

AGENDA

Regular Meeting

of the

CITY COUNCIL OF THE CITY OF TROY

MAY 3, 2004

CONVENING AT 7:30 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

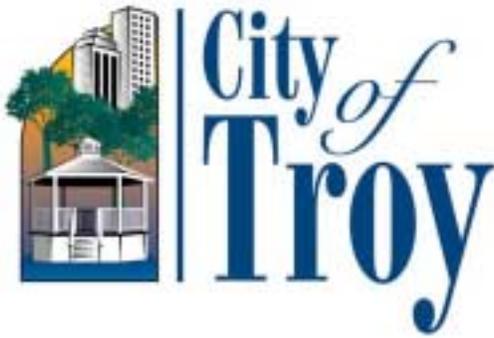
1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

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

May 3, 2004 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER **1**

INVOCATION & PLEDGE OF ALLEGIANCE – Pastor Steve Husava of Northfield Hills Baptist Church **1**

ROLL CALL **1**

PRESENTATION: **1**

A-1 National Association of Letter Carriers – Food Drive Day – May 8, 2004 1

PUBLIC HEARING/S: **1**

C-1 Community Development Block Grant (CBDG) Re-programming of Year 2002 Funds 1

POSTPONED ITEMS: **1**

D-1 City Council Rules of Procedure 1

PUBLIC COMMENT: **2**

A. Items on the Current Agenda 2

B. Items Not on the Current Agenda 2

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.

E-1	Approval of Consent Agenda	3
E-2	Minutes: Regular Meeting of April 19, 2004 and Study Sessions of April 21, 2004 and April 26, 2004	3
E-3	Proposed City of Troy Proclamations: Law Day, National Association of Letter Carriers – Food Drive Day, Cultural Diversity Week, Farizion Pesce – 2004 Italian American of the Year, Luigi and Angela Lamarra – 2004 Italian American of the Year, Karen Vanderkloot Dichiera – 2004 Italian American of the Year, Italian Study Group of Troy’s Annual Fest Italiana	3
	(a) Law Day – May 1, 2004.....	4
	(b) National Association of Letter Carriers – Food Drive Day – May 8, 2004.....	4
	(c) Cultural Diversity Week – May 2 – 9, 2004	4
	(d) Fabrizion Pesce – 2004 Italian American of the Year	4
	(e) Luigi and Angela Lamarra – 2004 Italian American of the Year	4
	(f) Karen Vanderkloot Dichiera– 2004 Italian American of the Year	4
	(g) Italian Study Group of Troy’s Annual Festa Italiana	4
E-4	Standard Purchasing Resolution 10 – Travel Authorization and Approval to Expend Funds for Troy City Council Members’ Travel Expenses – MML 106 th Annual Convention, MML Region I Meeting and NLC Panel Meeting	4
	(a) MML’s 106th Annual Convention to be held on Mackinac Island from September 28 – October 2, 2004	4
	(b) MML Region I Meeting in Saline, Michigan on May 11, 2004.....	4
	(c) National League of Cities Panel Meeting in Chicago, IL from June 10 – 12, 2004	4
E-5	Standard Purchasing Resolution 1: Award to Low Bidder – Custom Iron Fence	4
E-6	Police Memorial Day Banner	4
E-7	Resolution Authorizing Request for Reimbursement: Oakland County West Nile Virus Fund	5
E-8	Standard Purchasing Resolution 1 – Award to Low Bidders – Street Trees	5
E-9	Cost Participation Agreement for Water Main Replacement Work as Part of RCOC Maple Road Reconstruction Project – Project No. 03.501.5	5
E-10	Acceptance of a Permanent Water Main Easement – Donaldson Water Main Re-Placement – Project #01.504.5 – Owner: Troy School District	5

E-11	Assessment of Delinquent Accounts	6
E-12	Private Agreement for Maggiano's – Project No. 03.942.3	7
E-13	Approval of Subdivision Entrance Sign Agreement – East Long Lake Estates Subdivision	7
E-14	Announcement of Public Hearing –Budget Adoption	7
<u>REGULAR BUSINESS</u>		<u>7</u>
F-1	Appointments to Boards and Committees: (a) Mayoral Appointments: and (b) City Council Appointments:	8
F-2	Closed Session	12
F-3	Proposed City of Troy Downtown Development Authority Budget	13
F-4	Big Beaver Landscape Project – Coolidge to Adams – Contract Change Order No. 1 for Sod and Watering	13
F-5	Proposed Modifications to Troy City Code Chapter 93, Fire Prevention	13
F-6	Local Match for a Michigan Economic Growth Alliance (MEGA) Retention Incentive Package	14
F-7	Local Match for a Michigan Economic Growth Alliance Retention and Incentive Package	14
F-8	Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2004/2005	15
<u>COUNCIL COMMENTS/COUNCIL REFERRALS</u>		<u>15</u>
<u>Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda.</u>		<u>15</u>
<u>REPORTS AND COMMUNICATIONS</u>		<u>15</u>
G-1	Minutes – Boards and Committees:	15

	(a) Brownfield Redevelopment Authority/Final – February 26, 2004	15
	(b) Employees’ Retirement System Board of Trustees/Final – March 10, 2004	15
	(c) Downtown Development Authority/Final – March 17, 2004	15
	(d) Planning Commission/Draft – April 6, 2004	15
	(e) Ethnic Issues Advisory Board/Draft – April 6, 2004	15
	(f) Building Code Board of Appeals/Draft – April 7, 2004.....	15
	(g) Planning Commission/Draft – April 13, 2004	15
	(h) Employees’ Retirement System Board of Trustees/Draft – April 14, 2004.....	15
G-2	Department Reports:	15
G-3	Announcement of Public Hearings:	16
	(a) Commercial Vehicle Appeal – 5735 John R – Scheduled for May 24, 2004	16
	(b) Commercial Vehicle Appeal – 2310 Rochester Ct. – Scheduled for May 24, 2004	16
	(c) Commercial Vehicle Appeal – 1019 Minnesota – Scheduled for May 24, 2004 .	16
	(d) Rezoning Application (Z-582) – Northeast Corner of Maple Road and John R Road, Section 25 – B-3 to H-S – Scheduled for May 10, 2004	16
G-4	Green Memorandums: Re: Proposed I-75/Long Lake/Crooks Road Interchange Enhancement Project	16
G-5	Proposed Proclamations/Resolutions from Other Organizations:	16
G-6	Calendar	16
G-7	Letters of Appreciation:	16
	(a) E-Mail from Eugene Thompson to Brian Stoutenburg in Appreciation of Jane Lauder, the Instructor for the Computer Workshops Presented by the Library ..	16
	(b) E-Mail from Jim Strzyzewski to Brian Stoutenburg in Appreciation of the Library and its Staff	16
	(c) Letter of Appreciation from Lieutenant Robert J. Rossman to Loren Miller, City of Troy MSE-F Technician, Thanking Him for Contacting the Police Department When He Discovered Money Concealed in the Back Seat of a Patrol Car While Performing Maintenance Service	16
G-8	Memorandum – Re: Update on Cable Franchise Fee Lawsuits	16
G-9	Memorandum – Re: Questions from April 26, 2004 Budget Study Session - Church Exemptions	16
G-10	Memorandum – Re: Civic Center Priority Task Force Update	16

G-11	Letter from Nancy Piotrowski, Troy Youth Assistance, to Mayor Schilling and City Council Members – Re: Thank You for Continued Sponsorship and TYA's Report to Sponsors	16
G-12	Memorandum – Re: Proposed Anti-Drug Mural at the Troy Skate Park	16
<u>PUBLIC COMMENT</u>		<u>16</u>
<u>STUDY ITEMS</u>		<u>17</u>
H-1	None Scheduled	17

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE – Pastor Steve Husava of Northfield Hills Baptist Church

ROLL CALL

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

PRESENTATION:

A-1 National Association of Letter Carriers – Food Drive Day – May 8, 2004

PUBLIC HEARING/S:

C-1 Community Development Block Grant (CBDG) Re-programming of Year 2002 Funds

Suggested Resolution
Resolution #2004-05-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy **AUTHORIZES THE RE-PROGRAMMING** of 2002 unspent funds from Flood Drain Improvements to Special Assessments.

Yes:
No:

POSTPONED ITEMS:

D-1 City Council Rules of Procedure

Postponed Resolutions

Resolution #2004-05-
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.

Proposed Amendment

Resolution #2004-05-

Moved by Pryor (former Mayor)

Seconded by Howrylak

RESOLVED, That the Resolution to “*Amend the City Council Rules of Procedure – Proposed by Council Member Beltrami*” be **AMENDED** by placing non-agenda items to be addressed 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 Agenda

Suggested Resolution

Resolution #2004-05-

Moved by

Seconded by

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

Yes:

No:

E-2 Minutes: Regular Meeting of April 19, 2004 and Study Sessions of April 21, 2004 and April 26, 2004

Suggested Resolution

Resolution #2004-05-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of April 19, 2004 and the 6:30 PM Study Sessions of April 21, 2003 and April 26, 2004 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: Law Day, National Association of Letter Carriers – Food Drive Day, Cultural Diversity Week, Farizion Pesce – 2004 Italian American of the Year, Luigi and Angela Lamarra – 2004 Italian American of the Year, Karen Vanderkloot Dichiera – 2004 Italian American of the Year, Italian Study Group of Troy’s Annual Fest Italiana

Suggested Resolution

Resolution #2004-05-

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

- (a) Law Day – May 1, 2004
- (b) National Association of Letter Carriers – Food Drive Day – May 8, 2004
- (c) Cultural Diversity Week – May 2 – 9, 2004
- (d) Fabrizio Pesce – 2004 Italian American of the Year
- (e) Luigi and Angela Lamarra – 2004 Italian American of the Year
- (f) Karen Vanderkloot Dichiera– 2004 Italian American of the Year
- (g) Italian Study Group of Troy’s Annual Festa Italiana

E-4 Standard Purchasing Resolution 10 – Travel Authorization and Approval to Expend Funds for Troy City Council Members’ Travel Expenses – MML 106th Annual Convention, MML Region I Meeting and NLC Panel Meeting

Suggested Resolution

Resolution #2004-05-

RESOLVED, That the Mayor and City Council Members are **AUTHORIZED** to attend the in the following meetings accordance with the accounting procedures of the City of Troy:

- (a) MML’s 106th Annual Convention to be held on Mackinac Island from September 28 – October 2, 2004
- (b) MML Region I Meeting in Saline, Michigan on May 11, 2004
- (c) National League of Cities Panel Meeting in Chicago, IL from June 10 – 12, 2004

E-5 Standard Purchasing Resolution 1: Award to Low Bidder – Custom Iron Fence

Suggested Resolution

Resolution #2004-05-

RESOLVED, That a contract for fabrication of custom iron fencing for Crooks Road Cemetery (Proposal A) and the repair of Union Corners Cemetery overthrow (Proposal B) is hereby **AWARDED** to the low bidder, Vulcanmasters Welding Company of Detroit, MI for an estimated total cost of \$32,027.00, at prices contained in the attached bid tabulation opened April 8, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That if additional work is needed that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or \$3,202.00.

E-6 Police Memorial Day Banner

Suggested Resolution

Resolution #2004-05-

RESOLVED, That the request from the Troy Police Department to install a 68 square foot banner from May 7, 2004 through May 14, 2004, at 500 W. Big Beaver is hereby **APPROVED** in accordance with Section 14.00 of the Sign Ordinance of the City of Troy.

E-7 Resolution Authorizing Request for Reimbursement: Oakland County West Nile Virus FundSuggested Resolution

Resolution #2004-05-

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the Parks and Recreation Department, to seek reimbursement in the amount of \$30,057.91 from the Oakland County's West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

E-8 Standard Purchasing Resolution 1 – Award to Low Bidders – Street TreesSuggested Resolution

Resolution #2004-05-

RESOLVED, That three-year contracts to furnish street trees for planting by both City staff and the contractors are hereby **AWARDED** to the low bidders, Marine City Nursery and Sinacori Landscaping, of Shelby Township for an estimated three-year cost of \$257,200.00 and \$142,100.00 respectfully, at unit prices contained in the attached bid tabulation opened April 13, 2004, a copy of which shall be attached to the original Minutes of this meeting.

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

E-9 Cost Participation Agreement for Water Main Replacement Work as Part of RCO Maple Road Reconstruction Project – Project No. 03.501.5Suggested Resolution

Resolution #2004-05-

RESOLVED, That the Cost Participation Agreement with the Road Commission for Oakland County for water main replacement work on John R, between Maple and Birchwood, Project No. 03.501.5, to be completed as part of the Maple Road Reconstruction Project, is hereby **APPROVED** and the Mayor and City Clerk are authorized to execute the Agreement.

BE IT FURTHER RESOLVED, That if additional work is required, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

E-10 Acceptance of a Permanent Water Main Easement – Donaldson Water Main Replacement – Project #01.504.5 – Owner: Troy School DistrictSuggested Resolution

Resolution #2004-05-

WHEREAS, The Real Estate and Development Department has received an independent appraisal of \$2,800.00 to obtain the below listed water main easement:

OWNER	PIN #	INTEREST	APPRAISED VALUE
Troy School District	20-10-101-054	10' Water Main Easement	\$2,800.00

RESOLVED, That the Permanent Easement for Water Main, as listed is hereby **ACCEPTED**.

BE IT FURTHER RESOLVED, Payment to the Troy School District of \$2,800.00 dollars is **AUTHORIZED** for the 10' wide water main easement.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the agreements on behalf of the City of Troy.

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record said Permanent Water Main Easement with Oakland County Register of Deed, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Assessment of Delinquent Accounts

Suggested Resolution

Resolution #2004-05-

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

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

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

General Fund Invoices	
Including Penalties	\$ 22,880.79
Special Assessments	
Including Penalties & Interest	8,675.51
Water & Sewer Accounts	
Including Penalties	<u>437,028.67</u>
TOTAL	\$ 468,584.97

NOW, THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED** to assess these delinquent accounts on the annual City Tax Roll.

E-12 Private Agreement for Maggiano's – Project No. 03.942.3Suggested Resolution

Resolution #2004-05-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Maggiano's/Corner Bakery Holding Corp. is hereby **APPROVED** for the installation of water main and sidewalk 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-13 Approval of Subdivision Entrance Sign Agreement – East Long Lake Estates SubdivisionSuggested Resolution

Resolution #2004-05-

RESOLVED, That the sign applications submitted by the East Long Lake Estates Homeowners Association for the placement of a sign in the median of Carnaby at the intersection of Long Lake Road and the median of Abbingtion at the intersection of Long Lake Road is hereby **APPROVED** as to the design and materials proposed.

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

E-14 Announcement of Public Hearing –Budget AdoptionSuggested Resolution

Resolution #2004-05-

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on May 10, 2004 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the adoption of 2004-05 Budget.

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: and (b) City Council Appointments:

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 Appointments

Suggested Resolution

Resolution #2004-05-

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:

(a) Mayoral Appointments

Brownfield Redevelopment Authority

Mayor, Council Approval (7) – 3 years

Mr Wilberding seeks reappointment

Term expires 04-30-2007

Mr 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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baptista, Michael	5/21/03-05/2005	06/02/03
DeBacker, Deborah	5/20/02-05/2004	06/03/02
Dziurman, Theodore	6/10/03-05/2005	06/16/03
Hyun, Yul Woong (Jeff)	9/26/03-09/2005	10/06/03
Joseph, Luke	3/10/03-03/2005	03/17/03
Pritzloff, Mark	4/17/03-04/2005	04/28/03
Shier, Frank	2/18/03-02/2005	03/03/03
Silver, Neil S	8/11/00-06/20/01- 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
Keisling, Lawrence	04/29/04-04/2006	05/03/04

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Term expires 04-30-2009

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)	04/30/10
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
Rocchio, James A.	04/30/03
Salgat, Charles	04/30/10
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
Baptista, Michael	05/02/03-05/2005	06/02/03
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Courtney, Kenneth	03/12/04-03/2006	03/15/04
Hoef, Paul V	09/12/01-08/14/02- 08/2004	09/17/01
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Lang, Victoria	06/16/03-06/2005	07/07/03
Pritzloff, Mark	04/17/03-04/2003	04/28/03

Shah, Jayshree	08/28/01-04/16/04- 04/2006	09/17/01-05/03/04
Silver, Neil S	08/11/00-06/20/01- 05/2003	08/21/00-07/09/01
Smits, Beatrice	12/02/03-12/2005	12/15/03
Victor, Robert	6/03/03-05/2005	06/16/03
Wilberding, Bruce	06/17/03-06/2005	07/07/03
Wright, Wayne	06/18/03-06/2005	07/07/03

Yes:

No:

(b) City Council AppointmentsSuggested Resolution

Resolution #2004-05-

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:

(b) City Council Appointments**Advisory Committee for Persons with Disabilities****Appointed by Council (9 Regular, 3 Alternates) – 3 years****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	I
Nada Raheb (Student)	07/01/03
Mark Pritzloff	11/01/06
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Adam Fuhrman	11/01/06

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

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

NAME	TERM EXPIRES
Banch, Steven M	04/30/07
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	6/07/00	06/19/00
Burt, Susan	9/24/01	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
Freliga, Victor	04/19/04-04/2006	05/03/04
Lang, Victoria	6/16/03-06/2005	07/07/03
Noce, Pauline	04/12/04-04/2006	05/03/04
Pietron, Dorothy A	12/21/98-7/10/01	07/23/01
Pritzloff, Mark	4/17/03-04/2005	04/28/03
Wheeler, Nancy	3/08/04-03/2006	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 (Repr 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
Lenivov, Victor	04/08/04-04/2006	04/12/04
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 Session

Suggested Resolution

Resolution #2004-05-

Moved by

Seconded by

BE IT RESOVLED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); City of Troy v Freed, Et Al – Case Evaluation, after adjournment of this meeting.

Yes:
No:

F-3 Proposed City of Troy Downtown Development Authority Budget

Suggested Resolution

Resolution #2004-05-

Moved by

Seconded by

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its 2004/05 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Troy Downtown Development Authority's Annual Budget for fiscal year July 1, 2004 through June 30, 2005 is hereby **APPROVED** to reflect a \$1,750.00 increase in administrative expenses.

Yes:
No:

F-4 Big Beaver Landscape Project – Coolidge to Adams – Contract Change Order No. 1 for Sod and Watering

Suggested Resolution

Resolution #2004-05-

Moved by

Seconded by

RESOLVED, That Contract Change Order No. 1 for sod replacement and watering as part of the Big Beaver Landscape Project, Project No. 99.207.5, be **APPROVED** and Tom's Landscaping be **AUTHORIZED** to begin work at an estimated total cost of \$17,750.00. The approved contract amount is **INCREASED** to \$417,570.00.

BE IT FURTHER RESOLVED, That if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

Yes:
No:

F-5 Proposed Modifications to Troy City Code Chapter 93, Fire Prevention

Suggested Resolution

Resolution #2004-05-
Moved by
Seconded by

RESOLVED, That an ordinance to repeal Chapter 93 and to adopt a new Chapter 93, Fire Prevention to the Code of the City of Troy is hereby **ADOPTED** as recommended by the City Management. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-6 Local Match for a Michigan Economic Growth Alliance (MEGA) Retention Incentive Package

Suggested Resolution
Resolution #2004-05-
Moved by
Seconded by

RESOLVED, That the Troy City Council **APPROVES** the sum of \$57,000 over the next two fiscal years 2004/05 and 2005/06, as a match for a Michigan Economic Growth Alliance incentive package, the development of a park at 4685 Investment drive and **DIRECTS** management to prepare an agreement with SOC Credit Union and TG North America to provide for the park.

Yes:
No:

F-7 Local Match for a Michigan Economic Growth Alliance Retention and Incentive Package

Suggested Resolution
Resolution #2004-05-
Moved by
Seconded by

RESOLVED, That Troy City Council **APPROVES** a local match for a MEGA package of financial incentives to retain Rock Financial in the state of Michigan at the 800 Tower Drive building by providing a local contribution of \$200,000 of roadwork, landscaping and lighting in the 2004/05, and 2005/06 city budgets.

Yes:
No:

F-8 Bid Waiver – Workers’ Compensation Insurance Renewal for Fiscal Year 2004/2005Suggested Resolution

Resolution #2004-05-

Moved by

Seconded by

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

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

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and Workers’ Compensation Insurance through the Michigan Municipal League Workers’ Compensation Fund is hereby **APPROVED** for the fiscal year 2004-2005 in the annual estimated cost of \$588,653.00.

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) Brownfield Redevelopment Authority/Final – February 26, 2004
- (e) Employees’ Retirement System Board of Trustees/Final – March 10, 2004
- (c) Downtown Development Authority/Final – March 17, 2004
- (d) Planning Commission/Draft – April 6, 2004
- (e) Ethnic Issues Advisory Board/Draft – April 6, 2004
- (f) Building Code Board of Appeals/Draft – April 7, 2004
- (g) Planning Commission/Draft – April 13, 2004
- (h) Employees’ Retirement System Board of Trustees/Draft – April 14, 2004

G-2 Department Reports:

G-3 Announcement of Public Hearings:

- (a) Commercial Vehicle Appeal – 5735 John R – Scheduled for May 24, 2004
 - (b) Commercial Vehicle Appeal – 2310 Rochester Ct. – Scheduled for May 24, 2004
 - (c) Commercial Vehicle Appeal – 1019 Minnesota – Scheduled for May 24, 2004
 - (d) Rezoning Application (Z-582) – Northeast Corner of Maple Road and John R Road, Section 25 – B-3 to H-S – Scheduled for May 10, 2004
-

G-4 Green Memorandums: Re: Proposed I-75/Long Lake/Crooks Road Interchange Enhancement Project

G-5 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

G-6 Calendar

G-7 Letters of Appreciation:

- (a) E-Mail from Eugene Thompson to Brian Stoutenburg in Appreciation of Jane Lauder, the Instructor for the Computer Workshops Presented by the Library
 - (b) E-Mail from Jim Strzyzewski to Brian Stoutenburg in Appreciation of the Library and its Staff
 - (c) Letter of Appreciation from Lieutenant Robert J. Rossman to Loren Miller, City of Troy MSE-F Technician, Thanking Him for Contacting the Police Department When He Discovered Money Concealed in the Back Seat of a Patrol Car While Performing Maintenance Service
-

G-8 Memorandum – Re: Update on Cable Franchise Fee Lawsuits

G-9 Memorandum – Re: Questions from April 26, 2004 Budget Study Session - Church Exemptions

G-10 Memorandum – Re: Civic Center Priority Task Force Update

G-11 Letter from Nancy Piotrowski, Troy Youth Assistance, to Mayor Schilling and City Council Members – Re: Thank You for Continued Sponsorship and TYA's Report to Sponsors

G-12 Memorandum – Re: Proposed Anti-Drug Mural at the Troy Skate Park

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

H-1 None Scheduled

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.

Respectfully submitted,

John Szerlag, City Manager

DATE: April 20, 2004

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Community Development Block Grant (CDBG) Re-programming of Year 2002 Funds

We are respectfully requesting approval to re-program Year 2002 Community Development Block Grant Funds as detailed below.

Existing (From):

Account #	Activity Description	Amount
2696	Flood Drain Improvements	\$16,000.00

Proposed (To):

Account #	Activity Description	Amount
3616	Special Assessment	\$16,000.00

Reprogramming year 2002 CDBG funds will allow us to be reimbursed for the special assessment cost of asphalt paving for Walnut Hill and Chestnut Hill Streets.



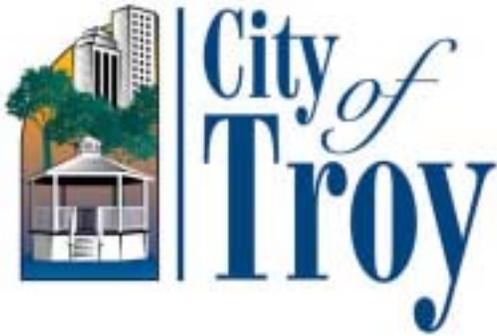
Memorandum

To: Mayor and City Council
From: John Szerlag, City Manager
John M Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: April 27, 2004
Subject: Proposed Rules

In response to the Council's Study Session on April 12, 2004, a revised set of the Council Rules of Procedures has been attached.

The first copy is a red lined version showing the changes. The second copy represents the final document with changes incorporated.

cc: Lori Bluhm, City Attorney



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

Proposed: April 12, 2004
Amended: April 19, 2004

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.....	3
7.	CABLE CASTING OF CITY COUNCIL MEETINGS.....	3
8.	MINUTES	3
9.	PROCLAMATIONS	3
10.	RECONSIDERATION OF QUESTIONS.....	3
11.	RESCISSION OF QUESTIONS.....	4
12.	PUBLIC HEARING	4
13.	CONSENT AGENDA	4
14.	APPOINTMENTS	4
15.	VISITORS.....	5
16.	POSTPONE	5
17.	RULES OF ORDER	6
18.	MISCELLANEOUS EXPENSES	6
19.	EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS.....	6
20.	ABSENCES AT COUNCIL MEETINGS.....	6
21.	SUSPEND RULES	6
22.	COUNCIL DISCUSSION.....	6
23.	AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:	6
24.	VIOLATIONS.....	7

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: Beltramini, Eisenbacher, Broomfield, Howrylak, Stine, Lambert,

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.~~ A. Public Hearings

~~5.6.~~ B. Certificates of Appreciation Recognition

~~6-7.~~ C. Carryover Items

~~7.~~ Public Hearings

8. D. Postponed Items

9. E. Public Comment – Limited to “F” Consent Agenda Items

~~Public comment is limited to not more than twice nor longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004.~~

~~a. 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. E. Consent Agenda

~~a. Approval of “F” Items NOT Removed for Discussion~~

~~b. Address of “F” Items Removed for Discussion~~

~~Address Remaining E Items~~

~~11.~~ G. Public Comment – Limited to “H” Regular Business Items

~~Public comment is limited to not more than twice nor longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004.~~

~~11-12.~~ H. Regular Business

~~Address Remaining F Items~~

~~12-13. I. Council Referrals - Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. The items are not listed for discussion or action – Items appearing under Council Referrals are not intended for discussion or action at the meeting at which they first appear.~~

~~Action items brought forward by Mayor and Council~~

~~13-14. J. Council Comments - Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. The items are not listed for discussion or action – Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.~~

~~14-15.~~ K. Reports and Communications

~~15-16. L. Public Comment – Limited to people who have not addressed Council during the 1st Public Comment Section. Public comment is limited to not more than twice nor longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004. Comments are for all remaining portions of the agenda and non-agenda related items. Comments pertaining to the “F” and “H” items are allowed for people who did not address Council during the first two Public Comment Sections. City Council requests that if you do have a question or concern to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.~~

~~16-17.~~ M. Study Items

~~17-18. N. Public Comment Section - Public comment is limited to not more than twice nor longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004. City Council requests that if you do have a question or concern to bring it to the attention of~~

~~the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.~~

~~18-19.~~ Adjournment

6. REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda under Regular Business, "H" 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 11 "G" 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~~ All other interested people ~~coments, their time~~ may be limited to not more than twice nor longer than five (5) minutes on any question at designated Public Comment Sections of the Agenda, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article ~~14-15~~, as amended ~~August 4, 2003~~ April 12, 2004. ~~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.~~

Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments.

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. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 9 "E" Public Comment- Limited to "F" Consent Agenda Items - Public comment is limited to not more than twice nor longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004.

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 during the Public Comment Sections of the Agenda~~, 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 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 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.~~

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

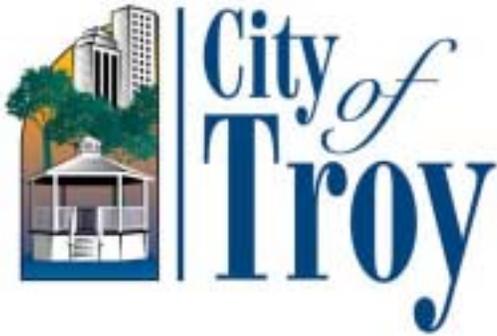
limited to 15 minutes.

24. VIDEO AND AUDIO PRESENTATIONS

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted by 4:30 PM the Thursday prior to the meeting. Inappropriate material will be prohibited.

2425. VIOLATIONS

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



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

Proposed: April 12, 2004
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4.	AGENDA	1
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6.	REGULAR BUSINESS.....	3
7.	CABLE CASTING OF CITY COUNCIL MEETINGS.....	3
8.	MINUTES	3
9.	PROCLAMATIONS	3
10.	RECONSIDERATION OF QUESTIONS.....	3
11.	RESCISSION OF QUESTIONS.....	3
12.	PUBLIC HEARING	3
13.	CONSENT AGENDA	4
14.	APPOINTMENTS	4
15.	VISITORS.....	5
16.	POSTPONE	5
17.	RULES OF ORDER	5
18.	MISCELLANEOUS EXPENSES	5
19.	EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS.....	5
20.	ABSENCES AT COUNCIL MEETINGS.....	6
21.	SUSPEND RULES	6
22.	COUNCIL DISCUSSION.....	6
23.	AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:	6
24.	VIOLATIONS.....	6

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6. B. Certificates of Recognition

7. C. Carryover Items
8. D. Postponed Items
9. E. Public Comment – Limited to “F” Consent Agenda Items
Public comment is limited to not more than twice nor longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004.
 - a.
10. F. Consent Agenda
 - a. Approval of “F” Items NOT Removed for Discussion
 - b. Address of “F” Items Removed for Discussion
11. G. Public Comment – Limited to “H” Regular Business Items
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17. M. Study Items
18. N Public Comment Section - Public comment is limited to not more than twice nor longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004. *City Council requests that if you do have a question or concern to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*
19. Adjournment

6. REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda under Regular Business, “H” 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 11 “G” of the agenda 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. All other interested people comments may be limited to not more than twice nor longer than five (5) minutes at designated Public Comment Sections of the Agenda , unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004.

Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments.

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. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 9 "E" Public Comment– Limited to "F" Consent Agenda Items - Public comment is limited to not more than twice nor longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended April 12, 2004.

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 during the Public Comment Sections of the Agenda, unless so permitted by the Chair.

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. VIDEO AND AUDIO PRESENTATIONS

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted by 4:30 PM the Thursday prior to the meeting. Inappropriate material will be prohibited.

25. VIOLATIONS

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

A Regular Meeting of the Troy City Council was held Monday, April 19, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:34 P.M.

The Invocation was given by Pastor Dennis Wegner – Troy Church of the Nazarene and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

PRESENTATION:

A-1 (a) On behalf of the City of Troy, Mayor Schilling presented Citizens Academy graduates with a proclamation acknowledging their participation in the City of Troy's Citizens Academy; (c) Mayor Schilling presented a Service Commendation to Judy Herman on behalf of the City of Troy recognizing her years of service; (b) Mayor Schilling presented a Service Commendation to Rose Otto on behalf of the City of Troy recognizing her years of service; (d) On behalf of the Troy area League of Women Voters, League members accepted a City of Troy proclamation from Mayor Schilling in celebration of the League's 30 Years.

CARRYOVER ITEMS:

B-1 Amendment to Rules of Procedure: (a) Proposed Amendment by Council Member Beltramini from the Regular Meeting of March 1, 2004 and Postponed to the Regular Meeting of April 12, 2004 and (b) City Management Recommends Resolution B to Postpone Amendment to Rules of Procedure to Study Session "H"

Vote on Resolution to Postpone

Resolution #2004-04-199
Moved by Beltramini
Seconded by Eisenbacher

BE IT RESOLVED, That the City of Troy City Council **SHALL POSTPONE** Carry Over Agenda Item "Amendment to City Council Rules of Procedure" to Study Session "H" of this meeting.

Yes: All-7

PUBLIC HEARINGS:**C-1 Commercial Vehicle Appeal – 6881 Westaway**

Resolution

Moved by Eisenbacher

Seconded by Howrylak

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 conditions, justifying the granting of a variance:

- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of 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)."

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Adrian Eremie of 6881 Westaway, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet stake truck in a residential district is hereby **APPROVED** for 2 (two) years **CONTINGENT** upon the petitioner parking in the secondary location behind the garage.

Proposed Amendment

Resolution
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** “2 (two)” and **INSERTING** “1 (one)”.

Vote on Amendment

Resolution #2004-04-200
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “ and that the vehicle’s southerly exposure be screened within 60 (sixty) days.”

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert
No: Stine, Schilling

MOTION CARRIED

Vote on Amendment

Resolution #2004-04-201
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** “2 (two)” and **INSERTING** “1 (one)”.

Yes: Broomfield, Howrylak, Lambert, Beltramini
No: Eisenbacher, Stine, Schilling

MOTION CARRIED

Vote on Amended Resolution

Resolution #2004-04-202
Moved by Eisenbacher
Seconded by Howrylak

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:

- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of 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)."

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Adrian Eremie of 6881 Westaway, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet stake truck in a residential district is hereby **APPROVED** for 1 (one) year **CONTINGENT** upon the petitioner parking in the secondary location behind the garage and that the vehicle's southerly exposure be screened within 60 (sixty) days.

Yes: Eisenbacher, Howrylak, Lambert, Beltramini, Broomfield
No: Stine, Schilling

MOTION CARRIED

C-2 Commercial Vehicle Appeal – 5184 Rochester

Resolution #2004-04-203
Moved by Eisenbacher
Seconded by Howrylak

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 conditions, justifying the granting of a variance:

- 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.

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Sead Mesanovic of 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 Volvo semi-tractor in a residential district is hereby **APPROVED** for 2 (two) years.

Yes: Howrylak, Lambert, Beltramini, Broomfield, Eisenbacher
No: Stine, Schilling

MOTION CARRIED

C-3 Parking Variance Request – 440 E. Maple

Resolution #2004-04-204
Moved by Eisenbacher
Seconded by Stine

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal.

NOW, THEREFORE, BE IT RESOLVED, That the request from P.K. Resources for waiver of 6 parking spaces at the development at 440 E. Maple Road be **APPROVED**.

Yes: All-7

C-4 Parking Variance Request – 345 Minnesota

Resolution #2004-04-205
Moved by Eisenbacher
Seconded by Stine

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

- 3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
- 4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal.

NOW, THEREFORE, BE IT RESOLVED, That the request from Jim Yarema for waiver of 33 parking spaces at the development at 345 Minnesota be **APPROVED**.

Yes: All-7

The meeting **RECESSED** at 9:34 PM.

The meeting **RECONVENED** at 9:48 PM.

POSTPONED ITEMS:

D-1 Ladd's Inc. 5-Acre Parcel Appraisal from the Regular Meeting of March 15, 2004

Proposed Resolution A – Option 2

Resolution

Moved by Pryor (Former Mayor)

Seconded by Broomfield

RESOLVED, That Troy City Council **DIRECTS** City Management **TO SELL** the 5-acre City owned parcel being the westerly part of property having Sidwell #88-20-11-201-024 to Ladd's, Inc. for the appraised value of \$580,000.00.

Vote on Amendment to Resolution A – Option 2

Resolution #2004-04-206
 Moved by Broomfield
 Seconded by Eisenbacher

RESOLVED, That *Resolution A – Option 2* be **AMENDED** by **INSERTING**, “**CONTINGENT** upon City Management providing documentation to substantiate which funds were used to purchase the property.”

Yes: Beltramini

No: Schilling, Broomfield, Eisenbacher, Howrylak, Lambert, Stine

MOTION FAILED**Vote on Proposed Resolution A – Option 2**

Resolution #2004-04-207
 Moved by Pryor (Former Mayor)
 Seconded by Broomfield

RESOLVED, That Troy City Council **DIRECTS** City Management **TO SELL** the 5-acre City owned parcel being the westerly part of property having Sidwell #88-20-11-201-024 to Ladd’s, Inc. for the appraised value of \$580,000.00.

Yes: None

No: All-7

MOTION FAILED**PUBLIC COMMENT:**

A. Items on the Current Agenda

F-6 Preliminary Site Condominium Review – Hidden Forest Site Condominium – South Side of Wattles – East of Livernois – Section 22-R-1C

Resolution #2004-04-208
 Moved by Beltramini
 Seconded by Eisenbacher

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Hidden Forest Site Condominium, Sheet CE2A, as preferred by the petitioner and located on the south side of Wattles, east of Livernois, including 34 home sites, within the R-1C Zoning District, being 16.97 acres in size, is hereby **APPROVED**.

Yes: Broomfield, Eisenbacher, Lambert, Stine, Beltramini

No: Howrylak, Schilling

MOTION CARRIED

E-6 Private Agreement – Freund Site Condominiums – Project No. 02.924.3

Resolution #2004-04-209

Moved by Beltramini

Seconded by Stine

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Ken Freund is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion 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.

Yes: All-7

F-3 Final Site Condominium Review – Sussex (fka Freund) Site Condominium, East Side of Adams Road, South of Square Lake Road, Section 7 - R-1A

Resolution #2004-04-210

Moved by Stine

Seconded by Beltramini

RESOLVED, That the Final Site Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Sussex Site Condominium, formerly known as Freund Site Condominium, being 4.034 acres, including six (6) units, located north of Devonwood Road and on the east side of Adams Road, Section 7 and within the R-1A Zoning District, is hereby **APPROVED**, as recommended by City Management.

Yes: All-7

G-8 Memorandum – Re: Campaign Finance Statements on Web Page

Resolution

Moved by Howrylak

Seconded by Lambert

WHEREAS, The Troy City Council has recently discussed the need for more ethical behavior from members of the City Council.

WHEREAS, The State of Michigan currently posts on their web site the candidate committee campaign finance reports for all candidates that run for State office.

WHEREAS, All local election Campaign Finance Act required campaign statements are available for viewing by the public at the Oakland County Clerk's Office.

WHEREAS, This Council wishes to maintain an open and honest relationship with all residents and businesses in Troy.

BE IT RESOLVED, That the office of the City Clerk for the City of Troy shall keep and have available for public inspection a hard copy of all required Candidate Campaign Finance Act statements filed with the Oakland County Clerk's office by all candidate committees involved in the election of candidates for the City of Troy offices; Mayor and Council Member; and

BE IT FURTHER RESOLVED, That all candidate committees whose Campaign Finance Act statements will be made available in the Office of the Clerk for the City of Troy will be contacted for their voluntary approval to have their campaign finance reports posted on the City's web site; and

BE IT FURTHER RESOLVED, That the City of Troy will post on its web site, the campaign finance reports from all candidate committees that voluntarily authorize the posting of their reports for a time of no less than 6 (six) years; and

BE IT FURTHER RESOLVED, That any committee that does not provide the authorization will have listed next to their committee the statement that "Authorization to post the committee's campaign finance reports were denied by the committee."

BE IT FINALLY RESOLVED, That when the County of Oakland electronically posts candidate campaign committee sites on its web site, that the City of Troy provides a link to that location from its web site.

Proposed 1st Amendment to Resolution

Resolution

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the Resolution regarding "*Campaign Finance Statements on the Web Page*" be **AMENDED** by **INSERTING**, "independent committees and Political Action Committees (PAC) who have spent money fostering a candidacy for a local office. " **BEFORE** "that voluntarily authorize the posting of their reports. . ."

Proposed 2nd Amendment to Resolution

Resolution

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That the Resolution regarding "*Campaign Finance Statements on the Web Page*" be **AMENDED** by **INSERTING**, "BE IT FURTHER RESOLVED, That pre- and post-election statements be updated at seven (7) days after the initial filing and all statements be updated by

the City Clerk on the last business day of the month as necessary, until appropriate internet links can be made.” **BEFORE** “BE IT FINALLY RESOLVED”.

Vote on Resolution to Postpone

Resolution #2004-04-211

Moved by Stine

Seconded by Schilling

RESOLVED, That agenda item “*Campaign Finance Statements on the Web Page*” be **POSTPONED** until the next Regular City Council meeting scheduled for Monday, May 3, 2004.

Yes: Stine, Schilling,

No: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

MOTION FAILED

Vote on Proposed 2nd Amendment to Resolution

Resolution #2004-04-212

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That the Resolution regarding “*Campaign Finance Statements on the Web Page*” be **AMENDED** by **INSERTING**, “BE IT FURTHER RESOLVED, That pre- and post-election statements be updated seven (7) days after the initial filing and all statements, until links can be made, be updated by the City Clerk on the last business day of the month as necessary.” **BEFORE** “BE IT FINALLY RESOLVED”.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

No: Stine Schilling

MOTION CARRIED

Vote on Proposed 1st Amendment to Resolution

Resolution #2004-04-213

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the Resolution regarding “*Campaign Finance Statements on the Web Page*” be **AMENDED** by **INSERTING**, “independent committees and Political Action Committees (PAC) who have spent money fostering a candidacy for a local office. “ **BEFORE** “that voluntarily authorize the posting of their reports. . .”

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

No: Schilling Stine

MOTION CARRIED

Vote on Amended Resolution

Resolution #2004-04-214
Moved by Howrylak
Seconded by Lambert

WHEREAS, The Troy City Council has recently discussed the need for more ethical behavior from members of the City Council.

WHEREAS, The State of Michigan currently posts on their web site the candidate committee campaign finance reports for all candidates that run for State office.

WHEREAS, All local election Campaign Finance Act required campaign statements are available for viewing by the public at the Oakland County Clerk's Office.

WHEREAS, This Council wishes to maintain an open and honest relationship with all residents and businesses in Troy.

BE IT RESOLVED, That the office of the City Clerk for the City of Troy **SHALL KEEP AND HAVE AVAILABLE** for public inspection a hard copy of all required Candidate Campaign Finance Act statements filed with the Oakland County Clerk's office by all candidate committees involved in the election of candidates for the City of Troy offices; Mayor and Council Member; and

BE IT FURTHER RESOLVED, That all candidate committees whose Campaign Finance Act statements will be made **AVAILABLE** in the Office of the Clerk for the City of Troy will be **CONTACTED** for their voluntary approval to have their campaign finance reports posted on the City's web site; and

BE IT FURTHER RESOLVED, That the City of Troy **WILL POST** on its web site, the campaign finance reports from all candidate committees, independent committees and Political Action Committees (PAC) who have spent money fostering a candidacy for a local office that voluntarily authorize the posting of their reports for a time of no less than 6 (six) years; and

BE IT FURTHER RESOLVED, That any committee that does not provide the authorization will **HAVE LISTED** next to their committee the statement that "Authorization to post the committee's campaign finance reports were denied by the committee."

BE IT FURTHER RESOLVED, That pre- and post-election statements be **UPDATED** seven (7) days after the initial filing and all statements, until links can be made, by the City Clerk on the last business day of the month as necessary; and

BE IT FINALLY RESOLVED, That when the County of Oakland electronically posts candidate campaign committee sites on its web site, that the City of Troy **PROVIDE** a link to that location from its web site.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak Lambert
No: Stine, Schilling

MOTION CARRIED

B. Items Not on the Current Agenda

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2004-04-215
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-6 which was considered under Public Comment A. Items on the Current Agenda.

Yes: All-7

E-2 Minutes: Regular Meetings of April 12, 2004-7:30 PM and April 12, 2004-8:00 PM

Resolution #2004-04-215-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of April 12, 2004 and the Minutes of the 8:00 PM Regular Meeting of April 12, 2004 be **APPROVED** as submitted.

E-3 City of Troy Proclamations:

Resolution #2004-04-215-E-3

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

- (a) Proclamation – Recording for the Blind & Dyslexic Week - April 19-April 24, 2004
- (b) Proclamation - Service Commendation – Rose Otto
- (c) Proclamation - Service Commendation – Judy Herman
- (d) Proclamation - Celebrating 30 Years - League of Women Voters – Troy Area

E-4 Acceptance of Permanent Easements for Sanitary Sewer, Water Main, Pedestrian Access, Public Walk and Emergency Vehicle Access – Sidwell #88-20-23-354-027, -028, -029, -030, -031, -041, and -042 – Project No. 03.914.3 – Rochester Commons PUD

Resolution #2004-04-215-E-4

RESOLVED, That the Permanent Easements for sanitary sewer, water main, pedestrian access, public walk and emergency vehicle access from Gulf Rochester Commons, L.L.C., a

Michigan Limited Liability Company, having Sidwell #88-20-23-354-027, -028, -029, -030, -031, -041, and -042 are hereby **ACCEPTED**; and

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

E-5 Standard Purchasing Resolution 1 – Award to Low Bidders - Aggregates

Resolution #2004-04-215-E-5

RESOLVED, That one-year contracts for Aggregates with an option to renew for one additional year are hereby **AWARDED** to the low bidders, Troy Aggregate Carriers, Inc., Lapeer Sand & Gravel and Tri-City Aggregates, Inc. for an estimated cost of \$40,285.00, \$2,725.00 and \$37,180.00 respectfully, at unit prices contained in the bid tabulation opened March 24, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

E-7 Standard Purchasing Resolution 3 – Option to Renew – Automobile, Light Truck, Farm and Construction Equipment Replacement Parts

Resolution #2004-04-215-E-7

WHEREAS, On November 5, 2001, three-year contracts with the option to renew for three additional years to provide automobile, light truck, farm and construction equipment replacement parts were awarded to the lowest acceptable bidders, D&D Auto Parts, Kirk's Automotive, Crown Battery, Lubrication Specialists, Coach and Motor, Munn Tractor, Lacaal Equipment, Old Dominion Brush, Bell Equipment, Terminal Supply, and All Type Truck & Trailer (Resolution #2001-11-519-E-8).

WHEREAS, All the above named vendors have agreed to exercise the three-year option to renew the contracts under the same price discount structure, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with D&D Auto Parts, Kirk's Automotive, Crown Battery, Lubrication Specialists, Coach and Motor, Munn Tractor, Lacaal Equipment, Old Dominion Brush, Bell Equipment, Terminal Supply, and All Type Truck & Trailer to provide automobile, light truck, farm and construction equipment replacement parts under the same pricing structure, terms and conditions as the original contracts expiring May 31, 2007.

E-8 Acceptance of Permanent Sanitary Sewer Easement & Permanent Water Main Easement– Sidwell #88-20-35-400-020, – Project No. 03.938.3 – Lord & Taylor, Oakland Mall

Resolution #2004-04-215-E-8

RESOLVED, That the permanent easement for sanitary sewer and the permanent easement for water main from Oakland Mall, L.L.C., a Michigan Limited Liability Company, having Sidwell #88-20-35-400-020 are hereby **ACCEPTED**; and

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

E-9 Act 51 Mileage Certification for 2003

Resolution #2004-04-215-E-9

WHEREAS, It is necessary to furnish certain road information to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended.

RESOLVED, The City of Troy hereby **ACCEPTS** the following platted streets: Meadowlark and Ravenwood Court; and

RESOLVED, That the City of Troy hereby **ACCEPTS** the non-platted streets: Amherst Court, Colleen, Edgewater, Hanover, Michael and Riverbend Court whose legal descriptions are attached and made a part hereto; and

BE IT FURTHER RESOLVED, That said streets are located within the City of Troy, the right-of-way is under the control of the City of Troy; the said streets are public streets and are for public street purposes; and the said streets are **ACCEPTED** into the City of Troy local street system.

E-10 Standard Purchasing Resolution 1: Award to Low Bidder – 60,000 GVW Tandem Catch Basin Cleaner – Less Trade-In

Resolution #2004-04-215-E-10

RESOLVED, That a contract to purchase one 60,000 GVW Tandem Axle Catch Basin Cleaner less trade-In is hereby **AWARDED** to the low total bidder, Jack Doheny Supplies, Inc., of Northville, Michigan for an estimated net total cost of \$168,500.00 at prices contained in the bid tabulation opened March 17, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Announcement of Public Hearing – Community Development Block Grant (CDBG) Re-Programming of Year 2002 Funds

Resolution #2004-04-215-E-11

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on May 3, 2004 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the re-programming of year 2002 funds.

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1. Civil Service Commission (Act 78); 2. Brownfield Redevelopment Authority (No appointment made); 3. Downtown Development Authority; 4. Economic Development Corporation and (b) City Council Appointments: 1. Advisory Committee for Persons with Disabilities (No appointment made); 2. Advisory Committee for Senior Citizens (No appointment made); 3. Board of Zoning Appeals; 4. Employee Retirement System Board of Trustees; 5. Troy Daze (No Appointment made)

(a) Mayoral Appointments

Resolution #2004-04-216
 Moved by Schilling
 Seconded by Lambert

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)

Donald E. McGinnis (Police/Fire) **Term expires 04-30-2010**

Downtown Development Authority
Mayor, Council Approval (13) – 4 years

Louise E. Schilling **Mayoral Unexpired Term expires 09-30-04**
Per the DDA By-laws and Rules of Procedure, Article III: Membership

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

Charles Salgat **Term expires 04-30-2010**

Leger Licari (Nino) **Term expires 04-30-2010**

Yes: All-7

(b) City Council Appointments

Resolution #2004-04-217
 Moved by Beltramini
 Seconded by Lambert

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

Board of Zoning Appeals

Appointed by Council (7) – 3 years

Kenneth Courtney

Term expires 04-30-2007

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 – 3/01/04.

William Need - Ex-officio member

Ad-Hoc Member

Yes: All-7

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for May 3, 2004:

(a) Mayoral Appointments

Brownfield Redevelopment Authority

Mayor, Council Approval (7) – 3 years

Mr. Wilberding seeks reappointment

Term expires 04-30-2007

Mr. Lenivov seeks reappointment

Term expires 04-30-2007

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

(b) City Council Appointments

Advisory Committee for Persons with Disabilities

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

Term expires 07-01-2004 (Student)

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 years

Mr. Forst does not seek reappointment

Term expires 04-30-2007

Term expires 04-30-2007

Troy Daze

Appointed by Council (9) – 3 years

Term expires 11-30-2004

Term expires 07-01-2003 Student

F-2 Closed Session – No Closed Session requested.

F-4 Water Main Replacement Work as Part of RCOC Maple Road Project – Project No. 03.501.5

Resolution #2004-04-218
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the quote received from Cadillac Asphalt L.L.C. via the Road Commission for Oakland County for water main replacement work on John R, between Maple and Birchwood to be completed as part of the Maple Road reconstruction project, be **APPROVED** at an estimated total cost of \$131,443.84 with a formal Cost Participation Agreement between the City of Troy and the RCOC to be presented at a future City Council meeting to establish the responsibilities of each agency; and

BE IT FURTHER RESOLVED, That if additional work is required, such additional work is authorized in an amount not to exceed 10% of the total project cost.

Yes: All-7

F-5 Troy Fire Incentive Plan for Volunteer Firefighters

Resolution
Moved by Stine
Seconded by Beltramini

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.

Vote on Amendment

Resolution #2004-04-219
 Moved by Beltramini
 Seconded by Lambert

RESOLVED, That the Resolution to adopt the City of Troy Incentive Plan for Volunteer Firefighters be **AMENDED** by INSERTING, " BE IT FURTHER RESOLVED, That the City of Troy Incentive Plan for Volunteer Firefighters document be AMENDED for gender neutrality."

Yes: All-7

Vote on Amended Resolution

Resolution #2004-04-220
 Moved by Stine
 Seconded by Beltramini

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.

BE IT FURTHER RESOLVED, That the City of Troy Incentive Plan for Volunteer Firefighters document be **AMENDED** for gender neutrality.

Yes: All-7

COUNCIL COMMENTS/COUNCIL REFERRALS – No Items advanced.

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- (a) Ethnic Issues Advisory Board/Final – March 2, 2004
- (b) Advisory Committee for Persons with Disabilities/Draft – March 4, 2004
- (c) Advisory Committee for Persons with Disabilities/Final – March 4, 2004
- (d) Board of Review -Annual Report-2004 Assessment Roll & Minutes/Final-March 23, 2004
 (*Note:* Board of Review Minutes are attached as a separate document and/or can be viewed at the Library or City Clerk's Office)
- (e) Planning Commission Special-Study/Final – March 23, 2004

Noted and Filed

G-2 Department Reports:

- (a) Permits Issued During the Month of March 2004
 - (b) Quarterly Financial Report - March 31, 2004
- Noted and Filed

G-3 Announcement of Public Hearings: No Public Hearing Announcements submitted.

G-4 Green Memorandums: No Green Memorandums submitted.

G-5 Proposed Proclamations/Resolutions from Other Organizations: None Proposed

G-6 Calendar

Noted and Filed

G-7 Letters of Appreciation:

- (a) Article from "*Fitness Management*" Magazine Troy Community Center for the Best Innovation in Facility Design, Construction & Decoration
- (b) Thank You Note from Margaret Snyder – Program Chairman of the Foxcroft Women's Club Thanking Officer N. Kaptur's Presentation on Security
- (c) E-Mail from Nora B. Fleming Expressing Her Appreciation of All the Troy Public Library Services

Noted and Filed

G-9 Memorandum – Re: SOCRRA Representative Requirements

Noted and Filed

PUBLIC COMMENT

The meeting **RECESSED** at 11:53PM

The meeting **RECONVENED** at 12:00 AM on Tuesday, April 20, 2004

STUDY ITEMS

H-1 Proposed Amendment of the Rules of Procedure for the City Council (a) Current Rules of Procedure – Adopted November 3, 2003; (b) Amendments Proposed by Council Member Broomfield – February 23, 2004; (c) Amendments Proposed by Council Member Beltramini – March 1, 2004; and (d) Amendments Proposed by Mayor Schilling – April 12, 2004**Proposed Resolution A**

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.

Proposed Amendment

Resolution
Moved by Pryor (Former Mayor)
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 before Reports and Communications, G items.

Vote on Resolution to Postpone

Resolution #2004-04-221
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the “*Proposed Amendment of the Rules of Procedure for the City Council of the City of Troy*” be **POSTPONED** until Monday, May 3, 2004.

Yes: All-7

The meeting **ADJOURNED** at 1:10 AM on Tuesday, April 20, 2004.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC - City Clerk

A Special Meeting of the Troy City Council was held Wednesday, April 21, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 6:33 P.M.

ROLL CALL

PRESENT: Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield (Departed at 7:30)
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

PRESENTATION:

-
- 1 **General Overview of the Budget Documents – City Manager John Szerlag**
General Fund Budget – Assistant City Manager John Lamerato

PUBLIC COMMENT

The meeting **ADJOURNED** at 8:30 PM.

Louise E. Schilling, Mayor

John M. Lamerato,
Assistant City Manager/Finance and Administration

A Special Meeting of the Troy City Council was held Wednesday, April 26, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 6:30 PM.

ROLL CALL

PRESENT: Mayor Louise E. Schilling
 Robin E. Beltramini
 Cristina Broomfield
 David Eisenbacher
 Martin F. Howrylak (Arrived 6:35P.M.)
 David A. Lambert
 Jeanne M. Stine

PRESENTATION:

-
- 1 Capital Fund Budget Presentation–Assistant City Manager Gary Shripka
 Other Funds – Assistant City Manager John M. Lamerato**

BUDGET WRAP-UP:

Long Lake I-75 Interchange: It was the consensus of City Council to get additional information and have a presentation by City management prior to committing additional funds for the project.

Tentative Budget Approval

Resolution #2004-04-222
 Moved by Stine
 Seconded by Beltramini

RESOLVED, That **TENTATIVE APPROVAL** be given to the Proposed 2004-05 Annual City Budget after making the following **ADJUSTMENTS**:

- General Fund – City Council \$4,000 reduction for US Conference of Mayor's membership; increase the transfer of funds from the Downtown Development Authority by \$1,750,
- Capital Projects Fund – Reduce the Museum Barn reserve by \$5,000; Reduce Parks and Recreation Park Development by \$500,000, by transferring \$332,000 of that amount to the Budget Stabilization Fund and \$168,000 to the General Fund to reduce the utilization of the Unreserved/Undesignated Fund balance; Reduce the Community Center budget by \$20,000 designated for art work.

Yeas: Schilling, Beltramini, Broomfield, Lambert, Stine

Nays: Eisenbacher, Howrylak

Cancel the April 29, 2004 Budget Study Session

Resolution #2004-04-223

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the April 29, 2004 Budget Study Session be **CANCELLED**.

Yeas All -7

PUBLIC COMMENT

ADJOURNMENT

The meeting **ADJOURNED** at 10:32 PM.

Louise E. Schilling, Mayor

John M. Lamerato,
Assistant City Manager/Finance and Administration

LAW DAY PROCLAMATION
May 1, 2004

WHEREAS, **Law Day** is a celebration of our great heritage of liberty, justice, and equality under law; and

WHEREAS, The U.S. Supreme Court case of *Brown v. Board of Education* is a landmark in the nation's march towards equality and a testament to the legal system's ability to establish and protect our rights; and

WHEREAS, The work of dedicated lawyers in *Brown v. Board of Education* and in hundreds of other cases challenging segregation demonstrated the highest standards of advocacy in the service of a great cause; and

WHEREAS, *Brown v. Board of Education* not only ended legally imposed segregation in the schools, but was instrumental in ending it in parks, libraries, and all other public institutions; and

WHEREAS, The decision in *Brown v. Board of Education* inspired and gave heart to the civil rights movement and helped usher in an unprecedented era of progress; and

WHEREAS, May 17, 2004 is the 50th anniversary of the decision in *Brown v. Board of Education*; and

NOW THEREFORE, BE IT RESOLVED that as we celebrate **Law Day, 2004**, we acknowledge this great milestone case and its moral and legal imperative of equality under law, and we renew our commitment to a society of equality of opportunity and to a recognition of the value and richness of our diversity as a people.

BE IT FURTHER RESOLVED that the City Council of the City of Troy proclaims **Saturday, May 1, 2004 as Law Day**. We urge the citizens, schools, businesses, and media of the City of Troy to use this occasion to dedicate ourselves to preserve and strengthen the rule of law and also encourage citizens to attend the May 12th presentation by Dr. Robert A. Sedler, distinguished Professor of Law and Gibbs Chair in Civil Rights and Civil Liberties at Wayne State University, on the *Brown* case and its historical significance regarding civil rights law.

Signed this 3rd day of May 2004

PROCLAMATION
National Association of Letter Carriers
Food Drive Day – May 8, 2004

WHEREAS, The National Association of Letter Carriers (NALC) in conjunction with the United States Postal Service (USPS) is sponsoring the 12th **Annual National Food Drive Day on Saturday, May 8, 2004**; and

WHEREAS, NALC Branch 3126 in the City of Troy is participating in the National Food Drive; and

WHEREAS, The cost of inaction is too high, particularly in the face of many negative outcomes for our children and community which are preventable; and

WHEREAS, NALC President William H. Young encourages postal carriers and communities to work together, because as postal workers “no other people in America can possibly do what we can to fight hunger, reaching to every city and town, in every neighborhood and on every street;” and

WHEREAS, Over a half billion pounds of food has been collected for local food banks and pantries in the ten year history of the drive, helping families throughout the nation;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims Saturday, May 8, 2004 as National Association of Letter Carriers Food Drive Day in the City of Troy; and

BE IT FURTHER RESOLVED, that we invite **all Troy residents to leave non – perishable food at their mailboxes on Saturday, May 8, 2004**, to support our local letter carriers in their food drive to help alleviate hunger in our community and throughout the nation.

Proclaimed this 3rd day of May 2004.

**PROCLAMATION
CULTURAL DIVERSITY WEEK
MAY 2 - 9, 2004**

WHEREAS, The City of Troy is proud of the numerous cultures and faiths woven through the rich fabric of our City; and

WHEREAS, The strength of our nation and our City is in our diversity as much as our unity and all people, no matter what our heritage, customs or native language, can benefit and learn from one another; and

WHEREAS, Our community is blessed with a diverse population speaking a total of 81 different languages; and

WHEREAS, The City of Troy's Ethnic Issues Advisory Board was created in 2003 with a mission to promote an environment enriched by harmonious relationships and open communication within our multicultural community through education and cultural exchange; and

WHEREAS, The Ethnic Issues Advisory Board will promote awareness and acceptance of diversity in our community and work to embrace our rich and varied cultural community through programs, workshops, networking resources, dialogues and other efforts; and

WHEREAS, The Sights & Sounds series has provided citizens the opportunity to learn and explore the cultures of their neighbors and friends promoting a greater understanding and appreciation of our differences and similarities;

WHEREAS, The Troy Community Coalition sponsors an annual Faith Community Prayer Breakfast on Friday, May 7TH at St. Nicholas Social Hall and encourages all residents to attend this nondenominational event to bring together all people of different backgrounds and affiliations;

NOW, THEREFORE, BE IT RESOLVED, That **May 2 - 9, 2004** is hereby proclaimed as **Cultural Diversity Week in the City of Troy**.

BE IT FURTHER RESOLVED, That the City of Troy urges all citizens to observe this week by joining members of all cultures and faiths to celebrate and enhance the understanding and appreciation for the diversity of our citizens.

Signed this 3rd day of May 2004

**PROCLAMATION TO HONOR
FABRIZIO PESCE
AS 2004 ITALIAN AMERICAN OF THE YEAR**

WHEREAS, The Italian Study Group of Troy set aside May 2, 2004 to honor an outstanding Italian American who has demonstrated the age old value of Italian American's *Dio, Patria e Famiglia* (God, Country and Family); and

WHEREAS, At the Italian Study Group of Troy's 30th anniversary celebration, **Fabrizio Pesce** is being honored as their 2004 Italian American of the Year; and

WHEREAS, **Fabrizio Pesce** was born on August 22, 1955 in San Donato Val Di Comino in the province of Frosinone, Italy and immigrated to the United States in 1978, he has two children; and

WHEREAS, In Italy, **Fabrizio** was the President of his Student Council, receiving a scholarship for 3 years and graduating #1 in his class. He was the founder of the Nuova Compagnia Teatrale Popolare, opened concerts for famous Italian rock groups like Il Rovescio Della Madaglia and L'Albero Motore, and hosted a local radio show; and

WHEREAS, In 1989, he formed the engineering firm Engineering Specialty Group, Inc. where he is President and CEO producing work for major Fortune 500 companies specializing in hospital engineering, he has also written articles published in state and national magazines; and

WHEREAS, He was recognized by the State of Michigan in 1990 with the Energy Efficiency Award presented to him by then Governor James Blanchard; and

WHEREAS, **Fabrizio** enjoys writing poetry in both English and Italian and has published several collections. In 1998, he received the Editor's Choice Award from the National Library of Poetry for his English poem, "The Beginning;" and

WHEREAS, He is on the Board of Directors for the Light of Life Foundation, a member of the National Italian American Foundation, an active member of the Italian American Community of Livonia, founder and Vice President of Plymouth Road Association Redford, and supports the Dante Alighieri Society and Italian Heritage Society.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Fabrizio Pesce** on the occasion of being chosen **2004 Italian American of the Year**.

BE IT FURTHER RESOLVED, That **Fabrizio Pesce** has served the Italian community with distinction as a true humanitarian and deserves the recognition of the entire Troy community.

Presented this 2nd day of May 2004.

**PROCLAMATION TO HONOR
LUIGI AND ANGELA LAMARRA
AS 2004 ITALIAN AMERICANS OF THE YEAR**

WHEREAS, The Italian Study Group of Troy set aside May 2, 2004 to honor an outstanding Italian American who has demonstrated the age old value of Italian American's *Dio, Patria e Famiglia* (God, Country and Family); and

WHEREAS, At the Italian Study Group of Troy's 30th anniversary celebration, **Luigi and Angela LaMarra** are being honored as their 2004 Italian Americans of the Year; and

WHEREAS, **Luigi La Marra** and his wife, **Angela Violo LaMarra** were born in Portella S. Ella Fiume Rapido, Italy. Luigi was born on April 26, 1927 and Angela on October 25, 1932. They married in 1952. In 1955, they moved to the United States with their two sons. In the U.S., they had two more sons, who are all married and have given Luigi and Angela five grandchildren; and

WHEREAS, While **Angela** stayed home with Benedetto, Franco, Domenico, and Michele, Luigi worked in construction, as an inspector of automotive parts for the State of Michigan, and at Chrysler as a machine operator; and

WHEREAS, **Luigi and Angela** founded the IACS Coro Italiano (Gruppo Focloristico) in 1985. Their choir performs at special occasions, and religious, historic and civil holidays; every year they participate in the Columbus Day Celebration in Lansing; and

WHEREAS, **Luigi** is a member of the Reduci Ecombattenti, the Italian Cultural Center of Milwaukee, the Lazio Club, past president of Sons of Italy, and member of the Italian American Cultural Center. **Luigi and Angela** are members of the Ciociaro Club of Windsor and belong to the San Francesco Parish in Clinton Township; and

WHEREAS, **Luigi and Angela** are always ready and willing to help the community, they are proud and happy to be able to share the songs of their time with others.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Luigi and Angela LaMarra** on the occasion of being chosen **2004 Italian Americans of the Year**.

BE IT FURTHER RESOLVED, That **Luigi and Angela LaMarra** have served the Italian community with distinction as true humanitarians and deserve the recognition of the entire Troy community.

Presented this 2nd day of May 2004.

**PROCLAMATION TO HONOR
KAREN VANDERKLOOT DICHIERA
SPECIAL RECOGNITION AWARD**

WHEREAS, The Italian Study Group of Troy set aside May 2, 2004 to honor an outstanding Italian American who has demonstrated the age old value of Italian American's *Dio, Patria e Famiglia* (God, Country and Family); and

WHEREAS, At the Italian Study Group of Troy's 30th anniversary celebration, **Karen VanderKloot DiChiera** is being honored with a Special Recognition Award; and

WHEREAS, **Karen VanderKloot DiChiera** is an accomplished composer, educator, member of the Italian American Cultural Society, helped to found the Michigan Opera Theatre and created the Department of Community Programs in 1978. The Department of Community Programs offers a touring program for children's operas, educational programs and musical reviews with over 250 performances a year throughout Michigan; and

WHEREAS, **Karen VanderKloot DiChiera** has been the Composer in Residence for the Birmingham School District and has earned honors including the Humanitarian Award from Bethel, AME Church in Detroit; the Heart Award for Dedicated Service to Children from the Detroit Branch of Variety Clubs International; the Golden Apple Award from the Roeper School, and honors from the Keewenaw Bay Tribal Council; and

WHEREAS, **Karen VanderKloot DiChiera** was recognized as a Distinguished Woman of Northwood University, recipient of the Governor's Award in Education and serves as chairwoman of the Detroit Public Library System; and

WHEREAS, **Karen VanderKloot DiChiera** has served for ten years as a Judge of the Italian Songs and Arias Vocal Competition for Michigan High School Students who compete annually at the Italian American Cultural and Community Center in Warren, Michigan; and

WHEREAS, for five years, **Karen VanderKloot DiChiera** has taught her Create Opera! Process for the Italian Study Group of Troy's Special Performing Arts Club, a group of musically gifted, mentally challenged adults. This program has been selected by ArtServe Michigan and the Michigan Department of Education for the 2004 publication in their annual publication – *Ten Best Practices in Arts & Education in Michigan*.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Karen VanderKloot DiChiera** on the occasion of being presented a Special Recognition Award.

BE IT FURTHER RESOLVED, That **Karen VanderKloot DiChiera** has served the Italian community with distinction as a true humanitarian and deserves the recognition of the entire Troy community.

Presented this 2nd day of May 2004.

**PROCLAMATION TO CELEBRATE
THE ITALIAN STUDY GROUP OF TROY'S
30TH ANNUAL FESTA ITALIANA**

WHEREAS, The **Italian Study Group of Troy** is a non-profit educational organization whose purpose is to promote and preserve the Italian-American heritage through language, culture, music, and social events; and

WHEREAS, Since 1974, the members and their friends have been celebrating their heritage through a variety of social and cultural activities which they have shared with the entire community; and

WHEREAS, The **Italian Study Group of Troy** was founded by the late Luella Baron in 1974. It offers support to local organizations and the monies it raises are used to support classes in the Italian language, choral singing and their Special Performing Art group, as well as a scholarship fund. The **Italian Study Group of Troy** is open to all regardless of age, nationality, or religious preference; and

WHEREAS, In 1997 the **Italian Study Group of Troy** initiated The Luella Baron Scholarship Fund, offered to students who are interested in the study of Italian culture and language; and

WHEREAS, The group's Special Performing Arts Club (S.P.A.C.) works with over 20 physically and/or mentally challenged young adults. They are taught songs in English and Italian, learn modern and folk dances and gain confidence, because of their dedicated instructors, to perform before an audience. Social gatherings and special outings are also held; and

WHEREAS, The **Italian Study Group of Troy** in partnership with the Italian Consulate of Detroit and other groups is at the forefront of an initiative to introduce the study of the Italian language in our high schools and public schools.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to the **Italian Study Group of Troy** on the occasion of their **30th anniversary**, and wish the group continued success in their community activities.

Presented this 2nd day of May 2004.

January 7, 2004

TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator *MR*

SUBJECT: Agenda Item – Standard Purchasing Resolution 10
Travel Authorization and Approval to Expend Funds
for Troy City Council Members' Travel Expenses -
Michigan Municipal League 106th Annual Convention

Authorization is requested for Council Members' attendance of the MML's 106th Annual Convention to be held on Mackinac Island from September 28 – October 2, 2004.

Council Members may submit registrations materials to me if they wish, and I can handle registration and travel arrangements using our department's procurement card.



MML Convention – Mackinac Island 2004

September 29-October 2, 2004

Wednesday, September 29

Pre-Convention Sessions

MML Board Meeting

MML Expo and Welcoming Reception
(the Expo will only be on Wednesday)

Thursday, September 30

Opening General Session

Full-day of Sessions

Great Communities Reception

Friday, October 1

Full-day of Sessions

Affiliate Lunches

Annual Banquet

Saturday, October 2

Closing breakfast

Convention Housing Policy

The League's convention housing policy is for every city or village that wishes to have **ONE** room at the Grand Hotel to have that opportunity. To facilitate this policy we are asking each city/village to fill out the attached form and return it **NO LATER THAN MARCH 26**.

Please only ask for a room at the Grand Hotel if you are willing to meet the following requirements:

- A full deposit of one night's stay is required when the reservation is made. Each municipality desiring a room at the Grand Hotel will receive a reservation slip for that room in April. These forms are the only way the Grand will accept any reservations.
- Any cancellations will forfeit the required one night deposit.

Other participating hotels will accept reservations beginning April 1, 2004. A list of the participating hotels and a reservation form will be posted on the League web site at the end of March.

Please fax the Grand Hotel Housing Request Form to 734-662-9399 or send it to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487. This form must reach the League no later than Friday, March 26, 2004.

January 7, 2004

TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator *me*

SUBJECT: Agenda Item – Standard Purchasing Resolution 10
Travel Authorization and Approval to Expend Funds
for Troy City Council Members' Travel Expenses -
2004 Michigan Municipal League Region I Meeting

Attached are registration materials for the 2004 MML Region I Meeting to be held at the Weller's Carriage House in Saline, Michigan on May 11, 2004.

Authorization for Council attendance of the conference is requested.

Council Members may send completed registration forms to me and I'll take care of payment using our department's procurement card.

About the MML Regional Meetings

The Michigan Municipal League established its regional organization in 1953. According to the League Bylaws, the purpose is to "permit effective interchange of ideas on municipal problems."

The annual regional meeting provides a forum for discussion, an update on critical issues and an opportunity to meet other municipal officials with common concerns.

The 2004 Region I Meeting has been developed by your region's officers. The program and schedule have been planned to maximize attendance of both elected and appointed officials

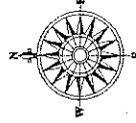
from the region. Region I includes the counties of Genesee, Livingston, Macomb, Monroe, Oakland, Washtenaw and Wayne.

You are cordially invited to attend this event. We look forward to your participation.

Chair: Gretchen Driskell
Vice President, MML;
Mayor, Saline

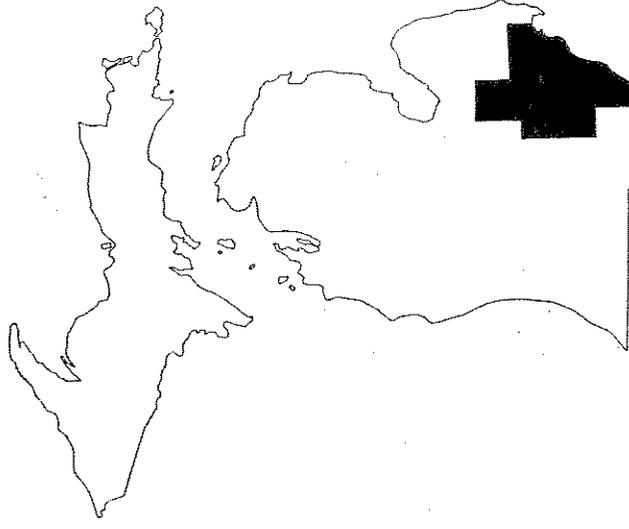
Vice Chair: Gino Politori
Councilmember, Dearborn

Secretary: Jeffery Jenks
Councilmember, Huntington
Woods



Michigan Municipal League

2004 Regional Meeting



Region I

May 11, 2004

Saline

Region I

Tuesday, May 11, 2004
Location TBD

Saline, Michigan 48176

Credits: EOA - 1 conference/convention credit

Cost: \$75.00 per person, includes meeting, refreshments, meal and handouts

ONLY ONE PERSON per registration form
(Duplicate form as necessary)

Municipality _____
 Name _____
 Badge Nickname _____
 Title _____
 Address _____
 City _____ Zip _____
 Phone (____) _____
 Fax (____) _____

Registration deadline: May 5, 2004

Confirmations of registrations are not sent. Refunds will be made **ONLY** if the League is notified of non-attendance **3 business days** before the meeting. No shows will be invoiced.

Check enclosed payable to Michigan Municipal League
 Mastercard/Visa/Discover/American Express
 # _____

Expiration date _____
 Name on card _____
 Signature _____

Fax to 734-662-8083 or mail form with registration fee to:

Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48107-7409
734-662-3246

Agenda

9:30 am Registration

10:00 am Welcome

Gretchen Driskell
Chair, Region I;
Vice President,
Michigan Municipal League;
Mayor, Saline

12:00 pm Annual Business Meeting

Presiding: Gretchen Driskell

Chair, Region I;
Vice President,
Michigan Municipal League;
Mayor, Saline

Remarks: Jim Sinclair

President,
Michigan Municipal League;
Councilmember, Rogers City

George D. Goodman

Executive Director,
Michigan Municipal League

12:30 pm Luncheon

10:30 am Local Success Stories

As a local official, you are positioned to create a positive change in your community. Share your success stories—great and small—with other attendees. Each municipality will be called on to relate a success story to encourage discussion and share information.

1:15 pm Quality Public and Private Investment

Quality public investment leads to quality private investment. The city of Taylor has implemented this philosophy even in this difficult economy with results that have been very obvious and tangible. By partnering with the private sector they have stimulated substantial new investment in the city.

11:15 am Practical Tips in Risk Management

Risk management is good management. This may sound obvious, but practicing it and making it an everyday part of your community takes initiative, the proper tools and, often, professional assistance. Learn what the latest issues are facing communities and practical options to make risk management a priority.

2:00 pm Prize Drawings & Adjournment

Region I

Tuesday, May 11, 2004
Location Information

Weller's Carriage House
555 West Michigan Avenue
Saline, Michigan 48176

Directions:

Follow US-12 (Michigan Avenue) west into Saline. Go through the downtown. Weller's is located immediately west of the bridge over the Saline River on the south side of the road.

www.wellersweddings.com

April 29, 2004

TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator

SUBJECT: Agenda Item – Standard Purchasing Resolution 10
Travel Authorization and Approval to Expend Funds
for Troy City Council Members' Travel Expenses -
National League of Cities Panel Meeting

Authorization is requested for Council attendance of the National League of Cities panel meeting scheduled for June 10-12, 2004 in Chicago, IL.

Council Members may send completed registration forms to me and I'll take care of payment using our department's procurement card.

Mary F Redden

From: R Beltramini [rbeltram@hotmail.com]
Sent: Tuesday, April 27, 2004 5:14 PM
To: reddenmf@ci.troy.mi.us
Cc: szerlagaj@ci.troy.mi.us
Subject: NLC panel meeting



Mary Redden
scanned letter.pdf...

Mary,

I've been waiting to get more details on this. I've sent emails to Gwen Wright at NLC asking for hotel info, etc., but have heard nothing. We're getting pretty close to a 30-day out for a plane ticket. I would have to price plane vs. driving/mileage/parking to know which is cheaper. Could you please add approval, or allowance, for my attendance to Monday's agenda?

Thank you.

Robin

FREE pop-up blocking with the new MSN Toolbar – get it now!
<http://toolbar.msn.com/go/onm00200415ave/direct/01/>

and promote
cities as centers
of opportunity,
leadership, and
governance.



**National League
of Cities**

31 Pennsylvania Ave., N.W.
Washington, DC 20004-1763
202-626-3000
Fax: 202-626-3043
www.nlc.org

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Selectman,
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Council Member,
Clarksburg, West Virginia

Immediate Past President
John DeStefano, Jr.
Mayor,
New Haven, Connecticut

Executive Director
Donald J. Borut

MEMORANDUM

To: Democratic Governance Panel Members

From: Gwen Wright 

Date: April 5, 2004

Re: Congressional City Conference 2004 Follow-up

Hello Panel Members. We hope that all is well in your cities and towns. Our meeting at the Congressional City Conference was very successful and provided a wonderful opportunity to reconvene around issues of importance to democratic governance.

Enclosed are minutes from our meeting. Steve Burkholder, Panel Chair has reviewed the minutes and encourages your comments and feedback.

Planning has begun for the Panel meeting in Chicago, June 10-12, 2004. More information will be forthcoming as plans continue.

Also, the Panel working group held their first conference call to discuss drafting a work plan for the Panel. The draft will be presented at the June meeting.

If you have any questions about any of the information or need additional, please feel free to contact me at wright@nlc.org or (202) 626-3037.

Looking forward to seeing you in June!

Past Presidents: Karen Anderson, Mayor, Minnetonka, Minnesota • Clarence E. Anthony, Mayor, South Bay, Florida • William H. Hudnut, III, Vice Mayor, Town of Chevy Chase, Maryland • Sharpe James, Mayor, Newark, New Jersey • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania • **Directors:** Lorraine Anderson, Councilmember, Arvada, Colorado • Ronald Bates, Mayor Pro Tem, Los Alamitos, California • Phil Bazemore, Mayor Pro Tem, Monroe, North Carolina • Daniel Beardsley, Jr., Executive Director, Rhode Island League of Cities and Towns • Conrad W. Bowers, Mayor, Bridgeton, Missouri • Rozelle Boyd, Councillor, Indianapolis, Indiana • Kenneth Bueche, Executive Director, Colorado Municipal League • Leo V. Chaney, Jr., Councilmember, Dallas, Texas • Roger C. Clear, Mayor, Bolingbrook, Illinois • Roosevelt Coats, Council Member, Cleveland, Ohio • Lisa Dooley, Executive Director, West Virginia Municipal League • C. Virginia Fields, Manhattan Borough President, New York, New York • Clay Ford, Jr., Mayor Pro Tem, Gulf Breeze, Florida • Del Haag, Councilmember, Buffalo, Minnesota • S. Ellis Hawkins, Executive Director, North Carolina League of Municipalities • Ken Harward, Executive Director, Association of Idaho Cities • Lester Heitke, Mayor, Willmar, Minnesota • Ruth Hopkins, Councilmember, Prairie Village, Kansas • Ted Jennings, Mayor, Brewton, Alabama • Willie Johnson, Councilwoman, Oklahoma City, Oklahoma • Helen Kawagoe, City Clerk, Carson, California • Joseph Maestas, Councilor, Española, New Mexico • Cynthia McCollum, Council Member, Madison, Alabama • Rudolph McCollum, Jr., Mayor, Richmond, Virginia • Don Moler, Executive Director, League of Kansas Municipalities • Carlton Moore, Commissioner, Fort Lauderdale, Florida • Joe Moore, Alderman, Chicago, Illinois • Nancy Nathanson, Councilmember, Eugene, Oregon • Kathleen M. Novak, Mayor, Northglenn, Colorado • Alex Padilla, City Council President, Los Angeles, California • Bart Peterson, Mayor, Indianapolis, Indiana • Margaret Peterson, Councilmember, West Valley City, Utah • Terry Riley, Council Member, Kansas City, Missouri • John Russo, City Attorney, Oakland, California • Jeanie E. Smith, Executive Director, Mississippi Municipal League • Shep Stahel, Deputy Mayor Pro Tem, Plano, Texas; • Ted Tedesco, Mayor, Ames, Iowa • Liberato Silva, Vice Mayor, Flagstaff, Arizona • Dan Thompson, Executive Director, League of Wisconsin Municipalities • Dick Traini, Assembly Chairman, Anchorage, Alaska

April 14, 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 – Custom Iron Fence

RECOMMENDATION

On April 8, 2004, bid proposals were opened to fabricate a custom iron fence for Crooks Road Cemetery and repair the damaged overthrow at Union Corners Cemetery. After reviewing these proposals, City management recommends awarding the contract to the low bidder, Vulcanmasters Welding Company of Detroit, MI for an estimated total cost of \$32,027.00, at prices contained in the attached bid tabulation.

In addition, staff requests authorization to approve additional work as needed, due to unforeseen circumstances not to exceed 10% of the total project cost.

SUMMARY

The contract contains two different proposals. **Proposal A** is for the fabrication of wrought iron fence to match existing fencing and removable bollards. Currently, there is some iron fencing at this site. Iron fence will be installed on the west line replacing current chain link. Additionally, the cemetery drives/entrances have been realigned since the existing fence was installed; making it necessary to add fencing to match the existing fence.

Proposal B is for the repairs to the overthrow / fence at Union Corners Cemetery.

BUDGET

Funds for this project are available in the Capital Account for Park Development #401770.7974.130.

55 Vendors Notified on the MITN System

1 Vendor Walk-In

3 Bid Responses Received

3 No Bids: (1) Company had insufficient time to respond.
(1) Company unable to bid at this time but keep in mind for future projects.
(1) Company does not handle the type of product specified.

Prepared by: Ron Hynd, Landscape Analyst

Opening Date -- 4-8-04
 Date prepared-- 4/14/04

CITY OF TROY
 BID TABULATION
 CUSTOM IRON FENCE - CROOKS ROAD CEMETERY

ITB-COT 04-09

VENDOR NAME:		* VULCANMASTERS	KEYSTONE	AUDIA	
		WELDING	FENCE	CONSTRUCTION	
		COMPANY	COMPANY		
DESCRIPTION					
PROPOSAL A					
CUSTOM IRON FENCE AT CROOKS ROAD CEMETERY					
COMPLETE FOR THE SUM OF:		\$ 30,169.00	\$ 46,800.00	\$ 47,011.00	
PROPOSAL B					
REPAIR UNION CORNERS OVERTHROW					
COMPLETE FOR THE SUM OF:		\$ 1,858.00	\$ 2,400.00	\$ 2,752.00	
ESTIMATED GRAND TOTAL:		* \$ 32,027.00	\$ 49,200.00	\$ 49,763.00	
SITE INSPECTION:	Yes or No	YES	YES	YES	
	Date Visited	3/22/04	3/26/04	3/29/04	
SERVICE FACILITY:	Location	374 FORDSON DETROIT	BLANK	2985 CHILDS LK RD MILFORD	
	Phone	(313) 843-5043	BLANK	(313) 350-0318	
TERMS:		NET 30	NET 30	10 DAYS UPON COMPLETION	
WARRANTY:		ONE YEAR	ONE YEAR	ONE YEAR	
DELIVERY:		WILL BE NEGOTIATED	90 DAYS	30 DAYS UPON ACCEPTANCE	
EXCEPTIONS:		SPEAR POINTS & ARCHITECTURAL DESIGN WILL BE MATCHED AS CLOSE AS POSSIBLE TO EXISTING FENCE	BLANK	BLANK	
ACKNOWLEDGEMENT:	Completed - Y or N	YES	YES	YES	

NO BIDS:

Future Fence
Michigan Fence & Supply
Novi Fence & Supply

PROPOSAL-- Furnish All Equipment, Material, And Labor To Fabricate A Custom Iron Fence For Crooks Road Cemetery And Repair Damaged Overthrow At Union Corners Cemetery

ATTEST:

Ron Hynd
MaryAnn Hays
Linda Bockstanz

*** DENOTES LOW BIDDER**

 Jeanette Bennett
 Purchasing Director



Downloading History for ITB-COT 04-09 Iron Fence

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 4/14/2004.

Document Title:	Fabricate a Custom Iron Fence
Date Issued:	3/12/2004
Close Date:	4/8/2004
Date Amendment #1 was Issued:	3/12/2004

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>
16523	ABZ Steel Fab	Fax	4/6/2004	#1 4/6/2004
15679	Achs Metal Products Inc.	Free	3/15/2004	
14693	Allen Fence Company	Fax		#1 3/12/2004
13234	ALYKO Enterprises	Free	3/14/2004	
11395	AMERICAN FENCE & SUPPLY CO., INC.	E-mail	3/12/2004	
11477	Arrow Fence & Supply Co.	Fax		#1 3/12/2004
15248	Associated Design & Services, Inc.	E-mail	3/26/2004	#1 3/26/2004
16334	Audia Concrete Construction, Inc.	Free	4/8/2004	#1 3/23/2004
11493	Audio Visual Equipment & Supplies, Inc.	E-mail		
12114	B & B Lawn Service	Fax	3/12/2004	#1 3/12/2004
10927	B & L Landscaping	Fax		#1 3/12/2004
12903	Bennett Design and Fabrication LLC	E-mail		
16863	BOSS Commercial Building Services	Free	4/5/2004	
16498	commercial metal fabricators, inc	Free	3/17/2004	
16614	Couturier Iron Craft Inc.	Free	3/26/2004	#1 3/26/2004
14427	CSS Enterprises, Inc.	E-mail	3/15/2004	
16491	Custom Ironwork Inc.	Free	3/22/2004	#1 3/16/2004
14551	DETROIT NIPPLE WORKS, INC.	E-mail	3/18/2004	
14117	Doring, Incorporated	E-mail	3/12/2004	#1 3/12/2004
11044				

	Federal Pipe & Supply Company	Free	4/7/2004	#1 4/7/2004
10191	Future Fence Company	E-mail	3/12/2004	#1 3/12/2004
11677	Garber Chevrolet	Free	4/5/2004	#1 4/5/2004
16275	Gerace Construction	Free	3/19/2004	#1 3/19/2004
16495	Glencopr Inc.	Free	3/19/2004	#1 3/19/2004
16501	Great Lakes Fence Co., Inc.	Free	3/17/2004	#1 3/17/2004
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	3/29/2004	
14573	JA Hall Enterprises Inc	E-mail	3/25/2004	#1 3/25/2004
15760	K & K Construction and Landscapin g LLC	E-mail		
12860	Keystone Fence & Supply Co.	E-mail	3/21/2004	
11166	kimberly fence & supply inc.	E-mail	3/12/2004	
15742	Kontek Industries	Free	3/16/2004	#1 3/16/2004
14139	Long Fence Company	E-mail		
13084	MER-WIL INDUSTRIES	E-mail		
11741	Michigan Fence & Supply Company	Free	3/30/2004	#1 3/30/2004
12561	Michigan Steel Fabricators	E-mail	3/29/2004	
12698	Motor City Fence Co.	E-mail	3/20/2004	
16622	Mueller Orn. Iron Works Inc.	Free	3/26/2004	
10604	nationwide fence & Supply	E-mail	3/13/2004	#1 3/13/2004
16818	Neenah Foundry Company	Free		#1 4/2/2004
11936	Northside True Value Hardware	Fax		#1 3/12/2004
14089	Northview Custom Homes, LLC	E-mail	3/13/2004	
10146	NOVI FENCE AND SUPPLY CO.	Free	3/15/2004	#1 3/15/2004
10061	Parks Landscaping & Snow Service	E-mail		
15072	Quest Demolition Co.	Free		#1 3/23/2004
11361	Quickie Carpet Cleaning	Free	3/12/2004	
11593	Riteway Fence Inc	E-mail	3/18/2004	#1 3/18/2004
16190	shades of green	Fax	4/2/2004	#1 3/12/2004
13730	SMART Management Group, LLC	E-mail		
13079	Street Scape L.L.C.	E-mail	3/30/2004	#1 3/15/2004
14450	Systematic Structure Solutions	Free	3/25/2004	#1 3/25/2004
11661	The Talbot Corporation	Free	3/22/2004	
13767	Uniglobe Construction Company	E-mail		
12029	Vulcanmasters Welding Company	Free	3/26/2004	#1 3/22/2004
13207	Walbridge Aldinger Company	E-mail		
12859	YTI Supply Inc.	Free	4/1/2004	

[Return to Main Menu](#)

[Return to Report Menu](#)

April 22, 2004

TO: John Szerlag, City Manager
FROM: Charles Craft, Police Chief
Subject: Agenda Item: Police Memorial Day Banner

I request authorization to place a 17'x 4' banner on the property in front of the Civic Center Complex during National Police Officer's Memorial Week, Friday, May 7, 2004, through Friday, May 16, 2004. The banner is intended to bring attention to this nationwide event, which was established to honor the police officers that have died in the line of duty. As you know, three Troy police officers, Martin Chivas, Charles Smetana, and Charles Mulvihill, have died while on duty and serving the citizens of the City of Troy. The placement of the banner will also coincide with our Police Memorial Day and Awards ceremonies, which will take place in Veteran's Memorial Plaza, in front of city hall, on Thursday, May 15, 2004.

The banner is constructed of a nylon wind-resistant material, and can be attached to the stanchions that are already installed in the ground in front of the Civic Center Complex. The banner states the following: ***National Police Week, In Valor There is Hope, Troy Police Officers Association, and Troy Command Officers Association.***

The Troy Police Officers Association and the Troy Command Officers Association purchased this memorial banner with funds donated by their respective organizations.

Prepared By: JoAnn Irvin, Communications Supervisor

April 21, 2004

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol Anderson, Parks and Recreation Director

Subject: Resolution authorizing request for reimbursement: Oakland County West Nile Virus Fund.

RECOMMENDATION

The Parks and Recreation Department recommends the City Council approve the request to seek reimbursement in the amount of \$30,057.91 from Oakland County's West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

BACKGROUND

The County of Oakland has designated funds for the creation of a West Nile Virus Fund to be distributed to assist cities in reducing the population of infected mosquitoes in the environment.

The portion of the annual West Nile Virus fund appropriation available upon proper application to each Oakland County City has been established by a formula based on total population (75%) and total square miles (25%). Based on this formula, the City of Troy is eligible for \$30,057.91.

The request for reimbursement of eligible expenses must be accompanied by a resolution adopted by the City's legislative board or council authorizing the reimbursement request.

April 22, 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 Bidders – Street Trees

RECOMMENDATION

On April 13, 2004, sealed bid proposals were opened to furnish three-year requirements of residential Right-of-Way Trees. After reviewing these proposals, City management recommends awarding the contract to Marine City Nursery and Sinacori Landscaping of Shelby Township, the low bidders on an item-by-item basis, for an estimated three-year cost of \$257,200.00 and \$142,100.00 respectfully, at unit prices contained in the attached bid tabulation. The contract will commence on the date of award and expire December 31, 2006.

SUMMARY

The contracts will be to furnish 650 bare root trees to be Fall planted by City staff and 650 trees to be Fall planted by the contractors. All trees are to be installed between the sidewalk and curb in front of Troy homes. 650 trees are the maximum number of trees that City staff can install each Fall. Due to the significant loss of ash tree from emerald ash borer, City management recommends increasing the number of trees planted annually.

BUDGET

Funds for these materials will be available through the Parks and Recreation accounts --

Account Number	Account Description	Contract Amount
#778.7740.120	Local Tree Planting	\$138,050.00
#401780.7974.130	Subdivision Improvements	\$261,250.00

70 Vendors Notified on MITN System

4 Bid Responses Rec'd

2 No Bids: (1) Company could not guarantee prices for three growing seasons.
(1) Company not interested at this time.

Prepared by: Ron Hynd, Landscape Analyst

VENDOR NAME:

MARINE CITY NURSERY CO

SINACORI LANDSCAPING

CHECK #: 410 6717301

101169883

CHECK AMOUNT: \$ 1,500.00

\$ 1,500.00

ITEM	EST QTY	VARIETY	SIZE	BARE ROOT			BARE ROOT		
				2004	2005	2006	2004	2005	2006
FALL:				1 1/2-1 3/4" cal					
1.	50	Taxodium distichum - Bald Cypress		\$ 72.00	\$ 74.00	\$ 74.00	\$ 63.00	\$ 65.00	\$ 68.00
2.	50	Gingko biloba		\$ 72.00	\$ 74.00	\$ 74.00	\$ 85.00	\$ 89.00	\$ 91.00
3.	50	Celtis occidentalis - Hackberry		\$ 72.00	\$ 74.00	\$ 74.00	\$ 63.00	\$ 65.00	\$ 68.00
4.	50	Ulmus parvifolia "Athena" - Athena Elm		\$ 72.00	\$ 74.00	\$ 74.00	\$ 59.00	\$ 63.00	\$ 67.00
5.	50	Ulmus Parvifolia "Allee" - Allee Elm		\$ 72.00	\$ 74.00	\$ 74.00	\$ 59.00	\$ 63.00	\$ 67.00
6.	50	Eucommia ulmoides - Hardy Rubber Tree		\$ 72.00	\$ 74.00	\$ 74.00	\$ 78.00	\$ 85.00	\$ 91.00
7.	50	Sophora Japonica - Japanese Pagoda		\$ 72.00	\$ 74.00	\$ 74.00	\$ 78.00	\$ 85.00	\$ 91.00
8.	50	Cercidiphyllum japonicum - Katsura		\$ 72.00	\$ 74.00	\$ 74.00	\$ 71.00	\$ 75.00	\$ 78.00
9.	50	Acer rubrum - Red Maple		\$ 72.00	\$ 74.00	\$ 74.00	\$ 71.00	\$ 75.00	\$ 78.00
10.	50	Acer buergeranum - Trident Maple		\$ 72.00	\$ 74.00	\$ 74.00	\$ 71.00	\$ 75.00	\$ 78.00
11.	50	Liriodendron tulipifera - Tulip Tree		\$ 72.00	\$ 74.00	\$ 74.00	\$ 65.00	\$ 70.00	\$ 72.00
12.	50	Nyssa sylvatica - Black Gum		\$ 72.00	\$ 74.00	\$ 74.00	\$ 78.00	\$ 85.00	\$ 91.00
13.	50	Cladrastis kentukea - Yellow Gum		\$ 72.00	\$ 74.00	\$ 74.00	\$ 98.00	\$ 104.00	\$ 111.00
Additional Cost:									
Mist Trailer / Trailer Exchange				\$ 400.00	\$ 400.00	\$ 400.00	\$ -	\$ -	\$ -
SUB-TOTAL AWARDED ITEMS:				\$29,200.00	\$30,000.00	\$30,000.00	\$15,450.00	\$ 16,300.00	\$ 17,100.00

ALTERNATE PROPOSAL: Trees including Delivery & Installation

ITEM	EST QTY	VARIETY	SIZE	BARE ROOT			BARE ROOT		
				2004	2005	2006	2004	2005	2006
				1 1/2-1 3/4" cal					
1.	50	Taxodium distichum - Bald Cypress		\$ 135.00	\$ 140.00	\$ 145.00	\$ 120.00	\$ 125.00	\$ 130.00
2.	50	Gingko biloba		\$ 135.00	\$ 140.00	\$ 145.00	\$ 163.00	\$ 170.00	\$ 175.00
3.	50	Celtis occidentalis - Hackberry		\$ 135.00	\$ 140.00	\$ 145.00	\$ 120.00	\$ 125.00	\$ 130.00
4.	50	Ulmus parvifolia "Athena" - Athena Elm		\$ 135.00	\$ 140.00	\$ 145.00	\$ 113.00	\$ 120.00	\$ 128.00
5.	50	Ulmus Parvifolia "Allee" - Allee Elm		\$ 135.00	\$ 140.00	\$ 145.00	\$ 113.00	\$ 120.00	\$ 128.00
6.	50	Eucommia ulmoides - Hardy Rubber Tree		\$ 135.00	\$ 140.00	\$ 145.00	\$ 150.00	\$ 163.00	\$ 175.00
7.	50	Sophora Japonica - Japanese Pagoda		\$ 135.00	\$ 140.00	\$ 145.00	\$ 150.00	\$ 163.00	\$ 175.00
8.	50	Cercidiphyllum japonicum - Katsura		\$ 135.00	\$ 140.00	\$ 145.00	\$ 135.00	\$ 143.00	\$ 150.00
9.	50	Acer rubrum - Red Maple		\$ 135.00	\$ 140.00	\$ 145.00	\$ 135.00	\$ 143.00	\$ 150.00
10.	50	Acer buergeranum - Trident Maple		\$ 135.00	\$ 140.00	\$ 145.00	\$ 135.00	\$ 143.00	\$ 150.00
11.	50	Liriodendron tulipifera - Tulip Tree		\$ 135.00	\$ 140.00	\$ 145.00	\$ 125.00	\$ 130.00	\$ 138.00
12.	50	Nyssa sylvatica - Black Gum		\$ 135.00	\$ 140.00	\$ 145.00	\$ 150.00	\$ 163.00	\$ 175.00
13.	50	Cladrastis kentukea - Yellow Gum		\$ 135.00	\$ 140.00	\$ 145.00	\$ 188.00	\$ 200.00	\$ 213.00
SUB-TOTAL AWARDED ITEMS:				\$54,000.00	\$56,000.00	\$58,000.00	\$29,550.00	\$ 31,000.00	\$ 32,700.00

ESTIMATED GRAND TOTAL:

\$83,200.00	\$86,000.00	\$88,000.00	\$45,000.00	\$ 47,300.00	\$ 49,800.00
\$ 257,200.00			\$ 142,100.00		

STATEMENT GUARANTEE:

BLANK

INSURANCE: (Alternate Proposal)

Can Meet

XX

Cannot Meet

VENDOR NAME:	MARINE CITY NURSERY CO	SINACORI LANDSCAPING
DELIVERY	PER SPECIFICATIONS	BY HAND
MINIMUM ANNUAL SHIPMENT:	400 TREES	
TERMS	NET 30 DAYS	BLANK
WARRANTY	PER SPECIFICATIONS	ONE YEAR
EXCEPTIONS	BLANK	PRICE IS PER TREE.

PROPOSAL - Three (3) Year Requirements of Street Trees in Accordance with the Specifications

NO BIDS:

Muellers Sunrise Nursery
O'Neal Father & Sons

ATTEST:

Charlene McComb

Ron Hynd

Linda Bockstanz

BOLDFACE TYPE DENOTES LOW BIDDERS BY ITEM

 Jeanette Bennett
 Purchasing Director

VENDOR NAME:

SHERMAN NURSERY FARMS	STALLINGS-JULIAN SALES
DIV OF MICH LAWN MTNCE INC	& SERVICE
CHECK #: 645170877	
CHECK AMOUNT: \$ 1,500.00	N/A

ITEM	EST QTY	VARIETY	SIZE	BARE ROOT			BARE ROOT		
				2004	2005	2006	2004	2005	2006
FALL:				1 1/2-1 3/4" cal					
1.	50	Taxodium distichum - Bald Cypress		\$ 71.16	\$ 78.70	\$ 85.00	\$ 111.00	\$ 111.00	\$ 111.00
2.	50	Ginkgo biloba		\$ 109.91	122.45	135.00	\$ 158.00	\$ 158.00	\$ 158.00
3.	50	Celtis occidentalis - Hackberry		\$ 83.66	91.20	100.00	\$ 122.00	\$ 122.00	\$ 122.00
4.	50	Ulmus parvifolia "Athena" - Athena Elm		\$ 83.66	89.95	97.50	\$ 118.00	\$ 118.00	\$ 118.00
5.	50	Ulmus Parvifolia "Allee" - Allee Elm		\$ 83.66	89.95	97.50	\$ 128.00	\$ 128.00	\$ 128.00
6.	50	Eucommia ulmoides - Hardy Rubber Tree		\$ 83.66	89.95	97.50	\$ 109.00	\$ 115.00	\$ 115.00
7.	50	Sophora Japonica - Japanese Pagoda		\$ 83.66	89.95	97.50	\$ 122.00	\$ 122.00	\$ 122.00
8.	50	Cercidiphyllum japonicum - Katsura		\$ 83.66	91.20	98.75	\$ 125.00	\$ 125.00	\$ 125.00
9.	50	Acer rubrum - Red Maple		\$ 74.91	81.20	88.75	\$ 89.00	\$ 92.00	\$ 95.00
10.	50	Acer buergeranum - Trident Maple		\$ 83.66	89.95	97.50	\$ 99.00	\$ 111.00	\$ 115.00
11.	50	Liriodendron tulipifera - Tulip Tree		\$ 83.66	89.95	97.50	\$ 108.00	\$ 108.00	\$ 108.00
12.	50	Nyssa sylvatica - Black Gum		\$ 122.41	133.70	147.50	\$ 168.00	\$ 168.00	\$ 168.00
13.	50	Cladrastis kentukea - Yellow Gum		\$ 109.91	\$ 122.45	\$ 135.00	\$ 158.00	\$ 158.00	\$ 158.00
Additional Cost:									
Mist Trailer / Trailer Exchange				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SUB-TOTAL AWARDED ITEMS:				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

ALTERNATE PROPOSAL: Trees including Delivery & Installation

ITEM	EST QTY	VARIETY	SIZE				NO BID		
				2004	2005	2006	2004	2005	2006
				1 1/2-1 3/4" cal					
1.	50	Taxodium distichum - Bald Cypress		\$ 130.28	\$ 138.92	\$ 146.22			
2.	50	Ginkgo biloba		\$ 172.90	\$ 187.05	\$ 201.22			
3.	50	Celtis occidentalis - Hackberry		\$ 144.03	\$ 152.67	\$ 162.72			
4.	50	Ulmus parvifolia "Athena" - Athena Elm		\$ 144.03	\$ 151.30	\$ 159.97			
5.	50	Ulmus Parvifolia "Allee" - Allee Elm		\$ 144.03	\$ 151.30	\$ 159.97			
6.	50	Eucommia ulmoides - Hardy Rubber Tree		\$ 144.03	\$ 151.30	\$ 159.97			
7.	50	Sophora Japonica - Japanese Pagoda		\$ 144.03	\$ 151.30	\$ 159.97			
8.	50	Cercidiphyllum japonicum - Katsura		\$ 144.03	\$ 152.67	\$ 161.34			
9.	50	Acer rubrum - Red Maple		\$ 134.40	\$ 141.67	\$ 150.34			
10.	50	Acer buergeranum - Trident Maple		\$ 144.30	\$ 151.30	\$ 159.97			
11.	50	Liriodendron tulipifera - Tulip Tree		\$ 144.30	\$ 151.30	\$ 159.97			
12.	50	Nyssa sylvatica - Black Gum		\$ 186.65	\$ 199.42	\$ 214.97			
13.	50	Cladrastis kentukea - Yellow Gum		\$ 172.60	\$ 187.05	\$ 201.22			
SUB-TOTAL AWARDED ITEMS:				\$ -	\$ -	\$ -			

STATEMENT GUARANTEE:
INSURANCE: (Alternate Proposal)
 Can Meet
 Cannot Meet

ADDITIONALLY TO INCLUDE THE WORDING ONE YEAR GUARANTEE, ONE REPLACEMENT ONLY ON DELIVERY & INSTALLATION OPTION. NO GUARANTEE ON STREET TREES & DELIVERY.

XX

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Opening Date -- 4-13-04
 Date Prepared -- 4/20/04

CITY OF TROY
 BID TABULATION
 STREET TREES

ITB-COT 03-39
 Pg. 4 of 4

VENDOR NAME:	SHERMAN NURSEY FARMS DIV OF MICH LAWN MTNCE INC	STALLINGS-JULIAN SALES & SERVICE
DELIVERY	OCTOBER 1st 2004	BLANK
MINIMUM ANNUAL SHIPMENT:	400 TREES	
TERMS	NET 30 DAYS	N 30
WARRANTY	TRUE TO SPECIES	AS SPECIFIED IN BID
EXCEPTIONS	ACER BEUGERANUM SUB ACER MIYABEI	NONE
	EUCOMMIA ULMOIDES SUB GYMNOCLADUS DIOICUS	
	SOPHORA JAPONICA SUB KOELREUTERIA PANICULATA	



Downloading History for ITB-COT 03-39 RootTrees

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 4/22/2004.

Document Title:	Street Trees for the City of Troy
Date Issued:	3/9/2004
Close Date:	4/13/2004

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>
12358	A. Wilson Contracting	E-mail	3/25/2004	
10239	Advanced Irrigation Systems, Inc.	Fax	4/9/2004	
13986	Advanced Tree Care, Inc.	E-mail	3/25/2004	
14952	All State Tree & Lawn, Inc.	E-mail	3/16/2004	
16145	Allgreen Landscape Solutions	E-mail	3/11/2004	
13397	Asplundh Tree Expert Co.	Free	3/15/2004	
16443	Auburn Oaks Inc.	Fax	3/12/2004	
11493	Audio Visual Equipment & Supplies, Inc.	E-mail	3/23/2004	
12114	B & B Lawn Service	Fax	3/12/2004	
10927	B & L Landscaping	Fax	3/11/2004	
16613	BIG TREE MOVERS, INC.	Free	3/26/2004	
16057	Bob's Landscape	E-mail	3/12/2004	
12403	BRICKMAN ACQUISITIONS D/B/A LAKEWOOD LANDSCAPING	Fax	3/9/2004	
10682	C & R Maintenance d/b/a Rizzo Services	E-mail	4/9/2004	
13895	Cal Fleming Landscaping and Tree Service, Inc.	Free	3/10/2004	
14019	Cornerstone Landscape Design, Inc.	E-mail		
16901	County Line Nurseries & Landscaping	Free	4/7/2004	
16174	Croswell Greenhouse	E-mail		
11681	D and J Lawn and Snow Corp.	E-mail		
13898	D&E Landscaping & Grading Inc	Free	3/11/2004	

15664	Enviro-Vac Services, Inc.	Free	4/12/2004	
10657	Envision Enterprises	E-mail		
13905	Excell Landscaping	Free	3/11/2004	
10546	Gardner & Sons Tree Service Inc.	Fax	3/10/2004	
10938	Great Lakes Landscaping & Construction Inc.	Fax	3/26/2004	
14169	Greentrees, Inc.	Fax	4/9/2004	
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	4/12/2004	
14945	John Deere Landscapes	E-mail	4/5/2004	
15760	K & K Construction and Landscaping LLC	E-mail	3/9/2004	
10704	Kappen Tree Service, LLC	E-mail	3/31/2004	
11900	MARINE CITY NURSERY CO	Free	3/12/2004	
14525	Maro Enterprises LLC	E-mail	3/27/2004	
14030	Michigan Turf Inc	Free	3/18/2004	
11639	Mike's Tree Surgeons, Inc.	E-mail		
16288	Miller Company LTD	E-mail	3/12/2004	
14001	Mueller's sunrise Nursery, Inc.	Free	3/14/2004	
16975	Northern Impressions Inc	E-mail	4/13/2004	
11936	Northside True Value Hardware	Fax		
15606	O'Neal Father & Sons	Free	3/26/2004	
10203	Owen Tree Service, Inc.	E-mail	3/9/2004	
10061	Parks Landscaping & Snow Service	E-mail	3/17/2004	
15672	Perfect Irrigation & Landscape	E-mail		
11344	Premium Sevices, Inc	E-mail	3/11/2004	
10449	Pro Mow Lawn Services	E-mail		
16382	Quality Landscape & Fertilizing, Inc.	E-mail	3/9/2004	
11361	Quickie Carpet Cleaning	Free	3/22/2004	
10116	Rasch's Landscape Express, LLC	E-mail	3/12/2004	
10207	Rasins Landscape & Assoc., Inc.	E-mail	3/19/2004	
16036	rhino seed and turf supply	Free	3/11/2004	
16190	shades of green	Fax		
12936	SHERMAN NURSERY FARMS	E-mail	3/10/2004	
15992	Sinacori Landscaping, Inc.	E-mail	3/12/2004	
13730	SMART Management Group, LLC	E-mail		
12565	snows nursery	E-mail	3/22/2004	
13914	Steele's Service's LLC	E-mail		
16085	Tait Landscaping, LLC	Free	3/10/2004	
13439	Test Company Inc	Free	3/16/2004	
13975	The Davey Co.	Free	3/17/2004	
13915	Tom's Landscaping & Nursery, Inc.	Fax	3/12/2004	
14888	Torre & Bruglio, Inc.	Free	3/16/2004	
16623	Total Outdoor Maintenance	Free	3/31/2004	

15543	Tranquility Springs, LLC	Free	4/6/2004	
13480	Tri-County Tree Expert Co., Inc.	E-mail	4/13/2004	
11867	Universal Consolidated Enterprises, Inc.	Free	3/11/2004	
14335	Virtual Rain	E-mail		
13921	WALKER LANDSCAPING, INC.	E-mail	3/11/2004	
14338	Washtenaw Inc., Maintenance Services	E-mail	4/8/2004	
14016	WH Canon, Inc.	Fax	3/15/2004	
14292	Woody's Tree Service	E-mail	4/8/2004	
16419	Worry Free Lawn Care & Snow Removal, Inc.	Free	3/10/2004	

[Return to Main Menu](#)

[Return to Report Menu](#)

April 26, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Steven J. Vandette, City Engineer 

SUBJECT: Cost Participation Agreement for Water Main Replacement Work as part of
RCOC Maple Road Reconstruction Project
Project No. 03.501.5

RECOMMENDATION

Staff recommends that City Council approve the attached Cost Participation Agreement with the Board of Road Commissioners for Oakland County for water main replacement work along John R and Maple as part of the Maple Road, Livernois to Dequindre project. City Council previously approved a quote from Cadillac Asphalt, LLC for this work at their meeting of April 19, 2004 by Resolution No. 2004-04-218 in the amount of \$131,443.84. This cost participation agreement with the RCOC formalizes the responsibilities of each agency with respect to the water main replacement project.

In addition, Resolution No. 2004-04-218 gives authorization to approve additional work, if needed, not to exceed 10% of the original quote.

PROJECT INFORMATION

The Road Commission for Oakland County (RCOC) awarded a contract to reconstruct Maple Road, from Coolidge to Dequindre to Cadillac Asphalt, LLC. The project is to be constructed in two phases. Phase I will rehabilitate Maple Road between Livernois and Dequindre this year and Phase II will rehabilitate Maple Road between Coolidge and Livernois in 2005. Phase I includes the total reconstruction of the John R and Maple Road intersection.

The City's Water Fund budget for 2003-04 includes a project along John R, from Maple to Birchwood which is primarily within the limits of the RCOC intersection reconstruction area. The water main in this area is in very poor condition and has been repaired several times by the Water Department. Staff requested that the contractor provide the City with a quote to complete the water main replacement as part of the road project so that one contractor would be working in the area to minimize delays and conflicts. In addition, with the RCOC contractor completing the work additional costs due to contractor mobilization and pavement rework will be eliminated. The existing 8" water main will be abandoned and all connections will be transferred to the existing 24" water main. A future project will continue the abandonment of the existing 8" water main north of Birchwood.

FUNDING

Funds for this water main replacement work are included in the 2003/04 Water Fund, account number 555.7972.035015. The budgeted amount includes funds for construction, inspection and contingencies.

Prepared by: Bill Huotari, Deputy City Engineer

G:\Projects\Projects - 2003\03.501.5 - John R, Birchwood to Maple\To CC re Cost Participation Agreement with RCOC_R1.doc

COST PARTICIPATION AGREEMENT

CONSTRUCTION

Maple Road
Coolidge Highway to Dequindre Road

City of Troy

BOARD Project No. 47201

This Agreement, made and entered into this _____ day of _____, 2004, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Troy, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the resurfacing work along Maple Road from Coolidge Highway to Dequindre Road in the City of Troy in accordance with MDOT Contract No. 03-5653, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the COMMUNITY has requested the addition to the PROJECT of water main replacement work on John R Road from Maple Road to Birchwood beyond the PROJECT limits, hereinafter referred to as NON-PARTICIPATING items; and

WHEREAS, the estimated total costs associated with said NON-PARTICIPATING items is \$131,444; and

WHEREAS, it is the intent of this Agreement to fund the cost of the NON-PARTICIPATING items; and

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

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

1. The BOARD shall forthwith undertake and complete the PROJECT, as above described, and shall perform the engineering and inspection services, and the administration within the PROJECT.
2. The COMMUNITY shall perform the engineering and inspection services for the NON-PARTICIPATING items.
3. The actual total cost of the NON-PARTICIPATING work shall include total payments to the contractor.
4. The actual total cost of the NON-PARTICIPATING items as determined by the BOARD shall be funded solely by the COMMUNITY.
5. All PROJECT costs with the exception of the NON-PARTICIPATING items shall be funded by the BOARD and the federal Surface Transportation Program, as set forth in MDOT Contract No. 03-5653.
6. Upon execution of this Agreement, the BOARD shall submit an invoice to the COMMUNITY for \$65,722 (being 50% of the estimated total cost of the NON-PARTICIPATING items).
7. Upon completion of the NON-PARTICIPATING construction, the BOARD shall submit an invoice to the COMMUNITY for the balance of the cost of the NON-PARTICIPATING items.
8. Upon receipt of said invoices, the COMMUNITY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE
COUNTY OF OAKLAND
A Public Body Corporate

By _____

Its _____

CITY OF TROY

By _____

Its _____

April 27, 2004

TO John Szerlag, City Manager

FROM: Gary Shripka, Assistant City Manager
 Doug Smith, Real Estate and Development Director
 Dennis C. Stephens, Right of Way Representative

SUBJECT: Acceptance of a Permanent Water Main Easement
 Donaldson Water Main Re-placement
 Project #01.504.5
 Owner: Troy School District

The Real Estate and Development Department has obtained a Water Main Easement Agreement from the Troy School District for the proposed Water Main replacement on Donaldson, South of Square Lake. This easement is for the amount of \$2,800.00, the same value as appraised by Fred B. Phlippeau, a state Certified General Appraiser.

The dollars for this Water Main Easement and associated costs are part of the approved right of way costs for this project.

It is therefore requested that City Council accept this Permanent Water Main Easement for the appraised amount of \$2,800.00 and authorize the Mayor to sign this easement agreement on behalf of the City of Troy.

REQUEST FOR ACCEPTANCE OF PERMANENT EASEMENT FOR WATER MAIN – DONALDSON WATER MAIN RE-PLACEMENT – PROJECT #01.504.5 – OWNERS – TROY SCHOOL DISTRICT

Suggested Resolution 2004-5

WHEREAS, The Real Estate and Development Department has received an independent appraisal of \$2,800.00 to obtain the below listed Water Main Easement.

<u>OWNER</u>	<u>PIN #</u>	<u>INTEREST</u>	<u>APPRAISED VALUE</u>
Troy School District	20-10-101-054	10' Water Main Easement	\$2,800.00

RESOLVED, that the Permanent Easement for Water Main, as listed, is hereby accepted, and;

BE IT FURTHER RESOLVED, payment to the Troy School District of \$2,800.00 dollars is authorized for the 10' wide Water Main Easement, and;

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign on behalf of the City of Troy, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to record said Permanent Water Main Easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original minutes of this meeting.

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made and entered into this 6th day of April, 2004, between TROY SCHOOL DISTRICT, a Michigan municipal corporation, whose address is 4400 Livernois, Troy, Michigan 48098-4799 (hereinafter referred to as "Grantor"), and the CITY OF TROY, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as "Grantee").

RECITALS

A. The Grantor is the owner of certain real property as shown on the Proposed Easement Sketch ("Sketch"), which Sketch is attached hereto and incorporated by reference (the "Premises"); and

B. The Grantee desires to acquire from the Grantor certain rights to the Premises in order to construct, install, operate, maintain, repair and/or replace a Water Main.

IT IS THEREFORE AGREED:

1. Grant of Easement. In consideration of the sum of Two Thousand Eight Hundred and 00/100 (\$2,800.00) Dollars, and other valuable consideration, Grantor hereby grants to Grantee a perpetual nonexclusive Water Main easement as hereinafter described.

2. Character of Easement. The easement granted herein is appurtenant to the Premises.

3. Purpose of Easement. The easement herein shall be used only for the purpose of the construction, installation, operation, maintenance, repair and/or replacement of the Water Main.

4. Location and Description of Easement. The location and legal description of the easement granted herein is shown on the attached Sketch and legally described in Exhibit A under the heading of "Section 10, 10' Wide Permanent Easement for Water Main," which is attached hereto and incorporated herein by reference (the "Easement Area").

5. Construction and Maintenance. The construction, installation, operation, maintenance, repair and/or replacement of the Water Main shall be at the sole cost and expense of the Grantee. During all aspects of any work performed on the Premises, Grantee also covenants and agrees to do the following:

a. Immediately backfill and temporarily restore, on a daily basis, all driveways, parking lots and sidewalk areas located upon the Premises and disturbed by virtue of the construction, maintenance or repairs to the Water Main until such time as final restoration of the affected areas occur pursuant to Paragraph 6 herein;

b. Immediately backfill or fence during working hours all excavations on the Premises when not supervised to ensure safety;

c. Fence all equipment and materials during non-working hours so as to prevent access by any licensees, invitees, guests or trespassers;

- d. Provide Grantor with continued access for ingress and egress over, under, through and across the Easement Area;
- e. Provide Grantor with continued access to the Premises; and
- f. Carry on its work to ensure only minimal interference or disruption of Grantor's school operations on the Premises.

6. Restoration. If upon complete installation and construction of the Water Main and if upon any maintenance, repair, replacement, removal or any such work performed upon the Water Main, the Premises have been affected in any manner by said installation, construction, maintenance, repair and/or replacement, Grantee shall, at its sole cost and expense, restore the Premises to a condition as good as its condition prior to such work. Such restoration shall include but not be limited to the following:

- a. The restoration of sodded and grassed areas;
- b. Any driveways, parking lots, sidewalks, bike paths, culverts, curbs and headwalls so disturbed shall be restored with like materials and to matching thickness as prior to Grantee's commencement of construction;
- c. Any and all shrubbery, removed, destroyed or disturbed in any manner shall be replaced upon completion of construction with like shrubs and to matching maturity; and
- d. The restoration of disturbed or destroyed chainlink fencing, if any, located upon the Premises.

Such restoration shall occur not later than sixty (60) days after completion of installation, construction, maintenance, repair, replacement, removal or any such work performed upon the Premises. If, however, weather conditions and/or local frost laws prevent the timely restoration of the Premises, such restoration shall occur not later than the first growing season after completion of the work performed.

7. Grantor's Rights. Grantor also retains, reserves, and shall continue to enjoy the use of the surface of the Easement Area for any and all purposes which do not interfere with or prevent the use by Grantee. If the Grantor or any of Grantor's successors or assigns shall dedicate all or any part of the property affected by this easement, the Grantee and its successors and assigns shall execute all instruments that may be necessary or appropriate to effectuate such dedications, without, however, extinguishing the easement right granted herein.

8. Nonexclusive Easement. The easement, rights, and privileges granted herein are nonexclusive, and Grantor reserves and retains the right to convey similar easements and rights to such other persons as Grantor may deem proper provided such similar easements do not affect Grantee's easement.

9. Insurance. Grantee, at its sole cost and expense, shall maintain and keep in effect, general liability insurance on the Premises during and until completion of any construction, maintenance, repair, replacement, removal or any such work performed upon the Premises, with a company and in a form acceptable to Grantor with the minimum limits of \$1,000,000.00 on account of bodily injuries to or death of one person, and minimum limits of \$2,000,000.00 on account of bodily injuries or death of more than one person, or such other amounts as Grantor may, from time to time, reasonably request, as a result of any one accident or occurrence; and property damage insurance with minimum limits of \$1,000,000.00, or such other amounts as Grantor may, from time to time, reasonably request. Such policies shall name Grantor as an additional insured and Grantee shall provide Grantor with a certificate of insurance or other written evidence of its coverage, including an endorsement which states that such insurance may not be cancelled except upon ten (10) days prior written notice to Grantor. In addition, Grantee shall require each contractor performing work on the Premises to keep in force at its sole cost and expense during and until completion of any construction, maintenance, repair, replacement, removal or any such work performed upon the Premises, in a form acceptable to Grantor, an Owner's and Contractor's Protective Policy naming Grantor as the principal insured and shall also require each contractor to name Grantor as an additional insured on all Contractor Policies of insurance with both policies having minimum limits of \$1,000,000.00 on account of bodily injuries to or death of one person, and minimum limits of \$2,000,000.00 on account of bodily injuries or death of more than one person, or such other amounts as Grantor may, from time to time, reasonably request, as a result of

any one accident or occurrence; and property damage insurance with minimum limits of \$1,000,000.00, or such other amounts as Grantor may, from time to time, reasonably request. Prior to commencement of any work, Grantee shall provide Grantor with a certificate of insurance or other written evidence of Grantor's coverage as an additional insured, including an endorsement which states that such insurance may not be cancelled except upon ten (10) days prior written notice to Grantor.

10. Liability of Grantee. The Grantee shall be responsible to the Grantor for liabilities incurred by the Grantor, arising out of the actions of the Grantee during the construction, operation, maintenance, repairs or replacement of the Water Main on the easement granted. These liabilities shall include costs, expenses, actual attorney fees and liabilities for personal injury or property damage, including damage to property of the Grantor. However, Grantee shall not be responsible for any claims resulting from the actions of Grantor or that of third parties who are not designees, agents, successors or employees of Grantee. The terms "Grantee" and "Grantor" shall include their designees, agents, successors and employees. Nothing in this clause shall be construed to limit either Grantee's or Grantor's defenses and rights, including the right to assert a claim of governmental immunity.

11. Covenants to Run with Land. The covenants contained in this Agreement shall run with the land and shall be binding upon the parties and their respective heirs, representatives and successors.

12. Entire Agreement. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect. Any modification of this Agreement must be in writing and must be signed by the party to be charged.

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the day and year first above written.

WITNESSES:

Janice M. Shotwell

WITNESSES:

GRANTOR:
TROY SCHOOL DISTRICT

By: Janet Jopke
Its: Superintendent

GRANTEE:
CITY OF TROY

By: _____
Its: _____

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this April 6th, 2004, before me personally appeared DR. JANET JOPKE, Superintendent of TROY SCHOOL DISTRICT, a Michigan Municipal Corporation, to me known to be the same person who executed the within instrument on behalf of TROY SCHOOL DISTRICT and who acknowledges the same to be the free act and deed of TROY SCHOOL DISTRICT.

Janice M. Shotwell

Oakland County, Michigan

, Notary Public
My commission expires: 5.31.2007

JANICE M. SHOTWELL
Notary Public, Oakland County, MI
My Commission Expires 05/31/2007

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this April _____, 2004, before me personally appeared _____, on behalf of the CITY OF TROY, a Michigan municipal corporation, to me known to be the same person who executed the within instrument on behalf of the CITY OF TROY, and who acknowledges the same to be the free act and deed of the CITY OF TROY.

, Notary Public
County, Michigan
My commission expires:

Sidwell No. 88-20-10-101-054

Recording Fee: _____

Drafted by:

Dana L. Abrahams, Esq.
Clark Hill PLC
255 S. Old Woodward Ave., Third Floor
Birmingham, MI 48009

When recorded return to:

City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

5148340v1
0000/00000



Graphic Scale: 1"=200'



NW Cor.
Sec. 10

500° 00' 00" E
571.05

S88° 57' 00" E
687.50

S00° 10' 00" E
159.24

S88° 02' 00" E
275.00

S89° 40' 00" E
624.96

S00° 10' 00" E

S00° 10' 00" E
491.00

N00° 10' 00" W
39.24

N00° 10' 00" W

637.72

683.20

901.78

N89° 08' 00" W

5835 Donaldson

Cotswold Ave.

Proposed 10' Wide
Permanent Easement
for Public Utilities
Area=4910 Sq. Ft.

88-20-10-101-054

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Easement Sketch

SCALE	DRAWN BY	CHECKED	FILE
1"=200'	CJS	JL	See Below
DATE	DATE	DATE	DATE
10/1/03	10/1/03	10/1/03	10/1/03
DRAWN BY			DATE
STEVEN J. VANDETTE			10/1/03
CITY ENGINEER			

DOCUMENT PREPARED BY
George J. Bickard III
CITY SURVEYOR

G:\Surveying\GEORGE\Easement Drawings\88-20-10-101-054.dgn

EXHIBIT "A"

**Section 10, 10' Wide Permanent Easement for Water Main
Parcel: 88-20-10-101-054
Owner: Troy Schools**

Description of Easement:

Part of the Northwest ¼ of Section 10, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

The North 491.00 feet of the East 10.00 feet of the following described property;

Beginning at a point distant South 571.05 feet and South 88 degrees 57 minutes 00 seconds East 697.50 feet and South 00 degrees 10 minutes 00 seconds East 169.24 feet from the Northwest Corner of said section 10; thence South 89 degrees 40 minutes 00 seconds East, 624.96 feet; thence South 00 degrees 10 minutes 00 seconds East, 683.20 feet; thence North 89 degrees 08 minutes 00 seconds West, 901.78 feet; thence North 00 degrees 10 minutes 00 seconds West, 637.72 feet, thence South 89 degrees 02 minutes 00 seconds East, 275.00 thence North 00 degrees 10 minutes 00 seconds West 39.24 feet to the point of beginning.

Said Easement Contains 4,910 Square Feet or 0.113 Acres more or less.

TO: John Szerlag, City Manager

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

RE: **Agenda Item** - Assessment of Delinquent Accounts

DATE: April 30, 2004

The delinquent accounts from the various funds to be assessed to the 2004 tax roll are as follows:

General Fund Invoices	\$ 20,800.72	
Penalties	<u>2,080.07</u>	
	\$ 22,880.79	
Special Assessments	\$ 6,229.31	
Penalties & Interest	<u>2,446.20</u>	
	\$ 8,675.51	
Water & Sewer Accounts		
District 1	\$112,259.26	
District 2	142,199.36	
District 3	142,839.79	
Penalties	<u>39,730.26</u>	
		\$ 437,028.67
Total to be assessed		\$ 468,584.97

April 26, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Agenda Item - Private Agreement for Maggiano's
Project No. 03.942.3

The Engineering Department has reviewed and approved plans for this project, which includes water main and sidewalk.

The Owner has provided a check for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

G:\Projects\Projects - 03.942.3\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

Prepared by: Gary Streight, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 03.942.3

PROJECT LOCATION:

2085 W. Big Beaver

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Maggiano's/Corner Bakery Holding Corp. whose address is 6750 LBJ Freeway, Suite 1100, Dallas, TX 75240-6599 and whose telephone number is (972)770-3272 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main and sidewalk in accordance with plans prepared by Dr. JB Turnmire whose address is 2111 Woodson Drive, Knoxville, TN 37920 and whose telephone number is (865)588-6355, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of \$18,000.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check
- Performance Bond & 10% Cash

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	1,458.00
Engineering Review Fee (Private Improvements)	\$	900.00
Water Main Testing Fee	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	5,000.00
TOTAL:	\$	\$8,008.00

* 8.1% (.081) of approximate contract price

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 03.942.3

PROJECT LOCATION:

2085 W. Big Beaver

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 26,008.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 03.942.3

PROJECT LOCATION:

2085 W. Big Beaver

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 20_____.

Lessee
~~OWNERS~~

CITY OF TROY

By: *Kim D Williams*
Kim D Williams
Vice President of Real Estate Development

By:

Please Print or Type

Louise E. Schilling, Mayor

Craig Finence - Director of Development

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this _____ day of _____, A.D.20_____, before me personally appeared _____ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____

RECEIVED
APR 13 2004
ENGINEERING

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR MAGGIANO'S
PROJECT No. 03.942.3

The estimated costs of public improvements for the aforementioned project are as follows:

Escrow Deposits:

water main	10,500.00
sidewalk	7,500.00

Total Escrow Deposits: (check) **\$ 18,000.00**

Cash Fees:

Review & Inspection	\$1,458.00
Engineering Review	900.00
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	<u>5,000.00</u>

Total Cash Fees: (check) **\$ 8,008.00**

Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Maggiano's, Project No. 03.942.3

RESOLVED, that the *Contract for the Installation of Municipal Improvements* (Private Agreement) between the City of Troy and Maggiano's/Corner Bakery Holding Corp. is hereby approved for the installation of watermain and sidewalk 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.

DATE: April 26, 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
East Long Lake Estates 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 signs proposed by the East Long Lake Estates Homeowners Association. The signs are proposed to be located in the median of Carnaby at the intersection of Long Lake Road and in the median of Abbington at the intersection of Long 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 _____ day of _____, 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 East Long Lake Estates Homeowners Association, whose address is P.O. Box 341, Troy, Michigan 48099, (hereinafter referred to as the "Residential Development").

Recitals

A. The Residential Development desires to replace an existing identification sign and/or 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 Long Lake Road and Square Lake Road and Rochester Road and John R Road. The site for the erection of the sign is located on the boulevard at Long Lake Road and Carnaby 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 Long Lake Road and Carnaby. 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 with 30 days notice to the Residential Development. 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

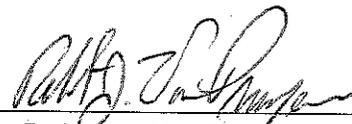
Tonni Bartholomew, Clerk

RESIDENTIAL DEVELOPMENT

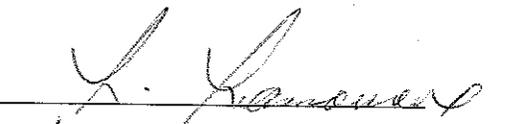
East Long Lake Estates Homeowners
Association,



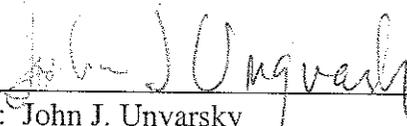
ANDREW SHAW



By: Robert J. Van Proeyen
Its: President



Linda Lamoureux



By: John J. Unvarsky
Its: Secretary

May 20 03 07:49a

CITY OF TROY BLDG DEPT

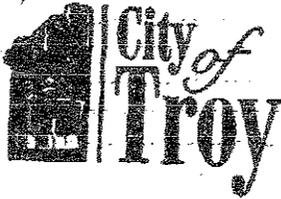
248-689-3120

RECEIVED

P. 3

MAY 20 2003

BUILDING DEPARTMENT



SIGN PERMIT APPLICATION

CITY OF TROY
DEPARTMENT OF BUILDING INSPECTIONS
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48064
Phone: 248-624-3344
Fax: 248-689-3120

RECEIVED

MAY 19 2003

BUILDING DEPARTMENT

SIGN

Date: 05/19/03

Project Information

Job Address: Carnaby/Long Lake R.O.W. Suite # Sidewalk #

Property Owner: City of Troy Address: Phone #

Type of Sign: [X] Ground [] Wall [] Special Event [] Sign Renewal Zoning District R (Row)

Sq. Ft. Area of Front of Building Structure: Land Area (if parcel is vacant): 32-910

Sign Size: Width 113.3' 9.4' Height 41.75' 3.5' Sq. Ft. Area: 32-910

Ground Sign: Height from grade to top of sign 41.75" Distance from ultimate right-of-way Minimum 25'

Are other signs located on property? [] No [X] Yes Type Wood Size

Copy on sign: East Long Lake Estates

Illuminated Sign [] Yes [X] No

Electrical Connections by:

Table with 4 columns: Size, Wall Sign Painted on Wall, Wall Sign Structurally Attached, Ground Sign. Rows include Under 100 sq. ft., 100 to 199 sq. ft., 200 to 300 sq. ft., and Special Event.

Applicant/Contractor Information

Name: Wild Bill & Associates Phone: 586-469-7676 Fax: 586-469-7690

Address: 40207 MORAVIAN City: CLINTON TWP. State: MI Zip: 48036

Signature of Applicant [Signature] License #

FOR OFFICE USE ONLY:

Variance Granted? [] No [] Yes Date:

Special Stipulations

Date approved: Fee: Approved by:

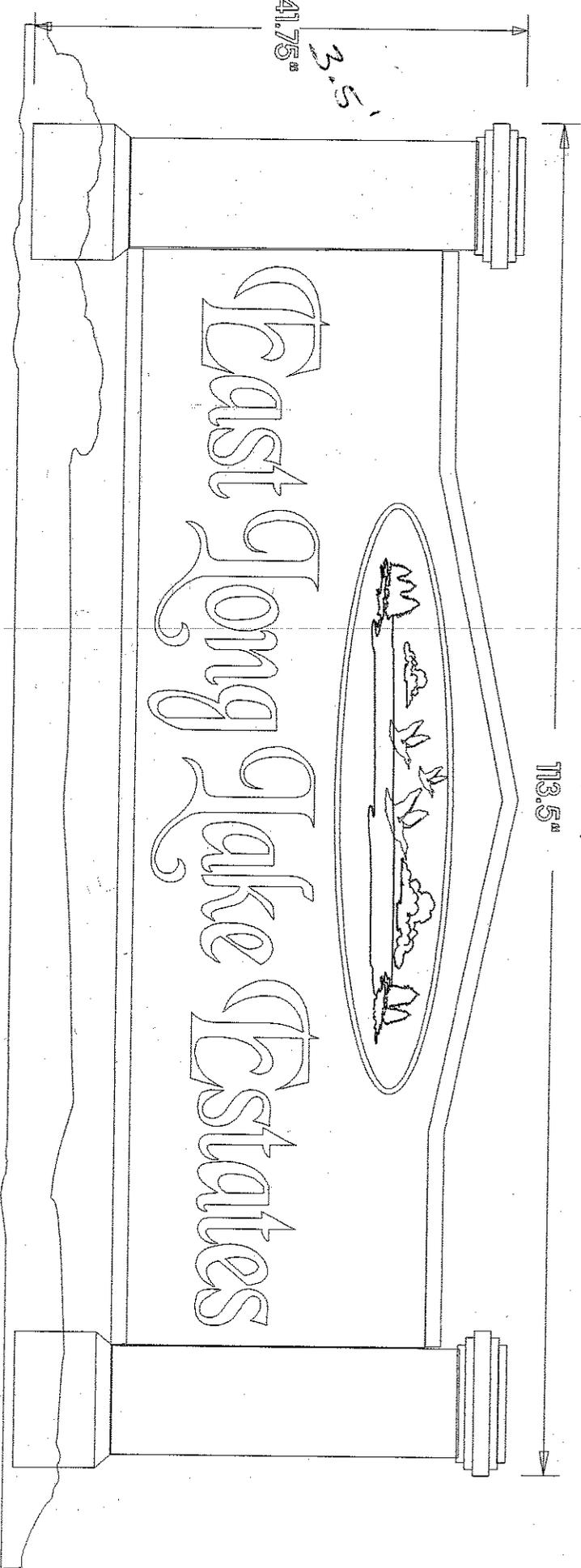
RECEIVED

MAY 19 2003

BUILDING DEPARTMENT

9.4'

113.5"



3.5'
41.75"

This design is the sole property of Wild Bill and associates and may not be reproduced in any form until it is paid for, or duly authorized in writing.

WILD BILL
and associates
586/469-7676 FAX 586/468-7690

Exhibit C

CONTRACT

5-12-03

EAST LONG LAKE ESTATES HOMEOWNERS ASSN.

CONSTRUCT AND INSTALL 2 SIGNS APPROX. 113" X 41" AT ENTRANCES OF EAST LONG LAKE ESTATES. SIGN CABINETS AND PILLARS TO BE BUILT FROM SOLID SHAPED POLYSTYRENE COVERED WITH A THICK COATING OF POLYURETHANE AND FINISHED WITH A 100% ACRYLIC AGGREGATED TEXTURED FINISH. EAST LONG LAKE ESTATES LETTERS ARE RAISED 1.5" AND COATED WITH YELLOW HIGH GLOSS RESIN, OVAL IS 1.5" THICK HIGH DENSITY URETHANE WITH ALL DETAIL CARVED AND PAINTED APPROPRIATE COLORS. SIGNS TO BE INSTALLED ON SCHEDULE 40 STEEL POSTS SET 42" DEEP IN CONCRETE, FOR A BEAUTIFUL, MAINTENANCE FREE, WEATHER, INSECT AND ROT PROOF SIGN SYSTEM.

2 SIGNS INC. INSTALLATION

\$7500.00 PLUS TAX

TERMS: 50% DEPOSIT WITH BALANCE UPON INSTALLATION
ANY PERMITS AND OR VARIANCES TO BE OBTAINED BY
HOMEOWNERS ASSN.

RECEIVED

MAY 19 2003

BUILDING DEPARTMENT

WIB **WILD BILL**
and associates
810/469-7676 **FAX** 810/468-7690

EAST LONG LAKE ESTATES
ENTRYWAY SIGN
SITE PLAN
OCT. 17, 03
SCALE 3/64" = 1'-0"

LOT 113
5045 CARNABY

LOT 112
5027 CARNABY

LOT 111
5011 CARNABY

CARNABY DR.

EXISTING
LAND-
SCAPING

EXISTING
AND
PROPOSED
SIGN
LOCATION

CHAIN-LINK FENCE
AROUND
RAIN DRAINAGE
AREA

20'-0" 20'-0" 20'-0" 13'-0"

SIDEWALK

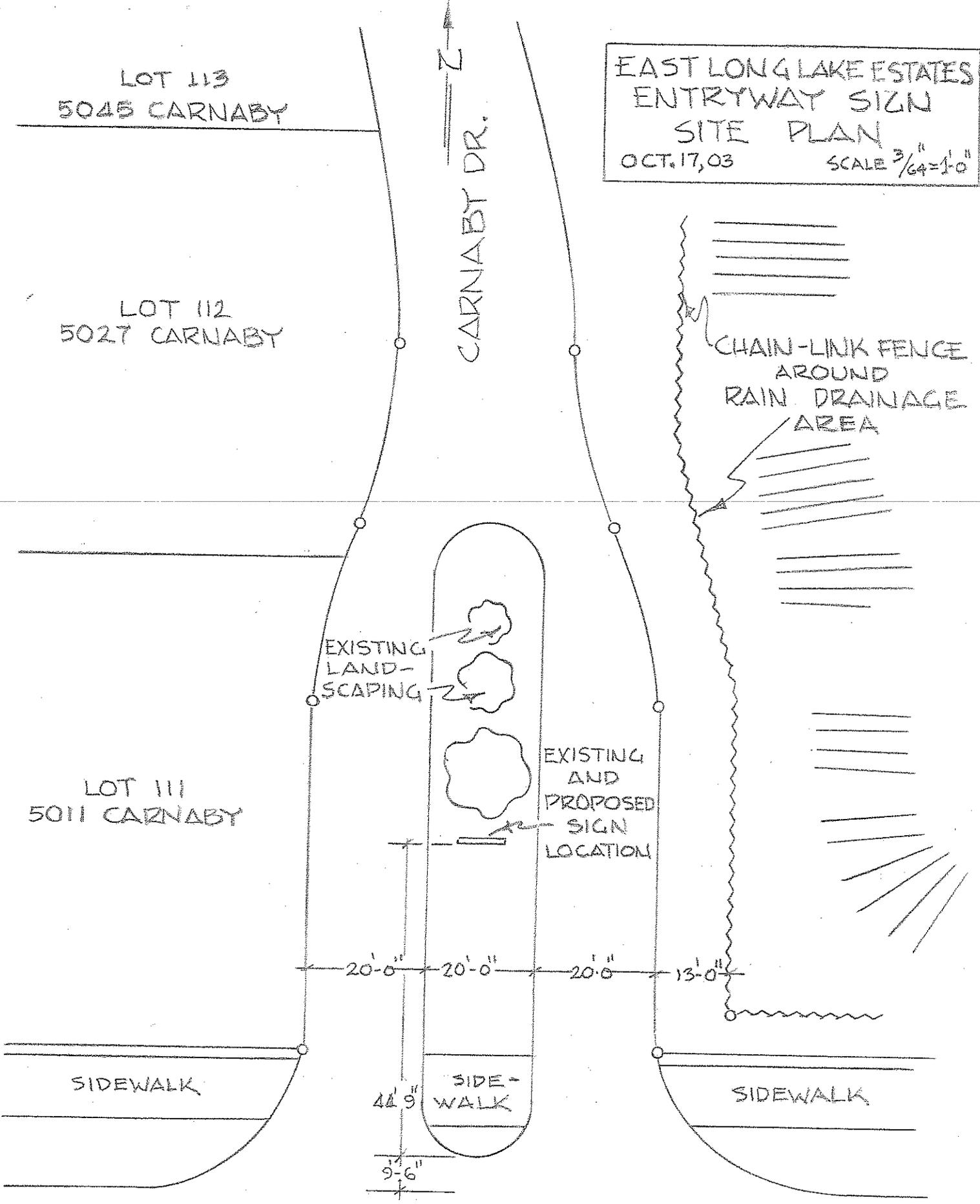
SIDE-
WALK

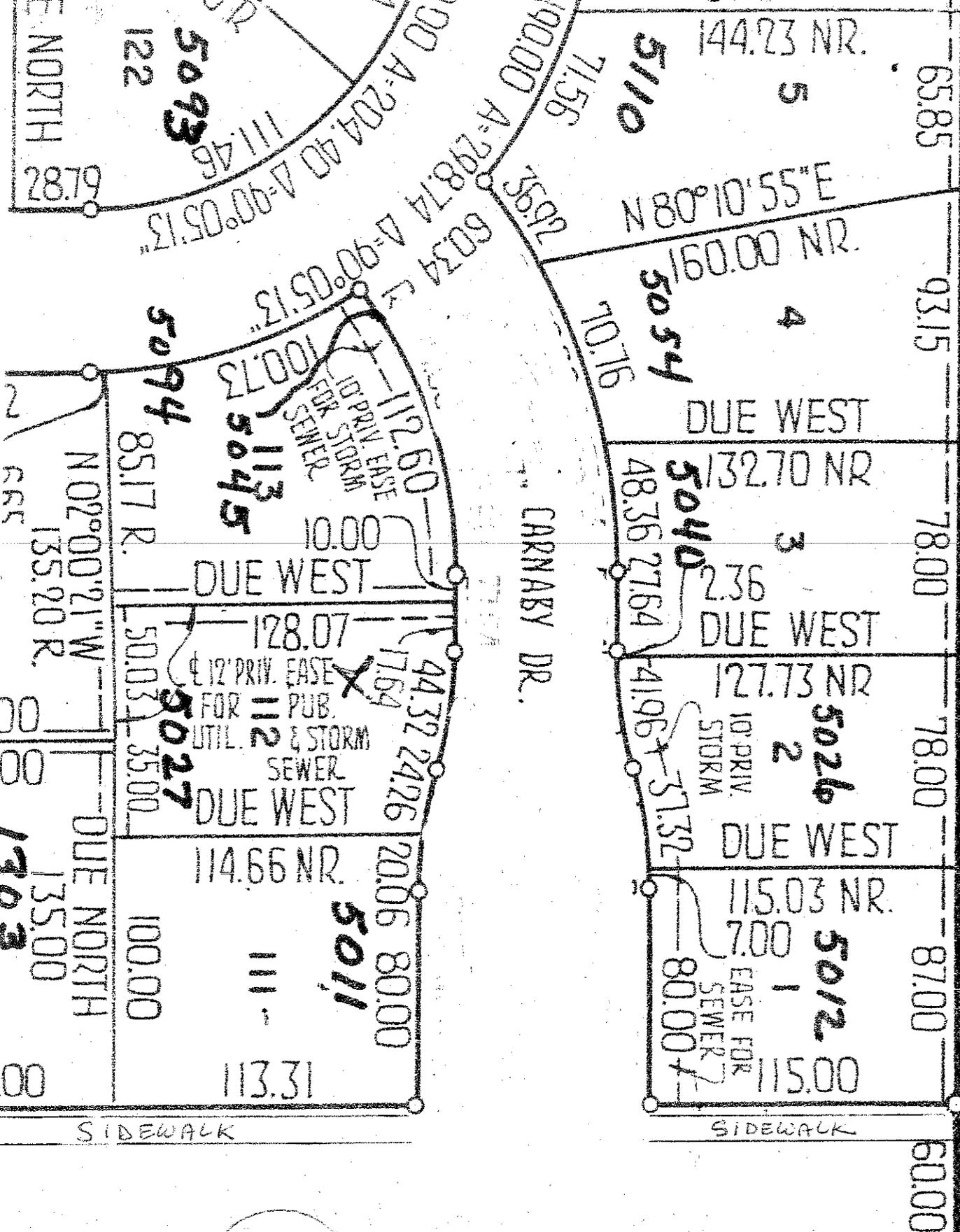
SIDEWALK

44'-9"

9'-6"

EAST LONG LAKE ROAD





7626

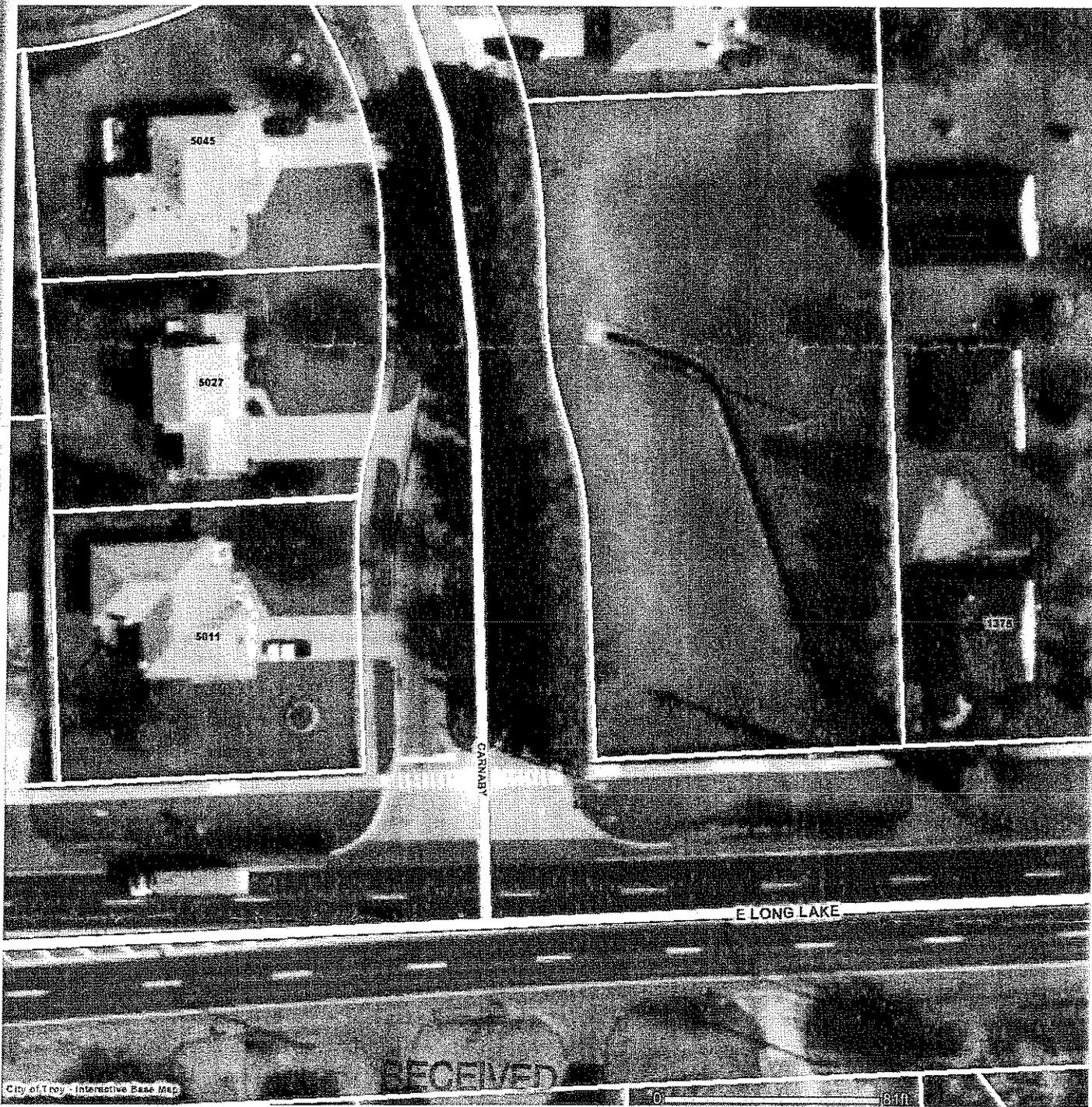
RECEIVED

MAY 19 2003

BUILDING DEPARTMENT

N 11

6
4
8
6



City of Troy - Interactive Base Map

MAY 19 2003

BUILDING DEPARTMENT

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



EAST LONG LAKE ESTATES HOMEOWNERS ASSOCIATION

Date: 5 Dec 03

In keeping with the by-laws of the East Long Lake Estates Homeowners Association, the Board of Directors hereby exercise their authority and designate Mr. Robert Van Proeyen and Mr. John Ungvarsky to act together on behalf of the Association in entering into agreements with the City of Troy for the Residential Development Right of Way Sign Agreements for Abington Drive and Carnaby; and with Wild Bill and Associates for a contract to build and install new Entryway Signs.

Printed Name

Signature

THOMAS RESH

Thomas Resh

JOHN UNGVARSKY

John Ungvarsky

Lynn Cooper

Lynn Cooper

Linda Lamoureux

L. Lamoureux

STEVEN PICKETT

Steve Pickett

ROBERT J. VAN PROEYEN

Robert J. Van Proeyen

SHIDONG TRAYE

Shidong Traye

ERIKA RESH

Erika Resh

ACORD CERTIFICATE OF LIABILITY INSURANCE CSR MT EASTL-3 DATE (MM/DD/YY) 02/19/04

PRODUCER
GEIB ASSOCIATES, INC.
 Insurance & Financial Services
 P.O. Box 8006
 Bloomfield Hills MI 48302
 Phone: 248-338-4343 Fax: 248-338-9744

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

 East Long Lake Estates
 Homeowners Association
 P. O. 341
 Troy MI 48099

INSURERS AFFORDING COVERAGE

INSURER A:	Cincinnati Insurance Company
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INER LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR	CPP0912269	02/16/04	02/16/05	EACH OCCURRENCE \$ 1000000 FIRE DAMAGE (Any one fire) \$ 100000 MED EXP (Any one person) \$ 5000 PERSONAL & ADV INJURY \$ 1000000 GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP/OP AGG. \$ 2000000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
Homeowners Association

CERTIFICATE HOLDER	<input checked="" type="checkbox"/> ADDITIONAL INSURED; INSURER LETTER:	CITYOFT	CANCELLATION
City of Troy 500 W. Big Beaver Troy MI 48084		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE James C. Barr	

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

RESIDENTIAL DEVELOPMENT RIGHT-OF-WAY SIGN AGREEMENT

This Agreement is entered into on this _____ day of _____, 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 East Long Lake Estates Homeowners Association, whose address is P.O. Box 341, Troy, Michigan 48099, (hereinafter referred to as the "Residential Development").

Recitals

A. The Residential Development desires to replace an existing identification sign and/or 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 Long Lake Road and Square Lake Road and Rochester Road and John R Road. The site for the erection of the sign is located on the boulevard at Long Lake Road and Abington 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 Long Lake Road and Abington. 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 with 30 days notice to the Residential Development. 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:

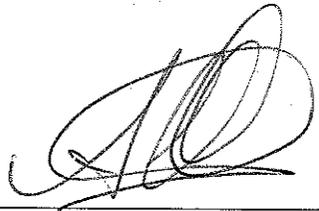
CITY OF TROY,

Matt Pryor, Mayor

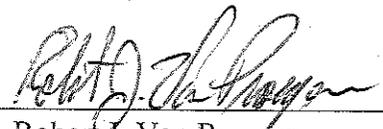
Tonni Bartholomew, Clerk

RESIDENTIAL DEVELOPMENT

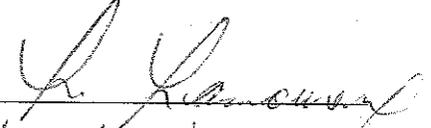
East Long Lake Homeowners
Association,



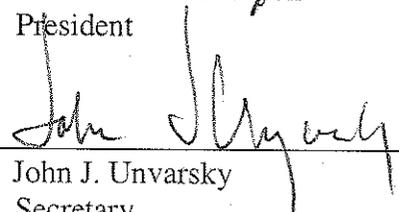
ANDREW SHAW



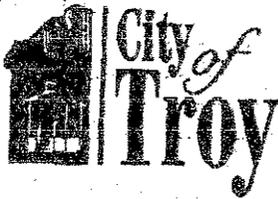
By: Robert J. Van Proeyen
Its: President



Linda Lamoureux



By: John J. Unvarsky
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

BUILDING DEPARTMENT

RECEIVED

MAY 19 2003

BUILDING DEPARTMENT

SIGN

Date: 05/19/03

Project Information

Job Address: Abington/Long Lake R.O.W. Suite # Sidewalk #

Property Owner: City of Troy Address: Phone #

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

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

Sign Size: 9.4' width 113.5" Height 41.75" 3.5' Sq. Ft. Area: 32.97A

Ground Sign: Height from grade to top of sign 41.75" 3.5' Distance from ultimate right-of-way Minimum 25'

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

Copy on sign: East Long Lake Estate

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

Name: Wild Bill & Associates Phone: 586-469-7676 Fax: 586-469-7690

Address: 40207 MORAVIAN City: CLINTON TWP State: MI Zip: 48036

Signature of Applicant: *W. F. [Signature]* License #

FOR OFFICE USE ONLY:

Variance Granted? No Yes Date:

Special Stipulations:

Date approved: Fee: Approved by:

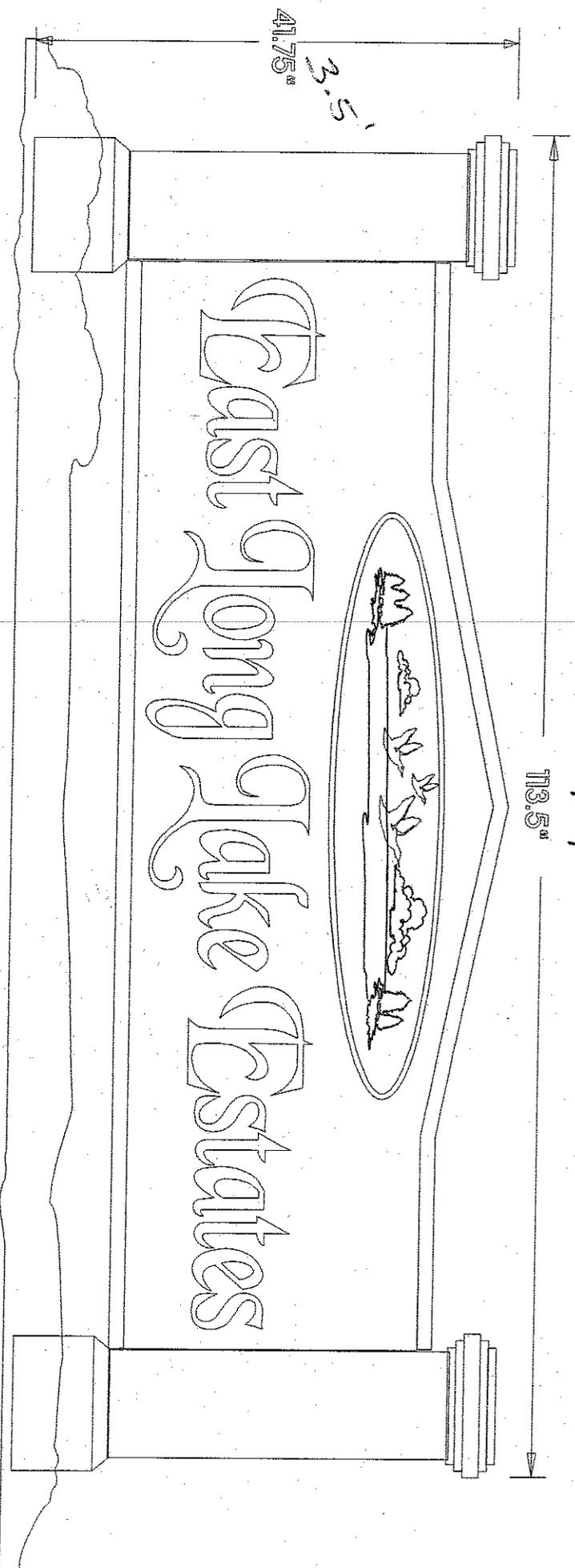
RECEIVED

MAY 19 2003

BUILDING DEPARTMENT

9.4'

113.5"



This design is the sole property of Wild Bill and associates and may not be reproduced in any form until it is paid for, or duly authorized in writing.

WILD BILL
and associates
586/469-7676 FAX 586/468-7690

EXHIBIT C

118
5061
90.00
188.48
DUE NORTH

169
5080
121.14
87.85

RECEIVED
MAY 19 2003
BUILDING DEPARTMENT

90.00
5062
135.00
DUE NORTH
89.35
125.00
104
90.00
5046
104
90.00
125.00
124.53
12.49
105
5028
105
44.32
29.45
N 89°42'00"E
85.00
85.00
125.00
13.46
102
44.32
28.48
N 89°42'00"E
111.82.N.R.
14.87
106
5010
110.59
80.72
95.65
DUE NORTH
85.00

SIDEWALK

1/2 EAST

ABINGTON DRIVE 60 FT. WD.

68.88
5081
N 89°42'00"E
83.00
5063
125.00
100
83.00
15' PRIV. UTIL. E
85.00
5045
101
85.00
N 89°42'00"E
125.00
13.46
102
44.32
28.48
N 89°42'00"E
112.84.N.R.
15.84
103
79.77
5009
112.00
95.00
FOR PUB. SEWER EASE.
STORM
SIDWALK
60.00

PD

CONTRACT

5-12-03

EAST LONG LAKE ESTATES HOMEOWNERS ASSN.

CONSTRUCT AND INSTALL 2 SIGNS APPROX. 113"X 41" AT ENTRANCES OF EAST LONG LAKE ESTATES. SIGN CABINETS AND PILLARS TO BE BUILT FROM SOLID SHAPED POLYSTYRENE COVERED WITH A THICK COATING OF POLYURETHANE AND FINISHED WITH A 100% ACRYLIC AGGREGATED TEXTURED FINISH. EAST LONG LAKE ESTATES LETTERS ARE RAISED 1.5" AND COATED WITH YELLOW HIGH GLOSS RESIN, OVAL IS 1.5" THICK HIGH DENSITY URETHANE WITH ALL DETAIL CARVED AND PAINTED APPROPRIATE COLORS. SIGNS TO BE INSTALLED ON SCHEDULE 40 STEEL POSTS SET 42" DEEP IN CONCRETE, FOR A BEAUTIFUL, MAINTENANCE FREE, WEATHER, INSECT AND ROT PROOF SIGN SYSTEM.

2 SIGNS INC. INSTALLATION

\$7500.00 PLUS TAX

TERMS: 50% DEPOSIT WITH BALANCE UPON INSTALLATION
ANY PERMITS AND OR VARIANCES TO BE OBTAINED BY
HOMEOWNERS ASSN.

RECEIVED

MAY 19 2003

BUILDING DEPARTMENT

WIB **WILD BILL**
and associates
810/469-7676 FAX 810/468-7690

LOT 101
5045 ABINGTON DR.

ABINGTON DR. — Z —

EAST LONG LAKE ESTATES
ENTRYWAY SIGN
SITE PLAN
MAY 4, 03 SCALE 3/64" = 1'-0"

LOT 102
5027 ABINGTON DR.

LOT 105
5028 ABINGTON DR.

LOT 103
5009 ABINGTON DR.

LOT 106
5010 ABINGTON DR.

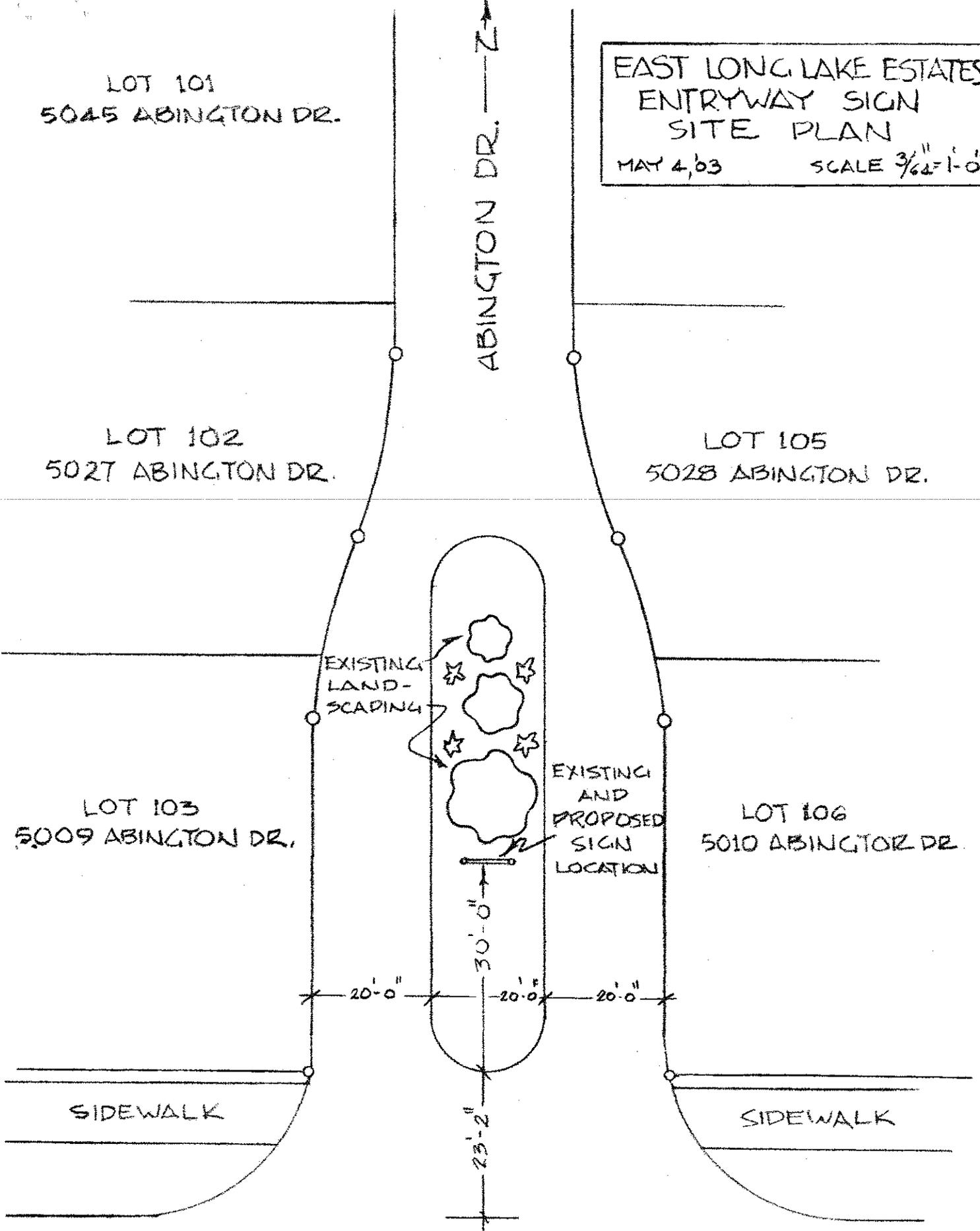
EXISTING
LAND-
SCAPING

EXISTING
AND
PROPOSED
SIGN
LOCATION

SIDEWALK

SIDEWALK

← EAST LONG LAKE ROAD →





MAY 19 2005

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



EAST LONG LAKE ESTATES HOMEOWNERS ASSOCIATION

Date: 5 Dec 03

In keeping with the by-laws of the East Long Lake Estates Homeowners Association, the Board of Directors hereby exercise their authority and designate Mr. Robert Van Proeyen and Mr. John Ungvarsky to act together on behalf of the Association in entering into agreements with the City of Troy for the Residential Development Right of Way Sign Agreements for Abington Drive and Carnaby; and with Wild Bill and Associates for a contract to build and install new Entryway Signs.

Printed Name

Signature

THOMAS RESH

Thomas Resh

JOHN UNGVARSKY

John Ungvarsky

Lynn Cooper

Lynn Cooper

Linda Lamoureux

L. Lamoureux

SLIHAN PICKETT

S. Pickett

ROBERT J. VAN PROEYEN

Robert J. Van Proeyen

SHIDONG TRAYE

Shidong Traye

ERIKA RESH

Erika Resh

<p>ACORD CERTIFICATE OF LIABILITY INSURANCE</p> <p>PRODUCER GEIB ASSOCIATES, INC. Insurance & Financial Services P.O. Box 8006 Bloomfield Hills MI 48302 Phone: 248-338-4343 Fax: 248-338-9744</p>	<p style="text-align: right;">CSR MT EASTL-3 DATE (MM/DD/YY) 02/19/04</p> <p>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</p>
<p>INSURED</p> <p>East Long Lake Estates Homeowners Association P. O. 341 Troy MI 48099</p>	<p style="text-align: center;">INSURERS AFFORDING COVERAGE</p> <p>INSURER A: Cincinnati Insurance Company</p> <p>INSURER B:</p> <p>INSURER C:</p> <p>INSURER D:</p> <p>INSURER E:</p>

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

POLICY LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<p>GENERAL LIABILITY</p> <p><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY</p> <p><input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR</p> <hr/> <p>GEN'L AGGREGATE LIMIT APPLIES PER:</p> <p><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC</p>	CPP0912269	02/16/04	02/16/05	EACH OCCURRENCE \$ 1000000
					FIRE DAMAGE (Any one fire) \$ 100000
					MED EXP (Any one person) \$ 5000
					PERSONAL & ADV INJURY \$ 1000000
					GENERAL AGGREGATE \$ 2000000
					PRODUCTS - COMP/OP AGG \$ 2000000
	<p>AUTOMOBILE LIABILITY</p> <p><input type="checkbox"/> ANY AUTO</p> <p><input type="checkbox"/> ALL OWNED AUTOS</p> <p><input type="checkbox"/> SCHEDULED AUTOS</p> <p><input type="checkbox"/> HIRED AUTOS</p> <p><input type="checkbox"/> NON-OWNED AUTOS</p>				COMBINED SINGLE LIMIT (Ea accident) \$
					BODILY INJURY (Per person) \$
					BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE (Per accident) \$
	<p>GARAGE LIABILITY</p> <p><input type="checkbox"/> ANY AUTO</p>				AUTO ONLY - EA ACCIDENT \$
					OTHER THAN AUTO ONLY: EA ACC \$
					AGG \$
	<p>EXCESS LIABILITY</p> <p><input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE</p> <p><input type="checkbox"/> DEDUCTIBLE</p> <p>RETENTION \$</p>				EACH OCCURRENCE \$
					AGGREGATE \$
	<p>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</p>				WC STATU-TORY LIMITS OTH-ER
					E.L. EACH ACCIDENT \$
					E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Homeowners Association

<p>CERTIFICATE HOLDER</p> <p>City of Troy 500 W. Big Beaver Troy MI 48084</p>	<p><input checked="" type="checkbox"/> ADDITIONAL INSURED; INSURER LETTER:</p>	<p>CITYOFT</p>	<p>CANCELLATION</p> <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.</p> <p>AUTHORIZED REPRESENTATIVE</p> <p>James C. Barr</p>
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IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

TO: Honorable Mayor and City Council

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

RE: Revisions to the Proposed City of Troy Downtown Development
Authority Budget

DATE: April 27, 2004

Please find attached revisions made in bold type to the Proposed City of Troy Downtown Development Authority Budget at the April 26, 2004 Budget Study Session.

**CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY
2004-05
BUDGET**

REVENUE

Property Taxes	\$ 3,566,000
Re-appropriation of Fund balance	792,550
Investment Income	40,000
Total Revenue	<u><u>\$ 4,398,550</u></u>

EXPENDITURES

Administrative Expenses	\$ 51,750
Operating Expenses	148,250
Debt Service - MTF Bonds (Big Beaver)	250,000
Debt Service - Big Beaver Phase 2 & 3	1,195,000
Debt Service - MTF Bonds (Roch. Rd.)	248,000
Debt Service - Refund 1995 Dev. Bonds Series A	825,000
Debt Service - Community Center	973,000
Street Island Maint.	407,550
Property Acquisition	200,000
Economic Development-MEGA Match	100,000
Total Expenditures	<u><u>\$ 4,398,550</u></u>

**CAPTURED TAXABLE VALUE
2004-05**

	Real Taxable	Personal Taxable	Total Taxable
1993 - Initial Value	342,342,400	86,936,130	429,278,530
2004 - Taxable Value	522,118,430	134,324,830	656,443,260
Captured Taxable Value	179,776,030	47,388,700	227,164,730

	Oakland County	Oakland Comm. College	City of Troy	Total
Millage Rates	\$ 4.65	\$ 1.60	\$ 9.45	\$ 15.70
Captured Yield				\$ 3,566,000

April 26, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Steven J. Vandette, City Engineer *STV*

SUBJECT: Big Beaver Landscape Project – Coolidge to Adams
Contract Change Order No. 1 for Sod and Watering

RECOMMENDATION

Staff recommends that City Council approve the attached contract Change Order No. 1 for sod replacement and watering by Tom's Landscaping in the amount of \$17,750.00 as part of the Big Beaver Landscape project. In addition, authorization is requested for additional work in an amount not to exceed 10% of the total project cost, in accordance with the original contract award resolution.

City Council previously approved a contract in the amount of \$399,820 with Tom's Landscaping, Inc. for landscaping on Big Beaver at their meeting of September 22, 2004, Resolution No. 2003-09-467. The contract, however, did not include a work item for sod replacement and watering. These items of work are needed to repair sod areas that may be damaged during the landscape work and to replace some dead areas between Adams and Coolidge from the Big Beaver widening project. This work is necessary since the Road Commission for Oakland County has determined that the road contractor met his contract obligation to water and establish sod growth late last spring. Due to very hot dry conditions last summer, some of the sod died out. We wish to remedy this situation and reduce the die out rate come the end of this summer.

PROJECT INFORMATION

The landscaping work between Rochester and I-75 is nearing completion. Remaining work includes final cleanup and hydro seed. This work is expected to be complete in early May. Tom's Landscaping will then move immediately to the west section of Big Beaver between Coolidge and Adams. Once all the tree and shrub materials are in place, sod work will be completed by Tom's Landscaping while hydro seed will be done by Parks & Recreation on the street side of the sidewalk. We are using seed rather than sod along the street side because once established, it is more tolerant to drought in both the near and long term. Tom's Landscaping will be responsible for watering the new sod areas along with the hydro seed areas completed by Parks & Recreation.

The total contract amount would increase from the approved \$399,820.00 to \$417,570.00.

FUNDING

Funds for this work are available in the Major Road Fund Account No. 401479.7989.992075.

AUTHORIZATION FOR CHANGE IN WORK

Owner: City of Troy
500 West Big Beaver
Troy, MI 48084

Name of Project: Big Beaver Landscaping Change Order No. 1

Contractor: Tom's Landscaping Date: 04-26-04

Address: _____ Contract No. _____

Project No. 99.207.5

This Change Order, When Approved, Will Constitute Authorization for the Following Changes:

*** Sod replacement and watering for the Big Beaver Landscape project:**

Item No.	Description of Work	Unit	Est. Qty.	Unit Price	Amount Increase	Amount Decrease
Additional Contract Items						
1.	Sod Replacement	Sy	1,600	5.25	8,400.00	
2.	Watering	Units	50	187.00	9,350.00	
Total						
Net Increase/Decrease					\$17,750.00	

Original Contract Amount	\$399,820.00
Change Order No. 1	\$17,750.00
<u>REVISED CONTRACT AMOUNT</u>	<u>\$417,570.00</u>

Change in Time of Completion: none _____ to _____

Recommended by: Steven J. Vandette By: _____ Date: _____
 City Engineer

Accepted by: Tom's Landscaping By: _____ Date: _____
 Contractor

Approved by: Steven J. Vandette By: _____ Date: _____
 City Engineer

April 22, 2004

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief
David J. Roberts, Assistant Fire Chief

SUBJECT: Agenda Item - Proposed Modifications to Troy City Code Chapter 93, Fire Prevention

RECOMMENDATION

To revise Chapter 93 of the Troy City Code to adopt the 2003 International Fire Code with amendments. Approving this document will provide the means of uniform inspection methods and code enforcement efforts of both the fire and building departments throughout the City of Troy.

BACKGROUND

The existing Chapter 93 currently adopts the 2000 edition of the International Fire Code with amendments and was last updated in 2001 when the State of Michigan adopted the 2000 International Building Code with amendments.

This latest adoption of the 2003 edition of the International Fire Code with amendments will coincide with the State's adoption of the 2003 International Building Code, known as the Michigan Building Code, as amended. The IFC/Chapter 93 will continue to serve as a companion code to the Michigan Building Code, thus avoiding any potential conflicts in enforcement activities.

Many of the amendments to the 2003 IFC already exist in the current edition of Chapter 93. Therefore, these current amendments are not new to Chapter 93, per se, but are modifications to the 2003 IFC document and are incorporated to correspond with the IFC's numbering sequence for ease of reference. A copy which underlines the changes to the IFC and the current Chapter 93 can be provided to Council upon request.

One notable change is that all reference to fees have been removed since they are already listed in Chapter 60 of the Troy City Code. There are no changes to any fees.

As in the past, the proposed amendments have been made based on fire department experience with the safety and welfare of the community in mind, uniform enforcement practices, as well as the safe and efficient operation of the fire department.

If you have any questions or require any additional explanation regarding the proposed ordinance modification, please contact the Fire Department.

Reviewed as to Form & Legality:

Lori Grigg Bluhm, City Attorney

CITY OF TROY

AN ORDINANCE TO REPEAL CHAPTER 93 AND ADOPTED A NEW CHAPTER 93 OF THE CODE OF THE CITY OF TROY

An Ordinance repealing Chapter 93 of the City of Troy Code of Ordinances in its entirety and adopting a new Chapter 93 which adopts by reference the 2003 Edition of the *International Fire Code*, and sets out deviations from the *International Fire Code*, which regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Troy; providing for the issuance of permits and collection of fees therefore; and providing a penalty for the violation thereof.

The City of Troy ordains:

Section 1:

Repeal. Chapter 93 of the City of Troy Code of Ordinances is hereby repealed.

Section 2:

Adoption. A new Chapter 93 of the City of Troy Code of Ordinances is hereby adopted to read as follows:

93.00 Adoption of the 2003 International Fire Code by Reference. The *International Fire Code*, 2003 Edition, including its appendices, is hereby adopted by reference with the additions, insertions, deletions and changes prescribed in Section 93.01 of this Ordinance, as the Fire Prevention Code of the City of Troy, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings. This Ordinance and a copy of the *International Fire Code*, 2003 Edition, shall be kept on file with the City Clerk.

93.01 Additions, Insertions, Deletions and Changes to the International Fire Code, 2003 Edition. The City of Troy adopts the following additions, insertions, deletions and changes from the *International Fire Code*, 2003 Edition. Subsequent section numbers used in this section shall refer to the like numbered sections of the *International Fire Code*, 2003 Edition.

101.1 Title. These regulations shall be known as the Fire Prevention Code of The City of Troy, hereinafter referred to as “this code.”

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions which establish the higher standard for the promotion of the safety and welfare of the public and the protection of the public, or as otherwise determined by State of Michigan law, shall apply. References to the International Building Code shall be interpreted as the Michigan Building Code as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

103.1 General. The Troy Fire Department shall be responsible for fire prevention inspection activities and code enforcement of buildings and occupancies as related to the risk of fire or explosion within the City of Troy. The department of fire prevention is established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and the codes and standards referenced in Chapter 45 of this code.

104.11.4 Unlawful boarding or tampering with fire department emergency equipment. A person shall not, without proper authorization from the fire official in charge of said fire department emergency equipment, cling to, attach to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, operate any emergency warning equipment, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

104.11.5 Damage/injury to fire department equipment/personnel. It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle or equipment at any time; or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.

105.1 General. Permits shall be in accordance with Section 105. Where reference is made to this section for permits elsewhere in this code and there are no provisions for issuing said permits by the department of fire prevention, the code official is authorized to waive the particular permit requirement.

105.6 Required operational permits. The code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.47. Where there are no provisions for issuing said permits, the code official is authorized to waive the particular permit requirement.

105.6.14 Exhibits, crafts and trade shows. An operational permit is required to operate/conduct all special events including exhibits, crafts and trade shows.

105.6.14.1 Permit Fee. (See Troy City Code Chapter 60)

105.6.15.1 Fireworks. An operational permit is required for the public display and retail display and sale of fireworks. Application for permits shall be made in writing at least 15

days in advance of the date of the public display, retail display or sale of fireworks. The sale, possession, and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for only that purpose. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official.

105.6.15.2 Permit Fee. (See Troy City Code Chapter 60)

105.6.21 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.21.

105.6.21.1 Required amounts for reporting. Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated in Table 105.6.21.

**TABLE 105.6.21
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS
(Quantities equal to or greater than listed)**

MATERIAL	AMOUNT
AEROSOLS LEVEL 2 OR 3	500 LBS.
ANHYDROUS AMMONIA	150 LBS.
CARCINOGENS	ANY QUANTITY
COMBINATION FLAMMABLE LIQUIDS	120 GAL.
COMBUSTIBLE LIQUIDS:	
CLASS II	120 GAL.
CLASS III-A	330 GAL.
CLASS III-B	10,000 GAL.
COMBUSTIBLE FIBER (Loose)	100 CU. FT.
COMBUSTIBLE FIBER (Baled)	1,000 CU. FT.
CORROSIVE GAS	810 CU. FT.
CORROSIVE LIQUIDS	500 GAL.
CORROSIVE SOLIDS	500 LBS.
CRYOGENIC LIQUID (FLAMMABLE)	45 GAL.
CRYOGENIC OXIDIZER	45 GAL.
EXPLOSIVE & BLASTING AGENTS: (Not including Class "C" explosive)	1 LB.
FLAMMABLE GAS	30 GAL. Water Capacity
LIQUIFIED NATURAL GAS	30 GAL. Water Capacity
LIQUIFIED PETROLEUM GAS	30 GAL. Water Capacity
NON-FLAMMABLE GAS	100 GAL. Water Capacity
FLAMMABLE LIQUIDS:	
CLASS 1-A	30 GAL.
CLASS 1-B	60 GAL.
CLASS 1-C	90 GAL.
FLAMMABLE SOLID	125 LBS.
IRRITATING MATERIAL (Gas)	810 CU. FT.
IRRITATING MATERIAL (Liquid)	1,000 GAL.

IRRITATING MATERIAL (Solid)	500 LBS.
ORGANIC PEROXIDES:	
CLASS I	5 LBS.
CLASS II	50 LBS.
CLASS III	125 LBS.
OXIDIZING GAS	1,500 CU. FT.
OXIDIZER	
CLASS 1	500 LBS.
CLASS 2	250 LBS.
CLASS 3	10 LBS.
CLASS 4	1 LB.
POISON	500 LBS.
PYROPHORIC	4 LBS.
	50 CU. FT.
RADIOACTIVE	ANY QUANTITY
SPONTANEOUSLY COMBUSTIBLE MATERIAL	100 LBS.
TOXIC MATERIAL	500 LBS.
	810 CU. FT.
HIGHLY TOXIC MATERIAL	10 LBS.
	20 CU. FT.
UNSTABLE (REACTIVE) MATERIAL:	
CLASS 2	50 LBS.; 250 CU. FT.
CLASS 3	5 LBS.; 50 CU. FT.
CLASS 4	1 LB.
WATER REACTIVE MATERIAL:	
CLASS 2	50 LBS.
CLASS 3	5 LBS.

105.6.21.2 Permit Fees. (See Troy City Code Chapter 60)

105.7.1.1 Installations. Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include any device or relay connected to or controlled by the fire suppression system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view. The fire code official is authorized to require installation documents in an approved electronic format.

105.7.1.2 Permit Fees. (See Troy City Code Chapter 60)

105.7.3.1 Installations. Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm or detection system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view. The fire code official is authorized to require installation documents in an approved electronic format.

105.7.13 Permit issuance. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

106.5 Cancellation fees. Handling cost for permits canceled after being issued is 35% of the permit fee or \$10.00, whichever is greater.

108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals as established in Section 116 of Chapter 79 of the Troy City Code.

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred (500) dollars or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment as determined by a judge in a court of law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 112 MISCELLANEOUS HAZARDS

112.1 Hazardous materials - fire department responsibility. The Troy Fire Department shall be responsible for gathering and organizing information, identifying risks, and enforcing codes, standards, and laws relating to the production, storage and use of hazardous materials within the City of Troy and the notification to fire fighting personnel of related hazards. The method and frequency shall be determined by the fire official or his duly authorized representative.

112.2 Cost recovery – hazardous materials. The fire department may recover all costs for use of equipment, personnel, and supplies associated with incidents involving hazardous materials resulting from accidents, fires, spills, leaks, or release of product. Such costs shall include but are not limited to those associated with incident abatement, mitigation, and clean up; extinguishment; and stand-by including any related third party costs. Such costs shall be the responsibility of the owner, operator or agent of the building, property, equipment, vehicle, or container causing or contributing to a hazardous condition, fire, or dangerous situation.

112.3 Cost recovery – fires. The fire department may recover all costs for use of equipment, personnel, and supplies associated with fire extinguishment when it is determined that such fire extinguishment was necessitated by a person's intentional disregard for the safety of persons or property, violation of law, or recklessness.

112.4 Hazardous conditions. If upon the expiration of the time mentioned in a notice of violation, hazardous conditions, including but not limited to, obstructions or encroachments inhibiting access to or egress from a space or building, are not removed, the code official shall proceed to remove or have removed the same. The expense

incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

112.5 False alarms. It shall be unlawful for any person to summon, in any way, the fire department unless a valid reason for their response is present. (See also the Troy City Code False Fire Alarm Ordinance.)

112.6 Nonstandard Equipment. Equipment and devices which are not in compliance with recognized standards for design and construction may be approved upon presentation of satisfactory evidence that they are designed and constructed for safe operation.

SECTION 202 GENERAL DEFINITIONS

FIRE CODE OFFICIAL. The fire chief, fire marshal, code enforcement officer, or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or duly authorized representative. The term “fire code official” may be used interchangeably with “code official” and “fire official” in this code.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department by method(s) approved or recommended by the fire code official.

302.1 Definitions.

BONFIRE. An outdoor fire which burns only seasoned dry firewood or clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events subject to the following provisions:

1. Prior approval of the Troy City Council.
2. Compliance with any special restrictions as determined by the fire official.
3. Payment of costs associated with special fire protection as determined by the fire official.

GROUND FIRE. An outdoor fire for the purpose of viewing or warming, or utilized to cook food for human consumption, or for ceremonial purposes, which burns only seasoned dry firewood or commercially available charcoal briquettes intended to minimize the generation of air contaminants.

304.2 Storage. Storage of combustible rubbish or other combustible material such as pallets, crates, boxes, etc., shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare and shall not be within 10 feet (3048 mm) of a structure.

307.2 Permit Required. Deleted.

307.2.1 Authorization. Deleted.

307.2.2 Prohibited open burning. Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The fire official or police official is authorized to order the extinguishment of open burning which creates or adds to a hazardous or objectionable situation. Burning for purposes of incineration of waste material including paper, leaves, or any other combustible debris, outside of any structure at any place is prohibited.

307.2.3 Allowable burning. Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs. Bonfires may be permitted if in compliance with 307.3.1 and subject to prior approval of the fire official.

307.3.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Once approved, the intended maximum size and duration of a bonfire shall not be increased unless by City Council and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

307.3.3 Ground fires. A ground fire shall be the minimum size for the intended purpose but not larger than 3 feet by 3 feet by 3 feet in dimension and shall be contained in a safe manner.

307.6 Fire department training. Open burning is allowed for the purpose of training fire fighters for fire fighting practice, or for the purpose of training the public, including workers or employees, or for the purpose of demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with accepted practice.

308.3 Open flame. A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in assembly or educational occupancies without first obtaining written approval from the fire code official.

312.2 Posts. Fire hydrants located in vehicular traffic areas shall be protected against vehicle damage by the installation of guard posts. These posts shall be installed in accordance with the City of Troy Development Standards requirements for water mains. It shall be the property owner's responsibility to provide and maintain this protection.

315.3.3 Separation. Outside storage shall not be located within 10 feet (3048 mm) of a structure.

SECTION 502 DEFINITIONS

EMERGENCY VEHICLE ACCESS. A passageway, as specified in Section 503.7 of this code, for fire apparatus and other emergency vehicles to access a street or property in the event of an emergency.

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and in accordance with City of Troy Development Standards.

503.2.1 Dimensions. Fire apparatus access roads and fire lanes shall have an unobstructed width of not less than 18 feet (5486.4 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267.2 mm).

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the ~~fire chief~~ fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

503.7 Emergency Vehicle Access. Emergency vehicle access (EVA) shall be determined and approved by the fire code official. Unless otherwise required, EVAs shall be of the following specifications:

- minimum of 12 feet (3657.6 mm) wide
- surface capable of supporting the weight of fire apparatus up to 60,000 pounds GVW
- minimum grade changes to accommodate fire apparatus undercarriage ground clearances
- mountable curb at entrance/exit with adequate turning radii to and from the EVA
- standard “No Parking – Fire Lane” signage posted at entrance/exit to EVA
- EVA signage posted at entrance/exit of EVA, on both sides of surface, every 50 feet (15240 mm) for length of EVA
- EVA signage to withstand snow removal/landscape maintenance efforts
- EVA to be kept clear of snow and vegetation

505.1 Address numbers. (See Troy City Code Chapter 2.)

506.1 When Required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where an alarm signaling system or device is installed that may summon the fire department, the fire code official is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain access as required by the fire code official. Any appeal that may arise shall be referred to the Building Board of Appeals as established in Section 116 of Chapter 79 of the Troy City Code.

508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B and in accordance with City of Troy Development Standards. An appropriate pressure and flow margin of safety shall be provided with each fire sprinkler system as required by the code official.

508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6 and shall be in accordance with Appendix C and City of Troy Development Standards.

508.5.4.1 Removal of obstructions. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments to a fire hydrant, or to other fire protection equipment, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

610.1.1 Exhaust fans. Exhaust fans for commercial cooking hoods shall be installed so that the fans are operational at all times cooking is occurring. This may be accomplished by a temperature monitoring device installed in, on, or near the hood to activate the exhaust fan(s) at a pre-determined temperature, or as otherwise approved by the code official.

803.1.1 Explosive and highly flammable or combustible materials. Furnishings or decorations of an explosive or highly flammable or combustible character shall not be used.

804.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group A, B, E, F, H, I, M, R-1, R-2, R-4, S, and U occupancies.

Exception: Trees located in areas protected by an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B, E, F, M, R-1, R-2, S, and U.

805.1 General. In occupancies of Groups A, B, E, F, H, I, M, R-1 and dormitories in Group R-2, R-4, S, and U, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall be flame resistant in accordance with Section 805.2 and NFPA 701 or be noncombustible.

901.5 Installation acceptance testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing is performed in order to schedule, witness and approve such testing prior to use of said fire protection system or equipment.

901.6.2 Records. Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 1 year and made available to the code official upon request. A copy shall also be sent to the code official by the service company or individual performing such work within 30 days or as may be otherwise required by the fire code official.

901.6.2.1 Noncompliant systems. Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

901.6.3 Anti-freeze fire sprinkler systems. Fire sprinkler systems designed and installed to protect areas prone to freezing shall be drained and tested, then refilled and maintained to insure the solution is operable to -40 degrees F or as otherwise approved by the code official.

SECTION 902 DEFINITIONS

NONCOMPLIANT. Refers to alterations, modifications, or other such changes to fire suppression, protection, detection, alarm, or other related systems, affecting the design, installation, or proper or intended operation of said system. Does not comply with the applicable standard or criteria set forth when originally installed, tested, and approved.

903.2.10.3 Buildings over 30 feet in height. An automatic sprinkler system shall be installed throughout a building that has a floor level which has an occupant load of 30 or more occupants and which is located 30 feet (9144 mm) or more above the lowest level of fire department vehicle access.

Exceptions: Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

903.3.5.3 Required pressure margin. Due to unforeseeable and changing conditions within the water supply, the code official is authorized to require a pressure margin of up to 20 lbs over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide this margin.

903.4.2 Alarms. Approved audible-visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Exterior audible-visual devices shall activate only on water flow. Where a fire alarm system is installed in the building, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

904.3.5 Monitoring. Automatic fire extinguishing systems shall be monitored by a supervising station in accordance with NFPA 72 as approved by the code official. Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72 and shall automatically annunciate their location at the building's fire alarm control panel, and activate the building's appropriate fire protective signaling sequence.

907.2.12 High-rise buildings. Buildings having floors used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communication system in accordance with Section 907.2.12.2.

Exceptions: Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

907.4.4 Signs. Where fire alarm systems are not monitored by a supervising station, an approved permanent sign that reads: THIS ALARM DOES NOT NOTIFY THE FIRE DEPARTMENT - TO REPORT A FIRE DIAL 911. Such sign shall be installed adjacent to each manual fire alarm box.

Exception: Where the manufacturer has permanently provided this information on the manual fire alarm box and as approved by the code official.

907.5.1. Required power. Where required by the code official, systems and their components shall be designed to provide adequate power in order to accommodate additional devices as a result of anticipated future expansion to the system. Unless otherwise approved by the code official, 10 amps per 10,000 square feet shall be used as a guide.

907.7.1 Annunciation. Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation shall be required for each separately addressed tenant space unless otherwise approved by the code official.

907.9.2 High-rise buildings. In buildings that have floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access that are occupied for human occupancy, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors
2. Sprinkler water-flow devices.
3. Manual fire alarm boxes.
4. Other approved types of automatic fire detection devices or suppression systems as required by the code official.

907.10.2.1 Temporal Code-3. Audible alarm notification appliances shall sound in temporal Code-3 pattern as approved by the code official.

907.10.2.2 Audible alarm appliance silencing. Where required by the code official, there shall be a means provided at the fire alarm control panel to silence audible alarm devices without resetting the panel. Where audible alarm devices are provided in connection with visual alarm devices, there shall be a means provided to silence the audible alarm devices without disabling the visual alarm devices or resetting the panel.

907.12.1 Remote annunciation: Where required by the code official, when a detector is not immediately visible or easily accessible, a means of remote annunciation such as a light or other visible indicator shall be installed and marked with an approved description of the detector location in order to indicate the presence and location of detectors in accordance with NFPA 72. Remote annunciation shall be installed in the immediate vicinity of the detector as approved by the fire code official.

909.16.1 Smoke control systems. Fans within the building shall be shown on the fire-fighter's control panel. A clear indication of the direction of airflow and the relationship of components shall be displayed. A means of confirming equipment function such as an atmospheric pressure switch, air velocity switch, or electrical current differential device, shall be installed to indicate the status of fans, dampers, or other associated equipment during alarm activations or smoke control operations. Status indicators shall be provided

for all smoke control equipment, annunciated by fan and zone and by pilot-lamp-type indicators as follows:

1. Fans, dampers and other operating equipment in their normal status – WHITE.
2. Fans, dampers and other operating equipment in their off or closed status – RED.
3. Fans, dampers and other operating equipment in their on or open status – GREEN.
4. Fans, dampers and other operating equipment in a fault status – YELLOW/AMBER.

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be within 100 feet (30 480 mm) of a hydrant and shall be approved by the code official.

SECTION 914.0 TEMPERATURE AND MONITORING

914.1 General. Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures. Where the code official deems necessary, equipment shall be installed to monitor the temperature of said areas and send a trouble or supervisory signal to an approved location when the temperature falls below 40 degrees F to warn of freezing conditions so that the occurrence of frozen and/or broken piping, valve(s), and fire pump(s) can be prevented.

1004.3 Posting of occupant load. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space, or other approved location. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. The number of occupants permitted shall also be determined in accordance with Chapter 39 of the Troy City Code (parking limitation).

1019.1.8 Smokeproof enclosures. In buildings required to comply with Section 403 or 405 of the code, each of the exits of a building which serves stories where the floor surface is more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.2 of the International Building Code.

1022.2 Use in a means of egress. Exterior exit stairways shall not be used as an element of a required means of egress for occupancies in Group I-2. For occupancies in other than Group I-2, exterior exit stairways shall be permitted as an element of a required means of egress for buildings not exceeding five stories or 55 feet (16 764 mm) in height.

1025.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in group R as applicable in section 101.2, classrooms greater than 250 feet² (23.2 m²) in group E, and group I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least 1 exterior emergency escape and rescue opening in accordance with this section. Where basements contain 1 or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining

areas of the basement. Such opening shall open directly into a public street, public alley, yard, or court.

Exceptions:

1. In other than group R-3 occupancies as applicable in section 101.2, buildings equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1 or 903.3.1.2.
2. In other than group R-3 occupancies as applicable in section 101.2, sleeping rooms provided with a door to a fire-resistance-rated corridor having access to 2 remote exits in opposite directions.
3. The emergency escape and rescue opening is permitted to open onto a balcony within an atrium in accordance with the requirements of section 404, provided the balcony provides access to an exit and the dwelling unit or sleeping unit has a means of egress that is not open to the atrium.
4. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue windows.
5. High-rise buildings in accordance with section 403.
6. Emergency escape and rescue openings are not required from basements or sleeping rooms which have an exit door or exit access door that opens directly into a public street, public alley, yard, egress court, or to an exterior exit balcony that opens to a public street, public alley, yard, or egress court.
7. Basements without habitable spaces and having not more than 200 square feet (18.6 square meters) in floor area shall not be required to have emergency escape windows.

1201.1 Scope. Dry cleaning plants and their operations shall comply with the requirements of this chapter and NFPA 32, and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

2201.1 Scope. Automotive motor fuel-dispensing facilities, marine motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities and repair garages shall be in accordance with this chapter and the *Michigan Building Code*, *International Fuel Gas Code* and the *Michigan Mechanical Code*, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent. Such operations shall include both operations that are accessible to the public and private operations.

2206.1 General. Storage of flammable and combustible liquids shall be in accordance with Chapter 34 and Section 2206, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent.

2206.7.8 Gravity and pressure dispensing. Flammable or combustible liquids shall not be dispensed by gravity from tanks, drums, barrels or similar containers. Flammable or combustible liquids shall not be dispensed by a device operating through pressure within a storage tank, drum or container. Approved pumps taking suction from the top of the container shall be utilized.

2803.2 Identification. Cartons shall be identified on at least one side with the classification level of the aerosol products contained within the carton as follows:

LEVEL _____ AEROSOLS

The side of the carton marked shall be clearly visible when stored in configurations of two or more cartons.

3301.1.1 Explosive material standard. In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials, and the Michigan Explosives Law 1970 PA 202, as amended, or its equivalent.

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited unless in compliance with the Michigan Fireworks Law 1931 PA 328, as amended, or its equivalent.

3301.1.4 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of NFPA 1122, NFPA 1125, and NFPA 1127, and the Michigan Model Rocket Law 1965 PA 333, as amended, or its equivalent.

3301.2.4 Financial responsibility. Deleted.

3301.2.4 Bond for public display: The permit holder shall furnish a bond in an amount approved by the City of Troy for the payment of all potential damage caused either to the person or property due to the permitted display, and arising from any acts of the permit holder or the agent of the permit holder.

3308.1 General. The display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with this chapter and NFPA 1123 or NFPA 1126. Approved public displays shall be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not be a hazard to property or endanger any person.

3308.11 Retail display and sale. A permit shall be required as set forth in Section 105.6 and regulated in accordance with this section. Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. No person under the age of 18 years shall sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

3401.3 Referenced documents. The applicable requirements of Chapter 27, other chapters of this code, the *Michigan Building Code*, and the *Michigan Mechanical Code* pertaining to flammable liquids, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent shall apply.

3401.4 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7, and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

3404.2.9 Above-ground tanks. Above-ground storage of flammable and combustible liquids in tanks shall comply with Section 3404.2 and Sections 3404.2.9.1 through 3404.2.9.6.10, and the Michigan Aboveground Storage Tank Rules, or their equivalent.

3404.2.11 Underground tanks. Underground storage of flammable and combustible liquids in tanks shall comply with Section 3404.2 and Sections 3404.2.11.1 through 3404.2.11.5.2, and the Michigan Underground Storage Tank Rules, or their equivalent.

3405.2.4 Class I and II liquids. Class I and II liquids shall be transferred by one of the following methods:

1. From safety cans complying with UL 30.
2. Through an approved closed piping system.
3. From containers or tanks by an approved pump taking suction through an opening in the top of the container or tank.
4. Flammable and combustible liquids shall not be dispensed by gravity from tanks.
5. Approved engineered liquid transfer systems.

Exception: Liquids in containers not exceeding a 5.3 gallon (20 L) capacity.

3406.2.5.2 Tanks for gravity discharge. When approved by the code official, tanks with a connection in the bottom or end for gravity-dispensing liquids shall be mounted and equipped as follows:

1. Supports to elevate the tank for gravity discharge shall be designed to carry all required loads and provide stability.
2. Bottom or end openings for gravity discharge shall be equipped with a valve located adjacent to the tank shell which will close automatically in the event of fire through the operation of an effective heat-activated releasing device. Where this valve cannot be operated manually, it shall be supplemented by a second, manually operated valve. The gravity discharge outlet shall be provided with an approved hose equipped with a self-closing valve at the discharge end of a type that can be padlocked to its hangar.

3801.2 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7 and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

Chapter 45

REFERENCED STANDARDS

State of Michigan Laws, Rules, or Requirements including but not necessarily limited to the following with amendments:

Michigan Fire Prevention Code 1941 PA 207

Michigan Explosives Law 1970 PA 202

Michigan Fireworks Law 1931 PA 328

Michigan Model Rocket Law 1965 PA 333

Michigan Storage and Handling of Flammable and Combustible Liquids Rules

Michigan Underground Storage Tank Rules 1999

Appendix C
FIRE HYDRANT LOCATIONS AND DISTRIBUTION

TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NO. OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a,b,c} (feet)	MAXIMUM DISTANCE FROM MOST REMOTE PORTION OF BUILDING ACCESSIBLE BY FIRE APPARATUS TO A HYDRANT ^d (feet)
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more ^e	200	120

For SI: 1 gallon per minute = 3.785 L/m, 1 foot = 304.8 mm

^a Reduce by 100 feet (30,480 mm) for dead-end streets or roads with dead-end water main.

^b Where streets are provided with median dividers which can be crossed by firefighters pulling hose lines, or arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet (152.4 m) on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute (26,495 L/min.) and 400 feet (122 m) for higher fire-flow requirements.

^c Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet (305 m) to provide for transportation hazards.

^d Reduce by 50 feet (15,240 mm) for dead-end streets or roads.

^e One hydrant for each 1,000 gallons per minute (3,785 L/min.) or fraction thereof.

Appendix D
FIRE APPARATUS ACCESS ROADS

D101.1 Scope. Fire apparatus access roads shall be in compliance with this appendix and all other applicable requirements of the *International Fire Code*, and City of Troy Development Standards.

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 18 feet (5486.4 mm) unless otherwise approved by the code official.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the code official.

6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools carried by the fire department.
7. Locking device specifications shall be submitted for approval to the code official.
8. Where buildings protected by electric gates are provided with automatic fire protection and detections systems, gates shall open and remain open upon initiation of an alarm.

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 provisions 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 3rd day of May, 2004.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

April 27, 2004

TO: John Szerlag, City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM - Local Match for a Michigan Economic Growth Alliance (MEGA) Retention Incentive Package

Management has been approached by the Michigan Economic Growth Alliance (MEGA) and Toyoda Gosie (TG) North America to provide a local match for a state package of financial incentives to retain the company in Michigan, and in this case in Troy. State law requires that in order for MEGA to provide an incentive package to a company, a local contribution must be made. The size and nature of that local match is negotiated between MEGA and the local community. This MEGA incentive package will be considered by MEGA on May 18, 2004.

The company, TG North America, is a major supplier to Toyota and manufacturers a host of automated related projects particularly safety systems, ceiling and fuel systems and interior and exterior opt dual electronics (43% of the stock is owned by Toyota Motor Corporation). The company also has some non-automotive electronics in cell phones, full color display, traffic signal, general illumination and aviation fields. The company currently operates in Kentucky, California, Montana, Michigan, Canada and Mexico. The Michigan locations include Brighton, Plymouth and Troy.

Currently TG North America has approximately 200 employees at 1095 Crooks Road in Troy and these employees would all move to the Siemens location. The company has committed to adding 50 jobs in the next two years. This move will be its North American Headquarters and Technical Center. The company would be engaged in research and product development and the management of their North American operations from this site.

The new Michigan facility at 4685 Investment Drive currently is home to Siemens. The facility is a three story, approximately 79,000 square foot building. The company's current facility on Crooks Road is approximately 35,000 square feet. TG North America has negotiated a ten-year lease with an option to buy on the property and would expect to be in the building by the end of 2004. Total investment over the ten-year lease of the contract, including leasehold improvements, equipment, furniture and fixtures, is estimated to be \$1.6 million.

The MEGA package is worth approximately \$1 million and will be made up of rebating the employer's share of personal income tax paid on wages and

possible assistance for job training. The local contribution is provided only if and when the company receives MEGA approval.

The City's effort in creating a local contribution is difficult in this situation because the building on Investment Drive does not require any public infrastructure such as roadwork or watermain etc. The first effort by staff is always to provide public infrastructure expenditures as our local match to a MEGA. MEGA normally requires a local tax abatement wherever possible. In this case no tax abatement is available. However, in determining the amount of the local contribution, MEGA estimates what a local personal property tax abatement (for the length of the MEGA tax incentives) would be, and in this case it is ten years and requires that the local contribution be at least 50% of that. They have estimated that the combination should be \$80,000 to \$100,000.

After discussion between city staff and MEGA, a somewhat unique idea for the local contribution was suggested and approved by the MEGA staff. The local contribution would be the creation of a park on an approximately two- acre parcel that is owned by SOC Credit Union. The property sits between the SOC and the Siemens buildings. The proposal is to have SOC donate the land to be used as a city park for ten years. The city would provide the cost of to clear and mow the park, provide landscaping, irrigation and limited benches, picnic tables, trash receptacles and a half court size basketball court. This cost would be approximately \$57,000 and would come from the Parks and Recreation park development budget during the next eighteen months, or in the 2004-2005 budget and 2005-2006 budget. The exact development of the park and its elements would be a cooperative effort between the City, SOC and TG North America. TG North America has committed to maintaining the park for the ten-year period. The SOC Board met on April 28, 2004 and approved the donation of their land as a city park for ten years subject to an actual agreement that would be drafted with the City. The Parks and Recreation Department has reviewed the concept and believes a public park in this location, under these circumstances would be a benefit to the City.

While somewhat of a unique local contribution, it really brings the neighboring businesses together, provides a local park open to anyone, for a very modest sum and most importantly allows the City to retain an important business it would otherwise lose. The SOC should be commended for its willingness to cooperate in this matter.

Again, this local contribution is required for MEGA to award the state package of incentives. MEGA conducts an extensive examination to clearly document that there was a real potential for this company out of state and that is why the intervention by the State to try to keep them in Michigan with these incentives. Again, the funding would be available from the park development fund in the next two budget cycles.

Management would recommend that City Council approve of this local contribution. "The local contribution is triggered by the certification by MEGA that the company, in this case TG North America, has met all of the requirements in terms of job creation and investment on site".

April 26, 2004

Mr. Doug Smith
Real Estate and Development
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285

Dear Mr. Smith:

As you are aware, we have a confidential client who is an international, Tier 1 automotive supplier considering an expansion and location of their North American Headquarters and Technology Center. They are currently looking at a property located at 4685 Investment Drive in Troy. We are competing against the state of Kentucky for the project. The company has facilities with an available building in Kentucky and have just won a major contract for work in Texas. They also have contracts with other customers in the southeastern part of the U.S., so a Kentucky location for their headquarters would be a viable consideration..

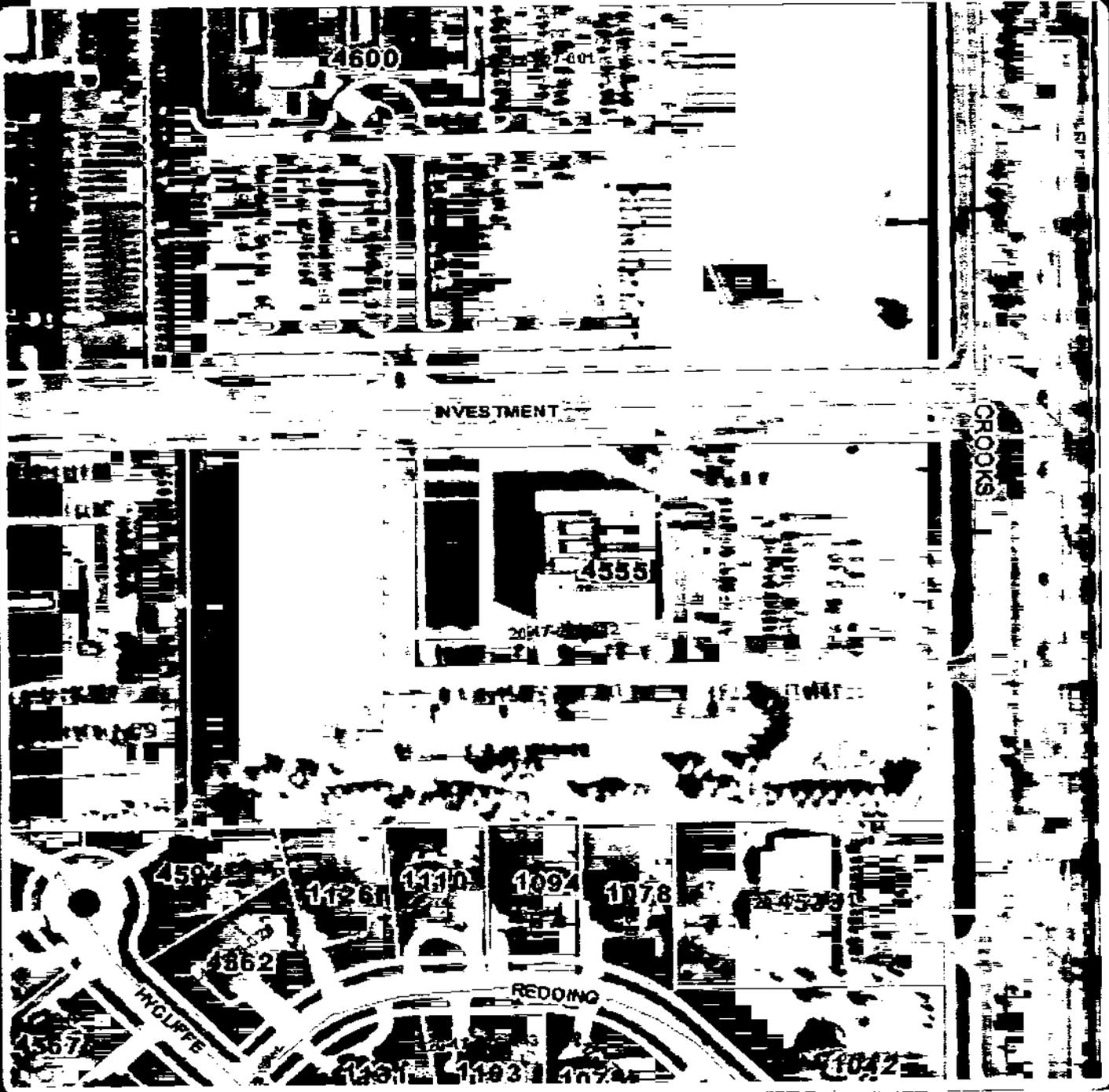
This project would create 150 new jobs, retaining 200 jobs in Troy. The projected capital investment would be approximately \$1.3million for personal property and the considerable investment in wages for a location of this nature. The company has about 400 employees currently in Michigan located in 4 facilities. The state of Michigan is currently in process of negotiating a MEGA credit that could be valued at up to \$4million. As you know, the MEGA legislation requires a local contribution. The company does not qualify for the local high tech tax abatement so we are looking for other avenues for local commitment. We think that the concept of a public park located adjacent to the new facility would have merit and look forward to hearing further from you and the City of Troy in that regard.

We appreciate your efforts and the commitment from the City of Troy to assist us in landing this important facility for Michigan.

Sincerely,

Pauline Jacques Millichamp
National Account Manager
Global Business Development
Michigan Economic Development Corporation

Geographical Information Systems Online



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



April 27, 2004

TO: John Szerlag, City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: Local Match for a Michigan Economic Growth Alliance Retention and Incentive Package

Management has been approached by the Michigan Economic Growth Alliance (MEGA) and Rock Financial to provide a local match for a state package of incentives to retain the company in Michigan. State law requires that in order for MEGA to provide an incentive package to a company, a local contribution must be made. The size and nature of that local match is negotiated between MEGA and the local community. This MEGA incentive package will be considered by MEGA on May 18, 2004.

The company is Rock Financial (Quicken Loans) and is considering leasing a large portion of 800 Tower Drive formerly occupied by EDS. The company employs 1600 people in the state. The company has been growing quickly and is in need of a second facility in addition to its Livonia offices. The company plans to invest \$6.6 million in personal property and employ up to an additional 1200 people. The company is considering leasing nearly 100,000 square feet in three phases over the next 15 to 16 months. Michigan is in competition with Nevada for this facility. While the incentive package has not been completely negotiated, the initial estimates are that the MEGA package will be worth over \$10 million.

The company currently does have a small presence, 30,000 square feet at 1455 Long Lake under the name of "Title Source". So while this is formally a retention issue, it really is about attracting the World Headquarters for Rock Financial and the consolidation long term of a number of sites that could, in the long term, occupy the entire 800 Tower Drive building. With the exceptionally high vacancy rates in Class A office space and the reduction in personal property tax revenue, this would be an important client for Troy. With \$6.6 million of personal property, the company would be paying \$35,000 a year on personal property tax and place a building, that is today vacant, back on the real estate roll to generate property tax revenue.

After discussion between city staff and MEGA, it was determined that a sufficient local contribution would be for the City of Troy to contribute \$200,000 in road repair, landscaping, and possibly lighting along Tower Drive. The pavement replacement of 22,000 square feet and 200 linear feet of curb (see attached map) along the western and southern ends of Tower Drive would cost approximately \$150,000. An additional \$50,000 of landscaping and lighting

along Tower Drive would also be required. This would be required to be done during the next eighteen months and would be included in road repair budget for 2004/05 and 2005/06.

A local contribution is provided only after there is complete documentation submitted by the company to MEGA and MEGA has determined that they have successfully met all the criterion to meet the MEGA incentive package.

Again, this local contribution is required in order for MEGA to award the state package of incentives. MEGA conducts an extensive examination that there is a documented potential for this company moving out of state, and that is why the intervention by the state is necessary, to try to keep them in Michigan.

Management would recommend that City Council approve the local contribution for this MEGA package of incentives to be \$200,000 worth of roadwork, landscaping and lighting along Tower Drive during the next two budget cycles. Finding would be available from the road budget in the 2004/05 and 2005/06 budgets.

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

April 15, 2004

Mr. Doug Smith
Real Estate and Development Director
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285

Dear Mr. Smith:

As you are aware, the MEDC is working with a confidential client who is interested in leasing a portion of 800 Tower Drive. This client currently employs approximately 1,600 in the state. The company has been growing quickly, and is in need of a second facility. They estimate investing \$6.6 million in personal property, and employing up to an additional 1,200. The client is considering leasing 33,000 sq. ft. initially, adding an additional 33,000 sq. ft. in 3-4 months, and another 33,000 sq. ft. about a year later.

Michigan is in competition with Nevada for this facility. Due to the nature of the business, a western U.S. location is very attractive. In hopes of securing the investment in Michigan, the MEDC is offering an incentive package through the Michigan Economic Growth Authority (MEGA) program. The incentive package has not yet been negotiated, but our initial estimates show that the MEGA package will be worth over \$10 million.

The MEGA legislation requires a local commitment from the community. Unfortunately, the project will not meet the City of Troy's high-technology abatement criteria. We are asking your assistance in identifying other possible ways the city can contribute to this project.

Thank you for your consideration.

Sincerely,



Penny Launstein
Director, Global Business Development

cc: Peter Anastor, MEDC

1000 N. WASHINGTON SQ.
ANN ARBOR, MI 48106

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817-777-9008

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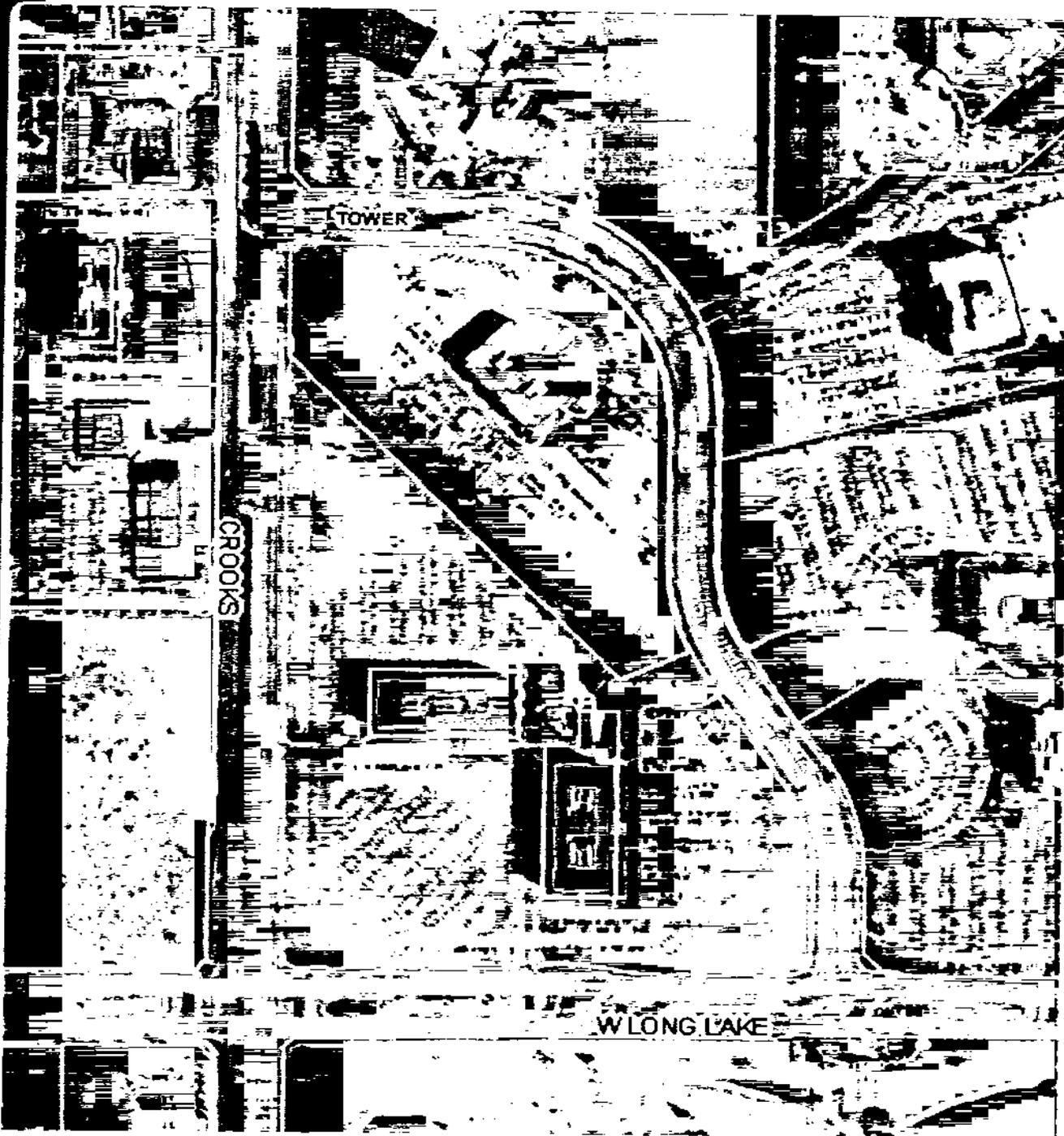
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General Industries Corp.



Geographical Information Systems Online



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April 19, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager *42*

SUBJECT: Agenda Item - Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2004/2005

RECOMMENDATION:

It is our recommendation that City Management approve the renewal of the City's workers' compensation coverage with the Michigan Municipal League Workers' Compensation Fund (MML WCF) for the annual estimated cost for fiscal year 2004-05 of \$588,653.

BACKGROUND:

The City's overall cost for FY 04/05 of \$588,653 compares with \$448,289 for FY 03/04 and \$584,727 for FY 02/03.

The MML WCF belongs to a larger non-profit captive mutual insurance company, the National League of Cities Mutual. The member pools own the company. The NLC Mutual Company annually takes competitive bids from reinsurers. As of January 1, 2004 the reinsurers and their Best ratings are: Aspen Insurance UK (A), Hannover Rk (A), Max Re (A-), Catlin Insurance Company Ltd. (A), Folksamerica Reinsurance Company (A), Renaissance Reinsurance Ltd. (A+), Underwriter At Lloyd's (A-), Zurich American Insurance Company (A).

In March of 2003, City Management engaged Independent Insurance Counselor, Mr. Angelo Zervos to evaluate the current state of the City's workers' compensation program and provide a recommendation as to the most appropriate action to be taken by the City. Mr. Zervos' report and recommendation is attached for review. His evaluation indicated the MML program would cost the City less than if we were self-insured. This was because the City has received large dividend distribution checks from the MML WCF over the past five years. Mr. Zervos' report is as relevant today as it was one year ago. The dividend distribution check for 2003 was \$151,361. The check received this year is \$179,814.

ANALYSIS:

We experienced an increase in both our premium and experience modifier for FY 2004-2005. The increase in the premium can be attributed to the hardening of the insurance market in general.

(The experience modifier is a factor developed by measuring the difference between the City's actual past loss experience and the expected experience. This factor may either be a debit or a credit. When applied to the standard premium, the experience modification produces a premium that is more representative of the City's actual loss experience.)

I spoke with Mr. Angelo Zervos regarding this year's renewal. Mr. Zervos indicated that the normal progression for a municipality like the City of Troy is to go from the purchase of commercial insurance, to an insurance pool, to self-insurance. It would be unusual for a municipality that is in an insurance pool

to revert to a commercial insurance program. In addition, Mr. Zervos said the cost of commercial insurance would be more than what the City is paying to be in the MML WCF given the current hard market. Mr. Zervos indicated that from a cost standpoint, being in the MML WCF is where the City currently belongs.

BUDGET IMPACT:

Attached is a renewal declaration page from the MML WCF indicating the net estimated premium to the City of Troy for FY 04/05 is \$768,467. After applying the dividend distribution check in the amount of \$179,814 to the net estimated premium; the net annual estimated cost to the City for workers' compensation coverage is \$588,653. Funds are available in the Workers' Compensation Fund.

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

Coverage Period 07/01/2004 to 06/30/2005

RENEWAL

Class Code	Class Description	Estimated Annual Payroll	Rate per \$100 of Payroll	Estimated Annual Premium
0106-00	Tree Pruning	180,000	6.28	11,304
5509-00	Street Operations	1,600,000	5.47	87,520
7382-00	Transit Bus Drivers	5,900	3.89	230
7520-00	Water Operations	1,250,000	2.51	31,375
7590-00	Incineration/Recycling Operations	7,000	4.76	333
7704-01	Firefighters	1,100,000	3.07	33,770
7704-02	Volunteer/On-Call Firefighters	64,000	4.94	3,162
7720-01	Police Department and Park Rangers	12,800,000	2.13	272,640
8395-00	Garage Operations	830,000	2.75	22,825
8810-01	Clerical/Office	6,400,000	.40	25,600
8810-02	Elected Officials	36,400	.21	76
8810-03	Libraries and Museums - Prof/Clerical	2,060,000	.22	4,532
8820-00	Attorneys/Judges	411,000	.25	1,028
8831-00	Animal Shelters	145,000	1.82	2,639
9015-00	Building Operations	560,000	3.12	17,472
9060-00	Municipal Golf Course	750,000	1.42	10,650
9102-00	Parks & Recreation	2,535,000	2.18	55,263
9103-00	Crossing Guards	37,000	2.70	999
9104-00	Lifeguards	291,000	2.03	5,907
9156-00	Theater - Entertainers	2,600	.74	19
9220-00	Cemetery Operations	15,000	3.01	452
9402-00	Street Cleaning	300,000	3.47	10,410
9410-00	Municipal Employees	3,600,000	1.73	62,280
	Totals :	\$ 34,979,900		\$660,486

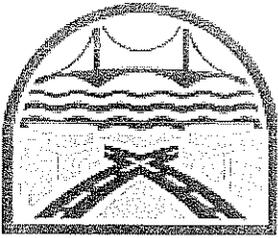
Coverage Amount

Employers Liability: \$ 500,000

Workers' Compensation: STATUTORY

1st Quarter Due	06/15/2004	\$192,117
2nd Quarter Due	09/01/2004	\$192,117
3rd Quarter Due	12/01/2004	\$192,117
4th Quarter Due	03/01/2005	\$192,116

Total Standard Premium:	\$660,486
Experience Modifier:	x 1.380
Modified Premium:	= \$911,471
Size of Premium Factor:	-\$66,485
Expense Constant:	+ \$75
Expense Constant Credit:	-\$25
Total Estimated Premium:	= \$845,036
(Dividend Credit)	-\$76,569
NET ESTIMATED PREMIUM:	= \$768,467
= Total Due:	\$768,467



MICHIGAN MUNICIPAL LEAGUE WORKERS' COMPENSATION FUND

April 15, 2004

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

Dear Mr. Nash:

We are pleased to enclose your workers' compensation renewal package for the coverage period July 1, 2004 through June 30, 2005. Included is the policy declaration and certificate of membership.

The Fund received authorization to distribute \$10 million of surplus from Fund years 7/1/1994-95, 95-96 and 96-97. Members who were members in any or all of the years for which a dividend was declared have received their proportionate share of dividends. Of the \$10 million, your portion of \$7 million has been distributed by check and your portion of \$3.0 million has been applied as a premium credit on your renewal declaration, if applicable. The following summarizes your renewal:

Premium Prior to Dividend Credit:	\$845,036
Dividend Credit:	\$76,569
Net Estimated Premium:	\$768,467
Dividend Distribution Check:	\$179,814
Annual Estimated Cost:	\$588,653

The enclosed policy declaration indicates when payments are due. Subsequent to this mailing you will receive an invoice from the finance department requesting payment. The enclosed policy declaration is not a bill.

The enclosed certificate of membership may be provided to third parties as evidence that the required workers' compensation coverage is in place. If you need additional certificate copies throughout the year, visit our website at www.mmlfund.org and enter your user name and password. Click "Online Forms" on the main toolbar then select "Certificate of Insurance."

If you have questions pertaining to any of the enclosed, please contact Kelli Collins or myself at 800/653-2483. Your cooperation and support are greatly appreciated.

Sincerely,

Karen Maladecki
Senior Underwriter
Risk Management Services
Michigan Municipal League

Enclosure
5000410

MICHIGAN MUNICIPAL LEAGUE
1675 Green Road, P.O. Box 1487
Ann Arbor, MI 48106-1487

Phone: (734) 662-3246
Toll Free: (800) 653-2483
Fax: (734) 741-1774

CITY OF TROY

REPORT PREPARED BY
ANGELO J. ZERVOS, CPCU, LIC

April 10, 2003

City of Troy
500 W. Big beaver Road
Troy, Michigan 48084

Attention: Stephen Cooperrider, ARM
Risk Manager, City of Troy
Reference: Workers Compensation Insurance

Dear Steve,

I recommend that the City of Troy renew workers compensation coverage with the Michigan Municipal League Workers Compensation Fund. This is based on the following reasons.

- 1) Comparison of historical costs demonstrated that the Michigan Municipal League Workers Compensation Fund was lower in cost than self-insurance.
- 2) The Michigan Municipal League Workers Compensation Fund has special expertise in governmental insurance.
- 3) Existing claim handling and loss control by Meadowbrook Insurance is of a high quality.

The history of dividends has reduced the net premium cost for many years. You are now paying higher premiums that reimburse the Michigan Municipal League for the large losses in 1998, 2000 and 2001. This is a normal part of the insurance premium cycle.

I also looked at the alternative of self-insurance and large deductible plans. These plans can cost the City of Troy more in premium than the dividend plan that you have selected.

I do not recommend that you go out to bid at this time. Commercial insurance choices would be limited to self-insurance or large deductible plans that increase the amount of risk taken by the City. Competitive bidding would not benefit the City because the historical cost of the fully insured programs would be higher than the current dividend plan.

If there are other questions about this report then I would be happy to clarify any of the sections.

Sincerely,

A handwritten signature in cursive script that reads "Angelo J. Zervos". The signature is written in black ink and is positioned above the typed name.

Angelo J. Zervos, CPCU, LIC

INDEX

General Information	Page 1
Self Insured Plans	
Large Deductible Plans	
Dividend Plans	
Terrorism Insurance	Page 2
Stability in Rate and Service	Page 2
Historical Information on Fund	Page 3
Interviews with Insurance Agents	Page 4
Interviews with other Municipalities	Page 5
Administrative costs of Self Insurance or Deductible Plans	Page 6
Claims costs of Self Insurance or Deductible Plans	Page 6
Net Cost of the Michigan Municipal League Insurance	Page 6
Summaries of Averages from Past Experience	Page 7
Actual Dollars in Premium and Incurred Claims	Page 8
Appendix	
History of Premium, Dividends and Incurred Losses	
Worksheet estimating premium for 2003-2004	

There are many types of workers compensation insurance plans. In this report I have focused on three types of plans. This information uses many industry specific terms that I want to clarify.

SELF INSURED PLAN

In this plan the City of Troy pays all workers compensation claims. There is usually catastrophic claims protection called Reinsurance. Reinsurance protects the City in the event of multiple deaths or a year of higher than usually frequency. In a self insured plan there is an independent company that negotiates and settles the claims called a Third Party Administrator. This same company usually offers safety services as a part of the program, called Loss Control Services. Self Insured Plans lower the upfront cost to the City and increase the risk taken by the City.

LARGE DEDUCTIBLE PLAN

In this plan the City pays all workers compensation claims up to a designated deductible. The City assumes the risks and gets the benefits of self insurance without the administrative costs that apply to Self Insured Plans. It also avoids the burden of becoming state approved to have a self insured plan. It is usually more expensive than self insurance but the City assumes less risk.

DIVIDEND PLAN

In this plan the insurance company pays all workers compensation claims. The insurance company accumulates dividends that are distributed to policyholders. When claims experience is better than expected these dividends can be substantial. The dividends are distributed by the premium size of the client. The premium rates are set for all members based on payroll. The individual policyholder rates are adjusted by an experience modification that adjusts rates based on prior experience. Dividend plans give the security of full insurance protection at a reduced premium.

The City of Troy employees have an exposure to terrorist acts. This affects the workers compensation insurance because insurance companies have taken different positions about the extent of coverage. For example the Michigan Municipal Workers Compensation Fund has taken the position that allergic reaction to smallpox vaccines will be covered as an employment related event for police, fire and emergency services workers. No benefits would be available for non-emergency personnel who suffer a reaction after receiving a vaccine on a voluntary basis. I made some inquiries about terrorism coverage and many of the insurance sources had not taken any position. The advantage of working with an insurance company that specializes in governmental risk management is that they will be proactive in addressing these new developments. I am especially concerned about reductions or exclusions in coverage by insurance companies who are protecting against catastrophic claims for self-insured municipalities.

STABILITY IN RATE THROUGH SERVICE

Self Insured plans, deductible plans and the dividend plan from the Michigan Municipal League have dramatic fluctuations in cost. This makes it difficult to budget for the workers compensation cost. The reason for the fluctuations is that workers compensation insurance is influenced directly by the claims that occur. Keeping claims costs stable evens out the rate fluctuations. For this reason the quality of the claims handling and loss control services needs to be evaluated as part of any comparison of plans. Meadowbrook Insurance provides claims handling and loss control services for the City of Troy. Meadowbrook is one of the top three agencies in the Detroit Area. I interviewed them about their procedures and was impressed with their professionalism. They were candid about the strengths and weaknesses of the current program. A strength worthy of note was their belief that the City of Troy was proactive in handling all the claims. A weakness was that claims reporting by departmental supervisors are in need of improvement. In interviews with Stephen Cooperrider of the City of Troy I received positive comments about the claims and loss control services of Meadowbrook Insurance. Any change in plan would require a new company to service the claims and loss control services. I was concerned that a change could result in a lower level of service and higher claim costs. The current system is definitely working well.

HISTORICAL INFORMATION ABOUT THE MICHIGAN MUNICIPAL LEAGUE WORKERS COMPENSATION FUND

The Michigan Municipal League Workers Compensation Fund was started in May of 1977. It is a non-profit group self-insurance pool. The dividends have been larger than any other group self-insurer program in Michigan. It arose out of a need to create an insurance company that specialized in governmental risk management. During the late seventies it was very difficult for governmental entities to purchase insurance.

There are 810 members of the Fund in Michigan. The Board of Trustees is made up of members. This means that the governmental units that pay the premiums directly influence the management of the Fund.

The Fund recently received an award from the Bureau of Workers and Unemployment Compensation. This award was for excellence in the claims handling process. The third party claims administrator is Meadowbrook Insurance. They have been the administrator since 1995.

The Fund is financially stable. It has over 108 Million in assets and over 63 Million in Surplus. To protect the assets on the Fund they purchase catastrophic reinsurance from NLC Mutual.

The Fund has been successful in keeping losses lower than expected. Accumulated dividends given to the City of Troy have been consistently high during the five years that I made the comparison. The City of Troy has been with the Michigan Municipal League Workers Compensation Fund for many years.

Since this is a non-profit self-insured fund the City of Troy receives lower costs without the financial risk of self-insurance.

If you want additional information you can visit their web site at www.mmlfund.org.

Crain's Business lists three agencies as being the top business insurance agencies in the Detroit Area. Meadowbrook, Marsh and Aon. Meadowbrook currently handles the Third Party Administration for Troy through the Michigan Municipal League program.

I talked to Marsh and they were interested in representing the City in the purchase of insurance. Marsh has over \$8,000,000 in municipal business in the Detroit Area. They were interested in selling all lines of coverage.

Aon also has an active list of municipal clients. They have a subsidiary Cambridge Integrated Services that operates as a Third Party Administrator. Aon has a large national network of personnel in governmental insurance.

A few of the municipalities interviewed talked about the advantages of going direct rather than selecting a broker. The process of limiting the brokers to qualified firms was administratively difficult for these municipalities. Since these are professional services it is important that only qualified firms represent the City. The municipalities that went directly to the insurance company liked the ease of doing business. These municipalities had risk management departments that were capable of representing the City professionally. They also appreciated the reduction in costs by going directly to the insurance company.

I interviewed seven municipalities about the type of workers compensation plan they were using. Below is a summary.

CITY	ADMINISTRATOR	TYPE OF PLAN
-----	-----	-----
Royal Oak	Citizens Management	Self Insured
Farmington Hills	Michigan Municipal League	Dividend Plan
St. Clair Shores	Citizens Management	Self Insured
Sterling Heights	Accident Fund	Self Insured
Southfield	Great American	Large Deductible
Pontiac	RISKCO	Self Insured
Dearborn	Accident Fund	Self Insured

The majority of these municipalities have a self-insured plan. While this is popular it does not necessarily mean lower costs. My review showed that self-insurance would have been more expensive for Troy the last five years.

I contacted the Third Party Administrators about their services. I also contacted the insurance companies and interviewed them about the availability of coverage. They would all be interested in providing services or coverage to the City of Troy. This does not imply that the services would be better than the current plan. Meadowbrook has provided a high level of service in claims handling.

The Accident Fund offers two year and three year plans. Citizens Management also offered a multi-year plan. Citizens offered to do a cash flow analysis of the benefits of selecting self insurance over the current insurance program. The City of Dearborn is currently engaged in a review process and is finding the insurance marketplace competitive. Some of them require an agent and others let you write insurance directly.

ADMINISTRATIVE COSTS OF SELF INSURANCE OR DEDUCTIBLE PLANS

There are administrative costs to a self-insurance plan. These consist of Agent Fees, Reinsurance, Third Party Administration Fees, Loss Control services and State Assessments. The City of Sterling Heights was willing to share these costs with us for this report. The City of Sterling Heights averaged \$73,000 per year over a five-year period. A deductible plan offers an insurance cost that I estimate would average around \$150,000.

CLAIMS COST OF SELF INSURANCE OF DEDUCTIBLE PLANS

The claims costs are not less under these plans. Internal factors of claims staffing and safety planning are critical to reducing loss severity and frequency. The City of Troy incurred \$1,699,428 in workers compensation claims over a five-year period. This averaged at \$339,886 a year.

NET COST OF THE MICHIGAN MUNICIPAL LEAGUE INSURANCE

The biggest advantage of staying with the Michigan Municipal League has been the history of large dividends. The Net Estimated premium over a five-year period was \$1,586,245. This averaged at \$317,249 a year. Over a five-year period they refunded \$743,646. This averaged at \$148,729 a year. A history of the premium, dividends and incurred losses is in the appendix at the end of the report. The net cost after all dividends over the last five years totaled \$842,599. This averaged \$168,520 a year.

A key reason for selecting the Michigan Municipal League has been their experience of the last 5 years. The net cost is substantially lower than the cost would have been if self-insurance had been in effect during the same period. Below is a model based on the averages that were calculated on the prior page. I used averages so that the costs could be viewed on an annual basis.

Type of Cost of Self Insurance	Five-year averages
-----	-----
Self Insurance administrative costs	\$ 73,000
Claims Costs	339,886

Net cost with self-insurance	\$362,650
Type of Cost of the Fund	Five-year averages
-----	-----
Actual Premium	\$317,249
Actual Dividends (Refunded)	148,729

Net cost with dividend plan	\$168,520

The financial review demonstrated that based on the past five years self-insurance would have cost more than the Michigan Municipal League Workers Compensation Fund during the same period of time.

The actual dollars demonstrate that the Michigan Municipal League has four out of the last five years received claims that exceeded premium.

1998 Annual Est. Cost 65,976
Incurred Losses 524,638

1999 Annual Est. Cost 8,387
Incurred Losses 134,421

2000 Annual Est. Cost 53,522
Incurred Losses 433,656

2001 Annual Est. Cost 129,988
Incurred Losses 497,255

2002 Annual Est. Cost 584,727
Incurred Losses 109,458

It is important to note that the incurred losses are estimates based on the likely resolution of the outstanding workers compensation claims. It is expected that the 2002-2003 information on losses is still incomplete.

Based on the fact that they lost money for so many years it was inevitable that they would ask for higher premiums in 2002. I asked the Michigan Municipal League to estimate how long the premiums would stay at these levels. We estimated that it would continue until the July 2005 year. If there are no large losses in the next three years then you can expect the premium to significantly reduce in July 2006.

Year	2002-03	2001-02	2000-01	1999-00	1998-99
Standard Premium	528,753	484,222	487,388	510,641	551,690
Experience Modifier	1.71	0.73	0.56	0.60	0.62
Total Est. Premium	838,280	328,921	254,419	285,354	318,342
Dividend Credit	77,063	77,327	42,282	138,483	103,916
Net. Est. Premium	761,217	251,594	212,137	146,871	214,426
Div. Distr. Check	176,490	121,606	158,615	138,484	148,451
Annual Est. Cost	584,727	129,988	53,522	8,387	65,975
Incurred Losses	109,458	497,255	433,656	134,421	524,638

FINAL
BROWNFIELD REDEVELOPMENT AUTHORITY
MINUTES
February 26, 2004

The meeting was called to order at 3:04 p.m. at Troy City Hall, Conference Room C, Troy City Hall.

Members Present: Katherine Lee, Victor Lenivov, Robert Swartz, Bruce Wilberding (Chairman), Laurence Goss, Lon Ullmann (arrived at 3:08 p.m.)

Absent: Art Cotsonika

Also present: Carolyn Glosby, Assistant City Attorney, Doug Smith, Secretary/Treasurer, Mark Miller, Troy Planning Director

APPROVAL OF MINUTES

Resolution # BRA 2004-01

Moved by: Swartz

Seconded by: Lenivov

Approve minutes of December 11, 2003, meeting.

Yeas: All (6)

Absent: Cotsonika

OLD BUSINESS

- A. Act 381 Work Plan for BRA Plan #3 Marilyn Glance, Grant Trigger and David Hirsch were present representing Masco Corporation. Grant Trigger reviewed the letter (Attachment A) from the MDEQ and discussed the issue of Masco as the liable party, ongoing discussions with MDEQ, the history of the project, options for the BRA to perhaps take title to the property, including examples in Taylor where this had been done before. Several strategies on moving forward were discussed, but certainly setting up a meeting with MDEQ as the next step was the general consensus. Grant Trigger, who knows one of the deputy directors for MDEQ, indicated he would set up the meeting and staff to represent the BRA.
- B. Brownfield Redevelopment Bylaws – Carolyn Glosby reviewed the amendments that had been discussed at the previous meeting. These include revising the reference to “boardmember” to simply “member” and language clarifying a quorum. The amendments as proposed were moved by Katherine Lee and Seconded by Lon Ullmann.

Resolution # BRA 2004-02
Moved by: Lee
Seconded by: Ullmann

Approve amendments to BRA Bylaws as reviewed and presented by Carolyn Glosby.

Yeas: All (6)
Absent: Cotsonika

C. Update on Website – Doug Smith reviewed with the BRA members the updates that have been made to the website.

NEW BUSINESS

Doug Smith reviewed the potential for a BRA request regarding the Preston Trucking site, which is part of the Automation Alley SmartZone south of Big Beaver and west of John R. Doug Smith also reviewed the upcoming May 4, 2004, conference, which includes an overview of the new statutory changes by key members of the MEDQ and Consumer and Industry Affairs. Doug indicated that there would be a conference hosted by the Oakland County BRA, on which he serves as vice chair.

There was no public comment.

EXCUSE ABSENT MEMBER

Resolution # BRA 2004-03
Moved by: Swartz
Seconded by: Ullmann

A motion was made to excuse the absent member Cotsonika.

Yeas: All (6)
Absent: Cotsonika

The meeting was adjourned at 4:30 p.m.

The next meeting scheduled is April 15, 2004

Bruce Wilberding, Chairman

Doug Smith, Secretary and Treasurer

BRA Minutes 2-26-04

RETIREMENT REQUEST

Resolution # ER - 2004 - 03 - 014

Moved by Szerlag
Seconded by Pallotta

RESOLVED, That the following retirement requests be approved:

Judith A. Herman, DC, 4/16/04, 18 years, 6 months
Gary A. Shripka, DB, 5/15/04, 26 years, 2 months

Yeas: All 6
Absent: Lambert

OTHER BUSINESS- INVESTMENT PERFORMANCE 12/31/03

The Board received the Investment Performance Results as of December 31, 2003.

The next meeting is April 14, 2004 at 3:00 p.m. at City Hall, Conference Room C,
500 W Big Beaver, Troy, MI.

The meeting adjourned at 3:30 p.m.



Thomas Houghton, Chairman



John M Lamerato, Secretary

FINAL
Meeting Minutes

A meeting of the Downtown Development Authority was held on Wednesday, March 17, 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 7:32 a.m.

PRESENT: Stuart Frankel
William Kennis
Alan Kiriluk
Carol Price
Matt Pryor
Ernest Reschke
Marc Rosenow
Douglas Schroeder
Harvey Weiss (arrived @ 7:34 a.m.)
Fred Wong
G. Thomas York

ABSENT: Michael Culpepper
Michele Hodges
Daniel MacLeish

ALSO PRESENT: John Szerlag
John M. Lamerato
Gary A. Shripka
Lori Grigg Bluhm
Mark Miller
Doug Smith

APPROVAL OF MINUTES

Resolution: DD-04-05
Moved by: Frankel
Seconded by: Kennis

RESOLVED, that the minutes of the February 18, 2004 regular meeting be approved.

Yeas: All (9)
Absent: Culpepper, Hodges, MacLeish, Weiss

OLD BUSINESS

Review of Big Beaver Corridor RFQ

Resolution: DD-04-06

Moved by: Kennis
Seconded by: Rosenow

RESOLVED, that the request for qualifications document be approved after adding a streetscape focus to the proposed project section.

YEAS: All (10)
Absent: Culpepper, Hodges, MacLeish

NEW BUSINESS

Civic Center – Ballot Proposal 04-6

Resolution: DD-04-07
Moved by: Kennis
Seconded by: Reschke

RESOLVED, that the Board authorize the development and distribution of a factual advertisement to educate voters on the Civic Center ballot proposal 04-6 at a cost not to exceed \$10,000.00.

YEAS: Kennis, Kiriluk, Price, Reschke, Rosenow, Schroeder, Weiss, York
NAYS: Frankel, Pryor
Absent: Culpepper, Hodges, MacLeish

PUBLIC COMMENT

Two members in attendance addressed the Board.

EXCUSE ABSENT MEMBERS

Resolution: DD-04-08
Moved by: Kennis
Seconded by: Frankel

RESOLVED, That Culpepper, Hodges and MacLeish be excused.

Yeas: All (10)
Absent: Culpepper, Hodges, MacLeish

The meeting was adjourned at 8:45 a.m.

Next Meeting: April 21, 2004 @ 7:30 a.m.

~~Alan Kiriluk, Chairman~~ G. Thomas York

John M. Lamerato, Secretary/Treasurer

JL/pg

Call to Order

The regular meeting was called to order at 7:11 p.m. in Conference Room C at Troy City Hall.

Roll Call

Present:	Tom Kaszubski	Jeff Hyun
	Padma Kuppa	Charles Yuan
	Oniell Shah	Anju Brodbine
	Flora Tan	Amin Hashmi
	Cindy Stewart, City Liaison	Kara Huang, Student Rep
Absent:	Hailu Robele, Katie Beyer	

Approval of Minutes

Minutes from March 2, 2004 - Motion by Shah, second by Kuppa. Approved unanimously.

Minutes from March 16, 2004 special meeting - Motion by Tan, second by Shah. Approved unanimously.

New Business/Special Guests:

Ann Comiskey, Executive Director & Barb Ford, Membership Chair, Troy Community Coalition for the Prevention of Drug and Alcohol Abuse

Would like to invite EIA members to join the Coalition. Mission to provide a lifestyle free from alcohol and drugs. One in four kids live with some form of addiction according to NACO (National Association for Children of Alcoholics). Top 3 substances for addiction: Alcohol, Tobacco, and Marijuana. Coalition has 11 sectors they try and recruit members from: health, youth serving, parents, youth, faith community, schools, etc.

Faith Community Prayer Breakfast shows their support in how important the faith community is with prevention. Coalition tries to reach out to community and ethnic cultures to assist with prevention and keep a healthy community. Programs include 4 year olds, 4th Grade: "Choose Wisely," Incredible Kids program, Turn Around Achievement program, Teens Taking Action, Youth Dialogue Day, Smoking cessation programs. They need volunteers for all programs. Coalition has literature, drug test kits, and support for parents and community. Community based organization believes it is better to build a child than change an adult.

Meet the 1st Thursday of each month at 7 pm at the Fire Police Training Center, 4850 John R. Invite all to come and participate. EIA suggested seminars for parents, educational forums. Drug use is down 11% across the country. Most effective way of prevention = parent involvement. Troy kids have triple threat: boredom, stress, and money.

Old Business:

A. Cultural Displays Recommendation

Architectural drawing submitted. Wall would have 79 granite blocks representing countries in world, about 3000 brick pavers (to be sold at \$75, family name only on pavers). Planter box and obelisk 10-12 feet high with seven spaces representing continents. Gas flame lit year round. Bricks to pay for entire project as well as seeking sponsor for the gas flame cost.

Local artist said she'd do an artist's rendering and member's wife will do the model. Theme is "Our strength is our unity."

Email religious institution info to Padma to put together statistical portion. EIA to brainstorm points for presentation. May 4 invite Parks & Rec/CCPTF members to our meeting. Presentation at June 7th Council Meeting.

B. Sights & Sounds of the Middle East

Spoke with Mayada and everything is set. They are preparing an entranceway for the room. Entertainment, kids workshop, cooking demo, inventions, art, Arabic name writing and more.

C. Troy Daze EthniCity: on hold

D. Fundraiser Event: EIA Craft Fair – Sights & Sounds of the World – tentative date October 10, 2004. Anju and Oniell will meet again with members from Bharatiya Temple re: rent and food. Cindy check with Lori Bluhm re: waiver of liability, they want to host ethnic craft fair at Temple. Padma will check Athens High re: Oct. 9 or 10.

E. Resource List on hold until summer

F. Diversity Week:

School letters to PTO presidents. Already sent to schools, businesses and churches. Athens High School changed their Ethnic Fair event to be during Diversity Week.

G. Law Brochure – on hold

Kara got Troy High Spanish teacher to translate the brochure

Member Comment: Charles will be gone from April 25 – May 15.

Motion by Yuan, second by Hashmi to adjourn - Meeting adjourned at 9:10 pm

Tom Kaszubski, EIA Board Chairman

Cindy Stewart, 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 April 6, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller

Absent:

Lawrence Littman
Mark J. Vleck
Wayne Wright

Also Present:

John Szerlag, City Manager
Laura Fitzpatrick, Assistant to City Manager
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Amalfi Parker, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution to excuse absent members – Refer to page 5.

2. MINUTES

Mr. Schultz requested that the March 23, 2004 minutes reflect his abstention on the roll call vote to approve the March 9, 2004 minutes (Resolution # PC-2004-03-036).

Resolution # PC-2004-04-039

Moved by: Schultz

Seconded by: Strat

RESOLVED, To approve the March 23, 2004 Special/Study Meeting minutes as amended.

Yes: All present (6)

No: None

Absent: Littman, Vleck, Wright

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. DISCUSSION WITH JOHN SZERLAG, CITY MANAGER – Interest Based Bargaining (IBB)

Mr. Szerlag presented a PowerPoint presentation on Interest Based Bargaining, its distinction from traditional bargaining, and its success in labor relations for the City of Troy. Ms. Fitzpatrick distributed a handout on Interest Based Bargaining.

A brief discussion followed.

The members thanked Mr. Szerlag and Ms. Fitzpatrick for the presentation.

5. PLANNING AND ZONING REPORT

Mr. Miller reported on the following:

- Ethics excerpt from *Planning & Zoning News* – Discussion topic at the April 27, 2004 Special/Study Meeting.
- April 19, 2004 City Council Items
 - Hidden Forest Site Condominium, Preliminary Plan, South side of Wattles, East of Livernois, Section 22, R-1C
 - Freund Site Condominium, Final Plan, North of Devonwood, East side of Adams, Section 7, R-1A
- Potential litigation regarding the Goodman property located on the west side of Rochester Road, south of Long Lake Road, Section 15. The property is presently zoned R-1T; the petitioner was denied a rezoning application to B-2 by City Council.

6. BOARD OF ZONING APPEALS REPORT

The next Board of Zoning Appeals meeting is April 20, 2004.

7. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

The next Downtown Development Authority meeting is April 21, 2004.

Mr. Miller reported that the tentative date to issue the Request for Qualifications on the Big Beaver Corridor Study is April 19, 2004.

Ms. Parker posed questions on the downtown area of Troy.

Mr. Szerlag provided a brief description and map of the Downtown Development Authority district.

8. SUB-COMMITTEE APPOINTMENTS

Chair Waller reported the sub-committee appointments would be postponed to a future study session.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #200) – Article 34.70.00 One Family Cluster Option

Mr. Miller reported that City Management reviewed the proposed language for ZOTA #200 and a modified draft reflecting Management's comments has been forwarded to the Planning Consultant for review and comment. Mr. Miller noted that it is the recommendation of the City Engineer that recreational facilities that are less pervious than natural landscape should not comprise more than 50 percent of the required open space. The Planning Department is in agreement with the City Engineer's recommendation.

Chair Waller suggested that departmental recommendations include an explanation with supporting background, rationale, documentation, drawings and/or calculations.

Mr. Strat encouraged utilization of diagrams in the publication of ordinances.

It was the consensus of the Commission that a motion to table ZOTA #200 would be made at the April 13, 2004 Regular Meeting.

10. RESULTS OF APRIL 5, 2004 ELECTION

Mr. Miller reported the results of the April 5, 2004 election.

Chair Waller said that he welcomes the opportunity to work with the new Mayor and City Council as it reconvenes.

11. REVIEW OF APRIL 13, 2004 REGULAR MEETING

Items briefly discussed were:

- *Proposed Rezoning (Z-582)* – Existing Clark Station, Northeast corner of John R and Maple, Section 25 – From B-3 to H-S
- *Proposed Rezoning (Z-694)* – Proposed Knight of Columbus Hall (in existing building), West side of Dequindre, South of Big Beaver, Section 25 – From B-1 to B-2
- *Special Use Request (SU-324)* – Proposed Dog Day Care / Commercial Kennel, BARK! LLC, North side of Industrial Row, East of Coolidge, Section 32 – M-1

- *Zoning Ordinance Text Amendment (ZOTA #200)* – Article 34.70.00 One Family Cluster Option
- *Zoning Ordinance Text Amendment (ZOTA-201)* – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

12. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Chamberlain addressed (1) ZOTA # 197, Special Use Approvals; (2) walkability in the City; (3) sidewalk waivers; and (4) the practicality of revising the Future Land Use Plan.

Mr. Motzny assured members that the Future Land Use Plan is very important, and the time and effort invested in revising the Future Land Use Plan would be very worthwhile. Mr. Motzny said the Future Land Use Plan is a guide for the City; specifically noting its guidance in rezoning cases and court decisions.

Mr. Miller stated that the Master Thoroughfare Plan and the Future Right of Way plan have dramatic affects on the community, more so now that the City is moving toward a redevelopment mode.

Mr. Strat addressed (1) concern with unshielded lights from the playing fields located at Troy High School; (2) review of sidewalks and sidewalk waivers; (3) team work on the revision of the Future Land Use Plan; and (4) the Commission's participation in Downtown Development Authority projects such as the Big Beaver Corridor Study.

Mr. Miller confirmed that school districts are exempt from the Zoning Ordinance and said, from a zoning standpoint, nothing could be done to require the school district to shield the lighting at the high school playing fields.

Mr. Szerlag suggested that a simple communication to notify the school administration of the lighting concern might resolve the problem.

Mr. Schultz reminded the Planning Department to provide a development update on recently approved projects. Mr. Schultz also requested that the Planning Department provide copies to the Commission and appropriate staff members (i.e., Landscape Analyst Ron Hynd) of the March 8, 2004 *Los Angeles Times* article titled "No Safe Arbor in the City" that relates to the elimination of trees from urban areas.

Motion to excuse absent members.

Resolution # PC-2004-04-040

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, That Messrs. Littman, Vleck and Wright be excused from attendance at this meeting.

Yes: All present (6)

No: None

Absent: Littman, Vleck, Wright

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 8:58 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, April 7, 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 MARCH 3, 2004

Motion by Kessler
Supported by Nelson

MOVED, to approve the minutes of the meeting of March 3, 2004 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. JOSEPH NIMAN, JR. 1225 EQUITY, HELLER MACHINE TOOLS, for relief of the Sign Ordinance to maintain two (2) additional 98-square foot wall signs installed without the required permits.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to maintain two (2) additional 98-square foot wall signs installed without the required permits. Section 9.02.05 B of the Ordinance permits one primary wall sign at this location, not to exceed 100 square feet in size. There is an existing sign on the east side of the building that is 98 square feet in size. The additional signs on the west and south elevations exceed the number of signs permitted by the Ordinance.

Mr. Joseph Niman was present and stated that after they had constructed an addition to their building, they felt that identification was very difficult for traffic approaching from the west and for airport traffic from the south. Mr. Niman went on to explain that these new signs are identical to the existing sign and was under the impression that they were allowed to put up one sign on each side of the building.

Mr. Dziurman asked why these extra signs were needed, and Mr. Niman informed him that he feels they are needed for identification purposes. Mr. Dziurman asked if visitors to this building had indicated that they had a problem finding the location, and Mr. Niman said that some people had said they had a difficult time.

ITEM #2 – con't.

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

There are no written objections or approvals on file.

Mr. Kessler asked who comes to this facility. Mr. Niman said they are an automotive-based company and deal with suppliers and have a flow of technical customers. Mr. Kessler asked approximately how many people come to the facility for the 1st time on a weekly basis and Mr. Niman said he thought it would be between 10 and 15. Mr. Niman also said that they have a number of engineering type people, and also have training sessions and demonstrations. Mr. Kessler said that he did not have any problem identifying this building, as it is one of the largest buildings in the area. Mr. Niman agreed that coming from the east, the identifying sign was sufficient, however, from the west and south, he feels that identification is quite difficult.

Mr. Nelson asked if there were any ground signs at this location and Mr. Niman said they did not have any ground signs at this time.

Mr. Zuazo asked what the purpose of the sign on the South side of the building was and Mr. Niman said that is to identify their location to traffic coming into the airport.

Mr. Dziurman asked if they could put a ground sign and Mr. Stimac said that they could put up a ground sign up to 100 square feet. Mr. Niman said they would prefer to forgo the ground sign and put up the additional wall sign. He feels that the wall signs are more aesthetically pleasing than a ground sign. Mr. Dziurman suggested that in lieu of the ground sign a variance could be granted for an extra wall sign.

Motion by Nelson
Supported by Kessler

MOVED, to grant Joseph Niman, Jr., 1225 Equity, Heller Machine Tools, relief of the Sign Ordinance to maintain one (1) additional 98-square foot wall sign installed without the required permit.

- Petitioner may choose which sign he wishes to remove.
- Petitioner requests this sign in lieu of a ground sign.

Yeas: All – 5

MOTION TO GRANT VARIANCE FOR ONE (1) ADDITIONAL WALL SIGN CARRIED

ITEM #3 – VARIANCE REQUEST. HONIGMAN, MILLER, SCHWARTZ & COHN LLP ON BEHALF OF E-Z STORAGE, 1320 E. BIG BEAVER, for relief of Chapter 78 to replace an existing ground sign.

ITEM #3 – con't.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace an existing ground sign, which is 108 square feet in size and 15' in height, and replacing it with a sign that is measured as 306 square feet in size (153 square feet on each side) and 25' in height. Section 9.02.05, A of the Sign Ordinance limits the size of a primary ground sign to 100 square feet and the height to 12'. The proposed sign exceeds size and height limitations. The existing sign was granted a variance for additional height and size on November 3, 1974.

In their application for appeal the petitioner asserts that this sign is actually legally permitted by Paragraph C of Section 9.02.05 of the Sign Ordinance. In applying this Section of the Ordinance it is the opinion of the Building Department that the requirement of "set back a minimum of 200' from any street right of way" would include a 200' setback from the I-75 right of way. In addition, if this Section was applied, the sign would not comply with the requirement that it be located at least 1,000' from any sign exceeding 100 square feet in area since the Peerless Steel sign is less than 1,000' away.

There is no definition of "street right of way" within the Sign Ordinance. However, in support of the Building Departments' requirement for setbacks from the freeway, we submit reference to Paragraph L of Section 31.30.00 of the Zoning Ordinance that in reference to front yard setbacks in the M-1 (Light Industrial Zoning District) "All yards abutting upon a public street **or freeway** shall be considered as front yards for setback and open space purposes"(emphasis added).

The petitioners are also asserting that the area of the sign is being incorrectly measured. The Building Department has determined that the faces of the sign are located more than 24" apart. As such, Section 8.01.02 of the Sign Ordinance states that all faces of the sign are to be included in the computation of the sign area. Based upon that determination the sign is measured as 306 square feet. The petitioners assert that a portion of the sign faces are less than 24" apart and as such should only be measured as the area of one side of the sign.

The petitioners ask that you overturn these interpretations or in absence of such an action grant variances for the larger sign.

Mr. Abdu Murray was present representing E-Z Storage and said that they wished to replace an out-dated sign with a more contemporary sign, as well as increase visibility of this location. The present sign is located on the southeast corner of the property and is setback 25' from I-75 and over 200' from Big Beaver. The new sign will be in the exact same location with two (2) faces placed back to back. Mr. Murray explained that the primary sign already exists and they are asking to put up an additional sign that would show drivers on I-75 the location of the facility. Mr. Murray explained that the Ordinance does not define right of way but does have a definition for a street and stated that section 31.30.00 actually highlights the distinction between streets and freeway. Big Beaver provides access to this site and Mr. Murray pointed out that there is no access from I-75.

ITEM #3 – con't.

Mr. Murray also said that the total sign thickness is 36", but the sign faces were placed back to back and were only 23" apart, and therefore did not feel that the square footage of the sign should be calculated over the entire area, but should be determined by the square footage as one face.

Mr. Dziurman asked if a variance would still be required if the Board accepted Mr. Murray's interpretation of the Ordinance and Mr. Stimac said that a variance would still be required regarding the distance from the existing Peerless Steel sign.

Mr. Kessler said that he felt that the wording in the Ordinance could be argued about to the "nth" degree; however, he feels that the intent of the Ordinance is to provide some type of consistency and uniformity regarding signage throughout the City. Consistency is based on past practice and interpretation from one instance to the next. Mr. Kessler further stated that he feels that these definitions in the Ordinance are based on uniformity, interpretation and enforcement. Mr. Kessler said that he would like to see a cross section of this sign and Mr. Murray stated that a drawing had been submitted and shows that the overall width is 3' and the sign box is 1'-11" and believes that this is how the sign box should be measured. Mr. Kessler asked if the sign was flat or if it had a border around it. Mr. Murray said that the extreme out face-to-face of the sign would be 36". Mr. Kessler questioned Mr. Murray about the sign faces and Mr. Murray said that the sign faces will stick out from the sign box about 6" and said that the face is about 6 ½" thick.

Mr. Kessler said that the light assembly behind the sign is also part of the sign. Mr. Kessler said that he believes that the intent of the Ordinance is based on the overall size of the sign and believes the solution would be to reduce the size of the proposed sign.

Mr. Richnak asked if the original sign required a variance and Mr. Stimac said the original variance was granted in 1974, and felt that it would still apply if the existing sign was replaced. Mr. Stimac indicated that a variance is required for the height and size because the petitioner is now requesting to change the existing sign.

Mr. Kessler stated that presently there is a 108 square foot sign, installed with a previous variance and does not feel that there is a hardship to justify a variance for a larger sign.

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. Stimac stated that the petitioner is basically asking to install a new sign in this location. If the petitioner can find a way to decrease the depth of the sign from 3' to 2' and consider it as a primary ground sign, it would be measured as 153 square feet. The height and size of the proposed sign would require a variance. Mr. Murray said there is a technical difficulty with reducing the depth of the sign as it is a standard mold and if the depth were decreased the electronics behind the sign would be visible.

ITEM #3 – con't.

Mr. Richnak asked what the intent of the Ordinance was regarding keeping the width of a sign at 24". Mr. Stimac stated that when signs are placed in a "V" shape – the Ordinance states that the maximum distance is 24" and the sign is measured as a "single faced sign". Mr. Stimac also explained that the petitioner is also proposing to change the sign on Big Beaver as well as the sign along I-75. Mr. Murray stated that they plan to use brighter bulbs in the sign along I-75 and this is the reason for the thickness of the proposed sign.

Mr. Zuazo asked if the petitioner had researched other sign companies regarding options that would be available to replace this sign. Mr. Murray indicated that they had not gone to other contractors. Mr. Zuazo suggested that perhaps the petitioner could contact other contractors to determine if there are other options available. Mr. Kessler asked if smaller signs were available to the petitioner. Mr. Murray said that he felt that the problem with a smaller sign would be that it would not offer greater visibility to traffic along I-75. Mr. Murray also indicated that you could not have a sign this tall without the added width, as it would not be stable.

Mr. Kessler stated that he felt the current sign could be updated without making it any larger than the existing sign and does not see a hardship with this location.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Honigman, Miller, Schwartz & Cohn LLP on behalf of E-Z Storage, 1320 E. Big Beaver, for relief of Chapter 78 to replace an existing ground sign until the next meeting of May 5, 2004.

- To allow petitioner the opportunity to explore the possibility of putting in a smaller sign.
- To allow the petitioner the opportunity to determine if the proposed sign could be moved farther west.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF MAY 5, 2004 CARRIED

ITEM #4 – VARIANCE REQUEST. KASPER ENTERPRISES, 5750 NEW KING, for relief of Chapter 78 to install three (3) wall signs at Oxford Automotive.

Mr. Stimac indicated that the petitioner is requesting relief to install three (3) wall signs at 5750 New King. The plans submitted indicate installation of two (2) wall signs, each 94 square feet in size. Section 9.02.03, A of the Sign Ordinance permits one major wall sign at this location, with a maximum size of 200 square feet.

ITEM #4 – con't.

The applicant is also proposing to install a 20 square foot tenant identification sign on the third floor of this building. Section 9.02.03, D of the Ordinance permits a 20 square foot tenant identification sign, however, it must be placed on the ground floor, on the face of the area occupied by the tenant.

Mr. Doug Jozwiak, Operations Manager for Oxford Automotive, Mr. David Brink of Harmon Signs and Mr. Larry Michael, Commercial Realtor were present. Mr. Jozwiak explained that this company is moving their World Headquarters from their Stephenson Road location into this building. Mr. Jozwiak explained that they would like to put up the second sign due to the extensive landscaping around this building and also because the building is offset from Crooks Road. Traffic coming from the north would have a difficult time identifying this building and the extra sign would increase visibility. The first floor of this building is all glass and therefore would be next to impossible to put the tenant sign on this location.

Mr. Dziurman clarified that the petitioners wish to put up two wall signs that would be less than 200 square feet and Mr. Jozwiak stated that was correct.

Mr. Richnak asked what floor this tenant would be occupying and Mr. Michael stated that they will occupy approximately 35% to 40% of the entire building. Mr. Michael further explained that they are hoping to keep expanding and eventually would like to take over the entire building. Oxford Automotive also has exclusive rights to signage on the building in their lease agreement; so another tenant could not come to the Board and ask for additional signage. Mr. Jozwiak further stated that they had signed an 10-½ year lease, which he believes shows that this Company wishes to make a long-term commitment to the City of Troy.

Mr. Kessler stated that he feels the extensive landscaping creates a hardship for the location of the tenant sign. He further stated that he thinks this is quite a nice looking site and does not feel the tenant sign would in any way detract from the appearance of this building.

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 Kessler
Supported by Nelson

MOVED, to grant Kasper Enterprises, 5750 New King, relief of Chapter 78 to install three (3) wall signs at Oxford Automotive.

- Tenant identification sign may be placed on the third floor of this building.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

ITEM #4 – con't.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. KESSIE KALTSOUNIS, REPRESENTING ST. NICHOLAS GREEK ORTHODOX CHURCH, 760 W. WATTLES, for relief of Chapter 78 to put up 30 off-site signs to advertise the up-coming OPA Fest.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to put up 30 off-site signs to advertise the upcoming OPA Festival, from June 25, 2004 through June 27, 2004. Section 14.03 of the Sign Ordinance limits the number of off-site signs to four (4).

Ms. Kessie Kaltsounis was present and stated that the signs would be out from June 21st through June 27th.

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

There are no written approvals or complaints on file.

Motion by Richnak
Supported by Kessler

MOVED, to grant Kessie Kaltsounis, representing St. Nicholas Greek Orthodox Church, 760 W. Wattles, relief of Chapter 78 to put up 30 off-site signs from June 21st through June 27th, to advertise the up-coming OPA Fest.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- There are no complaints or objections on file.

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. ROBERT E. MOORHOUSE & ASSOCIATES, 2350 MEIJER, for relief Chapter 78 to maintain a 27 square foot ground sign, installed 2.8 feet from the right of way.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to maintain a 27 square foot ground sign, installed 2.8 feet from the right of way. A permit was issued for the installation of a ground sign at this location. That permit contained the stipulation that the sign be installed in compliance with Section 9.02.05 of the Ordinance requiring that a ground sign be placed a minimum of 10' setback from the right of way. Field measurements of the installed sign show that it is actually installed only 2.8 feet from the front property line.

ITEM #6 – con't.

Mr. Moorhouse was present and stated that the reason the sign was placed in this location was because after having a sign survey done it was determined that the existing sign had been placed in an easement. Mr. Moorhouse further stated that the present location of the sign is in line with three (3) other signs located along Meijer Drive. If the sign is moved back the location would be very close to the building and visibility would be reduced due to the landscaping and a “gulley” on the site.

Mr. Dziurman asked if the other signs were in compliance with the Ordinance and Mr. Stimac indicated that the Sign Ordinance had changed in 1995. Mr. Stimac asked if the petitioner could move the sign 5' farther west and approximately 7' back, which would take it out of the easement. Mr. Moorhouse explained that the sign would then be out of the easement, but this location would set it down in the existing “gulley” and if dirt was brought in to fill this “gulley” flooding problems could be created.

Mr. Zuazo asked if a platform could be constructed for this sign and Mr. Moorhouse explained that this is a corporate sign and this is the shape that is desired to create uniformity.

Mr. Kessler stated that he feels this building is in a unique location due to the number of trees, natural vegetation and also does not feel this would create a problem since the other signs on the street are in approximately the same location. Mr. Kessler also said that he feels the sign would not be visible if it had to be moved back.

Mr. Dziurman asked if the sign could be moved to the west. Mr. Stimac explained that it was possible to move the sign west and back 10' and it would be out of the easement. Mr. Richnak said that he believes if the sign is moved back drainage could be a problem.

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

There are no written approvals or objections on file.

Motion by Nelson
Supported by Richnak

MOVED, to grant Robert E. Moorhouse & Associates, 2350 Meijer, a variance for relief of Chapter 78 to maintain a 27 square foot ground sign, installed 2.8' from the right of way.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 10:05 A.M.

Ted Dziurman, Chairman

Pamela Pasternak

Pamela Pasternak, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on April 13, 2004, in the Council Chambers 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

2. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED ITEMS

3. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA #200) – Article 34.70.00 One Family Cluster Option

Mr. Miller presented a summary of the Planning Department report on the proposed ZOTA #200. Mr. Miller reported that it is the recommendation of the Planning Department to table the item to provide an opportunity for the Planning Department to incorporate comments from the Planning Consultant and City Management into the draft document.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2004-04-041

Moved by: Vleck
 Seconded by: Littman

RESOLVED, that Zoning Ordinance Text Amendment (ZOTA) #200 is hereby tabled and the Public Hearing will be continued to the April 27, 2004 Planning Commission Special/Study Meeting.

Yes: All present (9)
 No: None

MOTION CARRIED

Chair Waller announced the Public Hearing would remain open.

4. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA #201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning**

Mr. Miller presented a summary of the Planning Department report on the proposed ZOTA #201. Mr. Miller reported that it is the recommendation of the Planning Department to table the item for six (6) months to give the Planning Commission time to determine if and when the Maple Road Corridor Analysis will commence.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2004-04-042

Moved by: Wright
 Seconded by: Schultz

RESOLVED, that the Zoning Ordinance Text Amendment (ZOTA) #201 requested by The Link School for the Arts is hereby tabled for six (6) months to allow sufficient study of the Maple Road Corridor and abutting industrial areas and the M-1 Light Industrial District.

Yes: All present (9)
 No: None

MOTION CARRIED

Chair Waller announced the Public Hearing would remain open.

SPECIAL USE APPROVAL

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 324) – Proposed Dog Day Care/Commercial Kennel, BARK! LLC, North side of Industrial Row, East of Coolidge, Section 32 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed dog day care/commercial kennel. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use request and site plan as submitted.

The petitioner, Andrew Leibovitz of 789 Smith Avenue, Birmingham, was present. Julie Rice, business partner, was also present.

Mr. Vleck asked for clarification on the ground covering of the outdoor play area and the existing and proposed fencing.

Mr. Leibovitz replied that the outdoor play area pavement would be covered with turf. Mr. Leibovitz said there is an existing fence along the western, eastern and northern sides of the property. He indicated that the fencing along the western and northern sides is chain link with vinyl slats that provide privacy. Along the eastern side, vinyl slats would be installed to the existing see-through chain link fence to provide the same type of privacy. Mr. Leibovitz estimated that the privacy fence would inhibit the view from at least five feet. Mr. Leibovitz noted the dogs would be contained within two sets of privacy fencing because the interior dog run is also fenced.

Mr. Vleck stated his concern that an outdoor dog run would potentially create an area that is not compatible with the existing surroundings. He said that dogs would be sensitive enough to see shadows and movement even with the proposed privacy fencing.

Mr. Leibovitz replied that outdoor time for the dogs would be limited to approximately 1.5 hours a day.

Ms. Rice stated that the location of the outdoor dog run is on the north side of the building where there would be very limited traffic and distractions to the dogs.

Mr. Littman asked what the daily drop off and pick up times would be for the dog owners.

Ms. Rice said the hours of operation are 7 a.m. to 7 p.m. She foresees that most of their clients would be dropping/picking up their dogs to and from work, and confirmed that there would be little traffic during the hours of 9 a.m. to 4 p.m. Ms. Rice indicated parking spaces and room to turn around within the parking lot would be provided for the clients.

PUBLIC HEARING OPENED

Gregory Need of Adkison Need & Allen law firm, 39533 Woodward Avenue, Bloomfield Hills, was present to represent the Dako Group, owners of the property at 2966 Industrial Row located immediately to the west of the proposal. Mr. Need provided a history of the Dako Group automotive engineering design business and its major clients. Mr. Need asked that the proposal be rejected on the basis that it does not meet special land use criteria with respect to compatibility of adjacent uses. He expressed particular concerns with the noise and odor that would be generated, and noted the local airport, nearby catering business and fairly high amount of traffic would affect the noise factor.

Scott Baker, one of the owners of the Dako Group, 2966 Industrial Row, Troy, was present. Mr. Baker addressed the following concerns. (1) The proposed turnaround would be using the property of the Dako Group. (2) The existing fence on the western side of the property was paid by him and provides no privacy. (3) The potential impact to leasing the 4,000 square feet of space adjacent to the proposal. (4) The enjoyable smells of the catering business conflicting with odors from the dog facility. (5) The noise generation as a result of the dogs' sensitivity to the heavy air traffic, and the enjoyment taken away from the Dako Group employees who picnic outside during summer months. (6) The compatibility of "suit and tie" clients with dog day care clientele. Mr. Baker asked for the Commission's consideration with respect to the investments made by the existing business owners.

Tyner Mayer, property owner of 2900 Industrial Row, Troy, was present. Mr. Mayer provided letters and a signed petition from businesses in the immediate vicinity that are in opposition to the proposed dog day care and kennel facility. Mr. Mayer, who is retired, said his investment of three leasable suites provide his income. He believes the proposal would create a hardship to him and other property owners, as it would jeopardize keeping current tenants and procuring future tenants. Mr. Mayer expressed his concern that the barking and odor from the proposed facility would be an undesirable neighbor for the professional businesses in the vicinity.

John Forte, owner of Forte Belanger Catering located at 1100 Coolidge, Troy, was present. The catering business is located northeast of the proposed facility and the parking area is located approximately 30 feet from the proposed outdoor dog play area. Mr. Forte expressed his concern that the barking and odors generated from the proposed dog day care facility would not be compatible to his business. He said clients visit his facility for sample tastings prior to placing their orders, and any odor from the proposed dog day care facility would be a detriment to his business.

Norman Fender of Edon Controls, 2891 Industrial Row, Troy, was present. Mr. Fender asked for clarification on the City sign posted at the proposed site and questioned if the building could be remodeled prior to the approval of the Special Use request.

Mr. Miller provided an explanation of the Special Use request and its legal publication process. Mr. Miller said that any remodeling of the existing building is allowed as long as the necessary permits have been granted, but he noted that the use of the building could not change until it is approved by the City.

Mr. Fender said that the proposed facility is the most ludicrous proposal he has ever heard of going into a light industrial area. He expressed his concern with the barking and the odors. Mr. Fender said that should the Special Use request be approved, it means that the City does not care about the people who invested in that community and industrial environment. Mr. Fender read a letter signed by him and requested that it be incorporated in the file.

John Hascall of 2921 Industrial Row, Troy, was present. Mr. Hascall said he is totally opposed to the proposed facility as a tenant. His father, the owner of the property, submitted his objection in writing. Mr. Hascall questioned the parking and setbacks of the proposed facility. Mr. Hascall said from his experience a kennel facility is a messy operation and would not be appropriate in the Industrial Row vicinity.

Deborah Plumm Lambourn, President of Tyner Mayer Laboratory, 2900 Industrial Row, Troy, was present. Ms. Lambourn said her dental laboratory does business with 50 dentists in the Birmingham area and noted that clients visit her laboratory on a daily basis. Ms. Lambourn said she is an avid animal lover with several pets of her own. She expressed her concern that the proposed dog day care facility would hamper future leasing opportunities for business owners, who would lose existing clientele. Ms. Lambourn said she does not think it would be fair to let one business jeopardize existing businesses that have been in operation for over 20 years. Ms. Lambourn questioned the protocol of the City noise ordinance.

The petitioners responded to the public comments.

Ms. Rice said she understands and respects the concerns of those who spoke this evening. Ms. Rice, with 2.5 years of experience in the operations of a dog day care facility, provided insight to the precautionary measures taken to address noise and odor issues. Ms. Rice explained that the facility would be set up with three interior play rooms (capacity of 20/20/10 dogs per play room), and that each play room would have individual outdoor play times limited to 20 to 30 minutes each (limited to 1.5 hours daily of outdoor play time). She said attendants would be trained to dispose of any waste deposit immediately and explained the waste disposal procedure that would be followed. Ms. Rice said this specific location was chosen for the purpose of catering to an upscale community, and noted it is in their best interest to provide their clients with a clean and quiet operation.

Mr. Leibovitz said the noise generated by the dogs would be minimal in relation to the noise from the existing truck and air traffic. He reiterated that the Planning Department's report reveals that the Special Use request is a compatible use in the M-1 district. Mr. Leibovitz responded that the Dako Group driveway would not be

utilized in the proposed turnaround, that the dogs would not be near the fence located on the western portion of the property, and that renovations to the existing building are being done by the landlord and are no relation to the Special Use request. Mr. Leibovitz confirmed that any necessary additional privacy fencing would be provided to minimize noise. Mr. Leibovitz stated that the boarding capacity of the facility would be 12 dogs.

PUBLIC HEARING CLOSED

Mr. Chamberlain asked legal counsel on what basis a Special Use request could be denied should the request meet all zoning ordinance requirements.

Mr. Motzny replied that the Commission is responsible to make special findings prior to granting approval of a Special Use request. He said that one of those special findings, in this particular case, is a finding that the proposed special use is compatible with the adjacent uses. He said if that finding is not made, then the special land use could be denied.

Mr. Wright said his golden retriever has a very good sense of hearing and he knows how loudly she can bark when she hears something but not necessarily see it. He said that he also knows the challenge of keeping their backyard cleared of waste with just one dog.

Resolution # PC-2004-04-043

Moved by: Wright

Seconded by: Vleck

RESOLVED, that the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the proposed BARK! Commercial Kennel, located on the north side of Industrial Row, east of Coolidge, Section 32, within the M-1 Zoning District, be denied, for the following reasons:

1. The proposed use is incompatible with the surrounding areas; and
2. There is a potential effect of devaluing the surrounding properties.

Discussion on the motion.

Mr. Vleck said he does not think the use is compatible with the existing businesses because both the outdoor play area and the indoor facility are too close in proximity to the existing businesses.

Ms. Drake-Batts questioned if there is a difference between special use approvals of previous dog day care facilities and the proposed facility before the Commission tonight.

Mr. Miller provided a history of the amendment to the Zoning Ordinance relating to commercial kennels and dog day care facilities. Referencing Camp BowWow and Yuppy Puppy, Mr. Miller said the two approved special uses are similar but noted that each submission is different in its own respect. Mr. Miller stated that the quality of the industrial area along Industrial Row is exceptional for an M-1 zoning district. He noted the attractiveness of the existing buildings, the orderly development and the landscaping enhances the M-1 area. Mr. Miller brought to the attention of the Commission that the M-1 district is the zoning district designed for the most intensive land use, and a petitioner could, by right of ownership, put a trucking terminal on the same street.

Mr. Wright agreed that Industrial Row is one of the nicest M-1 zoning districts in the City. He said that the two dog day care facilities previously approved are not located in as nice of an M-1 district. Mr. Wright said the previously approved facilities do not have a restaurant/catering service next door producing tempting odors, nor do they have airports in their backyards generating noise. Mr. Wright said he thinks the Special Use request before the Commission tonight is a special circumstance that precludes that particular location.

Mr. Vleck agreed with Mr. Wright's comments.

Mr. Chamberlain agreed that Industrial Row is exceptionally landscaped and makes a good presentation for the business clientele, but noted that the area is zoned for industrial uses.

Mr. Miller, stating that he would not make a determination until he discussed the matter with the Building & Zoning Director, noted that the existing catering business might not be a permitted use in the M-1 zoning district.

Mr. Littman said he does not perceive the noise or odors to be a problem, and noted that the dogs would remain inside the facility for the majority of the day and the odors would be property controlled. He said it does not appear that existing commercial kennels located in residential areas are generating complaints.

Mr. Wright responded that the commercial kennels located in residential areas were in existence prior to the residents purchasing their homes.

Mr. Vleck said he lives near an existing commercial kennel on Rochester Road and can definitely hear the barking. He thinks the Special Use request poses a potential adverse affect for the clientele visiting the existing businesses.

Mr. Strat said he respects the fact of the importance of tenants to the value of a business and the influence the surrounding area could have on a business. Mr. Strat thinks there is potential that the existing businesses would depreciate should the Special Use request be approved, and noted his agreement with the motion on the floor.

Mr. Schultz said the request does fall into an area of compatibility and the proposed use is allowed by special use, not by right. He said the Commission tonight reviewed the applicability and appropriateness of this Special Use request in relation to its proposed location.

Vote on the motion on the floor.

Yes: Khan, Schultz, Strat, Vleck, Waller, Wright
 No: Chamberlain, Drake-Batts, Littman

MOTION CARRIED

Mr. Littman voted no because he thinks the surrounding owners are perceiving problems that he thinks will not exist.

Ms. Drake-Batts said it might have been proactive for the petitioners to address the concerns of the neighboring businesses prior to tonight's meeting. Ms. Drake-Batts voted no to be consistent with the voting on previous similar Special Use requests. Ms. Drake-Batts said the request is an allowable use in the M-1 zoning district.

Mr. Chamberlain concurred with the comments of Mr. Littman and Ms. Drake-Batts. He said the request met all zoning ordinance requirements and the M-1 zoning district is designed for uses with smells, noise, traffic, trucks, etc.

REZONING REQUESTS

6. PUBLIC HEARING – PROPOSED REZONING (Z-582) – Existing Clark Station, Northeast corner of John R and Maple, Section 25 – From B-3 to H-S

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning of the existing Clark Station. Mr. Miller stated that non-use variances from the Board of Zoning Appeals would be required prior to site plan approval. He noted that prudent site planning suggests that consolidation of adjacent properties, particularly the vacant property to the east, is very desirable and would allow for the development of a service station that would meet the Zoning Ordinance requirements. Mr. Miller confirmed that the Planning Department took into consideration the proposed right of way in its computation of the minimum site area standard for service stations (15,000 square feet). Mr. Miller reported that the Planning Department recommends approval of the rezoning application.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said the owner would like to rebuild the Clark gas station. He said the Planning Department has made the future right of way requirements clear. Mr. Kozlowski said he is prepared to pursue the required setback variances from the Board of Zoning Appeals. He stated the future road reconstruction is providing an opportunity to consolidate driveways at

the location, replace ancient fuel equipment, rebuild the building, and provide landscaping and sidewalks.

A brief discussion followed with respect to the variances on the required setbacks and the on-site retention.

Mr. Kozlowski said a series of variances for setback requirements would result in approximately a 10-foot setback variance from John R and a 3-foot setback variance from Maple Road. He said the building area on site, taking into consideration the building setbacks, would result in approximately less than 3,000 square feet at the dead center of the site. Mr. Kozlowski said it is his intention to ask that the building be placed to the far eastern side of the site, resulting in a 0-foot setback. Mr. Kozlowski noted that should the City not approve their variance requests, the project would most likely not proceed. Mr. Kozlowski confirmed that the property owner to the east has no interest in selling his property. Mr. Kozlowski confirmed that the retention would be on-site and would be accommodated by oversized drain pipes.

PUBLIC HEARING OPENED

Victor Talia of 1636 Milverton, Troy, was present to represent Sam Talia. Mr. Sam Talia is the owner of the Bottle & Cork store located at 1660 John R, Premier Plaza located at 2059-2071 E. Maple, and the property directly east of the proposed rezoning. Mr. Talia said that Sam Talia wishes to extend and renovate the Premier Plaza property. Mr. Talia addressed his concerns with inconsistencies on the site plan that relate to the future right of way.

The Commission informed Mr. Talia that a recommendation would be made to the City Council on the rezoning proposal, and that site plan approval would be considered at a future meeting. The Commission also informed Mr. Talia that they were not in possession of a site plan.

Mr. Vleck said he had no objection to the proposed rezoning but noted he is not in favor of 0-foot setbacks for any projects.

Mr. Kozlowski discussed the proposed relocation of the gas pumps in the right of way and the 0-foot setbacks for the building location.

Mr. Vleck questioned what the side yard setback requirement would be for the building should the proposed rezoning be approved.

Mr. Miller cited the ordinance reads that no side yard setback would be required along the interior side lot lines of the district or along side lot lines common with other B zoning districts, with no windows or doors along the wall in question.

PUBLIC HEARING CLOSED

Resolution # PC-2004-04-044

Moved by: Littman

Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-3 to H-S (Z-582) rezoning request located on the northeast corner of John R and Maple, within Section 25, being 0.48 acres in size, be granted.

Yes: All present (9)

No: None

MOTION CARRIED

7. PUBLIC HEARING – PROPOSED REZONING (Z-694) – Proposed Knights of Columbus Hall (in existing building), West side of Dequindre, South of Big Beaver, Section 25 – From B-1 to B-2

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller stated that should the property be rezoned, the petitioner would be required to get Special Use approval from the Planning Commission to change the use to make improvements to the nonconforming structure. Variances from the Board of Zoning Appeals may be required prior to applying for site plan approval. He reported that during site plan approval, all site nonconformities would be addressed. Mr. Miller reported that the Planning Department recommends approval of the rezoning application.

There was a brief discussion with respect to correspondence received from St. Joseph Catholic Chaldean Church. The church would allow the use of its parking facility as additional parking for the operation of the proposed Knights of Columbus. Mr. Miller noted that the distance between the two facilities would not be a walkable distance.

Mr. Chamberlain questioned setback requirements for B-3 zoning and asked what the down side would be, if any, should the property be rezoned to B-3.

Mr. Miller responded that B-3 zoning would allow the proposed use. He said the down side of rezoning the parcel to B-3 would be that more intensive uses would be permitted, which could potentially create a domino effect where all of the southwest corner would convert to B-3 zoning.

A discussion followed with respect to the impact of B-2 and B-3 zoning on the proposed site. It was the consensus of the Commission to review the matter further at a future study meeting.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said he trusts the

Commission's insight relating to the required variances from the Board of Zoning Appeals, and indicated he would pursue the B-3 rezoning should the Commission make that recommendation.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2004-04-045

Moved by: Chamberlain

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby tables proposed Rezoning Request Z694, located on the west side of Dequindre and south of Big Beaver, within Section 25, being 0.65 acres in size, to the April 27, 2004 Special/Study Meeting for the review of whether the proposal should be rezoned to B-2 or B-3, or remain as B-1 zoning.

Yes: All present (9)

No: None

MOTION CARRIED

Chair Waller announced the Public Hearing would remain open.

GOOD OF THE ORDER

Mr. Vleck said he is looking forward to working with the new Mayor and City Council and continuing the discussion on ways to improve the communication between City Council and the Planning Commission.

Chair Waller distributed sub-committee assignments.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:35 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

OTHER BUSINESS- DB RETIREE MEMBER

Resolution # ER – 2004 – 04 - 017

Moved by Houghton
Seconded by Szerlag

RESOLVED, That the Board recommends that William Need be appointed to the Board as the Ex – Officio DB Retiree Member.

Yeas: All 6
Absent: Calice

OTHER BUSINESS- BOARD MEETING TIME CHANGE

The Board has agreed to move it's meeting time to 12:00 Noon on the second Wednesday of each month.

INVESTMENTS

Resolution # ER – 2004 – 04 - 018

Moved by Szerlag
Seconded by Crawford

RESOLVED, That the Board make the following investments: \$500,000 Ford Motor Credit, 3.70% due 4/20/07; 10,000 shares Independent Bancorp; 10,000 shares Texas Instruments; 6,000 shares AFLAC; 2,000 shares Taser International and place a stop/loss on Taser International at \$80.00.

Yeas: All 6
Absent: Calice

EXCUSE ABSENT MEMBER

Resolution # ER – 2004 – 04 - 019

Moved by Lambert
Seconded by Szerlag

RESOLVED, That Mark Calice be excused.

Yeas: All 6
Absent: Calice

The next meeting is May 12, 2004 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 4:02 p.m.

JML/bt\Retirement Board\2004\04-14-04 Minutes_Draft.doc

DATE: April 23, 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
5735 John R

On November 10, 2003, information was sent to the applicant that identified restrictions related to a commercial vehicle located on residential property. As part of that information, she was advised that the Chevrolet cube van parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. she was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Ms. Amanda Brooks 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 May 24, 2004.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

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: Amanda Brooks

ADDRESS: 5735 John R

CITY: Troy MI. ZIP: 48085 PHONE: 248-813-9991

ADDRESS OF SITE: 5735 John R

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDWE35L62HA21628

LICENSE PLATE NUMBER(S) FUN4ALL

DESCRIPTION OF VEHICLE(S) 2003 E350 Cargo Van

REASON FOR APPEAL (see A - D below) A. Vehicle is required for work, B. No alternate location is available, C. Vehicle will not fit in garage, D. Vehicle is parked on 5 acres of land that is mostly wooded, vehicle is not visible from the road most of the year.

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).

APR 19 2004

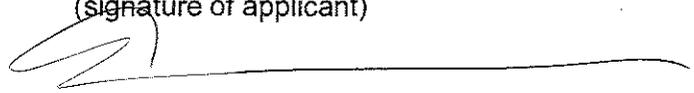
BUILDING DEPARTMENT

-2
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..



(signature of applicant)


STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 19th day of April, 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.

Mary Laraine McHinnis Oakland
Notary Public, County, Michigan

My Commission Expires: May 30, 2007

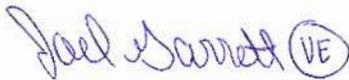
March 15, 2004

To Whom It May Concern:

The occupant of 5735 John R., Troy, MI has permission to park their trucks and trailers onsite.

If you have any questions, please give me a call at (248) 828-1726.

Sincerely,



Joel Garrett
Owner/Landlord





DATE: April 23, 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
2310 Rochester Ct.

On April 1, 2004, information was sent to Mr. John Baker that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Ford box van 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. Baker 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 May 24, 2004.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

COMMERCIAL VEHICLE
APPEAL APPLICATION

RECEIVED

APR 12 2004

BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: John E. Baker
ADDRESS: 2310 Rochestee Ct
CITY: Troy MI. ZIP: 48083 PHONE: 248-689-1402
ADDRESS OF SITE: Same as above
NUMBER OF VEHICLES: One
VEHICLE IDENTIFICATION NUMBER(S)
1FDPF82K7JVA29473
LICENSE PLATE NUMBER(S) 5064 AV
DESCRIPTION OF VEHICLE(S) 1988 Ford Box VAN

REASON FOR APPEAL (see A - D below) D- This Truck will not be parked here for a long time.

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..

John E. Baker
John E. Baker
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 7 day of April, 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.

Andrew J. Baetz Jr.

Notary Public, _____ County, Michigan

ANDREW J. BAETZ JR.
NOTARY PUBLIC WAYNE CO., MI
MY COMMISSION EXPIRES Mar 27, 2008

My Commission Expires: _____

Mountain Jacks
Parking

Mountain Jacks 4-7-64
Hill with grass
and trees

5 ft Cement Wall

Metal fence

Shed
10x10

Garage
24x24

Porch
House

Porch

114 ft

Shrub Pruned

Shrub Pruned
163 ft from curb
in front

Mailbox yard

RECEIVED
APR 12 2004
BUILDING DEPARTMENT

Gate
Fence
Double Gate

2310 Rochester Ct

Rochester Ct

Mountain Jacks driveway

5 ft Cement Wall

Shrub Pruned

Fence



DATE: April 23, 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
1019 Minnesota

On April 14, 2003, City Council approved a one-year variance to Mr. Nathan Case to park a commercial vehicle outdoors on the property at 1019 Minnesota. That variance has now expired and Mr. Case has filed a new application seeking approval for continued approval to park the vehicle here. The parking of the Ford cube van on the property does not comply with the exceptions found in Chapter 39, Section 40.66.00.

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 May 24, 2004.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

COMMERCIAL VEHICLE
APPEAL APPLICATION

RECEIVED

APR 12 2004

BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: NATHAN CASE

ADDRESS: 1019 MINNESOTA

CITY: TROY MI. ZIP: 48083 PHONE: 248-307-1136

ADDRESS OF SITE: 1019 MINNESOTA

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDJE37H0HA27843

LICENSE PLATE NUMBER(S) XA-8577

DESCRIPTION OF VEHICLE(S) FORD E-350 CUBE VAN 1994

REASON FOR APPEAL (see A - D below) _____

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..

[Handwritten Signature]

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 12 day of APRIL, 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.

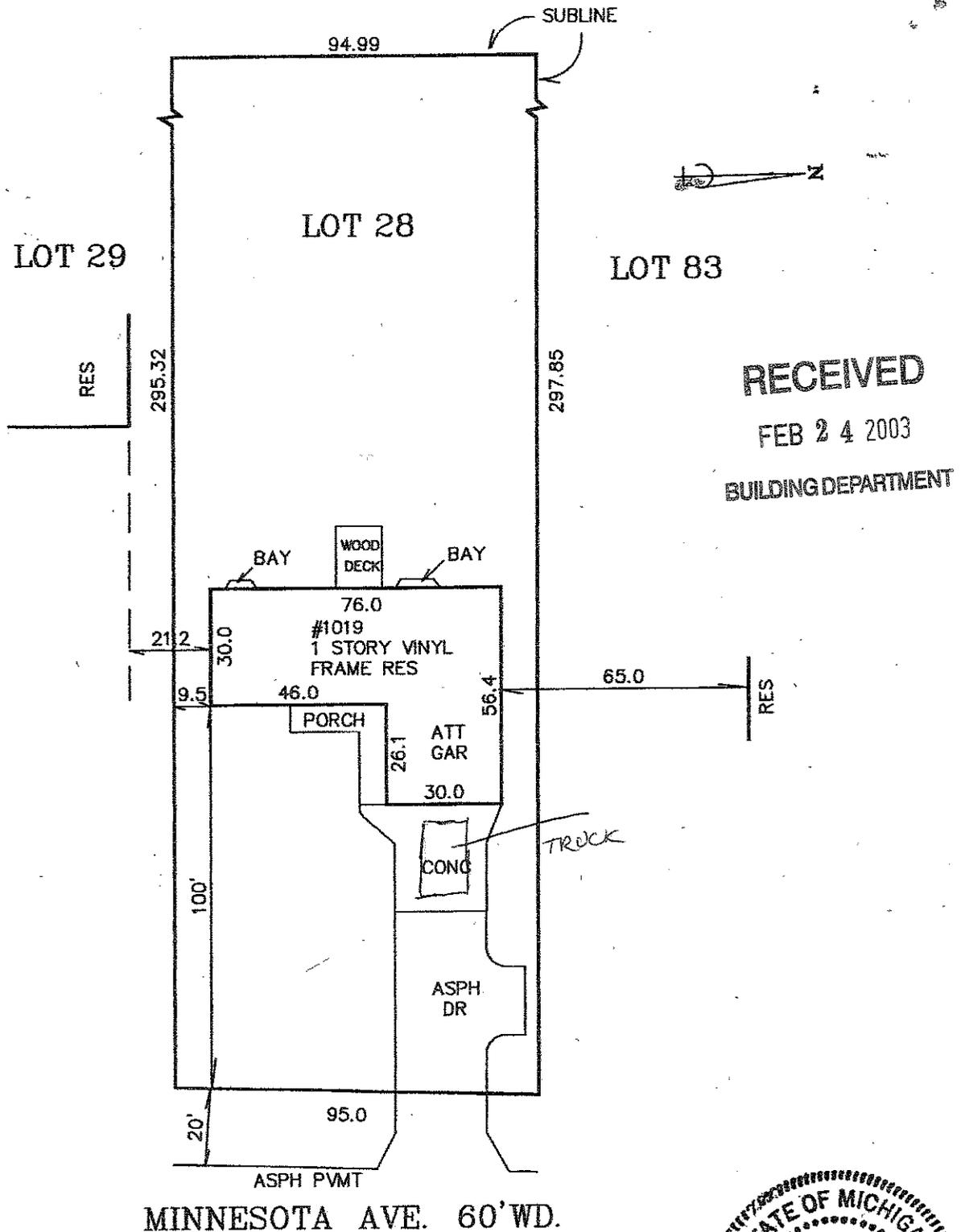
Mary Lorraine McHenry Oakland
Notary Public, County, Michigan

My Commission Expires: May 30, 2007

Applicant: KRISTYNE CARIAN

Property Description:

Lot 28 of DEQUINDRE ESTATES SUBDIVISION, City of Troy, Oakland County, Michigan, as recorded in Liber 14 of Plats, Page 47 of Oakland County Records.



We hereby certify that this mortgage inspection shows the improvement(s) as located on the premises described. That the improvement(s) are entirely within lot lines and that there are no encroachments upon the premises described by the improvement(s) of any adjoining premises except as indicated. We further certify that this mortgage certificate was prepared for identification purposes only for the mortgagees in connection with a new mortgage within 120 days of the date shown, and is not to be used to establish property lines, easement lines, public right-of-ways, building lines, conformity or non-conformity to state, county, or local ordinances and/or codes, etc. Easements as shown are per recorded plat unless otherwise noted. Fences and driveway locations shown are approximate. To accurately locate fences, driveways and property corners, a certified Land Survey (Stake Survey) is recommended.





WHEREAS, The City of Troy is interested in going beyond the Open Meetings Act and providing additional information whenever the disclosure of information does not prejudice the City of Troy; and

WHEREAS, One method of accomplishing greater openness in government would be to provide as much detail as possible concerning the justification and basis for calling a Closed Session, as long as the disclosure of the information is not detrimental to the City of Troy; and

WHEREAS, The City Council Rules of Procedure can be amended to require such additional detail.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy Council Rules of Procedure shall be **AMENDED** to require the public agenda and the minutes, where a Closed Session is requested, to include the specific name of a pending case when a Closed Session is called pursuant to MCL 15.268 (e), even though not technically required under the Open Meetings Act; and

BE IT FURTHER RESOLVED, That the City of Troy City Council Rules of Procedure shall be **AMENDED** to require the public agenda and the minutes, where a Closed Session is requested, to include the specific name(s) of any collective bargaining unit that is the subject of a Closed Session requested pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act; and

BE IT FINALLY RESOLVED, That the City of Troy City Council Rules of Procedure, Section 1) Appointment of Mayor Pro Tem be **AMENDED** by **INSERTING** the revised rotation in the following order, " Lambert, Beltramini, Eisenbacher, Broomfield, Howrylak and Stine."

Yes: All-7

A-2 Presentation: Laurie VanPelt – GFOA State Representative presented the City of Troy with the Distinguished Budget Presentation Award.

PUBLIC HEARINGS

C-1 Commercial Vehicle Appeal – 1019 Minnesota

Resolution #2003-04-165
Moved by Howrylak
Seconded by Eisenbacher

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:

No conditions provided by City Council

NOW, THEREFORE, BE IT RESOLVED, That the request from Nathan Case – 1019 Minnesota, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **APPROVED** for one year.

Yes: All-7

Vote on Resolution to Set Topic on Next Available Study Session Agenda

Resolution #2003-04-166
 Moved by Broomfield
 Seconded by Eisenbacher

RESOLVED, That City Council **DIRECTS** City Management to set "Review of the Commercial Vehicle Ordinance" on the next available Study Session agenda.

Yes: All-7

C-2 Commercial Vehicle Appeal – 4101 Cherrywood

Vote on Postponement

Resolution #2003-04-167
 Moved by Beltramini
 Seconded by Broomfield

RESOLVED, That the Request for Commercial Vehicle Appeal – 4101 Cherrywood be **POSTPONED** until the regular City Council meeting scheduled for Monday, May 12, 2003 to provide the petitioner with the opportunity to further research Building Department and Homeowner Association restrictions.

DATE: April 19, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF REZONING PUBLIC HEARING (MAY 10, 2004) – Northeast corner of Maple Road and John R Road, Section 25 – B-3 to H-S (Z-#582)

RECOMMENDATION

The application is consistent with the Future Land Use Plan, which classifies the corner as Non-Center Commercial. It must be noted that the architectural site plan indicated that the proposed development requires a number of variances, including rear yard building setback, canopy setback, island setback and canopy support setback. The applicant will require non-use variances from the Board of Zoning Appeals prior to site plan approval.

The size of the property limits its potential for redevelopment. Of all of the uses permitted in the H-S district, service stations are one of the least demanding in terms of land area. The site meets the minimum site area standard for service stations (15,000 square feet). The site is an appropriate location for a service station given its location on the intersection of two major thoroughfares. The applicant is proposing to redevelop the existing service station and improve the site. However, prudent site planning suggests that consolidation of adjacent properties, in particular vacant property to the east, is very desirable. A larger site would allow for the development of a service station that can meet the Zoning Ordinance requirements.

The application is compatible with surrounding land uses and zoning districts.

The Planning Commission conducted a public hearing regarding this item at their April 13, 2004 Regular Meeting. Following the public hearing, the Planning Commission recommended approval of the rezoning request. City Management concurs with this recommendation.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner of the property is Majid Kesto. The applicant is Michael Kozlowski of Caeruleum Environmental Design.

Location of Subject Property:

The property is located on the northeast corner of Maple Road and John R Road, in Section 25.

Size of Subject Parcel:

The parcel is approximately 20,804 square feet in area.

Current Use of Subject Property:

The property is currently used as a Clark gas station and is a legal non-conforming use.

Current Zoning Classification:

B-3 General Business.

Proposed Zoning of Subject Parcel:

H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to redevelop the property and construct a service station with a convenience store and including a canopy over the gasoline pumps.

Current Use of Adjacent Parcels:

North: Commercial retail and service.

South: Bank.

East: Commercial retail and service.

West: Office.

Zoning Classification of Adjacent Parcels:

North: B-3 General Business.

South: O-1 Office Building.

East: B-3 General Business.

West: B-2 Community Business.

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Retail establishments to service the needs of the highway traveler including such facilities as: drug stores, convenience food stores, gift shops, and restaurants other than those of the drive-in or open front store type.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities.

Parking garages and off-street parking areas.

New and used automobile salesroom, showroom or office.

Sales, showrooms, and incidental repairs of recreational vehicles.

Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.

Public utility buildings and sub-stations.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to principal permitted uses within H-S districts, apart from restaurants.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Automobile service stations for the sale of engine fuels, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam cleaning, undercoating, vehicle body repair,

painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work and other such activities whose external effects could adversely extend beyond the property lines.

Auto washes where engine fuels are sold as a significant part of the operation.

Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure.

Uses, other than those specified in Section 23.20.06, wherein drive-up service facilities are the sole use of the property.
Business in the character of a drive-in restaurant.

Motel or hotel.

Outdoor sales space for exclusive sale or lease of new or second hand automobiles, trucks, mobile homes, trailers, or recreational vehicles.

Automobile repair garages, provided all activities are conducted within a completely enclosed building.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Vehicular and Non-motorized Access:

The parcel fronts both Maple Road and John R Road.

Potential Storm Water and Utility Issues:

The applicant will have to provide on-site storm water detention and all other utilities.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:

The parcel is classified on the Future Land Use Plan as Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The rezoning application is therefore consistent with the City of Troy Future Land Use Plan.

Compliance with Location Standards

The Location Standards for the H-S District in Article 23.40.01 of the Zoning Ordinance provides the following:

The H-S (Highway Service) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use plan and policies related thereto, or with other land use policies of the City of Troy, and therefore, on a limited basis, may involve the following types of areas:

23.40.02 Areas indicated on the Master Land Use Plan for non-center commercial use.

23.40.03 Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

The application is consistent with the Location Standards for the H-S District.

Attachments:

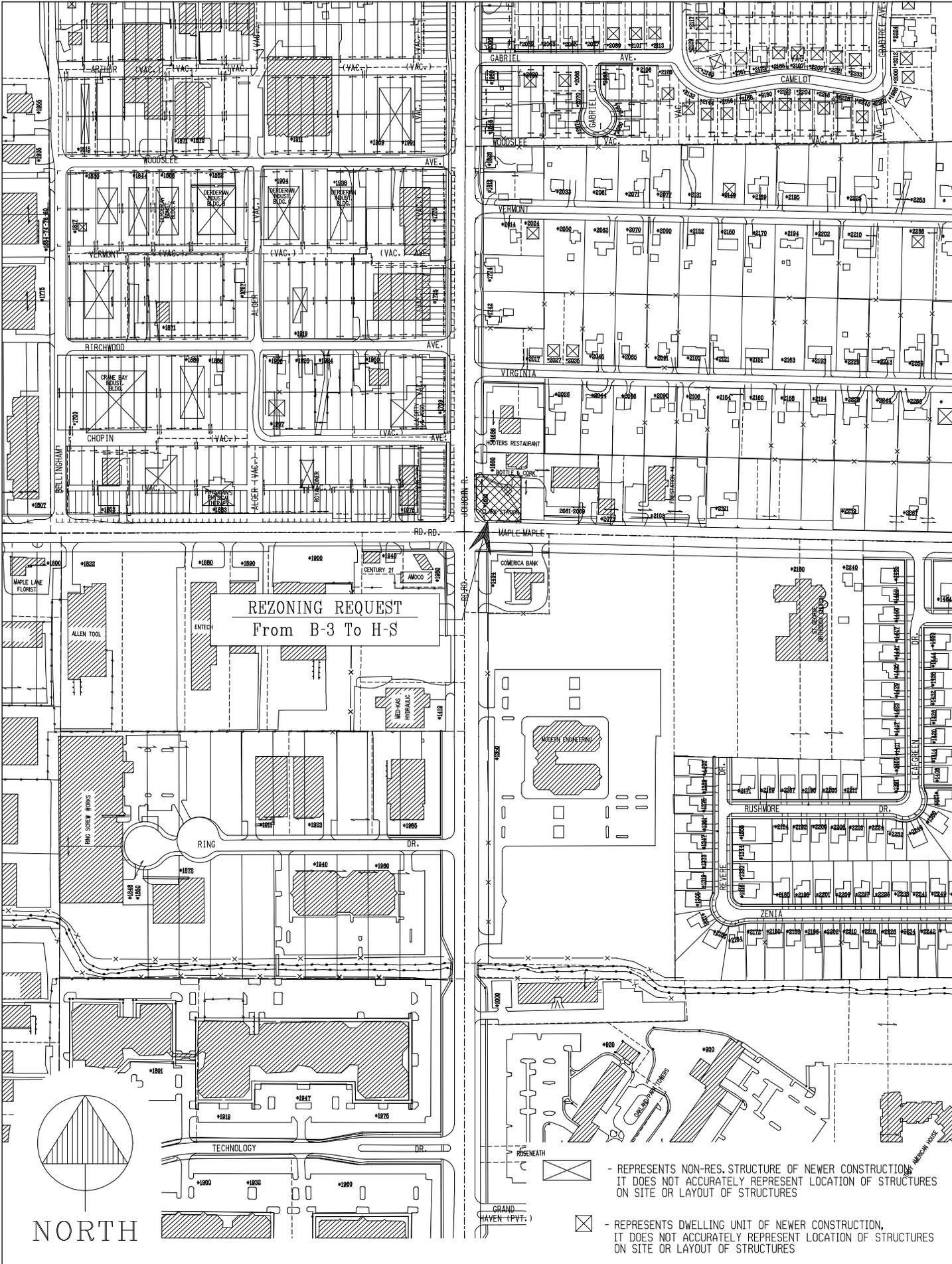
1. Maps.
2. Minutes of April 13, 2004 Planning Commission Regular Meeting.
3. Letter from applicant dated March 5, 2004.

cc: Applicant
File (Z-#582)

G:\REZONING REQUESTS\Z-582 Clark Station H-S Sec 25\CC Announcement of Public Hearing 04 19 04.doc

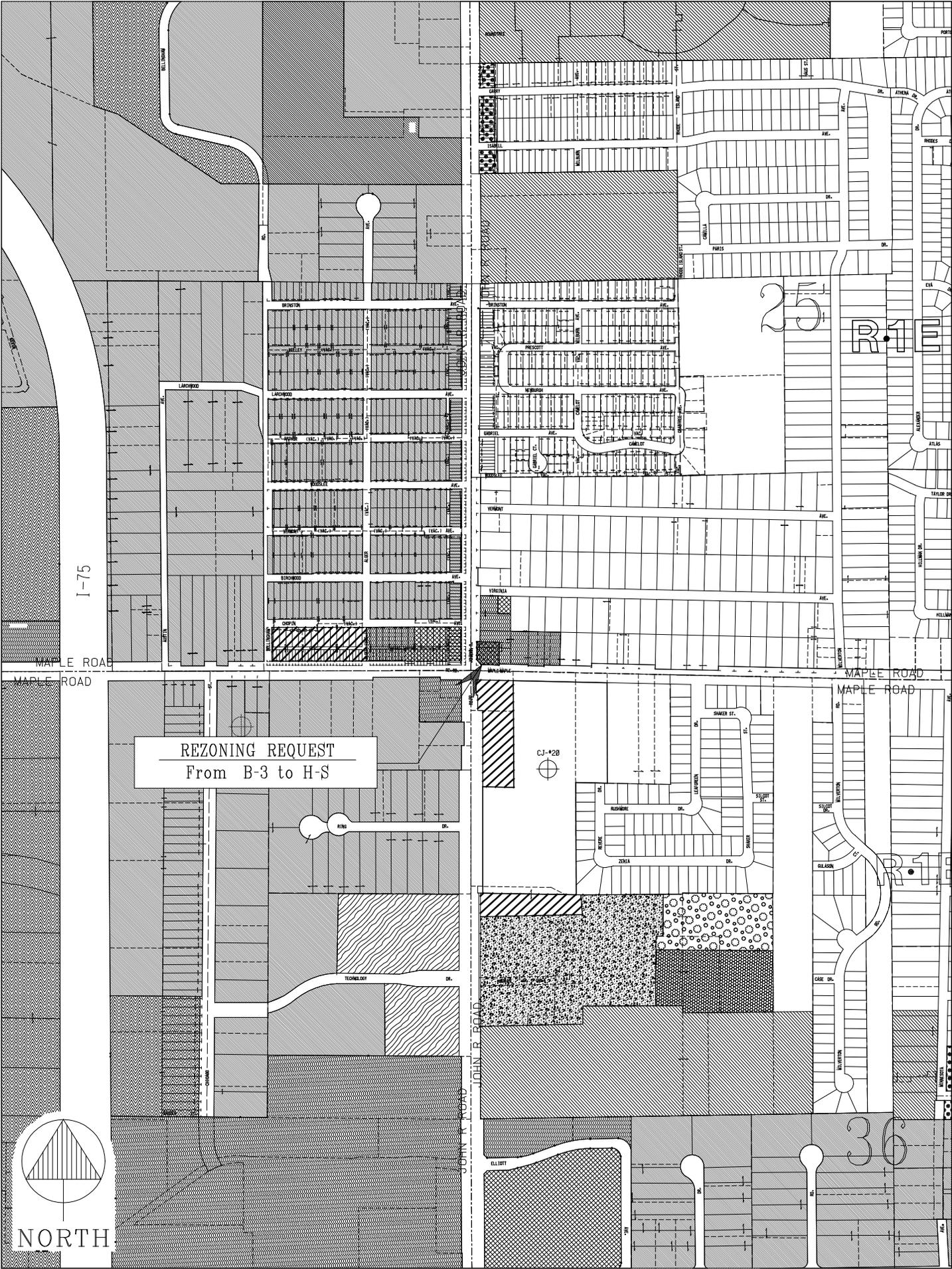
CITY OF TROY



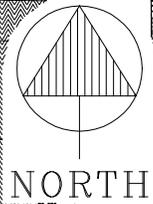


REZONING REQUEST
From B-3 To H-S

- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



REZONING REQUEST
From B-3 to H-S



REZONING REQUEST
FROM B-3 TO H-S
EXISTING CLARK STATION
NE CORNER MAPLE & JOHN R (1610 JOHN R)
SEC. 25 (Z-582)



REZONING REQUEST
FROM B-3 TO H-S

0 100 200 400 Feet



REZONING REQUESTS

6. PUBLIC HEARING – PROPOSED REZONING (Z-582) – Existing Clark Station, Northeast corner of John R and Maple, Section 25 – From B-3 to H-S

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning of the existing Clark Station. Mr. Miller stated that non-use variances from the Board of Zoning Appeals would be required prior to site plan approval. He noted that prudent site planning suggests that consolidation of adjacent properties, particularly the vacant property to the east, is very desirable and would allow for the development of a service station that would meet the Zoning Ordinance requirements. Mr. Miller confirmed that the Planning Department took into consideration the proposed right of way in its computation of the minimum site area standard for service stations (15,000 square feet). Mr. Miller reported that the Planning Department recommends approval of the rezoning application.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said the owner would like to rebuild the Clark gas station. He said the Planning Department has made the future right of way requirements clear. Mr. Kozlowski said he is prepared to pursue the required setback variances from the Board of Zoning Appeals. He stated the future road reconstruction is providing an opportunity to consolidate driveways at the location, replace ancient fuel equipment, rebuild the building, and provide landscaping and sidewalks.

A brief discussion followed with respect to the variances on the required setbacks and the on-site retention.

Mr. Kozlowski said a series of variances for setback requirements would result in approximately a 10-foot setback variance from John R and a 3-foot setback variance from Maple Road. He said the building area on site, taking into consideration the building setbacks, would result in approximately less than 3,000 square feet at the dead center of the site. Mr. Kozlowski said it is his intention to ask that the building be placed to the far eastern side of the site, resulting in a 0-foot setback. Mr. Kozlowski noted that should the City not approve their variance requests, the project would most likely not proceed. Mr. Kozlowski confirmed that the property owner to the east has no interest in selling his property. Mr. Kozlowski confirmed that the retention would be on-site and would be accommodated by oversized drain pipes.

PUBLIC HEARING OPENED

Victor Talia of 1636 Milverton, Troy, was present to represent Sam Talia. Mr. Sam Talia is the owner of the Bottle & Cork store located at 1660 John R, Premier Plaza located at 2059-2071 E. Maple, and the property directly east of the proposed rezoning. Mr. Talia said that Sam Talia wishes to extend and renovate the Premier Plaza property. Mr. Talia addressed his concerns with inconsistencies on the site plan that relate to the future right of way.

The Commission informed Mr. Talia that a recommendation would be made to the City Council on the rezoning proposal, and that site plan approval would be considered at a future meeting. The Commission also informed Mr. Talia that they were not in possession of a site plan.

Mr. Vleck said he had no objection to the proposed rezoning but noted he is not in favor of 0-foot setbacks for any projects.

Mr. Kozlowski discussed the proposed relocation of the gas pumps in the right of way and the 0-foot setbacks for the building location.

Mr. Vleck questioned what the side yard setback requirement would be for the building should the proposed rezoning be approved.

Mr. Miller cited the ordinance reads that no side yard setback would be required along the interior side lot lines of the district or along side lot lines common with other B zoning districts, with no windows or doors along the wall in question.

PUBLIC HEARING CLOSED

Resolution # PC-2004-04-044

Moved by: Littman

Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-3 to H-S (Z-582) rezoning request located on the northeast corner of John R and Maple, within Section 25, being 0.48 acres in size, be granted.

Yes: All present (9)

No: None

MOTION CARRIED



5603 S. Telegraph Rd, Dearborn Heights, Michigan 48125
313-299-4499 tel. 313-299-4433 fax

March 5, 2004

Planning Department
City of Troy, Michigan
500 West Big Beaver
Troy, Michigan 48084
248-524-3344, fax 248-524-0851

RE: Clark Gas Station, 1610 John R. Road

Sirs,

This letter is sent with an accompanying application and request for re-zoning. We feel that the rezoning of the parcel will allow for substantial property development rights. The parcel in question has been and will remain used as a gas station. We owner has proposed a significant re-development of the parcel that will allow the business to better represent the architectural goals of the City of Troy and also allow him to remain a viable business for the residents of Troy.

The rezoning is required by ordinance if any modifications are made to the site. We respectfully request that the re-zoning of this parcel to HS be considered and granted. Thank you for your prompt attention to this matter and your careful review of our request.

Sincerely,

Michael D. Kozlowski, AIA
President

Cc: Mike Kesto

REC'D

MAR - 8 2004

PLANNING DEPT.

April 29, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Proposed I-75/Long Lake/Crooks Road Interchange
Enhancement Project

Enhanced I-75 interchange facilities have been part of the City's master plan since 1971. In 1987 Troy City Council advanced a resolution stating that development of a plan to expand interchange facilities in the I-75/Crooks Road area in order to serve existing and future traffic volumes has been assigned a high priority by both the City Council and the Planning Commission of the City of Troy. This resolution also indicated that the most appropriate conceptual plan to expand interchange facilities in the I-75/Crooks Road area, consistent with the intentions of Troy's master land use plan and master thoroughfare plan, should include new ramps to and from I-75 at Long Lake Road, and a collector/distributor road system adjacent to the I-75 mainline lanes between Long Lake Road and the existing Crooks Road ramp, but no connector road between the Crooks Road/I-75 interchange and Square Lake Road.

Council's vision in this regard has been carried out to the point where preliminary engineering is just about complete, development occurred assuming this improvement, easements have been dedicated for the project, and most right-of-way has been acquired. Estimated expenditures by the City of Troy for this project are close to \$3 million for right-of-way acquisition, and this cost does not include added frontage purchased along Long Lake Road for this proposed project. Additionally, Federal funding of approximately \$2.5 million was spent on preliminary engineering.

Because of some recent concerns expressed relative to White Chapel Cemetery, noise levels, crime, and traffic management issues, City Council wishes to reexamine justification for this proposed project. And as with all policy matters, I'll provide you with an analysis, forecast, and impact of all possible outcomes relative to this proposed project; and this will include at least the following:

A. HISTORICAL PERSPECTIVE

Define problem/challenge and what has been done to date.

- 1) Summary letter from previous City Planner Larry Keisling
- 2) Points of public contact relative to this project (to be provided)

B. PUBLIC INTERESTS/CONCERNS

- 1) Affected property owners in terms of purchasing right-of-way
- 2) Affected property owners in terms of environmental concerns including:

- Noise
 - White Chapel Cemetery
 - Residential areas

- Drainage
- Traffic volume

- 3) Other concerns regarding:

- Traffic safety/accidents
- Crime

C. TRANSPORTATION NETWORK SIMULATION ANALYSIS

- 1) Volume impact on freeway and Long Lake, Square Lake
- 2) Trip time
- 3) Deletion of Square Lake connector
- 4) Average speeds
- 5) Level of service

D. ECONOMICS

- 1) Relationship of interchange enhancement to economic development
 - Input from businesses, Oakland County, Senator Shirley Johnson, Representative John Pappageorge
- 2) Current policy of leveraging local dollars to State/Federal grants
 - This project
 - Past 5 years
 - Future projects
- 3) Costs involved in project
 - Preliminary engineering
 - Right-of-way
 - Construction

The table below delineates project elements and the impact on these elements under two options:

- 1) The enhancement project is completed
- 2) The enhancement project is abandoned

<u>IMPACT</u>	<u>WITH PROPOSED PROJECT</u>	<u>WITHOUT PROPOSED PROJECT</u>
Traffic Management	Improved traffic operations	Unacceptable levels of congestion
Major Road Traffic Volumes	Redistribution of increased traffic, reduced overall congestion	Congested areas may get more congested
Average Vehicle Speed (From simulation analysis)	AM Peak: 28.43 MPH PM Peak: 21.51 MPH	AM Peak: 17.15 MPH PM Peak: 10.93 MPH

Travel Time	Reduced	Increases with traffic over time
Access	Improved accessibility	No change
Air Pollution	Lower	Higher, more idling vehicles
Fuel Consumption	Lower	Higher
Traffic Crashes	Lowered, crashes related to I-75 and ramp backups will be lower	Patterns will continue
Level of service at Intersections	Generally improved, particularly ramps at Crooks road, all others at acceptable levels of service	Unacceptable levels of service on ramps at Crooks Road, reduced levels elsewhere
Noise levels	Study report forthcoming	Same
Environmental	Wetlands created, improved surface water quality	Status Quo
Drainage	Improved drainage systems, reduced peak flow, improved water quality, improved surface water	Status Quo
Crime	Report forthcoming	Status Quo
Economic Development	Enhances Business Retention and Attraction	Undermines long term commitments and expectations of tenants and property owners

My intention is to have a presentation to you on this matter as a study session item for the May 10, 2004 Council meeting.

As always, please call me should you have any questions or if you wish to add other elements to this project justification list.

January 24, 2000

TO: John Szerlag, City Manager
Gary Shripka, Assistant City Manager

FROM: Laurence G. Keisling, Planning Director

SUBJECT: Historical Summary of I-75/Long Lake Interchange Proposals

Improved I-75 Interchange facilities in the Long Lake Road area have been a part of the City's Master Plan since the time of the comprehensive update of that plan in 1971. At that time, Chrysler Realty was undertaking development of the 400 acre series of properties now referred to as the Northfield Hills Corporate Center, and was making residential land available in the additional 1,200 acre series of properties which they owned in the adjacent area.

After completing partial development of the Northfield Commercial and Office Area in the 1970's, Chrysler Realty decided to leave the diversified real estate business. A substantial portion of their commercial and office property was then sold to the Bellemead Development Corporation, who subsequently established Bellemead of Michigan, Inc., in order to carry out their development in this area.

In 1982, Bellemead presented their proposals for office and research development in this area, including the approximate 90 acre site at the northeast corner of Long Lake and Crooks which had previously been planned and zoned for regional shopping center purposes. Their Preliminary Environmental Impact Statement once again recognized the need for greatly improved road facilities in this area, including the provision of I-75 Interchange facilities serving Long Lake Road. Subsequent technical studies, including a detailed traffic study by the Chicago-based transportation consultants, the "Metro Group", further detailed the road improvements necessary for the proper ultimate functioning of the Northfield Hills Corporate Center. Key among these recommendations was the provision of improved I-75 Interchange facilities in the Crooks/Long Lake area.

Following determination of the extent of need for road improvements in the Northfield Corporate Center area, a unique public-private effort ensued to meet those needs, including the establishment of a group known as "CORE", the Coalition On Road Enhancement. Although that group was also interested in road improvements elsewhere in the City, its primary focus was the Northfield area. The result of the efforts in the Northfield area was the implementation of a massive road improvement program carried out primarily through a Special Assessment project, wherein over 9 million dollars of the project costs of over 12 million dollars were borne by area property owners.

In addition to the Special Assessment project in the Northfield area, additional projects were proposed, involving Federal, State, County, and City funds, for the construction of Crooks Road bridge facilities over I-75 and the reconstruction of Square Lake Road in the Crooks Road intersection area.

In late 1988, grant applications were developed for Transportation Economic Development Funds, for improvements to the Long Lake/Crooks Road Interchange, and improvements to the Crooks Road bridges over I-75, and were submitted to the Michigan Department of Transportation in January of 1989. In April of 1989, as indicated in the enclosed memorandum from City Manager Frank Gerstenecker to the City Council and the attached correspondence, the Michigan Transportation Commission announced the award of grants totaling approximately 9.9 million dollars for the indicated projects.

In the succeeding years, work proceeded on the Crooks Road bridges and on the reconstruction of the Crooks-Square Lake intersection. The substantial road improvements in the Northfield Corporate Center area, including the boulevarding of Crooks and Long Lake Roads, and other major and secondary thoroughfare improvements, had previously been completed. The extent of these improvements made the Northfield Hills area truly unique, in the sense that all but one portion of the extensive necessary road improvements had been completed in preparation for the completion of private development in this area, and thus, to a "degree in advance of need". The one missing portion or "missing link" in the necessary transportation system in this area was the I-75 Interchange improvements.

Following authorization of the Transportation Economic Development Fund Grants, efforts proceeded to bring about the necessary I-75 Interchange improvements. For a variety of reasons, including changes in proposed geometrics on the part of MDOT, and policy changes as to the potential for interchange improvements before expanding the I-75 roadway, also on the part of MDOT, the interchange improvement project did not proceed and the City of Troy lost the previously-committed grant funds,

In the intervening 10 year period since the authorization of the TED Grant Funds, partly as a result of revised interchange geometrics prepared by MDOT, the question of the implementation of ramp access to and from Square Lake Road has been raised on a number of occasions. The City of Troy has consistently opposed such a connection. Our Master Thoroughfare Plan, and road improvements which have proceeded in pursuance of that plan, have clearly indicated that it is our intention to emphasize and improve the traffic-carrying capacity of Big Beaver Road and Long Lake Road as east-west thoroughfares and to de-emphasize the scale and impact of Wattles and Square Lake Roads. Although they are Section Line Roads, Wattles and Square Lake clearly function as "residential collectors". This direction has been most dramatically demonstrated by the construction of the substantial boulevarded cross-section for Long Lake Road through the Northfield Corporate Center area, and the more recently completed boulevard cross-section construction for Long Lake Road through the Livernois and Rochester intersection areas. Conversely, the recent reconstruction of Square Lake Road in the area west of Livernois to a cross-section including one lane each way and a center left turn lane clearly indicates the community's intention to retain Square Lake as a relatively "low-key" roadway facility.

Finally, from 1998 to the present, Troy has been experiencing what all those involved generally agree to be our best office market situation ever!! Our ability to respond to this demand has been met, in great measure, by the over 90 acres of office and research land which has been sold during this period by Bellemead and developed by others. At this point in time, office and research building construction is in place or under construction on every site within the approximate 400 acre Northfield Hills Corporate Center area, with the exception of the 23 acre Kelly Services parcel at the northwest corner of Long Lake and Crooks. (The enclosed planimetric map indicates the present and pending development in this area.) It is now clear, and it will be even more clear when construction and occupancy are complete in this area, that the period of "road construction in advance of need" is over, and that all of the projected road improvements in this area will be essential in order to adequately serve the substantial corporate development in this area, and the community-at-large. Construction of the "missing link" in this system, the I-75/Crooks/Long Lake Interchange improvements, must therefore be completed as soon as possible.

/eh

copies: Neall Schroeder, City Engineer
Douglas Smith, Real Estate and Development Director
Nino Licari, City Assessor

July 2004

July 2004							August 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
5	6	7	8	9	10
7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm Persons w/Dis (Conference Room Lower Level)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		
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)	12:00pm Retirement System Board of Trustees (Conference Room C)	7:00pm Cable Adv (Conference Room C)		
19	20	21	22	23	24
7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	2:00pm Board of Review (Conference Room D) 7:30pm BZA (Chambers) 7:30pm Historic District (Conference Room C) 7:30pm BOARD OF ZONING	7:30am DDA Meeting (Conference Room Lower Level)			
26	27	28	29	30	31
	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)				

Brian Stoutenburg

From: Gene Thompson [ert100@wowway.com]

Sent: Friday, April 16, 2004 11 :15 AM

To: stoutenbbh@cLtroymLus

Subject: Computer workshop

Having lived in Troy for over 30 years and now retired. Living on a fixed income and so many prescriptions to get, without coverage. My children just got me a PC to let me keep up with them and the world.

I want to thank the Library for putting on these Computer Work shops. They have been a BIG, BIG help with this old man understanding how they all work and how much they can really do. The teacher, Jan Lauder I believe her name is, does such a Great Job.

Once again I appreciate time and effort you put into these Work Shop.

Eugene Thompson
2361 Cumberland Dr.
Troy, MI 48085

Without these classes I would not be sending this to you.

Brian Stoutenburg

From: Jim Strzyzewski Oim@nbitechinc.com] Sent: Sunday, April 18, 2004 10:17 AM

To: stoutenbbh@cLtroymLus

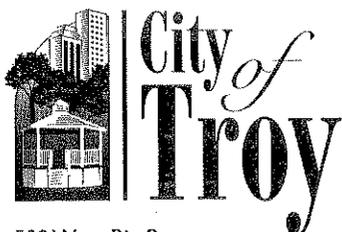
Subject: Troy Public Library

Dear Sir or Madam:

Having access to the Troy Public Library is a privilege. Your staff is polite and efficient. The materials are excellent. I sincerely appreciate work put in by you and your staff. Thank you.

Sincerely,

Jim Strzyzewski



500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

March 23, 2004

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

Mr. Loren Miller, MSE-F Technician
4693 Rochester Road
Troy, MI 48085

Dear Mr. Miller,

On Wednesday, February 25, while performing maintenance service on police patrol car #904 you discovered \$290 concealed under the backseat. The money was concealed in such a fashion that officers conducting routine vehicle inspections failed to find it. Mr. Miller you did the right thing, you contacted the police department. Currently, an investigation is underway which I believe will link the money to an Armed Robbery, which occurred earlier in the City of Sterling Heights.

Mr. Miller you did what is expected of you as a City of Troy employee, nonetheless, on behalf of the City of Troy Police Department, I wish to commend you for your honesty. Keep up the good work and thanks again.

Sincerely,

Lieutenant Robert J. Rossman

CC: Gary Shripka, Assistant City Manager
Tim Richnak, Public Works Director
Samuel Lamerato, Superintendent of Fleet Maintenance
Human Resource Personnel File



TO: Mayor and Members of Council
Members of Cable Advisory Committee
FROM: Lori Grigg Bluhm, City Attorney
DATE: April 21, 2004
SUBJECT: Update on Cable Franchise Fee Lawsuits

As you recall, the City of Troy is one of thirteen defendants served with a lawsuit challenging the cable franchise fees as an illegal tax. The other municipalities include Ann Arbor, Canton Township, Grand Rapids, Kalamazoo, Livonia, Midland, Muskegon, Plymouth Township, Royal Oak, St. Clair Shores, Warren and Westland.

Dismissal of the case has been granted in the following **seven** communities: Canton Township; Grand Rapids; Livonia, Muskegon, Plymouth Township, St. Clair Shores and Westland. Plaintiffs indicate that they will appeal the adverse decisions, but no appeal has been filed at this time. Plaintiff voluntarily dismissed the lawsuit against Plymouth Township, rather than answer the extensive discovery requests.

Oral argument has been heard in the cases against Ann Arbor and Midland, and supplemental briefs were filed by Plaintiffs to address questions of the Court. Decisions in these cases are anticipated in the immediate future.

The Troy and Royal Oak cases will be consolidated, and assigned Judge Goldsmith, the new appointee to the Oakland County Circuit Court, who has assumed the docket of the deceased Judge Brennan. Due to some transitional delays, oral argument in these cases is now scheduled for June 16, 2004. The motions for class certification will be held on the same day if the Court denies the municipal motion to dismiss.

A motion for summary disposition has also been filed in the Kalamazoo case. However, the hearing date is not yet known, since the judge disqualified himself from deciding the case (Plaintiff in that case is a local attorney who frequently appears before the entire county bench). The case is now waiting to be transferred to a judge from somewhere other than Kalamazoo County.

A motion for summary disposition will be filed in the Warren case by the end of the month.

Please let me know if you have additional questions.

April 27, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Questions from April 26, 2004 Budget Study Session Church Exemptions

Questions arose at the Budget Study Sessions on April 26, 2004, concerning the exempt status of certain catering halls owned by churches, and used for non-church functions.

This issue initially surfaced at the 12/20/99 City Council meeting. In response to this inquiry from council, the Assessing Department mailed out a letter and affidavit to all churches in Troy (copy attached) on January 20, 2000. All eventually responded to the questionnaire.

While one facility was assessed, as it had a private contractor, who was allowed to have events on their own, the value on this enterprise was tied up at the Michigan Tax Tribunal for 3 years. The final Taxable Value, based on the limited usage permitted the lessee eventually was lowered from \$108,000 to \$34,000 (\$321.00 of City Tax).

None of the other facilities were determined to be taxable. The exemption law (attached) allows an exemption if the predominant use of is in keeping with the stated purposes of the entity. In these instances, weddings, baptisms, religious ceremonies, etc., are all allowable.

In addition, if these activities count for more than 50% of the use, the exemption is still valid.

Also, excepting the one hall that is partially taxable, all of the workers at the other facilities are employees of the respective churches. This allows them to charge enough to cover their expenses (including salaries) for non-church related activities, and not lose their exemption, or their non-profit status.

In short, we are unable to place a valid assessment against these properties. While I do not think this is an equitable situation, short of legislative intervention, there is nothing else the Assessing Department can do.

If you feel it would be helpful, please forward this information to Council.

March 14, 2000

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager–Finance/Administration
Nino Licari, City Assessor

Re: Results of Survey of Religious Facilities being used for profit

Attached you will find copies of two letters, excerpts from the Michigan Compiled Laws, and a survey form that were mailed to all of the churches in the City of Troy. Also attached is a tabulation of the results of the survey.

This was in response to a 12/20/99 Council request that my office investigates reports of religious facilities being used as for profit ventures, in particular, catering halls, and retaining their tax-exempt status.

The results of the survey are as follows. There are 57 parcels of land owned by religious organizations in the City of Troy. Fifty-one of these parcels are improved with churches and ancillary buildings. All of them responded to the survey.

We are assessing 7 Day Care Facilities that are operating in these churches (5 of which we already had on the rolls). An eighth one is legally exempt, as it is for members only, and does not profit from its activities.

There are 3 catering type facilities on church property. One is being assessed for the year 2000. One is exempt, as only member and religious functions are held there (all not for profit). The third is not being assessed, as it held only 2 private functions (one of these attended by some Council members initiated the request) that would generate virtually no value for assessing purposes. They have also ceased leasing for all private functions so their tax-exempt status will not be jeopardized.

I expect an appeal at the Michigan Tax Tribunal from the facility being assessed. I have also been informed that they will attempt to change their current arrangement to restore their tax-exempt status for the year 2001.

I am available to answer any questions you may have.

January 7, 2000

To: Owners/Operators/Lessees of Religious facilities with catering type halls.

From: Nino Licari, Assessor, City of Troy

Re: Tax Exempt Status Review

I have received numerous reports of Churches and religious organizations that are leasing their facilities for public functions not specifically related to religious services, or teaching the religious beliefs of these respective organizations. This is specifically in opposition to the exemption statutes of the Michigan Compiled Laws (sections 211.7o, 211.7s, and 211.181, copies attached, emphasis added).

In specific instances some church halls are being operated as full service catering halls (either with a contracted caterer, or run by the churches themselves). Using these facilities in this manner, with a tax-exempt status, allows these facilities to operate at a competitive advantage over similar facilities that receive no tax exemptions. The law states that the lessee of this type of operation is subject to taxation, as if they were the owner of the facility. In instances where the religious organization is the operator of the business, their non-profit status is in jeopardy.

This type of operation is also against the City's zoning ordinances, and could possibly subject the organization to fines and penalties.

Please be assured that the vast majority of our exempt churches and religious organizations are operating well within the boundaries of the exemption statutes. I am also assuming that those that are not, have done so with no malice, nor intent to take advantage of the other taxpayers of the City of Troy.

Unfortunately, the only equitable way to handle this situation is to question **all** of the Churches and religious organizations in the City of Troy.

I have enclosed a short and simple questionnaire for you to fill out. Please do so to the best of your knowledge, and return it to the Assessing Department by February 10, 2000.

Please be assured that my personal belief is that churches and religious organizations should have great latitude in generating funds for spreading the message of their beliefs. This path I am forced to follow, by statute, has caused me much consternation, but I have no choice in the matter unless the current exemption laws are changed.

Feel free to contact me, or any of my capable staff members, if you have any questions, or are in need of assistance in completing the attached form.

Sincerely,

Leger (Nino) Licari
Assessor
City of Troy
248.524.3311
licarila@ci.troy.mi.us

Citings from Michigan Compiled Laws 211.*

211.7o. Property of nonprofit charitable institutions

Sec. 7o. (1) *Property owned* and occupied ***by a nonprofit charitable institution while occupied*** by that nonprofit charitable institution ***solely for the purposes for which it was incorporated is exempt*** from the collection of taxes under this act.

(2) *Property owned by a nonprofit charitable institution that is leased*, loaned, or otherwise made available ***to another nonprofit charitable institution***, a nonprofit hospital, or a nonprofit educational institution, occupied by that nonprofit charitable institution, nonprofit hospital, or nonprofit educational institution ***solely for the purposes for which that nonprofit charitable institution***, nonprofit hospital, or nonprofit educational institution ***was organized*** and that ***would be exempt from taxes*** collected under this act if the property were occupied by the lessor nonprofit charitable institution solely for the purposes for which the lessor charitable nonprofit institution was organized is exempt from the collection of taxes under this act.

211.7s. Houses of public worship, parsonages

Sec. 7s. *Houses of public worship*, with the land on which they stand, the furniture therein and all rights in the pews, and any parsonage owned by a religious society of this state and occupied as a parsonage ***are exempt from taxation*** under this act. Houses of public worship ***includes buildings or other facilities*** owned by a religious society and ***used predominantly for religious services or for teaching the religious truths and beliefs of the society.***

211.181. Taxation of lessees or users of tax-exempt property; exceptions

Sec. 1. (1) except as provided in this section, ***if real property exempt*** for any reason ***from ad valorem property taxation is leased***, loaned, or otherwise made available to ***and used by a private individual***, association, or corporation ***in connection with a business conducted for profit***, the lessee or user of the real property ***is subject to taxation*** in the same amount and to the same extent as though the lessee or user owned the real property.

CITY OF TROY ASSESSING DEPARTMENT CHURCH EXEMPT STATUS REPORT January 2000

Name		Parcel I.D.	88-20-
Street Address			
City, State, Zip			
Property Address (if Different)			
Street Address			
City, State, Zip			
Person Filling Out Form (print)	_____		
Signature: ==>	_____		
Phone # (8:00 AM - 5:00 PM)	_____		_____ (Date)
	(Area Code)	(Number)	

IF NO PORTION OF YOUR BUILDINGS ARE LEASED TO ANOTHER INDIVIDUAL OR BUSINESS, OR IF YOU DO NOT RENT OUT YOUR FACILITIES TO NON MEMBERS, OR IF NO CATERING TYPE BUSINESS OPERATES ON OR OUT OF YOUR PREMISES, PLEASE CHECK THE "Not Applicable" BOX AND RETURN YOUR SIGNED FORM TO: "Assessing Department, City of Troy, 500 W. Big Beaver, Troy, MI 48084-5285".

NOT APPLICABLE ==>

(Thank You For Your Time!!)

IF YOUR ORGANIZATION CATERS EVENTS UNRELATED TO RELIGIOUS SERVICES OR THE TEACHING OF RELIGIOUS BELIEFS, PLEASE COMPLETE THE FOLLOWING SECTIONS TO THE BEST OF YOUR ABILITIES

- 1.) **Total Number of Events Held In 1999:** _____
(do not include Religious Services, or Religious Education)
- 2.) **Number of Non Organizational Events in 1999:** _____
(not related to religious services or the teaching of religious beliefs)
- 3.) **Estimated Total Square Footage of Your Buildings:** _____
(excluding garages, sheds and outbuildings)
- 4.) **Estimated Square Footage of Leased Area:** _____
(Thank You For Your Time!!)

IF YOUR ORGANIZATION LEASES ITS FACILITIES TO A PRIVATE BUSINESS, CATERER, OR FOR PROFIT ENTERPRISE, PLEASE CONSULT WITH THEM AND COMPLETE THE FOLLOWING SECTIONS

- 1.) **Total Number of Events Held In 1999:** _____
(do not include Religious Services, or Religious Education)
- 2.) **Number of Non Organizational Events in 1999:** _____
(not related to religious services or the teaching of religious beliefs)
- 3.) **Estimated Total Square Footage of Your Buildings:** _____
(excluding garages, sheds and outbuildings)
- 4.) **Estimated Square Footage of Leased Area:** _____
- 5.) **Total gross revenues all events** _____
- 6.) **Total expenses all events** _____
- 7.) **Total gross revenues non religious events** _____
- 8.) **Total expenses non religious events** _____

**** PLEASE ATTACH A COPY OF THE LEASE AGREEMENT BETWEEN THE TWO PARTIES ****

April 27, 2004

TO: John Szerlag, City Manager
FROM: Laura Fitzpatrick, Assistant to the City Manager
SUBJECT: Agenda Item: CCPTF Update

In accordance with the July 2003 City Council Resolution establishing it, the Civic Center Priority Task Force will re-convene to make a recommendation for the eleven acres on the southeast corner of the Civic Center Site. Also on the agenda for this meeting is the possibility of holding the Troy Daze festival on the site. A Troy Daze Committee representative will be in attendance.

The CCPTF Member from the Planning Commission is no longer serving on the Planning Commission. As such, the Planning Commission will be appointing a replacement.

CCPTF Meeting Details

Date: Wednesday, May 12, 2004
Time: 7:30 PM
Location: Council Board Room, 2nd Floor, City Hall



April 27, 2004

4420 Livernois
Troy, MI 48098
P 248/823-5095
F 248/823-5240

Mayor Louise Schilling
Troy City Council Members
CITY OF TROY
500 W. Big Beaver
Troy, MI 48084

SPONSORED BY:

City of Troy
Troy Schools
Oakland County
Probate Court
Circuit Court –
Family Division

**EXECUTIVE
BOARD OF
DIRECTORS:**

Nancy Piotrowski
Chair

Robin Lilly
Secretary

William Waggoner
Treasurer

Chuck Palmer
Advisor

Paul Scobie
YA Caseworker

Dear Mayor Schilling and City Council Members:

Greetings on behalf of the Board of Directors and Staff of Troy Youth Assistance. We would like to take this opportunity to thank you for your continued sponsorship of Troy Youth Assistance. Your help is invaluable in our mission of strengthening youth and families and reducing the incidence of juvenile delinquency, abuse, and neglect through community involvement.

Enclosed please find TYA's Report To Sponsors, Oakland County Youth Assistance By The Numbers, and our recently updated program brochure. We hope that these items reinforce the significance of our program and underscore the importance of continued collaboration between the City of Troy and Troy Youth Assistance. As a reminder, we also send along an invitation to our 32nd Annual Youth Recognition Event, to be held Thursday, May 6 at Troy High School. We are privileged to be honoring 163 outstanding Troy students for their service to others.

If you have additional questions or seek further information regarding Troy Youth Assistance, please call the office at (248) 823-5095. Thank you again for your care and concern toward young people and families in the Troy Community.

Sincerely,

Nancy W. Piotrowski

Nancy W. Piotrowski
Troy Youth Assistance
Board of Directors



OAKLAND COUNTY YOUTH ASSISTANCE BY THE NUMBERS
Celebrating 50 years of strengthening families
through community involvement.

1953 The program began in Hazel Park, Michigan.

26 Local programs {decentralized approach, community-based, school district boundaries}.

3 Tri-sponsored with the school districts, municipalities {over 80}, and the Probate Court/Circuit Court-Family Division.

\$1,200,202 Local sponsor cash and in-kind contributions in 2003.

\$443,859 Additional funds secured by volunteers through grants, donations, and fundraising.

2 Pronged approach {Casework and Community Organization}.

5,400 Families received free, confidential, family-focused, short-term casework services in 2003.

52/33/12/3 Percent of referrals received in 2003 from the Schools {52%}, Police {33%}, Parents {12%}, Others {3%}.

16/11/8 Percent of total for three highest offense-related referral reasons: School Truancy (16%), Retail Fraud (11%), and School Incurrigibility {8%}.

61/39 Percent of male/female clients {2003}.

12.7 Average age of youth referred {2003}.

158 Caseload youth who participated in the U-Turn jail tour in 2003.

9,095 Hours of Community Service that Youth Assistance caseload youth performed in 2003.

90% Success rate for youth receiving YA casework services. No subsequent contact with Probate or Circuit Court. Based upon three-year study conducted by MSU completed in 1992.

950+ Volunteers who served as board members, subcommittee members or task volunteers {2003}. Youth Assistance involves volunteers in all phases of program operations.

45,000 Number of hours volunteers devoted to Youth Assistance in 2003.

200 Youth matched with mentors each year through the Mentors Plus program.

42,200 Total number of Community Organization program participants in 2003.

Youth Assistance Mission Statement

To strengthen youth and families and to reduce the incidence of delinquency, abuse and neglect through community involvement.



**Troy Youth Assistance
Report to Sponsors
2003-2004**

CASEWORK

Provided casework/counseling services to 201 youngsters in 2003.
103 of these were carryovers from 2002
98 were new
> 54 Male
> 44 Female
> Referral sources: 59 from police, 25 from Schools, 9 from Parents, 5 from Community Sources.

Reasons for referral:

> Prevention/Counseling referrals (31).
> Retail Fraud (Shoplifting) Referrals (24).
> Remaining 43 included Home and School Incurability, Home and School Truancy, Larceny, Malicious Destruction of Property, and Trespassing.

Strategies used in casework efforts:

> Seek to prevent juvenile delinquency and neglect and work to build City of Troy healthier coping and adjustment abilities.
> Youngsters often complete essays, letters of apology, view appropriate videos, and complete community service.
> TYA caseload youngsters completed 310 hours of community service during 2003.

FAMILY EDUCATION

Offered fifteen Family Education sessions on the following topics:
> Active Parenting Now, Active Parenting of Teens, Giving Kids What They Need To Succeed, Anger Management, and Making A Difference in The Media.
 ➤ 206 parents participated.
 ➤

YOUTH INVOLVEMENT

Recruited 27 high school students who provided one to one tutoring.
53 students, elementary through high school age, were tutored.

MENTORS PLUS

Six one to one matches were active between youngsters and a caring and committed adult role model.
> These volunteers gave approximately 550 hours to their matched children during 2003.
 ➤ One additional match was made in January 2004.

CAMP/SKILL BUILDING

Provided Scholarship and financial assistance to eighteen youngsters.
> Activities included Day Camp, School Classes, Musical Lessons, and others.

YOUTH RECOGNITION

Sponsored 115 students for significant contributions to community, heroism, and overcoming personal challenges in 2003.
Will honor 162 students at this year's event on May 6.

DATE: April 28, 2004

TO: John Szerlag, City Manager

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

SUBJECT: Proposed Anti-Drug Mural at the Troy Skate Park

I have reviewed the letter dated April 21, 2004, from Ann Comiskey relating to the anti-drug mural proposed to be located at the Troy Skate Park. In her letter she indicates that the mural, as now proposed, would not contain any written message. As such the mural would be considered artwork and would not be subject to the size limitations contained within the Troy Sign Ordinance, Chapter 85 of the Troy City Code.

We will be happy to work with the Troy Community Coalition regarding the proper attachment and support for this mural at the facility.

If you require any additional information regarding this matter please advise.

April 21, 2004

Mr. John Szerlag
Troy City Manager
500 W. Big Beaver Road
Troy, MI 48084

Dear John:

The Anti-Drug Mural in the Teen Room at the Community Center is progressing nicely and it is time to consider the outdoor mural at the Skate Park. Based on our experience with the local artist, teacher and students we believe the best way to proceed with the outdoor mural is to contract with a local artist for the design and then have the students paint the mural following the artist's outline. In doing this we would be assured that our guidelines for the mural are followed. We would specify to the artist that no words be used on the mural. We understand that as long as there are no words this would not be considered a sign and would not fall under the City of Troy sign ordinance.

We propose, therefore, that the Troy Community Coalition be allowed to paint an Anti-Drug mural at the Troy Skate Park location. The mural would be secured to the rear fence and measure a 5 feet high by 100 feet long.

As we discussed at our presentation to City Council the Coalition would take every make the mural graffiti free and appealing to both youth and adults. We would submit the artist's rendering for Council's approval if they approve of the concept.

Please let us know if additional information is needed and we will be happy to comply. Thank you for your consideration in this regard.

Sincerely,

Ann M. Comiskey
Executive Director
Troy Community Coalition

February 4, 2004

RECEIVED

FEB 05 2003

CITY OF TROY
CITY MANAGER'S OFFICE

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police 

SUBJECT: Proposed Skate Park Mural – Crime Prevention Concerns

During the discussion of the proposed skate park mural, at the February 2, 2004, City Council meeting, Council Member Beltramini expressed concern that the placement of the mural on the south side fence may pose a crime prevention hazard by creating an area where someone could loiter, out of view, for other than legal purposes. The Mayor requested input from the police department as to that concern.

In response I directed the Community Services Section inspect the site. Lieutenant Scherlinck performed the inspection and reported that although the mural, if ground-based, would obstruct direct observation from the North side of the skate park, the area is easily observed from the driveway (to the East of the park) and from the parking lot (on the West side of the park). It is his opinion that there is sufficient traffic of a general nature entering the Community Center from the east drive off of Civic Center to present a significant deterrent to illegal activity. However, if the berm/creek area is allowed to become overgrown individuals might choose to utilize that area for concealment. To prevent this, the lieutenant suggests the area be pruned and mowed, as needed.

It is Lieutenant Scherlinck's opinion, and I concur, that placement of a ground-based mural on the rear fence does not create a significant crime prevention hazard.

Please contact me if you require additional information.