARKS							
190.8 Acres	Larvicide	\$ 50.50	\$ 51.00	\$ 50.00	\$ 50.00	\$ 175.00	\$ 195.00
749.8 Acres	Adulticide	\$ 3.24	\$ 3.34	\$ 2,865.00	\$ 2,865.00	\$ 125.00	\$ 175.00
(PER APPLICATION)							
OPEN DRAINS							
19.00 Acres	Larvicide	\$ 50.50	\$ 51.00	\$ 150.00	\$ 150.00	\$ 565.00	\$ 665.00
31.63 Acres	Adulticide	\$ 15.00	\$ 15.50	\$ 50.00	\$ 50.00	\$ 455.00	\$ 535.00
ESTIMATED GRAND TOTALS--		\$58,504.67	\$ 59,395.91	\$ 71,939	\$ 71,939	\$ 732,119	\$ 956,319.25

ESTIMATED GRAND TOTAL TWO YEARS: * \$117,900.58 \$ 143,877 1,688,438.10

CONTACT INFORMATION:

Hrs of Operation	7-5pm	9-5pm	6-10pm
24Hr Phone	(586) 292-6444	(810) 343-4352	(810) 724-6651

INSURANCE:

Can Meet	XX	XX	XX
Cannot Meet			
Mandatory Requirements A, B, or C	A	A	B
Non Mandatory Requirements Company Can	BLANK	CAN OBTAIN +\$250.00	BLANK
Company Cannot			

COMPLETION SCHEDULE:

Can Meet	XX	XX	XX
Cannot Meet			

SITE INSPECTION: Y/N

Date	YES	YES	YES
	CURRENT PROVIDER	2/27/04	3/2/04

TERMS:

	NET 30	NET 30 DAYS	BLANK
--	--------	-------------	-------

WARRANTY:

	BLANK	BLANK	BLANK
--	-------	-------	-------

DELIVERY:

AS SPECIFIED

EXCEPTIONS:

	BLANK	ATTACHED TO BID	BLANK
--	-------	-----------------	-------

ACKNOWLEDGEMENT: Y or N

	YES	YES	YES
--	-----	-----	-----

GENERAL QUESTIONNAIRE:

Attached	XX	XX	XX
Not Attached			

PROPOSAL-- Two(2) Year Requirements of Mosquito Control with an Option
To Renew for One(1) Additional Year

Opening Date -- 3-10-04
Date Prepared -- 3/17/04

**CITY OF TROY
BID TABULATION
MOSQUITO CONTROL**

ITB-COT 04-14
Pg 2 of 2

*** DENOTES LOW TOTAL BIDDER**

NO BIDS:

Eradico Services
Great Lakes Pest Control
JH Hart Urban Forestry

ATTEST:

Jeffrey Biegler
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director



Downloading History for ITB-COT 04-14 Mosquito

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/17/2004.

Document Title:	Mosquito Control
Date Issued:	2/19/2004
Close Date:	3/10/2004
Date Amendment #1 was Issued:	2/25/2004
Date Amendment #2 was Issued:	3/3/2004
Date Amendment #3 was Issued:	3/3/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

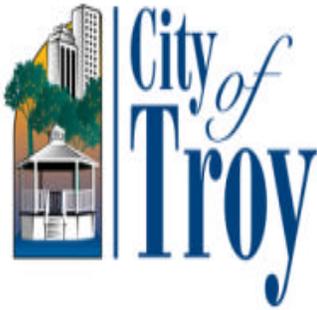
<u>Acct #</u>	<u>Company Name</u>	<u>Service</u>	<u>Date Obtained Document</u>	<u>Date Obtained Amendments</u>
15947	ADAPCO, INC.	E-mail	2/27/2004	#1 2/27/2004
16031	Advanced Pest Management	Free	3/3/2004	#1 3/3/2004 #2 3/5/2004 #3 3/5/2004
14952	All State Tree & Lawn, Inc.	E-mail		
12114	B & B Lawn Service	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
15934	B & W Management Services, Inc	E-mail		
13895	Cal Fleming Landscaping and Tree Service, Inc.	Free	3/1/2004	#1 3/1/2004
13890	Clarke Mosquito Control Products, Inc.	E-mail	2/24/2004	
16193	Cleanex Janitorial	E-mail	3/7/2004	#1 3/7/2004

15620	D. A. Alexander & Company	E-mail		
10115	Ecolab Inc.	Free	2/25/2004	#1 2/25/2004
11897	Eradico Services	Free	3/8/2004	#1 3/4/2004 #2 3/4/2004 #3 3/4/2004
16373	Great Lakes Pest Control Co. Inc.	Free	3/9/2004	#1 3/9/2004
14169	Greentrees, Inc.	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
11375	Hansen Information Technologies	Free	3/9/2004	
15149	HAWTHORNE TREE & LAWN CARE INC.	Fax	2/20/2004	#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
14226	Hersch's Wholesale	E-mail	3/1/2004	#1 3/1/2004
12700	Invaders Pest Control Incorporated	E-mail	2/19/2004	#1 2/26/2004
10798	J.H. Hart Urban Forestry	E-mail	2/19/2004	
16067	Landscape Services, Inc.	E-mail		
11639	Mike's Tree Surgeons, Inc.	E-mail		
15487	Nihranz Landscaping Inc.	E-mail		
14529	Northwood Contracting Incorporated	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
15645	Orkin Pest Control Company	Free	2/26/2004	#1 2/26/2004
11073	Oscar W. Larson Co.	E-mail		
10203	Owen Tree Service, Inc.	E-mail	2/23/2004	#1 2/25/2004 #3 3/3/2004
10065	Payne Landscaping, Inc.	E-mail		
10207	Rasins Landscape & Assoc., Inc.	E-mail		
16245	ROSE EXTERMINATOR CO.	Free	3/1/2004	#1 3/1/2004
12936	SHERMAN NURSERY FARMS	E-mail		

13730	SMART Management Group, LLC	E-mail		
13914	Steele's Service's LLC	E-mail		
10105	Tri-County Pest Control, Inc.	Fax	3/10/2004	#1 3/10/2004 #2 3/10/2004 #3 3/10/2004
13480	Tri-County Tree Expert Co., Inc.	E-mail		
10389	Trugreen Chemlawn/Trugreen Landcare	E-mail		
13019	Turfgrass Systems, LLC	E-mail	2/24/2004	
15735	United Horticultural Supply / Verdicon	E-mail		
14368	Washington Elevator Company, Inc.	Free	3/3/2004	
14016	WH Canon, Inc.	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
15339	Yardmaster, Inc.	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004

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TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: March 31, 2004
SUBJECT: Long Lake Road Development Partners v. City of Troy

Enclosed please find a copy of a lawsuit that was recently served on the City of Troy. The Plaintiffs, Long Lake Road Development Partners and Michigan & Good Development Company, LLC, own the 14.5 acre parcel of property on the south side of Long Lake Road, west of Rochester Road. This property has been the subject of a previous zoning challenge (*Goodman Properties v. City of Troy*), which was dismissed in favor of the City of Troy.

Plaintiffs requested a commercial re-zoning of the property, which is currently zoned R-1T. The Planning Commission recommended a denial of the re-zoning request on November 11, 2003. The City Council agreed with the Planning Commission recommendation, and denied the re-zoning request on January 26, 2004.

Plaintiffs argue that the denial to re-zone the property was arbitrary and capricious. Without setting forth the specific grounds of their accusations, they allege a violation of the zoning enabling act, a substantive due process violation that entitles Plaintiffs to declaratory relief, an unconstitutional takings claim, a violation of procedural due process claim, an equal protection claim (alleged selective and discriminatory enforcement of state and local laws), and a couple of counts that appear to combine these theories.

Our office will assume defense of this lawsuit absent objection from City Council. Please let me know if I can provide additional information.

STATE OF MICHIGAN JUDICIAL DISTRICT 6TH JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT RECEIVED CITY OF TROY
--	---



Court address 1200 N.Telegraph
Pontiac, Michigan 48341-0407

2004 MAR 29 PM 12:47

Plaintiff name(s), address(es), and telephone no(s).
Long Lake Road Development Partners,
and
Michigan & Good Development Company, L.L.C.

v

Defendant name(s), address(es), and telephone no(s).
City of Troy
Troy, Michigan
174 - Z

Plaintiff attorney, bar no., address, and telephone no.
Jill A. Bankey, P48202
One Towne Square, Ste. 1835
Southfield, Michigan 48076
(248) 263-3514

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued MAR 23 2004	This summons expires MAY 13 2004	Court clerk PATRICK J. BRENNAN
-----------------------	-------------------------------------	-----------------------------------

*This summons is invalid unless served on or before its expiration date.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
 A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village) Troy, Michigan	Defendant(s) residence (include city, township, or village) Troy, Michigan
Place where action arose or business conducted Troy, Michigan	

March 23 2004
Date

Jill A. Bankey (P48202)
Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

LONG LAKE ROAD DEVELOPMENT
PARTNERS, L.L.C., a Michigan limited liability
company, GOOD DEVELOPMENT COMPANY, INC.
L.L.C., a Michigan limited liability company,

Plaintiffs,

04 MAR 23 P2:37

Hon. _



vs

Case N JUDGE PATRICK J. BRENNAN
LONG LAKE RD V TROY CITY

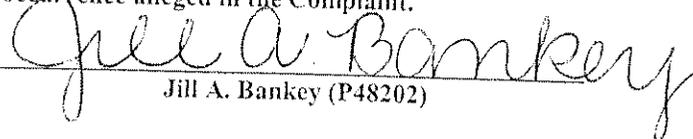
CITY OF TROY,

Defendant.

SIEGEL, GREENFIELD, HAYES & GROSS P.L.C.
By: Jill A. Bankey (P48202)
Attorneys for Plaintiffs
One Towne Square, Suite 1835
Southfield, MI 48076
(248) 386-5900

DICKINSON WRIGHT PLLC
By: Timothy A. Stoepker (P31297)
Co-Counsel for Plaintiffs
500 Woodward Avenue, Ste. 4000
Detroit, MI 48226
313-223-3500

There is no other pending or resolved civil action in
this Court arising out of the transaction or
occurrence alleged in the Complaint.


Jill A. Bankey (P48202)

COMPLAINT
AND JURY DEMAND

NOW COME Plaintiffs, LONG LAKE ROAD DEVELOPMENT PARTNERS, L.L.C.,
and GOOD DEVELOPMENT COMPANY, L.L.C., by and through their attorneys, SIEGEL,
GREENFIELD, HAYES & GROSS P.L.C. and DICKINSON WRIGHT PLLC, and for their
Complaint against Defendant City of Troy, state as follows:

JURISDICTION AND VENUE

1. Plaintiff GOOD DEVELOPMENT COMPANY, L.L.C., is a Michigan limited liability company doing and conducting business in the City of Troy, Oakland County, Michigan, and is the owner of certain real property located in the City of Troy which is the subject matter of this action.

2. Plaintiff LONG LAKE ROAD DEVELOPMENT PARTNERS, L.L.C., is a Michigan limited liability company, in good standing, which conducts business in Oakland County, Michigan, and who has an option to purchase the real property which is the subject matter of this action.

3. Defendant CITY OF TROY is a city organized and existing under the laws of the State of Michigan, is located in Oakland County, Michigan, and, as such, is subject to the Constitution and laws of the State of Michigan.

4. The subject matter of this action is certain real property located in City of Troy, Oakland County, Michigan (the "Property") and whose legal description is attached as Exhibit A.

5. Plaintiffs seek equitable and declaratory relief as well as monetary damages.

6. At all times pertinent to this action, Plaintiffs have had and continue to have the necessary interest in the Property as owner and/or potential owner to pursue a proposed development of commercial businesses on the Property (the "Proposed Development").

7. At issue in this case is the Defendant City Council's decision of January 26, 2004, wherein Defendant refused to rezone the Property to allow commercial use on the Property.

8. This dispute is ripe for judicial determination because the Defendant's Zoning Board of Appeals has no jurisdiction to hear any of the claims which are the subject of this Complaint, and there are no administrative proceedings required to be pursued that have not been exhausted by Plaintiffs prior to the filing of this Complaint.

9. This Honorable Court has jurisdiction because this action arises under the Constitution and laws of the State of Michigan.

10. Jurisdiction is further invoked pursuant to MCR 2.605, as this Complaint involves a request for declaratory judgment.

GENERAL ALLEGATIONS

11. Plaintiffs hereby incorporate paragraphs 1 through 10 of their Complaint as though fully set forth herein.

12. The City adopted the City of Troy Zoning Ordinance to regulate real property in the City, and the City has amended its Zoning Ordinance from time to time.

13. Under the City's Zoning Ordinance, the Property is zoned R-1T, medium density residential.

14. The Property is located on the south side of Long Lake Road and on the west side of Rochester Road, in the City of Troy.

15. The Property has access off of Rochester Road and Long Lake Road, both of which are commercial corridors.

16. There are plans to construct an exit ramp off of I-75 into Long Lake Road for better access to the commercial uses in the City of Troy.

17. Land contiguous to the Property and owned by Good Development Company, L.L.C., is zoned B-2 which provides access to Rochester Road.

18. The Property is approximately 14.5 acres in area.

19. The Property is currently vacant and undeveloped.

20. The Property abuts other commercial uses, and industrial use and a residential use.

21. Plaintiffs' desire to develop and use the Property with a mixture of commercial uses (hereinafter "the Proposed Development"). Exhibit B.
22. The Proposed Development is compatible to the uses of the adjacent properties and is reasonable and appropriate.
23. By way of illustration, the Property is bordered by fast food restaurants, a metal stamping plant, a storage yard and residential uses. Exhibit C.
24. There was and there remains a need for additional commercial uses in the City, especially in the Rochester Road/Long Lake Road corridor.
25. Development of commercial uses as provided under the B-2 Community Business zoning district would address the City's need for additional commercial uses.
26. The current residential zoning classification is inconsistent with the surrounding and nearby uses and with the soil conditions found on the Property.
27. Plaintiffs filed an application with the City to rezone the Property from R-1T to B-2.
28. Defendant's Planning Commission held a hearing on November 11, 2003, at which it recommended denial of the proposed rezoning of the Property.
29. The City Council considered this matter on January 26, 2004, at which the City conducted a public hearing.
30. Defendant City Council's stated reasons for the refusal to rezone the Property are arbitrary, unreasonable and/or without substance and factual support, are a pretext to mask Defendant's true purpose which was and is to prevent the reasonable and lawful development of the Property.

31. Contrary to the City Council's determination, Plaintiffs' desire to develop and use the Property for commercial purposes as permitted by the B-2 zoning classification is consistent with the needs stated in Defendant's Master Plan and neighboring land uses.

32. The Proposed Development is appropriate for the nature and character of the Property and the surrounding lands.

33. Contrary to the City Council's determination, there is a need and demand for commercial uses on the Property consistent with the B-2 zoning classification.

34. Contrary to the City Council's determination, the development of the Property will benefit surrounding lands and neighboring land uses.

35. Contrary to the City Council's determination, the Proposed Development is consistent with Defendant's Master Plan.

36. Contrary to the City Council's determination, commercial development on the Property, which is consistent with the B-2 zoning district, is compatible with neighboring land uses and is compatible with the roads and highways adjacent to the Property as they currently exist and as they are planned for improvements in the future.

37. There is no real and substantial governmental interest to preclude commercial uses on the Property as permitted in the B-2 zoning district.

38. As a result of Defendant's action and inactions, Plaintiffs have been damaged.

COUNT I
DECLARATORY RELIEF

39. Plaintiffs hereby incorporate paragraphs 1 through 38 of their Complaint as though fully set forth herein.

40. In acting upon the request for rezoning of the Property, Defendant was subject to the duties, limitations, liabilities, and restrictions imposed by state law including, but not limited to the Zoning Enabling Act, MCLA§125.581 – 125.600.

41. For the reasons described above, Defendant's refusal to rezone the Property was not based on the requirements and standards of state statutes and the Ordinance, was otherwise without basis, and constitutes an unreasonable, arbitrary and capricious exercise of the police power and exclusion of reasonable land uses on the Property.

42. Defendant's refusal to rezone the Property constitutes an unreasonable restrictive zoning of Plaintiffs' Property, does not advance a real and substantial governmental interest related to the public health, safety and welfare, and prohibits a lawful use of the Property.

43. Defendant's refusal to rezone the Property has denied Plaintiffs substantive due process.

WHEREFORE, Plaintiffs request that this Court provide the following relief:

A. Determine, declare and adjudge that, as a result of Defendant's actions, Plaintiffs have been denied a lawful and reasonable use of the Property;

B. Determine, declare and adjudge that Defendant's refusal to rezone the Property constitutes arbitrary, capricious and unreasonable exclusion of reasonable land uses, and bears no relationship to real and substantial legitimate government objectives;

C. Determine, declare and adjudge that Defendant's refusal to rezone the Property constitutes a violation of state and local laws, practices, and a violation of Plaintiffs' constitutional rights; and

D. Award Plaintiffs their costs, interest and attorneys' fees and such further or different relief as may be deemed just or appropriate.

COUNT II

REFUSAL TO REZONE THE PROPERTY CONSTITUTES AN UNCONSTITUTIONAL TAKING OF PLAINTIFFS' PROPERTY

44. Plaintiffs hereby reallege and incorporate paragraphs 1 through 43 of their Complaint as though fully set forth herein.

45. This Count is brought pursuant to Article 10, Section 2 of the Michigan Constitution.

46. Plaintiffs' property rights secured by Article 10, Section 2 of the Michigan Constitution have been deprived as a consequence of an officially adopted action of the Defendant under state law.

47. Defendant's refusal to rezone the Property was arbitrary and capricious and does not advance a real and substantial governmental interest related to the protection of public health, safety and welfare.

48. Defendant's refusal to rezone the Property has deprived Plaintiffs the lawful use and enjoyment of the Property and has damaged Plaintiffs.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant the following relief:

A. Declare and adjudge that Defendant's refusal to rezone the Property is unconstitutional and void;

B. Order and adjudge Defendant to pay actual and consequential damages to Plaintiffs for the taking of its Property;

C. Order the Defendant to pay just compensation to Plaintiffs for the taking of the Property;

D. Award Plaintiffs their costs including reasonable attorney fees; and

E. Order such other and further relief as this Honorable Court may deem equitable and just.

COUNT III
VIOLATION OF PROCEDURAL DUE PROCESS

49. Plaintiffs hereby reallege and incorporate paragraphs 1 through 48 of their Complaint as though fully set forth herein.

50. Defendant's method and manner of refusing to rezone the Property was intentionally designed and/or administered so as to deprive Plaintiffs of the right to a fair and impartial hearing before an unbiased tribunal.

51. Defendant's actions to prevent and/or delay Plaintiffs from developing the Property for commercial uses permitted in the B-2 zoning district were taken without regard to Defendant's constitutional and statutory duties, were pursued to intimidate Plaintiffs and to make it so prohibitively burdensome and expensive so as to discourage, or make it impossible, for Plaintiffs to pursue development of the Property for lawful commercial uses.

52. Defendant's refusal to rezone the Property was intentionally and/or systematically applied by Defendant against Plaintiffs and the Property in a manner not authorized by law, constituting a violation of the Michigan Constitution and the Zoning Enabling Act.

53. When considering the request to rezone the Property, Defendant systematically and intentionally deprived Plaintiffs of their right to a fair and impartial hearing before a fair and impartial tribunal.

WHEREFORE, Plaintiffs request that the Court provide the following relief:

A. Determine, declare and adjudge that as a result of Defendant's actions, Plaintiffs have been denied a lawful reasonable use of the Property;

B. Determine, declare and adjudge that Defendant's refusal to rezone the Property constitutes arbitrary, capricious and unreasonable exclusions of reasonable land uses, and/or bear no reasonable relationship to legitimate governmental objectives;

C. Determine, declare and adjudge that Defendant's refusal to rezone Plaintiffs' Property constitutes a violation of state and local laws, ordinances and practices, and a violation of Plaintiffs' constitutional rights; and

D. Award Plaintiffs their costs, interest and attorneys' fees and such further or different relief as may be deemed just or appropriate.

COUNT IV
DEFENDANT'S VIOLATION OF PROCEDURAL DUE PROCESS
CONSTITUTES AN UNCONSTITUTIONAL TAKING OF PLAINTIFFS' PROPERTY

54. Plaintiffs hereby reallege and incorporate paragraphs 1 through 53 of their Complaint as though fully set forth herein.

55. This claim is brought pursuant to Article 10, Section 2 of the Michigan Constitution.

56. Plaintiffs' Property rights secured by Article 10, Section 2 of the Michigan Constitution have been deprived as a consequence of an officially adopted action of the Defendant under color of state law.

57. Defendant's conduct and activity as specifically alleged in this Complaint:

(a) Constitutes a taking without just compensation, depriving Plaintiffs of their rights secured by Article 10, Section 2 of the Michigan Constitution;

(b) Has denied Plaintiffs the lawful use and enjoyment of the Property; and

(c) Has damaged Plaintiffs.

WHEREFORE, Plaintiffs respectfully prays that this Honorable Court grant the following relief:

- A. Order and adjudge that Defendant pay actual and consequential damages to Plaintiffs for the taking of the Property;
- B. Order Defendant to pay just compensation to Plaintiffs for the taking of the Property;
- C. Award Plaintiffs their attorney fees and costs so wrongfully incurred; and
- D. Order such other and further relief as this Court may deem equitable and just.

COUNT V
EQUAL PROTECTION

58. Plaintiffs hereby reallege and incorporate paragraphs 1 through 57 of their Complaint as though fully set forth herein.

59. Plaintiffs are entitled to equal protection and equal treatment under the Michigan State Constitution.

60. Defendant, through its actions, has treated other similar applicants, property owners and/or properties differently than Plaintiffs or the Property.

61. Defendant's conduct and action as set forth in this Complaint fail to rationally relate to a reasonable governmental interest and unfairly singles out Plaintiffs by treating Plaintiffs differently than those similarly situated.

62. This disparate classification and treatment is unreasonable and bears no real and substantial relationship to any legitimate objective and is not necessary to achieve any compelling government interest.

63. Defendant's refusal to rezone the Property under the facts and circumstances of this case involves the selective and discriminatory enforcement of state and local laws, ordinances and procedures in violation of Article 1, § 2 of the Michigan Constitution.

WHEREFORE, Plaintiffs request that the Court provide the following relief:

A. Determine, declare and adjudge that as a result of Defendant's actions, Plaintiffs have been denied a lawful use of the Property;

B. Determine, declare and adjudge that Defendant's refusal to rezone the Property constitutes arbitrary, capricious and unreasonable exclusions of reasonable land uses, bears no real and substantial relationship to legitimate governmental objectives;

C. Determine, declare, and adjudge that Defendant's refusal to rezone the Property constitutes a violation of state and local laws, ordinances and practices, and a violation of Plaintiffs' constitutional rights; and

D. Award Plaintiffs their costs, interest and attorneys' fees and such further or different relief as may be deemed just or appropriate.

COUNT VI
TAKING OF PLAINTIFFS' PROPERTY UNEQUAL PROTECTION

64. Plaintiffs hereby reallege and incorporate paragraphs 1 through 63 of their Complaint as though fully set forth herein.

65. Defendant's refusal to rezone the Property constitutes a denial of equal protection and a violation of property rights secured by Article 10, Section 2 of the Michigan Constitution, as Plaintiffs have been deprived of the lawful use of its Property as a consequence of officially adopted actions of the Defendant under color of state law.

66. Plaintiffs have suffered damages as a consequence of Defendant's unequal and unconstitutional deprivation of its Property.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A. Order and adjudge that Defendant pay actual and consequential damages to Plaintiffs for the taking of the Property;

- B. Order the Defendant to pay just compensation to Plaintiffs for the taking of the Property;
- C. Award Plaintiffs their attorney fees and costs so wrongfully incurred; and
- D. Order such other and further relief as this Court may deem equitable and just.

Respectfully submitted,

SIEGEL, GREENFIELD, HAYES & GROSS P.L.C.

Date: March 23, 2004

By: Jill A. Bankey
Jill A. Bankey (P48202)
Attorneys for Plaintiffs
One Towne Square, Suite 1835
Southfield, MI 48076
(248) 263-3514

DICKINSON WRIGHT PLLC

Dated: March 23, 2004

By: Timothy A. Stoepker
Timothy A. Stoepker (P31297)
Co-Counsel for Plaintiffs
500 Woodward Avenue, Suite 4000
Detroit, MI 48226
(313) 223-3500
JAB
with
permission

JURY DEMAND

NOW COME Plaintiffs, LONG LAKE ROAD DEVELOPMENT PARTNERS, L.L.C., and GOOD DEVELOPMENT COMPANY, L.L.C., by and through their attorneys, SIEGEL, GREENFIELD, HAYES & GROSS P.L.C. and DICKINSON WRIGHT PLLC, and hereby demand a trial by jury in the above-entitled action.

Respectfully submitted,

SIEGEL, GREENFIELD, HAYES & GROSS P.L.C.

Date: March 23, 2004

By: Jill A. Bankey
Jill A. Bankey (P48202)
Attorneys for Plaintiffs
One Towne Square, Suite 1835
Southfield, MI 48076
(248) 263-3514

DICKINSON WRIGHT PLLC

Dated: March 23, 2004

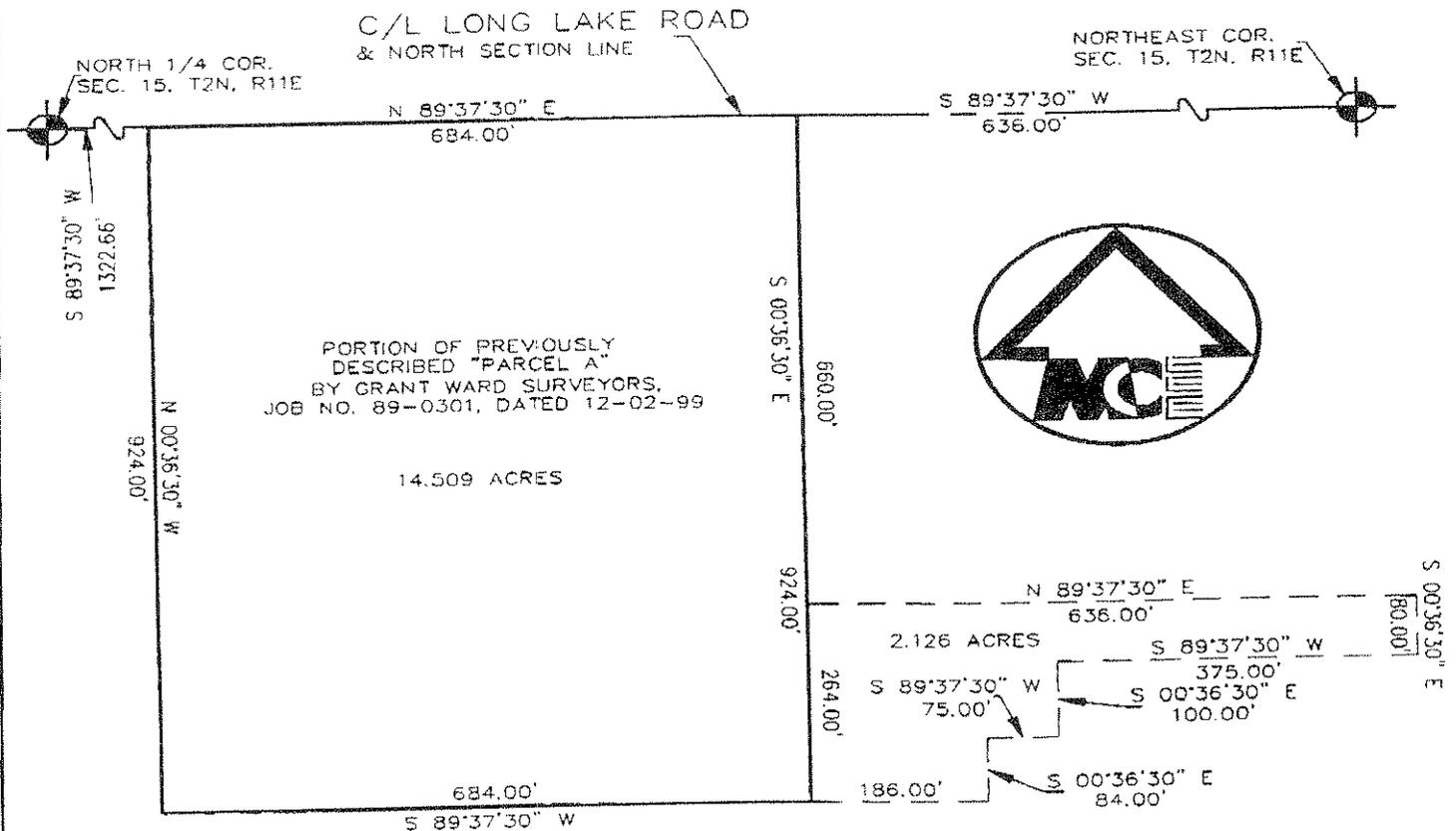
By: Timothy A. Stoepker/
Timothy A. Stoepker (P31297)
Co-Counsel for Plaintiffs
500 Woodward Avenue, Suite 4000
Detroit, MI 48226
(313) 223-3500
JAB
with
permission

PART OF PREVIOUSLY DESCRIBED "PARCEL A" FOR REZONING

Legal description of a parcel of land located in the Northeast 1/4 of Section 15, T2N, R11E, City of Troy, Oakland County, Michigan, which is a portion of "Parcel A" which was previously described by Grant Ward Surveyors, job number 89-0301, dated December 6, 1999, and being more particularly described as:

Commencing at the Northeast corner of said Section 15; thence S89°37'30"W 636.00 feet along the North line of said Section 15 and the centerline of Long Lake Road to the POINT OF BEGINNING;

thence S00°36'30"E 924.00 feet;
 thence S89°37'30"W 684.00 feet;
 thence N00°36'30"W 924.00 feet;
 thence N89°37'30"E 684.00 feet along North line of said Section 15 and the centerline of Long Lake Road to the POINT OF BEGINNING.
 Containing 14.509 acres of land, More or less. Being subject to any easements or restrictions of record, if any.



NOTE: NO FIELD SURVEY WAS PERFORMED AT THIS TIME. THIS SKETCH WAS PREPARED FROM AN EXISTING SURVEY. BASIS OF BEARINGS IS A PREVIOUS SURVEY BY BY GRANT WARD SURVEYORS, JOB NO. 89-0301, DATED 12/02/99

MIDWESTERN CONSULTING



Civil, Environmental and
 Transportation Engineers
 Planners, Surveyors
 Landscape Architects

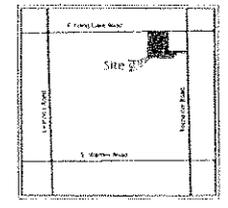
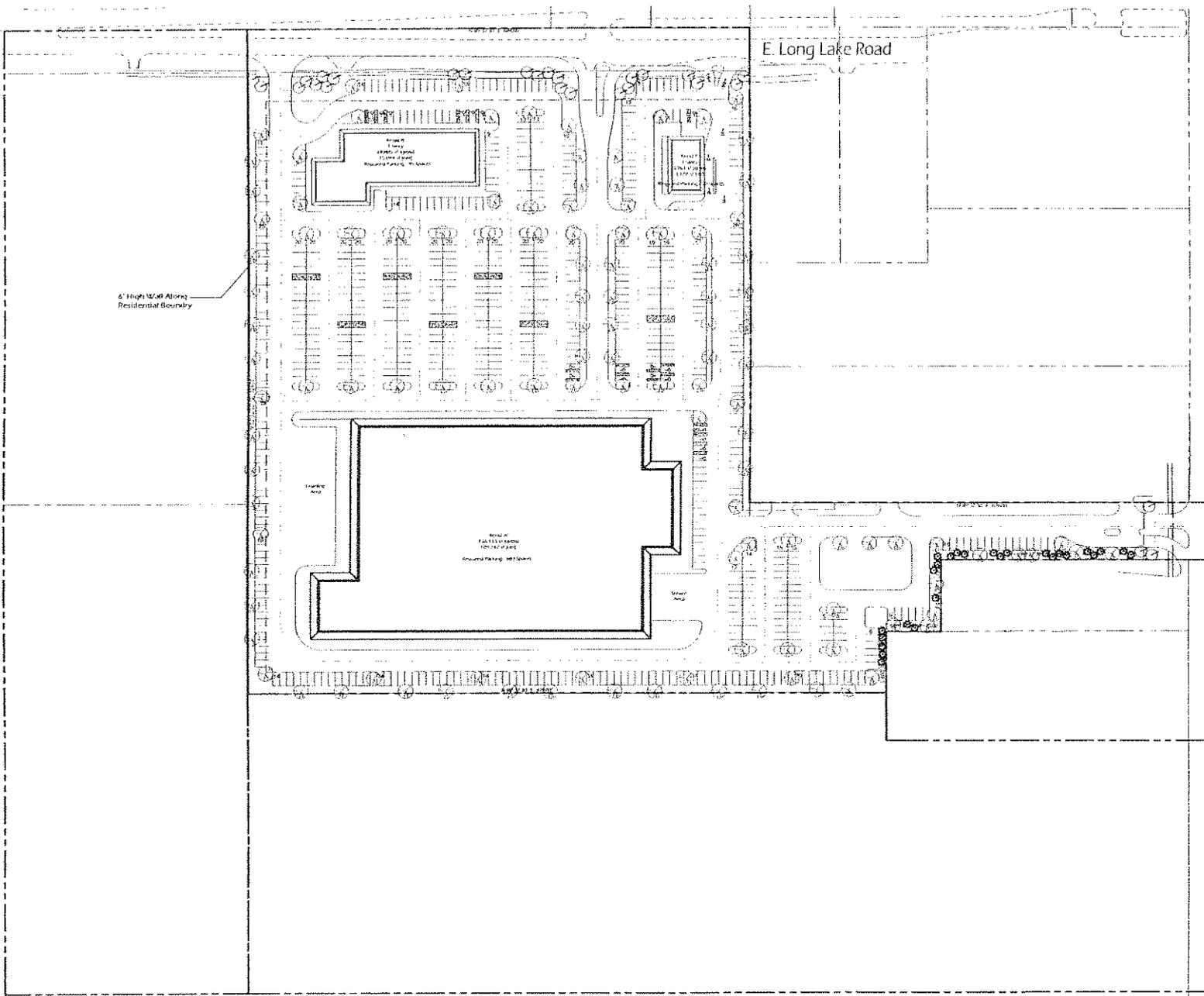
7300 Dixie Hwy., Suite 101
 Clarkston, Michigan 48346
 Phone: 248.620.2203
 Fax 248.620.2301

SKETCH OF PART OF PARCEL A FOR REZONING PURPOSES

DATE: 10/17/03 JOB NO.: **03252**

SCALE: 1" = 200

SHEET 1 OF 1



Location Map
Map Not Scale

Legal Description
 Commencing at the Northwest Corner of said Section 15, thence South 00 degrees 36 minutes 30 seconds East 660.00 feet, along the East Line of said Section 15 and the Centerline of Rochester Road to the point of Beginning, thence South 00 degrees 30 minutes 30 seconds East 80.00 feet, along the East Line of said Section 15 and the Centerline of said Rochester Road (11 1/2 statutory Right of Way), thence South 89 degrees 37 minutes 30 seconds West 375.00 feet, thence South 00 degrees 36 minutes 30 seconds East 100.00 feet, thence South 89 degrees 37 minutes 30 seconds West 75.00 feet, thence South 00 degrees 36 minutes 30 seconds East 81.00 feet, thence South 89 degrees 37 minutes 30 seconds West 070.00 feet, thence North 00 degrees 36 minutes 30 seconds West 92.00 feet, thence North 89 degrees 37 minutes 30 seconds East 668.00 feet, along the North Line of said Section 15 and the Centerline of Long Lake Road (37 1/2 statutory Right of Way), thence South 00 degrees 36 minutes 30 seconds East 660.00 feet, thence North 89 degrees 37 minutes 30 seconds East 676.00 feet, to the point of Beginning. Parcel of land contains 16.635 acres.

SITE DATA:

ITEM	DESCRIPTION
Existing Zoning	R 11/R 2
Proposed Zoning	R 2
Gross Site Area	16.635 AC.
Proposed Retail Space	± 159,201 SF
Required Parking	778 Spaces

- NOTES:**
 1. See information provided by client.
 2. Legal description provided by client.
 3. See plan outputs for engineering and agency reviews.



Washington Management
 25 W. Michigan
 Detroit, MI 48246
 (313) 525-6148
 FAX: (313) 525-1940

Design Team Limited
 12755 W. Van Meter Road
 Southfield, MI 48075

248.508.1888
 Fax: 248.508.9777
 email: dt@dtmll.com

Long Lake Property
 Troy,
 Oakland County,
 Michigan

Prepared by	Scale
Checked/Reviewed by	
Date	
Client	
Client Reference	
Date	

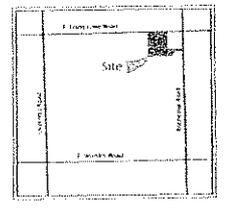
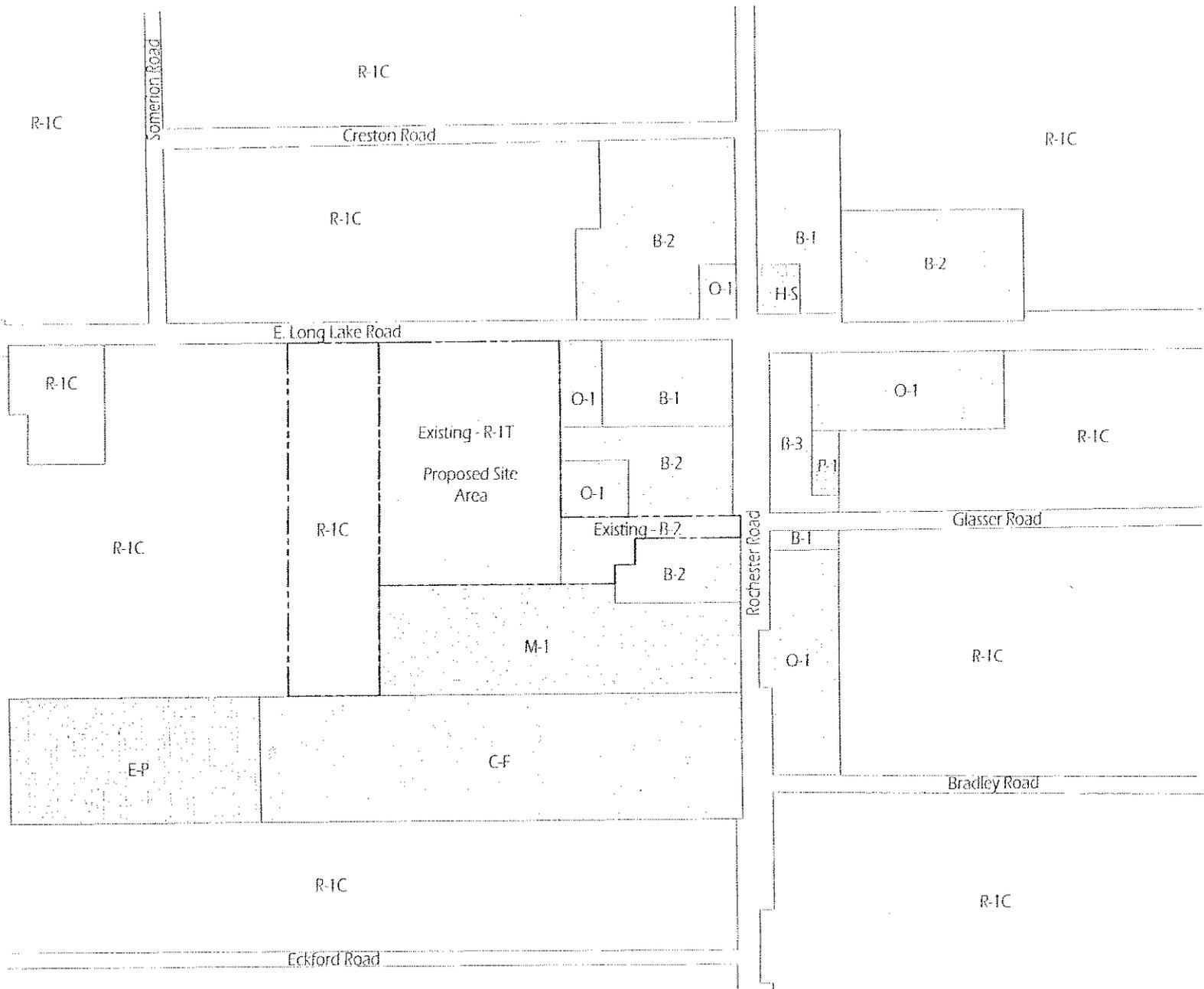
Washington Management
 Design Team Limited
 The Designer and the Architect make no warranty or representation as to the accuracy or completeness of the information provided. The user assumes all liability for the use of the information provided.



SCALE: 1"=60 FT

Conceptual Site Plan

SP-5.0



Location Map



Zoning Legend

- R-1C One Family Residential**
- R-1T One Family Attached**
- C-F Community Facilities**
- E-P Environmental Protection**
- B-1 Local Business**
- B-2 Community Business**
- B-3 General Business**
- H-S Highway Service**
- P-1 Vehicular Parking**
- O-1 Office Building**
- M-1 Light Industrial**

Design Team Limited
1725 W. Troy Lake Road
Southfield, MI 48075
248.979.1000
Fax: 248.979.0111
www.designteam.com

Washington Management
310 W. Washington
Canton MI 48106
Ph: 248.826.9118
Fax: 248.826.9148

Long Lake Property
Troy, Oakland County, Michigan

Project No. 17-01-001-001
Drawing No. 17-01-001-001-001
Date: 1/18/17
Title: Zoning Map Amendment



Zoning Plan **SP-2.0**

City of Troy
Planning and Zoning Department
1725 W. Troy Lake Road
Southfield, MI 48075
248.979.1000
www.cityof Troy.org

March 17, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: AGENDA ITEM - REQUEST FOR ACCEPTANCE OF
PERMANENT SANITARY SEWER EASEMENT
Sidwell #88-20-18-477-046, -070, -071 & -072,
Project No. 01.913.3 - 4175 Coolidge Lot Splits

In connection with the development of 4 single family homes in the Southeast ¼ of Section 18, the Real Estate and Development Department has acquired a permanent easement for sanitary sewer from Woodward Common Land Company, LLC, a Michigan Limited Liability Company. The consideration on the document is \$1.00.

Management recommends that City Council accept the attached easement.

cc: Steve Vandette, City Engineer

PERMANENT EASEMENT

Sidwell #88-20-18- 477-046, -070, -071 & -072

Woodward Common Land Company, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 306 S. Washington, Suite 200, Royal Oak, MI 48086 for and in consideration of the sum of One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace ~~sanitary~~ sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed His signature(s) this 13 day of February A.D. 2002

In presence of:
WITNESS

[Signature]
Dennis C. Stephens
[Signature]
Larisa Figue

Woodward Common Land Company, L.L.C.
By [Signature] (L.S.)
"David Jensen
its Managing Member
____ (L.S.)

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 13 day of February, 2002, by David Jensen, Managing Member on behalf of Woodward Common Land Company, L.L.C., a Michigan Limited Liability Company.

[Signature]
Notary Public, Oakland County, Michigan
My Commission Expires 10/20/2004

Prepared by: Dennis C Stephens
500 West Big Beaver Rd
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

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

April 2, 2004

TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator 

SUBJECT: Agenda Item: Standard Purchasing Resolution 9:
Approval to Expend Funds for Membership Dues
and Membership Renewals Over \$10,000 -
2003/04 Michigan Municipal League Membership Renewal

It is recommended that the attached membership invoice to the Michigan Municipal League be paid in the amount of \$13,474. These dues cover the time period of May 1, 2004 through April 30, 2005.



MICHIGAN MUNICIPAL LEAGUE
MEMBERSHIP RENEWAL INVOICE
2003 - 2004

CITY OF TROY

Id: 492

Date: March 5, 2004

Membership Period: May 1, 2004 - April 30, 2005

2001-2002 State Shared Revenue:	\$8,348,727
* Michigan Municipal League Dues	\$11,045
** Environment Affairs Assessment	1,325
*** Legal Defense Fund	1,104
Total due by May 1, 2004	\$13,474

Please sign, date and return one invoice copy with your payment.

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

(Signature)

(Date)

- * See reverse side
- ** See reverse side
- *** See reverse side

Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48106-7409
800.653.2483

* Michigan Municipal League Dues

The following MML dues schedule, which was adopted on January 1, 1977, is based on state shared revenue (SSR) received by your municipality for the twelve (12) month period beginning July 1, 2001, which is two (2) years prior to the beginning of the League's fiscal year.

The MML dues include annual subscriptions to the Michigan Municipal Review for your officials at \$12.00 per subscription, which is 50% of the regular subscription rate.

<u>SSR</u>		<u>Total Dues</u>
\$0 – \$7,500		\$ 85.00
\$7,501 – 15,000		\$ 140.00
\$15,001 – 30,000	\$140 plus \$11 per \$1,000 or fraction thereof over \$15,000 of state-returned general-purpose monies; maximum	\$ 305.00
\$30,001 – 150,000	\$305 plus \$75.65 per \$15,000 or fraction thereof over \$30,000 of state-returned general-purpose monies; maximum	\$ 910.00
\$150,001 – 750,000	\$910 plus \$68 per \$15,000 or fraction thereof over \$150,000 of state-returned general-purpose monies; maximum	\$ 3,630.00
\$750,001 – 1,500,000	\$3,630 plus \$27.10 per \$15,000 or fraction thereof over \$750,000 of state-returned general-purpose monies; maximum	\$ 4,990.00
\$1,500,001 – 3,000,000	\$4,990 plus \$14.85 per \$15,000 or fraction thereof over \$1,500,000 of state-returned general-purpose monies; maximum	\$ 6,475.00
\$3,000,001 and above	\$6,475 plus \$12.80 per \$15,000 or fraction thereof over \$3,000,000 of state-returned general-purpose monies; maximum	8.8% of total League dues payable in the preceding fiscal year

** Environmental Affairs Assessment

The purpose of the EAA is to fund the Environmental Affairs Service (EAS) and its advocacy for the municipal point of view on environmental, public works and infrastructure issues at the state and federal level. The EAS Limited one-on-one assistance to MML members concerning environmental protection mandates, transportation and public works activities is also available.

*** Legal Defense Fund

The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

March 24, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 1- Award To Low Bidder – Standard And Compound Water Meters

RECOMMENDATION

On January 28, 2004, bid proposals were opened to furnish two-year requirements of Standard and Compound Water Meters with an option to renew for two additional years. After reviewing these proposals, City management recommends awarding the contract to the low bidder, SLC Meter Service Inc. of Davisburg, MI, at an estimated cost of \$148,390.00 per year at unit prices contained in the attached bid tabulation. The City has been very satisfied with their product and service over the years. Water meters are purchased on an as needed basis throughout the year.

SUMMARY

PROPOSAL I: STANDARD METERS

Est. Qty	Description	Model #	Trade-in Allowance	Unit Price
300	5/8" x 3/4" Meter	T-10 ARB-V	(2.25)	\$ 80.21
600	3/4" Meter	T-10 ARB-V	(3.25)	\$104.82
20	1" Meter	T-10 ARB-V	(4.25)	\$136.23
5	1-1/2" Meter	T-10 ARB-V	(10.00)	\$295.82
5	2" Meter	T-10 ARB-V	(14.00)	\$319.96
	Additional Cable per Unit, per Foot			\$.08
	Discount on Parts			10%

PROPOSAL II: COMPOUND METERS

Est. Qty	Description	Model #	Trade-in Allowance	Unit Price
12	2" Compound	Tru-Flo	(30.00)	\$1,019.04
15	3" Compound	Tru-Flo	(40.00)	\$1,275.46
12	4" Compound	Tru-Flo	(50.00)	\$1,906.46
2	6" Compound	Tru-Flo	(100.00)	\$2,992.08
	Discount on Parts			10%

To: John Szerlag, City Manager
Re: Bid Award - Standard and Compound Meters

ADDITIONAL INFORMATION

National Waterworks, Inc. withdrew their bid because AMCO, the meter manufacturer, was unable to modify their current reading system to comply with the City's 6-digit billing software constraint. (See Attachment I)

BUDGET

Funds are available in the Water Department Operating Budget, as monies clear through the balance sheet Inventory Account for Meters.

32 Vendors Notified on MITN System

1 Vendor Walk-In

2 Bid Responses Rec'd

1 Bid Withdrawn

3 No Bids: (2) Companies do not handle the type of product specified.

(1) Company cannot meet specifications nor provide an approved alternate.

VENDOR NAME:

* SLC METER SERVICE INC

NATIONAL WATERWORKS INC

- WITHDREW BID -

EST ITEM #	QTY	DESCRIPTION	MODEL #	TRADE IN	UNIT PRICE	MODEL #	TRADE IN	UNIT PRICE
PROPOSAL I: STANDARD METERS								
1.	300	5/8" X 3/4" Meter	T-10 ARB V	\$ (2.25)	\$ 80.21	C-700	\$ (2.00)	\$ 68.55
2.	600	3/4" Meter	T-10 ARB V	\$ (3.25)	\$ 104.82	C-700	\$ (2.00)	\$ 77.44
3.	20	1" Meter	T-10 ARB V	\$ (4.25)	\$ 136.23	C-700	\$ (3.00)	\$ 111.89
4.	5	1 1/2" Meter w/connection	T-10 ARB V	\$ (10.00)	\$ 295.82	C-700	\$ (4.00)	\$ 245.10
5.	5	2" Meter w/connection	T-10 ARB V	\$ (14.00)	\$ 319.96	C-700	\$ (4.00)	\$ 280.67
Meters manufactured by:			NEPTUNE			AMCO, INC Formerly ABB		
6.	Additional cable, per unit, per foot			\$ 0.08		\$ 0.17		
7.a.	Discount on parts			10%		10%		
7.b.	Parts Listed to be used - dated:			JAN "04"		1/26/04		
	Attached & Marked as:			U676-9		"A"		

PROPOSAL II: COMPOUND METERS								
			MODEL #	TRADE IN	UNIT PRICE	MODEL #	TRADE IN	UNIT PRICE
1.	12	2" Compound w/connections	TRU-FLO	\$ (30.00)	\$ 1,019.04	C-3000	\$ (8.00)	\$ 1,053.00
2.	15	3" Compound w/connections	TRU-FLO	\$ (40.00)	\$ 1,275.46	C-3000	\$ (10.00)	\$ 1,338.00
3.	12	4" Compound w/connections	TRU-FLO	\$ (50.00)	\$ 1,906.46	C-3000	\$ (12.00)	\$ 2,182.00
4.	2	6" Compound w/connections	TRU-FLO	\$ (100.00)	\$ 2,992.08	C-3000	\$ (16.00)	\$ 4,215.00
Meters manufactured by:			NEPTUNE			AMCO, INC Formerly ABB		
5.a.	Discount on parts			10%		10%		
5.b.	Parts Listed to be used - dated:			Jan-2004		1/26/04		
	Attached & Marked as:			U676-9		A-1		

ESTIMATED GRAND TOTAL PER YEAR:

* **\$148,390.56**

WITHDREW

CONTACT INFORMATION: HRS 8-5pm Mon-Fri
PHONE # (248)670-6283

7am-5pm
(866)833-0067

TERMS NET 30 DAYS

NET 30 DAYS

DELIVERY DATE AS REQUIRED

3-4 WEEKS

WARRANTY STANDARD MFG

10 YEARS

EXCEPTIONS BLANK

NONE

ACKNOWLEDGEMENT - SIGN:

Y or N

YES

YES

Opening Date: 1-28-04
Date Prepared: 3/24/04

CITY OF TROY
BID TABULATION
STANDARD AND COMPOUND METERS

ITB-COT 03-47
Pg 2 of 2

PROPOSAL-- Two-Year Requirements of Standard and Compound Water Meters with an Option to Renew for
Two Additional Years

*** DENOTES LOW BIDDER**

NO BIDS:

Etna Supply Company
Core Electric Mich Pump
Underground Pipe-AMR Division

ATTEST:

Emily Frontera
MaryAnn Hays
Jeanette Bennett

Jeanette Bennett
Purchasing Director

G: ITB-COT 03-47 Water Meters

National Waterworks Meter demonstration

January 28, 2004: Bid Opening

February 13, 2004:

- Called Mike Redman to Set-up Meter Demonstration

February 25, 2004: Demonstration 1:

Attendees:

Tim Richnak, Public Works Director;
Mike Karloff, Superintendent of Water and Sewer;
Steve Bauman, Field Supervisor;
Mike Schlegelmann, Leader;
Mike Redman, National Waterworks Representative
Emily Frontera, Administrative Aide

- Samples of both Standard and Compound Meters provided
- None of the meters contained the NSF61 stamp required by the City
- NSF Certificated was provided
- Unable to demonstrate an actual meter read or download of information

February 26, 2004:

- Faxed Mike Redman follow-up letter inquiring about 2nd demonstration date and detailing the City's time constraints.

March 3, 2004: Demonstration 2:

Attendees:

Tim Richnak, Public Works Director;
Mike Karloff, Superintendent of Water and Sewer;
Steve Bauman, Field Supervisor;
Mike Schlegelmann, Leader;
Mike Redman, National Waterworks Representative;
Akeema, Amco Meters Technical Support;
Emily Frontera, Administrative Aide

- Unable to demonstrate an actual meter read or download of information
- Able to provide to (6) six substitute reading equipment but with limited warranty
- Amco Meter touch pad reads not compatible with City of Troy Water billing program
- Amco Meters utilize 10 digits and the City's software system is limited to 6 digits

- 3rd demonstration tentatively set for Friday March 5, 2004

March 4, 2004:

- Mike Redman called Mike Karloff, informing him that Amco is unable to modify current reads to comply with the City's 6-digit billing software constraint. He is currently withdrawing National Waterworks bid.

March 5, 2004

- Emily called Mike Redman informing him that National Waterworks must submit in writing their bid withdrawal to purchasing no later than Tuesday March 10, 2004.

March 10, 2004

- Bid Withdrawal letter not received
- Follow-up call placed with Mike Redman
- Mike Redman to advise after meeting with Manger at Shelby Store tomorrow.

March 15, 2004

- Bid withdrawal letter still not received
- Follow-up call placed with Mike Redman
- Has not meet with manager, will meet with him later, date unknown. Will advise.



Downloading History for ITB-COT 03-47Water Meter

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/24/2004.

Document Title:	Standard & Compound Water Meters
Date Issued:	1/6/2004
Close Date:	1/28/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
14521	AMCO Water Metering Systems Inc	Free	1/12/2004	
12040	Argus Supply Company	E-mail	1/6/2004	
14182	B2 INC	Free	1/9/2004	
10738	Badger Meter, Inc.	E-mail	1/12/2004	
12695	BOILERS, CONTROLS & EQUIPMENT, INC.	E-mail	1/15/2004	
14787	Cambridge Brass	E-mail		
12578	camp dresser & mckee	Free	1/12/2004	
10592	COCHRANE SUPPLY	E-mail	1/21/2004	
13466	DE-CAL, Inc.	E-mail		
12287	Demko Inc.	E-mail	1/7/2004	
13317	DJG & Associates	E-mail	1/8/2004	
15170	Durst Lumber Co.	Free	1/25/2004	
12428	East Jordan Iron Works, Inc.	E-mail	1/14/2004	
12990	Etna Supply Company	E-mail	1/7/2004	
13651	Flow Control Systems, LLC	E-mail		
14165	Gunners Meters & Parts	Free	1/12/2004	
15613	Hoffer Flow Controls, Inc.	Free	1/13/2004	
14232	Hydro-Zone, Inc.	Fax		
11290	Integrated Information Services Inc. (TeamIIS)	E-mail	1/19/2004	
15601	Kundinger Controls	Free	1/12/2004	

14749	MacGyver Supply	E-mail		
14205	METROL CO.	E-mail	1/6/2004	
13776	MPS Group, Inc.	E-mail		
10155	National Waterworks Inc.	E-mail	1/16/2004	
12978	S.L.C. Meter Service, Inc	E-mail	1/8/2004	
12583	Sigma Associates, Inc.	Free	1/8/2004	
13730	SMART Management Group, LLC	E-mail	1/6/2004	
10984	Sunset Excavating, Inc.	E-mail		
15622	Underground Pipe & Valve, INC.	E-mail	1/13/2004	
10983	USA Bluebook	E-mail		
15576	Venture Technology Groups	E-mail	1/10/2004	
11360	Waldorf & Sons Inc.	Fax		

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March 15, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidders – Liquid Calcium Chloride

RECOMMENDATION

On March 5, 2004, proposals were opened to furnish one-year requirements of Liquid Calcium Chloride with an option to renew for one additional year. After reviewing these proposals, City management recommends awarding the contract to the low bidder, South Huron Industries, Inc. as the primary supplier at an estimated total cost of \$54,000.00, which includes \$500.00 for the additional insured endorsement clause, as specified. In the event the primary supplier is unable to deliver liquid calcium chloride for ice control under the terms of Option B, Michigan Chloride Sales, Inc. shall be named as the secondary supplier for that material. Both suppliers allow a 1% discount if invoices are paid within 10 days.

Option A

<u>Estimated Quantity (Gallons)</u>	<u>Description</u>	<u>Price/ Gallon</u>
100,000 gallons	Bidder to deliver and apply up to 18,000 gallons in one day as requested by the City for dust control. Minimum 6,000 gallons.	<u>\$.454</u>

Option B

<u>Estimated Quantity (Gallons)</u>	<u>Description</u>	<u>Price/ Gallon</u>
20,000 gallons	Bidder will deliver to storage tank located at 4693 Rochester Rd., Troy, shipments of no less than 2,000 gallons, as requested by the City for ice control	<u>\$.405</u>
	Insurance Add:	\$500.00

<u>Estimated Grand Total</u>	<u>\$54,000.00</u>
-------------------------------------	---------------------------

BUDGET

Funds for these materials are available through the following Streets and Drains operating budgets; Local Surface Maintenance-Gravel, 481.7782; Local Snow & Ice Control, 498.7782; Major Snow & Ice Control, 478.7782; and County Snow & Ice Control, 502.7782.

48 Vendors Notified on MITN System
3 Bid Responses Rec'd
3 No Bids: (3) Companies do not have type of product specified.

Prepared by: Emily Frontera, Administrative Aide

Opening Date -- 03-05-04
 Date Prepared -- 3/15/04

CITY OF TROY
BID TABULATION
LIQUID CALCIUM CHLORIDE

ITB-COT 04-06

VENDOR NAME:

SOUTH HURON	MICHIGAN CHLORIDE	POLLARD HWY
INDUSTRIES INC	SALES INC	PRODUCTS INC
-PRIMARY-	-SECONDARY-	

PROPOSAL: One(1) Year Requirements of LIQUID CALCIUM CHLORIDE with an Option to Renew for One(1) Additional Year, in accordance with the specifications

EST QTY	DESCRIPTION	PRICE/ GALLON	PRICE/ GALLON	PRICE/ GALLON
OPTION A:				
100,000 GALS	Bidder to deliver and apply up to 18,000 gallons in one day, as requested by the City for dust control. Minimum 6,000 gal	\$ 0.454	\$ 0.464	\$ 0.490
			PRIOR TO 4/23/04 - \$.449 7/5 - 7/30 - \$.454 9/7 - 10/22 - \$.454	
OPTION B:				
20,000 GALS	Bidder will deliver to storage tank located at 4693 Rochester Rd., Troy, shipments of no less than 2,000 gallons , as requested by the City for ice control.	\$ 0.405	\$ 0.405	\$ 0.470
	INSURANCE ADD:	\$ 500.00		
ESTIMATED TOTAL:		\$ 54,000.00	\$ 54,500.00	\$ 58,400.00
CONTACT INFORMATION: Hours		6-6pm	8-5pm	24hrs
Emergency Phone		(734) 891-6157	(989) 681-5181	(519) 796-8114
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
TERMS:		1% 10 days Net 30	1% 10 days Net 30	NET 30 DAYS
DELIVERY DATE:	AS SPECIFIED			
EXCEPTIONS:	LISTED IN BID	BLANK	BLANK	
	ADDITIONAL INSURED			
	CLAUSE			
ACKNOWLEDGEMENT: Completed	Y or N	YES	YES	YES

NO BIDS:

Cargill Deicing Technology
 Kleen Way Inc
 Simplot Partners

BOLDFACE TYPE DENOTES LOW BIDDERS

ATTEST:

Tom Rosewarne
 Cheryl Morrell
 Linda Bockstanz
 Emily Frontera

Jeanette Bennett
 Purchasing Director



Downloading History for ITB-COT 04-06 Chloride

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/15/2004.

Document Title:	Liquid Calcium Chloride
Date Issued:	2/17/2004
Close Date:	3/5/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12530	Accu-Steel Inc	E-mail		
13995	APAC PAPER & PACKAGING CORP.	Fax		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
10709	B & W Landscape Supply	Fax		
14948	Biloxi Paper Company	Free	2/17/2004	
10355	Brooks Landscaping, Inc	Fax		
11019	Cargill Incorporated Deicing Technology	E-mail		
11863	Colman Wolf Sanitary Supply	E-mail	2/17/2004	
12109	Cryotech Deicing Technology	E-mail	2/26/2004	
12639	CSI/Geoturf, Inc.	Fax		
13386	CT Square	Free	3/4/2004	
12411	Davis-Stevens Foods Inc.	E-mail		
12816	EMC Express, Inc	Fax		
11210	Flor-Dri Supply Co., Inc.	E-mail		
12385	Garden State Highway Products, Inc	E-mail		
11861	Grainger Industrial Supply	E-mail		
14226	Hersch's Wholesale	E-mail		
12686	Ideal Building Supplies, LLC.	E-mail	2/23/2004	
10459	Industrial Cleaning Supply Co.	E-mail		
14648	JOHN D. OSBORNE TRUCKING INC.	Fax		
14945	John Deere Landscapes	E-mail		

10234	Kleen Way, Inc.	E-mail	3/1/2004	
12569	Liquid Calcium Chloride Sales	Free	3/2/2004	
10508	LOWER HURON CHEMICAL & SUPPLY	E-mail		
13084	MER-WIL INDUSTRIES	E-mail	2/18/2004	
15780	Michigan Chloride Sales, Inc.	Fax	3/12/2004	
10726	North American Salt Co.	E-mail		
10061	Parks Landscaping & Snow Service	E-mail		
13022	Peter E. Johnson and Associates, Inc	Fax		
15717	Pollard Highway Products Inc.	Free	2/20/2004	
14286	PVS Nalwood Chemicals	E-mail	2/17/2004	
12261	RAMA RAO AND ALFRED, INC	Free	2/17/2004	
10116	Rasch's Landscape Express, LLC	Fax		
10841	Richmond Transport Inc.	Fax		
14993	Rochester Elevator, Inc.	Fax		
10703	Simplot Partners	E-mail	3/2/2004	
12675	SledgeHammer Const. Inc.	E-mail		
13730	SMART Management Group, LLC	E-mail		
14695	South Huron Industrial Inc	Fax	2/24/2004	
16253	Sterling Industrial Services, Inc.	E-mail	3/1/2004	
13967	Strong Tool	Fax		
10279	Sure Products, Inc	E-mail	3/2/2004	
13952	TRI-PENN OIL CORP.	Fax		
15735	United Horticultural Supply / Verdicon	E-mail		
14368	Washington Elevator Company, Inc.	Free	3/3/2004	
14338	Washtenaw Inc., Maintenance Services	E-mail	2/17/2004	
11031	Wiegand Mack Sales and Service	Fax		
13436	Wolverine Contractors, Inc.	Fax		

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April 1, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Brian Stoutenburg, Library Director

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Electrical Upgrades at the Troy Museum and Historic Village

RECOMMENDATION

On March 19, 2004, bids were opened to upgrade the electrical service at the Troy Museum and Historic Village. After reviewing the bid proposal received, City management recommends that the Troy City Council award the contract to the sole bidder, **Shoreview Electric Company** of Clinton Township, Michigan for an estimated cost of \$34,500.00. This is contingent upon vendor submission of proper contract and bid documents, including insurance certificates, and all specified requirements.

In addition, we are requesting authorization to add work due to unforeseen circumstances, not to exceed 10% of the original project cost.

BACKGROUND

The project includes providing electrical service to the Log Cabin and Wagon Shop, upgrading service to the Caswell House, Poppleton School and the General Store, and connecting service to the Church and Parsonage. Four companies contacted the Museum Manager to schedule a site visit. Of those, one company chose not to bid the project because of a huge influx of business. Summit Electric planned to bid, but took ill and could not meet the bid-closing deadline. Shoreview Electric Company visited the site March 17, 2004, and was the sole bidder for this contract. A fourth company, which was not identified, visited the site twice and thought the City was supplying the materials. He was told the specifications included all labor and material. The vendor took copious notes, but never bid. All of the vendors acknowledged that the job had many pieces, lots of details, and the work was being done in a non-traditional environment (historic buildings with old construction).

EAM Engineers, the company that provided the plans and specifications for this project estimated the cost at \$30,939.00.

BUDGET

Funds are available to complete this project in the Museum General Repairs Account 401804.7975.900.

April 1, 2004

To: John Szerlag, City Manager

Re: Bid Award – Electrical Upgrade at the Troy Museum and Historic Village

116 Vendors Notified on the MITN System

2 Vendor Walk-Ins

1 Bid Response Rec'd

2 No Bids: (1) Company indicated at this time not enough manpower to do the job by 5/14/04.
Estimated job at \$70M + permit.

(1) Company unable to bid at this time.

Opening Date -- 3-19-04
 Date Prepared -- 3/30/04

CITY OF TROY
 BID TABULATION
 ELECTRICAL UPGRADES - MUSEUM

ITB-COT 03-49
 Pg 1 of 1

VENDOR NAME:	* SHOREVIEW		
	ELECTRIC CO		
Check #	649017435		
10% Amount	\$ 3,450.00		
PROPOSAL: Furnish and Install Electrical Upgrades to the Troy Museum & Historic Village			
Furnish & Install Electrical Upgrades at Troy Museum & Historic Village in accordance with specifications			
COMPLETE FOR THE SUM OF:	\$ 34,500.00		
SCHEDULE OF VALUES MARKED:	BLANK		
COMPLETION DATE:	May 14, 2004		
Work Shall Commence	7 WORKING DAYS		
INSURANCE:	Can Meet	XX	
	Cannot Meet		
SITE INSPECTION:	Y or N	YES	
	Date	3/17/04	
PROGRESS PAYMENTS:	FINAL PAYMENT 30 DAYS AFTER FINAL INSPECTION		
TERMS:	SEE PAYMENT SCHEDULE		
WARRANTY:	ONE YEAR		
EXCEPTIONS:	BLANK		
ACKNOWLEDGEMENT:			
Completed - Y or N	YES		

NO BIDS:

Merit Electric Inc
The Oscar Larson Corp

* DENOTES SOLE BIDDER

ATTEST:

Charlene McComb
Brian Stoutenburg
Loraine Campbell
Linda Bockstanz

 Jeanette Bennett
 Purchasing Director



Downloading History for ITB-COT 03-49 Electrical

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/30/2004.

Document Title:	Furnish & Install Electrical Upgrades at Troy Museum & H. Village
Date Issued:	2/25/2004
Close Date:	3/19/2004
Date Amendment #1 was Issued:	2/26/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
15184	A to Z Total Electrical Contractors Inc.	E-mail		
14942	A.F.Bellisario.,Inc.	E-mail		
13263	Absolute Security & Investigations	Free	3/1/2004	#1 3/1/2004
16194	Advance Concrete Products Co	Free	2/26/2004	
16208	Advanced Integration Group, Inc.	Free	3/1/2004	#1 3/1/2004
13531	AHE Electrical Supply Co.	E-mail	3/1/2004	
12133	Allied Building Service Company of Detroit, Inc.	E-mail	2/25/2004	#1 2/26/2004
15706	American Electric Motor Corporation	Fax	2/25/2004	#1 2/27/2004
13539	Anderson's Construction Inc	E-mail		
15299	ANYTIME, INC.	E-mail		
15248	Associated Design & Services, Inc.	E-mail	2/25/2004	#1 2/27/2004
10661	ATIGROUP	E-mail		
12941	Bailey Telecommunications, LLC	Free	3/18/2004	
16224	Bair Electrical Contractors, Inc	Fax	3/9/2004	#1 2/27/2004
10851	BEI Associates Inc.	E-mail		
12903	Bennett Design and Fabrication LLC	E-mail		
10231	Bernco, Inc.	E-mail		
11631	Bowman Construction LLC	Free	2/25/2004	#1 3/15/2004
11722	Braddy Electrical Services	E-mail	2/25/2004	#1 2/26/2004

13108	Carter & Burgess Consultants, Inc.	E-mail	2/26/2004	
11120	Cassino Building & Development	E-mail		
15039	Cefai Builders, Inc.	E-mail		
12020	Computer & Electronics Enterprises, Inc.	E-mail		
13288	Computer Environment Services, Inc.	Free	3/16/2004	#1 2/27/2004
10688	Construction Specialities, Inc	Fax		#1 2/26/2004
10492	CRAMPTON ELECTRIC COMPANY INC	E-mail	2/26/2004	#1 2/26/2004
11122	Crystal Bright Janitorial Services, Inc.	E-mail		
15651	Daniel Electric	Free	3/10/2004	
15631	Debroe Company	Free	2/26/2004	
11363	Detroit Electric Motor Works, Inc.	E-mail		
11708	Direct Internet	Free	3/1/2004	
12404	Diversified Tradesmen	Fax		#1 2/26/2004
13317	DJG & Associates	E-mail	3/11/2004	#1 3/11/2004
13453	Don Sparks Electric	E-mail		
14117	Doring, Incorporated	E-mail		
14388	E-Z Electric, Inc.	E-mail		
10676	Envision Technologies LLC	E-mail		
13500	Flora Construction Inc	E-mail		
14703	Frontline Controls Inc	E-mail	3/4/2004	#1 3/4/2004
11871	Gav-AI Electric	E-mail	2/26/2004	
13448	Great Lakes Executive Services, LLC	E-mail		
15842	Harlan Electric Company	E-mail	3/10/2004	
10411	HAWKINS EQUIPMENT COMPANY	E-mail		
13128	Henderson Electric, Inc.	E-mail		
15264	Highgate Electric, Inc.	E-mail		
13185	Hittle Construction Co.	E-mail		
12686	Ideal Building Supplies, LLC.	E-mail		
13659	In-Line Construction Corp.	E-mail		
14773	Integrated Supply Management, Inc.	E-mail	3/5/2004	#1 3/5/2004
16474	JBP Electrical Services	E-mail	3/15/2004	#1 3/15/2004
11279	Joe Pizik Electric, Inc.	E-mail	3/5/2004	#1 3/5/2004
15760	K & K Construction and Landscapin g LLC	E-mail		
13283	Kelcrist Corporation	E-mail		
12290	Kent Power Inc.	E-mail		
13902	Lakeshore Engineering Services, Inc.	E-mail		
16217	Lang Associates, Inc.	Free	2/27/2004	
10030	Latcha Design Group, LLC	E-mail		
13577	Living Concepts Building LLC	E-mail		
14592	M S Consulting Engineers, P.C.	E-mail	3/5/2004	#1 3/5/2004
10270	Mac Electric Company	Fax		#1 2/26/2004
13303	Maryland Electric Company	E-mail	3/9/2004	
15597	McSweeney Electric	E-mail		

16261	Merit Electric Inc.	Fax	3/1/2004	#1 3/3/2004
11496	Midstate security	Free	3/17/2004	
11802	Midstate Security	Free	3/15/2004	
10072	Motor City Electric Technologies Inc.	E-mail	2/25/2004	
10574	MTI Lighting Specialists, Inc.	E-mail	3/4/2004	
12149	National Alliance of Cabling & Technology	E-mail		
10604	nationwide fence & Supply	E-mail		#1 2/26/2004
14041	New Technology Construction, LLC	E-mail		
13310	North Star Refrigeration, Heating and Cooling	E-mail		
14089	Northview Custom Homes, LLC	E-mail		
14529	Northwood Contracting Incorporated	Fax	3/1/2004	#1 2/26/2004
13151	Oakland CommercialInteriors	E-mail		
11073	Oscar W. Larson Co.	E-mail	3/8/2004	#1 3/8/2004
11858	Paradigm 2000 Inc.	E-mail	3/1/2004	#1 3/1/2004
11231	PCI Industries, Inc.	E-mail		
15672	Perfect Irrigation & Landscape	E-mail		
15845	Peripheral Vision	E-mail	2/25/2004	
11148	Phare Truth	E-mail	2/26/2004	
10723	Plante & Moran CRESA, LLC	E-mail		
11272	Pollard Heating and Cooling	Free	2/29/2004	#1 2/29/2004
12095	Power Plus Engineering, Inc.	E-mail		
11344	Premium Sevices, Inc	E-mail		
10561	PRS Contracting, Inc	E-mail		
11361	Quickie Carpet Cleaning	Free	2/25/2004	
13691	R & E Trucking Inc.	Fax		#1 2/26/2004
12261	RAMA RAO AND ALFRED, INC	Free	2/26/2004	
12387	Rauhorn Electric, Inc.	E-mail	3/1/2004	#1 3/1/2004
16440	RCI ELECTRIC COMPANY	E-mail	3/12/2004	#1 3/12/2004
12531	Rohr gasoline equipment inc.	E-mail		#1 2/26/2004
16245	ROSE EXTERMINATOR CO.	Free		#1 3/1/2004
16166	Rule & Associates, Inc.	Free	3/16/2004	
13730	SMART Management Group, LLC	E-mail		
13684	soil and materials engineers, inc	E-mail		
10906	Sound Planning Communications, Inc.	Free	2/25/2004	
16218	Summit Electric, Inc.	E-mail	2/27/2004	#1 2/27/2004
10984	Sunset Excavating, Inc.	E-mail		
15364	Supreme Heating & Supply Co., Inc	Free	2/25/2004	
11069	T. H. Marsh Construction Company	E-mail		
10974	The Avrie Group, Inc.	E-mail		
11661	The Talbot Corporation	Free	3/2/2004	
10714	Tillman Electrical Services, Inc.	E-mail		
10063	Tri-Con Electric Inc.	Free	3/3/2004	#1 3/3/2004

12891	Triple Platinum Builders, Inc.	E-mail		
16280	TriStarProtect Industries L.L.C.	Free	3/8/2004	#1 3/8/2004
15301	Tyger Excavating Inc.	E-mail		
13532	Underground Lines, Inc.	E-mail		
13767	Uniglobe Construction Company	E-mail		
11347	Valence Electric Incorporated	Free	3/3/2004	
14372	W. D. Zobel Co.	Free	3/9/2004	
12554	W. K. Krill & Associates, Inc.	E-mail		#1 2/26/2004
13207	Walbridge Aldinger Company	E-mail		
13091	Young's Environmental Cleanup	Free	3/7/2004	#1 3/7/2004
12859	YTI Supply Inc.	Free	3/3/2004	#1 3/3/2004
10394	Ziller Electric inc.	E-mail		

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March 25, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Director of Parks and Recreation

SUBJECT: **Agenda Item:** Sole Source- Lifeguard/CPR Training Services
Troy Family Aquatic Center and Troy Community Center

RECOMMENDATION

City management requests approval for the continued services of Jeff Ellis and Associates, Inc., the sole provider of comprehensive lifeguard and CPR training, and consulting for the Troy Family Aquatic Center and Troy Community Center for an estimated total cost of \$30,000.00.

BACKGROUND

Jeff Ellis and Associates, Inc. acts as a resource for all training and safety issues. The company has provided training and consultation services at the Troy Family Aquatic Center since it opened and at the Troy Community Center the past two (2) years. Ellis continues to set the bar in lifeguard standards to ensure facilities are prepared for emergencies and providing the best risk management possible. In addition program materials and standards for CPR training are provided for Community Center staff and classes are offered for the general public. Jeff Ellis and Associates, Inc. provide professional services; lifeguard training and consulting.

The American Red Cross is the only other known agency that offers lifeguard training. The Red Cross does not offer the same services, nor does it have the same requirements of our staff as does Jeff Ellis and Associates, Inc.

These services are provided on an as needed basis year round to the Troy Community Center and seasonally to the Troy Family Aquatic Center.

The unique service of Jeff Ellis and Associates, Inc. includes:

- Initial assessment of facility for safety practices and risk control
- Training of staff in the National Pool and Water Park Lifeguard Training Course
- Recommended risk management procedures for facilities
- Unannounced audits of facility and staff, to ensure competence and maintenance of standards
- AED support and training
- Immediate counsel and help from E & A in the event of an aquatic incident.

March 25, 2004

To: John Szerlag, City Manager
Re: Lifeguard/CPR Training Services

BACKGROUND - Continued

Included in the estimated costs is the purchase of training materials that are paid for by the employee and/or participants. The total reimbursement is estimated at \$7,500.00.

In the past, only the Aquatic Center operation used these services, however, now that both the Community Center and Aquatic Center operations utilize the service, expenditures will exceed \$10,000.00 annually and City Council approval is required.

The current agreement with the company is to provide these services through December, 2004.

BUDGET

Funds to provide these services will be available in the respective Troy Family Aquatic Center and Troy Community Center Accounts #787.7802.070 and #755.7802.070.

Attachment: Appendix 1 Ellis service rates

Ellis Rates Per Contract Current through December 31, 2004

A. Special Facilities Lifeguard License	\$70.00
B. Renewal Special Facilities Lifeguard License	\$60.00
C. NPWLTP Instructor	\$360.00
D. NPWLTP Renewal Instructor	\$260.00
E. Unannounced Audits	\$600.00
F. Retainer Fee	\$700.00
G. Lifeguard Kit	\$50.00
H. Lifeguard books	\$41.00
I. CPR/First aid books	\$15.00
J. Shipping	\$20.00



TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: March 31, 2004
SUBJECT: CITY OF TROY v RAUHUT – OAKLAND COUNTY CIRCUIT
COURT CASE NO. 02-042746 CC

As part of a road improvement project, the City initiated efforts to acquire a 27' strip of residentially zoned property owned by Richard and Mary Rauhut located at 39185 Dequindre. The City filed its complaint for acquisition on August 1, 2002 and has acquired ownership of the subject property. The only issue remaining is the amount of just compensation.

The City's initial offer of \$13,840.07 was based on an appraisal of this property, which is zoned residential. The appraiser for the Defendants assumed the property would be rezoned, and therefore used the office zoning classification for their value. Defendants also claimed additional compensation for a "temporary encumbrance" because of the disturbance caused by the machinery, trucks, and earth moving equipment during the construction phase of the project. The Defendant's appraisal, as of December 2003, was \$50,774.

The parties have engaged in settlement discussions concerning the property. Defendants are now willing to settle the case for \$24,000, exclusive of statutory costs, attorney fees and interest. Defendants have submitted a proposed consent judgment that details the settlement proposal.

In light of the inherent risks of litigation, it is our recommendation that the City Council accept the settlement proposal, and approve the attached consent judgment.

Please let us know if there are questions or requests for additional information.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CITY OF TROY, a Michigan
municipal corporation,

Case No. 02-042746-CC
Hon. Richard Kuhn

Plaintiffs

v

RICHARD G. RAUHUT, MARY N. RAUHUT,
and COUNTY OF OAKLAND

Defendants.

CITY OF TROY- CITY ATTORNEY'S OFFICE
By: Allan T. Motzny (P37580)
Attorneys for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3324

STEINHARDT PESICK & COHEN
Professional Corporation
By: H. Adam Cohen (P47202)
And: Jason C. Long (P59244)
Co-Counsel for Defendants
28400 Northwestern Highway, Suite 120
Southfield, MI 48034
(248) 356-5888

MOORE, JACKSON and VINCENT
By: Benjamin F. Moore (P17921)
Attorneys for Defendants
755 W. Big Beaver Road, Suite 1310
Troy, MI 48084
(248) 362-1000

CONSENT JUDGMENT

At a session of the Oakland County Circuit Court
in the City of Pontiac, Oakland County, Michigan,

on _____

PRESENT: Hon. _____
CIRCUIT COURT JUDGE

The parties having settled this condemnation action, and having stipulated to the terms and entry of this Consent Judgment, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. Plaintiff City of Troy (the "City") shall pay principal just compensation to Defendants in the amount of \$24,000.00, less \$13,840.07 that was previously paid as the City's estimated just compensation, for total additional principal just compensation payable in the amount of \$10,159.93 (the "Increase").

2. In accordance with Section 15 of the Uniform Condemnation Procedures Act ("UCPA"), MCL 213.65, the City shall pay statutory interest ("Interest") on the Increase from August 28, 2002 through the date that the City delivers its check in the amount of the Increase and the Interest. The check evidencing the Increase and the Interest shall be made payable to Richard G. Rauhut and Mary N. Rauhut (hereinafter "Defendants").

3. In accordance with Section 16 of the UCPA, MCL 213.66 and other Michigan law, the City shall:

(a) reimburse Defendants' attorneys fees in the form of a check in the amount of one-third of the Increase and Interest, payable to Steinhardt Pesick & Cohen, P.C;

(b) pay Defendants' costs in the forms of:

(i) a check payable to Robert Cool in the amount of \$452.50; and

(ii) a check payable to Steinhardt Pesick & Cohen, P.C. in the amount of \$94.28.

4. All of the foregoing payments shall be delivered to the offices of Steinhardt Pesick & Cohen, P.C. within 30 days from the entry of this Consent Judgment.

5. This Consent Judgment resolves the last pending claim and closes this case.

Hon. Richard Kuhn

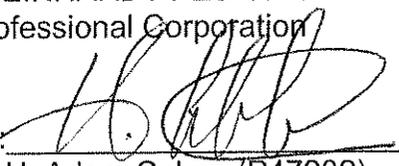
**STIPULATION FOR ENTRY OF
CONSENT JUDGMENT**

The parties, by and through the undersigned attorneys, stipulate to the terms and entry of this Consent Judgment.

CITY OF TROY
CITY ATTORNEY'S OFFICE

By: _____
Allan T. Motzny (P37580)
Attorneys for Plaintiff

STEINHARDT PESICK & COHEN
Professional Corporation

By: 
H. Adam Cohen (P47202)
Attorneys for Defendants

DATE: March 30, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item
Approval of Subdivision Entrance Sign/Agreement
Woodside Manor Subdivision

In November of 2001, City Council made revisions to the Sign Ordinance that allowed for the placement of subdivision entranceway signs in the medians of public streets. Those revisions required that in order to place a sign within a median, City Council must approve the sign design and materials. It also requires the submission of an agreement for the maintenance and liability for the sign. Staff is currently working with a number of homeowner associations developing the language, process and procedures for these agreements.

At this time we have completed work on a sign proposed by the Woodside Manor Homeowners Association. The sign, primarily comprised of a carved boulder, is proposed to be located in the median at the intersection of Teakwood Drive and Square Lake Road. Staff has reviewed the design of the sign as well as the language of the agreement and the supporting documentation and recommends approval.

We will be happy to answer any questions that you may have regarding this request.

Reviewed as to form and Legality _____
Lori Grigg-Bluhm, City Attorney Date _____

RESIDENTIAL DEVELOPMENT RIGHT-OF-WAY SIGN AGREEMENT

This Agreement is entered into on this 8th day of March 2004, between the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the "City") and Woodside Manor Homeowners Association, whose address is 2134 OAKWOOD, Troy, Michigan 48085, (hereinafter referred to as the "Residential Development").

Recitals

A. The Residential Development desires to erect an identification sign for the residential development pursuant to and in compliance with the City of Troy Code of Ordinances, specifically Chapter 78, Section 7.01.01 (Signs in Right-of-Way). A Sign Permit Application has been submitted to the Building Department and a copy is attached to this Agreement as Exhibit A.

B. The Residential Development is located in the City of Troy, Oakland County, Michigan. The Residential Development is between Square Lake Road and Long Lake Road and John R Road and Dequindre Road. The site for the erection of the sign is located on the boulevard at Square Lake Road and Teakwood Street more particularly described on the attached Exhibit B. A description of the proposed sign is attached to this Agreement as Exhibit C.

C. Chapter 78, Section 7.01.01. C. provides that Troy City Council shall approve the design and materials of all residential development identification signs. Further, the Ordinance provision requires that an Agreement be executed between the City and

Residential Development specifying that the Residential Development shall assume liability for the sign and be responsible for its maintenance.

IN CONSIDERATION of the foregoing recitals and the mutual covenants contained in this Agreement, IT IS AGREED:

1. The Residential Development shall be permitted to erect an identification sign within the median of the boulevard entrance street at the intersection of Square Lake Road and Teakwood Street. That sign shall not be more than five (5) feet in height and not more than fifty (50) feet in area as set out in Section 7.01.01. C. of the City of Troy Code of Ordinances. The height of the sign shall be subject to the corner clearance requirement of Figure 7.01.01 as set out in the Troy Code of Ordinances as part of Section 7.01.01.C.

2. The identification sign shall comply with the plans and specifications attached hereto as Exhibit B and incorporated into this Agreement and any terms and conditions for design and materials established by City Council by Resolution. Any plans and specifications must designate on their face that they have been approved by the Director of Building and Zoning.

3. The Residential Development shall maintain the identification sign in good and safe condition at all times and shall make such repairs as the City may deem reasonably necessary from time to time to keep the sign in good and safe condition. Failure to keep the sign in good and safe condition shall be considered a breach of this Agreement under Paragraph 7.

4. The Residential Development has provided a Certificate of Insurance acceptable to the City demonstrating that general liability coverage is available for claims

for personal injury or property damage caused by the sign or attributed to the placement of the identification sign in the right-of-way. Such insurance shall be in the amount of \$500,000.00 per occurrence and aggregate limit. The Certificate of Insurance shall name the City of Troy as an additional insured. The City reserves the right to modify the insurance requirements as necessary. The Residential Development agrees to keep said insurance or a similar policy with the above minimum insurance coverage in effect for the term of this Agreement. The Residential Development shall submit to the City of Troy Risk Management Department on the anniversary date of this Agreement a Certificate of Insurance acceptable to the City demonstrating coverage for the above insurance amounts. Additionally, the City may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within fifteen (15) days of a request by the City, or a determination by the City that there is a lapse in coverage, shall be considered a breach of this Agreement under Paragraph 7.

5. The individual executing this Agreement on behalf of the Residential Development represents that he or she has the authority to bind the Residential Development and the individual property owners within the Residential Development to this Agreement and has provided documentation to support his or her representation. If it is determined by the City at any time hereafter that no such authority exists, this Agreement shall be null and void, and the identification sign shall be immediately removed in accordance with Paragraph 7.

6. If it becomes necessary for the City to remove the sign for an emergency purpose or to service a utility, such as but not limited to: repair of water main breaks or sewer line or electric line repair, the Residential Development shall be one hundred

(100 %) responsible for the replacement of the sign. Further, the City shall not be responsible for any damage to the sign as a result of the removal. If the Residential Development fails to reinstall the sign in an identical manner, as set out in this Agreement, or fails to remove the sign from the site within thirty (30) days after the City's removal, the City may take action to remove the sign in accordance with Paragraph 7.

7. If there is a breach of this Agreement or if the Agreement becomes null and void, the City shall notify the Residential Development that it has thirty (30) days to remove the identification sign. If the Residential Development fails to comply, the City may remove the sign and assess any costs it incurs to the Residential Development. If the Residential Development fails to pay the City's costs for removal within fifteen (15) days from the notification of the costs, the City may exercise any legal remedy to which it is entitled against the Residential Development and/or the individual property owners within the Residential Development including the pro-rata assessment of costs on each individual property owner's tax bill.

8. To the fullest extent permitted by law, the Residential Development agrees to defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury or death and/or property

damage, relating to the erection, maintenance, location and any other aspects of the identification sign.

9. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, this Agreement has been entered into as of the above date.

WITNESSES:

CITY OF TROY,

Matt Pryor, Mayor

Tonni Bartholomew, Clerk

RESIDENTIAL DEVELOPMENT

Woodside Manor Homeowners
Association,

Susan Eidson

SUSAN Eidson 3/8/04

Lee Burt

By: Lee Burt 3/8/04
Its: President

Susan Eidson

SUSAN Eidson 3/8/04

Alan Ward

By: Alan Ward 3/8/04
Its: Secretary



SIGN PERMIT APPLICATION
CITY OF TROY
 DEPARTMENT OF BUILDING INSPECTIONS
 500 W. BIG BEAVER ROAD
 TROY, MICHIGAN 48064
 Phone: 248-524-3344
 Fax: 248-689-3120

RECEIVED
 NOV 14 2003
 BUILDING DEPARTMENT

SIGN

Date: _____

Project Information

Job Address: TEAKWOOD @ SQ LK. Suite # _____ Sidwell # ROW

Property Owner: CITY of Troy Address: Row Phone # _____

Type of Sign: Ground Wall Special Event Sign Renewal Zoning District: R

Sq. Ft. Area of Front of Building Structure: NA Land Area (if parcel is vacant): _____

Sign Size: Width 10' Height 5' Sq. Ft. Area: 50

Ground Sign: Height from grade to top of sign 5' Distance from ultimate right-of-way IN ROW ISLAND

Are other signs located on property? No Yes Type _____ Size _____

Copy on sign: WOODSIDE MANOR

Illuminated Sign Yes No Electrical Connections by: _____

SIGN PERMIT FEE SCHEDULE			
Size	Wall Sign Painted on Wall	Wall Sign Structurally Attached	Ground Sign
Under 100 sq. ft.	\$ 75.00	\$ 100.00	\$ 125.00
100 to 199 sq. ft.	\$100.00	\$ 125.00	\$ 150.00
200 to 300 sq. ft.	\$ 100.00	\$150.00	\$ 175.00
Special Event		\$30.00	

Applicant/Contractor Information ZORRY EIDSON - HOME OWNERS REP.

Name: WOODSIDE MANOR Phone: 248 879-1231 Fax: 248 879-5859

Address: 2106 OAKWOOD DR. City: TROY State: MI Zip: 48085

Signature of Applicant [Signature] License # _____

FOR OFFICE USE ONLY:

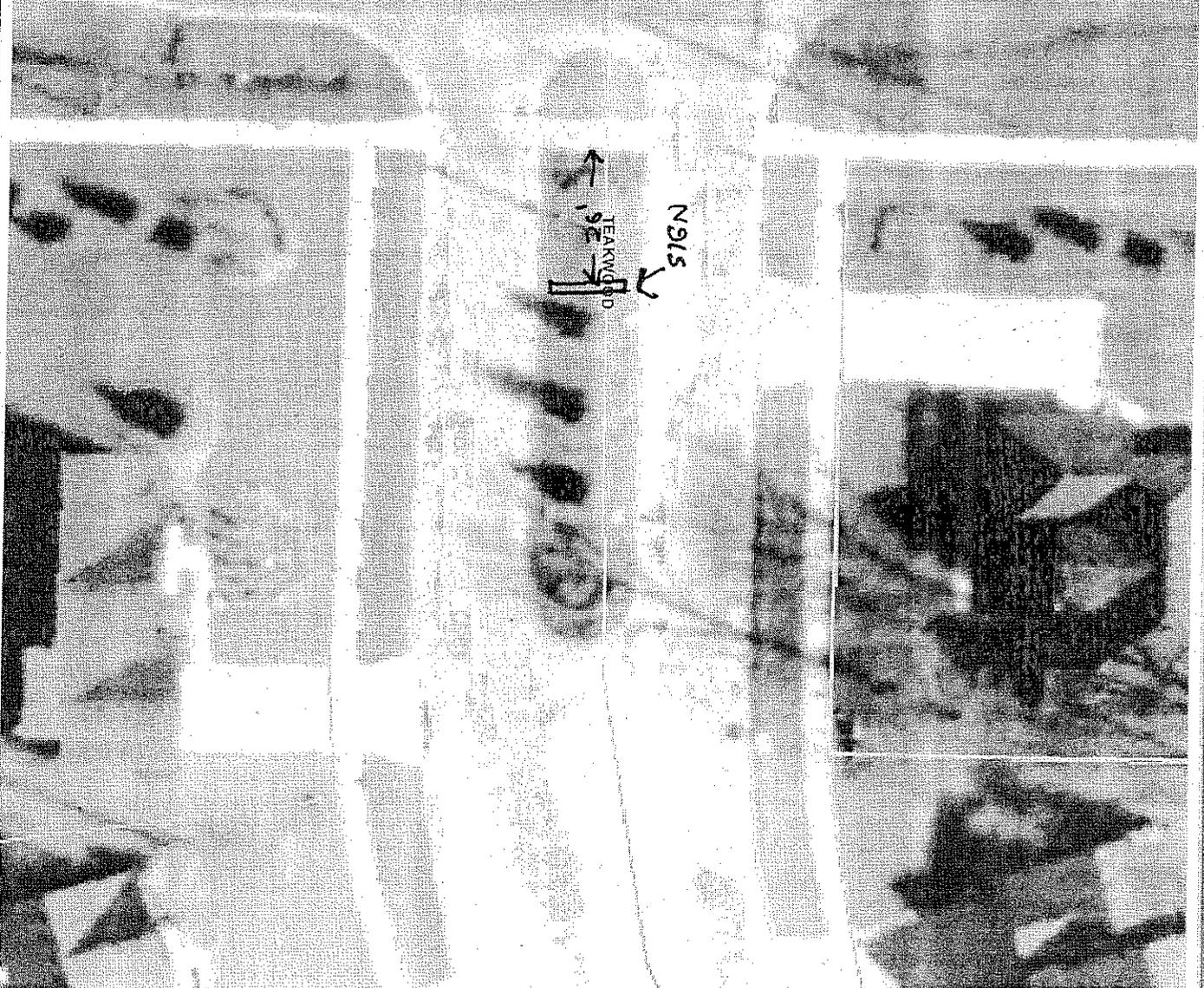
Variance Granted? No Yes Date: _____

Special Stipulations _____

Date approved: _____ Fee: _____ Approved by: _____

Exhibit A

SQUARE LAKE



RECEIVED

NOV 14 2003

BUILDING DEPARTMENT

Sect 12

S 88° 36' 00" E

2316.16'

4-13-2008 Confirmed with Eng Dept that Row on Teakwood is 50' wide as 17' behind sidewalk

1/2 SQUARE LAKE ROAD (60 FT. WIDE)
(L. 56, P.18, O.C.R.)

S 88°36'00" E

440.07' (RECORDED AS 440.00')

RECEIVED
NOV 7 4 2008
BUILDING DEPARTMENT

WOODSIDE MANOR
OF ING
EXHIBIT 9

15' WIDE PRIVATE NON-ACCESS EASEMENT FOR GREENBELT AND SUBDIVISION ENTRANCE SIGN.

PRIVATE EASEMENT FOR CLEAR VISION AREA

15' WIDE PRIVATE NON-ACCESS EASEMENT FOR GREENBELT AND SUBDIVISION ENTRANCE SIGN.

20' WIDE PRIVATE EASEMENT FOR SANITARY SEWER

10' WIDE PRIVATE EASEMENT FOR STORM DRAINAGE

6' WIDE PRIVATE EASEMENT FOR STORM SEWER

10' WIDE PRIVATE EASEMENT FOR PUBLIC UTILITIES

10' WIDE PRIVATE EASEMENT FOR PUBLIC UTILITIES

12' WIDE PRIVATE EASEMENT FOR STORM SEWER

10' WIDE PRIVATE EASEMENT FOR PUBLIC UTILITIES

6' WIDE PRIVATE EASEMENT FOR STORM SEWER

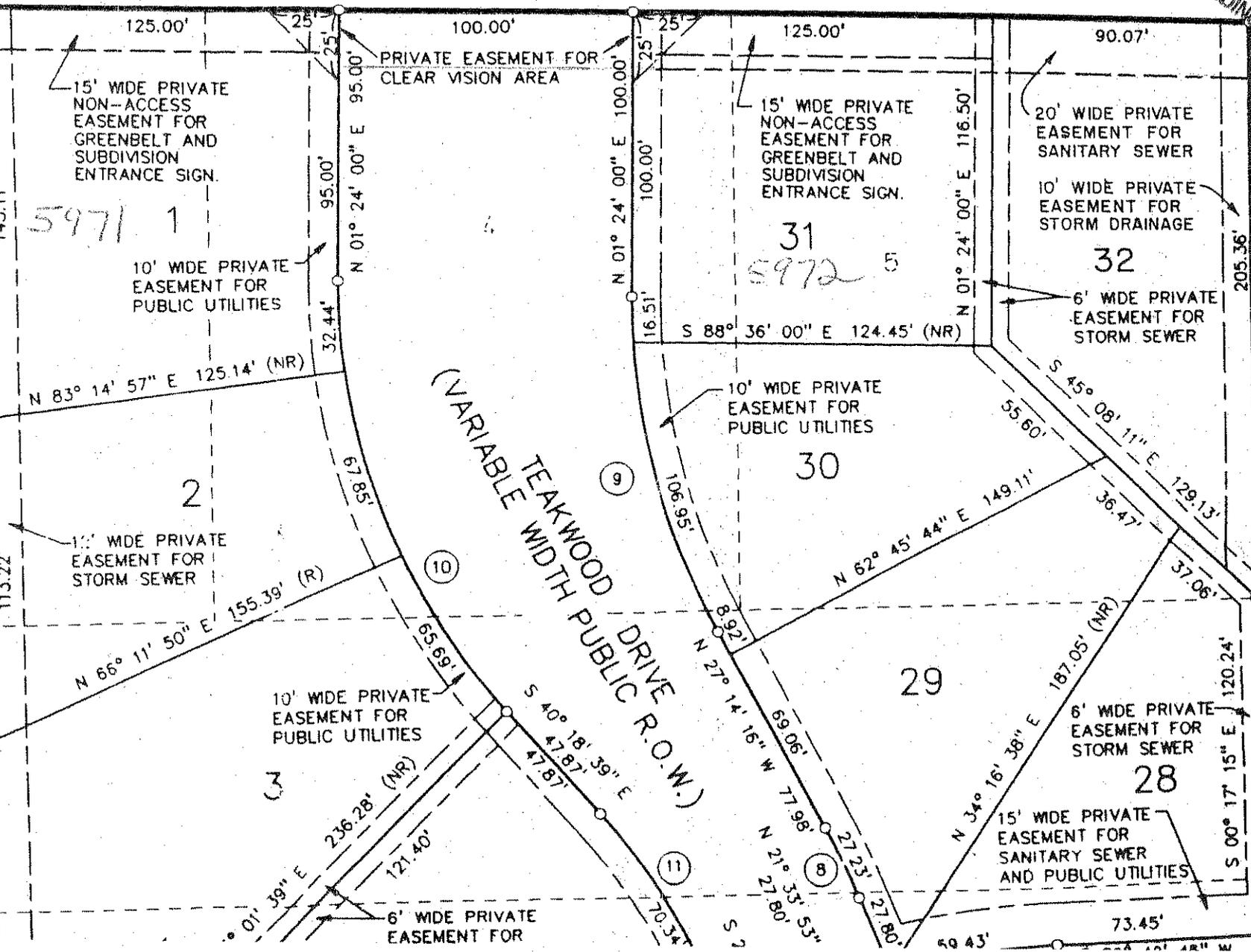
15' WIDE PRIVATE EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES

6' WIDE PRIVATE EASEMENT FOR

(VARIABLE WIDTH PUBLIC R.O.W.)
TEAKWOOD DRIVE

S 00° 22' 48" W 205.36'
(RECORDED AS 204.96')

SEE SHEET 3



RECEIVED
NOV 14 2003
BUILDING DEPARTMENT

LARRY GIDSON 248 705-6610

11-12-03



LETTERING SOLID ALUM WITH POWDER COATED SURFACE
MOUNTED TO THE FRONT OF THE STONE.

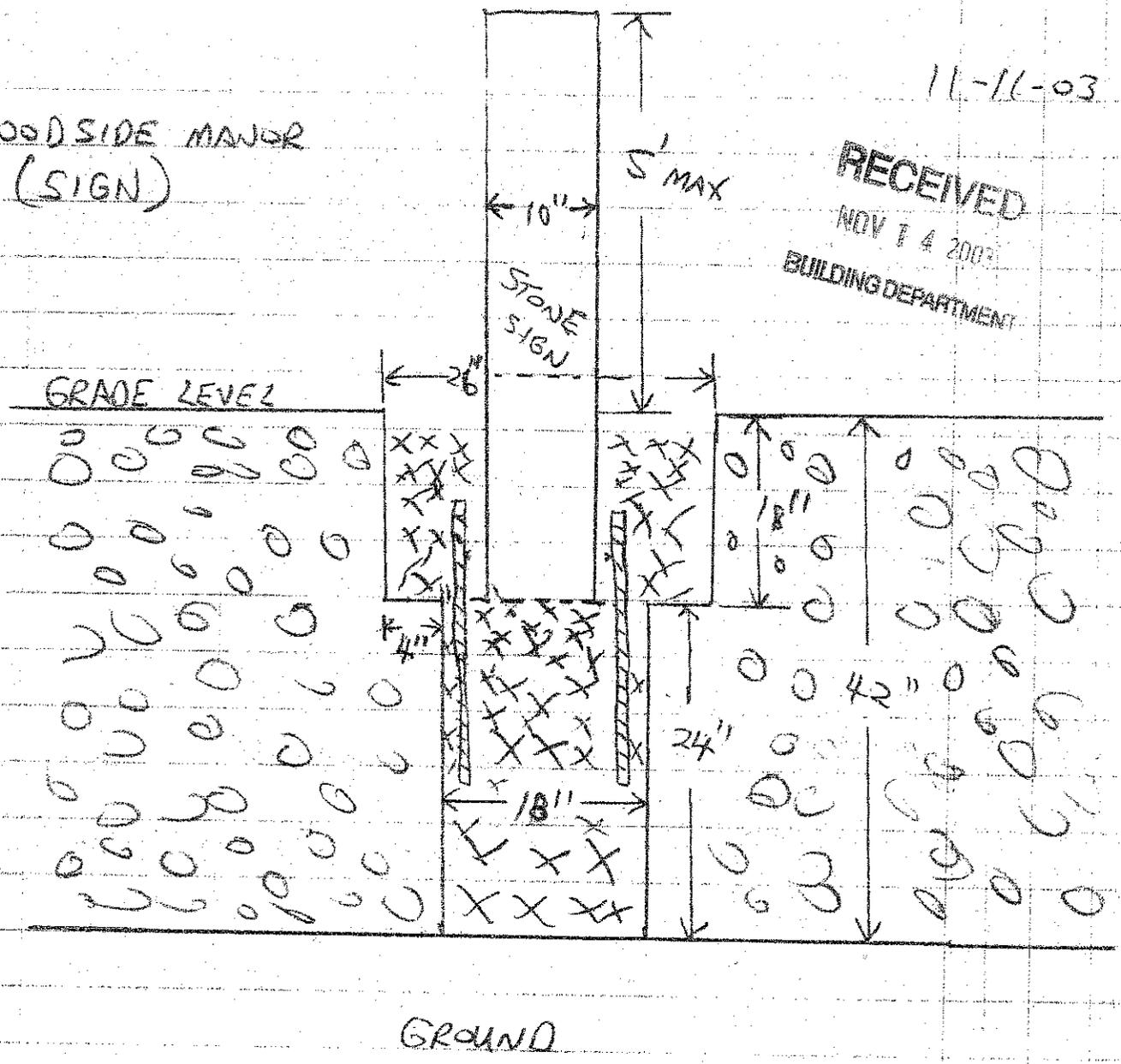
WOODSIDE - ONE MOUNT
MANOR - ONE MOUNT

Exhibit C

11-16-03

WOODSIDE MANOR
(SIGN)

RECEIVED
NOV 7 4 2003
BUILDING DEPARTMENT



- O = DIRT
- X = CEMENT
- ∖ = RE ROD 24" LONG 16" IN BOTTOM CAVITY (18x24)
- 24 PCS TOTAL 8" IN TOP CAVITY (26x18)

LARRY EIDSON
2106 Oakwood Dr.
Troy, MI 48085

248 879-1231

Larry Eidson

Exhibit C

RECEIVED
NOV 14 2003
BUILDING DEPARTMENT

WOODSIDE MANOR

LARRY EIDSON 248 705-6610



FULL VIEW

LARRY EIDSON
2106 Oakwood Dr.
Troy, MI 48065

Exh. bit C

RECEIVED
NOV 14 2003
BUILDING DEPARTMENT

WOODSIDE MAJOR

LARRY EIDSON 248 705-6610



TO 11:30 AM

SIDE TO BE LOCATED APPROX 3' IN FRONT OF THE
PINE TREE - PARALLEL TO THE SIDE WALK

THE 3' IN FRONT OF THE PINE TREE TO MEET
THE REQUIREMENT OF 26' SOUTH OF THE SOUTH SIDE
OF THE SIDE WALK.

LARRY EIDSON
2106 Oakwood Dr.
Troy, MI 48065

Exhibit C

11-12-03

RECEIVED
NOV 14 2003
BUILDING DEPARTMENT

MAX HEIGHT 5'

WOODSIDE MANOR

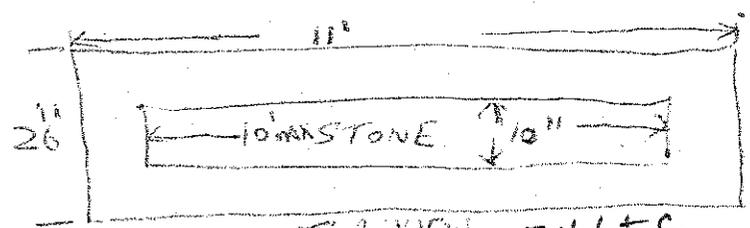
MAX WIDTH 15'

APPROX. DEPTH 10"

LARRY EIDSON 248 705-6610



FOOTINGS TO BE 42" BELOW GRADE
 & BASE OF SIDE TO BE IN THE GROUND
 18" WITH A CEMENT BASE APPROX. 4" WIDE



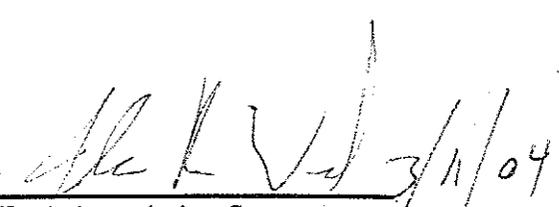
TOP VIEW Exhibit C

LARRY EIDSON
 2106 Oakwood Dr.
 Troy, MI 48065

MEETING MINUTES
WOODSIDE MANOR HOMEOWNERS ASSOCIATION
OFFICER'S MEETING – SPECIAL MEETING 3-8-04

- 1) Call Meeting to Order
 - a) Called to order by Larry Eidson at 7pm
 - b) In attendance were Larry Eidson (Chairman), Susan Eidson (Treasurer), Lee Burt (Vice Chairman) and Alan Ward (Secretary)
 - c) Three handouts distributed at meeting
 - i) Meeting Agenda
 - ii) Preliminary version of General Membership Meeting Minutes
 - iii) Updated Woodside Manor Contact Sheet
 - iv) Letter of Resignation of the Chairman
- 2) REVIEW MINUTES FROM PREVIOUS MEETING
 - a) Minutes distributed and reviewed. Please get back with Alan Ward by 3/24/04 with any additions/deletions/changes. Minutes to be distributed by the end of the month.
- 3) LARRY EIDSON TO SUBMIT RESIGNATION DUE TO TWO MEMBERS OF SAME MEMEBERSHIP HOLDING AN OFFICE IS NOT ALLOWED
 - a) Letter is in Attachment 4.
 - b) The Association's by-laws state on page 6, in the last paragraph of section 4 that "no more than one person from each active membership unit can be eligible to serve on the Board of Directors at any one time."
 - c) Vice Chairman, Lee Burt, to fill in for the balance of the term of office.
 - d) The resignation will be treated in accordance with Section 5 of the by-laws.
- 4) REVIEW SIGN VOTE FOR LIABILITY INSURANCE
 - a) 20 votes were received; 17 of which were YES votes.
 - b) Four insurance companies quoted the business; State Farm was the lowest at \$404 per year.
- 5) HAVE ACTING CHAIRMAN SIGN AGREEMENT WITH CITY OF TROY
 - a) This was completed. Lee Burt and Alan Ward signed. Witnessed by Susan Eidson and Larry Eidson.
 - b) A copy of the document is to be filed in with these records.
- 6) SIGN COMMITTEE WILL PROCEED WITH THE CITY OF TROY AND GET A COPY OF INSURANCE CERTIFICATE FOR SUPPORT OF APPROVAL
 - a) Next step is to put together package for the city council to consider the sign proposal
- 7) NEW BUSINESS
 - a) Association Newsletter Proposed Contents
 - i) Sign Committee update
 - ii) Short article on taking pets for walks and picking up after your pets
 - iii) Get Stoneridge II's newsletter for inclusion of certain shared items that were agreed upon with Julie Hampel
 - iv) Note to keep speeds down
 - v) Fews sentences on Great XMAS decorations and participation for the whole neighborhood
 - vi) Presidents resignation
 - vii) PKS's last letter

Signed,


Alan Ward, Association Secretary

CERTIFICATE OF INSURANCE

This certifies that

- STATE FARM FIRE AND CASUALTY COMPANY, Bloomington, Illinois
- STATE FARM GENERAL INSURANCE COMPANY, Bloomington, Illinois
- STATE FARM FIRE AND CASUALTY COMPANY, Scarborough, Ontario
- STATE FARM FLORIDA INSURANCE COMPANY, Winter Haven, Florida
- STATE FARM LLOYDS, Dallas, Texas

insures the following policyholder for the coverages indicated below:

Policyholder Woodside Manor Homeowners Association
 Address of policyholder 2134 Oakwood Dr Troy MI 48085
 Location of operations _____
 Description of operations Homeowners Association

The policies listed below have been issued to the policyholder for the policy periods shown. The insurance described in these policies is subject to all the terms exclusions, and conditions of those policies. The limits of liability shown may have been reduced by any paid claims.

POLICY NUMBER	TYPE OF INSURANCE	POLICY PERIOD		LIMITS OF LIABILITY (at beginning of policy period)
		Effective Date	Expiration Date	
	Comprehensive Business Liability			BODILY INJURY AND PROPERTY DAMAGE
This insurance includes:				
<input type="checkbox"/> Products - Completed Operations <input type="checkbox"/> Contractual Liability <input type="checkbox"/> Underground Hazard Coverage <input type="checkbox"/> Personal Injury <input type="checkbox"/> Advertising Injury <input type="checkbox"/> Explosion Hazard Coverage <input type="checkbox"/> Collapse Hazard Coverage <input type="checkbox"/> <input type="checkbox"/>				Each Occurrence \$ General Aggregate \$ Products - Completed Operations Aggregate \$
	EXCESS LIABILITY	POLICY PERIOD		BODILY INJURY AND PROPERTY DAMAGE
	<input type="checkbox"/> Umbrella <input type="checkbox"/> Other	Effective Date	Expiration Date	(Combined Single Limit)
	Workers' Compensation and Employers Liability			Part 1 STATUTORY Part 2 BODILY INJURY Each Accident \$ Disease - Each Employee \$ Disease - Policy Limit \$
POLICY NUMBER	TYPE OF INSURANCE	POLICY PERIOD		LIMITS OF LIABILITY (at beginning of policy period)
92to be assigned	Homeowner Assoc	05/01/04	05/01/05	500,000

THE CERTIFICATE OF INSURANCE IS NOT A CONTRACT OF INSURANCE AND NEITHER AFFIRMATIVELY NOR NEGATIVELY AMENDS, EXTENDS OR ALTERS THE COVERAGE APPROVED BY ANY POLICY DESCRIBED HEREIN.

Name and Address of Certificate Holder

City of Troy
 500 W Big Beaver
 Troy MI 48084

If any of the described policies are canceled before its expiration date, State Farm will try to mail a written notice to the certificate holder _____ days before cancellation. If however, we fail to mail such notice, no obligation or liability will be imposed on State Farm or its agents or representatives.

Kim Mazzola by Mary Mazzola
 Signature of Authorized Representative Agent
 Title _____ Date 03/19/04

Agent's Code Stamp
 AFO Code **K Mazzola, East Admin.** **6600 F259**

March 19, 2004

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: 2004 Magic of Fall/Troy Daze Festival Schedule/Fees

Recommendation

Staff recommends City Council approve the requests of the Troy Daze Advisory Committee for the 2004 Magic of Fall/Troy Daze Festival schedule and fees.

Background

Attached please find correspondence from Bob Berk, Troy Daze Chairman and Jim Cyrulewski, Festival Committee Chairman outlining details of the festival to be held September 16 - 19, 2004. The Troy Daze Advisory Committee is in the planning process for the 2004 Troy Daze festival.

Fees

Each year the Troy Daze Advisory Committee evaluates the fees for the festival and makes adjustments based on expenses. For 2004, the committee recommends increasing the following fees:

	<u>2003</u>	<u>2004</u>
Service Vehicle Parking	NA	\$25
Service Vehicle Electrical	NA	\$200
Parade Entry Fee		
Political Candidates	NA	\$400
Business	NA	\$100

Budget/Operating Revenues and Expenditures

The projected year-end operating budget for Troy Daze:

Revenues	\$154,750.00
Expenditures	\$181,000.00

The proposed 2004-2005 operating budget is:

Revenues	\$166,500.00
Expenditures	\$189,760.00

The Troy Daze Advisory Committee has always worked in cooperation with City staff and staff anticipates a successful event this year.

Date: March 12, 2004

To: Carol Anderson, Director of Parks and Recreation

From: Bob Berk, Chairman-Troy Daze Advisory Committee *RAB*
Jim Cyrulewski, General Chairman-Festival Committee *JC*

Subject: **Requests for 2004 Magic of Fall / Troy Daze Festival**

The Troy Daze Advisory Committee makes the following requests for the 2004 Magic of Fall / Troy Daze Festival.

1. Permission for use of Boulan Park for Thursday, September 16; Friday, September 17; Saturday, September 18; and Sunday, September 19, 2004. Hours in the park would be as follows:

Thursday	3:00 P.M.	to	9:00 P.M.
Friday	4:00 P.M.	to	11:00 P.M.
Saturday	9:00 A.M.	to	11:00 P.M.
Sunday	9:00 A.M.	to	9:00 P.M.

Please note that as has been the tradition for Saturday and Sunday, the 9:00 A.M. time is for the Pancake Breakfast. The booths will open at 11:00 A.M. on both Saturday and Sunday.

Monday, Tuesday, Wednesday, Thursday (prior to 3:00 P.M.) and Friday (prior to 4:00 P.M.), September 13, 14, 15, 16 and 17 respectively, will be needed for set-up.

2. Permission to conduct a Parade on Sunday, September 18 starting at 1:30 P.M. The route to be agreed upon with the Troy Police Department.
3. Request City assistance and waiver of the sign ordinance to place four foot by four foot signs on City and County property per Attachment 1, installation of Festival banners on light poles on Big Beaver, installation of large Troy Daze banner in front of City Hall and placement of lawn signs in front of City Buildings listed in Attachment 2. Banners are requested to be in place by August 16. Signs are requested to be in-place by August 30. The committee would appreciate the process used regarding banners and sign installation is the same as the 2003 festival with the City Parks and Recreation Department coordinating installation.
4. Permission for use of loud speakers, portable lighting for grass parking areas and amplifiers at Boulan Park during the hours of the Festival.
5. Approval for control of all types of concessions at Boulan Park during the Festival. All Concessionaires will be given copies of pertinent city ordinances. Food Concessionaires will be required to obtain an Oakland County Health Department permit, provide the committee with proof of insurance naming the City of Troy as co-insured and pass an Oakland County Health Department inspection.
6. Permission to seek Corporate Sponsors. For Corporate Sponsors given exclusive rights to sell/provide specific consumer products/services (including but not limited to pop, meat, phone, etc.), the Committee requests approval for control of all Festival participants either selling or giving away said products at all Magic of Fall/Troy Daze Festival functions.

March 12, 2004
Carol Anderson
Requests for 2004 Magic of Fall / Troy Daze Festival
Page 2

7. Permission to have a maximum of five cold-air tethered balloons displayed by qualified Corporate Sponsors. A qualified Corporate Sponsor would be limited to one balloon. Balloons would only be used for advertising.
8. Permission to sell sign space in the Auto Show area. Businesses would have to supply own banners.
9. Permission to hold a 10K and 5K Race on Saturday September 18 at 8:00 A.M. The routes for the races to be agreed upon with the Troy Police Department.
10. Permission to charge a mandatory five dollars (\$5.00) per car for parking during the Festival. This charge will be collected only once per car during the Festival. The charge will be collected from the general public wishing to park in designated areas in Boulan Park, at Boulan Middle School and at Bemis Elementary School. (Permission has been received from the Troy School District for use of school parking lots.)
11. Permission to have Northfield Parkway traffic light at Wattles and Crooks Road traffic light at McManus turned on during the Festival.
12. Permission to have fireworks on Sunday, September 19, at 8:30 P.M. All details of holding a fireworks show to be agreed upon with the City Manager's Office and the Police, Fire, DPW and Parks and Rec. Departments. This includes working with the Troy Fire Department to complete the proper state permit documentation required for the fireworks portion of the Festival. (City Council will need to approve the permit.)
13. Permission to have temporary No Parking signs on McManus, the cul-de-sacs near Northfield Parkway and grass area between Boulan Middle School and Boulan Park.

If you have any question, please call Jim Cyrulewski at 734-665-3628 or Bob Berk at 313-322-9813.

Attachment

cc: Troy Daze Advisory Committee Members and City Liaisons

Sign Locations

City Right of Way and Property

1. At Firefighters Park, facing the people exiting the park.
2. On the North fence of Sylvan Glen Golf Course at the corner of Square Lake and Rochester Road.
3. On Eastbound Wattles just before the entrance to Northfield Parkway.
4. On Westbound Wattles just before the entrance to Northfield Parkway.
5. At Boulan Park, facing the people exiting the park.
6. At Jaycee Park, facing the people exiting the park.
7. At Raintree Park, facing the people exiting the park.
8. At Flynn Park, facing the people exiting the park.

County Right of Way Sites

9. On Northbound Crooks just before Boulan Park entrance
10. On Southbound Crooks just before Boulan Park entrance.

Lawn Sign Locations

City Property

- Troy Community Center (at all three entranceways)
- Library
- Aquatic Center
- Lloyd Stage Nature Center
- Fire Stations (six locations)
- Police and Fire Training Center
- Historical Museum
- Department of Public Works

Date: March 12, 2004

To: John Szerlag, City Manager

From: Gary Shripka, Assistant City Manager/Services
Carol Anderson, Parks and Recreation Director
Bob Berk, Chairman, Troy Daze Advisory Committee *RAB*
Jim Cyrulewski, Chairman, Festival Committee *je*

Subject: **Fees Recommendation**

The Troy Daze Advisory Committee has spent the last two (2) months reviewing and evaluating each activity of the Magic of Fall / Troy Daze Festival as it exists. Input has been received from people who were chairpersons on the 2003 Festival Committee. The committee recommends that the 2004 fees should be set at the following (revisions shown in bold):

<u>Category</u>	<u>2003 Fees</u>	<u>Proposed 2004 Fees</u>
• Parking Fee for the Festival	\$5.00	\$5.00
• Booths		
Commercial food vendor		
- Base	\$400.00	\$400.00
- Service Vehicles Parking	N/A	\$25.00
- Electrical Surcharge		
• 220 V Service	\$50.00	\$50.00
• Over 50 Amps Use	\$100.00	\$100.00
• Service Vehicles	N/A	\$200.00
Business Outside Of Tent		
- Base	\$270.00	\$270.00
- Service Vehicles Parking	N/A	\$25.00
- Electrical Surcharge		
• 220 V Service	\$50.00	\$50.00
• Over 50 Amps Use	\$100.00	\$100.00
• Service Vehicles	N/A	\$200.00
Community Group Outside Of Tent		
- Base	\$140.00	\$140.00
- Service Vehicles Parking	N/A	\$25.00
- Electrical Surcharge		
• 220 V Service	\$50.00	\$50.00
• Over 50 Amps Use	\$100.00	\$100.00
• Service Vehicles	N/A	\$200.00
Business/Enterprise Inside Tent		
- Base	\$190.00	\$190.00
- Service Vehicles Parking	N/A	\$25.00
- Electrical Surcharge		
• 220 V Service	\$50.00	\$50.00
• Over 50 Amps Use	\$100.00	\$100.00
• Service Vehicles	N/A	\$200.00

<u>Category</u>	<u>2003 Fees</u>	<u>Proposed 2004 Fees</u>
Community Service Group Inside Tent		
- Base	\$85.00	\$85.00
- Service Vehicles Parking	N/A	\$25.00
- Electrical Surcharge		
• 220 V Service	\$50.00	\$50.00
• Over 50 Amps Use	\$100.00	\$100.00
• Service Vehicles	N/A	\$200.00
• Craft Show		
- Inside Tent	\$60.00	\$60.00
- Outside Tent	\$120.00	\$120.00
• Auto Show		
- Booth Vendors	\$60.00	\$60.00
- Classic Car Fee	\$15.00	\$15.00
- Ad Signs	\$100.00	\$100.00
• 10K / 5 K Race		
- Entrants under 18	\$10.00	\$10.00
- Entrants 18 and older One Race	\$15.00	\$15.00
- Entrants 18 and older Both Races	\$20.00	\$20.00
- Late Fee	\$2.00	\$2.00
• Miss Troy/Junior Miss Troy Pageant		
Audience Admission,		
- General	\$3.00	\$3.00
- Entry Fee	\$25.00	\$25.00
• Parade		
- Political Candidates	N/A	\$400.00
- Businesses	N/A	\$100.00

Rationale

Parking

More activities are being added to Thursday justifying starting to charge for parking on Thursday instead of Friday.

Booths

In discussions with other Festivals who have similar limited space capability, they have gone to charging for vendors who leave vehicles near their booths. In this way a vendor can truly determine if it is worth their while to have the vehicle on the festivalgrounds near their booth.

March 12, 2004
John Szerlag, City Manager
Fees Recommendations
Page 3

More food vendors are bringing in refrigerated vehicles that are requiring 24 hour electrical service. Because of the need to rely more extensively on portable generation, the Festival Committee believes vendors need to pay extra for this service.

Parade

In discussions with other Festivals with Parades, they charge political candidates to participate as well as businesses who want their vehicles in the Parade.

If you have any questions please call Jim Cyrulewski at (734) 665-3628 or Bob Berk at (313)-322-9813.

cc: Troy Daze Advisory Committee Members

April 5, 2004

TO: John Szerlag, City Manager
FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
SUBJECT: 2004/05 Proposed Budget Study Sessions

In order to make preparations for the 2004/05 Budget study sessions, we would like to offer the following meeting dates:

Wednesday April 21, 2004 7:30 pm to 10:30 pm

Monday April 26, 2004 7:30 pm to 10:30 pm

Wednesday April 28, 2004 7:30 pm to 10:30 pm

The above schedule will give staff the necessary time to make any revisions to the budget in time for the Public Hearing and adoption of the budget scheduled for May 10, 2004.

March 22, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** - Amendment #1– Hard Rock Concrete, Inc.
Sidewalk Replacement and Installation Program

RECOMMENDATION

On August 4, 2003, the Troy City Council approved a contract to provide a sidewalk replacement and installation program through June 30, 2004, to the low bidder, Hard Rock Concrete, Inc. at an estimated cost of \$366,210.00, plus \$91,552.50 (25%) {Resolution #2003-08-425-E9}. The contract contains an option to renew for two (2) additional one-year periods through mutual consent of both parties.

City management recommends that City Council approve an amendment to the 2003-2004 contract using budgeted money for additional work in the amount of \$69,000.00, for sidewalk installation to be completed by June 15, 2004. (See Attachment I)
Hard Rock Concrete, Inc. has agreed to amend the Sidewalk Replacement and Installation Program as recommended at 2003 contract prices.

2003 Contract Amount	\$366,210.00	
Additional 25%	\$ 91,552.50	
Amendment #1	\$ 68,447.50	

BACKGROUND

- Hard Rock Concrete, Inc. has been able to work at a faster than expected pace while producing a quality product for the City.
- It is to our benefit to take advantage of the construction season for this year by amending the quantity of the 2003-2004 contract, which expires June 30, 2004.
- Moving this work forward would improve the safety for all pedestrians and also reduce the liability for the City.

BUDGET

Funding for this amendment will come from 2003-2004 budgeted funds available in the Capital Accounts for Sidewalks #401513.7989.610 and #401513.7989.700.

Cc: Tom Rosewarne, Superintendent of Streets and Drains

Prepared by: Marina Basta Farouk, Project Construction Manager

ATTACHMENT 1
Amendment to Sidewalk Replacement and Installation Program
Scattered Location Replacement List
(Major Roads Gaps)
to be completed by June 15, 2004

Sidewalk Installation, (Major Roads Gaps) locations;

- 1- 1433 Wattles
- 2- 6545 Livernois
- 3- 2985 Ranieri
- 4- 43003 and 43109 Dequindre
- 5- 2473 Square Lake
- 6- 2403 Square Lake
- 7- 346,3474, and 3450 Livernois
- 8- 14 mile rd by I-75
- 9- South Blvd.

Filtered 2004

SEC #	ADDRESS	LOCATIONS	HOME OWNER	HOME OWNER	CITY	CITY	M.H	TREE
			4 IN	6 IN	4 IN	6 IN	C.B	ROOT
	8: I 75& Crooks west side				128			
7	5682	Andover			100			1
7	2618	Devonwood			75			1
7	2511	Foxchase			50			1
10	5183	Flokstone			75			
10	5263	Hertford			50	side lot		1
10	5175	Hertford			75			1
10	5015	Falmouth			100			1
11	5136	Tyler			50			1
11	1191	Mayberry			75			1
11	5351	Orchard Cres	50					
11	5152	Orchard Crest			100			1
11	5276	Greendale			100			1
11	5333	Churchhill			100			1
11	1955	Stony Cove	75					
12	2540	Bonito			75			1
12	5737	Patterson			100			1
12	2653	Willard			75			1
12	5929	Diamond			75			1
13	2802	Whitehall	50					
13	Vassar	Whitehall				25		
14	4609	Chaple			300			4
15	302	Eckfort ct			125			2
16	342	Paragon			250		1	2
17	4655	Bentley						
17	4412	Whisper Way			75		1	
17	4189	Drexel		100				
18	4965	Adams Pointe			256			
18	2151	Kingsway			200			
18	2399	Hidden Pine			75			1
19	2047	Kristan			125			1
19	2079	Kristan			50			1
19	2095	Kristan			125			1
19	2117	Kristan			125			1
19	2133	Kristan			50			1
19	2149	Kristan			125		1	
19	2152	Lancer			75			1
19	2125	Joanne			175			2

20	1562	Hamlet		50	utitly box			
20	1949	Canary		50				1
21	265	Scottsdale		175				1
21	285	Scottsdale		150				1
21	293	Scottsdale		100				1
21	343	Scottsdale		100				1
21	427	Scottsdale		125				1
21	3864	Lawson		75				1
21	3896	Lawson		75		1		
23	1111	Charington		50				1
23	1356	Tennyson		125				1
23	1364	Tennyson		75				1
23	1391	Kipling		25	125			1
23	1493	Oakcrest						
23	1786	Woodgate		125				1
23	1842	Northlake		75				1
23	3310	Harmony		50				1
23	3400	Ardmore		125				1
23	3591	Millay		125				1
24	2305	Niagara		150				1
24	2591	Trailwood		100				1
24	2668	Rainbow		100				1
24	2698	Avalon		75				1
24	2863	Continental		75	50	1		
24	3447	Cleveland		75				1
25	2060	Crabtree	50					
25	2178	Eva		125				1
25	2321	Castleton		125				1
25	2702	Willams		150				1
25	2703	Willams		125				1
25	2965	Parliament		75				1
27	143	Authur		75				
27	194	Hickory		250				1
35	865	Stephenson	100					
36	883	Milverton		75				1
24	3454	Aurburn		75				1
23	3714	Sandburg		125				1
			325	125	7084	75	5	62

Attention: City of Troy Department of Public Works

To Whom It May Concern:

Hard Rock Concrete, Inc. agrees to amend the Sidewalk Replacement and Installation Program to complete more work in year 2004 than originally estimated in the contract documents for this project in accordance with the location listed on Attachment 1. (See attached)

It is understood that the quantities in Attachment are additional quantities to the current contract (approximately worth \$160,000) and. It is understood that the value of the 2003 contract for work to be completed by June 15, 2004.

Also, the quantities listed in the Attachment are estimated, since as pavement is removed during the project, field conditions may cause quantities to change slightly.

Finally, Hard Rock Concrete, Inc. will hold Year 2003 contract pricing for the additional quantities of work completed in the year 2004 as indicated in Attachment 1.

Thank you.

Sincerely,

Reece J. [Signature]
1/24/04



Memo

To: John Szerlag, City Manager

From: Gary Shripka, Assistant City Manager/Services
Steve Vandette, City Engineer
Timothy Richnak, Public Works Director

Date: March 25, 2004

Re: August 4, 2003 City Council request for a future update on sidewalk construction deviations from the City of Troy Engineering Development Standards

DPW completed the following projects last year:

- South side of Long Lake Road East of Adams 443 feet of 8' walk
- South side of Maple East of John R 405 feet of 8' walk
- Square Lake from Hilmore to Troy Union School 425' of 8' walk.
- Square Lake from Teakwood to Slate 565 feet of 5' walk: This walk was installed at 5' and meandered due to utility poles fire hydrants, roadside drainage ditch and efforts to save trees. Concrete cost savings around \$6000, however moving poles, hydrants and drainage work could add up to substantial costs.

As a part of reconstruction: (quoting Steve Vandette from a memo to Council dated: Nov 2002):

Long Lake, Carnaby to Dequindre: The project originally proposed to construct eight (8) foot sidewalks on the north and south sides of Long Lake. The project now completed has a five (5) foot sidewalk on the north side and an eight (8) foot sidewalk on the south side. This is

consistent with the sidewalk constructed in the last phase of Long Lake, from Falmouth to Carnaby (completed in 1998).

During the design phase and with subsequent utility meetings with Detroit Edison, it was discovered that by maintaining the existing five (5) foot sidewalk on the north side of Long Lake Road, approximately 33 of 63 Detroit Edison utility poles would not need to be relocated for the road-widening project. Widening and/or replacing the existing 5-foot sidewalk with an 8' sidewalk would have necessitated that these 33 Detroit Edison poles be relocated. Since Edison would have had to move the poles, there would not be a direct cost saving for the City, however, there were indirect cost savings in terms of timesavings. **If Edison had to move the 33 poles, the entire project would have been extended by six months.**

Approximately 7,600 linear feet of existing 5 foot sidewalk on the north side of Long Lake Road were saved, **which amounts to around \$ 228,000 in cost savings.** Short sections were replaced at drive approaches and as needed for the road construction, but the majority of the existing 5-foot sidewalk was saved. Approximately 1750 feet of new sidewalks (5 foot) were reconstructed / added this way (**around \$20,000 in concrete cost savings**).

Prepared by John Abraham, Deputy City Engineer/Traffic Engineer

E-8 Acceptance of Permanent Easement for Drainage and Approval to Pay Consideration – Section 1 Golf Course Passing Lane – Project No. 98.910.5 – Patricia H. Schaefer Runquist – Sidwell #88-15-36-376-013

Resolution #2003-08-425-E-8

RESOLVED, That the Permanent Easement for Drainage from Patricia H. Schaefer Runquist, owner of property having Sidwell #88-15-36-376-013 is hereby **ACCEPTED**, and that payment is **AUTHORIZED** in the amount of \$2,725.00 plus recording costs; and

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

E-9 Corrected Resolution: Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program From Regular City Council Meeting Held on Monday, August 4, 2003

NOTE: The below corrected Resolution #2003-08-400 from the Regular City Council Meeting held on Monday, August 4, 2003 has been resubmitted for Council approval noting that June 30, 2003 should read August 4, 2004.

Resolution #2003-08-425-E-9

RESOLVED, That a contract to provide a Sidewalk Replacement and Installation Program through June 30, ~~2003~~ 2004, with an option to renew for two (2) additional one-year periods is hereby **AWARDED** to the low bidder, Hard Rock Concrete, Inc. for an estimated total cost of \$366,210.00, at unit prices contained in the bid tabulation opened 7/22/03, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes to the quantity of work is needed, the total arithmetic dollar value of all such changes does not exceed +/- 25% of the contract total per year and falls within budgetary limits.

BE IT FINALLY RESOLVED, That City Council **DIRECT** City Administration to provide a report to City Council at the end of this contract listing all cases where development standards were waived and the amount of savings that resulted.

E-11 Private Agreement for Light Industrial Bldg. – 1893 Birchwood – Project No. 03.912.3

Resolution #2003-08-425-E-11

July 22, 2003

E-06

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder –
Sidewalk Replacement and Installation Program

RECOMMENDATION

On July 22, 2003, bids were received for the Sidewalk Replacement and Installation Program. City management recommends awarding the contract to the low total bidder, Hard Rock Concrete Inc. for an estimated total cost of \$366,210.00, at unit prices contained in the attached bid tabulation opened 7/22/03.

In addition, staff requests authorization to change the quantity of work either additive or deductive at unit prices quoted, provided the total arithmetic dollar value of all such changes does not exceed 25% of the contract total per year and falls within budgetary limits.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements. Due to bonding requirements, the program was bid on a low total award basis.

BUDGET

Funds are available from the 2003/04 budget in the Capital Accounts for Public Works Construction Sidewalk Replacement and Installation Programs.

A comparison of the budgeted amount to the low bid follows:

Account Number	Project Description	As- Bid Amount	Budget Amount
401513.7989.700	Sidewalk Replacement	\$334,915.00	\$385,000.00
401513.7989.610	Sidewalk Installation	\$31,295.00	\$110,000.00

Locations for sidewalk installations have not been specified, and will only be used if areas occur with sidewalk gaps.

44 MITN Vendors Notified
2 Vendor Walk-Ins
3 Bid Responses Rec'd

Opening Date -- 7-22-03
Date Prepared -- 7/24/03

CITY OF TROY
BID TABULATION
SIDEWALK REPLACEMENT & INSTALLATION

ITB-COT 03-12

VENDOR NAME:

HARDROCK CONCRETE INC	LACARIA CONCRETE CONSTRUCTION	MAJOR CEMENT
473451098	650329643	214824
\$ 2,500.00	\$ 2,500.00	\$ 2,500.00

CHECK #:

CHECK AMOUNT:

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	EST. QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	79,100 S.F.	\$ 3.15	\$ 249,165	\$ 3.05	\$ 241,255	\$ 4.15	\$ 328,265
2	Remove and Replace 6" Concrete	8,500 S.F.	\$ 3.50	\$ 29,750	\$ 4.00	\$ 34,000	\$ 5.00	\$ 42,500
3	Remove and Replace 8" Concrete	500 S.F.	\$ 4.50	\$ 2,250	\$ 4.50	\$ 2,250	\$ 5.50	\$ 2,750
4	Adjusting Drainage Structure	30 EACH	\$ 175.00	\$ 5,250	\$ 125.00	\$ 3,750	\$ 350.00	\$ 10,500
5	Reconstruct Drainage Structure	20 EACH	\$ 175.00	\$ 3,500	\$ 300.00	\$ 6,000	\$ 550.00	\$ 11,000
6	Reconstruct Sanitary Manhole	10 EACH	\$ 275.00	\$ 2,750	\$ 350.00	\$ 3,500	\$ 550.00	\$ 5,500
7	Handicap Ramps	50 EACH	\$ 300.00	\$ 15,000	\$ 240.00	\$ 12,000	\$ 350.00	\$ 17,500
8	Tree Root Grind	545 EACH	\$ 50.00	\$ 27,250	\$ 59.00	\$ 32,155	\$ 115.00	\$ 62,675
9	Traffic Maintenance	Included	Included		Included		Included	
10	Soil Erosion Control	Included	Included		Included		Included	
11	Restoration	Included	Included		Included		Included	
Est. Total Cost - Proposal A				\$ 334,915		\$ 334,910		\$ 480,690

PROPOSAL B: Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Tress 3" - 7"	Ea	2.0	\$ 200.00	\$ 400	\$ 200.00	\$ 400	\$ 300.00	\$ 600
2	Removing Trees 8" - 18"	Ea	2.0	\$ 500.00	\$ 1,000	\$ 500.00	\$ 1,000	\$ 750.00	\$ 1,500
3	Removing Sidewalk & Driveway App.	S.Y.	10.0	\$ 4.50	\$ 45	\$ 10.00	\$ 100	\$ 16.00	\$ 160
4	Relocate Hydrant, If needed	Ea	1.0	\$ 2,000.00	\$ 2,000	\$ 2,500.00	\$ 2,500	\$ 2,500.00	\$ 2,500
5	Relocate Flag Pole, If needed	Ea	1.0	\$ 150.00	\$ 150	\$ 200.00	\$ 200	\$ 250.00	\$ 250
6	Relocate Sign & Posts, If needed	Ea	1.0	\$ 60.00	\$ 60	\$ 100.00	\$ 100	\$ 150.00	\$ 150
7	Remove/Replace Concrete Curb/Gut	L.F.	20	\$ 22.00	\$ 440	\$ 20.00	\$ 400	\$ 38.00	\$ 760
8	Class A Culvert, 12", If needed	L.F.	10	\$ 35.00	\$ 350	\$ 20.00	\$ 200	\$ 65.00	\$ 650
9	Adjust Drainage Structures	Ea	3.0	\$ 200.00	\$ 600	\$ 200.00	\$ 600	\$ 350.00	\$ 1,050
10	Drainage Structure Covers	LBS	2000	\$ 1.90	\$ 3,800	\$ 0.90	\$ 1,800	\$ 1.00	\$ 2,000
11	Install Concrete Sidewalk 4"	S.F.	2000	\$ 3.00	\$ 6,000	\$ 3.30	\$ 6,600	\$ 4.65	\$ 9,300
12	Install Concrete Sidewalk 6"	S.F.	3600	\$ 3.15	\$ 11,340	\$ 3.90	\$ 14,040	\$ 5.25	\$ 18,900
14	Traffic Maintenance	LSUM	1.0	\$ 1,500.00	\$ 1,500	\$ 1,000.00	\$ 1,000	\$ 2,000.00	\$ 2,000
15	Soil Erosion Control	LSUM	1.0	\$ 1,000.00	\$ 1,000	\$ 1,000.00	\$ 1,000	\$ 200.00	\$ 200
16	Class A Sod	S.Y.	335	\$ 6.00	\$ 2,010	\$ 12.00	\$ 4,020	\$ 4.00	\$ 1,340
17	Watering Lawn Areas (1,000 Gal)	UNITS	1.0	\$ 300.00	\$ 300	\$ 500.00	\$ 500	\$ 200.00	\$ 200
18	Mowing Grass Areas	TIMES	4.0	\$ 75.00	\$ 300	\$ 100.00	\$ 400	\$ 250.00	\$ 1,000
19	Restoration	Included		Included		Included		Included	
Est. Total Cost - Proposal B				\$ 31,295		\$ 34,860		\$ 42,560	

ESTIMATED GRAND TOTAL - PROPOSALS A & B * \$ 366,210 \$ 369,770 \$ 523,250

INSURANCE:	Can Meet Cannot Meet	XX	XX	XX
PROGRESS PAYMENTS:	Identified as	N/A	BLANK	SAME AS PRIOR YEARS
TERMS		AS IN THE CONTRACT	BLANK	BLANK
WARRANTY		AS IN THE CONTRACT	PER CONTRACT	BLANK
EXCEPTIONS		NONE	BLANK	NONE

ATTEST:
Marina Basta-Farouk
MaryAnn Hays
Linda Bockstanz

* DENOTES LOW TOTAL BIDDER

Jeanette Bennett
Purchasing Director



Downloading History for ITB-COT 03-12Sidewalk

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 7/24/2003.

Document Title:	Sidewalk Replacement And Installation Program
Date Issued:	7/1/2003
Close Date:	7/22/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
11428	Adj Excavating, Inc	E-mail		
12306	Advanced Services Lawn and Landscape	E-mail	7/9/2003	
12964	Ajax Materials Corporation	E-mail	7/3/2003	
12466	Al's Asphalt Paving Co., Inc.	E-mail		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
12250	Barrett Paving Materials Inc.	E-mail		
10142	Benchmark Financial Ltd	E-mail		
11742	Bowen Paving, Inc.	Fax		
11631	Bowman Construction LLC	Free	7/7/2003	
10928	Commercial Contracting Corporation	E-mail		
12323	D.L.F. Trucking, Inc.	Fax		
12287	Demko Inc.	Free	7/3/2003	
10850	DiLisioContracting Inc.	E-mail		
12624	DLZ Michigan, Inc.	Free	7/16/2003	
12402	Dusing Security & Surveillance, Inc.	E-mail	7/12/2003	
13228	E.A. Graphics	Free	7/7/2003	
12164	Edw. C. Levy Co.	E-mail		
12938	Farrow Group, Inc.	Fax	7/2/2003	
11657	Giffels-Webster Engineers, Inc.	Free	7/2/2003	
10938	Great Lakes Landscaping & Construction Inc.	Fax		

13332	HARDROCK CONCRETE, INC.	Free	7/12/2003	
10833	Hartwell Cement Company	E-mail	7/2/2003	
11514	Highway Maintenance & Construction Co.	E-mail		
12021	JOHN CARLO, INC.	E-mail		
13259	L Squared Construction, L.L.C	Fax	7/8/2003	
12254	L-D-J CONSTRUCTION, INC.	E-mail		
13213	Major Cement Co.	Free	7/3/2003	
11884	Mathisen Company	Fax		
10429	Metropolitan Asphalt Paving, Inc.	Fax		
12149	National Alliance of Cabling & Technology	E-mail	7/10/2003	
12761	Northwest Consultants, Inc.	E-mail		
11059	Pamar Enterprises, Inc.	E-mail	7/2/2003	
12670	Professoanl Engineering Associates	Free	7/2/2003	
12265	scodeller construction, inc.	E-mail		
12005	Speedy Excavating, Inc	Fax		
10113	Sullivan Corporation	Free	7/2/2003	
10327	T & M ASPHALT PAVING, INC.	E-mail		
12181	T-III, LTd.	Free	7/8/2003	
12577	terrasini cement	E-mail		
10974	The Avrie Group, Inc.	E-mail		
12535	The Stansley Group	E-mail		
11814	Tony Anthony Inc	E-mail		
10101	Vac-All Service, Inc.	E-mail		
10604	white excavating company inc.	Fax		

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March 30, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
John M. Lamerato, City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Director of Parks & Recreation

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 8: Best Value Process Award – Food Service Provider Sanctuary Lake Golf Course

RECOMMENDATION

On February 10, 2004, three (3) proposals were received to provide food service at Sanctuary Lake Golf Course for one (1) year, with two (2) one (1) year options to renew. City management recommends that a contract be awarded to Emerald Food Service Inc., the highest scoring respondent with the overall highest return, as a result of a best value process. Emerald Food Service Inc. has guaranteed a minimum return of \$10,000.00 or (5 to 12%), depending on total gross revenue. (See Appendix 1) The proposal combines gross receipts of both the Community Center and Golf Course. City management recommends recasting the lease agreement with Emerald Food Service to incorporate the new facility and new rate of return. The award is contingent upon vendor submission of proper contract and proposal documents, including insurance certificates and all specified requirements.

SELECTION PROCESS

Although Emerald Food Service Inc., had the highest total score, the award recommendation is based upon the vendor offering the best combination of a variety of factors, which included evaluation criteria and pricing.

To be considered, the bidders were required to meet the following minimum requirements:

- Minimum of five (5) years in business
- Financial ability
- Liquor License eligibility
- Similar operation
- Positive references
- Insurance requirements

Three staff members independently evaluated proposals of the bidders meeting these minimum requirements, and references were contacted and asked scripted questions.

March 30, 2004

To: John Szerlag, City Manager

Re: Award Recommendation – Food Service Provider Sanctuary Lake Golf Course

SELECTION PROCESS - continued

After completing the evaluation process, Emerald Food Service Inc. received the highest weighted score from the committee. In an effort to create the most professional and customer friendly atmosphere at Sanctuary Lake Golf Course, the committee agreed that Emerald Food Service Inc. was the bidder best suited to meet the City's needs.

Emerald Food Service has proposed combining gross receipts of all monies from the Community Center and Sanctuary Lake Golf Course in the return schedule. The return schedule in this proposal is better than the existing schedule for the Community Center operation. The contract for the Community Center expires March, 2005 with two (2) one year renewal options. This will allow contract terms for both operations to be evaluated after one year.

SUMMARY

Emerald Food Service Inc. attributes include menu selections, affordable pricing, ability to service patrons on and off the course, and the ability to accommodate special events. Emerald Food Service Inc. will staff the food service area April to November and provide the patrons at Sanctuary Lake with all food and beverage needs. The City's experience with Emerald Food Service Inc., along with the company's comprehensive background in the food service industry, would indicate a smooth opening and successful business transition.

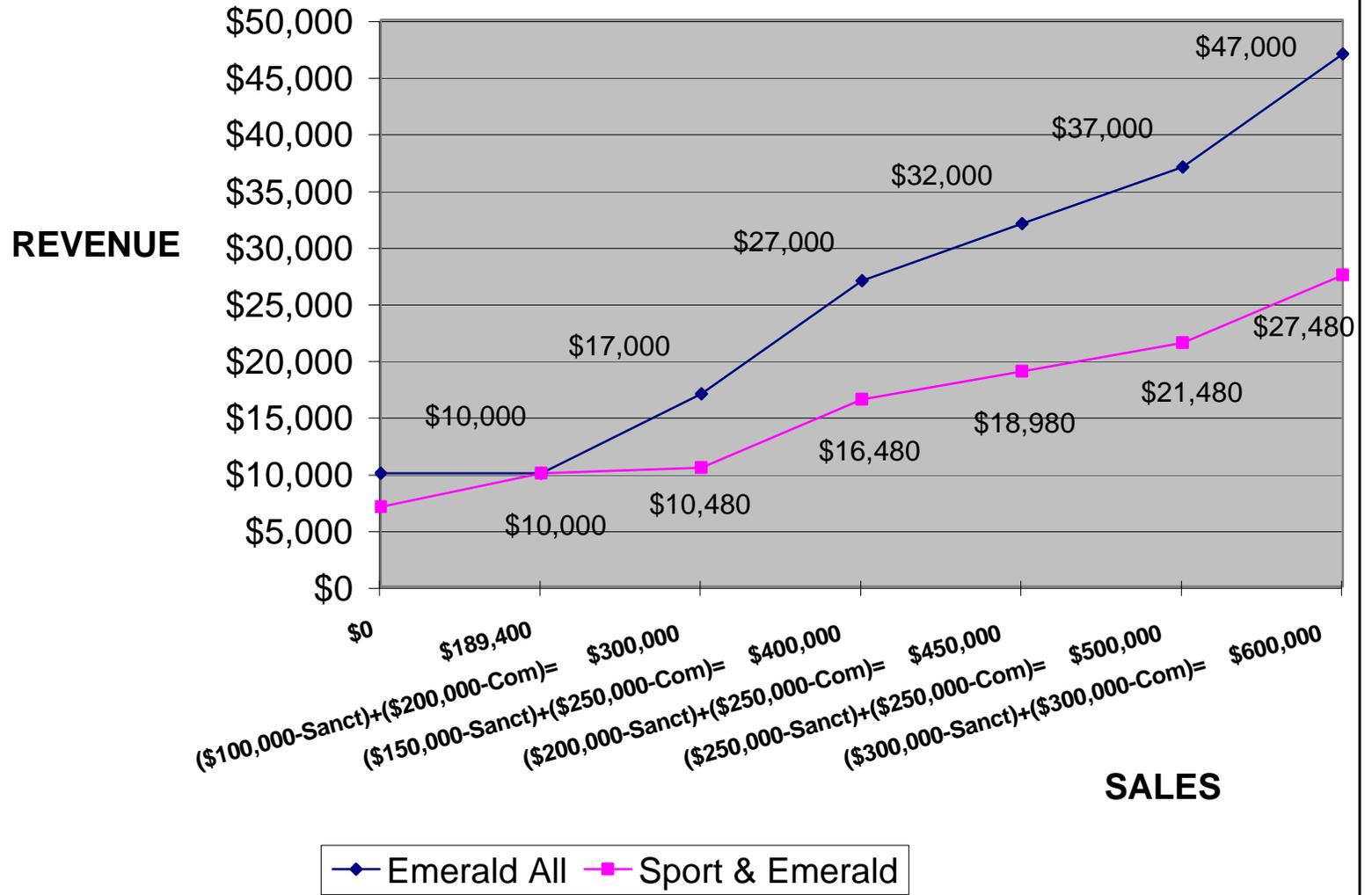
70 Vendors Notified on MITN System

3 Proposal Responses Rec'd

1 Proposal Withdrawn

2 No Bids: (1) Company would be interested in future food service opportunities.
(1) Company is in the process of opening several new accounts.

REVENUE SHARING PLAN COMPARISON





EXECUTIVE SUMMARY

FOOD SERVICE FOR THE SANCTUARY LAKE GOLF COURSE

STATISTICS:

- ◆ Seventy-nine (79) notices of the availability of the Request for Proposal document were mailed.
- ◆ Seventy (70) Vendors were notified on the MITN system.
- ◆ Two (2) “No Bid” responses were received: 1) HDS Services would like to be involved in future food service opportunities; 2) Crank’s Catering & Foodservice Mgmt. Indicated that they were in the process of opening several new accounts.
- ◆ Emerald Food Service was highest scoring respondent with the highest return.
- ◆ Carmela’s Cakes, Cookies, & Catering, LLC withdrew their proposal on March 5, 2004. It should be noted that their return figures were higher than the expected gross sales of the other bidders. A meeting was scheduled with this company on Wednesday, March 3, 2004 to review the contract requirements and seating capability of the facility since they did not appear for a site visit.

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

COMPANY	SCORE
A. Emerald Food Service Inc.	83
B. Sport Orion Express	69
C. Carmela’s Cakes, Cookies & Catering, LLC	Withdraw

Selection Process:

1. Bidders were pre-qualified (3) by Parks and Recreation staff including evaluating the Pass / Fail criteria, the weighted non-mandatory objectives, and the reference checks.
2. A bid tabulation was prepared, and a revenue sharing plan comparison completed.
3. The final scoring of each RFP was prepared.



EXECUTIVE SUMMARY
FOOD SERVICE FOR THE
SANCTUARY LAKE GOLF COURSE

Weighted - Ratings

Raters:	1	2	3	AVERAGE
Vendors:				
A. Emerald Food Service Inc.	85	85	79	83
B. Sport Orion Express	74	74	60	69

Opening Date -- 2/10/04
 Date Prepared -- 3/16/04

CITY OF TROY
 TABULATION
 FOOD SERVICE - SANCTUARY LAKE G.C.

FIRM NAME:		Emerald Food Service Inc	Sport Orion Express	Carmela's Cakes, Cookies & Catering LLC Withdrawn
PROPOSAL: Furnish and Provide Food Service for the Sanctuary Lake Golf Course as described in the specifications with an option to renew for two additional one-year periods.				
RETURN SCHEDULE:	% of Gross Receipts	5 - 12%*	5.00%	30% (withdrawn)
	Guaranteed Min. Per Year:	\$10,000.00	\$5,000.00	\$383,400 (withdrawn)
SITE REVIEW:	Visted the Site on:	2x prior to 01/01/04	1/19/04	
	Did not Review the Site:			Did Not Visit
INSURANCE:	Can Meet	Can Meet**	Can Meet	Do Not Carry
	Cannot Meet			Can Obtain \$1mil at \$2,500.00
INSURANCE LETTER:	Y or N	Yes	Yes	No
QUESTIONNAIRE SECTION:	Completed - Y or N	Yes	Yes	Yes
TERMS:		N/A	1 Year with 2 Year Renewal	Blank
WARRANTY:		N/A	Blank	Blank
EXCEPTIONS:		Listed in Bid - Clarification -	Listed in Bid - Add'l Info -	Blank
ACKNOWLEDGEMENT:	Completed - Y or N	Yes	Yes	Yes
PROPOSED MENU PRICING	Y or N	Yes	Yes	Yes
OUTSIDE GRILL MENU	Y or N	Yes	Yes	Yes
CONCESSION CART MENU	Y or N	Yes	Yes	Yes
SPECIAL EVENT MENU	Y or N	Yes	Yes	Yes
VENDOR QUESTIONNAIRE	Y or N	Yes	Yes	Yes
Notice of Addendum 1		Yes	Yes	Not Attached
Notice of Addendum 2		Yes	Not Attached	Not Attached

***Addendum Attached To Bid:**

- Gross Receipts from All Operations - Café & Sanctuary Lake Combined

Gross	Return
\$0-\$200,000	\$10,000 (Guaranteed Min.)
\$200,001-\$300,000	7%
\$300,001-\$600,000	10%
\$601,000 or More	12%

ATTEST:

Theresa S. Grafton
 Kevin Grubb
 Linda Bockstanz

Jeanette Bennett
 Purchasing Director

BOLDFACE TYPE DENOTES BEST VALUE PROPOSAL

Carmela's Cakes, Cookies & Catering, LLC
37156 Dequindre* Sterling Heights, Michigan 48310*586.264.9451

March 5, 2004

Carol K. Anderson
Director of Parks and Recreation
City of Troy
3179 Livernois
Troy, Michigan 48083

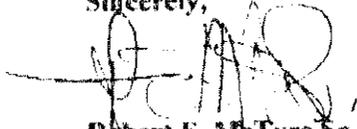
Jeanette Bennett
Purchasing Director
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Dear Ms. Anderson and Ms. Bennett:

After much consideration we have decided to withdraw our proposal from the Sanctuary Lake Golf Course RFP competitive bid process effective immediately.

Thank you for the opportunity to be part of this process and we look forward to working with you in some capacity in the future.

Sincerely,



Robert E. McTyre Sr.
Chief Administrative and Financial Officer



Carmela A. McTyre
Chief Executive Officer and Executive Chef



Downloading History for RFP-COT 03-19 Food Serv

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/31/2004.

Document Title:	Food Service Provider for Sanctuary Lake Golf Course
Date Issued:	1/7/2004
Close Date:	2/10/2004
Date Amendment #1 was Issued:	1/22/2004
Date Amendment #2 was Issued:	2/2/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

<u>Acct #</u>	<u>Company Name</u>	<u>Service</u>	<u>Date Obtained Document</u>	<u>Date Obtained Amendments</u>
15686	A to C Vending & Coffee Serv. DBA A to Z Vending	Free	1/22/2004	
11295	ABL Management Inc.	E-mail	1/8/2004	
13674	Aim Vending and Coffee Service Inc.	E-mail		
11797	Airport Consulting Incorporated	E-mail		
11139	ALL STAR DESK	Free	1/26/2004	
14279	Amerinational Community Services	E-mail		
13514	Aquila Capital Partners, LLC	Fax		#2 2/2/2004
11648	AVI FOODSYSTEMS, INC.	E-mail	1/7/2004	
12114	B & B Lawn Service	Fax	1/9/2004	#2 2/2/2004
13649	BAA USA, Inc.	E-mail		
12172	Berkshire Advisors, Inc.	E-mail		
14575	Biz-Tech, Inc.	E-mail		

12801	Carmela's Cakes, Cookies, & Catering LLC	E-mail	1/31/2004	#1 1/30/2004 #2 2/4/2004
15270	Compass Group-NAD	E-mail	1/7/2004	
11433	Compass Group/Canteen Correctional	E-mail		
10175	Consolidated Vendors Corporation (CVC)	E-mail	1/12/2004	
11535	Continental Services	Fax	1/13/2004	#2 2/2/2004
15830	Cornell Engineering Company	Free	2/2/2004	
13670	Crank's Catering and Foodservice Management	E-mail	1/8/2004	
12360	DeCarlo's Banquest & Convention Center	Fax		#2 2/2/2004
13317	DJG & Associates	E-mail		
14674	EKL Services	E-mail		
14500	Emerald Food Service Inc.	E-mail	2/6/2004	#1 2/2/2004 #2 2/2/2004
13448	Great Lakes Executive Services, LLC	E-mail		
14126	Hardeman and Associates	Fax	1/9/2004	#2 2/2/2004
15539	HLD	E-mail	2/1/2004	
14309	HP Products	Free	2/3/2004	
14872	J-Anderson, Inc	E-mail		
13524	Joy Manor, Inc.	E-mail	1/19/2004	#1 1/22/2004
15940	LaHill, Inc.	Free	2/9/2004	
10866	Main Street Catering	Fax		#2 2/2/2004
14525	Maro Enterprises LLC	E-mail	1/9/2004	
15688	Melki Enterprises dba Steamers Cafe	Free	1/19/2004	
10388	Mersino Pump & Power, Inc.	E-mail		#1 2/6/2004
11223	Metro Vending Services	E-mail		
13310	North Star Refrigeration, Heating and Cooling	E-mail		
15594	Oak Management Corporation	Free	1/12/2004	
10570	Pontiac Coffee Break Inc	E-mail		
12026	Prism Solutions, LLC	E-mail		

15182	Quality Break Systems, Inc.	Free	1/30/2004	
14468	Quality Building Service Inc	E-mail	1/9/2004	
13746	Quality Cuisine	Fax		#2 2/2/2004
15389	Restoration Cleaning Services	E-mail	1/8/2004	
12531	Rohr gasoline equipment inc.	E-mail		#2 2/2/2004
14727	Roman Vending Company	E-mail		
13937	S & J Catering Inc.	E-mail	1/7/2004	
15749	Salvatore Foodservice Inc.	Free	1/26/2004	#1 1/26/2004 #2 2/3/2004
10141	Schumaker & Company, Inc.	E-mail		
12726	Security Options	E-mail	1/26/2004	#1 1/29/2004
13730	SMART Management Group, LLC	E-mail		
13494	Somat Engineering	E-mail	1/7/2004	
12826	Specialized Vending Services	E-mail		
14419	Sport Orion Express	Free	2/1/2004	#1 2/1/2004 #2 2/3/2004
13758	Steve's Delicatessn/Soul Food Restaurant	E-mail		
14516	Sysco Food Services of Detroit, LLC.	E-mail	2/5/2004	#2 2/5/2004
15484	Tetra Tech MPS	E-mail		
12562	TEXAS ROADHOUSE SH..	Free	1/10/2004	
10974	The Avrie Group, Inc.	E-mail		
13301	The Devon Group	Free	1/13/2004	
15820	The Gathering Place	Free	1/30/2004	
12779	The Standard Companies, Inc.	E-mail		
11748	u design concepts inc.	E-mail		
15574	U.S. Foodservice	Free	1/9/2004	
14488	Valley Turf	Free	1/12/2004	
15575	Variety FoodServices	Free	1/9/2004	#1 1/23/2004
13345	Vending R' Us	E-mail	1/16/2004	#2 2/3/2004
14411	VendTek Wholesale Equipment, Inc.	Fax	1/8/2004	#2 2/2/2004

13207	Walbridge Aldinger Company	E-mail		
10170	Wolverine Restaurant Equipment, Inc.	Free	1/16/2004	
15564	Z TEAM ENTERPRISES INC	Free	1/9/2004	

[Return to Main Menu](#)

[Return to Report Menu](#)

Reference Questions

RFP 03-19 Food Service Operator – Sanctuary Lake Golf Course

Vendor:	
Reference Name:	
QUESTIONS:	RESPONSES:
1) What was the scope of the work conducted by _____ ? (company)	
2) Were they able to provide you with adequate results for the work contracted? Were there any problems or misunderstandings?	
3) Did _____ have any difficulty (company) keeping the schedule requested?	
4) Were you happy with the personnel assigned to your account? If you were unhappy, what specifically did you not like?	
5) Does the company operate under a State of Michigan Liquor License? If yes, have there been any violations?	
6) What is this company's strength?	
7) Can you think of anything that was negative in nature with your exposure with this company?	

**EVALUATION FORM
FOOD SERVICE OPERATOR
SANCTUARY LAKE GOLF COURSE**

RATER 1

VENDOR	A	B	C
NAME:			
ADDRESS:			
CITY/STATE/ZIP:			
PHONE/FAX:			

OBJECTIVES: PASS / FAIL MINIMUM REQUIREMENTS		INFORMATION	GO/NO	INFORMATION	GO/NO	INFORMATION	GO/NO
• Five (5) years in business							
• Financial Ability							
• Liquor License Eligibility							
• Similar Operations							
• Positive References							
• Insurance Requirements							
• Exceptions to Specifications							
OBJECTIVES:	Point Value	INFORMATION	SCORE	INFORMATION	SCORE	INFORMATION	SCORE
Non-Mandatory Requirements							
QUALIFICATIONS & EXPERIENCE	100						
1. Menu Selections	20						
2. Menu Pricing	20						
3. Space Plan	5						
4. Staff Uniforms, Equipment	15						
5. Signage	5						
6. Staffing Adequacy	10						
7. Full Service: grillroom, turn service, vending, special events	20						
8. Other: Additional points for Special consideration	5						

MAXIMUM SCORE: 100

Non-Mandatory Requirements: Items are in random order of importance

DATE: March 29, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Revisions to Chapter 97 Troy City Code
Coin Operated Amusement Devices and Arcades

Staff has been working with a resident that is interested in opening up a business in the city that would be, as he calls it, an “edutainment” facility. Because of the amount of income of the facility that would be generated by coin operated amusement devices it would be defined as an arcade by the provisions of Chapter 97 of the Troy City Code. As such, the facility would have to be located a minimum of 300 feet from any residentially zoned property. The proponent sees this requirement as a significant hardship in finding a suitable location for his facility.

The basic definition for an arcade in the Ordinance is *“any place, premises or establishment or room open to the public set aside in a commercial establishment where the income from coin-operated amusement devices exceeds five (5%) percent of the income of the principal business conducted at the place, premises, room or establishment”*. Once meeting that definition, all arcades are required to meet the same licensing, location, and operational standards.

What the proponent is asking it to differentiate between arcades and his form of business that is commonly referred to as a “family entertainment center”. While Staff believes that the restrictions relating to arcades are still applicable and warranted due to the secondary impacts, we agree that the same concerns are not appropriate when dealing with these “family entertainment centers”.

Staff has reviewed the requirements of the ordinance and recommends that the ordinance be revised to create two different levels of arcade facilities. The first would be facilities that generate between 5% and 33% of their income from coin operated amusement devices. Based upon our research this category would encompass most of the facilities that a commonly referred to as “family entertainment centers”. This includes facilities such as Chucky Cheese, Major Magic, Ceasarland, as well as the one proposed in this request. It is proposed that these facilities, although still subject to the

requirements for licensure as an arcade, would not be subject to the 300-foot setback from residential.

The second class of arcades would be ones that generate more than 33% of their income from coin operated amusement devices. This would include the pure arcade, such as the existing one at Oakland Mall, as well as facilities such as Dave and Buster's and Jillian's that typically generate about 40% - 50% of their income from the devices. These facilities would still require the residential setback.

In order to implement this change the attached proposed language, revising Section 4 and 14 of the Ordinance, is submitted for your consideration. In addition to adopting the two step requirements in part B, we are also proposing to revise part D of this section to bring it up to date with the referenced building code standard.

We will be happy to provide any additional information that you require on this matter.

Reviewed as to form and legality: _____

Proposed Revisions to Chapter 97, Troy City Code

4. Location.
 - A. No arcade is permitted on any property unless the property is zoned B-3 (Commercial) as defined in the Zoning Ordinance for the City of Troy.
 - B. No arcade where the income from coin-operated amusement devices exceeds thirty three (33%) percent of the income of the principal business is permitted in any part of a building when the building is within three hundred (300) feet of a residential zoning district.
 - C. No arcade is permitted on any part of a lot which is within fifteen hundred (1500) feet of a building containing another arcade.
 - D. No license for an arcade or coin-operated amusement device shall be issued for any place, premises, establishment or room unless located within a building in which persons assemble for amusement, entertainment, or recreation, ~~as~~-classified as an Assembly Use Group in the 1981 B.O.C.A. Code, Sections 302.3 and 302.4 current edition of the Michigan Building Code as adopted in Chapter 79, Section 8-1 of the City of Troy Ordinance.

14. Counting Devices. Coin-operated amusement devices ~~accessory to a principal use~~ must be equipped with a counting device so that a determination can be made that the enterprise falls within the five (5%) percent or thirty three (33%) percent limitation by correlation of gross receipts therefrom with the financial statement of the business. The licensee shall be required to record, certify and maintain such records for a period of two (2) years.

RECEIVED

JAN 30 2004

BUILDING DEPARTMENT

January 30, 2004

City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Mr. Mayor, Members of Council:

I am a resident of Troy and have lived in the city nearly my whole life. My wife Kathleen and I have three children all under the age of 6, the older two attend Leonard Elementary.

We have a feasibility study in progress for a Family oriented recreation facility to be located in Southeastern Michigan. The facility will be a relatively upscale 'Edutainment' complex, designed for 2-12 year old children, with the parents comfort in mind. We have found several communities in the area which will successfully host this type of facility, however, because my roots are here in Troy I have been pushing them toward looking hard at our City.

The problem is that Troy ordinances recognize any facility that derives more than 5% of revenue from Coin Operated Amusement Devices as an arcade, which instills additional set-back requirements and other hardships that are beginning to make Troy a long shot at best. Below I will outline the concept and offer suggested text amendment changes to city code I hope you will consider.

The facility will contain:

- Restaurant area / snack bar
- Coin operated games designed around enhancing child development and cognitive thinking
- Birthday party rooms
- A padded toddler/baby play area for children under the age of two
- Several play 'islands'

Activities currently being considered for the play islands include a 'dress-up' area, playhouse, play grocery market, play fire station, play police station, face painting area, climbing rock, maze, arts and crafts activities, water play, sand play etc. - all time tested and proven high touch components and programming that include hands-on, interactive play.

The point I am trying to stress is that although approximately 30% of revenues will be derived from games and redemption type devices, I think the term 'arcade' conjures up an image this facility will not reflect.

I believe these ordinances were written many years ago to prevent teens from hanging around the old type arcade until the wee hours of the morning and disturbing the neighbors, and no one could argue this. However, I do not see this particular concept causing the problems the ordinance was originally designed to preclude. In fact, teens would be bored with this facility since it will be designed for the younger crowd, with family comfort in mind.

The currently vacant DSW Shoe Warehouse building on Rochester Road offers an opportunity to bring in a wholesome, community oriented, quality facility where families can bring the kids, and build upon the city's family oriented leisure time offerings. The building is zoned B-3 which is the correct zoning for the facility. However due to the restrictive 5% ordinance, the city would classify this an arcade and an additional 300' set-back restriction from residential property is imposed. Which eliminates this as a potential location.

My wife and I would like a wholesome, family oriented destination where we can take our three children for a couple hours of fun and learning, and I believe there are many others in our community who are also tired of the default choices available in neighboring communities.

My request is to make a text change to Chapter 97, Coin-Operated Amusement Devices and Arcades, specifically the definition of Arcade should be changed from 5% to 35% of revenue.

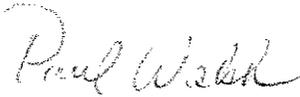
The other alternative would be to amend or delete Chapter 97, Coin-Operated Amusement Devices and Arcades, #4, b., which currently reads:

B. No arcade is permitted in any part of a building when the building is within three hundred (300) feet of a residential zoning district.

Your consideration of this matter is all I can ask, and is greatly appreciated. I am available at the numbers listed below for any questions.

Thank you for your time.

Sincerely,



Paul Walsh

Home (248)524-2205

Office (734)955-5043

Cell (248)227-6289

email: p_walsh@wideopenwest.com

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 97 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 5th amendment to Chapter 97 of the Code of the City of Troy.

Section 2. Amendment

Section 4 of the Ordinance shall be amended to read as follows:

4. Location.
 - A. No arcade is permitted on any property unless the property is zoned B-3 (Commercial) as defined in the Zoning Ordinance for the City of Troy.
 - B. No arcade where the income from coin-operated amusement devices exceeds thirty three (33%) percent of the income of the principal business is permitted in any part of a building when the building is within three hundred (300) feet of a residential zoning district.
 - C. No arcade is permitted on any part of a lot which is within fifteen hundred (1500) feet of a building containing another arcade.
 - D. No license for an arcade or coin-operated amusement device shall be issued for any place, premises, establishment or room unless located within a building in which persons assemble for amusement, entertainment, or recreation, classified as an Assembly Use Group in the current edition of the Michigan Building Code as adopted in Chapter 79, Section 8-1 of the City of Troy Ordinance.

Section 14 of the Ordinance shall be amended to read as follows:

14. Counting Devices. Coin-operated amusement devices must be equipped with a counting device so that a determination can be made that the enterprise falls within the five (5%) percent or thirty three (33%) percent limitation by correlation of gross receipts therefrom with the financial statement of the business. The licensee shall be required to record, certify and maintain such records for a period of two (2) years.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the twelfth day of April, 2004.

Louise E. Schling, Mayor

Tonni Bartholomew, City Clerk

April 5, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Steven J. Vandette, City Engineer

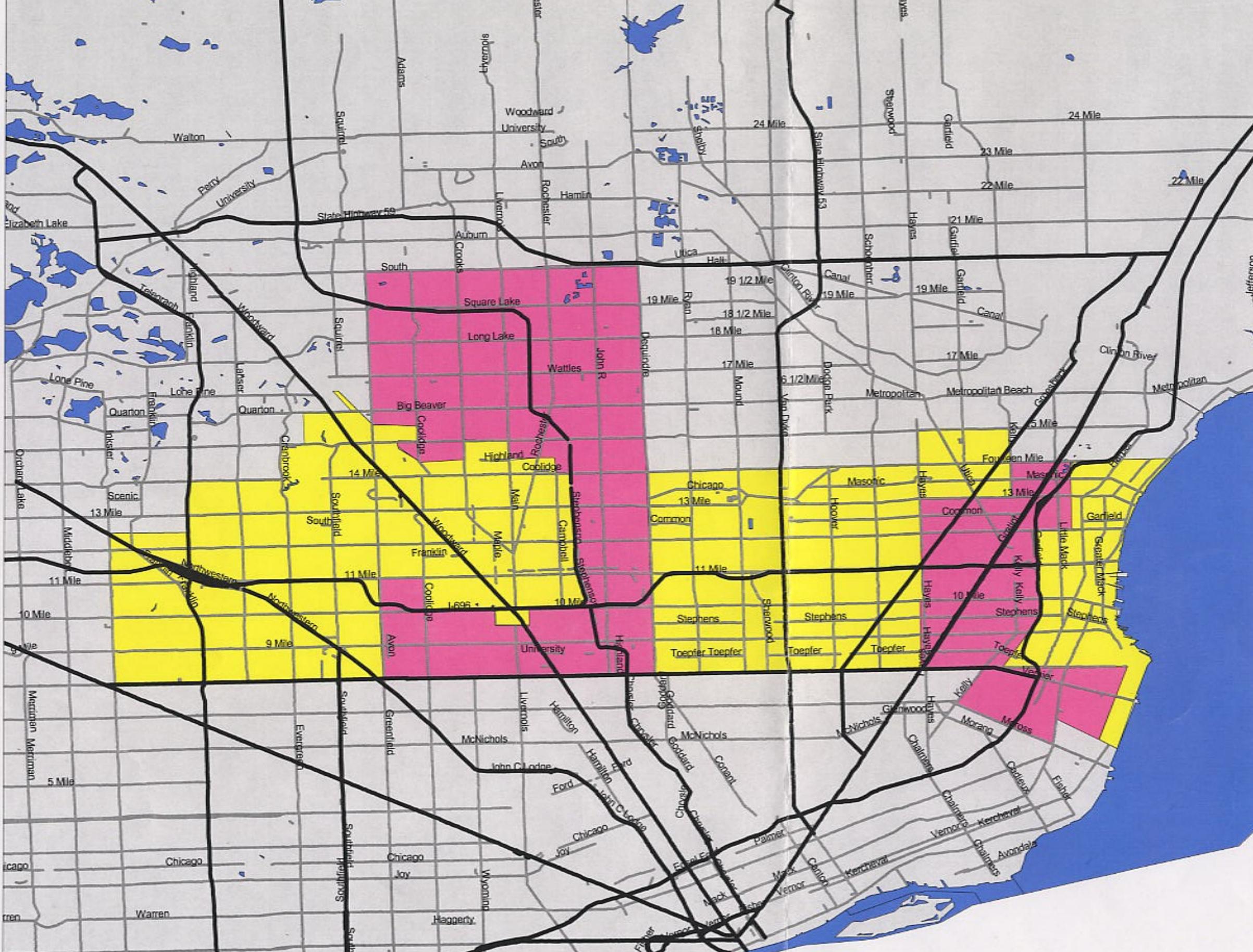
SUBJECT: **Agenda Item – Water System Feasibility Study**

As previously reported, Warren and St. Clair Shores have joined together and prepared a request for proposal (RFP) to perform a Water System Feasibility Study. This study would evaluate the feasibility and costs to establish a water authority (or authorities) to construct facilities and deliver water to member service areas, represented by the communities participating in the study. Several Oakland and Macomb County communities including Center Line, Grosse Pointe Shores, SOCWA (includes seven Oakland County communities), Fraser and Royal Oak have become confirmed member communities who will participate financially in the study. Participation at this time will entitle each community to become a member/manager of any future water authority that may be created, whereas others would become potential customers, similar to Troy's current relationship with the Detroit Water and Sewer Department. It should be emphasized that there is no guarantee that the study will lead to the creation of a water authority or that the water rate would be lower than the DWSD rate.

According to correspondence (attached) received from John McCulloch, Oakland County Drain Commissioner, the cost to participate in the study is estimated to be roughly 50 cents per person of community population. For Troy the cost would be approximately \$40,500 but may be reduced by grants or use of Oakland County Master Plan funds as may be available through the County. Mr. McCulloch cannot promise that a community's cost would be 100% subsidized but he has indicated that the exact percentage will be determined later this month, after the commitment deadline of April 16, 2004. The amount of County participation will depend on the number of communities that commit before this date. If Troy is to participate as a member community, it must adopt a resolution of participation that identifies a representative to sit on the RFP review committee as well as commit to our full cost share, regardless of any County participation that may become available. This member status would not commit Troy financially to anything but the feasibility study.

In order for consultants to respond to the RFP, an accurate description of the service area must be provided. Once this is achieved, the County will determine its level of participation and interviews with consultants will be conducted. The final selection will be done sometime this June. Funding for study is available from the Water Fund.

Water System Feasibility Study



Legend

- Highway
- Streets
- Lake
- Service Area A
- Service Area B

Confirmed Potential



Anderson, Eckstein and Westrick, Inc.
Civil Engineers - Surveyors - Architects
51301 Schoenherr Rd., Shelby Twp. MI 48315
(586) 726-1234

Caution
This Map is intended for Reference Puposes only.
Anderson, Eckstein and Westrick, Inc. does not guarantee the accuracy of this information and disclaims all liability from any claims, suits, demands, and judgements arising from the use of this information.



Source: Census Bureau / ESRI
Revised March 18, 2004



March 24, 2004

RECEIVED

MAR 29 2004

CITY OF TROY
CITY MANAGER'S OFFICE

Mr. John Szerlag
Manager
City of Troy
500 West Big Beaver Road
Troy, MI 48084-5285

Re: St. Clair Shores/Warren Water System Feasibility Study

Dear Mr. Szerlag:

My office is participating in the above study to help determine a cost-effective alternative for water treatment and supply. As you are aware, my office also is preparing a Water and Wastewater Master Plan for Oakland County that will be completed over the next two years. This study is one of the alternatives to be considered as part of the overall Water and Wastewater Master Plan for Oakland County.

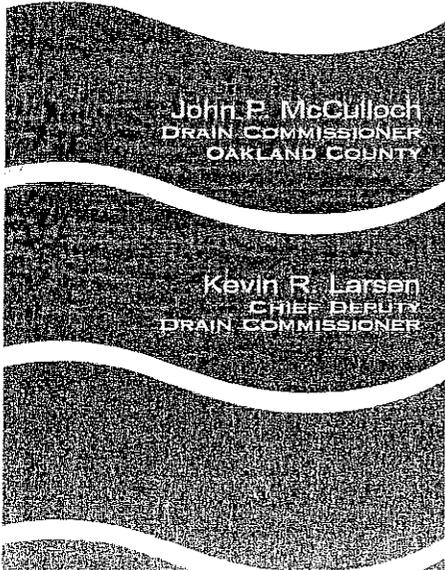
It is our understanding that the St. Clair Shores/Warren Water System Feasibility Study will be completed within one year and will be available for use with our Water and Wastewater Master Plan.

At this time, the group of communities currently involved is requesting participation commitment of surrounding communities to ultimately determine a service area. The financial commitment necessary to become part of this water service area currently is estimated to be 50 cents per person of community population. Other revenue sources such as grants or use of Oakland County Master Plan funds or direct work by our Master Plan consultant, may be available to offset part of these costs; however, any community interested must initially be willing to commit to full funding for this Water System Feasibility Study for their community. Participation at this time will entitle your community to be a member/manager for the proposed water service area and allow the water supply transmission feasibility to be evaluated for your specific community. Without this commitment, it is also our understanding that communities could still become part of the St. Clair Shores/Warren Water System Service Area as a potential future customer; however, this would likely only be Macomb County communities adjacent to the service area due to water supply transmission constraints.

We have been asked to make you aware of this study and coordinate interested Oakland County communities as to their intentions to be a part of St. Clair Shores/Warren Water System Feasibility Study. The deadline for advising us as to whether you will participate as a member in the St. Clair



One Public Works Drive
Building 95 West
Waterford, MI 48328-1907
www.co.oakland.mi.us/crain
P 248.856.0956
F 248.858.1066



John P. McCulloch
DRAIN COMMISSIONER
OAKLAND COUNTY

Kevin R. Larsen
CHIEF DEPUTY
DRAIN COMMISSIONER



Shores/Warren Water System Feasibility Study is April 16, 2004. This confirmation would be a written response with the monetary commitment for your community noted. To facilitate your decision and answer questions on this St. Clair Shores/Warren Water Feasibility Study, as well as the Oakland County Water and Wastewater Master Plan initiative, we have scheduled an informational meeting at the Bloomfield Township Auditorium, located at 4200 Telegraph Road, Bloomfield Hills, 48303, on April 2, 2004, at 2:00 p.m. Please have representation there to discuss this alternative for your community.

For your convenience, we have included a color map of the current communities participating in the study. The areas shaded in yellow have already agreed to participate, while those shown in magenta color as Service Area B have decided not to participate in the study. Please contact Douglas Buchholz, at (248) 858-1119 if you have any questions

Respectfully,

John P. McCulloch

March 11, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Steven J. Vandette, City Engineer

SUBJECT: **Agenda Item – Report on Water System Feasibility Study**

Oakland County Drain Commissioner John McCullough was contacted, as requested by Council, regarding activities by his office on the issue of alternative water sources for Troy and surrounding communities.

As you may know, last fall the Oakland County Board of Commissions approved Mr. McCulloch's proposal to fund a countywide Water and Sewer Master Plan that will evaluate alternatives to address the County's water and sewer needs while managing user rates and charges. Since that approval, several communities led by Warren and St. Clair Shores have joined together and prepared a request for proposal (RFP) to perform a Water System Feasibility Study. This RFP (copy attached) is for selection of a consultant to study the feasibility and costs of establishing a water authority (or authorities), establishing water consortiums and constructing a water treatment plant(s) and storage facilities to deliver water to the proposed service areas, represented by the communities participating in the study.

The Oakland County Drain Commission is participating in the RFP process in an advisory capacity; their interest being how this study relates to their own master planning efforts and in particular what benefits Oakland County communities might derive from a new water authority in terms of service and rates. During my discussion with Mr. McCulloch I expressed our interest in participating in the study and became aware that the Southeast Oakland County Water Authority (SOCWA), consisting of seven (7) Oakland County communities (Beverly Hills, Birmingham, Bingham Farms, Lathrup Village, Pleasant Ridge, Royal Oak and Southfield), has also done so and become a confirmed member of the RFP communities. Furthermore, Troy and SOCWA's cost to participate in the study can be covered by the Drain Office through a grant they received for a portion of the cost of their Water and Sewer Master Plan.

Mr. John Szerlag, City Manager
March 11, 2004
Page 2 of 2

to confirm their participation. This will need to be done by Council Resolution. Based on the confirmed list of participating communities, the study scope will be revised and cost proposals will be requested. It has been determined by member communities that the apportionment of study costs will be based on population. Excluding SOCWA communities and Troy, the total confirmed member population is 341,534 so a community the size of Warren, for example, would have approximately 40% of the cost or approximately \$80,000 based on a very rough estimate of \$200,000 for the study. The final cost to each community will vary depending on the number of confirmed communities, final population and cost of the study.

Given the current progression of events towards our participation in the proposed Water System Feasibility Study, with the help already received from Mr. McCulloch, it would appear that there is no need for him to address City Council on this issue at this time.

On a related matter, it has been announced that Mayor Kwame Kilpatrick will attend the Oakland County Commissioners Meeting on March 25, 2004 at 7 pm in the Commissioners Auditorium, 1200 N. Telegraph Road, Pontiac. The meeting's purpose is a presentation on water rates charged to suburban communities by Detroit. It is the first time any Detroit mayor has attended a county commission meeting in Oakland County.

G:\DWSD Rates\AltWater.doc

A Regular Meeting of the Troy Board of Canvassers was held Tuesday, April 8, 2003, in Conference Room D, City Hall, 500 W. Big Beaver Road. Chairperson Shiner called the Meeting to order at 10:05 AM.

ROLL CALL

PRESENT: Leah Inabnitt, Gloria Inglehart, Mary Shiner, Carole Webb
ABSENT: None
ALSO PRESENT: City Clerk Bartholomew, Deputy City Clerk Holmes

APPOINTMENT OF CHAIRPERSON:

BC-03-04-001
Motion by Webb
Seconded by Inglehart

RESOLVED, That Member Shiner is appointed as Chairperson.

Yes: All-4

APPROVAL OF MINUTES: April 2, 2002

BC-03-04-002
Motion by Webb
Seconded by Inabnitt

RESOLVED, That the Minutes of April 2, 2002 are hereby approved as presented.

Yes: All-4

AUDIENCE PARTICIPATION

BC-03-04-003
Motion by Inabnitt
Seconded by Inglehart

RESOLVED, That the Audience Participation be added to the end of the Agenda.

Yes: All-4

CANVASS OF APRIL 7, 2003 CITY GENERAL ELECTION VOTES CAST:Canvass of PrecinctsAbsentee Counting Board

BC-03-04-004

Motion by Webb

Seconded by Inglehart

RESOLVED, That the City Clerk and Deputy City Clerk be instructed to break the ballot container seals for the Absentee Counting Board and the Tabulator PROM Packs and re-run the Absentee Ballots to confirm the number of ballots indicated in the AV Poll Book to the actual ballots run on the Tabulator.

Yes: All-4

Member Inabnitt left the meeting at 11:40 AM.

Meeting was recessed at 12:02 PM and Reconvened at 1:10 PM

After re-running the Absentee Counting Board Ballots totals were adjusted to account for manual additions of defective ballots, which were not recognized by the tabulator. A copy of the adjusted totals sheet and tabulator tape shall be attached to original Minutes of this meeting.

Opened Ballot Transfer cans were re-sealed and confirmed by Board.

Minor discrepancies were identified and corrected by the Board. A copy of the Discrepancies Report shall be attached to the copy of the original Minutes of this meeting.

The Board confirmed and signed the Canvass of Votes Cast report, which shall be attached to the original Minutes of this meeting.

Canvass of Votes Cast:

Council Member - Vote for Two – Three Year Terms

<u>CANDIDATE</u>	<u>VOTES</u>
Martin F. Howrylak	5368
Cristina Pappageorge	3207
Jeanne M. Stine	3361

Martin F. Howrylak and Jeanne M. Stine each having received a sufficient number of votes were elected Council Member for three year terms ending April 10, 2006.

ADJOURNMENT: 3:25 PM

Board of Canvassers

Clerk of the Board of Canvassers

Chairperson

TROY HISTORIC COMMISSION MINUTES – FINAL**NOVEMBER 25, 2003**

A Regular Meeting of the Troy Historic Commission was held Tuesday, November 25, 2003 at the Troy Museum & Historic Village. Rosemary Kornacki, Chairman, called the meeting to order at 7:28 P.M.

ROLL CALL **PRESENT:** Brian Wattles
 Terry Navratil
 Kevin Lindsey
 Jack Turner
 Ed Bortner
 Loraine Campbell, Museum Manager

ABSENT: Rosemary Kornacki
 Roger Kaniarz

Resolution #HDC-2003-11-001
Moved by Turner
Seconded by Bortner

RESOLVED, That the absences of Kornacki and Kaniarz be excused.

Yes: 5 — Wattles, Navratil, Lindsey, Turner, Bortner
 No: 0

MOTION CARRIED

Resolution #HDC-2003-11-002
Moved by Lindsey
Seconded by Navratil

RESOLVED, That the minutes of October 28, 2003 be approved.

Yes: 5 — Wattles, Navratil, Lindsey, Turner, Bortner No: 0
 No: 0

MOTION CARRIED

OLD BUSINESS

A. Church Parsonage Status

During the month of November, the following work has been completed.

Cement floors poured in church and parsonage basements

Gas lines run by Consumers Energy

Plumbing lines installed

Temporary power was run to buildings

Clapboard on Church installed

Roof on addition installed and tar-papered

Clapboard replacement and insulation installation in process on Parsonage
East parking lot graded
Historic pew transported to Valley City to be used as template for pew production
Remediation of old attic insulation in church (This material was contaminated with animal waste. It was removed and the area disinfected following proper bio remediation procedures.)

Anticipated work in the next month

Cupola rebuilt, steeple put in place, and parsonage and church shingled with cedar shakes
HVAC systems installed and operational
Exterior work on parsonage continued
Drainage lines and retention pond installed

B. Capital Projects

Caswell

Plaster repairs completed. Additional sanding and cleaning in process
Floor mats are being removed
Sherwin Williams Paint representative met with staff and made recommendations on best available products
Prices for painting and wallpapering are being received

Electrical Upgrades

Loraine and Brian met with Steve Pallotta, Mark Stimac, Steve Poirier, and a representative from Vigilante Security to determine additional tasks to be added to the Scope of Work for Electrical Upgrades to the Green. Mark Stimac will ask EAM to include in the specs the installation of two additional conduits for IT and future electrical expansion. Vigilante will determine their needs for additional zones and report back to Loraine.

Exterior Painting for Buildings

The work completed by Downriver Maintenance was deficient in a number of areas. Loraine, Brian, and other City representatives met with Downriver Maintenance Representatives who agreed the work was deficient. Loraine and Steve Pallotta inspected the buildings with Downriver Maintenance representatives to determine acceptable procedures and timeline to complete the work indicated on a punch list.

Front Sign

Signs and More will begin work on repairing the sign this month.

C. Programs

See attached reports.

Spring and summer public programs are being developed now. Staff is developing new concept for a Johnson Niles Pioneer Spirit Contest and Award. This contest will be open to middle school students who will compose 400-500

word essays on their family member (ancestor or current) who has demonstrated the pioneer spirit as an immigrant or progressive, innovative individual. Staff will work with social studies curriculum advisors to finalize the criteria for submissions and the Historical Society and ethnic businesses to provide prizes to winning essayists. The judging panel will include representatives from the Historical Society, City Council, Ethnic Issues Advisory Committee, Troy Schools, and Historical Commission.

OLD BUSINESS

A. Troy Historical Society Liaison Report

The Hand and Eye Show was successful once again. The Historical Society is still finalizing their financial report.

The Troy Heritage Campaign is continuing their efforts. Jack Turner made presentations to the Kiwanis and Rotary.

The Society is interviewing accountants to conduct an audit of their books. A certified audit is required by many foundations who grant funds to Historical agencies.

B. Civic Center Priority Task Force

Brian Wattles updated the plans that the Task Force will suggest to City Council in January for the Civic Center.

C. New Acquisitions:

See attached report.

Loraine reported that she was able to work with the company that tore down Big Beaver School, the Water Department and DPW to salvage the 10'x'2' sandstone lintel engraved Big Beaver School. The lintel was crated and stored at the DPW year.

The Commission recommended that the volunteer hours of the blacksmiths be included on the monthly reports provided by the Archivist.

D. Other:

The amended Chapter 13 Historic Preservation Ordinance is establishing a Study Committee to review two requests to de-list historic homes.

Resolution #HDC-2003-11-003

Moved by Wattles

Seconded by Bortner

RESOLVED, That the Historical Commission recommend Kevin Lindsey as a nominee to the Historic District Study Committee.

Yes: 5 — Wattles, Navratil, Lindsey, Turner, Bortner

No: 0

MOTION CARRIED

The Troy Historic Commission Meeting was adjourned at 9:15 p.m. The next regular meeting will be held Tuesday, January 27, 2003 at 7:30 p.m. at the Troy Museum & Historic Village.

Rosemary Kornacki
Chairman

Loraine Campbell
Recording Secretary

TROY HISTORIC COMMISSION MINUTES – FINAL

DECEMBER 23, 2003

A Regular Meeting of the Troy Historic Commission was not held Tuesday, December 23, 2003 at the Troy Museum & Historic Village because of the Christmas holiday.

The next regular meeting will be held Tuesday, January 27, 2003 at 7:30 p.m. at the Troy Museum & Historic Village.

Rosemary Kornacki
Chairman

Loraine Campbell
Recording Secretary

OTHER BUSINESS-ELECTION RESULTS

The Board received and filed the election results. Steven A. Pallotta was elected to a term of office, which will expire 12/31/06.

OTHER BUSINESS- PRIOR GOVERNMENTAL RETIREMENT SERVICE

The Board received and filed a listing of employees qualifying for prior governmental services, which will be attached to the original minutes of this meeting.

OTHER BUSINESS – RETIREE ADDITION TO THE BOARD OF DIRECTORS***Resolution # ER – 2004 - 01- 003***

Moved by Lamerato
Seconded by Lambert

RESOLVED, That the Board recommends that a defined benefit Retiree be appointed to the Board as a non-voting member selected by the City Manager and that two of the employee members be in the defined benefit plan.

Yeas: All 7

OTHER BUSINESS- ELECTION OF CHAIRMAN***Resolution # ER – 2004 - 01- 004***

Moved by Szerlag
Seconded by Lambert

RESOLVED, That Thomas Houghton be appointed Chairman.

Yeas: All 7

OTHER BUSINESS- ELECTION OF VICE CHAIRMAN***Resolution # ER – 2004 - 01- 005***

Moved by Lamerato
Seconded by Lambert

RESOLVED, That Steven Pallotta be appointed Vice Chairman.

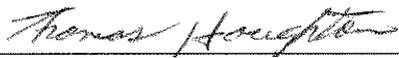
Yeas: All 7

OTHER BUSINESS - PERFORMANCE RESULTS – SEPTEMBER 30, 2003

Steve Gasper, UBS, reviewed the September 30, 2003 performance results, International Investing opportunities and downside risk management ideas.

The next meeting is February 11, 2004 at 3:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 4:24 p.m.



Thomas Houghton, Chairman



John M Lamerato, Secretary

TROY HISTORIC COMMISSION MINUTES – FINAL**JANUARY 27, 2004**

A Regular Meeting of the Troy Historic Commission was not held Tuesday, January 27, 2004 at the Troy Museum & Historic Village because of weather.

The next regular meeting will be held Tuesday, Tuesday, February 24, 2004 at 7:30 p.m. at the Troy Museum & Historic Village.

Rosemary Kornacki
Chairman

Loraine Campbell
Recording Secretary

OTHER BUSINESS- PRIOR GOVERNMENTAL RETIREMENT SERVICE

The Board received and filed a listing of employees qualifying for prior governmental services, which will be attached to the original minutes of this meeting.

OTHER BUSINESS- RETIREE ADDITION TO THE BOARD OF TRUSTEES

The Board reviewed the final revisions to Chapter 10, as approved by the City Council and will seek candidates for the DB Retiree position.

INVESTMENTS***Resolution # ER – 2004 – 02 - 008***

Moved by Houghton
Seconded by Szerlag

RESOLVED, That the Board purchase \$1,000,000 of Pimco Total Return Mutual Fund.

Yeas: All 7

Resolution # ER – 2004 – 02 - 009

Moved by Lamerato
Seconded by Houghton

RESOLVED, That the Board purchase \$400,000 of ING Foreign Fund A Mutual Fund.

Yeas: All 7

Resolution # ER – 2004 – 02 - 010

Moved by Szerlag
Seconded by Calice

RESOLVED, That the Board purchase 2,000 shares of Taser International.

Yeas: Calice, Crawford, Lamerato, Pallotta, Szerlag
Nays: Houghton, Lambert

Resolution # ER – 2004 – 02 - 011

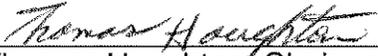
Moved by Lambert
Seconded by Pollotta

RESOLVED, That the Board purchase 5,000 shares Constellation Brands and 9,000 shares of L-3 Communications.

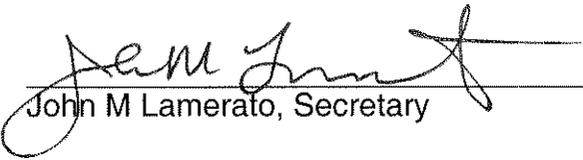
Yeas: All 7

The next meeting is March 10, 2004 at 3:00 p.m. at City Hall, Conference Room C,
500 W Big Beaver, Troy, MI.

The meeting adjourned at 4:15 p.m.



Thomas Houghton, Chairman



John M Lamerato, Secretary

FINAL
Meeting Minutes

A meeting of the Downtown Development Authority was held on Wednesday, February 18, 2004 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT: Michael Culpepper
Stuart Frankel
Alan Kiriluk
Daniel MacLeish
Carol Price
Matt Pryor
Ernest Reschke
Douglas Schroeder (arrived @ 7:30, departed @ 8:07)
Harvey Weiss
G. Thomas York

ABSENT: Michele Hodges
William Kennis
Marc Rosenow
Fred Wong

ALSO PRESENT: John Szerlag
John M. Lamerato
Gary A. Shripka
Lori Grigg Bluhm
Mark Miller
Doug Smith
Brian Wattles
Laura Fitzpatrick

APPROVAL OF MINUTES

Resolution: DD-04-03
Moved by: Price
Seconded by: York

RESOLVED, that the minutes of the January 21, 2004 regular meeting be approved.

Yeas: All (9)
Absent: Hodges, Kennis, Rosenow, Schroeder

OLD BUSINESS

Update on Civic Center Priority Task Force (CCPTF)

Brian Wattles of the CCPTF presented the recommendations of the Task Force to the Board.

Urban Design Plan

Board concurred with the process outlined by city administration.

NEW BUSINESS

None

PUBLIC COMMENT

Several members present addressed the Board.

EXCUSE ABSENT MEMBERS

Resolution: DD-04-04
Moved by: Culpepper
Seconded by: Reschke

RESOLVED, That Hodges, Kennis, Rosenow, Schroeder and Wong be excused.

Yeas: All (9)
Absent: Hodges, Kennis, Rosenow, Schroeder

The meeting was adjourned at 8:17 a.m.

Next Meeting: March 17, 2004 @ 7:30 a.m.

Alan Kiriluk, Chairman

John M. Lamerato, Secretary/Treasurer

JL/pg

TROY HISTORIC COMMISSION MINUTES – DRAFT**FEBRUARY 24, 2004**

A Regular Meeting of the Troy Historic Commission was held Tuesday, February 24, 2004 at the Troy Museum & Historic Village. Brian Wattles called the meeting to order at 7:36 P.M.

ROLL CALL

PRESENT: Brian Wattles
Terry Navratil
Kevin Lindsey
Jack Turner
Roger Kaniarz
Heather Henson, Student Representative
Loraine Campbell, Museum Manager

ABSENT: Rosemary Kornacki
Ed Bortner
Brian Stoutenburg, Library Director

Resolution #HDC-2004-02-001**Moved by Turner****Seconded by Kaniarz****RESOLVED, That the absences of Kornacki and Bortner be excused.**

Yes: 5 — Wattles, Navratil, Lindsey, Turner, Kaniarz

No: 0

MOTION CARRIED**Resolution #HDC-2004-02-002****Moved by Turner****Seconded by Lindsey****RESOLVED, That the minutes of November 25, 2003 and meeting cancellation notices for December 23, 2003 and January 27, 2004 be approved.**

Yes: 5 — Wattles, Navratil, Lindsey, Turner, Kaniarz

No: 0

MOTION CARRIED**OLD BUSINESS****A. Church Parsonage Status**

Since December 1 the following work has been accomplished on the project:

- Cupola rebuilt, bell installed, steeple put in place, and parsonage and church shingled with cedar shakes
- HVAC systems installed and operational

- Drainage lines and retention pond installed, final grading on pond to be completed
- All clapboard in replaced
- Replacement exterior doors installed
- Plaster replacement and repairs completed in church, in progress in parsonage
- Millwork including wainscoting installed in church
- Kitchenette counters installed in church
- Workstation installed in church basement
- Electrical wiring run in church, in progress in parsonage
- Arch between parsonage interpretive parlor and dining area framed
- Vigilante Security system being installed in church and parsonage
- Sub floor installed in parsonage bathroom
- Wallpaper stripped from parsonage bedroom by volunteers

Anticipated work in the next month

- Glass and glazing on church and parsonage completed
- Interior painting on church completed
- Plaster work in parsonage completed
- Restrooms completed in church and bathroom completed in parsonage
- Electrical fixtures installed in church and parsonage
- Fire protection installed in church
- Millwork on parsonage completed
- Floors in church and parsonage refinished, linoleum in parsonage installed

B. Capital Projects

Caswell

- Plaster repairs, sanding and cleaning completed
- Floor mats removed
- Detroit Spectrum has begun to paint and wallpaper
- Runner for stairs on order, prices for installation are being gathered

Electrical Upgrades

Bids will be posted with in the week

Drainage System

Specifications for the west end of the Green are being developed by the Engineering Department. Costs for a complete new paver system will be phased in over more than one budget cycle due to budget constraints. Bids should go out in March.

Front Sign

All work on sign repair was completed during the first week in December.

Exterior Paint on Buildings

One large blister of paint has peeled off the front of the General Store. Lorraine will re-contact Downriver Maintenance. When weather breaks.

C. Programs

See Attendance Reports. Summer public programs are being developed now. Loraine requested a volunteer from the Commission to serve as a judge for the Johnson Niles Pioneer Spirit Award.

Efforts are being made by staff to partner with organizations and business in the community to offset program costs in 2004/05.

Please see enclosed copy of "Our Community", a second grade social study curriculum guide written and published by the Museum Staff. Troy Public Schools has ordered 882 copies of this booklet for use by all second grade classes. It will also be on the shelves of the elementary school libraries.

Resolution #HDC-2004-02-003

Moved by Lindsey

Seconded by Kaniarz

RESOLVED, That Terry Navratil serve as a judge for the Johnson Niles Spirit Award Essay Contest.

Yes: 5 — Wattles, Navratil, Lindsey, Turner, Kaniarz

No: 0

MOTION CARRIED

D. Interns

Interns Elizabeth Pellirito and Teresa Henry-Saigeon (Oakland U. English majors stipended by the Historical Society) are working on the Arcadia book. Both are working 10 hrs per week and doing very fine work.

Catherine Hoffman (History major from WSU) is organizing the Norman Barnard papers for her Archive Management II class. She is working Tuesday and Thursday mornings.

OLD BUSINESS

A. Troy Historical Society Liaison Report

Arcadia Book

Numerous pictures have been pulled from the archive. Six or more residents have brought in/loaned the Museum photos for the book. Interviews with Fire Station 2 veterans and Ruth Wass have been conducted.

Fundraising

To date a total of \$42,316 has been raised specifically for the Church and Parsonage. The Society has also received a five-year pledge of \$50,000. The donor wishes it to be used as a match challenge.

Grants

The Heritage Campaign Committee is retaining the services of a grant writer, Phoebe Crandall to work with Museum staff-member Tim McGee and Historical Commission member Terry Navratil on a grant-writing team.

B. Civic Center Priority Task Force

Brian Wattles reported that the text and power point from his presentation to City Council is available on line through the City's website.

C. New Acquisitions:

See attached report. The Museum is receiving a steady trickle of good photographs for the Arcadia Book project.

D. FY 2004/05 Budget Recommendations:

Report deferred until March 23, 2004.

E. National Historic Place and Certified Local Government Designations:

Loraine reported an application has been obtained for Troy to be designated a Certified Local Government by the State Historic Preservation Office (SHPO). This designation would make available potential funding for historic preservation projects. The City Attorney Lori Bluhm sees no negative affect from this designation. Loraine asked that the Historical Commission support this application process and designation.

Resolution #HDC-2004-02-004

Moved by Lindsey

Seconded by Navratil

RESOLVED, That the Historical Commission support the application for designation of the City of Troy as a Certified Local Government.

Yes: 5 — Wattles, Navratil, Lindsey, Turner, Kaniarz

No: 0

MOTION CARRIED

Loraine also reported that she and the Troy Historical Society would like to pursue National Historic Place designation for the structures on the Green. This honorific designation would make available government grants for long-term conservation efforts for the buildings. Loraine has consulted with City Attorney Lori Bluhm who sees no negative affects from these designations. Loraine asked that the Historical Commission support this application process and designation.

Resolution #HDC-2004-02-005

Moved by Turner

Seconded by Kaniarz

RESOLVED, That the Historical Commission support the application for designation of the structures on the Green as National Historic Places.

Yes: 5 — Wattles, Navratil, Lindsey, Turner, Kaniarz

No: 0

MOTION CARRIED

F. Other

Loraine invited Commission members to attend the 204 Michigan in Perspective 46th Annual Local History Conference at the McGregor Conference Center at Wayne State University on April 2 and 3, 2004. Loraine will be chair the Saturday morning Historical Society Roundtable.

The Troy Historic Commission Meeting was adjourned at 9:40 p.m. The next regular meeting will be held Tuesday, March 23, 2003 at 7:30 p.m. at the Troy Museum & Historic Village.

Rosemary Kornacki
Chairman

Loraine Campbell
Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on February 24, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Robert Schultz
Thomas Strat (arrived 9:25 p.m.)
Mark J. Vleck
David T. Waller

Absent:

Lawrence Littman
Walter Storrs
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Amalfi Parker, Student Representative
Kathy Czarnecki, Recording Secretary

Mr. Miller announced that Fazal Khan was appointed to the Planning Commission at the February 23, 2004 City Council meeting and must be sworn into office prior to attending any meetings.

Resolution # PC-2004-02-022

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That Messrs. Littman, Storrs, Strat and Wright be excused from attendance at this meeting

Yes: All present (5)
No: None
Absent: Littman, Storrs, Strat, Wright

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-02-023

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, To approve the February 10, 2004 Regular Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Schultz, Waller

No: None

Abstain: Vleck

Absent: Littman, Storrs, Strat, Wright

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PLANNING AND ZONING REPORT

- Council Action Item – February 23, 2004 Regular Meeting

Article II (Changes, Amendments and Approvals) Zoning Ordinance Amendments and Repeal of Chapter 40 (ZOTA #203) (Public Hearing) – Tabled

Mr. Miller indicated that it was the recommendation of the City Attorney to further review the proposed language.

- Kwan Office Building, Southeast corner of Dequindre and Wattles

Mr. Savidant displayed the approved preliminary, amended preliminary and final site plans for the project and noted the designated dumpster location is currently in the middle of an easement for an underground gas main. A brief discussion followed. The Planning Department will provide status reports on the project.

5. BOARD OF ZONING APPEALS REPORT

There was no report available.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the February 18, 2004 Downtown Development Authority meeting.

- *Update on Civic Center Priority Task Force (CCPTF)*

Mr. Brian Wattles gave a presentation on the CCPTF's findings and recommendations. The same presentation will be given to the Planning Commission at its March 2, 2004 Special/Study Meeting.

- *Request for Proposals for Big Beaver Corridor Study*

7. SUB-COMMITTEE REPORTS

There was a brief discussion. It was the consensus of the Commission that all the sub-committees, except Tree Preservation/Landscaping/Walls, have achieved their objectives.

Chair Waller said that future sub-committees would be established as the needs are identified, and that intent statements would be developed for each sub-committee.

8. SUB-COMMITTEE APPOINTMENTS

Appointments to sub-committees were not necessary. Refer to Agenda item #7.

9. NEW LAND USE LAW LEGISLATION

Mr. Miller reported on signed legislative bills that relate to land use issues. He highlighted and provided copies of the laws related to Joint Planning Commissions and Planned Unit Developments, and noted that the laws focus on Planning Commission responsibilities and duties.

A brief discussion followed.

10. RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 (RLUIPA)

Mr. Motzny reported on the Meridian Township case wherein the constitutionality of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) is being challenged.

Chair Waller cited religious land use challenges that are cropping up throughout the United States.

Mr. Chamberlain requested that the Legal Department provide the Commission with status reports on the Meridian Township case.

11. SITE PLAN REVIEW (SP 817 B – Tabled Item) – Foot Specialty Clinic, Proposed Medical Office Building, South of Big Beaver, West side of Dequindre, Section 25 – B-1

Mr. Miller reported that the petitioner submitted a written request to table the Foot Specialty Clinic site plan review to the March 2, 2004 Special/Study Meeting. Mr. Miller noted that Mr. Motzny provided a memorandum that relates to the site plan approval process.

Resolution # PC-2004-02-024

Moved by: Chamberlain

Seconded by: Vleck

RESOLVED, That Site Plan Review (SP 817B) for the proposed Foot Specialty Clinic located south of Big Beaver and on the west side of Dequindre, Section 25, B-1 zoning district, be tabled to the March 2, 2004 Special/Study Meeting.

Yes: All present (5)

No: None

Absent: Littman, Storrs, Strat, Wright

MOTION CARRIED

Mr. Chamberlain referenced the concern of the zoning ordinance requirement to provide three trees on the frontage of the proposed project, which was one of the reasons the site plan was tabled at the February 10, 2004 Regular Meeting. Mr. Chamberlain proposed the following revisions to Sections 39.70.02 and 39.80.02 of the zoning ordinance. Mr. Chamberlain said he would like to see the proposed revisions go to a public hearing at the regular April meeting.

Section 39.70.02, 2nd paragraph, to read:

...the minimum number of trees required. For those frontages less than 125 feet, the approving body for the site plan will determine the minimum number of trees.

Section 39.80.02, 2nd paragraph, to read:

Necessary access ways from public rights of way through required landscape strips shall be permitted and such access ways shall be subtracted from the lineal dimension used to determine the minimum number of trees required.

After a brief discussion, it was the consensus of the Commission to move forward with the proposed zoning ordinance revisions and to advertise the Public Hearing at the April 13, 2004 Regular Meeting.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #202) – Article 28.30.02
Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities

- and -
13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #204) – Article 28.00.00
Outside Storage of Commercial and Recreational Vehicles in Required Off Street
Parking in the M-1 District

Mr. Miller reported that the Planning Department revised the language with respect to ZOTA #202 that in effect reduces the parking requirements and frees up some land area. With respect to screening, Mr. Miller noted proposed language was added to Section 28.30.02 D.2: “The Planning Commission has the authority under Article 03.31.06 to modify the buffering requirements based on the specific characteristics of the proposed use and the abutting uses.” Mr. Miller also read Section 03.31.06 that relates to the Special Use Approval and noted that the Planning Commission has the discretion to apply increased standards to insure compatibility.

Mr. Miller reported on the request of City Council to provide 500 parking spaces for storage within the M-1 zoning district. The Planning Department conducted an analysis of existing mini warehouse areas to determine excess parking and unused areas for potential outdoor storage. It was determined that there are presently 124 potential storage spaces (assuming 10’ x 20’ size). The Planning Department took the analysis one step further and applied the proposed parking reduction. It was determined that there are 408 potential storage spaces with the proposed parking space reduction. Mr. Miller said that the Planning Department is continuing to work on identifying existing outdoor storage areas in the City.

Mr. Miller spoke with respect to the Special Use Approval requirement for outdoor storage in the M-1 zoning district. Mr. Miller said it is necessary for the Commission to review, discuss and determine whether Special Use Approval should or should not be a requirement for outdoor storage in the M-1 zoning district and/or should the zoning ordinance be amended.

Discussion followed relating to the Special Use Approval requirement, screening material, standards for outside storage, negative impact of outdoor storage, City Council’s intent of acquiring 500 parking spaces, types of storage, and security provisions.

Ms. Drake-Batts suggested to research private parking structures that provide 24-hour security. It was noted that parking structures might inhibit some vehicle storage because of height limitations.

Mr. Miller asked the Assistant City Attorney to provide the Commission with his interpretation of the added language to Section 28.30.02 D.2 as it relates to providing authority to the Planning Commission to eliminate the wall and/or berm requirement and to apply other requirements for screening. If the legal interpretation is that the Commission would not have the authority to eliminate the wall and/or berm screening requirement, then the Planning Department would

prepare ordinance language to provide an alternative to the landscaping requirement of a wall.

14. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #200) – Article 11.00.00 CR-1 One Family Cluster

Mr. Miller reported that comments from the Commission's earlier discussion were incorporated into the ordinance draft, and noted that the document does not include language that gives the Commission or City Council the authority to require a bond to ensure that all open space improvements are constructed as approved. He stated that the Planning Department is moving forward with that language. Mr. Miller said he would like to insure that the document gets full review by the City Attorney's office.

Mr. Miller referenced Mr. Motzny's memorandum dated February 10, 2004 and noted that the Planning Department did include specific language to Section 37.70.07 (G).

Mr. Motzny opined that a deed restriction or any restricted covenant is sufficient to guarantee the open space. He referred to the last meeting in which there was discussion to limit the instrument that would create the open space to conservation agreements. After review, Mr. Motzny said he thinks it would be best to provide developers with as many options available for the open space.

Mr. Chamberlain asked that the proposed zoning ordinance text amendment be advertised for Public Hearing at the April 13, 2004 Regular Meeting. He further suggested that City Management give its approval to the proposed language at the time of the Planning Commission Public Hearing.

Mr. Miller reported that a working draft of the proposed zoning ordinance text amendment was submitted to City Management three months ago for review and comment. Mr. Miller agreed that concerns identified by other people or bodies should be reviewed and hammered out at the Planning Commission level.

Mr. Miller will move forward with advertising the Public Hearing for ZOTA #200 for the April 13, 2004 Regular Meeting.

15. JOINT COMMITTEE SELECTION

Chair Waller reported that he and City Manager John Szerlag discussed various aspects of the Joint Committee. Chair Waller offered to put in writing some of the rules and goals of the Joint Committee as well as state its purpose, its plan of action, its reporting method, etc. Mr. Szerlag expressed that he would like to engage his interest based bargaining skills and offered to make a presentation to the Commission on the effectiveness of interest based bargaining. Chair Waller acknowledged that Mr. Strat has shown an interest in being a participant of the Joint Committee, and requested other members to contact him if they also have an interest in participating.

Chair Waller said that the selection process would factor in the meeting schedule and availability of members as relates to working schedules.

(Mr. Strat arrived at 9:25 p.m.)

16. PLANNING COMMISSION WORK PROGRAM

There was discussion on the Commission's determination as to whether or not it would like to review and/or revise the Future Land Use Plan.

Mr. Miller said if so directed by the Commission, he would provide support for the Commission's decision to revise the Future Land Use Plan.

The discussion related to hiring an outside consultant, doing the work in-house, tweaking the current plan, manpower, outline and time line of revising the plan, reasons and justification for revising the plan, defining problem areas, and necessary materials to have on hand during the review.

Chair Waller asked the Commission to review the work program and provide him with any suggested changes, deletions, additions and edits.

17. PLANNING COMMISSION BUDGET REVIEW

Chair Waller reported that he requested Mr. Miller to increase the Planning Commission budget line for education and training from \$5,000 to \$15,000, and asked for the support of the Commission in the form of a motion. The budget monies would cover the cost of attendance at local and national conferences or training courses.

Mr. Miller said the \$15,000 would cover the cost of sending all nine members to the Michigan Society of Planning annual conference (estimated at \$1,000 per member). However, Mr. Miller noted that historically only four or five members attend the Michigan Society of Planning conference each year.

Resolution # PC-2004-02-025

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, That the budget for the fiscal year 2004-05 show \$15,000 in line item 405-7960 for Education and Training and be approved as presented tonight.

Discussion on the motion.

Mr. Strat said it would be advantageous for the Planning Department to provide in its backup information to City Management how the \$15,000 figure was

approached, and further suggested that the budget monies would also cover the cost of in-house educational and training presentations.

Mr. Schultz asked if the motion should read that the \$10,000 increase to the Education and Training budget line item not be taken from another budget line item.

It was determined that the intent of the motion is clear.

Yes: Chamberlain, Schultz, Strat, Vleck, Waller
No: Drake-Batts
Absent: Littman, Storrs, Wright

MOTION CARRIED

Ms. Drake-Batts said that she does not see the need for the budget increase.

18. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Ms. Drake-Batts announced that she has changed employers and her contact information has been provided to the Planning Department for distribution.

Mr. Vleck asked if the Planning Commission reviews the site plans for sports fields in the City.

Mr. Miller said that the Commission would review site plans for projects in the Community Facilities (C-F) zoning district. He noted that the review of plans for fields specifically would be dependent upon the level of improvement involved for the project; i.e., field, buildings, parking lots.

Mr. Chamberlain addressed the titling and purpose of the Commission's Study and Special meetings and presented the following motion.

Resolution # PC-2004-02-026

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the text of the Planning Commission Bylaws be changed to call the 1st Tuesday meeting and the 4th Tuesday meeting of the month "Study" meetings and that the Commission be given the authority to vote at the "Study" meetings, and that the 2nd Tuesday meeting of the month continue to be called "Regular" meetings, and that all other meetings such as site visits be called "Special" meetings.

BE IT FURTHER RESOLVED, That the proper language be brought forth at the March 2, 2004 Special/Study Meeting for review and approval.

Discussion on the motion.

Mr. Schultz said he seconded the motion on the premise that the intent of the motion be reviewed by the Legal Department with respect to State legislation.

Mr. Motzny said that the definition of a “Special” meeting is a meeting that is not required to be published in advance and can be called at an 18-hour minimum notice. He said the Commission has the authority to write its rules and procedure and it can define its “Study” meetings as it determines. Mr. Motzny said he would provide a memo to clarify the State law definitions of “Special” meetings and “Study” meetings should there be any clarification.

Mr. Miller confirmed that the intent of the motion on the floor is to authorize the Commission to vote on items at its “Study” meetings.

Vote on the motion on the floor.

Yes: All present (6)
No: None
Absent: Littman, Storrs, Wright

MOTION CARRIED

Mr. Chamberlain addressed and requested follow-up on three items: (1) documentation that the Civic Center is a park; (2) ordinance that says parkland, if it is to be sold, requires the vote of the City residents; and (3) explanation why there was no discussion on having a vote of the City residents with respect to the negotiations on the same property footprint for an IMAX theater and children’s theater, approximately 4 or 5 years ago. Mr. Chamberlain stated that he has read the City Attorney’s memorandum with respect to the proposed Civic Center site and noted it does not answer his questions.

Mr. Miller addressed the potential revision of the Future Land Use Plan and demonstrated some “friction” areas; for example, where Community Service Areas are adjacent to Low Density Residential areas. He said the current Future Land Use Plan is too “black and white” and does not offer any flexibility to allow transition uses in these areas. Mr. Miller suggested that a policy be developed to allow when and where transitional uses can be used. Mr. Miller reported that there are projects coming into the Planning Department that are good land uses but cannot be supported by the current zoning.

Discussion followed. Mr. Miller was commended for his insight and encouraged to draft language to provide for transitional zoning, as discussed. Mr. Miller explained that the revision procedure could take up to 6 or 7 months.

Mr. Miller announced the City’s intent to monitor the green initiative improvements on the Kresge Foundation site for future learning. A brief discussion followed.

As new members have been appointed to the Commission, Mr. Miller alerted the Commission of potential conflicts of interest with future development in the City.

Chair Waller recommended that the Commission review and approve a procedure to follow should future conflicts of interest arise and provide appropriate language in the Bylaws.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:55 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

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A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, February 25, 2004 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Manessa Shaw called the meeting to order at 7:06 p.m.

MEMBERS PRESENT: Min Chong
 Juliana D'Amico
 Monika Govindaraj
 Eric Gregory
 Catherine Herzog
 Maniesh Joshi
 Andrew Kalinowski
 Christina Krokosky (arrived 7:28 PM)
 Matthew Michrina
 Manessa Shaw
 David Vennettilli

MEMBERS ABSENT: Emily Burns (excused)
 Allister Chang (excused)
 Chris Cheng (excused)
 Raymond Deng
 YuJing Wang

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager
 Lorraine Campbell, Manager Troy Museum & Historic Village

1. **Roll Call**
2. **Approval of Minutes**

Resolution # TY-2004-02- 003

Moved by Chong
 Seconded by Herzog

RESOLVED, That the minutes of 1/21/04 be approved.

Yes: All - 10
 No: None
 Absent: Burns, Chang, Cheng, Deng, Krokosky, Wang
 MOTION CARRIED

3. **Attendance Report:** Noted and Filed
 This meeting: 11 present, 5 absent – 3 gave prior notification.

4. **Motion to Excuse Absent Members**

Resolution # TY-2004-02- 004

Moved by Shaw
 Seconded by Joshi

RESOLVED, That Burns, Chang and Cheng shall be excused.

Yes: All – 11
No: None
Absent: Burns, Chang, Cheng, Deng, Wang
MOTION CARRIED

5. **Visitor:** Loraine Campbell, Manager Troy Museum and Historic Village

Topic: Troy's 50th Anniversary and other opportunities at the museum

50th Anniversary

2005 Marks the 50th anniversary of Troy as a city. There will be a yearlong celebration in 2005. There are opportunities for youth involvement.

Oral History Project

There are 25 to 50 Troy residents who have been here for many decades, since the 1920s and 1930s. The Museum will be collecting oral histories from these residents. Students will be given the opportunity to participate by being interviewers. Interviewers will get training. This is a way to contribute to Troy's 50th Anniversary celebration, to capture a piece of history and also to gain valuable work experience. Conducting oral interviews would be good experience for those interested in writing, history, public relations and media. Campbell will keep the TYC informed as this project is organized. Currently the Museum is working with the School District to delineate opportunities for school credit, etc.

Input into 50th Anniversary Activities

Advise Loraine or Laura if you want to be involved with planning activities for the 50th Anniversary.

Other Opportunities

A play of historical significance will be co-produced by the Birmingham Village Players and Troy Museum and Historical Society. There are opportunities for students to be involved in the production (actors, lighting, sound, etc.) The play will run 6/14 to 6/19/04. On 6/19/04 there will be a gala and silent auction. There are opportunities for volunteers at this event (ticket sales, ushers, auction administration, etc.).

Contact Loraine Campbell if you are interested in participating.

campbelm@ci.troy.mi.us or 248/524.3570

6. **Civic Center Priority Task Force** – update from Herzog: Report presented to City Council at their regular meeting on 2/16/04. Staff will review feasibility of the recommendations contained in the report. The TYC expressed an interest in hearing an abridged version of the report at their March meeting. Fitzpatrick to contact CCPTF Chair Brian Wattles.

7. **Youth Council Comments**

8. **Miscellaneous Announcements:**

- *Next Meeting:* Wed, 3/24/04 at City Hall, Lower Level Conference Room 7:00 PM

- **ELECTION:** The Last day to register to vote and be able to vote in the upcoming City Election (4/5/2004) is **MARCH 8**. The City election is April 5th.
- **Internships:** Though the Chamber of Commerce does not have a youth internship program with local businesses, Executive Director Michele Hodges says she will pass along resumes [of interested students] to the Human Resources committee.

9. PUBLIC COMMENT

The meeting adjourned at 7:44 p.m.

Manessa Shaw, Co-chair

Laura Fitzpatrick, Assistant to the City Manager

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on March 2, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Chair Waller announced an addition to the agenda, Agenda item #12 -- Article II (Changes, Amendments and Approvals) Zoning Ordinance Amendments (ZOTA # 203).

Chair Waller introduced and welcomed Fazal Khan to the Commission. Mr. Khan is a developer and a Civil Engineer whose company is located in Sterling Heights.

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller asked that the Commission advise him if there is interest in extending invitations to key City staff members to attend Commission meetings. Mr. Miller noted that select staff members who have a direct relationship to development projects could provide informative and educational presentations.

Mr. Miller reported that the Commission would continue to receive approved City Council minutes via e-mail. He requested that any member contact him should this means of communication not be satisfactory.

4. BOARD OF ZONING APPEALS REPORT

Messrs. Strat and Schultz reported on the February 17, 2004 BZA meeting.

VFW Post, 2375 E. Maple

The BZA granted a three-year renewal of relief to maintain an existing legal non-conforming use of a building and relief of the masonry wall required adjacent to off-street parking. Mr. Strat noted that the commercial site should be addressed during the Maple Road Corridor Study.

3794 Mark Drive

The BZA granted a variance for relief to convert a screened-in patio to an enclosed four-season room.

5. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

There was no report.

6. SUB-COMMITTEE REPORTS

Tree Preservation / Landscaping / Walls

There was no report.

7. CIVIC CENTER PRIORITY TASK FORCE REPORT

Mr. Brian Wattles, Chair of the Civic Center Priority Task Force (CCPTF), gave a PowerPoint presentation on the Troy Civic Center site that covered the background, goals, methodology, amenity selection, and recommendations to City Council. Mr. Wattles provided a brief account of the following elements:

- Winter Activity Area
- Amphitheater
- Reflective Hedge Maze
- Enhanced Gardens
- Town Center Drive Green Belt
- Fountain Plaza
- Paths and Walkways
- Public Art
- Road Changes
- Site Evolution
- Programming
- Festivals and Events

Mr. Wattles reported that the Civic Center Priority Task Force asked City Council to create a permanent Civic Center Advisory Board to maintain the process and ideas developed by the Civic Center Priority Task Force.

There was a brief question and answer period.

The Commission thanked Mr. Wattles for the excellent presentation.

8. SITE PLAN REVIEW (SP 817-B – Tabled Item) – Foot Specialty Clinic, Proposed Medical Office Building, South of Big Beaver, West side of Dequindre, Section 25 – B-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Foot Specialty Clinic. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the condition that the applicant shall be required to amend the site plan should a dumpster be proposed on the site in the future. Mr. Savidant addressed the concerns of the Commission from the February 10, 2004 Regular Meeting, at which time the site plan was tabled for further review of the dumpster designation, tree requirement, storm water detention and exterior lighting. Mr. Savidant confirmed that the Engineering Department has not reviewed the revised plan.

The petitioner, Sabah Hermiz of Summa Engineering, 28580 Orchard Lake Road, Farmington Hills, was present. Mr. Hermiz specifically addressed the storm water detention.

Also present was the owner, Dr. Nasin Oveys of 2899 E. Big Beaver Road, Troy.

Resolution # PC-2004-03--

Moved by: Wright

Seconded by: Drake-Batts

RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Foot Specialty Clinic, located south of Big Beaver on the west side of Dequindre, Section 25, within the B-1 Zoning District, be approved as presented, with the following condition:

1. That if a dumpster is proposed on the site in the future, the applicant shall be required to amend the site plan.

Discussion on the motion.

Mr. Schultz proposed to amend the motion on the floor with the condition to prohibit all outside trash storage unless a dumpster is installed.

Mr. Wright was in agreement with the amendment. Ms. Drake-Batts withdrew her second to the original motion.

Resolution # PC-2004-03-027 (as amended)

Moved by: Wright

Seconded by: Littman

RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Foot Specialty Clinic, located south of Big Beaver on the west side of

Dequindre, Section 25, within the B-1 Zoning District, be approved as presented, with the following condition:

1. That if a dumpster is proposed on the site in the future, the applicant shall be required to amend the site plan.
2. That all outside trash storage is prohibited unless a dumpster is installed.

Vote on the motion as amended.

Yes: All present (9)
No: None

MOTION CARRIED

9. FUTURE LAND USE PLAN – TRANSITIONAL USES AND MIXED USE ZONING DISTRICTS

Chair Waller stated that the Commission discussed the creation of new ordinance language for different processes of the City that may or may not include changes to the Future Land Use Plan.

Mr. Miller addressed areas of undeveloped or underdeveloped land that are sandwiched between commercial and office developments and are zoned in the Future Land Use Plan as single family residential. The two specific areas he addressed were: East Long Lake and Dequindre and East Long Lake and Rochester Road.

Mr. Miller reviewed the Future Land Use Plan adoption process. He requested the Commission's input on the following:

- (1) An amendment to consider transitional uses.
- (2) Creation of a mixed use zoning district.
- (3) Determination to amend or adopt a new Future Land Use Plan within the 5-year period (January 2007).

Chair Waller asked for comments from each Commissioner. It was the consensus to move forward with the issues as addressed by Mr. Miller.

Chair Waller concluded the discussion with a plea that the Planning Commission's activities on the revision of the Future Land Use Plan and the creation of transitional uses and mixed use zoning districts be developed in concert with the major City department heads, with the goal that the Planning Commission and City Management, as a team, present only one plan to the City Council for review and approval.

10. REVIEW OF MARCH 9, 2004 REGULAR MEETING

Items briefly discussed were:

- Site Plan Review – Proposed Hidden Forest Site Condominium, 34 units proposed, South side of Wattles, East of Livernois, Section 22 - R-1C
- Site Plan Review (SP 906) – Proposed Woodbridge Group & Enerflex Solutions, Proposed Engineering/Research Building, South side of Equity, West of Maplelawn, Section 32 - M-1/Consent Judgment
- Site Plan Review (SP 464-B) – The Kresge Foundation Building Rebuild, 3215 W. Big Beaver, South side of Big Beaver, West of Coolidge, Section 30 - O-1

11. PUBLIC COMMENT

There was no one present who wished to speak.

12. ARTICLE II (Changes, Amendments and Approvals) ZONING ORDINANCE AMENDMENTS (ZOTA #203)

Mr. Miller reported that this matter was tabled by the City Council to their March 22, 2004 Regular Meeting to allow review by the Legal Department.

Mr. Chamberlain asked if the Planning Commission, as the petitioner, could withdraw the matter for further review and revision by the Planning Commission.

Mr. Motzny responded that the matter is still in the hands of the City Council and, in accordance with the statute, City Council must take action. He surmised that City Council would consider the Planning Commission's withdrawal request, but noted they would not have to honor it.

Mr. Motzny confirmed that the changes made to both the Planning Commission and City Management versions were not substantive changes and the language is now consistent with the Charter and the State enabling statutes.

Discussion followed with respect to getting matters reviewed by the City Attorney and City Management prior to the Planning Commission's recommendation to City Council for its review and approval.

Chair Waller stated that it would be reasonable for the City Attorney and/or the Planning Director to speak at the City Council meeting to collectively report how both parties feel about the revisions to this matter, and possibly that input would assist the City Council in its determination of the outcome of the matter.

Resolution # PC-2004-03-028

Moved by: Schultz
Seconded by: Wright

RESOLVED, That this body request that City Council return the tabled ZOTA #203 to this body for review and future forwarding to City Council.

Yes: All present (9)
No: None

MOTION CARRIED**GOOD OF THE ORDER**

Mr. Schultz announced that he would not be attending the next two Planning Commission meetings (March 9 and 23), but would be representing the Planning Commission at the March 16, 2004 Board of Zoning Appeals meeting.

Mr. Wright complimented the farewell dinner held for Dennis Kramer, and is looking forward to Walt Storrs' farewell.

Mr. Chamberlain praised the American Polish Cultural Center on its building addition and great food.

Chair Waller said he is pleased with the mindset of everyone at tonight's meeting. He encouraged everyone to work as a team at all times.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:20 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on March 2, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:

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Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
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The petitioner, Sabah Hermiz of Summa Engineering, 28580 Orchard Lake Road, Farmington Hills, was present. Mr. Hermiz specifically addressed the storm water detention.

Also present was the owner, Dr. Nasin Oveys of 2899 E. Big Beaver Road, Troy.

Resolution # PC-2004-03--

Moved by: Wright

Seconded by: Drake-Batts

RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Foot Specialty Clinic, located south of Big Beaver on the west side of Dequindre, Section 25, within the B-1 Zoning District, be approved as presented, with the following condition:

1. That if a dumpster is proposed on the site in the future, the applicant shall be required to amend the site plan.

Discussion on the motion.

Mr. Schultz proposed to amend the motion on the floor with the condition to prohibit all outside trash storage unless a dumpster is installed.

Mr. Wright was in agreement with the amendment. Ms. Drake-Batts withdrew her second to the original motion.

Resolution # PC-2004-03-027 (as amended)

Moved by: Wright

Seconded by: Littman

RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Foot Specialty Clinic, located south of Big Beaver on the west side of

Dequindre, Section 25, within the B-1 Zoning District, be approved as presented, with the following condition:

1. That if a dumpster is proposed on the site in the future, the applicant shall be required to amend the site plan.
2. That all outside trash storage is prohibited unless a dumpster is installed.

Vote on the motion as amended.

Yes: All present (9)
No: None

MOTION CARRIED

9. FUTURE LAND USE PLAN – TRANSITIONAL USES AND MIXED USE ZONING DISTRICTS

Chair Waller stated that the Commission discussed the creation of new ordinance language for different processes of the City that may or may not include changes to the Future Land Use Plan.

Mr. Miller addressed areas of undeveloped or underdeveloped land that are sandwiched between commercial and office developments and are zoned in the Future Land Use Plan as single family residential. The two specific areas he addressed were: East Long Lake and Dequindre and East Long Lake and Rochester Road.

Mr. Miller reviewed the Future Land Use Plan adoption process. He requested the Commission's input on the following:

- (1) An amendment to consider transitional uses.
- (2) Creation of a mixed use zoning district.
- (3) Determination to amend or adopt a new Future Land Use Plan within the 5-year period (January 2007).

Chair Waller asked for comments from each Commissioner. It was the consensus to move forward with the issues as addressed by Mr. Miller.

Chair Waller concluded the discussion with a plea that the Planning Commission's activities on the revision of the Future Land Use Plan and the creation of transitional uses and mixed use zoning districts be developed in concert with the major City department heads, with the goal that the Planning Commission and City Management, as a team, present only one plan to the City Council for review and approval.

10. REVIEW OF MARCH 9, 2004 REGULAR MEETING

Items briefly discussed were:

- Site Plan Review – Proposed Hidden Forest Site Condominium, 34 units proposed, South side of Wattles, East of Livernois, Section 22 - R-1C
- Site Plan Review (SP 906) – Proposed Woodbridge Group & Enerflex Solutions, Proposed Engineering/Research Building, South side of Equity, West of Maplelawn, Section 32 - M-1/Consent Judgment
- Site Plan Review (SP 464-B) – The Kresge Foundation Building Rebuild, 3215 W. Big Beaver, South side of Big Beaver, West of Coolidge, Section 30 - O-1

11. PUBLIC COMMENT

There was no one present who wished to speak.

12. ARTICLE II (Changes, Amendments and Approvals) ZONING ORDINANCE AMENDMENTS (ZOTA #203)

Mr. Miller reported that this matter was tabled by the City Council to their March 22, 2004 Regular Meeting to allow review by the Legal Department.

Mr. Chamberlain asked if the Planning Commission, as the petitioner, could withdraw the matter for further review and revision by the Planning Commission.

Mr. Motzny responded that the matter is still in the hands of the City Council and, in accordance with the statute, City Council must take action. He surmised that City Council would consider the Planning Commission's withdrawal request, but noted they would not have to honor it.

Mr. Motzny confirmed that the changes made to both the Planning Commission and City Management versions were not substantive changes and the language is now consistent with the Charter and the State enabling statutes.

Discussion followed with respect to getting matters reviewed by the City Attorney and City Management prior to the Planning Commission's recommendation to City Council for its review and approval.

Chair Waller stated that it would be reasonable for the City Attorney and/or the Planning Director to speak at the City Council meeting to collectively report how both parties feel about the revisions to this matter, and possibly that input would assist the City Council in its determination of the outcome of the matter.

Resolution # PC-2004-03-028

Moved by: Schultz
Seconded by: Wright

RESOLVED, That this body request that City Council return the tabled ZOTA #203 to this body for review and future forwarding to City Council.

Yes: All present (9)
No: None

MOTION CARRIED**GOOD OF THE ORDER**

Mr. Schultz announced that he would not be attending the next two Planning Commission meetings (March 9 and 23), but would be representing the Planning Commission at the March 16, 2004 Board of Zoning Appeals meeting.

Mr. Wright complimented the farewell dinner held for Dennis Kramer, and is looking forward to Walt Storrs' farewell.

Mr. Chamberlain praised the American Polish Cultural Center on its building addition and great food.

Chair Waller said he is pleased with the mindset of everyone at tonight's meeting. He encouraged everyone to work as a team at all times.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:20 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

A regular meeting of the Troy Building Code Board of Appeals was held Wednesday, March 3, 2004 at City Hall in the Lower Level Conference Room. Ted Dziurman, Chairman, called the meeting to order at 8:30 A.M.

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

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Ginny Norvell, Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 4, 2004

Motion by Richnak
Supported by Nelson

MOVED, to approve the minutes of the meeting of February 4, 2004 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. BEACON SIGN, 208 W. 14 MILE, for relief of Chapter 78 to install five (5) signs at 208 W. 14 Mile Road.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install five (5) additional signs at a new commercial building. The existing building has two 43 square foot wall signs, one on the south elevation and one on the east elevation. The plans submitted propose an additional 43 square foot wall sign on the west elevation. In addition, they propose three (3) 22 square foot signs to be mounted on projecting canopies on the south, east and west elevations. These signs project out 48” from the wall of the building. Signs projecting more than 12” from the face of the building are prohibited by Section 7.01.04. They also propose to install one additional wall sign that is 2.3 square feet on the east elevation. The total area of this signage package is proposed to be 197 square feet. Section 9.02.04 of Chapter 78 limits the signage for a building this size to not more than 97 square feet.

In addition, they are proposing an 84 square foot ground sign, 15 feet in height, and setback 30 feet from the right of way. Section 9.02.04 of the Ordinance permits the Oakland Mall development to have two (2) ground signs. There are currently more than two ground signs on the site. The proposed ground sign exceeds the number of ground signs permitted.

ITEM #2 – con't.

This item first appeared before this Board at the meeting of February 4, 2004 and was postponed to allow the petitioner the opportunity to be present.

Mr. John DiNunzio and Mr. Skip Pappas of Fairmont Signs were present. Mr. DiNunzio stated that they were in fact sub-contracting this job to Beacon Signs. Mr. DiNunzio explained that Krispy Kreme has put together a sign package that is used across the United States in order to identify their Corporation. Krispy Kreme would like the same signs used so their locations are easily identifiable. Mr. DiNunzio explained that he believes traffic heading east on Fourteen Mile Road can see the building but does not believe it is identifiable until you are actually up near the building.

Mr. Dziurman asked about the signage on the canopy around the building and Mr. DiNunzio stated that this canopy is an architectural enhancement, and Krispy Kreme wants to be able to list coffee as well as donuts as one of their product lines. Mr. DiNunzio said that Krispy Kreme is hoping to increase the sale of coffee. Mr. Dziurman asked exactly what would be on this canopy and Mr. DiNunzio stated it would list Coffee & Donuts. Mr. Dziurman then asked about the request for a ground sign and Mr. DiNunzio again stated that this would be an identification sign and would be similar to the sign erected by Standard Federal.

Mr. Dziurman then asked if he would be allowed to install a pylon sign and Mr. Stimac explained that the pylon sign that is presently on the site is part of the overall Oakland Mall Sign. Mr. Stimac also said that the Standard Federal lot is not a part of the Oakland Mall lot and is on a separate parcel.

Mr. Dziurman pointed out that we had received a letter from Douglas Mossman of Oakland Mall stating that they are against an additional ground sign. Mr. Dziurman then clarified that basically the petitioner is asking for the following three (3) items: a 43 square foot sign on the west elevation; three (3) 22 square foot signs to be mounted on the canopies and an 84 square foot ground sign. Mr. Stimac said that was correct and pointed out that they have received approval for a 2.3 square foot sign on the south side however, the petitioner has not installed it at this time.

Mr. Kessler stated that he did not see a hardship at this location to allow for the additional signage. He further stated he is quite familiar with this site and felt that the existing signage was adequate and therefore did not feel there was any type of hardship, which would justify the variance. Mr. Kessler suggested that if they wished to increase coffee sales, they may consider adding the word coffee to their Marquee signs.

Mr. DiNunzio stated that he did not feel the traffic heading eastbound would be able to determine what type of business this was. Mr. Kessler said that he felt that one more wall sign would be more than sufficient to identify this site.

ITEM #2 – con't.

Mr. Richnak pointed out that traffic heading eastbound has to pass this location and then make a “Michigan Left” in order to access this site. Mr. Richnak explained there is not a direct drive into this area. Mr. DiNunzio stated that there is a driveway into the mall and believes that the ground sign would give drivers enough time to get over into the correct lane and turn into this location.

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

There is one (1) written objection on file. There are no written approvals on file.

Motion by Richnak
Supported by Kessler

MOVED, to grant Beacon Sign, 208 W. 14 Mile, relief of Chapter 78 to install **one (1) additional 43 square foot wall sign on the west side of the building**, identical to the signs on the Southern and Eastern sides of the building; and to **DENY** the request for the 84 square foot ground sign and three (3) additional signs on the canopies.

- Previously approved 2.3 square foot wall sign would be allowed.
- Variance would not be contrary to public interest.

Yeas: All – 5

MOTION TO **APPROVE** REQUEST FOR **ONE** ADDITIONAL 43 SQUARE FOOT WALL SIGN AND TO **DENY** REQUEST FOR **ONE**-GROUND SIGN & **THREE** CANOPY SIGNS CARRIED.

ITEM #3 – VARIANCE REQUEST. NORTHSTAR LIGHTING & SIGN, REPRESENTING DEMPSTER DESIGNS, 3271-3303 ROCHESTER ROAD, for relief of Chapter 78 to replace the existing 312 square foot ground sign at Troy Pointe Shops.

The Chairman moved this item to the end of the agenda, Item #6, to allow the petitioner the opportunity to be present.

ITEM #4 – VARIANCE REQUEST. PHILLIPS SIGN & LIGHTING, 6950 ROCHESTER ROAD, for relief of Chapter 78 to alter the existing 145 square foot ground sign, located in the ultimate right of way.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to alter the existing 145 square foot ground sign, located in the ultimate right of way. Section 9.01, Table B of the Sign Ordinance requires a sign of this size to be setback 30’ from the 90’ ultimate right of way line (120’ from the centerline of Rochester Road). The proposal is

ITEM #4 – con't.

to alter the existing sign located in the ultimate right of way, 82' from the centerline of the road.

Mr. Ed Phillips of Phillips Sign & Lighting and Mr. Frank Petruzzello were present. Mr. Phillips explained that they are proposing to modernize the existing sign and if they have to move the sign back it would cause a hardship due to the amount of traffic on Rochester Road. Mr. Phillips went on to say that they are going to add an electronic changeable sign and will maintain the 60-second messaging allowed by Troy. Mr. Phillips indicated that he feels the present location of the sign is a "safe" environment and believes it will enhance the area.

Mr. Dziurman asked if the petitioner would bear the cost of moving the sign if Rochester Road were to be widened. Mr. Petruzzello stated that they would move the sign at their own cost. Mr. Phillips said that the electronic sign will reduce the number of banners they use.

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

There are no complaints or objections on file.

Mr. Zuazo asked if there were any other setback restrictions due to the fact that this would be a data sign. Mr. Stimac explained that the only restriction to the sign is that it cannot be similar to a traffic device, but that the setbacks remain the same.

Mr. Nelson stated that he thought this sign was placed approximately 7' from the sidewalk. Mr. Phillips said it was closer to 8' from the sidewalk.

Mr. Stimac explained that 75' was the right of way at the time the original sign was installed. Mr. Stimac further stated that the right of way does not follow the section line; it follows the centerline of the road. Mr. Richnak explained that this is partially due to the fact that the two-township section lines stagger somewhat at the border.

Mr. Nelson asked if anyone was aware of any proposed changes to Rochester Road. Mr. Richnak said that approximately one year ago he had spoken to Oakland County and the City's Engineering Department and there are no plans in the foreseeable future to widen Rochester Road.

Motion by Nelson
Supported by Richnak

ITEM #4 – con't.

MOVED, to grant Phillips Sign & Lighting, 6950 Rochester Road, relief of Chapter 78 to alter the existing 145 square foot ground sign, located in the ultimate right of way, 82' from the centerline of the road.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Petitioner will move location of this sign in the event that Rochester Road is widened at no cost to the City of Troy.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – AMENDMENTS TO THE RULES OF PROCEDURE OF THE BUILDING CODE BOARD OF APPEALS.

Mr. Stimac explained to the Board members that most of the changes in the Rules of Procedure were either editorial changes or grammatical changes. Mr. Richnak asked that Item B and Item C on page one be changed to “gender neutral” text.

Motion by Richnak
Supported by Nelson

MOVED, to approve the amendments to the Rules of Procedure of the Building Code Board of Appeals as presented with the following additional changes.

- Item B on Page One will be changed from he to he/she.
- Item C on Page One will be changed from his to his/hers.

Yeas: All – 5

MOTION TO APPROVE AMENDMENTS TO THE RULES OF PROCEDURE OF THE BUILDING CODE BOARD OF APPEALS CARRIED

ITEM #6 (ITEM #3) - VARIANCE REQUEST. NORTHSTAR LIGHTING & SIGN, REPRESENTING DEMPSTER DESIGNS, 3271-3303 ROCHESTER ROAD, for relief of Chapter 78 to replace the existing 312 square foot ground sign at Troy Pointe Shops.

The petitioner was not present. Mr. Richnak asked Mr. Stimac to present this item to the Board.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace the existing 312 square foot ground sign at Troy Pointe Shops with a sign that is 160 square feet in size and setback 15' from the Rochester Road Right of Way and 13' from the

ITEM #6 – con't.

Harris Street Right of Way. Section 9.02.04, B of the Sign Ordinance requires a sign of this size be placed 30' setback from both rights of way.

Mr. Stimac further explained that the petitioner would install a new sign that is smaller but would remain in the same location. The petitioner would also eliminate the changing message sign and reduce both the height and width of the sign; therefore, increasing the setback from Rochester Road by approximately 1 foot.

Mr. Dziurman asked if Rochester Road would be widened in this location and Mr. Stimac informed him that this section of Rochester Road has already been widened.

Mr. Nelson asked a question regarding the setback to Harris and Mr. Stimac explained that this is a corner lot, and therefore requires a variance from both right of ways. Mr. Nelson stated that he did not feel this sign could go in any other location.

Mr. Dziurman asked if they could locate the sign in the parking lot and Mr. Kessler stated that they would have to eliminate a parking space, which would then require them to obtain a parking variance from City Council.

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

There are no written approvals or objections on file.

Motion by Richnak
Supported by Nelson

MOVED, to grant Northstar Lighting & Sign, representing Dempster Designs, 3271-3303 Rochester Road, relief of Chapter 78 to replace the existing 312 square foot ground sign at Troy Pointe Shops.

- New sign will be smaller than existing sign.
- Literal Enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: All – 5

MOTION TO APPROVE VARIANCE CARRIED

Mr. Richnak also stated that in the future the Board feels that this petitioner should make an effort to be represented.

The Building Code Board of Appeals meeting adjourned at 9:14 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, March 4 2004 at the Troy Community Center. Chairman David Ogg called the meeting to order at 10 AM.

Present: David Ogg, Chairman
Ed Forst, Vice-Chairman
Bill Weisgerber, Member
Steven Banch, Member
Carla Vaughan, Staff

JoAnn Thompson, Member
Jo Rhoads – Member
Merrill Dixon, Member
Marie Hoag, Member

Absent: Jane Crowe, Excused

Visitors: Mary Kerwin, Alfred Benedetti, Joanne Benedetti

Approval of Minutes

Resolution # SC-2004-3-001
Moved by Jo Rhoads
Seconded by Ed Forst

RESOLVED, That the Minutes of February 5, 2004 be approved as submitted.

Yes: 8
No: 0

MOTION CARRIED

Addition of AED item to agenda

Resolution # SC-2004-3-002
Moved by JoAnn Thompson
Seconded by Marie Hoag

RESOLVED, That an item about AEDs be added under new business.

Yes: 8
No: 0

MOTION CARRIED

Visitor Comments

Mary Kerwin announced the senior discount rates for upcoming plays and band concerts at Troy and Athens High Schools.

Old Business

None

New Business

Automated External Defibrillators: JoAnn Thompson suggested that the AED at the Community Center be labeled and stored in a visible and accessible place and that staff training be provided. The front desk staff, when asked, did not know where the AED was stored or how to use it. She also has a video that could be shown to the seniors.

Resolution #SC-2004-3-003
Moved by bill Weisgerber
Seconded by JoAnn Thompson

RESOLVED That the above suggestions be passed on to the Community Center supervisor and that JoAnn contact Lynn about setting up a presentation about AEDs for seniors and that Carla announce in the senior newsletter that this equipment is available at the Community Center.

Yes: 8
No: 0

MOTION CARRIED

Reports

Park Board: Merrill Dixon reported that fees for the aquatic center and Sylvan Glen were reviewed. The City Council is discussing having an area at the Civic Center for religious and cultural displays. Bill Weisgerber asked about the status of Larry Jose's park board appointment. Merrill will find out.

Medi-Go: Jo Rhoads reported that Medi-Go is getting a new van from SMART. She would like to make it known to seniors that the Medi-Go office is at the Community Center so they could speak to the staff in person if they wanted to. Carla will discuss this with the Medi-Go staff and proceed from there.

Lunch Attendance: No report.

Senior Program Report: Carla reported that *Creative Endeavors* is now selling postage stamps as a service to seniors and to bring more customers into the store. The Rotary Club donated \$500 to the store for marketing – the money was used to purchase shopping bags and custom labels for the bags. One section of water aerobics has been added this spring. Three new computer classes are being offered this spring – photoshop, genealogy and scrapbooking.

OLHSA: JoAnn Thompson reported that they had a speaker from Hear Clear, a company that sells hearing aids and makes house calls.

Member Comments

David Ogg announced the upcoming ***Aging Successfully*** seminar sponsored by the Wayne State Institute of Gerontology.

JoAnn Thompson announced that she attended the recent prescription drug seminar at the Community Center and it was well attended. The Area Agency on Aging is looking for volunteers to counsel seniors about Medicare.

Bill Weisgerber initiated a discussion about caller ID “unknown” calls.

The meeting was adjourned at 11:10 a.m.

Respectfully submitted,

David Ogg, Chairman

Carla Vaughan, Secretary

The meeting was called to order at 7:32 p.m. by Chairperson Harriet Barnard in Conference Room C.

PRESENT Harriet Barnard, Chairperson
Jayne Saeger, Vice Chairperson
Kathleen Melchert, Secretary
V. James Viola
Sergeant Robert Kowalski
ACO Greg Latka
Suzanne Stroinski, Clerk Typist
Pat Gladysz, Clerk Typist

Moved by Kathleen Melchert, seconded by Jayne Saeger, to APPROVE the minutes of the March 27, 2002 meeting as printed.

APPROVED unanimously

ELECTION OF OFFICERS

Harriet Barnard moved to elect Jayne Saeger as Chairperson, seconded by Kathleen Melchert.

APPROVED unanimously

Jayne Saeger moved to elect Kathleen Melchert as Vice-Chairperson, seconded by Jim Viola.

APPROVED unanimously

Kathleen Melchert moved to elect Jim Viola as Secretary, seconded by Jayne Saeger.

APPROVED unanimously

AGENDA ITEMS:

1. Review of cruelty ordinance.

Sergeant Robert Kowalski and ACO Greg Latka presented Board members with copies of all ordinances relating to animals (Chapter 90-Animals; Chapter 75-Pet Shops; Chapter 26-Parks; Chapter 88-Nuisances; Chapter 98-Criminal Code).

They proposed the need to include language in Chapter 90, Section 2 similar to the language in Chapter 90, Section 24(2) allowing an animal that has been mistreated or neglected to be held until the Court date. The language would have to be drafted by the City Attorney and presented to the City Council for approval.

There was a brief discussion by the Board members.

Moved by Kathleen Melchert, seconded by Jim Viola, to APPROVE the proposal outlined above.

APPROVED unanimously

The next meeting will be held on Wednesday, September 3, 2003 at 7:30 p.m.

Moved by Jim Viola, seconded by Kathleen Melchert, to ADJOURN the meeting at 7:30 p.m.

APPROVED unanimously

/pg

A regular meeting of the Liquor Advisory Committee was held on Monday, March 8, 2004 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:01 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Alex Bennett
W. Stan Godlewski
James C. Moseley
James R. Peard
Emily Polet, Student Representative
Carolyn Glosby, Assistant City Attorney
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: Anita Elenbaum

Resolution to Excuse Committee Member Elenbaum

Resolution #LC2004-03-007

Moved by Moseley

Seconded by Allemon

RESOLVED, that the absence of Committee member Elenbaum at the Liquor Advisory Committee meeting of March 8, 2004 BE EXCUSED.

Yes: All-6

No: None

Absent: Elenbaum

Resolution to Approve Minutes of February 9, 2004 Meeting

Resolution #LC2004-03-008

Moved by Peard

Seconded by Moseley

RESOLVED, that the Minutes of the February 9, 2004 meeting of the Liquor Advisory Committee be approved.

Yes: All-6

No: None
Absent: Elenbaum

Agenda Items:

1. **FLEMING’S/GREAT LAKES-I, LIMITED PARTNERSHIP**, requests a **new full year (quota) Class C** license with Sunday Sales and Official Permit (Food) with outdoor service area to be located at 3001 W. Big Beaver Rd., Troy, MI 48084, Oakland County. [MLCC REQ ID# 238468] *New construction; final approval dependant on building inspections*

Present to answer questions from the Committee were Tim Gavigan and Scott Edwards.

Fleming’s Steak House (whose parent company is Outback Steak House) will be housed in a new building to be constructed at the southwest corner of Coolidge and West Big Beaver Roads. Mr. Gavigan, a joint venture partner in the corporation, gave the Committee the following items to review: dinner menu, reserve wine list, beverage menu, photographs of existing restaurants, and drawings of proposed layout for new construction. Fleming’s Steak Houses are currently in 23 cities in the U. S and the Troy location will be their first in Michigan. They are a dinner-only, non-smoking, high-end neighborhood steak house. They pride themselves in offering 100 different wines available by the glass, as well as wines from their reserve list available by the bottle to complement their 46-item menu. Their focus is on the local community, not business travelers. The general manager and head chef are brought on as equity partners rather than employees of the business. They will have a seating capacity of 225 patrons, with additional outdoor seating when the weather permits, and a valet-only parking lot.

The liquor training for employees and alcohol management policy is very strict with a zero tolerance policy regarding service to minors and intoxicated patrons. Mr. Edwards stated that the 22 Outback Steak House locations in Michigan have received only one violation since 1998.

Sgt. Gordon confirmed that they passed the background check.

Resolution #LC2004-03-009
Moved by Allemon
Seconded by Peard

RESOLVED, that FLEMING’S/GREAT LAKES-I, LIMITED PARTNERSHIP, be granted a new full year (quota) Class C license with Sunday Sales and Official Permit (Food) with outdoor service area to be located at 3001 W. Big Beaver Rd., Troy, MI 48084, Oakland County. [MLCC REQ ID# 238468] New construction; final approval dependant on building inspections.

Yes: All-6
No: None

Absent: Elenbaum

Carolyn Glosby, assistant City Attorney, presented the following facts to the Committee regarding Kelly's Market. In September 2003, Kelly's Market was cited for sale to minor. At that time, the underage buyer who purchased the alcohol provided a written statement to police that he used a Michigan State University photo-identification card for the purchase of the alcohol. Recently, this underage buyer has stated that he does not recall which form of identification he presented to the sales clerk at Kelly's Market, and it could have been a counterfeit State of Colorado driver's license. Since it is now the underage buyer's contention that he may have used this false identification, the City Attorney's Office advised City Council not to conduct the scheduled due process hearing at this time, in the spirit of fairness to the licensee.

Carolyn Glosby and Sgt. Gordon also stated that Kelly's Market mailed a letter to the Mayor on the eve of the due process hearing complaining about the law enforcement methods employed by the Police Department in its investigations of reported sales to minors.

Sgt. Gordon stated that there are now four server-training programs available (TIPS, TAMS, Barcode, and CARE). He will include this updated information with all mailings. The meeting adjourned at 7:47 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Clerk-Typist

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:32 p.m. on March 9, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Robert Schultz

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-03-029

Moved by: Chamberlain
Seconded by: Strat

RESOLVED, That Mr. Schultz be excused from attendance at this meeting.

Yes: All present (8)
No: None
Absent: Schultz

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-03-030

Moved by: Chamberlain
Seconded by: Vleck

RESOLVED, To approve the February 24, 2004 Special/Study Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Strat, Vleck, Waller
No: None
Abstain: Khan, Littman, Wright
Absent: Schultz

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

SITE CONDOMINIUM SITE PLAN

4. SITE PLAN REVIEW – Proposed Hidden Forest Site Condominium, 34 units proposed, South side of Wattles, East of Livernois, Section 22 – R-1C

Mr. Savidant presented a summary of the Planning Department report for the proposed Hidden Forest Site Condominium. The petitioner submitted two plan layouts and Mr. Savidant reported that the Planning Department prefers and recommends approval of the layout that provides a vehicular connection to Troywood, as shown on Sheet “CE2A”. He noted the petitioner prefers to provide an emergency access drive/walkway connection to Troywood rather than a vehicular connection, as shown on Sheet “CE2”.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present. Mr. Abitheira said the residents who live at the end of Troywood have expressed concerns with increased traffic on Troywood and the safety of school children. Mr. Abitheira said those two concerns are the reason why he would prefer the layout that provides the emergency access drive/walkway connection to Troywood.

Discussion followed on traffic cut-through streets, future paving of Troywood, flow of traffic to/from Wattles Elementary School for picking up/dropping off school children, snow removal, and emergency access provisions.

Mr. Abitheira said he has filed an application with the MDEQ requesting that the designated wetlands area be mitigated in an area that would provide an area for the detention basin or road in the southeast corner of the site. He confirmed that the trees on the eastern property line would be preserved as best as possible, and that the site plan would be corrected to designate a concrete street.

Mr. Chamberlain suggested that an “eyebrow” be provided which could be removed when the street is connected.

Chair Waller opened the floor for public comment.

Akram Sidhom of 3853 Jennings, Troy, was present. Mr. Sidhom expressed concerns with the standing water and junk that has been on the property since it was cleared.

Scott Bosley of 3601 Jennings, Troy, was present. Mr. Bosley said that Jennings is currently used as a cut-through street during rush hour and expressed his concerns with an additional cut-through, traffic congestion and safety of school children should a connection be made to Troywood.

Dan McCatty of 3721 Jennings, Troy, was present. Mr. McCatty asked that the City pay attention to the proposed storm water drainage on the east side of the property. He said there is occasional flooding on Jennings, and noted that he pumps out the standing water on his property and neighboring properties. Mr. McCatty also asked that the site plan reflect the trees that the developer claims will remain on the property. Mr. McCatty expressed his concern with cut-through traffic and the safety of school children, and supported the suggestion to provide an "eyebrow" at the end of Troywood.

Chair Waller informed Mr. McCatty that the petitioner is required to abide by the City's Tree Preservation Plan requirements.

Chair Waller informed the residents that the determination made by the Planning Commission tonight is a recommendation to City Council, and encouraged them to address their concerns also to City Council.

The floor was closed.

Mr. Chamberlain said the aerial photographs of the property indicate that Troywood is wide enough to provide sidewalks should the road be paved in the future. Mr. Chamberlain proposed, in conjunction with the construction of the "eyebrow", that the City give priority to paving and providing sidewalks on Troywood from the proposed development to Bristol.

Mr. Miller reported that the property to the west of the proposed development was purchased by the City of Troy and deeded to the Drain Commission for a regional detention basin. He noted that Troywood would be reconstructed when the major storm sewer outlet is constructed in the future.

Mr. Miller reported that the provision of a road connection for emergency access is the preferred layout of the Fire Department. He noted the alternative emergency vehicle access, that also provides a pedestrian access, has been a recent consideration of the Fire Department for stub roads located throughout the City.

Resolution # PC-2004-03-031

Moved by: Chamberlain

Seconded by: Wright

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Hidden Forest Site Condominium, including 34 units, located south of Wattles Road and east of Livernois Road, Section 22, within the R-1C zoning district be granted, subject to the following conditions:

1. The approved site plan is Sheet "CE2A" with the provision that the road at the east boundary to Troywood not be opened, but an "eyebrow" be put in so that a connection can be provided at the time that Troywood is completed. In the interim, the short strip shall be marked as EVA (Emergency Vehicle Access) to allow access of emergency vehicles.
2. The pavement for the subdivision is designated on the site plan as concrete and that the petitioner sign-off on that designation at tonight's meeting.

Discussion on the motion.

Mr. Vleck questioned the legality of the motion to include the type of pavement.

Mr. Motzny responded that the type of pavement could be included in the motion as a recommendation to City Council.

A short discussion followed with respect to the City policy and the responsible party for removing a temporary turnaround.

Vote on the motion on the floor.

Yes: Chamberlain, Drake-Batts, Khan, Strat, Waller, Wright

No: Littman, Vleck

Absent: Schultz

MOTION CARRIED

Mr. Vleck stated the amount of units in the proposed development requires two emergency vehicles accesses and approving the proposal with one emergency vehicle access creates an unsafe condition.

Mr. Littman agreed that it is important to provide two access points for the proposed development, and noted his concern that prospective new residents in the subdivision have no knowledge that the road would be opened in the future.

SITE PLANS

5. SITE PLAN REVIEW (SP 906) – Proposed Woodbridge Group & Enerflex Solutions, Proposed Engineering/Research Bldg., South side of Equity (Private), West of Maplelawn, Section 32 – M-1 / Consent Judgment

Mr. Savidant presented a summary of the Planning Department report for the proposed Woodbridge Group & Enerflex engineering/research building. Mr. Savidant reported that the potential future expansion of a warehouse, located on the south side of the building, is designated on the site plan for informational purposes only and would be required to come back for site plan approval. He noted that the site plan provides adequate parking with the warehouse expansion. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Shawn Squires of Smith & Schurman Associates, 2550 Telegraph Road, Suite 108, Bloomfield Hills, architect for the project, was present. Mr. Squires stated that it is understood the warehouse addition would be subject to future site plan approval. He noted that the development is the proposed U.S. headquarters for the Woodbridge Group's engineering/research center. Mr. Squires confirmed the location of the dumpster enclosure.

Resolution # PC-2004-03-032

Moved by: Chamberlain

Seconded by: Wright

RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Woodbridge Group & Enerflex Solutions, proposed engineering/research building, located on the south side of Equity Drive (Private), West of Maplelawn in section 32, within the M-1 Zoning District, and further controlled by a Consent Judgment be granted.

Yes: All present (8)

No: None

Absent: Schultz

MOTION CARRIED

6. SITE PLAN REVIEW (SP 464-B) – The Kresge Foundation Building Rebuild, Proposed Office Building, South side of Big Beaver, West of Coolidge (3215 W. Big Beaver), Section 30 – O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Kresge Foundation office building. Mr. Savidant noted that the petitioner is requesting a reduction of five parking spaces from the parking space requirements per Article 40.20.12 of the City of Troy Zoning Ordinance. Mr.

Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Ron Gagnon, Project Manager for The Kresge Foundation, of 3215 W. Big Beaver Road, Troy, was present. Mr. Gagnon said it is an exciting and eye opening opportunity to present the green initiative project to the City of Troy for approval. He said the project combines the preservation of the "little farm" in Troy with innovated new technology to create a new and expanded headquarters for The Kresge Foundation. Mr. Gagnon indicated the building program anticipates meeting a Gold LEED rating as well as Energy Star certification. Mr. Gagnon expressed his appreciation to the City for its cooperation and interest in the proposal. The project development team was introduced by Mr. Gagnon: They are Elizabeth Sullivan, Vice President of Programs, The Kresge Foundation; Joseph Valerio, Principal/Architect, Valerio Dewalt Train Associates; and Nils Vitso, Construction Project Manager, J. M. Olson Corporation.

Ms. Sullivan provided a brief historical background of The Kresge Foundation. The independent private foundation is among the top twenty private foundations in the U.S. with assets of \$2.5 billion. Ms. Sullivan provided information on the grants awarded nationally and internationally to non-profit organizations to support construction, renovation or purchase of real property. She said that given the Foundation's investment in the build environment, the Foundation became increasingly interested in the sustainable architecture and green building technology. Ms. Sullivan stated the staff of thirty has outgrown the current office structure and would like to remain in the City of Troy and make a commitment to the property.

A PowerPoint presentation given by Mr. Valerio highlighted the following:

- Project description
- Existing site plan
- Proposed site and landscape plans
- Farmhouse plan
- Courtyard plan
- Site sections of the proposed project
- Sustainable design descriptions
- Sustainable design strategies
- Project schedule

The floor was open for questions and comments. The Commission thanked the petitioner for the excellent presentation and expressed their desire to visit the project once it is completed.

Resolution # PC-2004-03-033

Moved by: Wright
Seconded by: Littman

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to fifty (50) when a total of fifty-five (55) spaces are required based on the off-street parking space requirements for office uses, as per Article 40.21.71. This reduction meets the standards of Article 40.20.12 and will assist The Kresge Foundation in minimizing the amount of storm water runoff on the site.

FURTHER RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Kresge Foundation office building, located on the south side of Big Beaver Road, west of Coolidge in Section 30, within the O-1 Zoning District be granted.

Yes: All present (8)
No: None
Absent: Schultz

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 34.70.00 One Family Cluster Option

Resolution # PC-2004-03-034

Moved by: Chamberlain
Seconded by: Strat

RESOLVED, That the Planning Commission hereby tables and continues the Public Hearing to the April 13, 2004 Planning Commission Regular Meeting for Zoning Ordinance Text Amendment (ZOTA 200), Article 34.70.00 One Family Cluster Option.

Yes: All present (8)
No: None
Absent: Schultz

MOTION CARRIED

GOOD OF THE ORDER

Mr. Miller reported that City staff would be working with Mr. Gagnon and The Kresge Foundation to monitor and document the site as a learning tool for future proposals in the City.

Mr. Gagnon confirmed that City staff would be invited to participate in project meetings and informed of the development team's documentation and certification process. Mr. Gagnon said he welcomes the City's involvement and appreciates its interest in the project.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:14 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:32 p.m. on March 9, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Robert Schultz

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-03-029

Moved by: Chamberlain
Seconded by: Strat

RESOLVED, That Mr. Schultz be excused from attendance at this meeting.

Yes: All present (8)
No: None
Absent: Schultz

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-03-030

Moved by: Chamberlain
Seconded by: Vleck

RESOLVED, To approve the February 24, 2004 Special/Study Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Strat, Vleck, Waller
No: None
Abstain: Khan, Littman, Wright
Absent: Schultz

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

SITE CONDOMINIUM SITE PLAN

4. SITE PLAN REVIEW – Proposed Hidden Forest Site Condominium, 34 units proposed, South side of Wattles, East of Livernois, Section 22 – R-1C

Mr. Savidant presented a summary of the Planning Department report for the proposed Hidden Forest Site Condominium. The petitioner submitted two plan layouts and Mr. Savidant reported that the Planning Department prefers and recommends approval of the layout that provides a vehicular connection to Troywood, as shown on Sheet “CE2A”. He noted the petitioner prefers to provide an emergency access drive/walkway connection to Troywood rather than a vehicular connection, as shown on Sheet “CE2”.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present. Mr. Abitheira said the residents who live at the end of Troywood have expressed concerns with increased traffic on Troywood and the safety of school children. Mr. Abitheira said those two concerns are the reason why he would prefer the layout that provides the emergency access drive/walkway connection to Troywood.

Discussion followed on traffic cut-through streets, future paving of Troywood, flow of traffic to/from Wattles Elementary School for picking up/dropping off school children, snow removal, and emergency access provisions.

Mr. Abitheira said he has filed an application with the MDEQ requesting that the designated wetlands area be mitigated in an area that would provide an area for the detention basin or road in the southeast corner of the site. He confirmed that the trees on the eastern property line would be preserved as best as possible, and that the site plan would be corrected to designate a concrete street.

Mr. Chamberlain suggested that an “eyebrow” be provided which could be removed when the street is connected.

Chair Waller opened the floor for public comment.

Akram Sidhom of 3853 Jennings, Troy, was present. Mr. Sidhom expressed concerns with the standing water and junk that has been on the property since it was cleared.

Scott Bosley of 3601 Jennings, Troy, was present. Mr. Bosley said that Jennings is currently used as a cut-through street during rush hour and expressed his concerns with an additional cut-through, traffic congestion and safety of school children should a connection be made to Troywood.

Dan McCatty of 3721 Jennings, Troy, was present. Mr. McCatty asked that the City pay attention to the proposed storm water drainage on the east side of the property. He said there is occasional flooding on Jennings, and noted that he pumps out the standing water on his property and neighboring properties. Mr. McCatty also asked that the site plan reflect the trees that the developer claims will remain on the property. Mr. McCatty expressed his concern with cut-through traffic and the safety of school children, and supported the suggestion to provide an "eyebrow" at the end of Troywood.

Chair Waller informed Mr. McCatty that the petitioner is required to abide by the City's Tree Preservation Plan requirements.

Chair Waller informed the residents that the determination made by the Planning Commission tonight is a recommendation to City Council, and encouraged them to address their concerns also to City Council.

The floor was closed.

Mr. Chamberlain said the aerial photographs of the property indicate that Troywood is wide enough to provide sidewalks should the road be paved in the future. Mr. Chamberlain proposed, in conjunction with the construction of the "eyebrow", that the City give priority to paving and providing sidewalks on Troywood from the proposed development to Bristol.

Mr. Miller reported that the property to the west of the proposed development was purchased by the City of Troy and deeded to the Drain Commission for a regional detention basin. He noted that Troywood would be reconstructed when the major storm sewer outlet is constructed in the future.

Mr. Miller reported that the provision of a road connection for emergency access is the preferred layout of the Fire Department. He noted the alternative emergency vehicle access, that also provides a pedestrian access, has been a recent consideration of the Fire Department for stub roads located throughout the City.

Resolution # PC-2004-03-031

Moved by: Chamberlain

Seconded by: Wright

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Hidden Forest Site Condominium, including 34 units, located south of Wattles Road and east of Livernois Road, Section 22, within the R-1C zoning district be granted, subject to the following conditions:

1. The approved site plan is Sheet "CE2A" with the provision that the road at the east boundary to Troywood not be opened, but an "eyebrow" be put in so that a connection can be provided at the time that Troywood is completed. In the interim, the short strip shall be marked as EVA (Emergency Vehicle Access) to allow access of emergency vehicles.
2. The pavement for the subdivision is designated on the site plan as concrete and that the petitioner sign-off on that designation at tonight's meeting.

Discussion on the motion.

Mr. Vleck questioned the legality of the motion to include the type of pavement.

Mr. Motzny responded that the type of pavement could be included in the motion as a recommendation to City Council.

A short discussion followed with respect to the City policy and the responsible party for removing a temporary turnaround.

Mr. Strat expressed his concern with providing only one emergency vehicle access to a site having 34 units.

Vote on the motion on the floor.

Yes: Chamberlain, Drake-Batts, Khan, Strat, Waller, Wright

No: Littman, Vleck

Absent: Schultz

MOTION CARRIED

Mr. Vleck stated the amount of units in the proposed development requires two emergency vehicles accesses and approving the proposal with one emergency vehicle access creates an unsafe condition.

Mr. Littman agreed that it is important to provide two access points for the proposed development, and noted his concern that prospective new residents in the subdivision have no knowledge that the road would be opened in the future.

SITE PLANS

5. SITE PLAN REVIEW (SP 906) – Proposed Woodbridge Group & Enerflex Solutions, Proposed Engineering/Research Bldg., South side of Equity (Private), West of Maplelawn, Section 32 – M-1 / Consent Judgment

Mr. Savidant presented a summary of the Planning Department report for the proposed Woodbridge Group & Enerflex engineering/research building. Mr. Savidant reported that the potential future expansion of a warehouse, located on the south side of the building, is designated on the site plan for informational purposes only and would be required to come back for site plan approval. He noted that the site plan provides adequate parking with the warehouse expansion. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Shawn Squires of Smith & Schurman Associates, 2550 Telegraph Road, Suite 108, Bloomfield Hills, architect for the project, was present. Mr. Squires stated that it is understood the warehouse addition would be subject to future site plan approval. He noted that the development is the proposed U.S. headquarters for the Woodbridge Group's engineering/research center. Mr. Squires confirmed the location of the dumpster enclosure.

Resolution # PC-2004-03-032

Moved by: Chamberlain

Seconded by: Wright

RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Woodbridge Group & Enerflex Solutions, proposed engineering/research building, located on the south side of Equity Drive (Private), West of Maplelawn in section 32, within the M-1 Zoning District, and further controlled by a Consent Judgment be granted.

Yes: All present (8)

No: None

Absent: Schultz

MOTION CARRIED

6. SITE PLAN REVIEW (SP 464-B) – The Kresge Foundation Building Rebuild, Proposed Office Building, South side of Big Beaver, West of Coolidge (3215 W. Big Beaver), Section 30 – O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Kresge Foundation office building. Mr. Savidant noted that the petitioner is requesting a reduction of five parking spaces from the parking space requirements per Article 40.20.12 of the City of Troy Zoning Ordinance. Mr.

Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Ron Gagnon, Project Manager for The Kresge Foundation, of 3215 W. Big Beaver Road, Troy, was present. Mr. Gagnon said it is an exciting and eye opening opportunity to present the green initiative project to the City of Troy for approval. He said the project combines the preservation of the "little farm" in Troy with innovated new technology to create a new and expanded headquarters for The Kresge Foundation. Mr. Gagnon indicated the building program anticipates meeting a Gold LEED rating as well as Energy Star certification. Mr. Gagnon expressed his appreciation to the City for its cooperation and interest in the proposal. The project development team was introduced by Mr. Gagnon: They are Elizabeth Sullivan, Vice President of Programs, The Kresge Foundation; Joseph Valerio, Principal/Architect, Valerio Dewalt Train Associates; and Nils Vitso, Construction Project Manager, J. M. Olson Corporation.

Ms. Sullivan provided a brief historical background of The Kresge Foundation. The independent private foundation is among the top twenty private foundations in the U.S. with assets of \$2.5 billion. Ms. Sullivan provided information on the grants awarded nationally and internationally to non-profit organizations to support construction, renovation or purchase of real property. She said that given the Foundation's investment in the build environment, the Foundation became increasingly interested in the sustainable architecture and green building technology. Ms. Sullivan stated the staff of thirty has outgrown the current office structure and would like to remain in the City of Troy and make a commitment to the property.

A PowerPoint presentation given by Mr. Valerio highlighted the following:

- Project description
- Existing site plan
- Proposed site and landscape plans
- Farmhouse plan
- Courtyard plan
- Site sections of the proposed project
- Sustainable design descriptions
- Sustainable design strategies
- Project schedule

The floor was open for questions and comments. The Commission thanked the petitioner for the excellent presentation and expressed their desire to visit the project once it is completed.

Resolution # PC-2004-03-033

Moved by: Wright
Seconded by: Littman

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to fifty (50) when a total of fifty-five (55) spaces are required based on the off-street parking space requirements for office uses, as per Article 40.21.71. This reduction meets the standards of Article 40.20.12 and will assist The Kresge Foundation in minimizing the amount of storm water runoff on the site.

FURTHER RESOLVED, That the Preliminary Site Plan Approval, as requested for the proposed Kresge Foundation office building, located on the south side of Big Beaver Road, west of Coolidge in Section 30, within the O-1 Zoning District be granted.

Yes: All present (8)
No: None
Absent: Schultz

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 34.70.00 One Family Cluster Option

Resolution # PC-2004-03-034

Moved by: Chamberlain
Seconded by: Strat

RESOLVED, That the Planning Commission hereby tables and continues the Public Hearing to the April 13, 2004 Planning Commission Regular Meeting for Zoning Ordinance Text Amendment (ZOTA 200), Article 34.70.00 One Family Cluster Option.

Yes: All present (8)
No: None
Absent: Schultz

MOTION CARRIED

GOOD OF THE ORDER

Mr. Miller reported that City staff would be working with Mr. Gagnon and The Kresge Foundation to monitor and document the site as a learning tool for future proposals in the City.

Mr. Gagnon confirmed that City staff would be invited to participate in project meetings and informed of the development team's documentation and certification process. Mr. Gagnon said he welcomes the City's involvement and appreciates its interest in the project.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:14 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

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The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order in Council Chambers, at 7:30 P.M., on Tuesday, March 16, 2004.

PRESENT: Kenneth Courtney
 Christopher Fejes
 Marcia Gies
 Michael Hutson
 Matthew Kovacs
 Mark Maxwell
 Robert Schultz

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

ITEM #1 – APPROVAL OF MINUTES, MEETING OF FEBRUARY 17, 2004

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of February 17, 2004 as written.

Yeas: 4 – Gies, Hutson, Kovacs, Courtney
Abstain: 3 – Fejes, Maxwell, Schultz

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – RENEWAL REQUESTED. K-MART, 100 E. MAPLE, for relief of the Ordinance, which will allow for an outdoor display of plant material, during the months of April through July, in front of K-Mart along the north side of the fenced area and a four-foot section of the sidewalk at the west end of the building, adjacent to the building.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board on a yearly basis since 1978, which allows for an outdoor display of plant materials in front of Kmart along the north side of the fenced area and four-foot section of the sidewalk, at the west end of the building, adjacent to the building. This display is used for plants and flowers, and the variance is valid during the months of April through July. This request has been subject to the petitioner providing a corral type fence to both enclose the area of the display and maintain a safe sidewalk at the same time. This item last appeared before this Board at the meeting of March 18, 2003 and was granted a one-year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

The petitioner was not present.

ITEM #2 – con't.

Mr. Hutson stated that he feels if the petitioner does not have the courtesy to attend the meeting the renewal should not be granted. A discussion began stating that usually these items were handled as a consent agenda item, however, due to the fact that there was only one renewal scheduled, it was handled separately.

Mr. Maxwell asked if anyone had spoken to the petitioner. Mr. Stimac stated that the Building Department did not have any conversation with the petitioner however, the renewal fee was paid.

Mr. Courtney asked if Mr. Hutson had any questions of the petitioner. Mr. Hutson said he did not have any questions, he feels that as a matter of courtesy the petitioner should make an effort to attend the meeting.

Motion by Kovacs
Supported by Schultz

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

- Variance is not contrary to public interest.
- There are no complaints or objections on file.
- Variance would not have an adverse effect to surrounding property.
- Petitioner will provide a corral type fence to both enclose the area of the display and maintain a safe sidewalk.

Yeas: 5 – Gies, Kovacs, Maxwell, Schultz, Fejes
Nays: 2 – Hutson, Courtney

MOTION TO GRANT VARIANCE RENEWAL FOR ONE-YEAR (1) CARRIED

ITEM #3 – VARIANCE REQUESTED. STEPHAN SLAVIK, 2949 VINEYARDS, for relief of the rear yard setback to construct a new, enclosed swimming pool addition on the rear of the existing home. This addition would result in an 18' rear yard setback where Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new, enclosed swimming pool addition on the rear of the existing home. The site plan submitted indicates the addition will result in an 18' rear yard setback to the south property line. Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

ITEM #3 – con't.

This item first appeared before this Board at the meeting of January 20, 2004 and was postponed to allow the petitioner the opportunity of a full board. This item again appeared before this Board at the meeting of February 17, 2004 and was postponed to this meeting at the request of the petitioner.

Mr. Slavik was present and stated that he does have the option of putting in an accessory building to house the pool, which would comply with the Ordinance, but does not feel it would be as aesthetically pleasing as the attached structure. Mr. Slavik explained that the attached structure would be 950 square feet however a detached accessory building would be closer to 1350 square feet. The height of the accessory structure would also be higher than the attached structure and the setback of this accessory building would be approximately 18' from the property line, whereas the addition would be 20' from the lot line. Mr. Slavik also indicated that he was planning to add extra landscaping, which would further minimize the impact of this addition to surrounding property. Both the Homeowner's Association and Mr. Slavik's neighbors have given approval for this addition.

Mr. Slavik's architect explained that the addition would be six feet lower than an accessory building because it would come off the basement slab and would also be approximately 41% smaller than an accessory building. He also explained that they have revised the plans and are now proposing a 20' setback with this proposed addition. Mr. Maxwell asked what the height of the addition would be. Mr. Slavik said that the height of the roof is approximately 15'. Mr. Maxwell then asked how far the house to the south and west would be from the proposed structure and Mr. Slavik said it would be approximately 50' to the house to the south; and approximately 32' from the house to the west.

Mr. Maxwell then asked what the side yard setback was for this property. Mr. Stimac explained that in the R-1A Zoning District, the side yard setback is 15'.

Mr. Courtney asked what the setback was for accessory buildings and Mr. Stimac stated that the setback for all accessory buildings is 6'.

Mr. Courtney then asked the petitioner why the accessory building would be so much larger than the addition. Mr. Slavik said that if he had to put up a detached accessory structure, he would put in a larger pool. Mr. Slavik explained that the reason the addition was smaller was so that it was not invasive to surrounding property.

The Chairman opened the Public Hearing.

Mr. Curtis Bagne, 2971 Vineyards was present. Mr. Bagne said that his home is immediately to the west of this home and would be one of the most affected properties by this addition and he is in support of this request for a number of reasons. Mr. Bagne indicated that due to the layout of this property and his lot, the only way he would be

ITEM #3 – con't.

able to see this addition from his home would be to look down from the guest bedroom. Furthermore the landscaping around the structure would also minimize the impact of this structure. He believes that a lot of engineering work has been put into the design of this structure and was satisfied with that aspect of the structure and was also pleased with the proposed use of glass panels on the structure. Mr. Bagne also said this home is an attraction to the young children in the area and would be a benefit to these children. Mr. Slavik also contacted Mr. Bagne when he was proposing this addition and talked about the grade change that would be required and that he would cover the expense of those changes.

Mr. Makowski, 2905 Vineyards was also present. Mr. Makowski indicated that he is the president of the Homeowner's Association and the Association and the Architectural Committee have approved Mr. Slavik's first proposal. As a homeowner, Mr. Makowski's home is directly east of this property and would be more in favor of the addition rather than a detached structure.

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

There are four (4) written approvals on file. There is one (1) written objection on file.

Mr. Kovacs stated that he feels the attached structure makes more sense than a detached structure. Mr. Kovacs also stated that he did not find a hardship with the land, however, he does not feel the Zoning Ordinance is correct in this instance.

Mr. Maxwell said that this is a double front corner lot and there is quite a distance between the surrounding homes.

Mr. Hutson also said that he does not find a practical difficulty however, he does not think a detached structure would add to the symmetry to the property.

Mr. Slavik said that he does not feel there is a hardship with an enclosed pool but thinks an attached addition is a much better alternative than a detached structure. This addition would be aesthetically pleasing and being a corner lot this is the only location this addition could be constructed.

Mr. Courtney asked if this home met the setbacks of a double front corner lot. Mr. Stimac said that a variance is not required on the either front yard setback, but only the rear setback. Mr. Stimac also said this lot was wider facing east to west than north to south. They fronted the house to the north, which decreased the buildable area of the lot by about 25%, but the house style is very wide and would not have fit if it was placed in the other direction. Mr. Courtney then said that he is looking for a hardship with the land. Mr. Stimac said that the Ordinance recognizes that there are extra setbacks imposed on corner lots and therefore corner lots are required to be larger.

ITEM #3 – con't.

Mr. Maxwell said that this was a small lot and irregularly shaped.

Mr. Kovacs asked how large the house was. Mr. Slavik's architect indicated that it was 3,438 square feet.

Mr. Kovacs asked how many homes in Troy had enclosed pools. Mr. Stimac said there were approximately five (5). Mr. Kovacs indicated that he thought this was a unique request and believes this solution makes the most sense and will be the most beneficial to the petitioner and the area.

Motion by Fejes
Supported by Gies

MOVED, to approve the request of Stephan Slavik, 2949 Vineyards for relief of the rear yard setback to construct a new, enclosed swimming pool addition on the rear of the existing home. This addition would result in a 20' rear yard setback where Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Conforming to the Ordinance is unnecessarily burdensome.
- Variance relates only to the property described in the application.
- Overwhelming support of neighbors and Homeowner's Association.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED

ITEM #4 – VARIANCE REQUESTED. MR. & MRS. HOWARD ALEXANDER, 5186 FEDORA, for relief of the rear yard setback to construct a sunroom addition. This addition would result in a 37.5 rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. The site plan submitted indicates that the proposed sunroom addition will result in a 37.5' rear yard setback. Section 30.10.04 of the Zoning Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts.

Mr. Keith Dara of Mr. Enclosure Sunrooms was present. Mr. Dara indicated that the home is placed back further on the lot and in fact sits back further from the houses on either side of it. The homeowners are retired and would like to be able to enjoy their property.

ITEM #4 – con't.

Mr. Maxwell indicated that the east side of the home juts out farther on the property line and asked why the room would be added to this area. Mr. Dara said it is because that is where their family room is located and this location makes the most sense. There is an existing deck that projects out 16' and this room would only project out 12'. This addition would not infringe on the line of sight from either neighbor.

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.

Mr. Courtney asked why this proposed addition would be 12' instead of 10'. Mr. Dara said that the width of the walls are 6", and if they went smaller the room would be 9' x 15' wide. The Alexander's entertain their grandchildren and the proposed sunroom would be 11 ½' x 15', which would give them enough room to add a table and make the most use of this room.

Motion by Kovacs
Supported by Hutson

MOVED, to grant Mr. & Mrs. Howard Alexander, 5186 Fedora, a variance for relief of the rear yard setback to construction a sunroom addition, which would result in a 37.5' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoning Districts.

- Variance request is minimal.
- Variance would not be contrary to public interest.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED

ITEM #5 – VARIANCE REQUESTED. MR. & MRS. MIKE COLAUTTI, 2839 LANERGAN, for relief of the rear yard setback to construct an addition. The proposed master suite addition would result in a 43'-8" rear yard setback where Section 30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback in R-1B Zoning Districts.

The petitioner has submitted a letter asking that this item be withdrawn.

Motion by Schultz
Supported by Courtney

ITEM#5 – con't.

MOVED, to accept petitioner's letter requesting withdrawal.

Yeas: All – 7

MOTION TO WITHDRAW REQUEST CARRIED

ITEM #6 – VARIANCE REQUESTED. MR. DAVID CAMPBELL, 2730 HYLANE, for relief of the front yard setback to construct an attached garage. This garage would result in a 26' front yard setback to Bronson, where Section 30.10.01 requires a 40' minimum front yard setback in R-1A Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an attached garage. This lot is a double front corner lot with front yard requirements along both Hylane and Bronson. Section 30.10.01 of the Zoning Ordinance requires a 40' minimum front yard setback in R-1A Zoning Districts. The site plan submitted indicates a proposed 26' front yard setback from the garage addition to Bronson.

Mr. Campbell was present and stated that his home had been constructed in approximately 1954 and is located on the corner lot, and they have done a major reconstruction project including converting the existing attached garage to a home office. Mr. Campbell said that he would like to add the attached garage in this location in order to save a 50' maple tree, which he believes is a centerpiece of his lot. At one time Bronson was a dead end street and when the subdivision to the north was constructed it was opened. The petitioner stated that the homes behind him are closer to Bronson than his garage would be. Mr. Campbell further stated that if he has to add a detached garage, it would be totally different from the other homes in the area and he does not feel it would be aesthetically pleasing. None of the homes on this street have basements and this garage would also be used for storage.

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

There is one (1) written approval on file. There are no written objections on file.

Mr. Hutson asked what the setback would be if this was not a double front corner lot. Mr. Stimac explained that in the R-1A Zoning District the side yard setback would be a minimum of 15'.

Mr. Schultz asked what the side yard setbacks would be with the subdivision to the north. Mr. Stimac said he thought the subdivision to the north was constructed first and when Bronson was extended, the lots in this area all became double front corner lots. When Bronson was a dead end subdivision street, the Ordinance required the largest of the side yard setbacks – the R-1A side yard setback would be 15'.

ITEM #6 – con't.

Motion by Courtney
Supported by Hutson

MOVED, to grant Mr. David Campbell, 2730 Hylane, a variance for relief of the front yard setback to construct an attached garage, which would result in a 26' front yard setback to Bronson, where Section 30.10.01 requires a 40' minimum front yard setback in R-1A Zoning Districts.

- Variance will allow for the preservation of a large mature tree.
- The structure will not extend closer to the street than the other homes in the area.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance will not establish a prohibited use in a Zoning District.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUESTED. MR. JACK BRONKA, 6779 SERENITY, for relief of the rear yard setback to construct a patio enclosure. This patio enclosure would result in a 39' rear yard setback, where Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a patio enclosure. The site plan submitted indicates the proposed patio enclosure would result in a 39' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

In December 1987, this Board granted a variance to maintain a deck, which was constructed to within 33.2' of the rear property line, where a minimum 35' rear yard setback was required. Petitioners are proposing to remove the existing deck and construct this smaller room enclosure.

Mr. Bronka indicated that he and his wife have always wanted to add a glass-enclosed room to enjoy their property. This property is "L" shaped and the rear of the home is exactly 45' from the rear property line. They would like a 10' x 12' room, which will go out 6' from the home and will be located on the deck.

Mr. Maxwell asked if the deck was going to be removed. Mr. Bronka explained that they are going to remove the existing deck but are going to replace it with a more structurally sound deck, which will be able to support this sunroom.

ITEM #7 – con't.

Mr. Fejes asked where the sunroom is going to go. Mr. Bronka said that they are going to place the sunroom on the new deck, which will look exactly like the existing deck. Mr. Bronka also indicated that the sunroom will be in the footprint of the deck and will not go past the deck.

Mr. Courtney asked when the Bronka's had moved into the home. Mr. Bronka said that they have lived there since 1994. Mr. Bronka also said that this home is approximately 1700 square feet and because their family is growing they could use the extra room for entertaining and this location is ideal because it is off the kitchen.

Mr. Kovacs asked if Mr. Stimac knew the distance of the corner of the home to the side lot. Mr. Stimac said that when the setbacks are measured they are measured perpendicularly to the lot line. Mr. Kovacs said that he wondered if this addition could be rotated and then would not require a variance. Mr. Bronka said he would still require a variance because the home is "L" shaped and still would not be in compliance. Mr. Kovacs said that he did not see a practical difficulty with the land and would have been happier if the addition could be turned. The representative from Advanced Builders stated that if the sunroom was rotated 90 degrees, the height of this room would be higher than the roof of the home and would require a saddle across the entire back of the home.

Mr. Maxwell asked if the setbacks had been changed. Mr. Stimac said at the time the original variance was granted the Ordinance only allowed for a 10' encroachment for open and unenclosed decks to the rear of the property. This setback encroachment has now been increased to 15'.

Mr. Kovacs said that he did not see a hardship with this property. Mr. Bronka said that he thinks the hardship is due to the fact that the rear of the home is exactly 45' from the rear property line. Mr. Kovacs said that he would be more inclined to grant a variance for 3' rather than 6' and thought this could be achieved if the room was rotated.

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

There are two (2) written approvals on file. There are no written objections on file.

Mr. Bronka said as far as he could see his alternative would be to reduce the size of this room. These rooms are modular and it would be very difficult to make it smaller. Mr. Kovacs said that if the sunroom was rotated the variance request would be made smaller by 3' and the Board has the power to grant a lesser variance. Mr. Stimac explained that he did not think the dimension that is shown at the back of the property was measured perpendicularly to the lot line as is usually done. Mr. Stimac said that if the room was rotated it would require a 3' variance to the rear yard setback but would not require a variance for the side yard setback.

ITEM #7 – con't.

Mr. Kovacs said that he thinks by turning the room a lesser variance would be required and the petitioner would still get what he wants. Mr. Courtney pointed out that if the room was turned it would stick out from the side of the house and would be visible from the road. Mr. Kovacs said that it would be a nice glass building, which would be visible.

Mr. Courtney pointed out that it would not be all the way to the ground but would in fact be sticking up.

Mrs. Gies asked if a variance was required for the deck. Mr. Stimac said that a variance was granted for a 33' setback for the original deck and a new variance is not required when the new deck is constructed. Mrs. Gies said that she thought the site plan indicated that the deck was going to be completely removed. Mr. Bronka said that because of the elevation of the home a deck was required to use the door walls.

Mr. Courtney asked if Mr. Bronka would consider making this room smaller. Mr. Bronka said the next module was 9.8' and therefore would require a variance of 3.8'. The contractor indicated that the existing deck is coming down because of the age of the structure and a new deck will be able to support this structure.

Mr. Hutson asked if Mr. Bronka could change the size of this room to 9.8'. Mr. Bronka said he would be willing to change his request and therefore the variance required would be 3 feet. Mr. Stimac said that if the room dimension was reduced to 9.8' the rear yard setback would be 42' rather than the 45' that is required.

Motion by Hutson
Supported Kovacs

MOVED, to grant Jack Bronka, 6779 Serenity, a variance for relief of the rear yard setback to construct a 9.8' patio enclosure, which would result in a 42' rear yard setback where Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Kovacs asked that the motion be amended in case Mr. Bronka decided to rotate this addition and change the size to 10', which would result in a 41'-6" rear yard setback. Mr. Hutson agreed to this amendment.

MOVED, to grant Jack Bronka, 6779 Serenity, a variance for relief of the rear yard setback to construct a patio enclosure, which would result in a 41'-6" rear yard setback where Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

- Variance would not be contrary to public interest.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- Variance would not have an adverse effect to surrounding property.

ITEM #7 – CON'T.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED

ITEM #8 – VARIANCE REQUESTED. MR. SCOTT BOSLEY, 3601 JENNINGS, for relief of the rear yard setback to construct a family room addition, which would continue an existing 25' rear yard setback. Section 30.10.04 of the Zoning Ordinance requires a minimum 40' rear yard setback in the R-1C Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a family room addition. This property was granted a variance in 1966 to construct an addition with a 25' rear yard setback. The owner now wishes to construct another addition continuing this same 25' rear yard setback. Section 30.10.04 of the Zoning Ordinance requires a minimum 40' rear yard setback in the R-1C Zoning District.

Mr. Scott Bosley was present and stated that this is phase I of a complete renovation of the existing home. Mr. Bosley explained that they have been in this home 17 years and the home needs to be updated. This house does not have a basement and the existing room on the rear of the home would be enlarged. This variance is needed in order for them to proceed with the rest of the plans to remodel the home. The existing family room has a flat roof and they hope to add a vaulted ceiling.

The Chairman opened the Public Hearing.

Mr. Jerry Dennison, 3840 Jennings was present and stated that he thought this home needs updating and does not feel the addition will encroach any further than it does now. Mr. Dennison also said that Mr. Bosley is a wonderful neighbor and he would like to see him get this variance.

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

There are three (3) written approvals on file. There are no written objections on file.

Mr. Bosley also said that one of the reasons they want to remodel is to make provisions for his mother-in-law to live with them.

Mrs. Gies asked if Mr. Bosley had ever thought of moving. Mr. Bosley said that they like where they live and finally came up with a plan to renovate the home with a minimum amount of demo work.

Mr. Kovacs asked what the buildable area on this lot. Mr. Stimac said that there is a 30' front yard setback and officially is a 40' rear yard setback. Mr. Stimac also said that construction could take place to within 10' of the side property line. Mr. Kovacs said

ITEM #8 – con't.

that he thought Mr. Bosley had a lot of room to add on the north side of this home in a way that would not require a variance.

Mr. Maxwell said that after looking at the floor plan he thought some of the rooms were very small and there is no basement. He also said that these renovations would bring uniformity to the home and would give him extra space. Mr. Kovacs said that he has a very large buildable area and could add on without a variance. Mr. Kovacs is against carrying on the 25' rear yard setback. Mr. Maxwell said that he could understand what Mr. Bosley was trying to accomplish and he thinks that an addition to the north side of the home would not be aesthetically pleasing. Mr. Bosley said this addition works well coming from this side as it connects to the kitchen and if they were to put it in another location it would not flow as well.

Mr. Kovacs said that he did not see a hardship with the land and felt that an addition could be added without a variance. Mr. Bosley said that they had explored the possibility of adding on to the north, but this was the only viable plan they could come up with. Any other plan was too complicated.

Mr. Maxwell said he did not see the reason to add any additional financial burden to the petitioner. Mr. Kovacs again said that he did not find a hardship with the land. Mr. Bosley said that the real issue is with the interior layout of the house and this was the only plan that made sense.

Mr. Maxwell said that he should be allowed to construct a livable home, and Mr. Kovacs said he can construct a livable home without a variance. Mr. Maxwell said that he feels this addition would have a minimal impact to his neighbors.

Mr. Fejes stated that he is not really adding to the existing variance. Mr. Courtney disagreed and said even though there is no further encroachment he feels the variance would be doubled by adding to the size of the addition.

Mr. Schultz said that he did not feel the variance was being doubled.

Mr. Kovacs still did not agree with this request. Mr. Bosley explained that this addition would allow for them to remove the minimum number of walls and still get what they desire. An elevator would also be added at a later date for Mr. Bosley's mother-in-law. Mr. Courtney said that he thought there was a lot of revamping going on and Mr. Bosley said it would still be in the same general location.

Ms. Gies asked how long the Bosleys have been in the home and Mr. Bosley said that they have lived there 17 years and feels it is an eyesore and an embarrassment to his teenage daughters.

ITEM #8 – con't.

Mr. Kovacs stated that he would vote No on a motion to approve this request as he does not see a hardship with the land and believes the petitioner could use the 90' available to the north to add on to his home.

Motion by Fejes
Supported by Gies

MOVED, to approve the request of Scott Bosley, 3601 Jennings, for relief of the rear yard setback to construct a family room addition, which would continue an existing 25' rear yard setback where Section 30.10.04 of the Zoning District requires a minimum 40' rear yard setback in the R-1C Zoning District.

- Variance will not encroach any further into the rear yard setback than the 25' allowed by the original variance.
- Variance will not have an adverse effect to surrounding property.
- Variance does not establish a prohibited use in a Zoning District.
- Variance is not contrary to public interest.

Yeas: 4 – Fejes, Gies, Maxwell, Schultz
Nays: 3 – Courtney, Hutson, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUESTED. SHARON MANNING, 2637 E. SQUARE LAKE (PROPOSED ADDRESS), for relief of the setback to construct a single family home. This proposed home would have a 29.33' front yard setback to the future right of way line. Section 10.60.03 of the Zoning Ordinance requires a 50' minimum setback from the East Square Lake master thoroughfare plan right-of-way line.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new single-family home at 2637 E. Square Lake Road (proposed address). Section 10.60.03 requires a 50' minimum setback from the East Square Lake master thoroughfare plan right-of-way line. The site plan submitted indicates a proposed 29.33' front yard setback to this future right-of-way line.

Sharon Manning was present and stated that she believes that the location of this proposed home would be the most aesthetically pleasing location and would increase the property value. Ms. Manning's goal is to building a small colonial home on the corner of Square Lake and Evanswood, which would clean up this property which is now a vacant lot and is collecting quite a bit of debris.

Ms. Manning's son was also present and said that he had been involved with this project since the beginning. Mr. Manning indicated that at the time they split the lot they did not know that the right of way was increasing.

ITEM #9 – con't.

Mr. Hutson asked if there have been any resolutions passed by Council as to the widening of Square Lake Road. Mr. Stimac said that there has not been any authorization to widen Square Lake, however, authorization has been given to purchase the 60' right of way to install the sidewalk this year. Mr. Hutson asked about the sewer and water easements and Mr. Stimac said that the sewer and water mains would be located in the right of way.

Ms. Lancaster said that she was not aware of what the plan is for Square Lake, but if the City acquires the 60' it will affect this variance request. Mr. Hutson said he was trying to figure out how soon Square Lake would be widened. Mr. Manning said that the home to the right of this property is at the same setback as this proposed construction. Mr. Manning also said that the plans had been redrawn taking the 60' right of way into account.

Mr. Courtney asked if this was going to be rental property. Ms. Manning stated that she plans to live in this home.

Mr. Kovacs asked what the buildable area of the lot was. Mr. Stimac explained that with a house fronting on Square Lake Road, the dimension of the building envelope would be about 16' in the north/south dimension and about 62' in the east/west dimension. If the proposed home was turned and fronted on Evanswood, the building envelope would be approximately 30' in the east/west dimension and 48' in the north/south dimension. Mr. Kovacs then asked if the petitioner presented this plan to the Assessing Department when this lot was split. Mr. Stimac said that the Assessor's Office determines if there is enough lot area to meet the minimum area requirements of the Ordinance and also determines that there is sufficient lot width, and must determine that there is a least enough buildable area to support a 24' x 24' house, which is the bare minimum to meet the Ordinance. Mr. Stimac also said that by definition in the Zoning Ordinance this is a buildable lot in the R-1D Zoning classification.

Mr. Manning said that he was the one who originally went to the City Assessor with this plan, and this is how they based their request to split this lot. Mr. Manning said that if they had known from day one that the right of way was 60', they would not have split the lot. Ms. Manning stated that she has made a large financial investment in this endeavor.

The Chairman opened the Public Hearing.

Mr. Paul Fleck, 2805 Ranieri, was present and stated that he would be in favor of this request as he believes it would fit in with the other homes in the area and would maintain continuity. Mr. Courtney asked if he would feel the same if the front of the house was facing Evanswood. Mr. Fleck indicated that he thought it would look out of place.

ITEM #9 – con't.

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

There is a petition with nine (9) signatures indicating approval. There are four (4) written objections on file.

Mr. Kovacs asked for clarification on what the impact would be if the City widened Square Lake Road. Mr. Stimac explained that the petitioner has proposed to build a home with a 29' setback from the 60' right of way. If Square Lake is improved, there would be 32' of pavement on each side of the section line, which would result in 28' from the edge of the pavement to the property line. Petitioners are proposing an additional 29' setback from the property line to the front of the house, which would be approximately 57' from the front edge of the house to the edge of the pavement.

Mr. Schultz asked if the houses that are currently on Square Lake will become legal non-conforming structures when the City acquires the additional right of way. Mr. Stimac said that he could not confirm the setback of the homes that are east of this property. Mr. Schultz then asked how the acquisition of right of way would affect this property. Mr. Stimac said that the act of acquiring right of way cannot make a structure a legal non-conforming structure, it can make it non-conforming. The Right of Way Department does not have the power to grant setback variances. Mr. Schultz asked what the ramifications would be if the structure was non-conforming. Mr. Stimac said that if the home were to be destroyed, they would not be able to rebuild it without some type of variance. Mr. Schultz said that if he understood this request correctly they would not need a variance to construct this home.

Ms. Lancaster said that the way the Ordinance is written and if the variance was granted tonight, and the City proceeds with the acquisition of the right of way, this home would be considered legal non-conforming and additions would be allowed on the side or back of the home, but not on the front of the home. In order to be legally conforming to the Ordinance, they require a 110' setback.

Mr. Courtney asked if a variance was required if the home was built fronting Evanswood. Mr. Stimac said they are able to construct a structure without a variance if the house were to face Evanswood. Mr. Stimac further explained that the home plan submitted by the petitioner would not fit in the buildable area of a lot fronting along Evanswood.

Mr. Maxwell stated that he did not see a reason to deny this request since this home would in line with the other homes along Square Lake Road.

Motion by Kovacs
Supported by Schultz

ITEM #9 – con't.

MOVED, to grant Sharon Manning, 2637 E. Square Lake Road (proposed address), relief of the front yard setback to construct a single family home, which would result in a 29.33' front yard setback to the future right of way line where Section 10.60.03 of the Zoning Ordinance requires a 50' minimum setback from the East Square Lake master thoroughfare plan right of way line.

- This home would conform to other homes along Square Lake Road.
- Literal enforcement of the Ordinance does preclude full enjoyment and conformance to the Ordinance would be unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Variance applies only to the property described in this petition.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – REQUEST FOR FINAL ACTION. PAUL FLECK, 2805 RANIERI, for relief of Section 30.10.05 to construct a patio enclosure addition, which would result in a 27'-6" rear yard setback where 40' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a patio enclosure on the rear of his home. The site plan submitted indicates a 26' rear yard setback to the proposed patio enclosure. Section 30.10.05 of the Ordinance requires a 40' minimum rear yard setback in R-1D Zoning Districts. This item last appeared before this Board at the meeting of December 16, 2003. At that time, motions both to approve the request and to table the item failed on a 3 – 3 tie vote. No motion on this request has been passed by a majority of the Board. In effect, the Board has not taken any action on this request. Therefore, the item was brought back to the Board for final disposition.

Mr. Stimac suggested that if the Board cannot come to a majority decision on a request it may be beneficial and prudent to table the item to give the petitioner the opportunity of a full Board.

Mr. Hutson said that he feels: 1 – Motion by the Board was to postpone, and petitioner was asked whether he wished to postpone the vote. Mr. Fleck decided to have the Board proceed with his request. Mr. Hutson feels that the burden is on the petitioner to convince the Board to vote affirmatively on his request. 2 – This Board is allowed to have two (2) alternates to serve on this Board. City Council has elected not to fill these alternate positions, and it will happen that seven (7) members may not be present. In this case, Mr. Fleck was aware that a full Board was not present and was asked if he wished to postpone his request and chose not to postpone. Mr. Hutson also said that

ITEM #10 – con't.

he feels a tie vote to approve means that this motion fails. 3 – Regarding a motion for reconsideration according to Roberts Rules of Order, a motion for reconsideration must be made at the meeting where the item is presented. The Ordinance states that reconsideration can be considered when a substantial change has been made. Mr. Hutson said he does not feel a 5% or even 15% change is substantial enough to allow for the reconsideration of a request. Mr. Hutson feels this issue should be separated from Mr. Fleck's request and the Board should act on the language contained in the Ordinance regarding the word "substantial". Mr. Hutson also suggested that the Board defers answering Mr. Fleck's question until the Board determines what a tie vote means.

Mr. Maxwell asked Ms. Lancaster to comment on this. Ms. Lancaster said that she does not have a problem with the resolution and although it is true with this particular Board, all you need is a quorum in order to pass a request, however, it may be a good idea to clarify what a tie vote means. Ms. Lancaster also said that according to Roberts Rules, a tie vote to approve means that the motion fails, a tie vote to deny a request does not mean that the motion passes. Mr. Maxwell asked if the 3-3 vote on Mr. Fleck's request meant that the motion had failed, and Ms. Lancaster said that according to Roberts Rules, this would mean that the request had failed. It was also pointed out that Robert Rules are written for parliamentary procedure and most of the Boards use these rules with some modification. If a procedure was started that a tie vote automatically means a motion fails then that is how the Board would proceed and remain consistent. Mr. Maxwell stated that he felt that Mr. Fleck deserved an answer on his request. Ms. Lancaster said that if the Board wished she thought that they could act on Mr. Fleck's request. Mr. Maxwell asked if he could reopen the public hearing, and Ms. Lancaster said that she thought it would be up to the Board to hear this request again.

Mr. Courtney stated that he did not think the Board had the right to reconsider this request because the Ordinance states an item would be reconsidered only with a "substantial" change and there has not been a change made to this request. Ms. Lancaster said that according to Roberts Rules she thought the item could be reconsidered and Mr. Courtney stated that Roberts Rules are different than the Ordinance and this Board needs to go by the Ordinance.

Mr. Stimac stated that he did not feel the Board had taken a final action on this item and feels that there are several motions that could be made, and perhaps have a majority decision by the Board. Mr. Courtney said that he feels the Board has taken a final action because the motion to approve failed and therefore would constitute a denial. Mr. Hutson stated that the minutes that were approved stated very specifically that the "Motion to approve failed" and feels that this should be construed as a denial. Mr. Stimac said that other motions could have been made and Mr. Courtney said perhaps other motions should have been made, however, the Board did not make any other motions.

ITEM #10 – con't.

Mr. Maxwell said that he felt they should address how this Board would handle tie votes in the future and he feels that Mr. Fleck should be able to address the Board. Mr. Hutson objected and stated that Mr. Maxwell did not have the power to reopen this hearing, because the minutes that were approved had denied his variance. Mr. Hutson also said that he feels that the Board should separate this request from the approval of new verbiage regarding tie votes. Mr. Maxwell said he still felt that other motions should be made regarding Mr. Fleck's request at this meeting.

Motion by Courtney
Supported by Hutson

MOVED, to adjourn the meeting of the Board of Zoning Appeals.

Yeas: 2 – Hutson, Courtney
Nays: 5 – Kovacs, Maxwell, Schultz, Fejes, Gies

MOTION TO ADJOURN THE MEETING FAILED

Mr. Stimac suggested that at this point there were many different opinions regarding this matter and felt that the procedure and policy should be separated from this request, and said that it would be beneficial to postpone hearing of this request to allow staff to research the Ordinance and suggest appropriate language.

Mr. Maxwell asked Mr. Fleck if he had anything to say. Mr. Fleck said he was just a citizen and was not familiar with Roberts Rules of Order and also was not familiar with the rules of the Board regarding the granting of a variance. It turns out you have to have four (4) people and he had a situation where he did not have the benefit of a full Board and would like to have a vote taken on his variance so he would know what the final determination was. Mr. Maxwell pointed out that it had been made very clear to Mr. Fleck at the time of the meeting that he had the option of postponing for the benefit of a full Board and he chose not to exercise that option. Mr. Maxwell then asked Mr. Fleck if he had a problem with postponing this request and Mr. Fleck said he did not have a problem with a postponement.

Mr. Courtney said that he felt that perhaps the Board should make an amendment to their Rules of Procedure stating that if a tie vote is reached, the Board would automatically postpone the request until the next meeting. Mr. Maxwell stated that due to the lateness of the hour, he thought it would be better to research this option and bring it back to the next meeting. Mr. Courtney also said that he thought this Board should give City staff some idea of what type of resolution the Board would be looking for.

ITEM #10 – con't.

Ms. Lancaster said that she thought perhaps Mr. Stimac and she could go over the Rules of Procedure and the Ordinance and come back to the Board with some suggestions on how to handle these requests.

Motion by Courtney
Supported by Gies

MOVED, to postpone a decision on changing the Rules of Procedure for the Board of Zoning Appeals; **and** to postpone a hearing of Mr. Paul Fleck, 2805 Ranieri, request for a rear yard setback until the next scheduled meeting of April 20, 2004.

- To allow City Staff to determine what changes could be made.

Yeas: All – 7

MOTION TO POSTPONE BOTH REQUESTS CARRIED UNTIL THE MEETING OF
APRIL 20, 2004

Mrs. Gies informed the Chairman that she will not be at the meeting of May 18, 2004.

Mr. Maxwell asked if the Board wished to give City Staff any direction on these changes. Mr. Hutson said that he was puzzled as to why Council has never filled the alternate positions available to this Board, so that a tie vote would not happen. Mr. Courtney said he did not feel an alternate was necessary, as only four votes are needed. Mr. Hutson said that he did not think an item should automatically be postponed each time there is a tie, and felt that this decision should be construed as a denial. Mr. Stimac said that he sees problems with either decision, postponement or the acceptance of a tie as a denial. Mr. Maxwell said that he thought that the motion to approved was denied when a tie vote was reached.

The Board of Zoning Appeals adjourned at 10:09 P.M.

Mark Maxwell, Chairman



Pamela Pasternak, Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, March 24, 2004 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Maniesh Joshi called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Emily Burns (arrived 7:07 P.M.)
 Min Chong
 Juliana D'Amico
 Monika Govindaraj
 Maniesh Joshi
 Andrew Kalinowski
 Matthew Michrina
 Manessa Shaw
 YuJing Wang

MEMBERS ABSENT: Allister Chang
 Chris Cheng
 Raymond Deng
 Eric Gregory (excused)
 Catherine Herzog (excused)
 Christina Krokosky (excused)
 David Vennettilli

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager
 Brian Wattles, Chair, Civic Center Priority Task Force

1. Roll Call
2. Approval of Minutes

Resolution # TY-2004-03- 005

Moved by Chong
 Seconded by Wang

RESOLVED, That the minutes of 2/25/04 be approved.

Yes: All - 9
 No: None
 Absent: Chang, Cheng, Deng, Gregory, Herzog, Krokosky, Vennettilli
 MOTION CARRIED

3. Attendance Report: Noted and Filed

This meeting: 9 present, 7 absent – 3 gave prior notification.

Three members are in violation of the attendance policy and as such will not be able to renew their seats on the TYC. These members do not appear to be interested in and/or have time to attend meetings. There are at least five student applicants wishing to serve on the TYC.

Resolution # TY-2004-03- 006

Moved by Joshi

Seconded by D'Amico

WHEREAS, That other youth be afforded the opportunity to serve on the Troy Youth Council (TYC).

RESOLVED, That TYC hereby requests that Members Chang, Deng and Vennettilli be contacted calling for their resignation from the TYC due to their lack of attendance at monthly meetings.

Yes: All - 9

No: None

Absent: Chang, Cheng, Deng, Gregory, Herzog, Krokosky, Vennettilli

MOTION CARRIED

4. Motion to Excuse Absent Members

Resolution # TY-2004-03- 007

Moved by Shaw

Seconded by Joshi

RESOLVED, That Gregory, Herzog and Krokosky shall be excused.

Yes: All – 9

No: None

Absent: Chang, Cheng, Deng, Gregory, Herzog, Krokosky, Vennettilli

MOTION CARRIED

5. Visitor: Brian Wattles, Chair, Civic Center Priority Task Force

Presentation: Abridged Version of the CCPTF's 2/16/04 Report to City Council re: Public Elements for the Civic Center Site

Contributions from Manessa Shaw re: Youth Input to the Report and Her Experience as an Alternate Member of the CCPTF

6. Youth Council Comments

Shaw: TYC Contribution to 2005 50th Anniversary Celebration

A discussion took place re: ways the TYC can contribute to the 50th Anniversary celebration. A "Then and Now" Display was mentioned. Perhaps this could be displayed in the Library and at a booth at the 2005 Troy Daze Festival. Fitzpatrick to investigate options.

7. Miscellaneous Announcements:

- *Next Meeting:* Reminder Next Meeting: WED APRIL 28th 7:00 P.M. @ **CITY HALL**
Topic: Tentative: In Honor of Earth Day (April 22nd) -
How Troy Local Government Works to Protect the Environment
- **ELECTION:** The Last day to register to vote and be able to vote in the upcoming City Election was **MARCH 8**. The City election is April 5th.

8. PUBLIC COMMENT

The meeting adjourned at 7:52 P.M.

Maniesh Joshi, Co-chair

Laura Fitzpatrick, Assistant to the City Manager

Advisory Committee for Senior Citizens

A Regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, April 1 2004 at the Troy Community Center. Chairman David Ogg called the meeting to order at 10 AM.

Present: David Ogg, Chairman
Ed Forst, Vice-Chairman
Bill Weisgerber, Member
Marie Hoag, Member

JoAnn Thompson, Member
Jo Rhoads – Member
Merrill Dixon, Member
Carla Vaughan, Staff

Absent: Jane Crowe, Steven Banch

Visitors: Mary Kerwin, David Eisenbacher

Approval of Minutes

Resolution # SC-2004-4-001
Moved by Jo Rhoads
Seconded by Marie Hoag

RESOLVED, That the Minutes of March 4, 2004 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Addition of Volunteer Banquet item to agenda

Resolution # SC-2004-4-002
Moved by Bill Weisgerber
Seconded by Merrill Dixon

RESOLVED, That an item about the Volunteer Banquet be added under new business.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

Mary Kerwin reminded committee members about the upcoming school board election and announced some upcoming school performances.

David Eisenbacher announced that he just wanted to visit a meeting.

Old Business

None

New Business

Election of Officers

Resolution #SC-2004-4-003
Moved by David Ogg
Seconded by Ed Forst

RESOLVED That JoAnn Thompson was elected as Chair, Bill Weisgerber was elected as Vice Chair, and Jo Rhoads was appointed as OLHSA representative.

Yes: 7
No: 0
Abs: 1 (for Chair vote only)

MOTION CARRIED

Nomination of a Representative to the Park Board

Resolution #SC-2004-4-004
Moved by David Ogg
Seconded by Ed Forst

RESOLVED That Merrill Dixon be recommended for reappointment to the Park Board.

Yes: 7
No: 0

MOTION CARRIED

Volunteer Banquet: Bill Weisgerber suggested that the committee speak at the volunteer banquet about the things that they have accomplished. There was a consensus that the banquet be strictly for fun. Carla suggested an article for the newsletter or that members speak at a regular lunch.

Reports

Park Board: Merrill Dixon reported that the Park Board met jointly with the City Council on March 29 to discuss use of park space, and a cricket field in particular.

Medi-Go: Jo Rhoads reported that she will have ridership numbers next month. JoAnn Thompson reported that she recently spoke with two new riders who were extremely pleased with the service. David Ogg will let the City Council know that their support of Medi-Go is appreciated.

Lunch Attendance: There were 1168 meals served on 20 days at the Community Center in February. The average donation was \$1.90. 1917 homebound meals were delivered.

Senior Program Report: Carla reported that registration is now complete for the golf leagues. There are 72 players in the Wednesday league and 64 players on the Monday league. The Area Agency on Aging chose the Troy program to photograph for their annual report because of “the abundance of opportunities to photograph active seniors.” Free massage is back thanks to students from the Blue Heron Massage academy and will be offered on Monday, April 12. A discussion was held about the newsletter being available at Oakland Park Towers but not Bethany Villa and that this needs to be considered since there will soon be a charge to mail the letter. It was suggested that the newsletters be available at Bethany Villa also if someone there can come up with a place to put them. Volunteers should pick the newsletters up for both places and agree to monitor the number needed.

OLHSA: JoAnn Thompson reported that they had a speaker from Able Zone – a company in Troy that sells low-vision products.

Suggestion Box: Carla reported that there was one suggestion that there be more benches outside the exercise room for people waiting for class to start. She is waiting for a call back to discuss the issue.

Member Comments

David Ogg updated the Committee on Larry and Pauline Jose.

David Ogg reported that we will need a new volunteer to take brochures to the Library since Ed Forst is resigning from the committee.

JoAnn would like the AEDs to be mounted in plain sight, even if they are kept behind the counter in case a staff person is not immediately available. She would also like it posted in the building that they are available and their location. Carla reported that Community Center staff is trained on the use of AEDs.

Bill Weisgeber handed out information he had received via email about how to recognize a stroke and he would like this information passed on to the seniors. Carla will do this if she can find the source of the information and it is from a reputable organization.

JoAnn noted that there is confusion about the different school and city election sites.

The meeting was adjourned at 11:55 a.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary



TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
 ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY
 CAROLYN F. GLOSBY, ASSISTANT CITY ATTORNEY
 SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY
 ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: April 5, 2004
SUBJECT: 2004 FIRST QUARTER LITIGATION REPORT

The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the first quarter of 2004 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. Troy v. Papadelis- This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order has been entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the Court's order, and therefore a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay \$1,000 to the City of Troy.

However, the Court also determined that the defendants were currently in compliance with the City of Troy zoning ordinances. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners have filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow. **The intervening counter-plaintiffs' filed a motion to dismiss the neighboring property owners from this lawsuit, which was recently denied by the Court. The case is now proceeding with discovery.**

2. Williams et. al v. City of Troy and Ken Freund- Some of the residents in the Middlesex Country Homesites Subdivision have filed this lawsuit against the City and developer Ken Freund. The lawsuit challenges that the City of Troy improperly approved the Freund Site Condominium project without requiring an official replat of the property. The Troy City Council granted preliminary approval of the site condominium plan on March 3, 2003. Each of the parties filed a Motion for Summary Disposition. On 9/3/03, Judge Kuhn heard oral arguments from all parties on the Motions for Summary Disposition. **On March 24, 2004, the Court entered an order which holds that a re-plat is not required for site condominium developments.**
3. Rathka v. City of Troy – This lawsuit was filed by Roy Rathka, Jr. and concerns property he owns on Canham, a gravel drive located south of Square Lake Road and west of Livernois Road. Mr. Rathka claims he was wrongfully denied a building permit to build a duplex on Canham. The permit was denied pursuant to Section 40.10.01 of the Troy Zoning Ordinance that requires proposed building in one or two family residential districts to front on a public street that has been accepted for maintenance by the City. **Discovery is still pending. A motion for summary disposition is scheduled for 4/28/04.**
4. Inergy Automotive v. City of Troy- This case was filed on September 15, 2003. In the complaint, the Plaintiff challenges the City's zoning ordinance as applied to the building at 2565 W. Maple Road. This area is zoned industrial, which requires that any zoning be consistent or supportive to manufacturing or research and development uses only. **The City initiated an aggressive defense of the case, which resulted in a voluntary dismissal on 2/23/04.**
5. Long Lake Road Development Partners v. City of Troy – Plaintiffs served this zoning challenge against the City on March 29, 2004.

Plaintiffs own the 14.5 acre parcel of property on the south side of Long Lake, west of Rochester Road. This property was the subject of an earlier zoning challenge, *Goodman v. Troy*, which was dismissed in favor of the City. The property is currently zoned R-1T (medium density residential). Plaintiffs requested a commercial re-zoning of the property, which was denied by City Council on January 26, 2004, in accordance with the Planning Commission recommendation of November 11, 2003. Plaintiffs argue that the refusal to re-zone the property to B-3 is arbitrary and capricious, and a violation of procedural due process, equal protection, and an unconstitutional taking of property.

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

1. Parkland Acquisition (Sections 22, 24, 36)

Troy v. Matthews Farms L.L.C. et. al- The Court scheduled a jury trial for 2/9/04. **The Court ordered the parties to facilitate the case. Facilitation started 2/04/04 and is continuing.**

2. Maple Road Project

- a. Troy v. Maple Lane - Maple Road Project- A Consent Judgment has been entered.
- b. Troy v. 2100 E. Maple - Maple Road Project- A Consent Judgment has been entered.
- c. Troy v 2100 E. Maple Road # 2 - A Consent Judgment has been entered.

3. Long Lake Road

- a. Troy v. Marilyn Kay Miller Trust- A Consent Judgment has been entered.
- b. Troy v. Richard & Mary Rauhut- A proposed Consent Judgment has been drafted for consideration at the April 12, 2004 City Council meeting.

4. Miscellaneous

- a. Troy v. O'Reilly Trust et. al- The City now has possession of the property. **Discovery is continuing. Case evaluation is scheduled for April 16, 2004.**
- b. Troy v. Obertynski – Dequindre Project – **A Consent Judgment has been entered.**

D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that their civil rights were somehow violated by the City and/or the police officers of the City of Troy.

1. Maria Elena Hunciag v. Troy- This is an alleged employment discrimination case filed on July 1, 2003. According to the complaint, Ms. Hunciag argues that she was denied the position of Troy Museum Curator due to alleged age, gender, and/or national origin discrimination. A status and scheduling conference is scheduled for October 3, 2003, before U.S. Federal District Court Judge Victoria Roberts. **Discovery continues.**

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Leonardo and Mark Quicho v. City of Troy and Troy Police Dept.- The Quichos, (father and son) have filed this action, seeking a return of merchandise valued at approximately \$20,000 that was fraudulently purchased by the son. On 56 separate occasions, Mark Quicho made purchases with the credit card and/or checks from one of his customers, and he is now serving time in jail for this crime. The father also asserts that

some of the confiscated property (valued at approximately \$1,200) was not part of the fraudulently purchased merchandise, and should not have been taken by the Troy Police Department. The City's Motion for Summary Disposition was granted in its entirety against Mark Quicho on August 25, 2003. As for the father, Leonard Quicho, the court ordered that he be afforded the opportunity to view certain contested items at the Troy Police Property Room, to identify anything that might belong to him. Mr. Quicho and his counsel did so on September 11, 2003, at which time he claimed only a small assortment of router bits. The balance of the Quicho items was liquidated at the police auction on September 13, 2003. An order dismissing the case in its entirety as to both plaintiffs was entered on September 11, 2003. On 10/1/03, Mark Quicho filed a Claim of Appeal in the Oakland County Circuit Court. Both parties filed briefs. **The Circuit Court on 3/02/04 issued its opinion on 3/2/04, in favor of the City. The appeal is now dismissed.**

2. Kunjamma Antony v. City of Troy- The City was served with this lawsuit in June 2003. Ms. Antony asserts that she was injured when she tripped on a defective sidewalk at the Troy Aquatic Center on July 5, 2001. She fractured her elbow, and was required to undergo surgery. She has asked for damages in excess of \$25,000. The City answered the Complaint on July 11, 2003, raising the affirmative defenses of governmental immunity and comparative negligence. **The City brought a motion for summary disposition that was heard on 3/24/04. The Court granted the City's motion and the case has now been dismissed.**
3. Paul Mancini v. Troy- The City was served with this lawsuit on August 7, 2003. Mr. Mancini alleges that he was injured when he slipped on an icy sidewalk in front of his home. He argues that the City is liable under the defective highway exception to governmental immunity, since we knew or should have known that ice would accumulate on the sidewalk. **A motion for summary disposition has been filed.**
4. Nancy Cook v. Troy and Makowski- **The City was served with this lawsuit on February 21, 2004. According to the complaint, Ms. Cook sustained a fall on the sidewalk at 561 Burtman Street, the home owned by co-defendant, Ronald Makowski. This fall allegedly occurred on October 18, 2003. The complaint alleges that the City is liable for her injuries under the defective highway exception to governmental immunity. The complaint alleges that the sidewalk was not kept in reasonable repair.**
5. Doris and Morris Story v. Troy- **The City was served with this lawsuit on February 24, 2004. On the morning of May 27, 2003, Doris Story, a California resident, was walking on the sidewalk in front of the residence at 5737 Patterson Drive. According to the complaint, she "tripped on an uneven and dangerous buckle in the defective sidewalk." Her injuries**

from the fall include a fractured right wrist and arm, in addition to pain, limited range of motion, swelling, and scarring from surgery. Morris Story has asserted a claim for loss of consortium.

F. MISCELLANEOUS CASES

1. Kaftan Enterprises, Inc. v. City of Troy- In connection with the Hidden Meadows residential development, the City required cash deposits and escrows from the developer, Kaftan Enterprises. Although certificates of occupancy have been issued for the homes, the developer has not yet finalized the project. As a result, the City of Troy is still holding money for this development. The developer has filed this lawsuit, demanding a return of the money being held by the City. **The parties have negotiated a settlement, which has been approved by City Council.**
2. Barton Malow Co. v. K-Mart, City of Troy, et. al.- Barton Malow Co., a contractor for the K-Mart data center, has filed this lawsuit, seeking to foreclose on its construction lien. The data center was completed some time ago, but the K-Mart bankruptcy delayed any action on the construction lien. The City is a named party, due to our easement interest in the property. **The City continues to monitor this lawsuit.**
3. Old Troy LLC v. City of Troy et. al - This is a re-plat case where Plaintiffs wanted to vacate the unused electric and telephone easement over the property at 3278 Rochester Road. A vacation of the easement was necessary so Plaintiffs could build a commercial building over the easement. **A Consent Judgment was entered on February 4, 2004 which terminated the unused public utility easement on the parcel and mandates that the City of Troy be allowed to approve the amended plat prior to approval by the Michigan Department of Consumer and Industry Services, Office of Land Survey and Remonumentation.**
4. Catherine Norris and Kathleen Livingway v. City of Troy – This lawsuit is identical to lawsuits filed in 12 other communities in the State of Michigan. The complaint asserts that the revenue paid by cable television companies, pursuant to franchise agreements, constitutes an impermissible tax, that is prohibited by the Headlee Amendment. **A motion for summary disposition, in addition to a motion for class certification, are now scheduled for 4/21/04.**

G. CRIMINAL CASE APPEALS

1. People v. Vasile Nagy – Defendant appeals his violation of probation adjudication. In this case, Defendant was sentenced to probation back in 1996. Prior to being discharged from probation, he committed additional

crimes. The Court extended his term of probation accordingly. Defendant now challenges the Court's ability to extend probation beyond a two-year maximum, even when there are violations of probation.

2. **People v. Mo Qian** – Although not clear from her pleading, it appears that Ms. Qian has filed an appeal from her driving without a valid proof of insurance on person civil infraction determination and/or her driving without obtaining a valid Michigan driver's license conviction of 1/29/04. Ms. Qian received a fine for both of these charges.

If you have any questions concerning these cases, please let us know.

DATE: March 30, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
6881 Westaway

On December 26, 2003, information was sent to Mr. Adrian Eremie that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the flat bed stake truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Eremie has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of April 19, 2004.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments



RECEIVED

MAR 29 2004

BUILDING DEPARTMENT

COMMERCIAL VEHICLE
APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: ADRIAN EREMIE

ADDRESS: 6881 WESTAWAY DR.

CITY: Troy MI. ZIP: 48068 PHONE: (313) 538-6089

ADDRESS OF SITE: 6881 WESTAWAY

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1GBJC34K6PE125059

LICENSE PLATE NUMBER(S) 4087 MS

DESCRIPTION OF VEHICLE(S) 3500 CHEVY (WHITE)

REASON FOR APPEAL (see A - D below) D, B, C

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

Adrian Eximie

Adrian Eximie

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 29 day of MARCH, 2004 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Pamela G. Pastoral Macomb
Notary Public, County, Michigan

actuyon
Oakland

My Commission Expires: 09-01-07



GEORGE JEROME & CO.
WWW.GJANDCO.COM

RECEIVED

MAR 29 2004

BUILDING DEPARTMENT



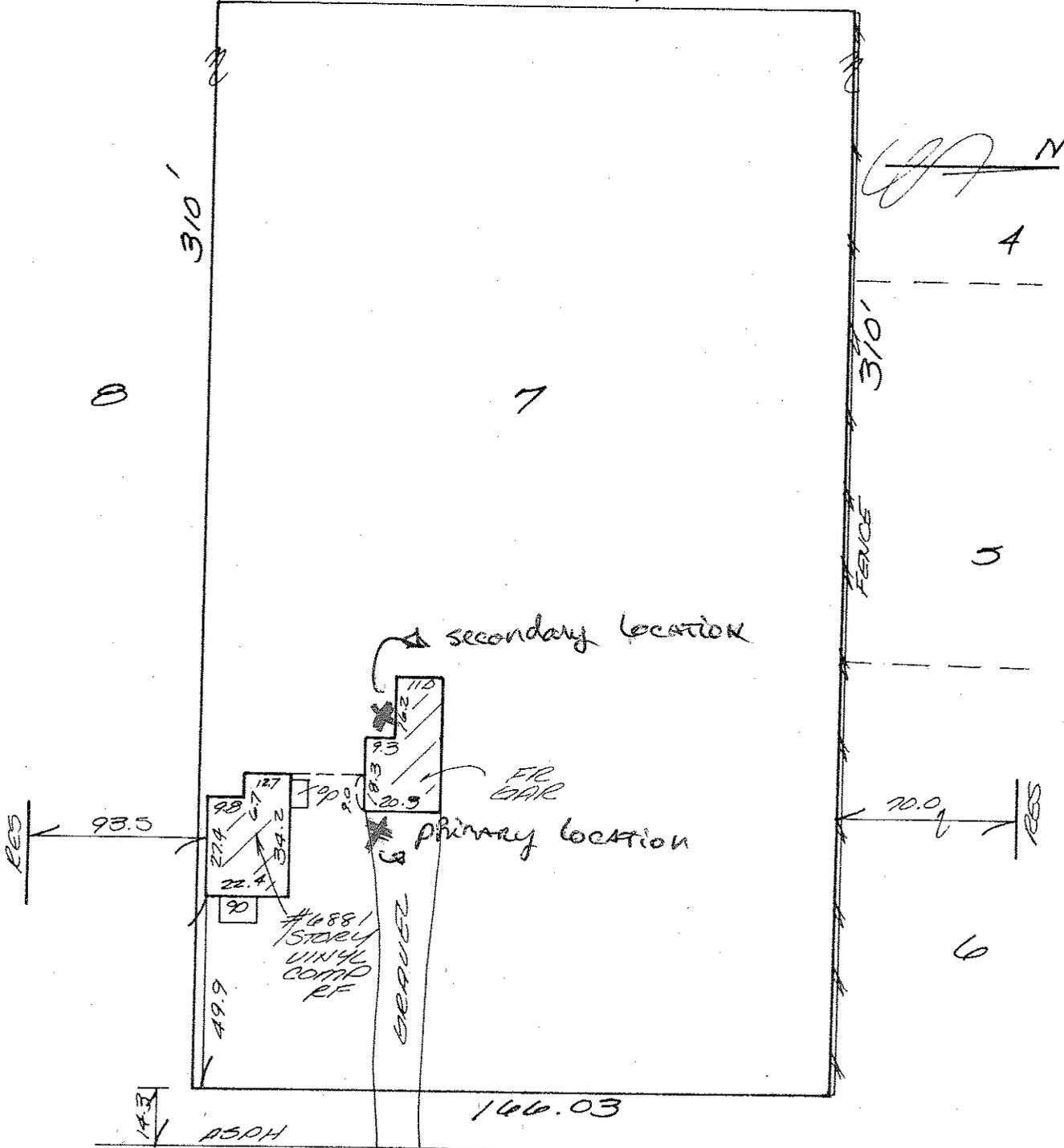
MORTGAGE REPORT for:

ST. JAMES MORTGAGE

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000
LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Lot 7, "BASSETT & SMITH FLOWING SPRING ACRES", a subdivision of part of the N. 1/2 of Section 3, T.2 N., R.11 E., Troy Township (now City of Troy), Oakland County, Michigan. Recorded in Liber 37 of Plats, Page 9 of Oakland County Records.

166.99



DATE: April 1, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Parking Variance Request
440 E. Maple

We have received an application from P.K. Resources to construct mezzanines inside the existing multi-tenant industrial building at 440 E. Maple Road. The industrial building has a ground floor area of 10,065 square feet. In accordance with Section 40.21.81 of the Zoning Ordinance, 23 parking spaces have been provided on the site. As part of the tenant completions the applicants have proposed to construct mezzanines in three of the tenant spaces. The total area of these mezzanines is 3,005 square feet. With this additional floor area the building will be a total of 13, 070 square feet and will require 29 parking spaces. Since only 23 are available, their permit application has been denied. In response, the petitioners have filed an appeal of the parking requirement for 6 additional spaces. A Public Hearing has been scheduled for your meeting of April 19, 2004, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site and floor plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

RECEIVED

MAR 18 2004

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: 3/14/04

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: P.K. Resources Phone: 248-585-6200

Address: 360 E. Maple Rd Troy, MI 48083

Address of Property: 440 E. Maple Rd

Lot # 3-7 Subdivision: Beech Hill

Zoning District: M-1 Sidwell # 88-20-34-177-043

Owner of Property: Paul Siver Phone: 248-302-3304

Address: 1770 Banbury - Birmingham, MI 48009

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: March 16, 2004

Has there been a previous appeal involving this property? No If Yes, state date _____
and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____

Parking Spaces Required: _____

Number of Stalls? _____

Parking Spaces Provided: X - not enough

Other Dimensions? _____

Variance Requested: _____

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

We are seeking a parking variance for 440 E. Maple (6 spaces) due to the fact that the mezzanines are strictly storage →

and most important is the aspect of safety. People are going to use this space for storage regardless if there is a staircase. That means carrying Boxes up and down a ladder.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
COUNTY OF Oakland)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 3-16-04

Paul S. Caligiuri
(Signature of Applicant)

Signed and Sworn to before me this 18 day of March 20 04

Mary Laraine McHenry
Notary Public

My Commission Expires: May 30, 2007

Filing Fee \$200.00 Date Paid _____

Lot Size - 122 x 285 = 34770 s.f.
 Bld Size - 55 x 183 = 10,065 s.f.
 Bld / Lot ratio - 28.94%

 Required Parking Spaces 23
 Available Parking Spaces 23
 Parking Space / Bldg S.F. = 1 / 450 S.F.

 10% Green Belt = 3477 S.F.
 Proposed Greenbelt = 6911 S.F.

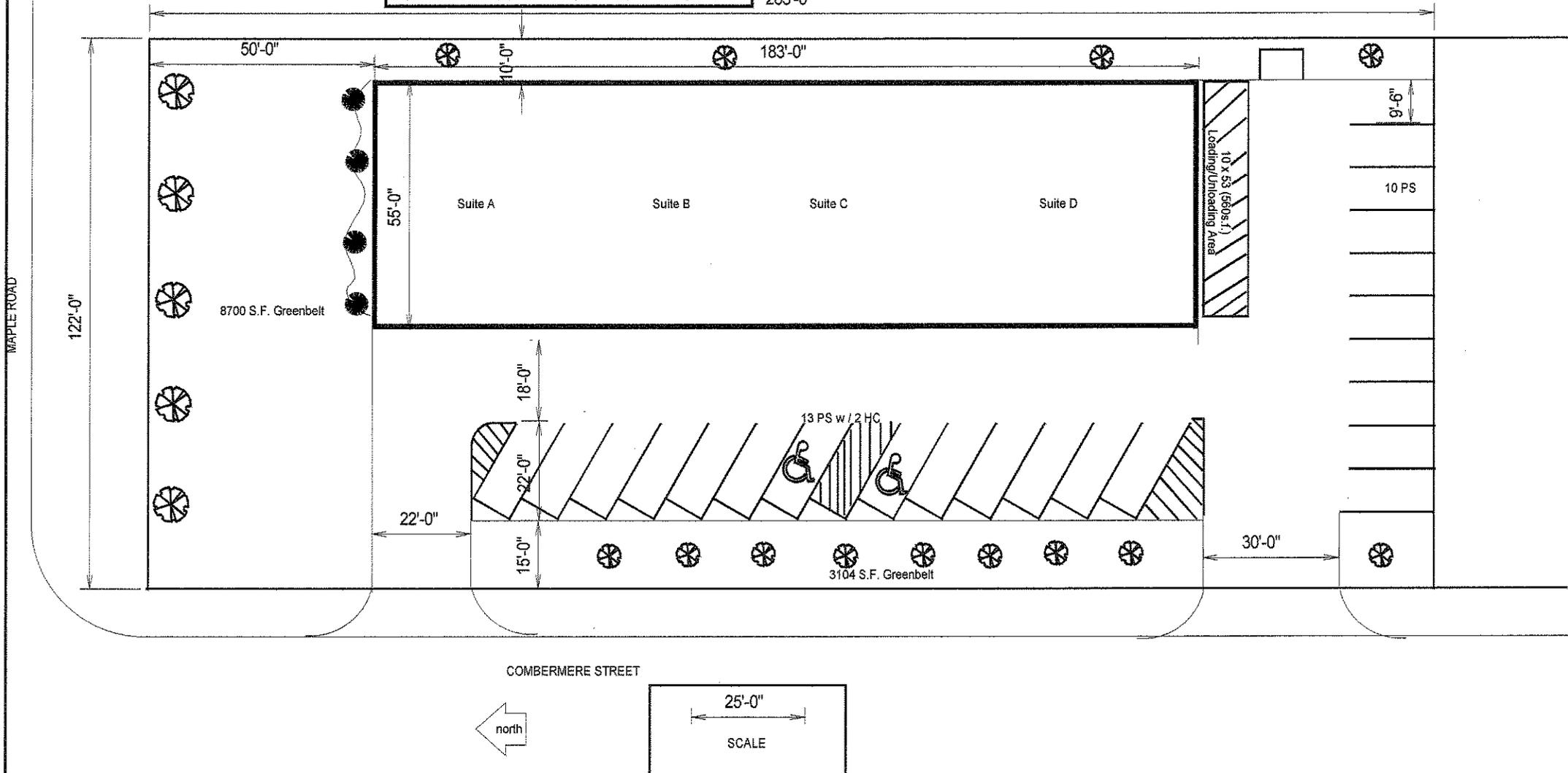
 Paving (non-bldg. or landscaping) = 13,656 S.F.
 TOTAL HARD SURFACE S.F. = 23721.22 S.F.

COMBERMERE INDUSTRIAL SUITES
 440 E. Maple Road, Troy Michigan

RECEIVED

MAR 18 2004

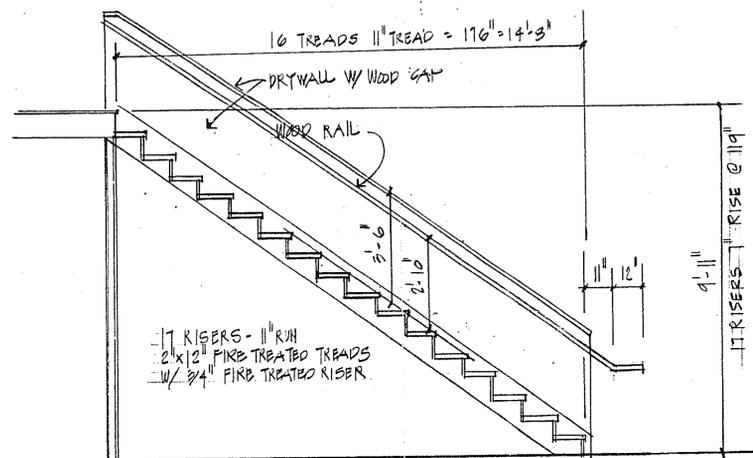
BUILDING DEPARTMENT





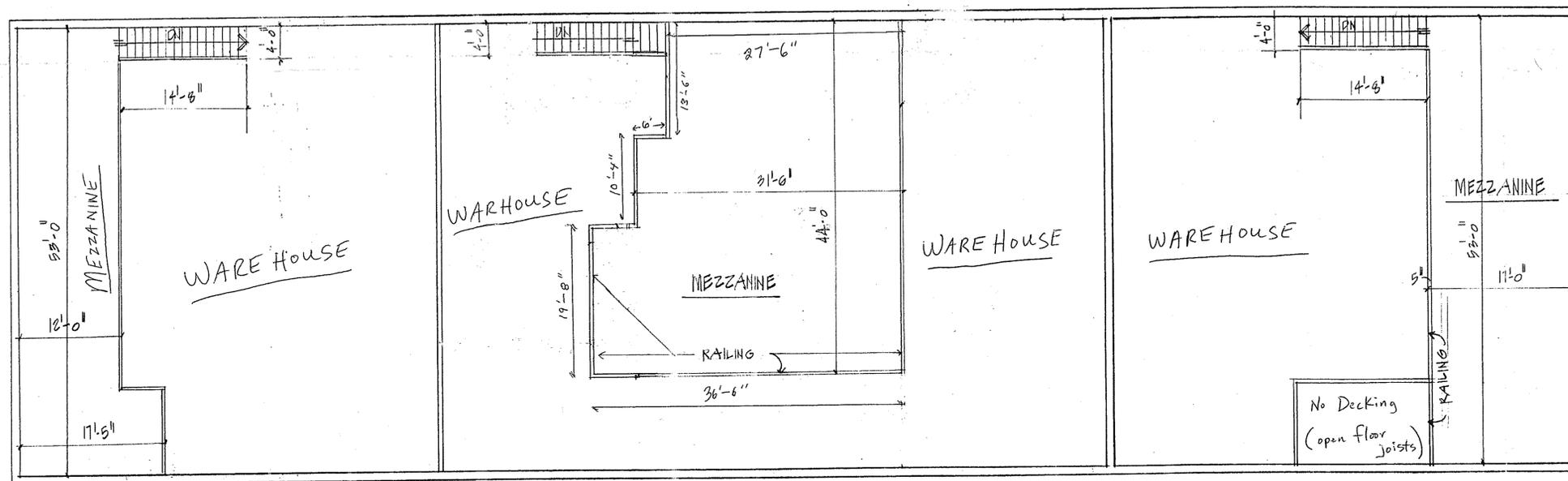
HEINS & KWAPIS
ARCHITECTS P.C.

126 E. THIRD STREET
ROCHESTER, MICHIGAN
48307
PH: 248-651-6766
FAX: 248-651-8969



STAIR SECTION

SCALE: 3/8" = 1'-0"



UNIT A

AREA OF UNIT 2150 #
AREA OF MEZZANINE 690 # 25%

UNIT B (includes unit C)

AREA OF UNIT 4308 #
AREA OF MEZZANINE 1414 # 33%

UNIT D

AREA OF UNIT 2000 #
AREA OF MEZZANINE 901 # 30%

FLOOR PLAN

SCALE: 1/8" = 1'-0"

PROPOSED MULTI-INDUSTRIAL BUILDING
MEZZANINE PLAN
COMMERCIERE PLAZA

REVISION:
DRAWN BY:
CHECKED BY:
DATE: 2/1/03

[Signature]

RECEIVED
MAY 1 2004
BUILDING DEPARTMENT

SHEET NO.
1-1 OF 1
JOB NUMBER
9152

DATE: April 1, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Parking Variance Request
345 Minnesota

We have received an application from Jim Yarema to construct an addition onto the north side of his existing industrial building on the west side of Minnesota at 345 Minnesota. Mr. Yarema owns a number of buildings on both the east and west side of the street in this area. Taking into consideration this addition as well as the other existing buildings, a total of 263 parking spaces are required by Section 40.21.81 of the Troy Zoning Ordinance. A previous variance granted by City Council on May 22, 1995, reduced this amount by 81 cars resulting in a parking requirement of 182 spaces. Even with his plans to demolish another portion of one of the buildings on the west side of the street to provide additional parking, only 149 parking spaces will be available on the combined sites. The permit application for this work has been denied. In response, the petitioner has filed an appeal of the parking requirement. A Public Hearing has been scheduled for your meeting of April 19, 2004, in accordance with Section 44.01.00 for consideration of the variance request for 33 parking spaces.

I should note that in order to obtain approval for this addition the petitioner will also need to obtain a variance from the Board of Zoning Appeals. That variance will be to allow 51% of the site to be covered with buildings where the Zoning Ordinance limits lot coverage to not more than 40%.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED

MAR 23 2004

BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: _____

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: JAMES YAREMA Phone: 5852830

Address: 300 MINNESOTA

Address of Property: 345 MINNESOTA

Lot # 16-17-18-19-20 Subdivision: COOPERS SUBDIVISION

26-31
Zoning District: M-1 Sidwell # 88-20-36-401-047

Owner of Property: LUKOWSKI - YAREMA Phone: _____

Address: 300 MINNESOTA

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: _____

Has there been a previous appeal involving this property? ~~NO~~ If Yes, state date YES

and particulars MAY 27 1995

REASON FOR VARIANCE:

Dimension of Stall? _____

Parking Spaces Required: 175 182

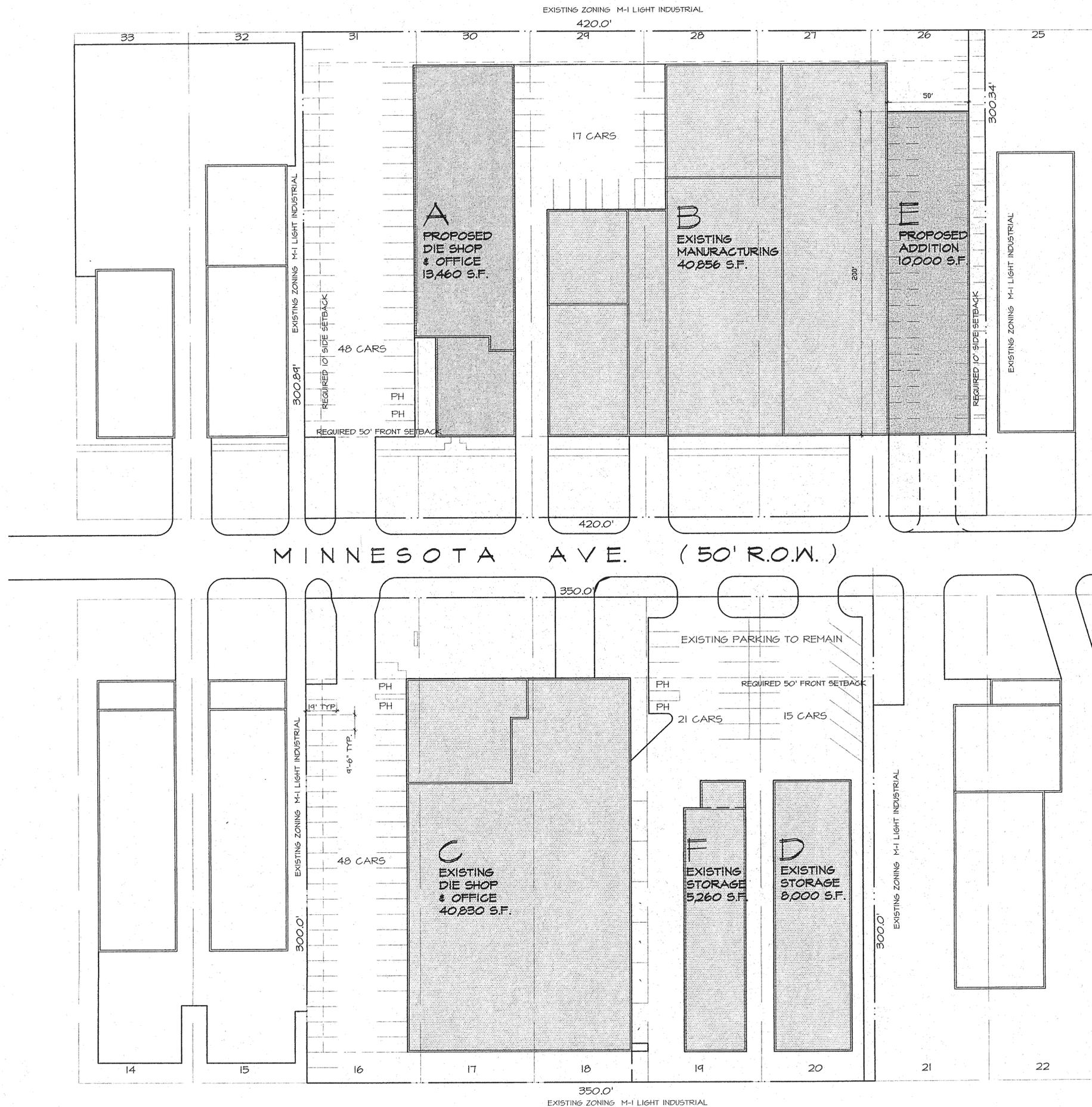
Number of Stalls? _____

Parking Spaces Provided: 136 149

Other Dimensions? _____

Variance Requested: 39 33

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)



LEGEND

EXISTING ZONING

M-1 LIGHT INDUSTRIAL

BUILDING AREA

A	PROPOSED DIE SHOP	13,460 S.F.
B	EXISTING MANUFACTURING	40,856 S.F.
C	EXISTING DIE SHOP & OFFICE (EAST FOOTPRINT) 31,880 S.F. (OFFICE ABOVE GRADE 8,950 S.F.)	31,880 S.F.
D	EXISTING STORAGE BUILDING	8,000 S.F.
E	PROPOSED MANUFACTURING	10,000 S.F.
F	EXISTING STORAGE BUILDING	5,260 S.F.
TOTAL FOOTPRINT		109,456 S.F.

TOTAL SITE AREA

WEST 300.62' X 420' = 126,260 S.F. = 2.90 ACRES
 EAST 300.00' X 350' = 105,000 S.F. = 2.41 ACRES

TOTAL = 231,260 S.F. = 5.31 ACRES

SITE COVERAGE

109,456 S.F. / 231,260 S.F. = .47 (47%)

PARKING REQUIRED BY ORDINANCE

TOTAL OFFICE AREA 10,950 S.F. GROSS
 8,200 S.F. USABLE / 200 S.F./CAR = 41 CARS

TOTAL DIE SHOP AND MANUFACTURING
 44,200 S.F. GROSS / 550 S.F./CAR = 171 CARS

TOTAL STORAGE AREA 13,260 S.F. GROSS / 1,700 S.F./CAR = 8 CARS

TOTAL PARKING REQUIRED BY ORDINANCE = 220 CARS

PARKING PROPOSED

TOTAL PARKING PROPOSED 149 CARS

TOTAL PARKING EXISTING PRIOR TO ADDITIONS 168 CARS

EXISTING WORK FORCE 109 EMPLOYEES

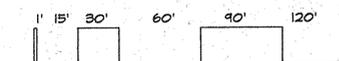
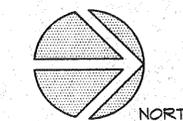
THE PROPOSED MANUFACTURING ADDITION WILL INCREASE MANUFACTURING OUTPUT DUE TO INCREASED FEED LINES AT EXISTING STAMPING MACHINES. THE WORK FORCE WILL BE UNCHANGED DUE TO THE PROPOSED ADDITION.

PROPERTY DESCRIPTION

LOT NO'S 16, 17, 18, 19, 20, 26, 27, 28, 29, 30 & 31 COOPERS SUBDIVISION

SITE PLAN Scheme C

REVISED MARCH 30, 2004



PROPOSED MANUFACTURING ADDITION

YAREMA DIE & ENGINEERING
 283 MINNESOTA AVE. TROY, MICHIGAN

(248) 577-5097

DANIEL F. DE REMER AIA ARCHITECT
 (248) 650-9898

RECEIVED
 MAR 31 2004

BUILDING DEPARTMENT

DATE: March 17, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Request for Commercial Vehicle Appeal
5184 Rochester Road

On March 4, 2002 a variance was granted by City Council to Mr. Sead Mesanovic for two years regarding the outside parking of a commercial vehicle on his property at 5184 Rochester Road. That variance has now expired and Mr. Mesanovic has submitted a new application for appeal requesting continued approval to park the Freightliner semi-tractor at his property. The conditions are basically the same as in 2002, however, in his current application he does ask that the vehicle be allowed to be parked on the existing driveway in front of the garage in lieu of parking the vehicle behind the house as previously approved.

A public hearing has been scheduled for your meeting of April 19, 2004.

Copies of the application, plans, photo and original minutes are attached for your reference.

Should you have any questions or require additional information, kindly advise.

3/12/04

COMMERCIAL VEHICLE APPEAL APPLICATION

RECEIVED

MAR 15 2004

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: SEAD MESANOVIC BUILDING DEPARTMENT

ADDRESS: 5184 ROCHESTER RD

CITY: TROY MI. ZIP: 48065 PHONE: 828-9778

ADDRESS OF SITE: _____

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
4V6WDAJH0W N748744

LICENSE PLATE NUMBER(S) _____

DESCRIPTION OF VEHICLE(S) semi-tractor MAKE VOL.

REASON FOR APPEAL (see A - D below) We are now looking for a new company and we will only park for a short amount of time, until a company is found. Thank you for your understanding.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

Slavica Merdjanovic
Slavica Merdjanovic

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 15 day of MARCH, 2004 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Jamela J. Pasternak *Macomb*
Notary Public, _____ County, Michigan *acting in Oakland*

My Commission Expires: 09-01-07



Seconded by Pallotta

WHEREAS, The City Council of the City of Troy had formerly established an Industrial Development District (IDD), and granted an Industrial Facilities Exemption Certificate (IFEC), #97-417, to Osmic, Inc., at 1788 Northwood, Parcel #88-20-28-303-011, more particularly described as, Town 2 North, Range 11 East, Section 28, Northwood Industrial Park Subdivision, the south 128 feet of Lot 14; and

WHEREAS, In accordance with Public Act 198 of 1974, MCL 207.572, the City Council of the City of Troy, and the Petitioner, Osmic, Inc., entered into a Letter of Agreement governing the terms of the Industrial Facilities Exemption Certificate; and

WHEREAS, Osmic, Inc., has vacated the Industrial Development District (IDD), and abandoned the project in the City of Troy, for which the Industrial Facilities Exemption Certificate (IFEC) was granted, #97-417, and

WHEREAS, Osmic, Inc., has received approval for an Industrial Facilities Exemption Certificate (IFEC) from the City Council of Auburn Hills, and

WHEREAS, In accordance with Michigan Compiled Laws 207.571(2), and terms of the Letter of Agreement between the City of Troy, and Osmic, Inc., the City Council of the City of Troy may require payment of any portion of abated, and unabated taxes for the entire 12 year length of the Industrial Facilities Exemption Certificate (IFEC),

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby declares that the terms of the Letter of Agreement between the City of Troy and Osmic, Inc., will have been fulfilled upon payment by Osmic, Inc., by Certified Check, to the Treasurer of the City of Troy, the sum of \$24,915.61, representing 4 years of abated taxes that Osmic, Inc., received per terms of the Industrial Facilities exemption Certificate, and

BE IT ALSO RESOLVED, That the City Clerk shall validate this resolution by certifying the date of payment of said sum, and forward a copy of this resolution to the State Tax Commission, of the State of Michigan, by certified mail.

Yes: Lambert, Pallotta, Schilling, Pryor, Beltramini, Kaszubski

No: Howrylak

MOTION CARRIED

C-2 Request for Commercial Vehicle Appeal – 5184 Rochester Road

Resolution #2002-03-141

Moved by Pallotta

Seconded by Kaszubski

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential

districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Sead Mesanovic, 5184 Rochester Road, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Freightliner semi tractor in a residential district is hereby APPROVED for two years conditioned upon the requirement that the driveway will be completed by July 15, 2002 and Freightliner semi tractor will be parked as indicated in the submitted drawing.

Yes: All-7

VISITOR COMMENTS

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2002-03-142
Moved by Pallotta
Seconded by Kaszubski

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

Yes: All-7

TO: John Szerlag, City Manager

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

RE: Troy Fire Incentive Plan for Volunteer Firefighters

DATE: March 29, 2004

The committee of representatives from the volunteer stations and members of administration have met on three occasions to negotiate improvements to the current Incentive Plan and request that City Council consider a three-year agreement as follows:

The current Incentive Plan provides for a benefit of \$498.00 per year of service.

Effective January 1, 2005 - \$518.00 per year of service for new retirees, \$10.00 per month increase for current retirees.

Effective January 1, 2006 - \$539.00 per year of service for new retirees, \$10.00 per month increase for current retirees.

Effective January 1, 2007 - \$560.00 per year of service for new retirees, \$10.00 per month increase for current retirees.

In order to determine what effect these changes would have on our annual contribution, a supplemental actuarial valuation was performed by our actuaries. The net effect of these provisions would increase our annual contribution by approximately \$126,132 per year.

The following resolution is recommended to adopt these revisions:

Resolved, That the City of Troy Incentive Plan for Volunteer Firefighters, as amended, be adopted to increase the amount of incentive payments to \$518.00 per year of service for those members retiring on or after January 1, 2005; \$539.00 per year of service for those members retiring on or after January 1, 2006; \$560.00 per year of service for those members retiring on or after January 1, 2007; and a \$10.00 per month increase for current retirees for the next three years beginning in January, 2005.

c: Bill Nelson
Peggy Clifton

**CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS
SUPPLEMENTAL ACTUARIAL VALUATIONS
AS OF DECEMBER 31, 2002**

REQUESTED BY: Mr. John Lamerato, Assistant City Manager - Finance

DATE: February 17, 2004

SUBMITTED BY: Brad Lee Armstrong, ASA, EA, MAAA
Gabriel, Roeder, Smith & Company

This report contains an actuarial valuation of changes in plan provisions for Volunteer Firefighters covered by the City of Troy Incentive Plan For Volunteer Firefighters.

The date of valuation was December 31, 2002. This means that the results of the supplemental valuations indicate what the December 31, 2002 valuation would have shown if the proposed plan changes had been in effect on that date.

Data, actuarial assumptions and methods were consistent with those used in the regular actuarial valuation of the retirement plan on the valuation date except for the following: 1) The 2004 present annual amount of \$498 per year of incentive service was used. 2) It was assumed that 50% of deaths in active service would be duty related. 3) For purposes of evaluating the effect of the proposed disability benefit, we incorporated a disability incidence table.

A brief summary of the active data used in these valuations is presented below:

Active Volunteer Firefighters		
Number	Average in Years	
	Age	Service
162	40.6	11.4

**CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS
 SUPPLEMENTAL ACTUARIAL VALUATION
 AS OF DECEMBER 31, 2002**

Proposal: Cost of Living Increase for Retired Members

Proposed Increase:

Annual Amount – A \$10 per month increase in each current payment for the next three years (\$30 total monthly increase after three years).

Actuarial Statement

The effect of the proposed change on computed employer contributions is shown below:

Contribution for	Regular Valuation	Proposal	Total Cost
Normal Cost			
Total	\$287,490	\$287,490	\$ 0
Accrued Liabilities			
Present recipients	2,254,524	2,459,251	204,727
Active participants and vested former participants	8,033,581	8,033,581	0
Total	10,288,105	10,492,832	204,727
Amortization of UAL over 25 years	\$362,805	\$379,066	\$16,261
City's Total Annual Contribution	\$650,295	\$666,556	\$16,261

**CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS
SUPPLEMENTAL ACTUARIAL VALUATION
AS OF DECEMBER 31, 2002**

Proposal: Increase Incentive Payments

Present Provisions:

The annual incentive payment under normal payment conditions in 2004 is \$498 per year of incentive service.

Proposed Provisions:

The annual incentive payment under normal payment conditions in 2004 is \$498 per year of incentive service *for current active participants*, increasing 4% per year for the next 3 years.

Actuarial Statement

The effect of the proposed change on computed employer contributions is shown below:

Contribution for	Regular Valuation	Proposal	Total Cost
Normal Cost			
Age and service payments	\$ 287,490	\$ 323,387	\$ 35,897
Accrued Liabilities			
Present recipients	2,254,524	2,254,524	0
Active participants and vested former participants	8,033,581	8,964,914	931,333
Total	<u>10,288,105</u>	<u>11,219,438</u>	<u>931,333</u>
Amortization of UAL over 25 years	\$ 362,805	\$ 436,779	\$ 73,974
City's Total Annual Contribution	\$ 650,295	\$ 760,166	\$ 109,871

City of Troy Incentive Plan for Volunteer Firefighters

Definitions

- 1.1 "City" means the City of Troy, Michigan
- 1.2 "Plan" means the City of Troy Incentive Plan for Volunteer Firefighters established by resolution of the City Council and contained herein.
- 1.3 "Participant" means an individual who is a participant in the Plan.
- 1.4 "Vested former participant" means a former participant who has ten or more years of incentive service.
- 1.5 "Incentive service" means personal service rendered by the City as a volunteer firefighter and credited a participant in accordance with this plan.

Participation

- 2.1 Each volunteer firefighter of the City shall be a participant in the Plan.
- 2.2 Participation shall terminate upon termination of duties as a volunteer firefighter.

Incentive Service

- 3.1 A participant shall be credited with one month of incentive service for each complete calendar month the participant is a volunteer firefighter on active duty. Service shall be totaled in years and months.
- 3.2 Incentive service shall be forfeited five years after the date an individual ceases to be a participant unless the former participant is vested OR returns to active duty for ten consecutive years.

Incentive Payments

- 4.1 A vested former participant, upon written application filed with the City, shall be eligible to be paid incentive payments after attainment of age 60. The incentive payment due a vested former participant shall be determined at the time he terminates participation, as provided in the plan that is in effect on that date.

4.2 Incentive payments shall be made in monthly installments on the last day of each month during the life of the vested former participant.

4.3 The amount of each annual incentive shall be equal to the following amounts:

\$518/year, retiring on or after January 1, 2005

\$539/year, retiring on or after January 1, 2006

\$560/year, retiring on or after January 1, 2007

4.4 Prior to the date of his first incentive payment, but not thereafter, a vested former participant may elect to receive his incentive payment payable throughout his life; or, he may elect to receive the actuarial equivalent at that time; or, his incentive payment in a reduced amount payable throughout his life, and nominate a beneficiary, in accordance with the provisions of the Options as set forth below:

Option A - Upon the death of a vested former participant, who elected Option A, his reduced incentive payment shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated; or,

Option B - Upon the death of a vested former participant, who elected Option B, one-half of his reduced incentive payment shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated.

Option C - Joint and Survivor Pension (pop-up A): Upon the death of a vested former participant who elected Option C, his reduced incentive payment shall be continued through the life and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the participant, the incentive payment shall revert to a straight-life payment payable throughout the remainder of his life.

Option D - Modified Joint and Survivor Pension (pop-up B): Upon the death of a vested former participant who elected Option D, one-half of his reduced incentive payment shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated. If

the selected beneficiary predeceases the participant, the incentive payment shall revert to a straight-life payment payable throughout the remainder of his life.

Option E - Lump-Sum Payout: Equal to the present value of all benefit payments under Option A computed using the applicable group annuity mortality table and interest rate compounded annually.

4.5 In the event a participant dies who has ten or more years of incentive service, his widow shall receive an incentive payment computed in the same manner in all respects as if the participant had retired the day preceding his death, elected Option A, and nominated his spouse as beneficiary.

4.6 A participant may elect to receive payment upon his termination as a participant based on the following:

- Ten years of service and age 55;
- Twenty-five or more years of service and has attained 50 years of age;
- A participant having attained 30 years of service regardless of age.

Administration

5.1 The City may, as a means of making provision for the potential financial obligations of the Plan, purchase securities or make deposits in interest-bearing accounts from its general assets. Any securities purchased or deposits made shall at all times be part of the general assets of the City. The purchase of securities or the making of deposits shall not of themselves entitle any individual to any right or claim for incentive payments under the Plan.

5.2 Nothing in this plan shall be construed as creating a trust fund for the participants or otherwise make the participants an equitable owner of or have any claim against any assets of the City.

Amendment and Termination

6.1 The City reserves the right to amend or terminate the plan at any time. No such amendment or termination shall affect the amount of any incentive payment made prior to the date of the amendment or termination. Upon

termination, the City shall be free of any liability for incentive payments which otherwise would become payable after the date of termination.

Miscellaneous

- 7.1 Each participant shall be deemed to have assented to the terms and conditions of the Plan. An individual may not sell, assign or hypothecate, in any manner, all or any part of the individual's potential payments under the Plan.
- 7.2 Nothing in this Plan shall in any way affect the rights of the City or a participant to terminate the volunteer firefighter relationship between them.



RECEIVED
MAR 12 2004
CITY OF TROY
CITY MANAGER'S OFFICE

City of Pleasant Ridge

URGE MICHIGAN LEGISLATURE TO CORRECT ASSESSMENT INEQUITY

WHEREAS, the Michigan Supreme Court issued a decision in the *WPW Acquisitions v City of Troy* case concerning the assessment of property taxes on commercial properties; and

WHEREAS, the Supreme Court's decision has resulted in inequities as it relates to property assessments whose value is based on occupancy rates; and

WHEREAS, the WPW decision declared the "additions" language for increase in occupancy is unconstitutional but did not address the offsetting "loss" language, which has a large impact on many properties in the State; and

WHEREAS, prior to this decision a commercial/industrial property owner could work with their local assessor for assessment relief if the property's occupancy rate dropped (loss), and subsequently, when the occupancy rate improved the assessment would return to a stabilized level when the occupancy recovered (addition) ; and

WHEREAS, this was a fair and reasonable way to help property owners who were struggling with a particular property, and the "addition" and "loss" sections of the statute worked in harmony, providing temporary relief for decrease in occupancy ; and

WHEREAS, since the "addition" section of the statute has been ruled unconstitutional, commercial property owners can now manipulate the system by decreasing their occupancy level to achieve a permanent reduction in their Taxable Value and then lock in non-market property taxes at a reduced level; and

WHEREAS, the decision unintentionally rewards those commercial property owners who operate inefficiently and maintain high vacancy rates while penalizing those property managers who offer competitive lease rates; and

WHEREAS, the decision is unfair to residential taxpayers as the resulting effect will shift the property tax burden to residential taxpayers over time since, theoretically,

property taxes collected from commercial properties as a percentage of total tax revenues will decrease; and

WHEREAS, the potential loss in property tax revenue to local municipalities as a result of the Supreme Court decision is significant. Such potential revenue loss will not only impact Pleasant Ridge, but also the County of Oakland, Ferndale School District, the State of Michigan Education Tax, Oakland Intermediate School District, Oakland Community College and the District Library.

NOW THEREFORE BE IT RESOLVED, that the Pleasant Ridge City Commission strongly urges its State Legislators to re-establish tax equity and correct the impact of the *WPW Acquisitions v City of Troy* decision by supporting legislation to remove both the additions and losses sections of the General Property Tax Act (MCL 211.34d(1)(b)(vii) and 211.34d(1)(h)(vii)).

BE IT FURTHER RESOLVED, that copies of this resolution be sent to every State Legislator representing Pleasant Ridge.

In Witness Whereof, I Amy Allison-Martin, duly certified clerk of the City Pleasant Ridge, do hereby certify that the foregoing is a true and accurate copy of the Resolution adopted by the Pleasant Ridge City Commission at its Regular Meeting held Tuesday, March 9, 2004.


Amy Allison-Martin, City Clerk





City of Clawson

G-05b

425 N. Main Street / Clawson, Michigan 48017
(248) 435-4500 FAX (248) 435-0515

CM 03-098-04

CONSIDERATION OF A RESOLUTION IN OPPOSITION TO HOUSE BILL 4234, A BILL TO EXEMPT THE FIRST \$10,000.00 OF TAXABLE VALUE FROM THE PERSONAL PROPERTY TAX ROLL

MOTION BY: Councilmember Bartley
SUPPORTED BY: Councilmember Dwyer

RESOLVED, that the resolution in opposition to House Bill 4234 be approved and sent onto neighboring cities, as well as State Senator Shirley Johnson and State Representative John Pappageorge.

WHEREAS, on Wednesday, February 25, 2004, the Michigan House Tax Policy Committee took testimony on HB 4234, which exempts the first \$10,000 of taxable value from personal property taxes for each business that files a personal property tax statement within a local community; and

WHEREAS, Article 9, § 3 of the Michigan Constitution mandates that the legislature provide for the *uniform* general ad valorem taxation of tangible personal property, provide for the determination of the true cash value of such personal property and provide the proportion of true cash value at which such property shall be *uniformly* assessed; and

WHEREAS, in violation of constitutional equal protection and uniformity in taxation requirements, HB 4234 proposes to shift the burden of paying the local government services inequitably from commercial and industrial business to the residents of communities; and

WHEREAS, HB 4234 has the further affect of eroding local tax bases and only increases local governments' dependency on the state for funding which has been steadily declining in the past three (3) fiscal years; and

WHEREAS, the City of Clawson would experience an estimated erosion of \$2,456,370 in taxable value; and

WHEREAS, its estimated erosion of taxable value would result in the loss of \$34,449 in tax revenue annually just to the City of Clawson; and

WHEREAS, this reduction in tax revenue would again impact the City of Clawson general fund, and the ability of the City to provide essential services to our residents and property owners;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Clawson, hereby states its opposition to HB 4234 for the reasons stated above; and

RECEIVED

MAR 23 2004

CITY OF THOY
ASSESSING DEPT.

POLICE & FIRE
(248) 435-5000
Fax (248) 435-4847

PUBLIC WORKS
(248) 288-3222
Fax (248) 288-3973

RECREATION
(248) 589-0334
Fax (248) 588-5013

LIBRARY
(248) 588-5500
Fax (248) 588-3114

BE IT FURTHER RESOLVED that the City Clerk shall transmit a true copy of this Resolution to the Michigan Municipal League, the State Legislatures representing the people of the City of Clawson, the Governor of the State of Michigan, and the clerks of the municipal members of the cities of Royal Oak, Troy, Madison Heights and Birmingham.

AYES: Mayor Dwyer, Councilmembers Luebs, Schwab and Bartley
NAYS: Councilmember Hack
ABSENT: None
ABSTAINED: None

MOTION CARRIED:

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF A RESOLUTION MADE, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF CLAWSON AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS, 425 N. MAIN STREET, CLAWSON, MICHIGAN ON TUESDAY, MARCH 16, 2004 AT 7:30 P.M.



G. MACHELE KUKUK, CITY CLERK

The following is an excerpt from the minutes of a Regular Meeting of the Madison Heights City Council of the City of Madison Heights, Oakland County, Michigan held on Monday, March 8, 2004 at 7:30 p.m. Eastern Standard Time in the Municipal Building in said City.

Present: Mayor Pro Tem Clark, Councilmen Corbett and McGillivray,
Councilwomen Scott and Shad

Absent: Mayor Swanson and Councilwoman Russell (both excused).

78. Resolution Opposing Substitute for House Bill 4234.

Motion by Councilman McGillivray,
Supported by Councilwoman Shad,

WHEREAS, on February 18, 2003, House Bill 4234 was introduced and referred to the House Committee on Tax Policy, which would amend the General Property Tax Act to exempt \$10,000 of the aggregate taxable value of personal property as identified in the required Personal Property Statement. The exemption could be claimed in each local tax collecting unit in which a required statement was submitted; and,

WHEREAS, on February 26, 2004, the House Committee on Tax Policy passed a Substitute for House Bill No. 4234 which amendment provides for an exemption of the first \$3,000 of personal property tax value in 2005, increases the exemption to \$6,000 in 2006, then increases the exemption to \$10,000 in 2007. The exemption would then be permanently at \$10,000 of taxable value for each year after 2007; and,

WHEREAS, while the average tax break to business would be small, approximately \$500 per business after full implementation, the cumulative negative impact to Madison Heights and all taxing authorities is significant; and,

WHEREAS, while the proposed phase-in contained in the Substitute for House Bill 4234 attempts to soften the initial impact, Madison Heights will lose in excess of \$200,000 annually after the full implementation of the exemption based upon current parcel counts; and,

RECEIVED

MAR 12 2004

CITY OF TROY
CITY MANAGER'S OFFICE

WHEREAS, local school districts in Madison Heights will suffer annual revenue losses exceeding \$265,000; and,

WHEREAS, the State of Michigan will forfeit \$75,400 in lost State Education Tax revenue every year in the City of Madison Heights alone; and,

WHEREAS, nothing in the Substitute for House Bill 4234 prevents businesses from creating new subsidiary divisions and shell corporations whose sole purpose would be to own taxable assets with taxable values of \$10,000 or less to maximize exemption claims which further exacerbates local governments ability to provide services and expands the exemption without any apparent limit; and,

WHEREAS, the State of Michigan's local tax burden ranks 35th in the nation; and,

WHEREAS, personal property taxes continue to provide a major source of local revenue; and,

WHEREAS, the Substitute for House Bill 4234 would further erode Madison Heights' ability to levy personal property taxes used to support Police and Fire Departments and other basic services; and,

WHEREAS, supporters of Substitute for House Bill 4234 envision job creation as a primary benefit of a \$500 special tax break to business. The opposite is a more likely result as municipalities faced with further declining revenues will have no alternative but to eliminate more jobs and reduce services; and,

WHEREAS, Madison Heights' budget for State Shared Revenues for Statutory Sales Tax has been reduced by one-half or over \$1,000,000.00 in the last three years; and,

WHEREAS, as Madison Heights plans its budget for fiscal year 2004-05, Madison Heights is considering the elimination of a portion of its already lean work force including Police, Fire, Street Maintenance, Building Inspections, Recreation, Youth Services and other personnel; and,

WHEREAS, Madison Heights has already been forced to delay purchases of vital vehicle replacements and various other essential equipment purchases; and,

WHEREAS, the net impact of granting this special tax break to business would be to further shift the relative burden of property taxes to our residential taxpayers, who include low income and senior residents, least able to shoulder a higher tax burden;

WHEREAS, the administrative burden on businesses and local units of governments by passage of House Bill 4234 will be dramatically expanded as businesses create new subsidiaries. Businesses will still be required to fill out and file forms with each local unit. Local units still have to process the data and mail tax bills to an expanding group of taxpayers as yet another unfunded mandate becomes an obligation of local government.

NOW, THEREFORE, BE IT RESOLVED that the Madison Heights City Council vehemently opposes the Substitute for House Bill 4234 and implore all members of the House of Representatives to oppose this ill conceived legislation which would reek further havoc with the budgets of all municipalities, all taxing authorities, all school districts and the State of Michigan.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Governor Jennifer Granholm, State Representative David Woodward, State Senator Shirley Johnson, all members of the State House of Representatives, State Senate, Michigan Municipal League and surrounding municipalities.

Yeas: Mayor Pro Tem Clark, Councilmen Corbett and McGillivray,
Councilwomen Scott and Shad.
Nays: None.
Absent: Mayor Swanson and Councilwoman Russell (both excused).

I, the duly authorized City Clerk of the City of Madison Heights do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Madison Heights City Council on Monday, March 8, 2004.


Geraldine A. Flack
City Clerk

April 2004

April 2004							May 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			April 1 10:00am Senior Advisory (Community Center)	2	3
					4
5	6	7	8	9	10
Election - City General	10:00am Board of Canvassers (Conference Room D) 7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	7:00pm Persons w/Dis (Conference Room Lower Level)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		11
12	13	14	15	16	17
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)			18
19	20	21	22	23	24
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Historic District (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)	7:00pm Cable Adv (Conference Room C)		25
26	27	28	29	30	
	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)	7:00pm Troy Youth (Conference Room Lower Level)			

4/19 PH Comm. Veh. App. 6881 Westaway
 4/19 PH Park Var. Req. 440 E. Maple
 4/19 PH Park. Var. Req. 345 Minnesota
 4/19 PH Comm. Veh. App. 5184 Rochester

May 2004

May 2004							June 2004						
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9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					May 1
					2
					3
					4
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	Precinct Delegate Filing Deadline 7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		5 6 7 8
					9
					10
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		11 12 13 14 15
					16
					17
	7:30pm Historic District (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			18 19 20 21 22
					23
					24
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze	7:00pm Troy Youth (Conference Room Lower Level)			25 26 27 28 29
					30
					31

June 2004

June 2004							July 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5			1	2	3		
6	7	8	9	10	11	12	4	5	6	7	8	9	10
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27	28	29	30				25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	June 1	2	3	4	5
	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		6
7	8	9	10	11	12
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		13
14	15	16	17	18	19
Election - School	7:30pm Historic District (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			20
21	22	23	24	25	26
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)	7:00pm Troy Youth (Conference Room Lower Level)			27
28	29	30			



SOMERSET
COLLECTION

March 10, 2004

Officer Jay Reynolds,

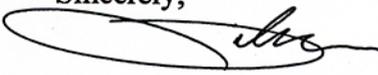
The Management and Security Staff's at Somerset Collection would like to personally "Thank You" for your support and "Outstanding" service and dedication given to Somerset Collection over the years.

We would especially like to "Thank You" for your involvement, research, follow through, and support with regards to the Avril Lavigne event that occurred on Tuesday March 9, 2004 at 5:00pm.

Your involvement was greatly appreciated and has not gone unnoticed.

You are truly an asset to the Troy Police Department and as a Retail Liaison Officer with regards to Somerset Collection.

Sincerely,


John F. Myszak III CSS/CPO
Director of Security
Somerset Collection

.cc Chief of Police; Charles T. Craft



RECEIVED
Chief of Police
3/9/2004 CC

G-07b

A.J. DESMOND & SONS

FUNERAL DIRECTORS

Original to CITY MGR
CC: OFF. KAPTUR
CAPT. MAYOR
DEPT. FILE
CORRESPONDENCE FILE

Chief Craft,

Just a note to confirm the wonderful presentation that officer Kaptur gave to PAC (Personal Approach to Law) - widowed men and women.

She was thorough as well as very educational in addressing fraud and personal safety to about 30+ individuals. Officer Kaptur is an outstanding member of the force.
Debra DeLo

WAYNE STATE UNIVERSITY

Department of Criminal Justice
2305 Faculty/Administration Building
Detroit, MI 48202
(313) 577-2705 / Fax (313) 577-9977

March 5, 2004

Charles T. Craft
Chief
Troy Police Department
500 W. Big Beaver Road
Troy, Michigan 48084

Dear Chief Craft:

Inviting guest speakers to talk to the undergraduate students in my *Investigations* class is always a bit risky. In terms of speaking ability, past invitees have ranged from pretty good to oh-lord-why-did-I-invite-him.

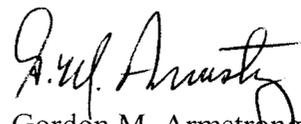
I hit the jackpot last week when Sergeant Suzanne Post spoke to the class on the afternoon of March 2. She was superb!

Polished and personable, Sergeant Post captured the students' attention right from the start and held it throughout her one-hour presentation. She effectively conveyed the complexities of investigative work by walking the class through the recent Holiday Inn robbery. Her insights validated the material in the investigations textbook and gave the students a better understanding of and appreciation for the kinds of details that make or break a case.

Sergeant Post gave my students the kind of information they need to evaluate police work as a career option. Her willingness to travel into downtown Detroit to share her knowledge and experience was uncommonly selfless, and she gave an impressively professional presentation that we all greatly appreciated.

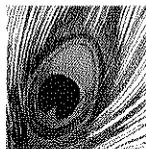
Please convey my compliments and my thanks.

Very Respectfully,


Gordon M. Armstrong
Adjunct Professor



ORIGINAL TO: City MGR
CC: Sgt. Post
Capt. Murphy
DEPT. FILE
CORRESPONDENCE FILE



SOMERSET
COLLECTION

March 10, 2004

Lieutenant Richard C. Riesterer

The Management and Security Staff's at Somerset Collection would like to personally "Thank You" and the Troy Fire Department for your assistance and involvement with regards to the Avril Lavigne event held at Somerset Collection on Tuesday March 9, 2004 at 5:00pm.

Because of you and your staff, in part, this was a safe, secure and successful event for all who were present.

Your Staff's assistance, professionalism and dedication did not go unnoticed and we look forward to building upon our current relationship with the Troy Fire Department.

Sincerely,

John F. Myszak III CSS/CPO
Director of Security
Somerset Collection

.cc Fire Chief; William S. Nelson

RECEIVED

MAR 12 2004

CITY OF TROY
CITY MANAGER'S OFFICE

Wayne C. Wright
2525 Homewood
Troy, Michigan 48098

March 10, 2004

Mr. John Szerlag
City Manager
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Dear Mr. Szerlag;

I am writing to express my appreciation to our city staff.

Back in January, after a very heavy snow, the city plowed our subdivision, which I very much appreciate. Unfortunately, the impact of the heavy snow against our mailbox and newspaper box caused the supporting post to split down the middle.

I telephoned the DPW and a very polite lady advised me that they would send someone out to fix it. The next day two gentlemen arrived and did a temporary fix by using a couple of bungee cords and setting up a barricade to warn future plow drivers. They advised me that they would be back when the weather broke to replace the post. Recently, when the weather finally got better, they came back and installed a new post.

I am happy to report that the mailbox is once again standing tall and straight (actually straighter than the old post). The courtesy and respect I received was a delight in a time when many governmental agencies seem to have an attitude problem.

I have also had several occasions to visit the City Clerk's office for everything from dog licenses to absentee voter applications. I have also found these people to be very helpful and professional.

Please pass my thanks along to these departments.

Sincerely,


Wayne C. Wright

Page 1 of 1

Brian Stoutenburg

From: Loraine M Campbell
Sent: Friday, March 12, 2004 5:01 PM
To: Brian Stoutenburg
Subject: FW: museum

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

From: Debbie Morrison [mailto:debbiem137@hotmail.com] **Sent:** Friday, March 12, 2004 1:01 PM
To: campbelm@ci.troy.mi.us
Subject: museum

HeHo, My name is Debbie Morrison, and my son is in the 4th grade. Yesterday (march 11) we went to the one room school house and did the tour with his class. I cannot tell you enough what a great experience it was!! All the kids had a great time and i know that i personally thought it was wonderful!! All of the tour guides were friendly and full of knowledge. I was unaware that the City of Troy had such a wonderful historical museum.....and now that i know i will tell everyone how great it is. I know i will be back to visit... when the weather is a bit warmer!!! Thanks for much for keeping history a part of the present!! !

thanks again,

Debbie Morrison

G_JaFR.EEOnli11C COmpYJ Lyi!!Js sQanfmmMQAf wJ} nYQ!Lclickh n: .

3/15/2004

Barbara A Holmes

From: Mark S Stimac
Sent: Thursday, March 25, 2004 8:55 AM
To: Barbara A Holmes
Subject: FW:

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

From: tksmith [mailto:tksmith@comcast.net]
Sent: Sunday, March 07, 2004 8:03 PM
To: stimacms@ci.troy.mi.us
Cc: szerlagaj@ci.troy.mi.us; stinejm@wwnet.net; dave@lambert.net
Subject:

Dear Mark

After you dealt with the plumber (last December) on Vermont to get him into compliance I thanked you silently every day as I didn't have to drive around his trucks and equipment on my way to work nearly every morning. I want to now say Thank You for a job well done He has been in compliance for a week now and it is thanks to you and your department.

Terry Smith
2150 Vermont

3/25/2004

Royal Oak Police Department

G-07h

221 E THIRD STREET
ROYAL OAK, MICHIGAN 48067-2693



March 9, 2004

Chief Charles Craft
Troy Police Department
500 W. Big Beaver Road
Troy, MI 48084

Dear Chief Craft:

On Friday, March 5, 2004 Officer Ed Klutz assisted our agency in participating in an oral review board for the position of K-9 Officer. On behalf of the Royal Oak Police Department and the City of Royal Oak, I wish to offer our most sincere appreciation for his time, expertise and participation. Each interviewer was individually sought primarily due to their knowledge and commitment for K-9 excellence in Southeast Michigan. Their assistance certainly helped us in this most important portion of our selection process.

Again our thanks to you, your agency and Officer Ed Klutz for your assistance. If the Royal Oak Police Department can be of any assistance to you, please remember us. I look forward to responding in kind.

Sincerely,

Chief Theodore H. Quisenberry
Royal Oak Police Department
(248) 246-3527

RECEIVED
Chief of Police
3/10/04 CT

ORIGINAL TO City Mgr.
CC: OFF. KLUTZ
CAPT. SATER
DEPT- FILE
CORRESPONDENCE FILE

Phone Area Code (248)	Chief of Police	246-3527	Detective Division	246-3515
General Information 246-3500	Deputy Chief-Staff Services	246-3526	Records Division	246-3530
Fax Number 246-3402	Administrative Office	246-3525	Traffic Safety Division	246-3505
	Deputy Chief-Operations	246-3510	Community Policing	246-3524



SOMERSET
COLLECTION

March 10, 2004

Sgt. David Livingston

The Management and Security Staff's at Somerset Collection would like to personally "Thank You" and the Troy Police Department's Directed Patrol Unit for your assistance and involvement with regards to the Avril Lavigne event held at Somerset Collection on Tuesday March 9, 2004 at 5:00pm.

Because of you and your staff, in part, this was a safe, secure and successful event for all who were present.

Your Officer's assistance, professionalism and dedication did not go unnoticed and we look forward to building upon our current relationship with the Troy Police Department.

Sincerely,

A handwritten signature in black ink, appearing to read "JFM", written over a horizontal line.

John F. Myszak III CSS/CPO
Director of Security
Somerset Collection

.cc Chief of Police; Charles T. Craft



MADISON HEIGHTS POLICE DEPARTMENT

280 West Thirteen Mile Road • Madison Heights, Michigan 48071

G-07j

248-585-2100 • Fax 248-585-8090 • Administration 248-837-2729

KEVIN M. SAGAN
Chief of Police

DONALD A. ROESKE
Deputy Chief of Police

March 22, 2004

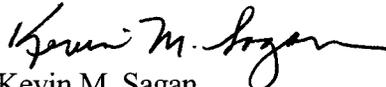
Chief Charles Craft
Troy Police Department
500 West Big Beaver Rd.
Troy, Michigan 48084

Dear Chief Craft,

I would like to personally thank you for your department's assistance during our recent training with the TASER, less lethal weapon. Your department's training sergeant, Sgt. Michael Bjork arranged to loan two M-26 TASERs to our department. We have been waiting for delivery of our X-26 TASERs since December of 2003 and your department's assistance and loan helped us meet our training goals and objectives.

Thanks again for your department's help and assistance in this matter. If we can ever return the favor, please let us know.

Sincerely,


Kevin M. Sagan
Chief of Police



ORIGINAL TO CITY MGR.
CC: CAPT. MAYOR
Sgt. B. B. B. B.
CORRESPONDENCE FILE
BB



4/1/04

TO: Mayor and Members of City Council

FROM: Lori Grigg Bluhm, City Attorney *LB*
Carolyn F. Glosby, Assistant City Attorney *CG*

RE: Kunjamma Antony v City of Troy

The above-referenced lawsuit arose from plaintiff Kunjamma Antony's slip-and-fall on an intact curb ramp located in front of the Family Aquatic Center in July 2001. Plaintiff broke her right elbow, and in addition to her alleged permanent injuries and disfigurement, claimed approximately \$40,000 in wage loss from her position as a registered nurse at Royal Oak Beaumont Hospital. At case evaluation, the panel awarded her \$25,000, a sum that she accepted and the City rejected, based on our belief that the case would be summarily dismissed.

On March 24, 2004, Oakland Circuit Court, Hon. Gene Schnelz, granted the City's motion for summary disposition of this case; the case has been dismissed. The Court was wholly persuaded by the City's arguments that it had not breached its duty of reasonable sidewalk repair to the plaintiff. The Court also rejected plaintiff's contention that the ramp in question failed to comply with the applicable Building Code existing at the time of its construction in 1992.

During the course of discovery in this action, we successfully elicited plaintiff's admission that her injury was not caused by any state of disrepair in the sidewalk, but rather by factors outside the scope of the "highway exception" to governmental immunity. The exception obligates the City to maintain its sidewalks in reasonable repair, and does not require warnings or repairs to address allegedly defective design. In support of the motion for summary disposition, we also provided the Court with numerous affidavits and exhibits, powerfully illustrating the good condition of our sidewalks at the Aquatic Center.

Costs in this action total approximately \$800.00, exclusive of attorney fees. The possibility of recovering attorney fees is remote. Absent contrary instruction from

City Council, we will ask the Court to have plaintiff pay our costs. Please advise if we may provide further information.

March 31, 2004

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Report and Communication - City Employees' Short-term Disability, Long-term Disability, Life, and Accidental Death and Dismemberment Insurance Coverage

The City of Troy has consistently acted to provide insurance benefits at a reasonable cost. Over the years, differences in coverage have developed from one employee group to another through collective bargaining agreements. The administrative burden of handling dozens of plan options does not benefit either the employees or the City. To that end, and through the interest based bargaining format, the City proposed to all five union groups to create an employee insurance benefits committee. All five union groups agreed to the creation of this committee. The committee consists of a representative from each union, a classified group employee, and City management. The mission of the committee is to develop a common insurance benefits platform for all full-time employees. City administration has always selected the insurers for this coverage based on cost and coverage required by collective bargaining agreements. The committee investigates and evaluates ways to reduce costs, recommends appropriate coverage for employees, evaluates insurance carriers, and provides an open forum to exchange insurance benefit information.

While reviewing disability and life insurance, Risk Management directed our insurance agent, Willis, Inc. to assist us in obtaining quotes from other insurance carriers. Our Willis agent, requested quotes from nine nationally recognized insurance companies. They included: American United Life (AUL), Fortis Benefits, ING, Hartford Life, Jefferson Pilot, Canada Life, MetLife, Sunlife, and Unum Provident. We received five quotes with four declining to quote. The four that declined to quote indicated their underwriting platform could not accommodate for Police and Fire Department staff, or they just were not competitive. In addition to the five quotes, Prudential (City current carrier) indicated they would hold their current pricing for the coming year.

Our Willis agent presented the quotes and coverage to the Employee Insurance Benefits Committee for review and questions. Our agent and the Committee (unanimously) are recommending the Canada Life Program to City Management. The savings in premium in the first year is estimated at \$104,079 (a 27% savings) compared to the estimated premium to be paid if we remain with Prudential. The Committee also agreed that it would be more efficient to have only one carrier for the STD and LTD coverage. Our agent concurred with the Committee indicating this would reduce insurer administrative errors, and cause fewer problems for doctor's having to provide medical documentation to more than one insurer for the same claim. Quotes from the various

insurers are provided below and include the STD, LTD, life and AD&D coverage combined.

<u>Insurer</u>	<u>Annual Premium</u>
Canada Life	\$281,792
Unum Providence	\$297,237
MetLife (Option 2)	\$302,212
MetLife (Option 1)	\$309,052
Prudential	\$385,871
AUL	\$400,688
ING	\$499,402

The Canada Life quote was the lowest for the STD and LTD coverage combined, and the life and AD&D coverage. Canada Life is proposing a two-year rate guarantee. In addition, the benefit level for the Canada Life program was equivalent to the coverage currently being provided to employees. The coverage can also be modified to include enhancements that will benefit both the City and the employees at no additional cost. In fact, the enhancements could actually help the City reduce claim costs thereby reducing future premiums. The enhancements will be discussed further with the Committee.

Canada Life is currently the insurer for several municipalities in Michigan. The list includes, among others:

Bay City	Novi
Garden City	Romulus
Grand Haven	Saginaw
Hazel Park	Sterling Heights
Holland	Warren
Milan	

The Risk Management Department has contacted all the municipalities listed for references on the Canada Life program. All are pleased with the service they have experienced through Canada Life.

As with other insurance coverage we explored the possibility of a self-insurance program. The advantage to self-insuring is there is no premium. The disadvantages to the City would include cost for claims and an administrative fee per covered employee. In addition, the City would have the fiduciary responsibility of determining coverage of claims that could create liability and discrimination risks. There could also be some fluctuation in claims from one month to the next that could create cash flow problems.

After conducting the review of the recent years' annual premium paid versus the annual claims paid we determined there is no benefit to the City or the employees to go to a self-insured program for the STD, LTD, life, and AD&D insurance coverage at this time. In the future, should the paid claims become considerably less than the paid premium, we will revisit the possibility of self-insuring for this coverage.

March 30, 2004

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager – Services
Brian Stoutenburg, Library Director

Subject: Agenda Item - Annual Library Survey of Users

The purpose of the Survey is to annually gage the level of satisfaction that users have with the Library. This year we had 691 participants during the week of March 21, 2004.

- OVERALL IMPRESSION:
**97% were Satisfied or Highly Satisfied, with 3% Unsatisfied.
68% said they were Highly Satisfied.**
- FACILITY: Size of building, landscaping, location, parking.
**95% were Satisfied or Highly Satisfied, with 5% Unsatisfied.
58% said they were Highly Satisfied.**
- INFORMATION: Ease of finding the information they need.
**98% were Satisfied or Highly Satisfied, with 2% Unsatisfied.
63% said they were Highly Satisfied.**
- STAFF: Helpful, interested, pleasant, considerate, welcoming, efficient.
**99% were Satisfied or Highly Satisfied, with 1% Unsatisfied.
75% said they were Highly Satisfied.**
- RESOURCES: Availability, size of collections.
**97% were Satisfied or Highly Satisfied, with 3% Unsatisfied.
55% said they were Highly Satisfied.**
- EQUIPMENT: Computers, printers, photocopiers, microfilm machines.
**97% were Satisfied or Highly Satisfied, with 3% Unsatisfied.
54% said they were Highly Satisfied.**
- PROGRAMS: Storyhours, Adult enrichment, Computer instruction, Teen, Cultural Arts, Book Discussion.
**98% were Satisfied or Highly Satisfied, with 2% Unsatisfied.
54% said they were Highly Satisfied.**

March 31, 2004

Dear Council Member or Planning Commissioner,

Enclosed please find a copy of the 2003 Rouge River Watershed Frog and Toad Survey Results from Friends of the Rouge.

This report provides an easy reference to the diversity of frogs and toads for each quarter section in your community. We believe that the level of frog and toad diversity is an indicator of the health of wetlands. If you have significant frog and toad diversity in some areas in your community, you might consider further assessing the natural environment and then, based on that further assessment, consider protecting these natural features. If you have areas with limited diversity, again after further study, you may find a general degradation of wetlands, floodplains, vernal pools or even upland habitat such that you may consider habitat restoration or you may even discover a source of pollution.

The 2003 survey showed a small increase in northern leopard frogs, green frogs and bullfrogs and a potential decrease in western chorus frogs and spring peepers. It is interesting to note that the 3 increasing species use permanent ponds for breeding whereas the 2 declining species rely on vernal ponds to grow their tadpoles. The lack of rain over the past three years may be contributing to a decline in species that rely on vernal ponds but draining and filling of wetlands may also be taking a toll. Temporary ponds are offered scant protection by existing laws and may be disappearing as much of the Rouge Headwaters is developed. Future surveys will help us to better assess long term trends for the watershed.

I hope that you will take the time to read the report and look at the distribution for your area. Feel free to contact me at (313) 792-9621 or picoordinator@therouge.org with any questions you may have.

Sincerely,



Sally Petrella
Public Involvement Coordinator

2003 Rouge River Watershed Frog and Toad Survey Results

The Rouge River Watershed Frog and Toad Survey is a volunteer listening survey that has been coordinated by Friends of the Rouge since 1998. Volunteers are trained to recognize local frog and toad breeding calls and survey quarter square mile blocks within the Rouge River watershed from March through July. The purpose of the survey is to collect baseline data on the distribution of frogs and toads within the watershed as well to give residents of an urbanizing area a positive experience with their local natural areas. The survey is supported by a grant from the Rouge River National Wet Weather Demonstration Project and donations from participants and local organizations.



Summary

Veterans and new volunteers continue to participate enthusiastically in the Rouge River Watershed Frog and Toad Survey. Volunteers surveyed in 33 Rouge communities. The communities that participated and the number of quarter sections covered in each community are as follows: Canton Township 27, Novi 24, Northville Township 17, Dearborn 16, Farmington Hills 15, Livonia 12, Plymouth Township 10, Inkster 10, Van Buren Township 9, Bloomfield Township 8, Southfield 8, Salem Township 7, Superior Township 7, Dearborn Heights 7, West Bloomfield 6, Westland 6, Redford Township 5, Birmingham 4, Beverly Hills 4, Rochester Hills 3, Troy 3, Bloomfield Hills 3, Franklin 2, Northville 2, Walled Lake 1, Farmington 1, Lathrup Village 1, Bingham Farms 1, Plymouth 1, Wayne 1, Garden City 1, Detroit 1, and Romulus 1.

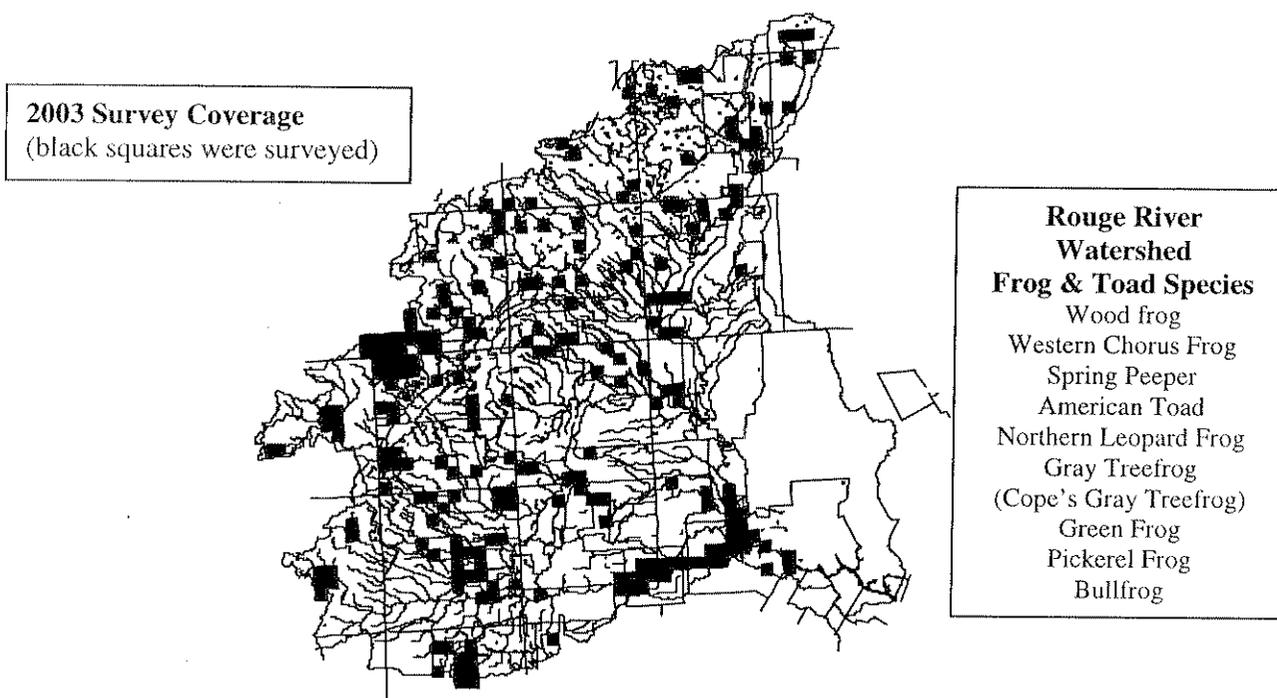
Two areas were unusually well-covered this year due to a few volunteers who surveyed a huge number of blocks. In Maybury State Park veteran volunteer Sue Thompson continued to cover 8 blocks and new volunteer Darlene Friedman covered a record 18 blocks nearby! In the Dearborn-Dearborn Heights-Inkster area, herpetologist and University of Michigan graduate student David Mifsud covered 25 blocks on the Lower and Main branches as part of his graduate research.

The 2003 survey showed a small increase in northern leopard frogs, green frogs and bullfrogs and a potential decrease in western chorus frogs and spring peepers. It is interesting to note that the 3 increasing species use permanent ponds for breeding whereas the 2 declining species rely on vernal ponds to grow their tadpoles. The lack of rain over the past three years may be contributing to a decline in species that rely on vernal ponds but draining and filling of wetlands may also be taking a toll. Temporary ponds are offered scant protection by existing laws and may be disappearing as much of the Rouge Headwaters is developed. Future surveys will help us to better assess long term trends for the watershed.

Friends of the Rouge sincerely thanks all of the volunteers who participated in the 2003 survey. The survey would not be possible without the dedication of all of these individuals. Thank you also to the Rouge River National Wet Weather Demonstration Project and many individual donors that provided financial support.

2003 Survey Results

In 2003, 223 survey blocks were covered by approximately 250 volunteers. This is a higher number of blocks than last year and about average for the survey. Coverage was fairly evenly distributed throughout the watershed and included observers in all 7 subwatersheds (see coverage map below and subwatershed map on following page).



Nine species of frogs and toads were heard by surveyors in 2003. After four years of surveying blocks throughout the watershed, ten species have been confirmed in the Rouge River Watershed. Due to the difficulty of distinguishing Cope's gray treefrog calls from gray treefrog calls, surveyors are not asked to distinguish between the two. Michigan has thirteen species of frogs and toads, twelve of which are found in the Lower Peninsula. The two species not found in the Rouge are the Fowler's toad and the Blanchard's cricket frog. The Fowler's toad range is confined to Great Lakes shoreline and the Blanchard's cricket frog is a state special concern species at the northern end of its range in southern Michigan.

Green frogs, northern leopard frogs and bullfrogs were heard in a higher percentage of blocks in 2003 than in any year since we began the survey (see Table 1). For the third consecutive year, American toads were the most commonly heard species, heard in 62% of survey blocks. Green frogs surpassed western chorus frogs as the next most common at 53%. Western chorus frogs were heard in 48% of blocks, followed by spring peepers (45%), gray treefrogs (40%), and wood frogs (23%). Northern leopard frogs and bullfrogs continue to be heard in a low number of blocks (18% and 13%) but both were heard in a higher percent of blocks than in past years. The pickerel frog was heard in only one survey block in Plymouth Township (1%). Survey blocks vary each year, depending on the availability of volunteers so changes year to year may be more reflective of volunteer interests than any population changes.

Table 1: Percent of blocks in which species was heard, 1998-2003

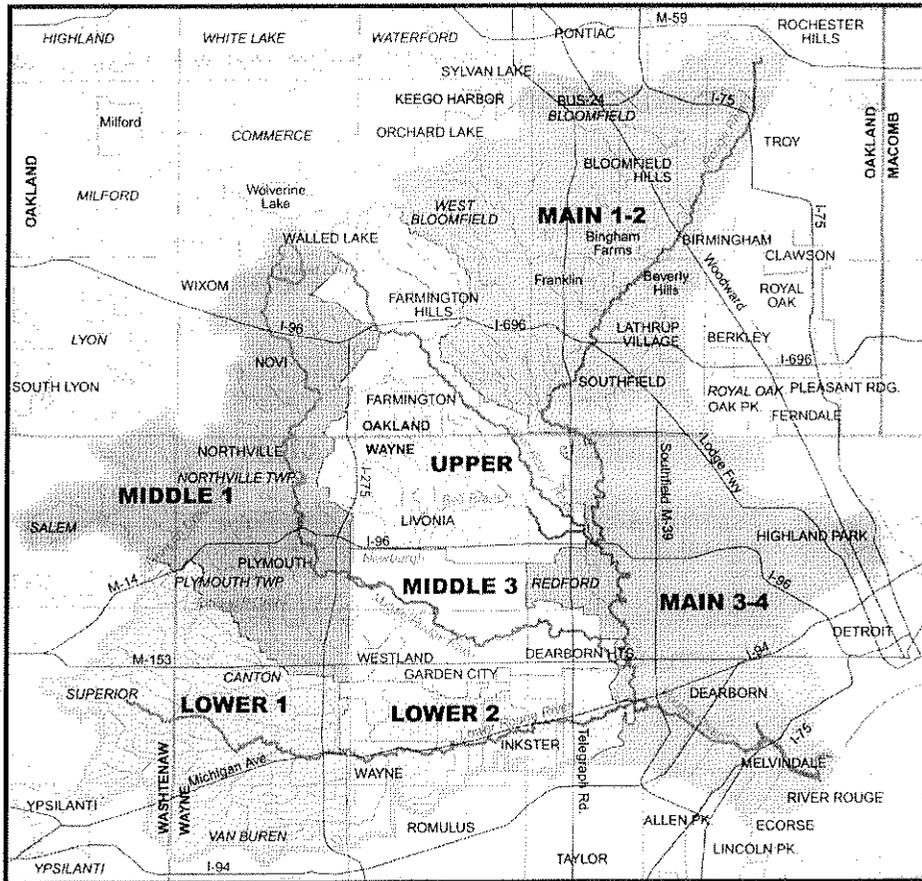
species	2003	2002	2001	2000	1999**	1998*	00-03 average	Statewide Survey, S. MI, % Sites***
Wood Frog	23	20	17	14	30	55	18.5	34.2
Western Chorus Frog	48	52	49	50	64	80	49.75	49.6
Spring Peeper	45	50	47	48	67	83	47.5	79.1
American Toad	62	71	58	49	50	54	60	39
Northern Leopard Frog	18	8	9	5	5		10	14.5
Gray Treefrog	40	35	37	47	40		39.75	65.5
Green Frog	53	39	38	15	30		36.25	43.7
Bullfrog	13	5	7	0	2		6.25	10.3

*Only Middle 1 subwatershed surveyed

**Only Middle 1 and Lower 1 subwatersheds surveyed

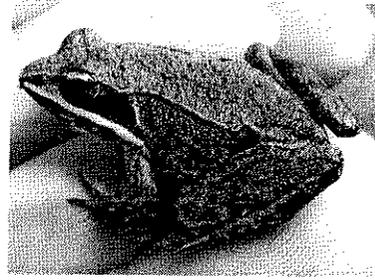
***www.michigandnr.com/publications/pdfs/huntingwildlifehabitat/frogs_03summary.pdf

Rouge Subwatersheds



Wood Frogs (*Rana sylvatica*)

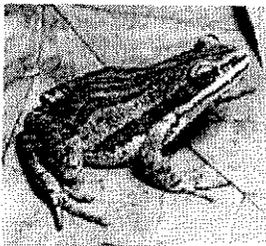
Wood frogs are medium-sized frogs that inhabit damp woodlands and are obligate users of vernal or temporary ponds for breeding. Because they begin and end their noisy quacking breeding within a one to two week period, they are easily missed and survey results probably underestimate their presence.



In 2003, wood frogs were heard in 23% of all watershed blocks (see Table 1) and they were heard in six of the seven subwatersheds. None were heard in the 24 blocks surveyed in the Upper subwatershed. The largest concentration was heard in and around Maybury State Park in Northville (15 blocks), followed by Salem and Superior Townships (6 blocks each) and Canton Township and the Lower Rouge in Dearborn (4 blocks each).

Wood frogs seem to be less numerous watershed-wide in comparison to the rest of southern Michigan and in comparison to the more pristine Middle 1 (M1) and Lower 1 (L1) Rouge Subwatersheds (SWS). In the southern Lower Peninsula, volunteers who participated in the Michigan Department of Natural Resources (MDNR) Statewide Volunteer Survey heard wood frogs in 34.2% of sites. In 1998, when our Rouge survey covered only the M1 SWS (Salem, Novi, Northville, and Plymouth), volunteers heard wood frogs in more than half of all blocks (55%). In 1999, when our survey expanded to include both the M1 and the L1 SWS (Canton, Van Buren and Superior), volunteers still heard wood frogs in 30% of blocks. Since 2000 when we began surveying the entire watershed, the percent of blocks in which wood frogs were heard has averaged only 18.5%. A slight steady increase from 14% to 23% probably reflects an increase in volunteers' ability to detect them rather than any increase in population.

Western Chorus Frogs (*Pseudacris triseriata*)



Western chorus frogs are not as particular about habitat as wood frogs and will use vernal ponds located in woodlands, fields, ditches and marshes. They are the earliest calling species but continue calling for several months. Their call is often heard during the day.

While less numerous throughout the watershed than in the M1 and L1 SWS, western chorus frogs seem to be as numerous in the Rouge as they are in the rest of southern Michigan but this may be changing.

Over the past four years, they have been heard in an average of 49.75% survey blocks, similar to the average for southern Michigan of 49.6%. Chorus frogs were heard in every SWS but seemed to be most concentrated in Northville, Salem (M1), Superior and Canton Townships (L1). This year, they were heard in 48% of blocks, slightly less than the past 4 years.

According to a statewide analysis done by the MDNR, western chorus frogs showed a statistically significant increase over the past 8 years. In the Rouge, chorus frog numbers are not increasing. Future surveys will help us to see if this is a long term trend.

Spring Peepers (*Pseudacris crucifer*)

Spring peepers are tiny frogs that use vernal ponds for breeding. Their habitat requirements are similar to those for western chorus frogs except that they prefer thicker vegetation.

While they continue to be the most commonly heard species in the state, spring peepers continue to be found in lower numbers in the Rouge watershed except in the M1 SWS. Watershed-wide, an average of 47.5% of Rouge blocks had peepers calling in 2000-2003 as compared to southern Michigan's 79.1%. This year, they were down 5% from last year's survey. Every SWS had peepers yet not a single peep was heard in the 9 blocks surveyed in Van Buren Township where they were heard in past years. The M1 continues to have a high concentration of these frogs (78%) and 23 contiguous blocks in and around Maybury State Park had peepers.

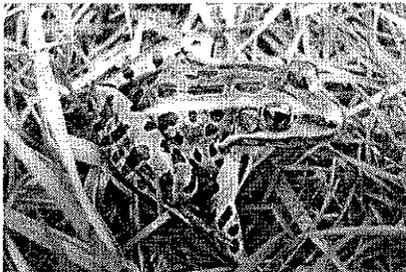
American Toads (*Bufo americanus*)

The American toad is one of the most adaptable amphibians to inhabit the Rouge River Watershed. Not particular, they will use just about any shallow pond for breeding. Toad tadpoles are distasteful to predators including fish so they are not dependent on vernal ponds. The adults can exude a toxic secretion when threatened and few animals besides the fox snake will eat them.



Toads were the most commonly heard amphibian in the Rouge River Watershed in 2003, at 62%. The percent of blocks with toads slightly decreased from last year's all time high of 71%. Heard in every SWS, the highest density of toads was found at the bottom of the Main and Lower Rouge branches in Dearborn and Inkster. Statewide, the toad is far less common, only heard in 39% of southern Michigan sites. American toads do not seem to prefer the M1 or L1 SWS like wood frogs, western chorus frogs and spring peepers do and are the most common species in the urbanized portions of the watershed.

Northern Leopard Frogs (*Rana pipiens*)



Northern leopard frogs were once Michigan's most abundant frog but began to decline in the 1970s for unknown reasons. They use open vernal ponds and the edges of lakes for breeding and wander far from water outside of the breeding season.

This year, the percent of blocks with leopard frogs was double that of any past survey years, at 18%. Most were heard in the M1 and L1 SWS and very few in the Main 1/2 and Upper SWS. None were heard in the Main 3/4, Middle 3, and Upper SWS. Surprisingly, leopard frogs were heard for the first time in Dearborn, in the Dearborn Hills Golf Course. The percent of blocks with northern leopard frogs was higher in the Rouge than in any other part of the state. Statewide, these frogs may be starting to increase after years of decline and this also may be true in the Rouge.

Pickerel Frogs (*Rana palustris*)

Pickerel frogs are similar to the northern leopard frog but less common throughout the state. They require very clean cold water. Every year, they are heard in one or two blocks in the Rouge headwaters. This year, they were only heard in one block in Plymouth Township near the Johnson Creek. Since the survey began, this species has only been heard in 7 blocks in Canton, Superior, Novi, Salem and Plymouth. In southern Michigan, they were heard in less than 1% of sites. Numbers for both the MDNR and Rouge surveys may be low as pickerel frog calls can be difficult to distinguish from leopard frog calls.

Gray Treefrogs (*Hyla versicolor*)

Gray treefrogs inhabit damp woods and swamps and can survive in rural and suburban areas. In the Rouge River Watershed, they were heard in 40% of the blocks and only heard in the headwaters. None were heard in the Main 3/4 and Lower 2 SWS and only one block in the Middle 3 had treefrogs. Southern Michigan had a much higher percentage of sites with gray treefrogs, at 65.5%.



Green frogs (*Rana clamitans melanota*)

Green frogs are large, tough frogs that can tolerate polluted water and will eat other frogs. They spend all of their time in and around water and must use permanent ponds for breeding as their tadpoles often overwinter.

The percent of blocks in which green frogs were heard was at an all-time high in the Rouge in 2003. This is positive news in light of the winter die-off of many of these frogs due to the extended cold spring. Over half of the blocks surveyed for late species had green frogs calling (53%). This is a big increase from the last two years (39% and 38%). Green frogs were heard in every SWS. The largest concentration was at the bottom of the Main and Lower branches in the Main 3/4 and L2 SWS. In southern Michigan, green frogs were heard in 43.7% of sites. According to the MDNR 2003 Data Summary, green frogs may be on the verge of a decline throughout the state. They do not appear to be declining in the Rouge.

Bullfrogs (*Rana catesbeiana*)

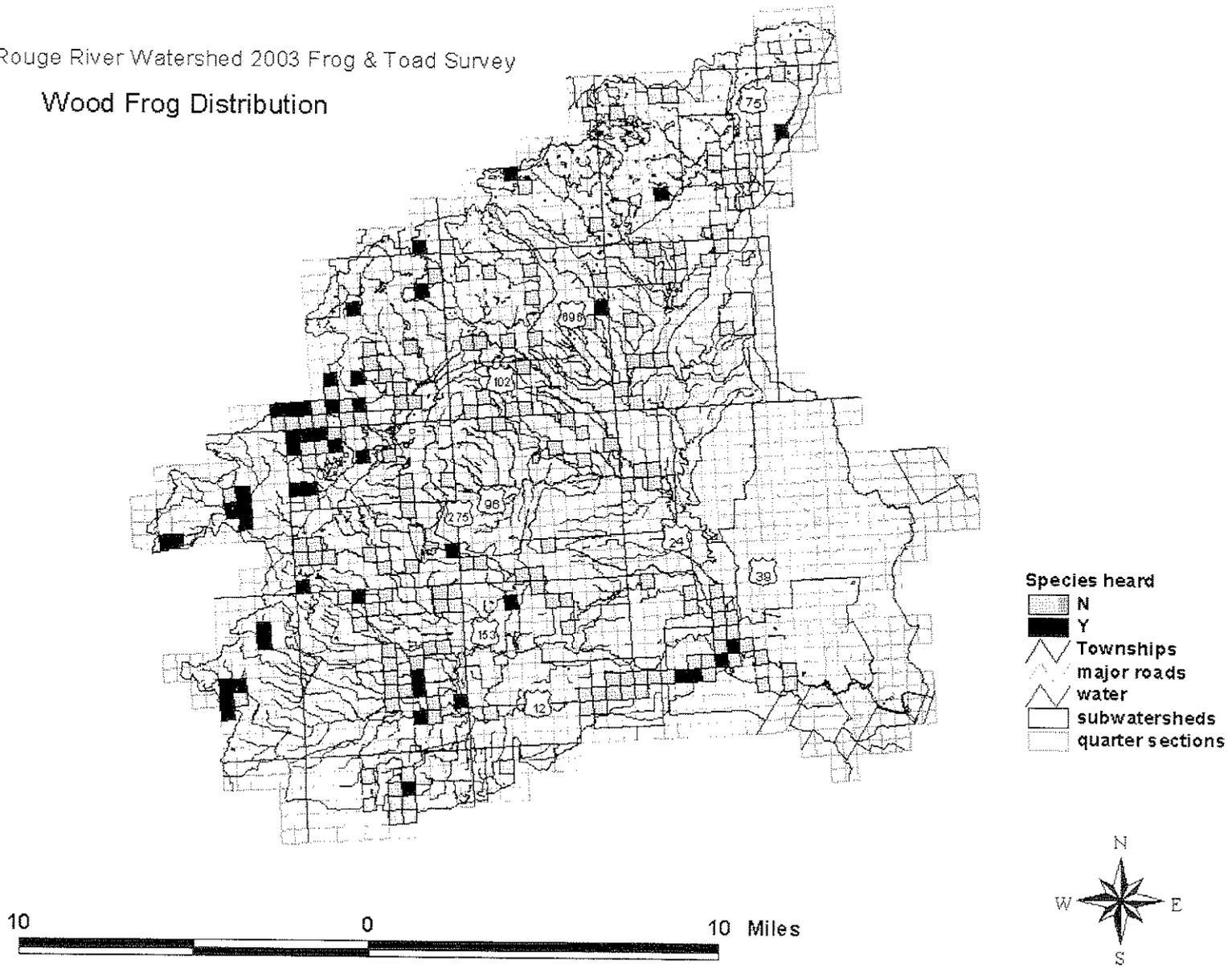


Michigan's largest frog has similar requirements to the green frog but is larger and most tadpoles overwinter. Bullfrogs were heard in a higher percentage of blocks in 2003 than in any past years. While they are not numerous, 13% of blocks reported bullfrogs and they were found in all 7 SWS. They were even heard as far downstream as the Main stem of the river, in a relict of the old river channel, by residents of Oakwood

Common in Dearborn. Bullfrogs occur at a low concentration throughout the state and were at 10.3% of sites in southern Michigan. Future surveys in the Rouge will show whether this year's increase was an anomaly or the beginning of a trend.

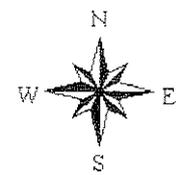
Rouge River Watershed 2003 Frog & Toad Survey

Wood Frog Distribution



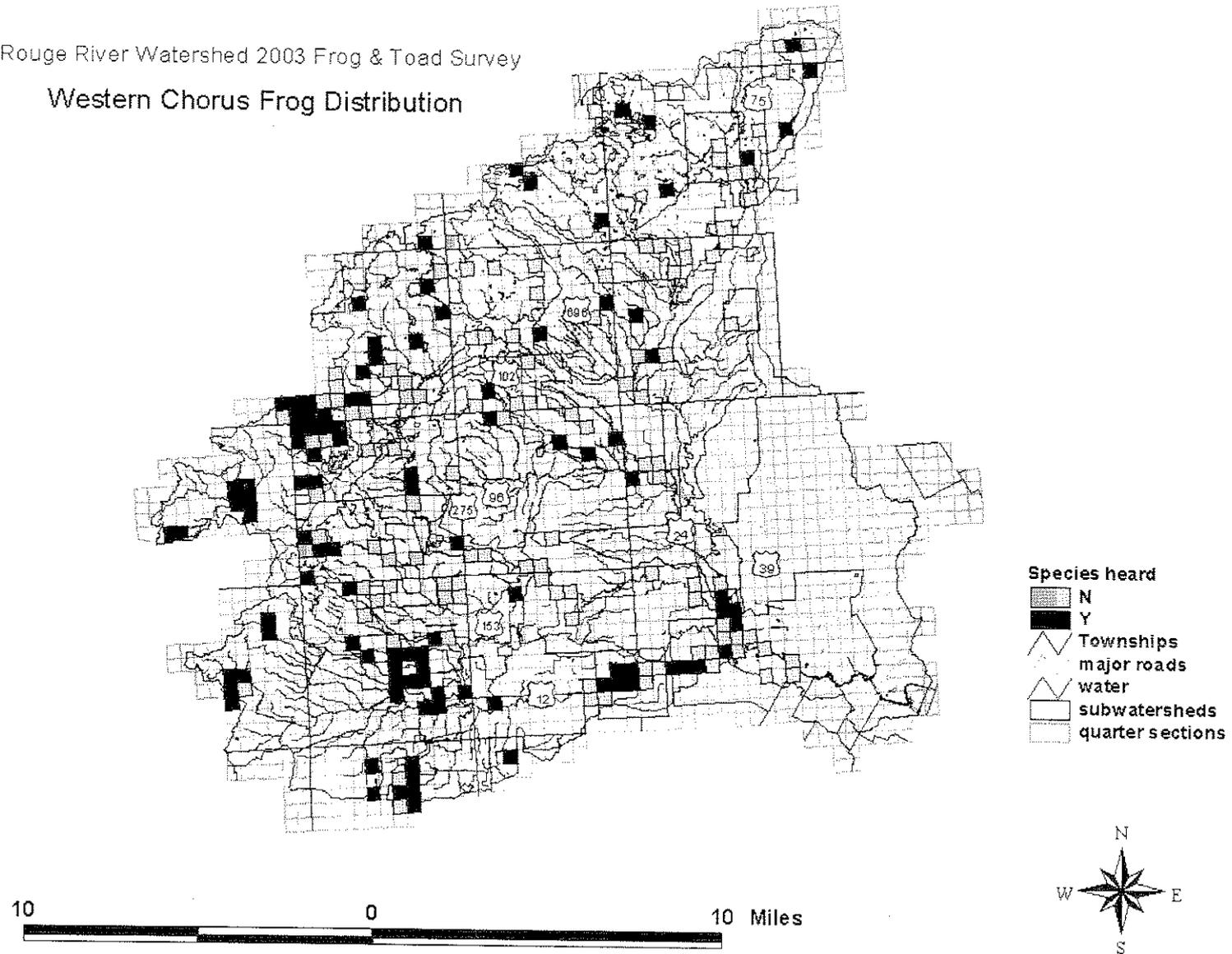
Species heard

-  N
-  Y
-  Townships
-  major roads
-  water
-  subwatersheds
-  quarter sections



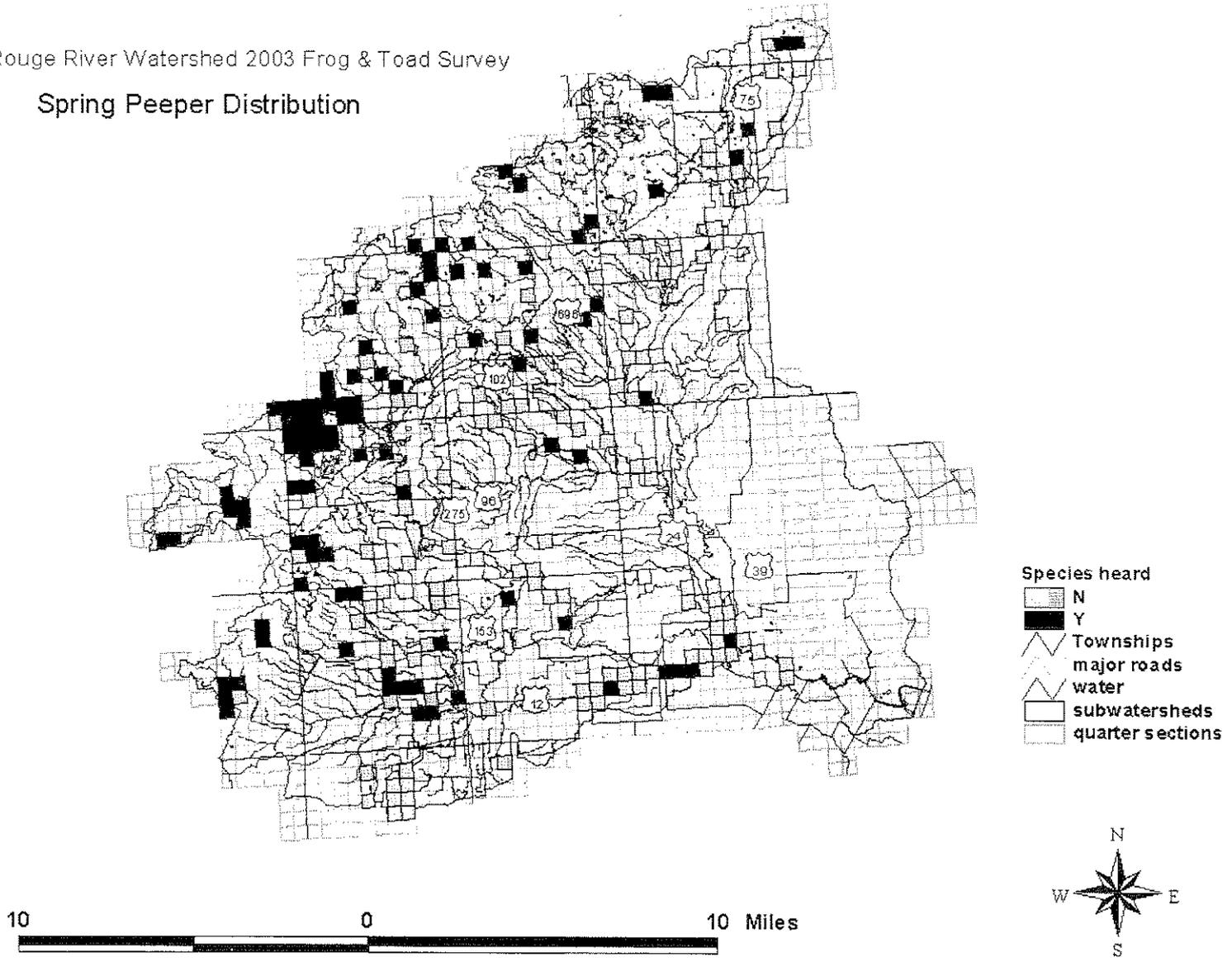
Rouge River Watershed 2003 Frog & Toad Survey

Western Chorus Frog Distribution



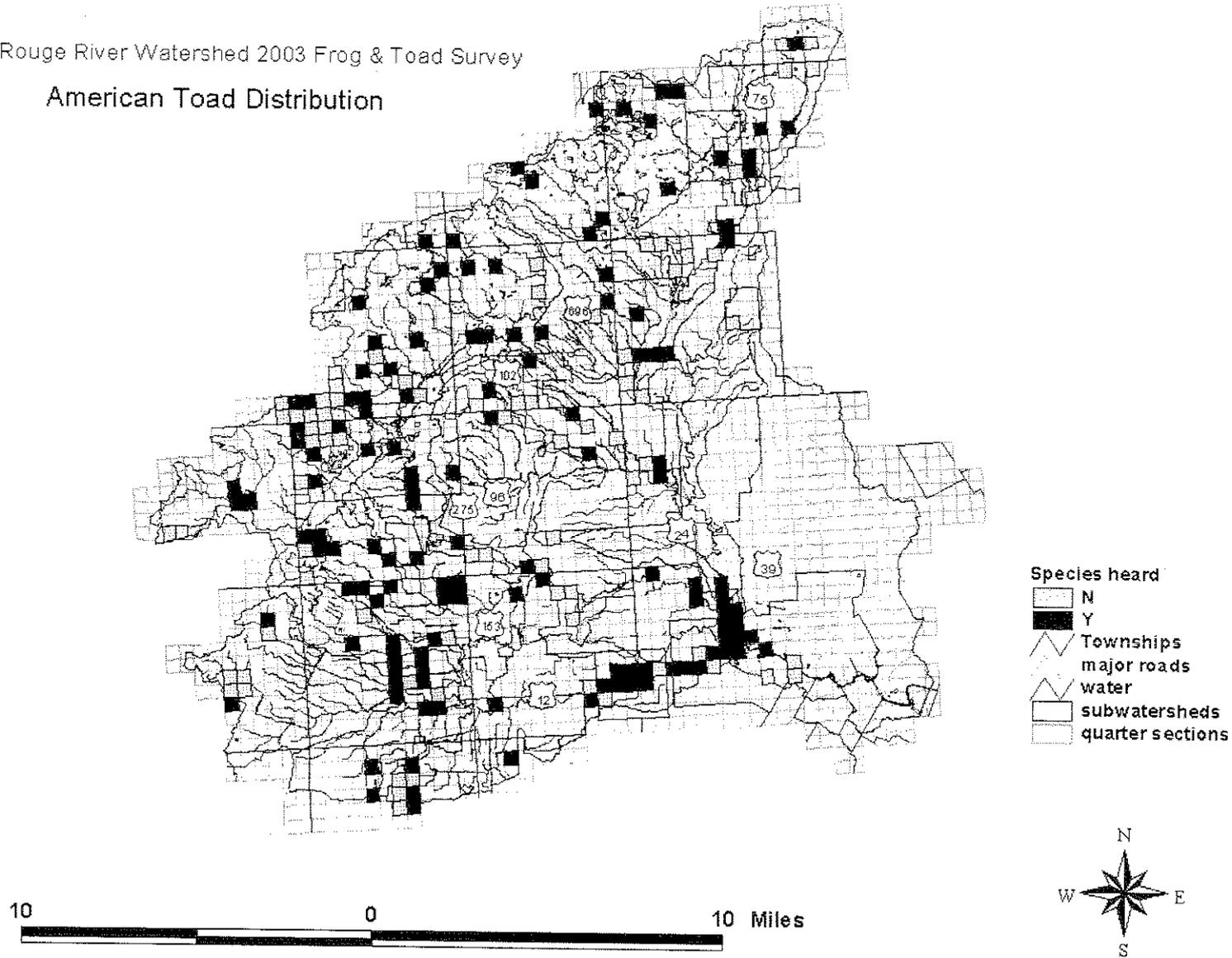
Rouge River Watershed 2003 Frog & Toad Survey

Spring Peeper Distribution



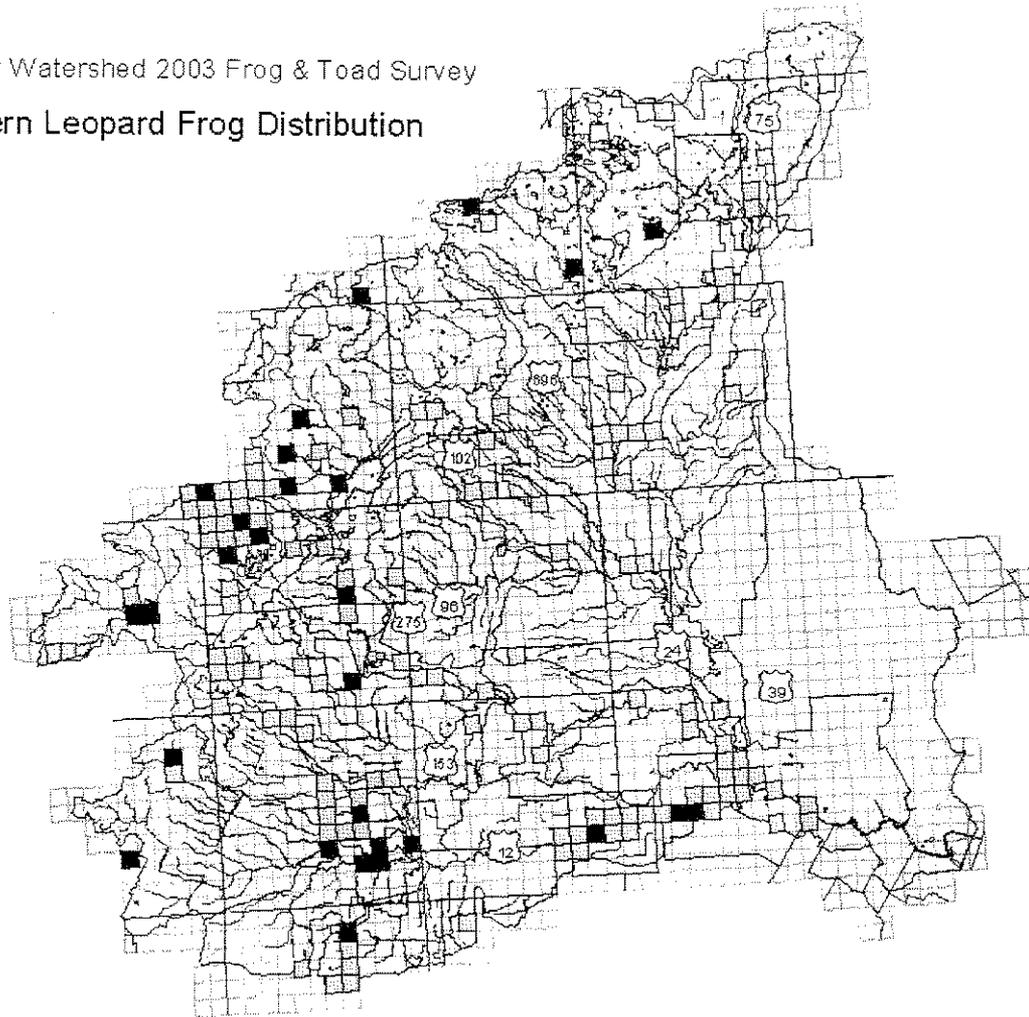
Rouge River Watershed 2003 Frog & Toad Survey

American Toad Distribution

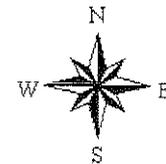


Rouge River Watershed 2003 Frog & Toad Survey

Northern Leopard Frog Distribution

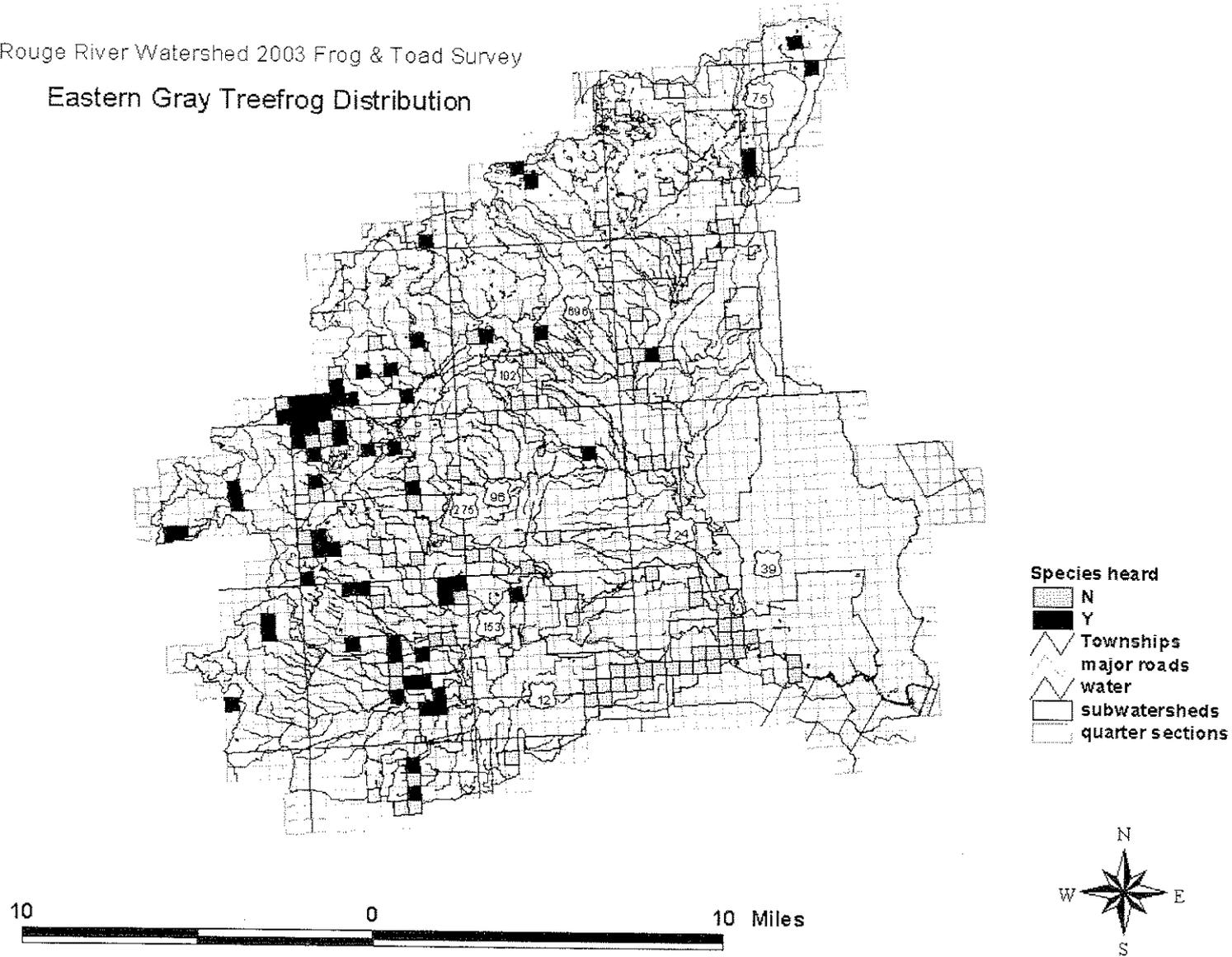


- Species heard
- N
 - Y
 - Townships
 - major roads
 - water
 - subwatersheds
 - quarter sections



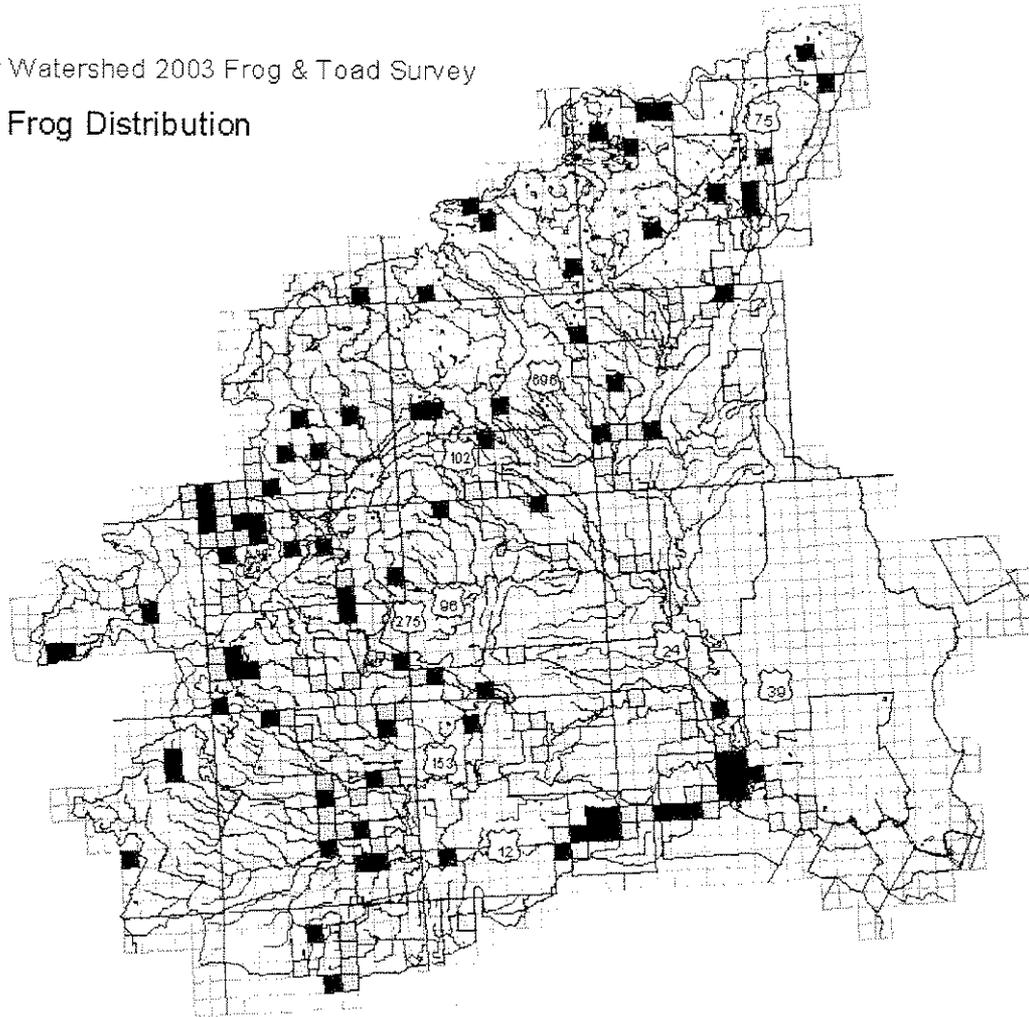
Rouge River Watershed 2003 Frog & Toad Survey

Eastern Gray Treefrog Distribution



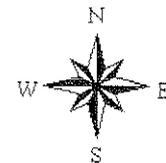
Rouge River Watershed 2003 Frog & Toad Survey

Green Frog Distribution



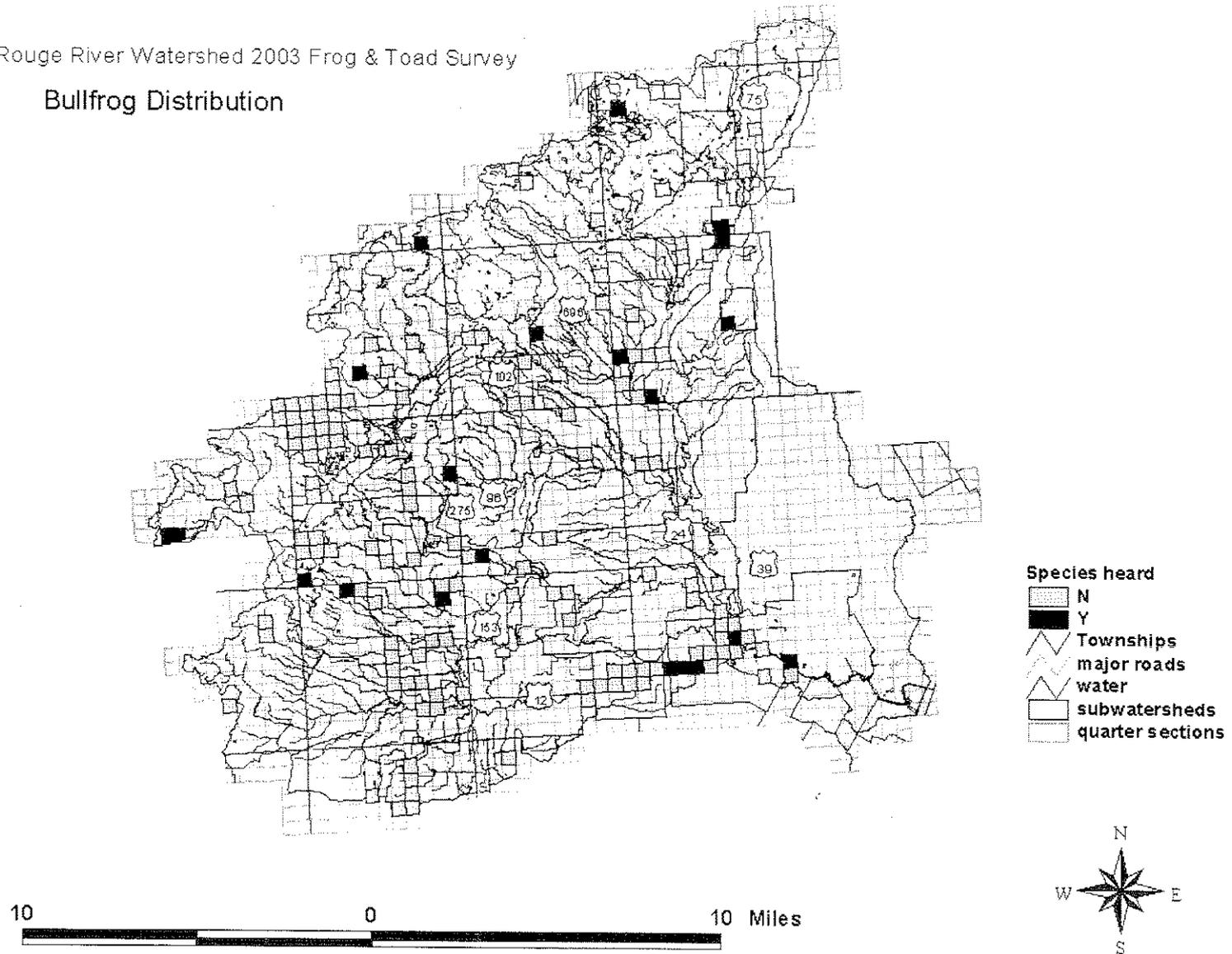
Species heard

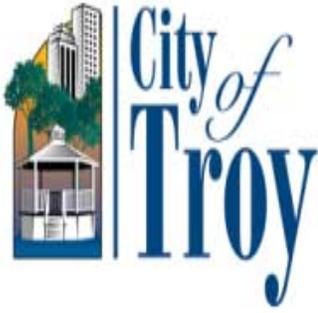
-  N
-  Y
-  Townships
-  major roads
-  water
-  subwatersheds
-  quarter sections



Rouge River Watershed 2003 Frog & Toad Survey

Bullfrog Distribution





Memorandum

To: Honorable Mayor Schilling and City Council
From: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance and
Administration
Tonni L. Bartholomew, City Clerk
Date: April 8, 2004
Subject: Distribution of 2004-05 Budget Document

City Management will distribute the 2004-05 Budget Document to the Mayor and Council at the Regular Meeting of City Council on Monday, April 12, 2004.