

AGENDA

Regular Meeting of the

CITY COUNCIL OF THE CITY OF TROY

MAY 10, 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.

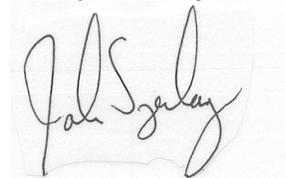
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration is on course with these goals.

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 rectangular background.

John Szerlag, City Manager



CITY COUNCIL

AGENDA

May 10, 2004 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Father Joseph Antypas – St. George Antiochian Orthodox Church

ROLL CALL:

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

CERTIFICATES OF RECOGNITION: No Certificates of Recognition Submitted

CARRYOVER ITEMS: No Items Carried Over

PUBLIC HEARINGS:

C-1 Approval of 2004-2005 Budget

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2004-05-

Moved by

Seconded by

WHEREAS, Section 8.3 of the City Charter directs the City Council to **ADOPT** a budget for the ensuing year, beginning July 1, 2004:

NOW, THEREFORE, BE IT RESOLVED, That

1. The following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	\$31,996,690
Licenses and Permits.....	1,517,000
Federal Grants	22,000
State Grants.....	6,645,000
Contributions – Local	135,000
Charges for Services.....	5,723,600
Fines and Forfeits	975,000
Interest and Rents.....	954,000
Other Revenue.....	450,110

Operating Transfers In	7,555,020
Re-appropriation.....	3,106,430

TOTAL \$59,079,850

THEREFORE, The tax rate for the General Operating Fund shall be six and twenty-five one hundredths (6.25) mills on the 2004 taxable valuation.

- To meet the anticipated expenses, the following listed budgetary centers shall be appropriated the following amounts from the General Operating Fund:

Building Inspection	\$2,075,770
Council/Executive Administration	2,025,620
Engineering	3,013,880
Finance.....	4,847,690
Fire	3,899,000
Library /Museum.....	4,908,410
Other General Government	2,619,120
Police.....	22,059,220
Parks and Recreation	8,208,820
Streets	5,412,320
Operating Transfer Out	10,000

TOTAL \$59,079,850

- The following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes.....	\$8,938,000
State Grants	4,267,750
Charges for Services	140,000
Interest and Rents	325,000
Operating Transfer In	2,150,000
Re-appropriation.....	12,588,780

TOTAL \$28,409,530

THEREFORE, The tax rate for the Capital Fund shall be one and eighty-seven one hundredths (1.87) mills on the 2004 taxable valuation.

- The following listed budgetary centers shall be appropriated the following listed amounts from the Capital Fund to meet anticipated expenses:

Building Inspection	\$20,000
Drains	1,512,890
Engineering	17,000
Finance.....	55,000
Fire	447,500

Information Technology	806,020
Operating Transfers Out	3,100,000
Museum	247,000
Other General Government.....	614,000
Police	487,120
Parks and Recreation.....	3,971,000
Streets.....	15,429,000
Public Works.....	1,703,000

TOTAL \$28,409,530

5. The following listed revenues of the Refuse Fund are anticipated:

Taxes	\$3,967,000
Interest and Rents.....	40,000
Charges for Services.....	1,000
Re-appropriation	451,180

TOTAL \$4,459,180

THEREFORE, The tax rate for the Refuse Fund shall be eighty-three one hundredths (.83) mills on the 2004 taxable valuation.

6. The Refuse Fund shall be appropriated \$4,459,180

7. The General Debt Service Fund shall be appropriated \$3,509,690

AND, There shall be a tax levy of fifty one hundredth (.50) mills on the 2004 taxable valuation for the General Debt Service Fund.

8. The following budgets shall be approved as shown in the budget for 2004-2005:

Budget Stabilization Fund	\$7,000
Major Road Fund	\$3,800,000
Local Road Fund.....	\$1,680,580
Community Development Block Grant Fund	\$199,250
Troy Community Fair Fund	\$166,500
2000 MTF Debt Fund	\$247,740
Proposal A Debt Fund.....	\$776,170
Proposal B Debt Fund.....	\$1,337,280
Proposal C Debt Fund.....	\$1,335,320
Special Assessment Fund.....	\$433,380
Water Supply System	\$13,401,250
Sanitary Sewer Fund.....	\$9,809,180
Aquatic Center Fund	\$595,460
Sylvan Glen Golf Course Fund	\$1,215,930
Sanctuary Lake Golf Course Fund.....	\$1,628,420
Building Operations.....	\$1,735,630
Information Technology Fund	\$1,696,180

Fleet Maintenance Fund.....	\$3,979,910
Workers' Compensation Fund.....	\$550,000
Compensated Absences Fund	\$4,000,000
Unemployment Insurance Fund	\$40,000

Yes:
No:

C-2 Rezoning Application (Z-582 – Northeast Corner of Maple Road and John R Road – Section 25 – B-3 to H-S)

City Management requests a 5-minute presentation regarding this item.

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

RESOLVED, That the B-3 to H-S rezoning request, located on the northeast corner of Maple Road and John R Road, Section 25, being 20,804 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

POSTPONED ITEMS: No Items Postponed

CONSENT AGENDA:

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 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.

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

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

E-2 Minutes: Regular Meeting of May 3, 2004Suggested Resolution

Resolution #2004-05-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 3, 2004 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: No City of Troy Proclamations Proposed

E-4 Standard Purchasing Resolution 1: Award to Low Bidder – Contract 04-1 – Walnut Hill & Chestnut Hill S.A.D. - Paving & Storm Sewer, Adams to Big BeaverSuggested Resolution

Resolution #2004-05-

RESOLVED, That Contract No. 04-1, Walnut Hill & Chestnut Hill S.A.D. – Paving and Storm Sewer be **AWARDED** to ADJ Excavating Company, 47301 Feathered Ct., Shelby Township, MI 48315 at an estimated total cost of \$451,607.58; and

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

PUBLIC COMMENT: Address of “F” Items Removed for Discussion by the Public

Council will move forward all of the “F” items on which members of the audience would like to address. Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004.

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 section under item 12. "F" of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. 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 item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 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.

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1. Brownfield Redevelopment Authority; 2. Economic Development Corporation and (b) City Council Appointments: 1. Advisory Committee for Persons with Disabilities; 2. Advisory Committee for Senior Citizens; 3. Troy Daze

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

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

(a) Mayoral 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:

Brownfield Redevelopment Authority

Mayor, Council Approval (7) – 3 years

Victor Lenivov seeks reappointment

Term expires 04-30-2007

CURRENT MEMBERS

NAME	TERM EXPIRES
Cotsonika, Arthur	04/30/06
Wilberding, Bruce J	04/30/07
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	05/21/03-05/2005	06/02/03
DeBacker, Deborah	05/20/02-05/2004	06/03/02
Dziurman, Theodore	06/10/03-05/2005	06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Joseph, Luke	03/10/03-03/2005	03/17/03
Keisling, Laurence	04/29/04-04/2006	05/03/04
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	2/18/03-02/2005	03/03/03
Silver, Neil S	08/11/00-06/20/01- 06/09/03-05/2005	08/21/00-07/09/01- 06/16/03
Smits, Beatrice G	12/2/03-12/2005	12/15/03

Economic Development Corporation**Mayor, Council Approval (9) – 6 years****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	04/30/09
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 Appointments

Suggested 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:

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	11/01/04

Nada Raheb (Student)	07/01/03
Mark Pritzloff	11/01/06
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
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**

Ed Forst does not seek reappointment

Term expires 04-30-2007**CURRENT MEMBERS**

NAME	TERM EXPIRES
Banch, Steven M	04/30/07
Dixon, Merrill W	04/30/06
Forst, Ed	04/30/04
Hoag, Marie	04/30/06
Noce, Pauline	04/30/07
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
Berar, James	05/05/04	05/10/04
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
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 07-01-2003 Student**

CURRENT MEMBERS

NAME	TERM EXPIRES
Robert A. Berk	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
Marilyn Musiak	11/30/04
Jeffrey Stewart (Rep to Parks/Rec Board)	09/30/06
Robert S. Preston	11/30/05
Cheryl A Whitton-Kaszubski	11/30/06
Jessica Zablocki (Student)	07/01/03

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Yes:

No:

F-2 Amendment to Chapter 20 of the City Code (Water and Sewer Rates)Suggested Resolution

Resolution #2004-05-

Moved by

Seconded by

RESOLVED, That an amendment to Chapter 20, Water and Sewer Rates, is hereby **APPROVED**, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**G-1 Announcement of Public Hearings:**(a) Parking Variance Request – 5991 Livernois – **Scheduled for May 24, 2004**(b) Parking Variance Request – 3871-3883 Rochester Rd. – **Scheduled for May 24, 2004****G-2 Green Memorandums: No Green Items Submitted****G-3 Memorandum – Re: Bicycles, Segways, Go-peds, Mo-peds and Low Speed Vehicles**

COUNCIL REFERRALS: No Referral Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**COUNCIL COMMENTS:****REPORTS:**

J-1 Minutes – Boards and Committees:

- (a) Planning Commission/Final – April 6, 2004
 - (b) Planning Commission/Final – April 13, 2004
-

J-2 Department Reports:

- (a) Permits issued during the Month of April 2004
 - (b) 2004 Law Day – Speaker: Professor Robert A. Sedler – “*To Win Equality by Law: Brown v Board of Education at 50*” - City Council Chambers - Wednesday, May 12, 2004
-

J-3 Letters of Appreciation: No Letters of Appreciation Submitted

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- (a) Village of Schoolcraft – Resolution Urging Michigan Legislature to Correct Inequities in Assessment Laws
-

J-5 Calendar**STUDY ITEMS:**

K-1 Proposed I-75 / Crooks / Long Lake Road Interchange Improvement**PUBLIC COMMENT: Address of Items NOT on the Agenda by the Public**

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 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.

CLOSED SESSION

L-1 Closed Session

Suggested Resolution

Resolution #2004-05-

Moved by

Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); Norris et. al. v. City of Troy – Pending Litigation, MCL 15.268 (h) and MCL 15243 (g) – Attorney Client Privileged Memorandum.

Yes:

No:

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

TO: The Honorable Mayor and City Council

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

RE: Proposed 2004-05 City Budget

DATE: May 6, 2004

Attached please find a resolution to formally adopt the 2004-05 Budget, as tentatively approved during budget study sessions.

The Budget resolution reflects a millage rate of 9.45, the same as the current year. The proposed Budget includes the adjustments made at the April 26, 2004 Budget Study Session. At the direction of City Council \$500,000.00 will be removed from Park Development and applied as follows: \$332,000.00 transfer to the Budget Stabilization Fund and \$168,000.00 to the General Fund Unreserved/Undesignated Fund Balance.

The following reductions were also made:

- Barn Reserve \$5,000.00
- City Council Memberships and Dues \$4,000.00
- Community Center artwork \$20,000.00

The Downtown Development Authority will also reimburse the General Fund an additional \$1,750.00 for City administrative services.

Please note that the final budget document will be prepared and submitted to City Council at the First meeting in July.

DATE: May 3, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director

SUBJECT: REZONING PUBLIC HEARING – 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:

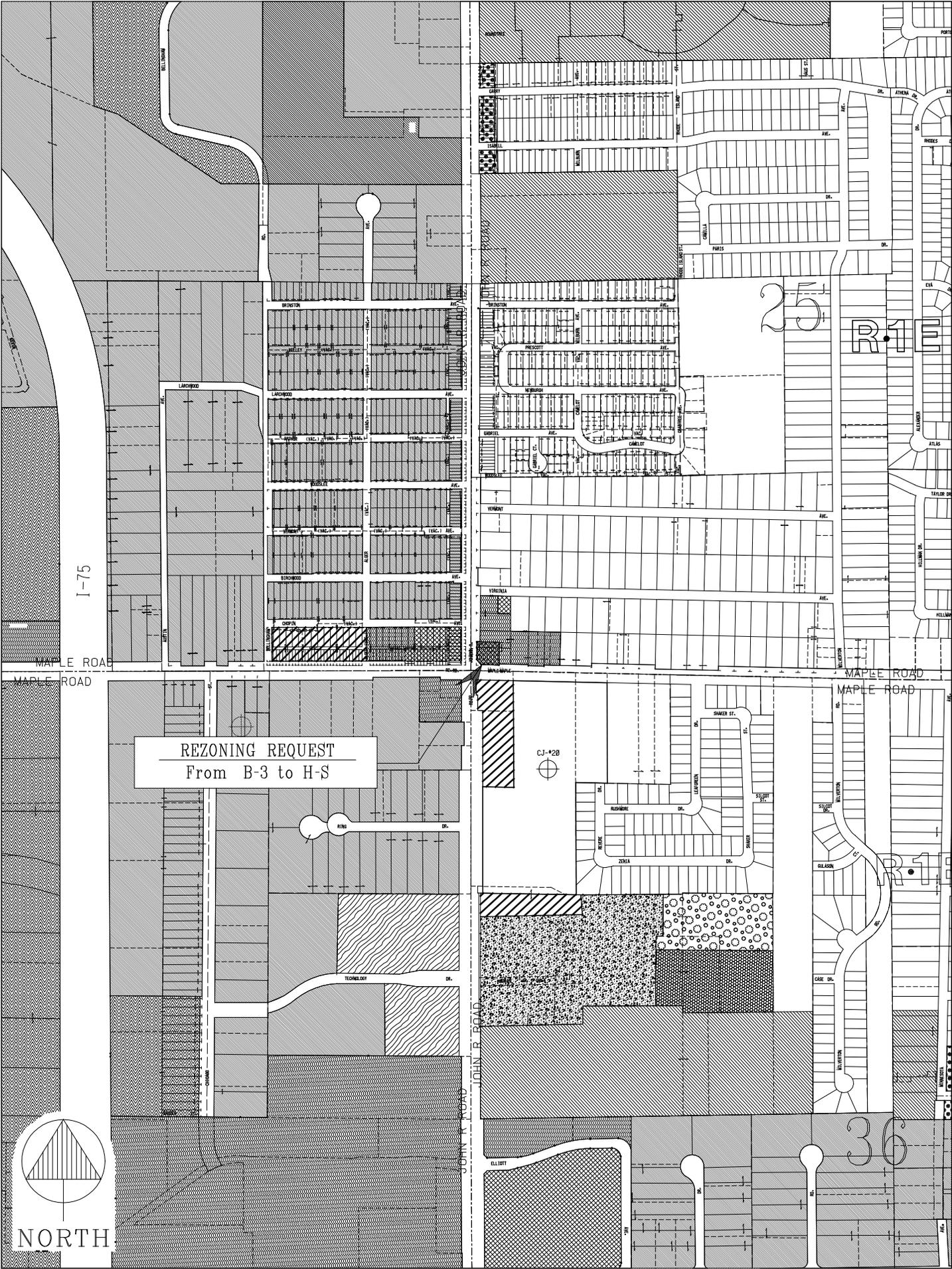
1. Maps.
2. Minutes of April 13, 2004 Planning Commission Regular Meeting.
3. Letter from applicant dated March 5, 2004.

cc: Applicant
File (Z-#582)

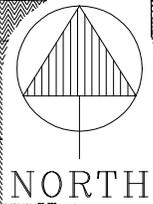
G:\REZONING REQUESTS\Z-582 Clark Station H-S Sec 25\CC Public Hearing 05 10 04.doc

CITY OF TROY





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)

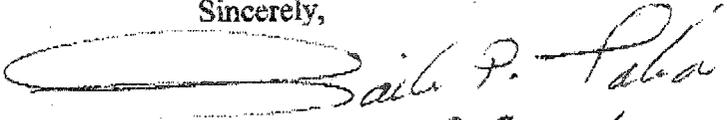
No: None

MOTION CARRIED

Dear City Council,

Please accept this formal letter of objection in regards to the rezoning, B-3 to H-S, of the Clark Gas Station at the corner of Jolu R and Maple Road. I am the owner of the adjacent property directly north and east of the Clark Gas Station. Thank you.

Sincerely,


Saib P. Talia

5-4-04



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.

A Regular Meeting of the Troy City Council was held Monday, May 3, 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 Steve Husava of Northfield Hills Baptist Church 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 Mayor Schilling presented a proclamation on behalf of the City of Troy in recognition of the National Association of Letter Carriers, Food Drive Day on Saturday, May 8, 2004

PUBLIC HEARING:

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

Resolution #2004-05-224
Moved by Stine
Seconded by Beltramini

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: All-7

POSTPONED ITEMS:

D-1 City Council Rules of Procedure

Vote on Resolution to Table

Resolution #2004-05-225
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Item D-1 "*City Council Rules of Procedure*" be **TABLED** to a later time in the meeting.

Yes: All-7

PUBLIC COMMENT:

A. Items on the Current Agenda

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

Vote on Resolution to Abstain

Resolution #2004-05-226
Moved by Lambert
Seconded by Stine

RESOLVED, That Council Member Eisenbacher be permitted to **ABSTAIN** from voting on Item F-6 "*Local Match for a Michigan Economic Growth Alliance (MEGA) Retention Incentive Package*" because of a possible conflict of interest due to his current employment with a competitor.

Yes: All-7

Vote on Resolution for Local Match for a Michigan Economic Growth Alliance (MEGA) Retention Incentive Package

Resolution #2004-05-227
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Troy City Council **APPROVES** the sum of \$57,000.00 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: Broomfield, Howrylak, Lambert, Stine, Schilling, Beltramini
No: None
Abstain: Eisenbacher

MOTION CARRIED

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

Resolution #2004-05-228
Moved by Stine
Seconded by Beltramini

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 \$200,000.00 of roadwork, landscaping and lighting in the 2004/05 and 2005/06 City budgets.

Yes: Lambert, Stine, Schilling, Beltramini, Broomfield

No: Howrylak, Eisenbacher

MOTION CARRIED

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
Noted and Filed

B. Items Not on the Current Agenda

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2004-05-229
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2, E-8 and E-12 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-3 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 Festa Italiana

Resolution #2004-05-229-E-3

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

Resolution #2004-05-229-E-4

RESOLVED, That the Mayor and City Council Members are **AUTHORIZED** to attend the following meetings in 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

Resolution #2004-05-229-E-5

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

Resolution #2004-05-229-E-6

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 Fund

Resolution #2004-05-229-E-7

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

Resolution #2004-05-229-E-9

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 Re-Placement – Project #01.504.5 – Owner: Troy School District

Resolution #2004-05-229-E-10

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

Resolution #2004-05-229-E-11

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-13 Approval of Subdivision Entrance Sign Agreement – East Long Lake Estates Subdivision

Resolution #2004-05-229-E-13

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 Abbington 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 Adoption

Resolution #2004-05-229-E-14

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.

ITEMS TAKEN OUT OF ORDER

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

Resolution #2004-05-230
Moved by Howrylak
Seconded by Eisenbacher

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

Yes: All-7

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

Resolution #2004-05-231
Moved by Eisenbacher
Seconded by Stine

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.

Yes: All-7

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

Resolution #2004-05-232
Moved by Stine
Seconded by Howrylak

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.

Yes: All-7

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1. Brownfield Development Authority; 2. Economic Development Corporation; and (b) City Council Appointments: 1. Advisory Committee for Senior Citizens; 2. Troy Daze

Resolution
 Moved by Schilling
 Seconded by Beltramini

RESOLVED, That the following person is hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committee as indicated:

Brownfield Redevelopment Authority

Mayor, Council Approval (7) – 3 years

Bruce J. Wilberding

Term expires 04-30-2007

Lawrence Keisling

Term expires 04-30-2007

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

John Sharp

Term expires 04-30-2009

Vote on Resolution to Separate Vote on Mayoral Appointments

Resolution #2004-05-233
 Moved by Beltramini
 Seconded by Stine

RESOLVED, That City Council hereby **AUTHORIZES** that the Mayoral Appointments be **SEPARATED** to allow for individual voting of the appointments to each committee.

Yes: All-7

Mayoral Appointments:

(a) Vote on Brownfield Redevelopment Authority – Resolution A

Resolution #2004-05-234
Moved by Schilling
Seconded by Beltramini

RESOLVED, That the following person is hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committee as indicated:

Brownfield Redevelopment Authority

Mayor, Council Approval (7) – 3 years

Bruce J. Wilberding

Term expires 04-30-2007

Yes: All-7

(b) Vote on Brownfield Redevelopment Authority – Resolution B

Resolution #2004-05-235
Moved by Schilling
Seconded by Beltramini

RESOLVED, That the following person is hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committee as indicated:

Brownfield Redevelopment Authority

Mayor, Council Approval (7) – 3 years

Lawrence Keisling

Term expires 04-30-2007

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

MOTION FAILED

(c) Vote on Economic Development Corporation – Resolution C

Resolution #2004-05-236
Moved by Schilling
Seconded by Beltramini

RESOLVED, That the following person is hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committee as indicated:

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

John Sharp

Term expires 04-30-2009

Yes: All-7

(b) City Council Appointments

Resolution #2004-05-237

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:

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 years

Pauline Noce

Term expires 04-30-2007

Troy Daze

Appointed by Council (9) – 3 years

Marilyn K. Musick

Unexpired Term expires 11-30-2004

Yes: All-7

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for May 10 , 2004:

(a) Mayoral Appointments:

Brownfield Redevelopment Authority

Mayor, Council Approval (7) – 3 years

Term expires 04-30-2007

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

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

Term expires 04-30-2007

Troy Daze

Appointed by Council (9) – 3 years

Term expires 07-01-2003 Student

The meeting **RECESSED** at 8:56 PM.

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

F-2 Closed Session

Resolution #2004-05-238

Moved by Beltramini

Seconded by Stine

BE IT RESOLVED, 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: All-7

F-3 City of Troy Downtown Development Authority Budget

Resolution #2004-05-239

Moved by Stine

Seconded by Beltramini

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: Beltramini, Broomfield, Lambert, Stine, Schilling

No: Eisenbacher, Howrylak

MOTION CARRIED

Vote on Resolution to

Resolution #2004-05-240

Moved by Stine

Seconded by Lambert

RESOLVED, That City Council **DIRECTS** City Management to **REQUEST** that a study be conducted by the Downtown Development Authority outlining the vision and the future of the Downtown Development Authority, and subsequent to that study, **ARRANGE** for a joint meeting between the Downtown Development Authority and City Council.

Yes: All-7

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

Resolution #2004-05-241

Moved by Stine

Seconded by Lambert

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: All-7

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

Resolution #2004-05-242

Moved by Eisenbacher

Seconded by Stine

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: All-7

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

Resolution #2004-05-243
Moved by Beltramini
Seconded by Eisenbacher

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: All-7

The meeting **RECESSED** at 9:32 PM.

The meeting **RECONVENED** at 9:56 PM.

Vote on Resolution to Remove Item D-1 “City Council Rules of Procedure” from the Table

Resolution #2004-05-244
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That City Council **REMOVE** Item D-1 “City Council Rules of Procedure” from the table.

Yes: All-7

D-1 City Council Rules of Procedure**Postponed Resolutions**

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 #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.

Proposed Substitution Amendment of Amendment

Resolution
 Moved by Beltrami
 Seconded by Eisenbacher

RESOLVED, That the proposed Amendment to City Council Rules of Procedure be **STRICKEN and SUBSTITUTED** with: “RESOLVED, That the Resolution to “*Amend the City Council Rules of Procedure – Proposed by Council Member Beltrami*” be AMENDED as placed on the table tonight and dated Proposed: May 3, 2004 with the INSERTION the following additional amendments:

Page 1-3. Regular Meetings: INSERT “Council also will meet on the fourth (4th) Monday of the month in the months of September, October, January, February, March, April and May”; and

Page 2: REVERSE the order of 10. F. Regular Business and 11. Public Comment TO READ 10. Public Comment and 11. F. Regular Business; and

Page 2-11. F. Regular Business: INSERT “F” before “items” in the first line; and

Page 5 – Section 15. Visitors: STRIKE “Consistent with Order of Business #5, the City Council will move forward the specific Regular Business “F” items, which audience members would like to address under 10. F. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Regular Business “F” Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address Council prior to Council discussion of the individual item.” and INSERT “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.”

Vote on Resolution to Amend Substituted Amendment

Resolution #2004-05-245
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Substituted Amendment be **AMENDED** by INSERTING, “on any item.” AFTER “five (5) minutes” in all of the Public Comment Sections of the agenda and STRIKING “on any question” and INSERT “on any item” under Section 15. Visitors in the Rules of Procedure for the City Council.

Yes: All-7

Vote on Amended Substituted Amendment

Resolution #2004-05-246
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the proposed Amendment to City Council Rules of Procedure be **STRICKEN and SUBSTITUTED** with: “RESOLVED, That the Resolution to “*Amend the City Council Rules of Procedure – Proposed by Council Member Beltramini* be AMENDED as placed on the table tonight and dated Proposed: May 3, 2004 with the INSERTION the following additional amendments:

Page 1-3. Regular Meetings: INSERT “Council also will meet on the fourth (4th) Monday of the month in the months of September, October, January, February, March, April and May”; and

Page 2: REVERSE the order of 10. F. Regular Business and 11. Public Comment TO READ 10. Public Comment and 11. F. Regular Business; and

Page 2-11. F. Regular Business: INSERT “F” before “items” in the first line; and

Page 5 – Section 15. Visitors: STRIKE “Consistent with Order of Business #5, the City Council will move forward the specific Regular Business “F” items, which audience members would like to address under 10. F. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Regular Business “F” Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address Council prior to Council discussion of the individual item.” and INSERT “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.” ; and

Public Comment Sections: INSERT “on any item.” AFTER “five (5) minutes” in all of the Public Comment Sections of the agenda; and

Section 15. Visitors: STRIKE “on any question” and INSERT “on any item”

Yes: All-7

Vote on Amendment as Substituted

Resolution #2004-05-247
 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** as placed on the table tonight and dated Proposed: May 3, 2004 with the **INSERTION** the following additional amendments:

Page 1-3. Regular Meetings: **INSERT** “Council also will meet on the fourth (4th) Monday of the month in the months of September, October, January, February, March, April and May”; and

Page 2: **REVERSE** the order of 10. F. Regular Business and 11. Public Comment **TO READ** 10. Public Comment and 11. F. Regular Business; and

Page 2-11. F. Regular Business: **INSERT** “F” before “items” in the first line; and

Page 5 – Section 15. Visitors: **STRIKE** “Consistent with Order of Business #5, the City Council will move forward the specific Regular Business “F” items, which audience members would like to address under 10. F. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Regular Business “F” Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address Council prior to Council discussion of the individual item.” and **INSERT** “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.” ; and

Public Comment Sections: **INSERT** “on any item.” **AFTER** “five (5) minutes” in all of the Public Comment Sections of the agenda; and

Section 15. Visitors: **STRIKE** “on any question” and **INSERT** “on any item”

Yes: All-7

Vote on Amendment to Substituted Resolution

Resolution #2004-05-248

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the proposed Council Rules of Procedure 14. H. Council Referrals be **AMENDED** by STRIKING, “Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Referrals are not intended for discussion or action at the meeting at which they first appear.” and INSERTING “Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager’s agenda deadline for consideration at the next regular meeting.”

Yes: All-7

Vote on Amended Resolution as Substituted

Resolution #2004-05-249

Moved by Beltramini

Seconded by Stine

RESOLVED, That the Resolution to “*Amend the City Council Rules of Procedure – Proposed by Council Member Beltramini* be **AMENDED** as placed on the table tonight and dated Proposed: May 3, 2004 with the **INSERTION** the following additional amendments:

Page 1-3. Regular Meetings: **INSERT** “Council also will meet on the fourth (4th) Monday of the month in the months of September, October, January, February, March, April and May”; and

Page 2: **REVERSE** the order of 10. F. Regular Business and 11. Public Comment **TO READ** 10. Public Comment and 11. F. Regular Business; and

Page 2-11. F. Regular Business: **INSERT** “F” before “items” in the first line; and

Page 5 – Section 15. Visitors: **STRIKE** “Consistent with Order of Business #5, the City Council will move forward the specific Regular Business “F” items, which audience members would like to address under 10. F. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Regular

Business "F" Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address Council prior to Council discussion of the individual item." and **INSERT** "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." ; and

Public Comment Sections: **INSERT** "on any item." **AFTER** "five (5) minutes" in all of the Public Comment Sections of the agenda; and

Section 15. Visitors: **STRIKE** "on any question" and **INSERT** "on any item"

Section 14. Council Referrals: **STRIKE**, "Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Referrals are not intended for discussion or action at the meeting at which they first appear." and **INSERT**, "Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager's agenda deadline for consideration at the next regular meeting."

Yes: All-7

COUNCIL COMMENTS/COUNCIL REFERRALS

No 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
- (b) 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

Noted and Filed

G-2 Department Reports: No Department Reports submitted.

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

Noted and Filed

G-5 Proposed Proclamations/Resolutions from Other Organizations:

Noted and Filed

G-6 Calendar

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

PUBLIC COMMENT

STUDY ITEMS

H-1 None Scheduled

The meeting **ADJOURNED** at 10:48 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC - City Clerk

May 3, 2004

RECEIVED

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Steven J. Vandette, City EngineerCITY OF TROY
MAYOR'S OFFICESUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder
Contract 04-1 – Walnut Hill & Chestnut Hill S.A.D. Paving & Storm Sewer,
Adams to Big Beaver**RECOMMENDATION**

It is recommended that City Council award a contract for Walnut Hill & Chestnut Hill S.A.D. Paving to ADJ Excavating Co., 47301 Feathered Ct., Shelby Township, Mi 48315 for their low bid of \$451,607.58 contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

PROJECT INFORMATION

Bids were received and publicly read on April 27, 2004. The low bidder was the ADJ Excavating Company, as can be seen in the attached tabulation of bids. The project will include the installation of storm sewer, under drain and paving on Walnut Hill and Chestnut Hill. All contract work, including final restoration and cleanup, is scheduled for completion by September 30, 2004.

FUNDING

Funds for this work are included in the 2003/04 Local Roads, account number 401499.7989.021091. The budgeted amount includes funds for construction, inspection and contingencies.

12 - Bids Sent / 7 - Bids Rec'd

CITY OF TROY
OAKLAND COUNTY, MICHIGAN
BID TABULATION FOR
CONTRACT NO. 04-1
WALNUT HILL AND CHESTNUT HILL S.A.D. PAVING AND STORM SEWER

	<u>BIDDER</u>	<u>AMOUNT</u>
1.	ADJ	\$ 451,607.58
2.	Cadillac Asphalt	\$ 488,593.00
3.	Ajax	\$ 493,927.90*
4.	Mago Construction	\$ 503,518.19
5.	V.I.L. Construction	\$ 537,040.00
6.	ABC Paving	\$ 561,843.00
7.	Troelsen Excavating	\$ 605,709.50

* Corrected by Engineering for mathematical errors in contractor's bid sheet.
Corrections did not change order of bids.

Bid Opening Date: April 27, 2004

TO: The Honorable Mayor and City Council

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

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

DATE: April 28, 2004

Please find attached an amendment to Chapter 20 of the City Code reflecting the Water and Sewer Rate adjustment discussed during the 2004-05 budget study sessions.

Due to the increased charges by the City of Detroit and the necessity to have sufficient funds to operate and maintain our system the following Water and Sewer Rates are recommended for City of Troy water bills rendered after July 1, 2004.

	Current 2003-04 Rates	Proposed 2004-05 Rates	Adjustment
Water	\$15.40	\$19.40	\$4.00
Sewer	14.30	15.00	.70
	\$29.70	\$34.40	\$4.70

The average water bill for a family of four will increase by approximately \$13.63 per quarter.

CHAPTER 20 WATER AND SEWER RATES

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

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

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

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

(Rev. 02-26-73)

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

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

(Rev. 09-25-78)

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

(Rev. 02-04-80)

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

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

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

(Rev. 01-01-82)

Chapter 20 - Water and Sewer Rates

3.02 Credit on Water Improvement Fund Fee. In the case of any premises which have been subject to special assessment for construction of a water main, a credit shall be allowed on the water improvement fund fee for the amount of such special assessment levied for indirect availability of water service. The amount of a special assessment for indirect availability of water service shall be that amount in excess of the amount of that assessment attributable to direct benefit received by the parcel originally assessed for immediate availability of water service. The assessor shall prepare and submit to the Council for approval, by resolution, a schedule showing the amount of all such assessments for indirect availability of water service presently existing and the parcels affected thereby. Each premise shall receive a credit for its pro-rata share of the assessment as shown by said schedule. No such credit shall exceed one hundred (100%) percent of the water improvement fund fee for any premises. No such credit shall be given for any premises connection to the water supply system after July 1, 1993.

(Rev. 09-25-78)

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

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

(Rev. 09-25-78)

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

(Rev. 02-26-73)

5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be ~~\$15.40~~ \$19.40 per 1,000 cubic feet. Minimum quarterly bills shall be ~~\$12.47~~ \$15.71.

(Rev. 05-12-03)

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

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

(Rev. 05-13-02)

Chapter 20 - Water and Sewer Rates

5.02 Sewer Rates

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

Those premises using metered water shall pay ~~\$14.30~~ \$15.00 dollars per 1,000 cubic foot of water consumption for sewage disposal and maintenance charges.

(Rev. 05-12-03)

Where there is no water meter the sewage disposal and maintenance charges shall be ~~\$71.50~~ \$75.00.

(Rev. 05-12-03)

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

(Rev. 05-13-02)

- B. 1. Rates and charges established are based upon methodology which complies with applicable EPA regulations.
2. Users of the system must be individually notified annually of costs for operation, maintenance, replacement and debt service.
- C. A ready to serve charge shall be levied on each quarterly bill in the amount of ~~\$11.58~~ \$12.15 dollars less any amount for current consumption up to the maximum of the ready to serve charge.

(Rev. 05-12-03)

- 5.03 **Service to City.** The City shall pay the same water and sewer rates for service to it as would be payable by a private customer for the same service, except that for water furnished through fire hydrants and for the availability of such water, the City will pay the total sum of ~~\$122,500.00~~ \$126,000.00 per year, which charge is hereby determined to be the reasonable cost and value of such service. All such charges for service shall be payable quarterly from the current funds of the City, or from the proceeds of taxes.

(Rev. 05-12-03)

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

(Rev. 02-04-80)

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

(Rev. 02-04-80)

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

(Rev. 02-26-73)

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

(Rev. 01-01-82)

Chapter 20 - Water and Sewer Rates

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

(Rev. 09-25-78)

9. Inspection Fee. An inspection charge of \$15.00 shall be included in the cost of a water connection permit for all single family residences: Other inspection fees shall be based on estimates of actual cost to the City for labor, materials and contingencies and shall be computed by the Chief Building Inspector for Sewer and the Superintendent of Public Services for Water.

(Rev. 02-04-80)

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

(Rev. 02-26-73)

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

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

(Rev. 09-25-78)

Chapter 20 - Water and Sewer Rates

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

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

(Rev. 09-25-78)

- 10.03 Sewer fees and/or water fees for buildings existing in areas where sewers or water taps were not available may be paid for at the time of permit issuance, or, at the option of the owner, may be paid in equal installments, including interest at 6% per annum on the unpaid balance for a period not to exceed 40 years; one installment shall be billed with each bill for water or sewer service.

Additional principal payments may be made with any installment.

(Rev. 01-20-75)

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

(Rev. 06-09-86)

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

(Rev. 12-03-79)

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

(Rev. 02-04-80)

14. Definitions:

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

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

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

(Rev. 04-22-85)

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

Chapter 20 - Water and Sewer Rates

Units Assigned in Accordance
With the Current Oakland County
Department of Public Works
Schedule of Unit Assignment
Factors

Assigned Water
Meter Size

1 - 4	5/8" and 3/4"
5 - 10	1"
11 - 20	1-1/2"
21 - 32	2"
33 - 64	3"
65 - 100	4"
101 - 200	6"

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

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

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

18. Storm Water Disposal Charge:

- (1) Evergreen-Farmington Sewage Disposal System: The City shall pay a charge for disposal of storm water in proportion to the area in the City served by combined sewers in the Evergreen-Farmington Sewage Disposal System and by the recorded duration of the spill at the Acacia and Bloomfield Regulators. Said charge will be as established from time to time by Oakland County or the Detroit Water and Sewer Department, and acknowledged by Resolution of the Troy City Council.

- (2) Southeastern Oakland County Sewage Disposal System S.O.C.S.D.S.: The entire flow from the S.O.C.S.D.S. enters the Detroit treatment plant through the Dequindre Interceptor, which contains a master meter. The metered flow is reduced by the amount of water consumption for the system. This reduced flow shall be multiplied by a land use factor to determine the City's share of the flow. Storm water disposal charges shall be determined by using a formula of rate per 1,000 cubic feet, as established from time to time by the Oakland County Drain Commissioner, and acknowledged by Resolution of the Troy City Council.

(Rev. 04-22-85)

CITY OF TROY

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

THE CITY OF TROY ORDAINS:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 42nd amendment to Chapter 20 of the Code of the City of Troy.

Section 2.

Section 5.01, is hereby amended to read as follows:

5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be \$19.40 per 1,000 cubic feet. Minimum quarterly bills shall be \$15.71.

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

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

Section 3.

Section 5.02, is hereby amended to read as follows:

5.02 Sewer Rates

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

Those premises using metered water shall pay \$15.00 dollars per 1,000 cubic foot of water consumption for sewage disposal and maintenance charges.

Where there is no water meter the sewage disposal and maintenance charges shall be \$75.00.

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

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

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

C. A ready to serve charge shall be levied on each quarterly bill in the amount of

\$12.15 dollars less any amount for current consumption up to the maximum of the ready to serve charge.

Section 4.

Section 5.03, is hereby amended to read as follows:

5.03 Sewer Rates

Service to City. The City shall pay the same water and sewer rates for service to it as would be payable by a private customer for the same service, except that for water furnished through fire hydrants and for the availability of such water, the City will pay the total sum of \$126,000.00 per year, which charge is hereby determined to be the reasonable cost and value of such service. All such charges for service shall be payable quarterly from the current funds of the City, or from the proceeds of taxes.

Section 5. Repeal

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

Section 6. Savings

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

Section 7. Severability Clause

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

Section 8.

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on Monday, the 10th day of May, 2004.

Louise E. Schilling, Mayor
Tonni L. Bartholomew, City Clerk

DATE: May 4, 2004

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Parking Variance Request
5991 Livernois

We have received an application from Mike Elias to demolish the existing 1,652 square foot gas station/convenience at 5991 Livernois and construct a new 1984 square foot gas station/convenience store in it's place. For a facility of this size, 10 parking spaces are required in addition to the ones at the pumps by Section 40.21.01 of the Troy Zoning Ordinance. The plans submitted with the application indicate that the only 4 parking spaces are available. The permit application for this tenant alteration has been denied. In response, the petitioners have filed an appeal of the parking requirement for the 6 additional spaces.

A Public Hearing has been scheduled for your meeting of May 24, 2004, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED

MAY 06 2004

BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: 5-5-04

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: MIKE ELIAS Phone: 248-828-8125

Address: 3968 fawn Dr Rochester MI 48306

Address of Property: 5991 Livernois

Lot # _____ Subdivision: _____

Zoning District: _____ Sidwell # 88-20 09 229 003

Owner of Property: Mike Elias Phone: 586-6345487

Address: 3968 fawn Dr Rochester MI 48306

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: _____

Has there been a previous appeal involving this property? No If Yes, state date _____

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____

Parking Spaces Required: 10

Number of Stalls? _____

Parking Spaces Provided: 4

Other Dimensions? _____

Variance Requested: yes

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 5-5-04 _____ [Signature]
(Signature of Applicant)

Signed and Sworn to before me this 5th day of May 2004

[Signature]
Notary Public

My Commission Expires: 09-01-07

Filing Fee \$200.00 Date Paid _____

May 3, 2004

RECEIVED

MAY 06 2004

BUILDING DEPARTMENT

Mike Elias
Square Lake Marathon
5991 Livernois
Troy, MI 48098

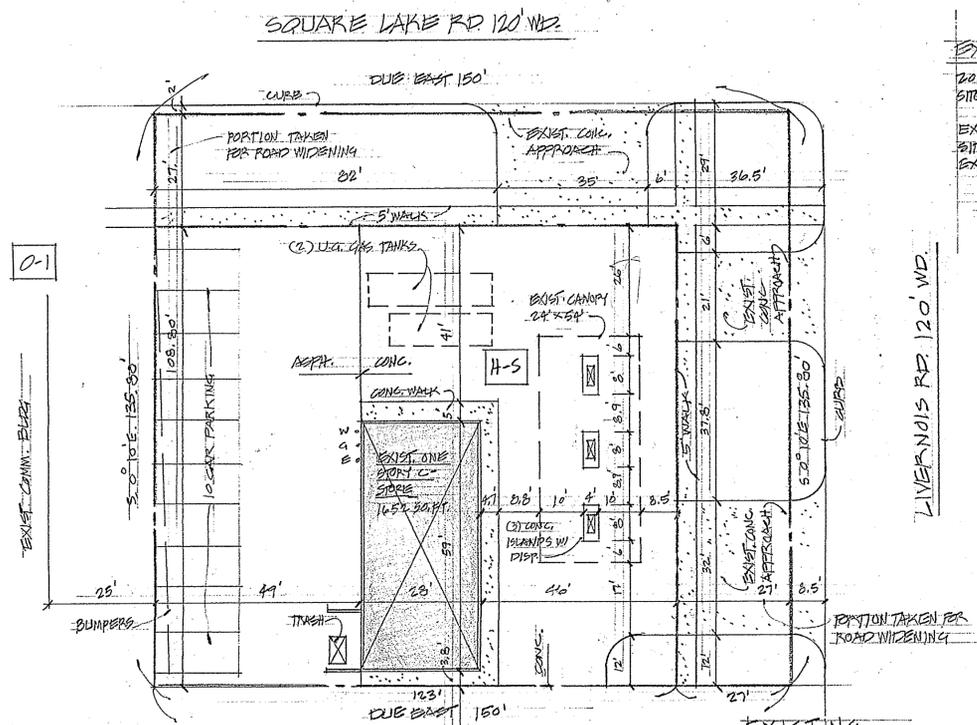
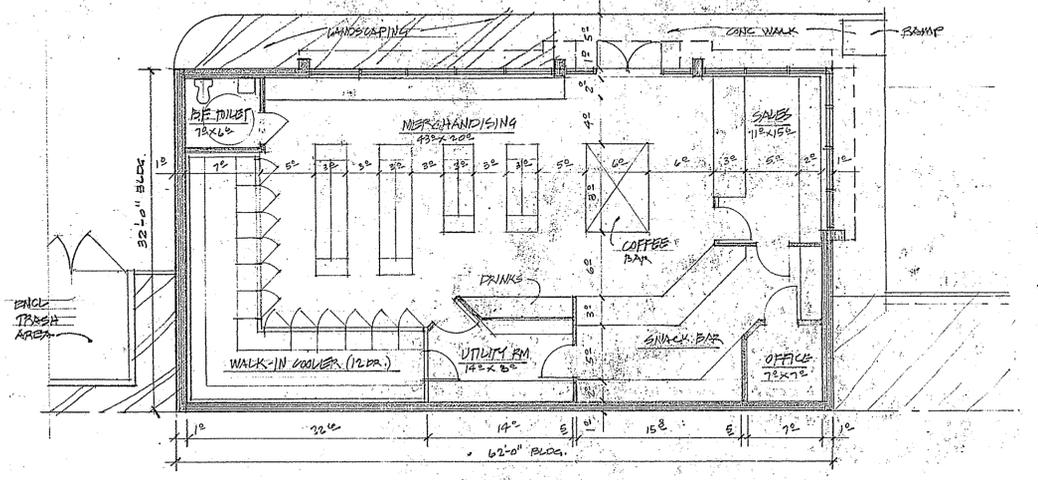
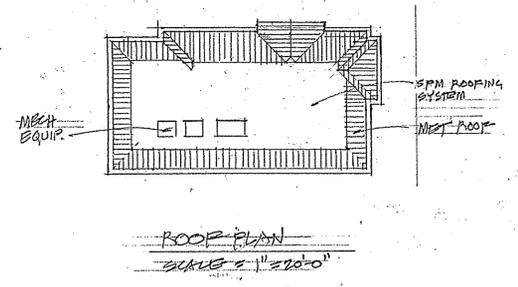
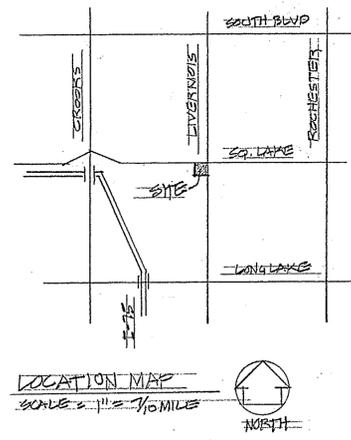
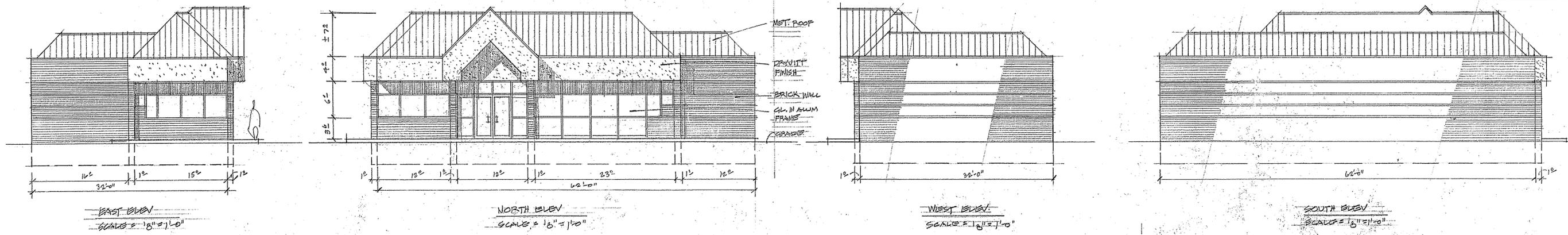
Dear City Council,

In regard to our parking spaces requirement we can only provide four parking spaces and eight at the pumps, instead of the ten required because of the lot size limitation. We currently have ten parking spaces to the side of the building but the customer's park at the pumps regardless and shop at the gas station.

Thank you,

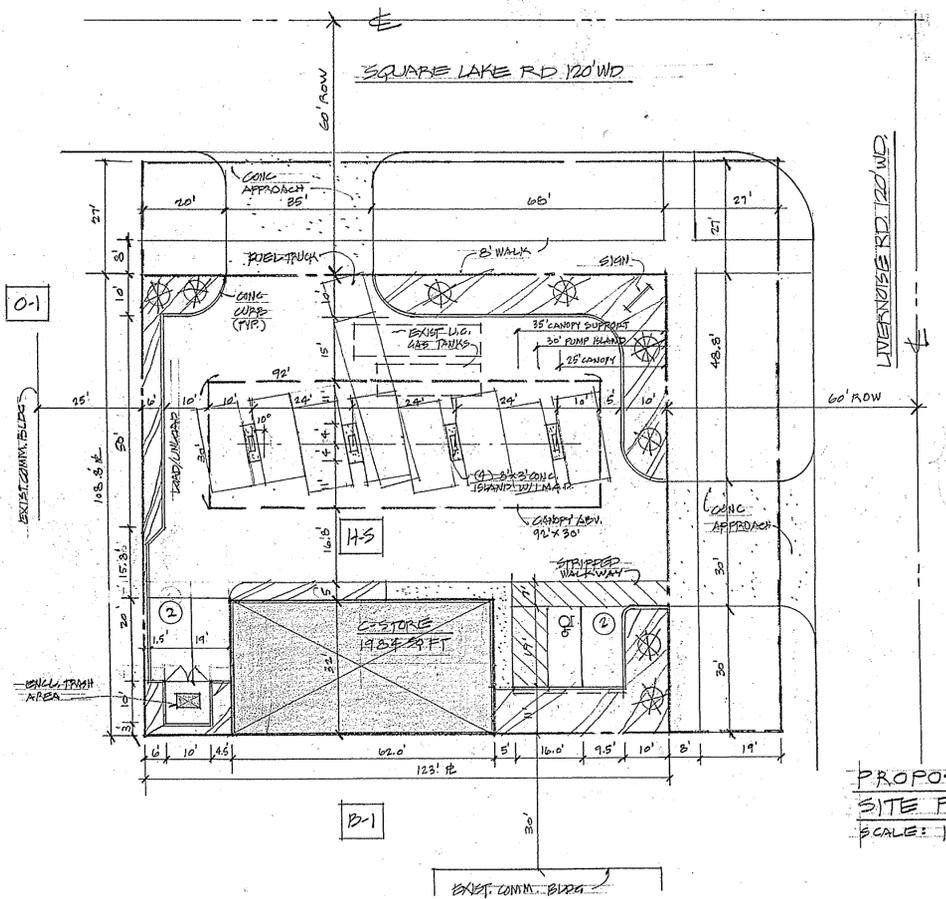


Mike Elias



EXISTING =
 ZONING = H-S HIGHWAY SERVICE
 SITE AREA GROSS = 150' x 135.80' = 20,370 SQ. FT. = .4676 A.
 NET = 123' x 108.80' = 13,382.24 SQ. FT. = .3072 A.
 EXIST. BLDG = 28' x 59' = 1652 SQ. FT. GROSS
 SITE COVERAGE = 1652 / 20,370 = 8.11%
 EXIST. PARKING = PUMP 6
 STORE 10
 16 CARS

PROPOSED =
 ZONING = H-S HIGHWAY SERVICE
 SITE AREA GROSS = 20,370 SQ. FT. = .468 A.
 NET = 13,382.24 SQ. FT. = .307 A.
 BUILDING = 62' x 52' = 3224 SQ. FT.
 SITE COVERAGE = 3224 / 20,370 = 15.83%
 PARKING: NET = 1984 / 200 = 9.92 = 10 CARS
 PROVIDED = 4
 6 CARS SHORT
 LOAD/UNLOAD = 10' x 50' = 500 SQ. FT. PROVIDED
 TREES REQ'D = 123' x 108.8' = 2131.8 / 20' = 106.6 = 107 TREES
 MIN. LOT AREA = 15,000 SQ. FT. = 13,382.24 SQ. FT. = 1,617.6 SQ. FT. SHORT
 GREEN BELT = 123' x 108.8' = 13,382.24 SQ. FT. x 10% = 1338.22 SQ. FT.
 (NET TO INC. 10' GREENBELT)
 112 x 30.5 = 3395.5 S.I.P.
 11 x 40.5 = 445.5 WALKWAY
 5 x 38.0 = 190.0 FRONT DECK
 5 x 20.5 = 102.5 N. OF TRASH
 10.5 x 10 = 105.0 E.W. OF TRASH
 15 x 35.5 = 532.5 M.E.
 6 x 50.0 = 300.0 W.E.
 1,384.2 SQ. FT. PROVIDED



- VARIANCES =**
1. MIN. SITE AREA 1,617.6' SHORT
 2. PARKING = 6 CARS SHORT
 3. E.W. CANOPY SET BACK
 4. E.W. PUMP ISLAND SET BACK
 5. E.W. CANOPY SUPPORT SET BACK

SUBMITTALS
 1. 100% NORTH AND 21' #201
 2. SOUTH ELEV. 43075
 3. 248 - 589 - 7840
 4. #22-8 2/16/20

EXISTING SITE PLAN
 SCALE = 1" = 20'-0"
 LEGAL DESCRIPTION:
 THE NORTH 135.80 FEET OF THE EAST 150.00 FEET OF LOT 6,
 SUPERVISOR'S PLAT BY CITY OF TROY, OAKLAND COUNTY, MICHIGAN,
 AS RECORDED IN LIBER 45, PAGES 21 AND 21A, OF PLATS,
 OAKLAND COUNTY RECORDS.

RECEIVED
 MAY 08 2004
 BUILDING DEPARTMENT

SQUARE LAKE - LIVERNOS MARATHON
 5971 LIVERNOS RD
 TROY, MICHIGAN 48075

DATE: Nov / 03
 JOB NO: 102
 SHEET NO: 1/1

LOUIS PHILLIPS, INC.
 ARCHITECTS/PLANNERS
 1346 E. INDIAN MOUND RD.
 TROY, MI 48068
 (734) 540-3660 • (734) 540-2661 FAX

DATE: May 4, 2004

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Parking Variance Request
3871 - 3883 Rochester Road

We have received an application from Hamsmukhbhai Patel to locate a new restaurant in an existing tenant space at the shopping center at 3871 – 3883 Rochester Road. Specifically, they are proposing to occupy the 2,996 square foot space at 3877 Rochester Road for a 60-seat restaurant. Considering this proposed use as well as the other existing uses in the center, a total of 79 parking spaces are required by Section 40.21.01 of the Troy Zoning Ordinance. The plans submitted with the application indicates that the only 64 parking spaces are available. The permit application for this tenant alteration has been denied. In response, the petitioners have filed an appeal of the parking requirement of the additional 15 spaces.

A Public Hearing has been scheduled for your meeting of May 24, 2004, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

RECEIVED

MAY 04 2004

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL BUILDING DEPARTMENT
CITY OF TROY

TO TROY CITY COUNCIL

DATE: 05-04-04

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: HASMUKHBHAI J. PATEL Phone: (586) 823-8150

Address: 4270 VASSAR DRIVE ; TROY - MI 48085

Address of Property: 3875-3877 ROCHESTER ROAD ; TROY MI-48084

Lot # _____ Subdivision: _____

Zoning District: B3 Sidwell # 882022226080

Owner of Property: JOHN POMPONI & ROBERT POMPONI Phone: (248) 379-0123
(248) 693-0298

Address: 224 BARRINGTON ; LAKE ORION ; MI-48306

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 04-28-2004

Has there been a previous appeal involving this property? NO If Yes, state date _____
and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____

Parking Spaces Required: 36

Number of Stalls? _____

Parking Spaces Provided: 21

Other Dimensions? _____

Variance Requested: 15

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

PLEASE SEE THE COVER LETTER

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 05-04-2004 _____
(Signature of Applicant)

Signed and Sworn to before me this 4th day of May 2004

Pamela B. Pastorek
Notary Public

My Commission Expires: 09-01-07

Filing Fee \$200.00 Date Paid 5-4-04

RECEIVED

MAY 04 2004

BUILDING DEPARTMENT

**STEINER ASSOCIATES**
Architects • Planners • Construction Managers16736 Norwich Road, Livonia, Michigan, 48154
Telephone: (734) 422-6188 • Fax: (734) 422-4940

3 May, 2004

REQUEST FOR VARIANCE OF REQUIRED PARKING SPACES

City of Troy, Michigan

The City of Troy, Building Department, has determined that our proposed 60 seat restaurant will require 36 parking spaces. We agree with this calculation for our peak business period, which will be evenings between 6:00 and 8:30. The Building Department has determined that the other 3 tenants in this center will require 43 spaces. The total parking available is 64 spaces, therefore we are deficient by 15 spaces. (Attachments "A" & "B")

It is absolutely essential that we have adequate parking for the new restaurant to succeed. However, the peak business periods of the other three businesses are such that they do not overlap those of our proposed restaurant peak hours and therefore parking will be adequate at all times. Our analysis follows:

1. Attachment "C" compares peak periods and operating hours of the various businesses.
 - a. The top chart lists hours of operation.
 - b. The second chart evaluates available parking during our peak dinner hours of 6:00 to 8:30. For the hair salon and the bagle shop, we used the Building Department's calculated parking requirements during hours of operation. Fancy Color Paint advises that on their busiest day of the year they might need 8 to 10 spaces and we therefore use 10 spaces as their required parking. From this chart we conclude there is adequate parking for our dinner business.
 - c. The third chart evaluates available parking during our lunch hours from 11:00 to 1:30. The proposed restaurant will be fine Indian cuisine. We do not anticipate as many customers for lunch as dinner as most people will not have enough time for a long meal. We estimate the restaurant will at three fourths of capacity at peak lunch time and adjust

RECEIVED

MAY 04 2004

BUILDING DEPARTMENT

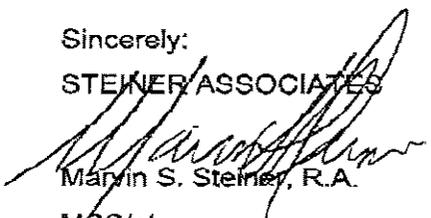
our required parking to 27 spaces. From this chart we conclude there is adequate parking for our lunch business.

2. The landlord, Mr. Pomponi advises that with the present tenants, including the carpet store whose space we will occupy, at all times there are a minimum of 36 unused parking spaces.
3. The charts indicate that the greatest potential for parking problems occurs on Thursday evenings, Tuesday thru Saturday at lunch time. We have personally done parking counts at these times which confirms Mr. Pomponi's count of a minimum of 36 unused spaces. We will do additional counts between now and our public hearing.
4. In the event our restaurant is wildly successful and requires more than the calculated 36 spaces, we have another option. This center currently has a cross access easement agreement with Henderson Glass, the property immediately to the north of us, for use of their entrance from Rochester Road. They have indicated a willingness to extend this agreement along their existing drive to the rear of their property. This agreement would result in no loss of parking to Henderson Glass, but would create a gain of approximately 15 spaces for our retail center.

Please feel free to contact me if you have any additional questions or concerns.

Sincerely:

STEINER ASSOCIATES



Marvin S. Steiner, R.A.

MSS/et

ZONED B.7

320.80 / 305.80

SHADED AREA INDICATES NEW PAVING

NEW 4" PVC FOR SPRINKLER

GRASS AREA

ASPHALT CURB

MATCH GRADE

REMOVE LANDSCAPE PROVIDE ASPHALT

ASPHALT CURB

EXIST. P.O.W.

PROPOSED P.O.W.

EXISTING PINES TO REMAIN

REMOVE EXIST. HOUSE AND FOUNDATIONS

17	35
18	37
19	38
20	39
21	40
22	41
23	42

EXIST. STORM SEWER

EXISTING 4" PVC CONDUIT FOR SPRINKLER

PROPOSED BLDG

FOOTPRINT 67'0" x 25'

87'0"

EXISTING BUILDING

90'0"

60'0"

REMOVE EXIST. BASEMENT AREA

NEW LT. FUTURE AREA SEE PHASE #1

REMOVE LANDSCAPING PROVIDE ASPHALT

REMOVE LANDSCAPING PROVIDE ASPHALT

EXIST. 4" PVC CONDUIT FOR ELECTRICAL

EXIST. 4" PVC CONDUIT FOR ELECTRICAL

EXIST. 4" PVC CONDUIT FOR ELECTRICAL

ROCHESTER ROAD

NEW 5' SIDEWALK SEE PHASE #1

320.80 / 305.80

Compass Center

MATCH GRADE

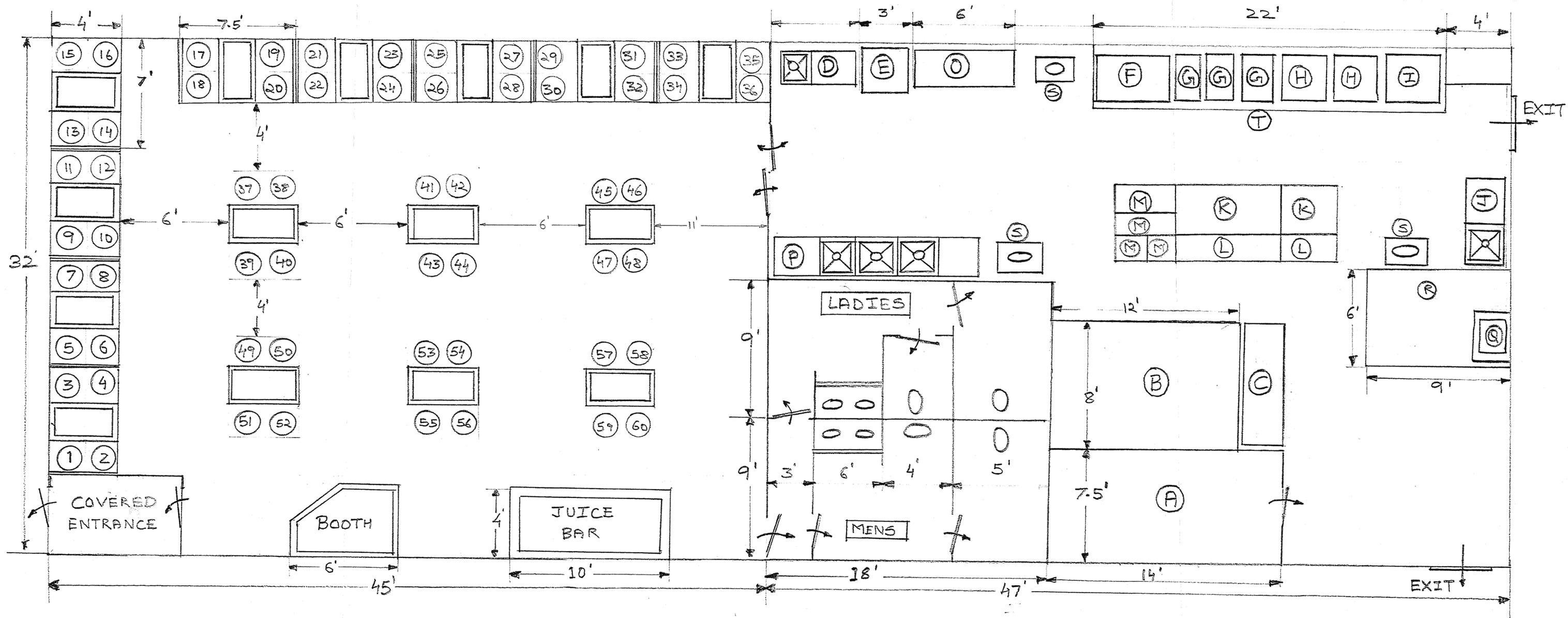
40'0" FRONT YARD

ZONED B.7

30'0" REAR YARD

160.00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16



A	DRY STORAGE	F	GAS GRILL	K	COOL STORAGE TABLE	Q	MOP SINK
B	WALKIN COOLER	G	HIGH FLAME BURNER	L	PICKUP TABLE	R	WATER HEATER
C	FREEZER	H	TANDDOOR OVEN	M	HOT FOOD TABLE	S	HANDWASH SINK
D	DISH SCRAPER	I	BURNER + STD. OVEN	O	WORK TABLE	T	22' WOOD EXHAUST

NAME	MOGAL INDIAN CUSINE
ADDRESS	3875-77 Rochester Rd.
	TROY - MI- 48084
	REC'D APR 1 BUILDING

Pomponi Plaza					
Address	Store	Use	Square foot	Factor	Req'd Parking
3871 Rochester	Pomponi's Hair Salon	Hair Salon (10 Stations)	2584	3/2 + 1.5/1	18
3877 Rochester	New restaurant	Restaurant	2996	.6/seat	36
3879 Rochester	Elaine's Bagel	Take out < 20 seats	1720	1/200	8
3883 Rochester	Fancy Color Paint	Retail Store	3440	1/200	17
			10740		79

Parking available on site	64
---------------------------	----

Operation Dynamics of all Tenents:

Attachment "C"

Hours of Operation

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hair Salon	Closed	9 - 8	9 - 8	9 - 8	9 - 5	8 - 4	Closed
Bagel	5 - 4	5 - 4	5 - 4	5 - 4	5 - 4	6 - 4	7 - 3
Paint	8 - 8	8 - 6	8 - 6	8 - 8	8 - 6	8 - 5	Closed

Dinner: Operation Hours (6:00 pm - 10:30 pm) / Peak Hours: (7:00 pm - 08:30 pm)

Dinner Peak hours required parking = 36
 Available per city = 21
 Needed for Variance = 15

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hair Salon	18 (closed)				18 (closed)	18 (closed)	18 (closed)
Bagel	8 (closed)						
Paint	7 (Excess)	17 (closed)	17 (closed)	7 (Excess)	17 (closed)	17 (closed)	17 (closed)
New Restaurant	21 (assign)						
Total Available	54	46	46	36	64	64	64
Peak Hr requires	36	36	36	36	36	36	36
Results							

Lunch: Operation Hours (11:30 pm - 03:00 pm) / Peak Hours: (12:00 pm - 01:30 pm)

Lunch Peak hours required parking (75% of total) = 28
 Available per city = 21
 Needed for Variance = 7

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hair Salon	18 (closed)						18 (closed)
Bagel							
Paint	7 (Excess)						
New Restaurant	21 (assign)						
Total Available	46	28	28	28	28	28	28
Peak Hr requires	28	28	28	28	28	28	28
Results							

RECEIVED
 MAY 04 2004
 BUILDING DEPARTMENT

ATTACHMENT "A"



500 West Big Beaver
Troy, Michigan 48068
Fax: (248) 524-0851
www.ci.troy.mi.us

RECEIVED

MAY 04 2004

BUILDING DEPARTMENT

April 28, 2004

Hasmukh Patel
4270 Vassar Drive
Troy, MI 48085

Dear Sir:

We are in receipt of your application for a Building Permit to convert an existing tenant space to a restaurant at 3877 Rochester Road.

The plans and specifications submitted to this office do not meet the requirements as set forth in the City Ordinance for the following reasons:

The proposed 60 seat restaurant, along with the other tenants uses in the shopping center will result in a total parking requirement of 79 parking spaces per Section 40.21.00 of the Troy Zoning Ordinance. The plans submitted indicate that only 64 parking spaces are available on the site.

Therefore, your application may not be further processed until the above items are corrected and/or you receive a variance from the City Council. Applications for parking variances are available through the Building Department.

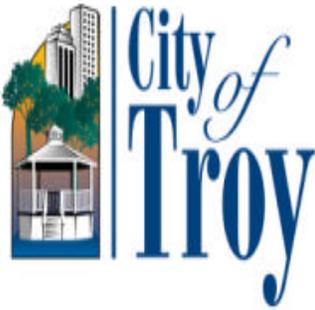
If you have any questions regarding the above, please feel free to contact me.

Sincerely,

Mark Stimac
Director of Building & Zoning

MS/pp

- Area code (248)
- Assessing 524-3311
- Bldg. Inspections 524-3344
- Bldg. Operations 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 Technology 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



TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
 Allan T. Motzny, Assistant City Attorney
DATE: April 28, 2004
SUBJECT: Bicycles, Segways, Go-peds, Mo-peds and Low Speed Vehicles

At this time of year, city residents walking the sidewalks and driving their cars on city streets often find they have to share the public ways with people riding bicycles, segways, go-peds, mo-peds and low speed vehicles. Accordingly, this memorandum addresses the legalities with respect to such items and the City's authority to regulate them. Proposed amendments to the bicycle ordinance provisions are also attached in a red-lined version and clean copy for your consideration. These items will be brought back on a subsequent City Council agenda.

Segways

Although bicycles and mo-peds are readily identifiable, some of you may not be familiar with segways and go-peds. A segway is a device invented by Dean Kamen, the same person who invented the first insulin pump and portable kidney dialysis machine. It is a self-balancing, non-tandem, two-wheel device designed to transport a person over sidewalks and other level surfaces at speeds up to 15 mph. A copy of a newspaper article showing a photograph of a segway is attached to this memorandum. A go-ped is a motorized tandem scooter having a top speed between 15 and 20 mph, and like a segway, the operator stands while driving it. A copy of an advertisement showing a photograph of a go-ped is also attached to this memorandum.

Public Act 494 of 2002 established regulations pertaining to "electric personal assistive mobility devices", commonly known as segways. An electric personal assistive mobility device is defined as a self-balancing, non-tandem, two-wheel device, designed to transport only one person at a time, having an electrical propulsion system with an average power of 750 watts or one horse power and a maximum speed on a paved level surface of not more than 15 mph. MCL 257.13c. As a result of Public Act 494, the regulations pertaining to segways are essentially the same as those for bicycles. Under the law, bicycles and segways may be operated on a roadway as long as they are operated as near to the right side of the roadway as practicable. MCL 257.660(1). People riding bicycles and segways may not ride more than two abreast except on a path or roadway set aside for their use. MCL 257.660(2). Where a bike path is provided adjacent to a roadway, an operator of a bicycle or segway may, by ordinance, be required to use that path. MCL 257.660(3). A person operating a bicycle or segway on a sidewalk constructed for use of pedestrians shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing a pedestrian. MCL 257.660(5). A person operating a segway or a bicycle is not allowed to carry any package or bundle that prevents the operator from keeping both hands on the handlebars. MCL 257.661. Bicycles and segways operated at night must be equipped with a front lamp and rear reflector. MCL 257.662(1). When operated on a roadway, persons riding bicycles or segways must abide by the same rules applicable to motor vehicles except for those rules, which by their nature, are not applicable to segways and bicycles. MCL 257.657. However, bicycles and segways are not "motor vehicles" under Michigan's Vehicle Code. MCL 257.4, MCL 257.33. An additional provision

applicable to segways only is they may not be operated at a speed exceeding 15 mph or operated on a roadway with a speed limit of more than 25 mph except to cross such roadway. MCL 257.660(9).

The City's authority to regulate bicycles and segways is provided by the statute. As already noted, a city may require by ordinance that bicycles and segways use bike paths that are adjacent to roadways as opposed to using the roadway. Section 606 of the Vehicle Code allows local authorities to regulate the operation of bicycles and require registration and licensing of bicycles. MCL 257.606(1)(i). The City may also adopt an ordinance regulating the use of segways on sidewalks as long as the regulations are based on the health, safety and welfare of citizens. MCL 257.660(10). Although the City may not totally preclude segway use on sidewalks, it may prohibit the operation of segways in an area open to pedestrian traffic adjacent to a water front or on a trail under the jurisdiction of the City or any downtown or central business district provided there are signs conspicuously posted in the area where segway use is regulated. MCL 257.660 (10). The City may also prohibit the use of a segway in an historic district. MCL 257.660(12).

Go-Peds

The Michigan Legislature has not passed any regulations specifically pertaining to go-peds. Rather, a go-ped falls within the statutory definition of a mo-ped, a two or three wheeled vehicle equipped with a motor that does not exceed 50 cubic centimeters piston displacement, produces 2.0 brake horsepower or less, and cannot propel the vehicle at a speed greater than 30 mph on a level surface. MCL 257.32(b). Thus, a go-ped is subject to the same regulations applicable to mo-peds, which includes registration with the State. As with mo-peds, a go-ped may not be operated upon a sidewalk constructed for the use of pedestrians. MCL 257.660(6). Additionally, since a mo-ped may not be driven without a permanent and regular seat attached to the vehicle, MCL 257.658(4), a go-ped may not be legally operated on a public road. Go-peds can only be operated on private property.

Low Speed Vehicles

The state legislature has also recently provided regulations pertaining to a "low-speed vehicle" defined as an electrically powered vehicle designed to be operated at a speed not to exceed 35 mph with a capacity of not more than 4 persons including the driver of 2,200 pounds or less in weight and is equipped with many of the same components that must be included in a automobile. MCL 257.256. Low speed vehicles are similar to a golf carts except they are they are larger, faster, and generally have two or four entry points. The intent of the legislation was to allow low speed vehicles to be driven on public roads for limited purposes. A low speed vehicle may be operated at a speed not to exceed 25 mph on the right side of a roadway that has a speed limit of not more than 35 mph. MCL 257.660(1) and (7). Low-speed vehicles may not be operated on sidewalks constructed for use by pedestrians. MCL 257.660(6). Additionally, low-speed vehicles are subject to registration requirements. However, there is no authority for the City to impose additional regulations with regard to low speed vehicles.

In summary, bicycles and segways may be operated on public roadways and public sidewalks in accordance with the state law provisions outlined above. Troy has also provided additional bicycle regulations in Chapter 106 of the City Code as allowed by statute. The City has limited authority to pass an ordinance providing additional regulations with respect to segways. Go-peds may not be operated on the public streets unless they comply with the equipment and registration requirements applicable to mo-peds. Mo-peds and go-peds may not be driven on sidewalks. Low speed vehicles may be operated on public roads under certain circumstances. However, there is no authority for the City to impose additional regulations with respect to low-speed vehicles.

Segway Gives an Easy Ride, but It's Best on City Sidewalks

By WALTER S. MOSSBERG

I TOOK A DRIVE the other day through downtown Washington, D.C. I started at Lafayette Park, across the street from the White House, and made my way up busy Connecticut Avenue to DuPont Circle. I continued down several streets to The Wall Street Journal's Washington bureau. I drove right through the lobby and into an elevator. Emerging on an upper floor, I sailed straight into the newsroom, maneuvering around cubicles and other obstacles.

All along the way, people smiled and pointed and shouted encouragement and questions. Many asked for rides on the unusual vehicle I was driving, the new Segway Human Transporter—an electrically powered, two-wheel, self-balancing superscooter that is to the sidewalk what a Lexus is to the road.

The Segway has been the subject of more hype and speculation than any other recent technology product. Starting well before it was ready for production, when it was code-named Ginger, it prompted wild stories claiming it would change the world.

Its specs are impressive. The Segway can go up to 12.5 miles an hour and travel 10 to 15 miles on a single charge of its batteries, which can be recharged overnight via a standard electrical outlet. Controlling the thing involves little more than leaning forward slightly to move forward, and leaning

backward to back up. It's so easy to balance you can stand in one spot without effort, and turn 360° in place by just twisting the handgrip.

But how does it work in real life? Is it worth the \$1,950 price? To find out, we conducted an extended hands-on review. For the past couple of weeks, my assistant, Katie Boehret, and I have put miles on a production-model Segway lent to us by Segway LLC, the Manchester, N.H., company founded by Dean Kamen, the scooter's inventor. We rode it on city sidewalks, and through parks and public plazas. We glided through hotel lobbies and shops, and toiled around suburban subdivisions, parking lots and shopping centers. We rode in the



Walter Mossberg test-drives the Segway Human Transporter. The superscooter has only a few handlebar controls, and instead is cleverly designed to respond quickly to subtle, natural body movements.

rain and even in a light snowfall, at day and at night. And we gave test-rides to neighbors, co-workers and strangers on the street.

My verdict is that the Segway HT is great fun to ride, is safe and stable, and is a truly impressive use of digital technology. It is easy to learn, and in many ways is just plain amazing. But I'm not so sure it's a practical alterna-

tive to the car or to walking, except for those who live in dense urban neighborhoods or who have a disability that makes walking long distances difficult. It's not easy to use in the suburbs.

Also, while it might replace a polluting car for short trips, it also might tempt people to walk less, cutting back on the only exercise many regularly get. And until the price drops, it's a luxury item.

There are two models of the Segway, one aimed at consumers and one at industrial customers. They are nearly identical, except the commercial version has special cargo containers and slightly different software. A new, smaller model is due out this summer at a slightly lower price with somewhat lower capabilities.

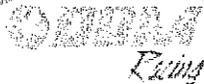
Since the Segway went on sale to consumers in November, through Amazon.com, the company says "several thousand" have been sold. Deliveries are slow, however, partly because the company requires customers to take a two-hour training class. Our training, in a D.C. hotel ballroom, was very well done, but seemed like overkill. It is possible to ride a Segway unsafely, or to fall if you do things like try to ride fast over rocks or fallen tree limbs. But most of this comes down to common sense.

To ride the Segway, you first start it up by inserting a colored electronic "key" into a socket on the handlebars. There are three keys, each of which sets a different maximum speed for the Segway. The black beginner key limits the speed to six mph. The yellow key lets you get up to eight mph. The red

Please Turn to Page B3, Column 1

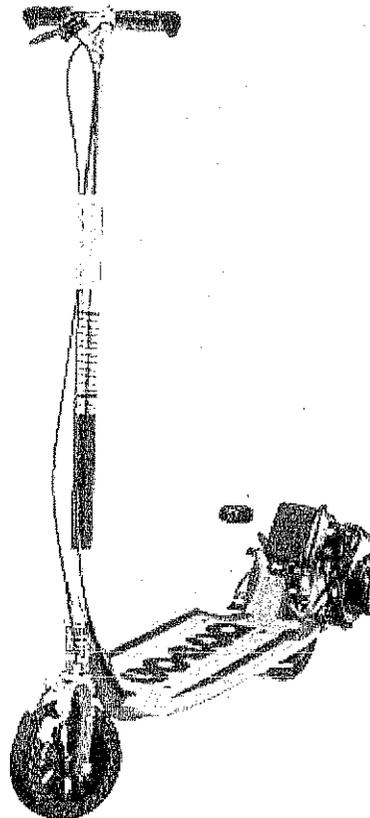
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This model Go-Ped is the original. It has been around for 15 years, a
motorized scooter available. As time has gone on, minor modification
practically perfected the design. The result is a masterpiece of both fi
reliable. The Sport model is direct drive: the drive spindle (an extensi
contact with the rear wheel. This brilliantly simple design allows for m
and simplicity. As the engine runs, the tire spins, allowing the Sport (

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 106 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 106 of the Code of the City of Troy.

Section 2. Amendment

Bicycle Ordinance Provisions

1.07.00 "Bicycle" means a device on which a person may ride, which is propelled by human power, and which has either 2 or 3 wheels in a tandem or tricycle arrangement ~~that~~ ~~which~~ are more than 14 inches in diameter.

1.08.00 "Bicycle lane" means a portion of a street or highway which is adjacent to the roadway and which is established for the use of persons riding bicycles.

1.09.00 "Bicycle path" means a portion of a street or highway which is separated from the roadway by an open, unpaved space or by a barrier and which is established for the use of persons riding bicycles.

1.21.05 "Electric personal assistive mobility device" means a self-balancing, non-tandem two wheel device designed to transport only one person at a time, having an electrical propulsion system with an average power of 750 watts or one horsepower at maximum speed on a paved level surface of not more than 15 miles per hour. These devices are sometimes referred to as "Segways".

~~2.52. Operating bicycle on sidewalk; violation as civil infraction.~~

~~(1) A person who operates a bicycle on a sidewalk that is constructed for the use of pedestrians shall yield the right-of-way to a pedestrian and given an audible signal before overtaking and passing the pedestrian.~~

~~(2) A person who violates this section is responsible for a civil infraction. (Duplicate of Section 6.19)~~

4.20. Bicycle paths or bicycle lanes; establishment; traffic-control devices.

(1) When the traffic engineer determines there is a need, after a traffic survey and engineering study, ~~determines there is a need,~~

he or she may establish a part of a street or highway under his or her jurisdiction as a bicycle path or lane.

- (2) The bicycle path or lane shall be identified by official traffic-control devices ~~that~~ which conform to the Michigan manual of uniform traffic-control devices.

6.3. Bicycles; Electric Personal Assistive Mobility Devices; ordinances applicable. ~~The provisions of this code that are applicable to bicycles shall apply when a bicycle is operated on any street or on any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this code. Except as otherwise provided, all City of Troy ordinance provisions for bicycles shall also be applicable to electric personal assistive mobility devices.~~

6.4. Riders to obey traffic law. Every person who rides a bicycle on a roadway shall be granted all of the rights, and shall be subject to all of the duties, applicable to the driver of a vehicle under state, local, and/or federal law or regulation. ~~pursuant to the laws of Michigan which declare rules of the road applicable to vehicles or pursuant to the traffic ordinances of this governmental unit which are applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature do not apply.~~

~~6.5. Bicycle dealers. Every person who is engaged in the business of buying or selling new or secondhand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, which shall include all of the following information:~~

- ~~(a) The name and address of the person from whom purchased or to whom sold.~~
- ~~(b) A description of such bicycle by name or make.~~
- ~~(c) The frame number.~~
- ~~(d) The number of license plate, if any, found thereon.~~

6.6. Obedience to traffic-control devices; violation as civil infraction.

- (1) Any person who operates a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, ~~—~~ unless otherwise directed by a police officer.
- (2) A person who violates this section is responsible for a civil infraction.

6.7. Obedience to pedestrian regulations when dismounted from a bicycle. When authorized signs are erected which indicate that right, left, or U-turns are not permitted, a person who operates a bicycle shall obey the direction of any such sign, except where the person dismounts from the bicycle to make such turn, in which event the person shall then obey the regulations applicable to pedestrians.

6.9. Bicycles; number and manner of carrying persons; violation as civil infraction.

- (1) A person who propels a bicycle shall not ride other than astride a permanent and regular seat attached thereto and shall not carry more persons at one time than the number for which the bicycle is designed and equipped.
- (2) A person who violates this section is responsible for a civil infraction.

6.10. Riding on roadways and bicycle paths; violation as civil infraction.

- (1) A person who operates a bicycle, motorcycle, or moped on a roadway shall ride as near to the right-hand side of the roadway as practicable and shall exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction.

~~(1) — (2) — (2)~~ AA person who operates ~~s~~d a moped, a motorcycle, or a bicycle shall not pass between lines of traffic, but may pass in an unoccupied lane on the left of traffic moving in his or her direction on a two-way street in the case of a 2-way street. A person who operates a moped, motorcycle, or a bicycle may pass and on the left or right of traffic on a in the case of a one way street.

(3) A person shall not operate an electric personal assistive mobility device on a public roadway that has a posted speed limit of more than 25 miles per hour. This limitation does not preclude an operator of such device from crossing a public roadway that has a posted speed limit in excess of 25 miles per hour.

6.11. Riding 2 abreast prohibited; exception; violation as civil infraction.

- (1) Every person who operates a bicycle, motorcycle or moped on a roadway shall not ride more than 2 abreast; except on paths or parts of roadways set aside for the exclusive use of such vehicles.
- (2) A person who violates this section is responsible for a civil infraction.

6.12. Bicycles; use of paths required when provided; violation as civil infraction.

- (1) When a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- (2) A person who violates this section is responsible for a civil infraction.

- 6.13. Clinging to other vehicles prohibited; violation as civil infraction.
- (1) A person who rides on any bicycle, motorcycle, moped, coaster, roller skates, sled, or toy vehicle shall not attach the same of himself or herself to any vehicle on a roadway.
 - (2) A person who violates this section is responsible for a civil infraction.
- 6.14. Bicycles; speed; violation as civil infraction.
- ~~(1)~~ ~~(1)~~ A person shall not operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
 - ~~(2)~~ A person shall not operate a electric personal assistive mobility device at a speed greater than 15 miles per hour.
 - (2) ~~(3)~~ A person who violates this section is responsible for a civil infraction.
- 6.15. Emerging from alley, driveway, or building; yielding right-of-way; violation as civil infraction.
- ~~(1)~~ ~~(1)~~ The operator of a bicycle who emerges from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.
 - (2) A person who violates this section is responsible for a civil infraction.
- 6.16. Carrying articles; height of handlebars; violations as civil infraction.
- (1) ~~A~~ a person who operated ~~s~~ a bicycle, motorcycle, or moped shall not carry a package, bundle, or article which prevents the driver from keeping both hands on the handlebars. ~~of the vehicle.~~
 - ~~(2)~~ ~~(2)~~ A person shall not operate ~~on a street or highway of this governmental unit~~ a motorcycle or moped equipped with handlebars that are higher than 15 inches from the lowest point of the underpressed saddle to the highest point of the handlegrip of the operator on a street or highway.
 - (3) A person who violates this section is responsible for a civil infraction.
- 6.17. Bicycles; parking on sidewalk; violation as civil infraction.

~~(1)~~ ~~(1)~~ A person shall not park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic-control devices. A person shall not park a bicycle on a sidewalk in a manner that would unreasonably obstruct pedestrian or other traffic.

(2) A person who violates this section is responsible for a civil infraction.

6.17a. Bicycles; parking on roadway; violation as civil infraction.

(1) ~~Notwithstanding the provisions of chapter 8 of this code, and~~ unless prohibited or restricted by traffic-control devices, a bicycle may be parked as follows:

(a) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed.

(b) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed.

(2) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of chapter [106, Section 8](#) of [the City of Troy ordinances, which](#) ~~this code which~~ regulates the parking of vehicles.

(3) A person who violates this section is responsible for a civil infraction.

6.18. Obedience to signs prohibiting riding of bicycles; violation as civil infraction.

(1) When a sign is erected on a sidewalk ~~that~~ ~~which~~ prohibits the riding of bicycles thereon by any person, a person shall obey the sign.

(2) A person who violates this section is responsible for a civil infraction.

6.19. Riding on sidewalks; right-of-way; violation as civil infraction.

(1) ~~A~~ ~~When a~~ person ~~who operates a~~ ~~is riding a~~ bicycle on a sidewalk, ~~such person~~ shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

- (2) A person who violates this section is responsible for a civil infraction.

6.20. Bicycles; lights; red reflector; violation as civil infraction.

- (1) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light that is visible from a distance of not less than 500 feet to the front. Every bicycle, when in use at nighttime, shall also be ~~and shall be~~ equipped with a red reflector on the rear that is visible from all distances from 100 feet to 600 feet to the rear when the bicycle is directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp that emits a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- (2) A person who violates this section is responsible for a civil infraction.

~~6.21. Bicycles; bell or audible device required; siren or whistle prohibited; violation as civil infraction.~~

- ~~(1) A person shall not operate a bicycle unless it is equipped with a bell or other device capable of giving a signal which is audible for a distance of not less than 100 feet, except that such vehicle shall not be equipped with, or shall any person use on such vehicles, any siren or whistle.~~
- ~~(2) A person who violates this section is responsible for a civil infraction.~~

6.22. Bicycles; brake required; violation as civil infraction.

- (1) Every bicycle shall be equipped with a brake ~~which~~ that enables the operator to make the braked wheels skid on dry, level, clean pavement.
- (2) A person who violates this section is responsible for a civil infraction.

Section 3. Savings

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

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 106 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 106 of the Code of the City of Troy.

Section 2. Amendment

PROPOSED REVISIONS- CLEAN COPY

Bicycle Ordinance Provisions

- 1.07.00 "Bicycle" means a device on which a person may ride, which is propelled by human power, and which has either 2 or 3 wheels in a tandem or tricycle arrangement that are more than 14 inches in diameter.
- 1.08.00 "Bicycle lane" means a portion of a street or highway which is adjacent to the roadway and which is established for the use of persons riding bicycles.
- 1.09.00 "Bicycle path" means a portion of a street or highway which is separated from the roadway by an open, unpaved space or by a barrier and which is established for the use of persons riding bicycles.
- 1.21.05 "Electric personal assistive mobility device" means a self-balancing, non-tandem two wheel drive designed to transport only one person at a time, having an electrical propulsion system with an average power of 750 watts or one horsepower at a maximum speed on a paved level surface of not more than 15 miles per hour. These devices are sometimes referred to as "Segways."
- 4.20. Bicycle paths or bicycle lanes; establishment; traffic-control devices.
- (1) When the traffic engineer determines there is a need, after a traffic survey and engineering study, he or she may establish a part of a street or highway under his or her jurisdiction as a bicycle path or lane.
 - (2) The bicycle path or lane shall be identified by official traffic-control devices that conform to the Michigan manual of uniform traffic-control devices.

6.3. Bicycles; Electric Personal Assistive Mobility Devices; ordinances applicable. Except as otherwise provided, City of Troy ordinance provisions for bicycles shall also be applicable to electric personal assistive mobility devices.

6.4. Riders to obey traffic law. Every person who rides a bicycle on a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle under state, local, and/or federal law or regulation.

6.6 Obedience to traffic-control devices; violation as civil infraction.

(1) Any person who operates a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles unless otherwise directed by a police officer.

(2) A person who violates this section is responsible for a civil infraction.

6.7. Obedience to pedestrian regulations when dismounted from a bicycle.

When authorized signs are erected which indicate that right, left, or U-turns are not permitted, a person who operates a bicycle shall obey the direction of any such sign, except where the person dismounts from the bicycle to make such turn, in which event the person shall then obey the regulations applicable to pedestrians.

6.9. Bicycles; number and manner of carrying persons; violation as civil infraction.

(1) A person who propels a bicycle shall not ride other than astride a permanent and regular seat attached thereto and shall not carry more persons at one time than the number for which the bicycle is designed and equipped.

(2) A person who violates this section is responsible for a civil infraction.

6.10. Riding on roadways and bicycle paths; violation as civil infraction.

(1) A person who operates a bicycle, motorcycle, or moped on a roadway shall ride as near to the right-hand side of the roadway as practicable and shall exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction.

(2) A person who operates a moped, a motorcycle, or a bicycle shall not pass between lines of traffic, but may pass in an unoccupied lane on the left of traffic moving in his or her direction on a two-way street. A person who operates a moped, motorcycle, or a bicycle may pass on the left or right of traffic on a one- way street.

(3) A person shall not operate an electric personal assistive mobility device on a public roadway that has a posted speed limit of more than 25 miles per hour.

This provision does not preclude an operator of such device from crossing a public roadway that has a posted speed limit of more than 25 miles per hour.

- 6.11. Riding 2 abreast prohibited; exception; violation as civil infraction.
- (1) Every person who operates a bicycle, motorcycle or moped on a roadway shall not ride more than 2 abreast; except on paths or parts of roadways set aside for the exclusive use of such vehicles.
 - (2) A person who violates this section is responsible for a civil infraction.
- 6.12. Bicycles; use of paths required when provided; violation as civil infraction.
- (1) When a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
 - (2) A person who violates this section is responsible for a civil infraction.
- 6.13. Clinging to other vehicles prohibited; violation as civil infraction.
- (1) A person who rides on any bicycle, motorcycle, moped, coaster, roller skates, sled, or toy vehicle shall not attach the same of himself or herself to any vehicle on a roadway.
 - (2) A person who violates this section is responsible for a civil infraction.
- 6.14. Bicycles; speed; violation as civil infraction.
- (1) A person shall not operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
 - (2) A person shall not operate an electric personal assistive mobility device at a speed greater than 15 miles per hour.
 - (3) A person who violates this section is responsible for a civil infraction.
- 6.15. Emerging from alley, driveway, or building; yielding right-of-way; violation as civil infraction.
- (1) The operator of a bicycle who emerges from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

- (2) A person who violates this section is responsible for a civil infraction.

6.16. Carrying articles; height of handlebars; violations as civil infraction.

- (1) A person who operates a bicycle, motorcycle, or moped shall not carry a package, bundle, or article which prevents the driver from keeping both hands on the handlebars.
- (2) A person shall not operate a motorcycle or moped equipped with handlebars that are higher than 15 inches from the lowest point of the underpressed saddle to the highest point of the handlegrip of the operator on a street or highway.
- (3) A person who violates this section is responsible for a civil infraction.

6.17. Bicycles; parking on sidewalk; violation as civil infraction.

- (1) A person shall not park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic-control devices. A person shall not park a bicycle on a sidewalk in a manner that would unreasonably obstruct pedestrian or other traffic.
- (2) A person who violates this section is responsible for a civil infraction.

6.17a. Bicycles; parking on roadway; violation as civil infraction.

- (1) Unless prohibited or restricted by traffic-control devices, a bicycle may be parked as follows:
 - (a) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed.
 - (b) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed.
- (2) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of chapter 106, Section 8 of the City of Troy ordinances, which regulate the parking of vehicles.
- (3) A person who violates this section is responsible for a civil infraction.

6.18. Obedience to signs prohibiting riding of bicycles; violation as civil infraction.

- (1) When a sign is erected on a sidewalk that prohibits the riding of bicycles thereon by any person, a person shall obey the sign.
- (2) A person who violates this section is responsible for a civil infraction.

6.19. Riding on sidewalks; right-of-way; violation as civil infraction.

- (1) A person who operates a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (2) A person who violates this section is responsible for a civil infraction.

6.20. Bicycles; lights; red reflector; violation as civil infraction.

- (1) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light that is visible from a distance of not less than 500 feet to the front. Every bicycle, when in use at nighttime, shall also be equipped with a red reflector on the rear that is visible from all distances from 100 feet to 600 feet to the rear when the bicycle is directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp that emits a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- (2) A person who violates this section is responsible for a civil infraction.

6.22. Bicycles; brake required; violation as civil infraction.

- (1) Every bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.
- (2) A person who violates this section is responsible for a civil infraction.

Section 3. Savings

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

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

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

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 properly 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

DATE: May 1, 2004
 TO: John Szerlag, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of April 2004

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	5	\$84,760.00	\$1,534.50
Sub Total	5	\$84,760.00	\$1,534.50
<u>COMMERCIAL</u>			
New	3	\$4,529,875.00	\$28,646.00
Fnd. New	1	\$236,800.00	\$6,350.25
Fnd./Shell New	2	\$1,608,065.00	\$29,329.15
Tenant Completion	1	\$26,000.00	\$306.00
Add/Alter	12	\$1,974,970.00	\$13,397.75
Sub Total	19	\$8,375,710.00	\$78,029.15
<u>RESIDENTIAL</u>			
New	17	\$2,678,127.00	\$38,130.25
Add/Alter	32	\$733,038.00	\$7,942.50
Garage/Acc. Structure	10	\$43,900.00	\$1,020.00
Pool/Spa/Hot Tub	4	\$90,082.00	\$985.00
Repair	4	\$74,700.00	\$910.00
Fire Repair	1	\$57,460.00	\$450.00
Wreck	5	\$3,300.00	\$730.00
Sub Total	73	\$3,680,607.00	\$50,167.75
<u>TOWN HOUSE/CONDO</u>			
New	12	\$1,709,200.00	\$13,843.00
Add/Alter	8	\$6,530.00	\$260.00
Sub Total	20	\$1,715,730.00	\$14,103.00
<u>MULTIPLE</u>			
Add/Alter	2	\$46,420.00	\$537.25
Sub Total	2	\$46,420.00	\$537.25
<u>INSTITUTIONAL/HOSPITAL</u>			
Add/Alter	2	\$255,000.00	\$1,803.75
Sub Total	2	\$255,000.00	\$1,803.75
<u>MISCELLANEOUS</u>			
Signs	35	\$0.00	\$3,400.00
Fences	24	\$0.00	\$380.00

Sub Total	59	\$0.00	\$3,780.00
TOTAL	180	\$14,158,227.00	\$149,955.40

PERMITS ISSUED DURING THE MONTH OF APRIL 2004

	NO.	PERMIT FEE
Mul. Dwel. Insp.	105	\$1,050.00
Cert. of Occupancy	52	\$3,048.50
Plan Review	163	\$8,670.00
Microfilm	27	\$370.00
Building Permits	180	\$149,955.40
Electrical Permits	197	\$13,931.00
Heating Permits	131	\$7,105.00
Air Cond. Permits	56	\$2,865.00
Plumbing Permits	170	\$16,381.00
Storm Sewer Permits	16	\$608.00
Sanitary Sewer Permits	18	\$590.00
Sewer Taps	31	\$13,092.00
TOTAL	1146	\$217,665.90

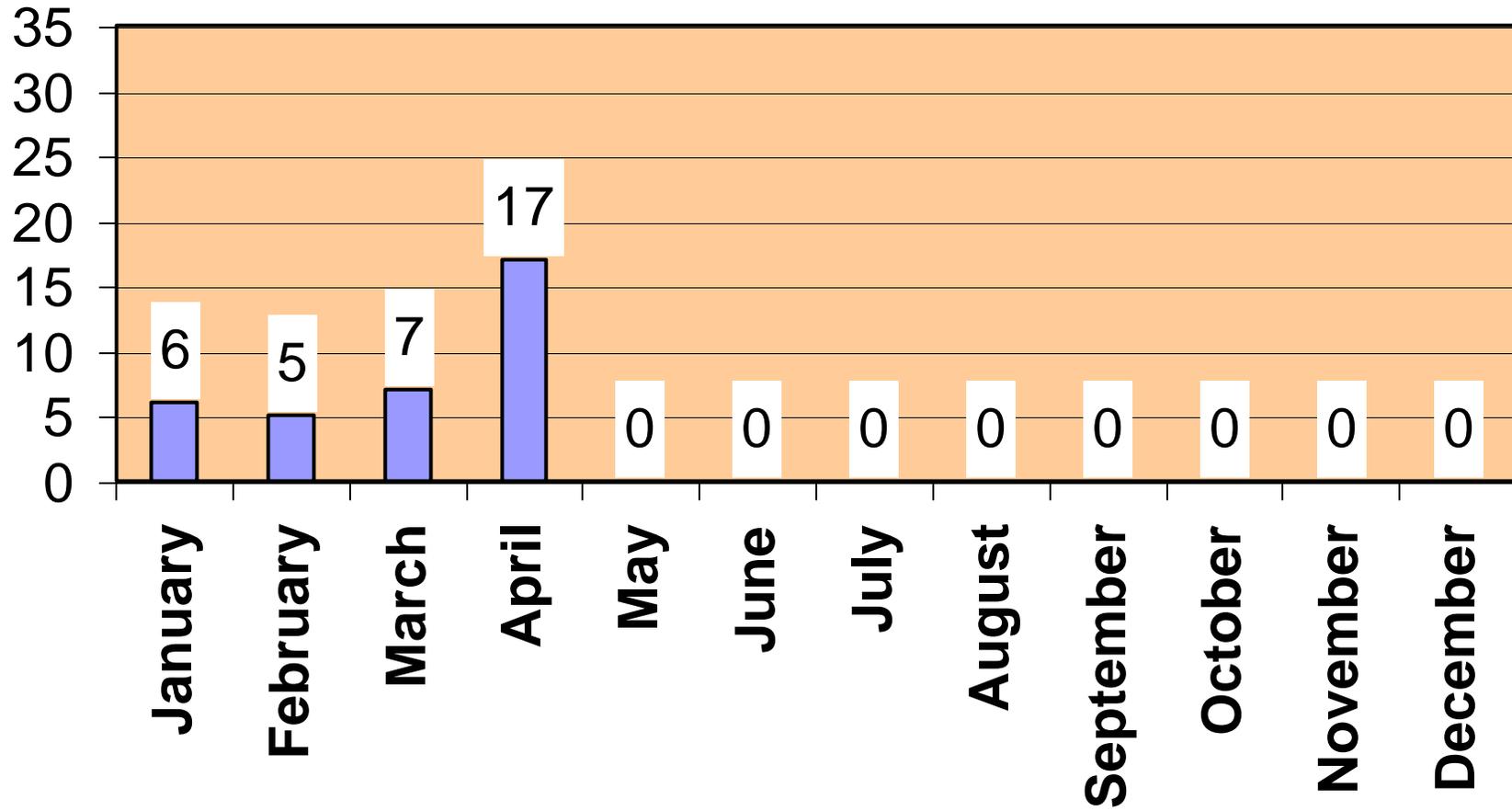
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF APRIL 2004

	NO.	LICENSE FEE
Mech. Contr.-Reg.	24	\$120.00
Elec. Contr.-Reg.	44	\$660.00
Master Plmb.-Reg.	29	\$29.00
Sewer Inst.-Reg.	9	\$400.00
Sign Inst. - Reg.	11	\$110.00
E. Sign Contr-Reg.	3	\$45.00
Fence Inst.-Reg.	3	\$30.00
Bldg. Contr.-Reg.	17	\$170.00
F.Alarm Contr.-Reg.	3	\$45.00
TOTAL	143	\$1,609.00

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2003	PERMIT VALUATION 2003	BUILDING PERMITS 2004	PERMIT VALUATION 2004
JANUARY	83	\$3,349,579.00	100	\$5,235,481.00
FEBRUARY	98	\$6,941,418.00	130	\$21,354,496.00
MARCH	106	\$10,102,093.00	159	\$9,372,242.00
APRIL	150	\$7,185,781.00	180	\$14,158,227.00
MAY	269	\$13,984,618.00	0	\$0.00
JUNE	209	\$20,116,880.00	0	\$0.00
JULY	196	\$17,222,754.00	0	\$0.00
AUGUST	179	\$7,971,188.00	0	\$0.00
SEPTEMBER	181	\$13,656,695.00	0	\$0.00
OCTOBER	195	\$11,302,769.00	0	\$0.00
NOVEMBER	136	\$5,897,752.00	0	\$0.00
DECEMBER	182	\$18,153,988.00	0	\$0.00
TOTAL	1984	\$135,885,515.00	569	\$50,120,446.00

SINGLE FAMILY DWELLING PERMITS 2004



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF APRIL 2004

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	GALE CONSTRUCTION CO.	5750 NEW KING 200	395,000.00
Commercial, Add/Alter	GLENN JONES	2967 E BIG BEAVER	600,000.00
Commercial, Add/Alter	STEVE THORPE	4700 INVESTMENT	600,000.00
Commercial, Add/Alter	JO, EUGENE	5047 ROCHESTER	150,000.00
Total Commercial, Add/Alter			1,745,000.00
Commercial, Fnd/Shell New	FRANCO C. MANCINI	6535 ROCHESTER	933,565.00
Commercial, Fnd/Shell New	FRANCO C. MANCINI	6585 ROCHESTER	674,500.00
Total Commercial, Fnd/Shell New			1,608,065.00
Commercial, Foundation New	WORKSTAGE LLC	2595 BELLINGHAM	236,800.00
Total Commercial, Foundation New			236,800.00
Commercial, New Building	F. ANDREW GERDES	2089 W BIG BEAVER	2,100,000.00
Commercial, New Building	RONCIN BUILDING	3330 ROCHESTER 3342	500,000.00
Commercial, New Building	PUMFORD CONST INC	621 W LONG LAKE	1,929,875.00
Total Commercial, New Building			4,529,875.00
Inst./Hosp., Add/Alter	DeMARIA BUILDING COMPANY	44201 DEQUINDRE RADIOL	175,000.00
Total Inst./Hosp., Add/Alter			175,000.00
Records 12			Total Valuation: 8,294,740.00

2004 LAW DAY

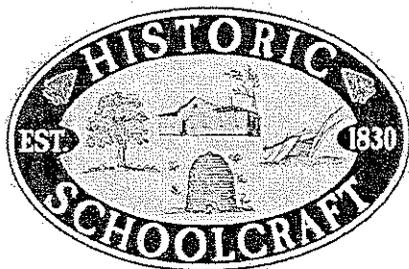
WEDNESDAY, MAY 12TH - 2:00 P.M.

CITY COUNCIL CHAMBERS

**CELEBRATE WITH THE CITY ATTORNEY'S
OFFICE AND HEAR PROFESSOR ROBERT
A. SEDLER SPEAK ON THIS YEAR'S
THEME "TO WIN EQUALITY BY LAW:
BROWN v BOARD OF EDUCATION AT 50".**



**REFRESHMENTS AVAILABLE IN THE
LOWER LEVEL CONFERENCE ROOM
AFTER THE PRESENTATION**



Village of Schoolcraft

Resolution Urging Michigan Legislature to Correct Inequities in Assessment Laws

WHEREAS, the Michigan Supreme Court issued a decision in the case of *WPW Acquisitions v City of Troy*, concerning the assessment of property taxes on commercial properties; and

WHEREAS, the Supreme Court's decision has resulted in inequities as it relates to property assessments whose value is based on occupancy rates; and

WHEREAS, the *WPW* decision declared the "additions" language for increase in occupancy is unconstitutional but did not address the offsetting "loss" language, which has a large impact on many properties in the State; and

WHEREAS, prior to this decision, a commercial/industrial property owner could work with her/his local assessor for assessment relief if the property's occupancy rate dropped (loss), and subsequently, when the occupancy rate improved the assessment would return to a stabilized level when the occupancy recovered (addition); and

WHEREAS, this was a fair and reasonable way to help property owners who were struggling with a particular property, and the "addition" and "loss" sections of the statute worked in harmony, providing temporary relief for decrease in occupancy; and

WHEREAS, since the "addition" section of the statute has been ruled unconstitutional, commercial property owners can now manipulate the system by decreasing their occupancy level to achieve a permanent reduction in their Taxable Value, and then lock in non-market property taxes at a reduced level; and

WHEREAS, the decision unintentionally rewards those commercial property owners who operate inefficiently and maintain high vacancy rates while penalizing those property managers who offer competitive lease rates; and

WHEREAS, the decision is unfair to residential taxpayers as the resulting effect will shift the property tax burden to residential taxpayers over time since, theoretically, property taxes collected from commercial properties as a percentage of total tax revenues will decrease; and

WHEREAS, the potential loss in property tax revenue within the Village of Schoolcraft as a result of the Supreme Court decision is significant, with such revenue loss impacting not only the Village of Schoolcraft, but also the County of Kalamazoo, Schoolcraft Community Schools, the State of

Michigan Education Tax, the Kalamazoo Regional Education Service Agency, Kalamazoo Valley Community College; and the Schoolcraft Community Library;

NOW, THEREFORE, BE IT RESOLVED that the Village of Schoolcraft Council strongly urges its State Legislators to re-establish tax equity and correct the impact of the *WPW Acquisitions v City of Troy* decision by supporting legislation to remove both the additions and losses sections of the General Property Tax Act, MCL 211.34d(1)(b)(vii) and MCL 211.34d(1)(h)(iii); and

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to every State Legislator representing the Village of Schoolcraft.

Trustee Dailey moved, supported by Trustee Prudden, to adopt this resolution. The motion was approved by a roll-call vote of 7-0.

Ayes: Barnes, Dailey, Gunnett, Mullin, Prudden, VanDyken, Warfield

Nays:

Abstentions:

Absences:

Clerk's Certificate

I, Sherry L. Gilchrist, Village Clerk of the Village of Schoolcraft, do hereby certify that the foregoing resolution was adopted by the Village Council during regular session of the Council and in accordance with all provisions of the Open Meetings Act.

Sherry L. Gilchrist
Sherry L. Gilchrist

4-19-04
Date

May 2004

May 2004							June 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	2	3	4	5	6	7	1	6	7	8	9	10	11
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29	30		
29	30	31											

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					May 1
					2
3	4	5	6	7	8
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm Persons w/Dis (Conference Room)	10:00am Senior Advisory (Community Center)		9
10	11	12	13	14	15
7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	Precinct Delegate Filing Deadline 7:30pm Planning Commission - Reg (Council Chambers)	12:00pm Retirement System Board of Trustees (Conference Room C) 3:00pm Updated: ERS Meeting - Conf Room	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		16
17	18	19	20	21	22
	7:30pm BZA (Chambers) 7:30pm Historic District (Conference Room C) 7:30pm BOARD OF ZONING APPEALS (Council C	7:30am DDA Meeting (Conference Room Lower Level)			23
24	25	26	27	28	29
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze	7:00pm Troy Youth (Conference Room Lower Level)			30
31					

5/10 PH Appr. 2004-2005 Budget
 5/10 PH Rezoning app. (Z-582) Maple & John R
 5/24 PH Comm. veh. app. 5735 John R
 5/24 PH Comm. veh. app. 2310 Roch Ct
 5/24 PH Comm. veh. app. 1019 Minnesota

June 2004

June 2004							July 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5							
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	June 1	2	3	4	5
	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		6
7	8	9	10	11	12
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	12:00pm Retirement System Board of Trustees (Conference Room C)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		13
14	15	16	17	18	19
Election - School	7:30pm BZA (Chambers) 7:30pm Historic District (Conference Room C) 7:30pm BOARD OF ZONING APPEALS (Council Chambers)	7:30am DDA Meeting (Conference Room Lower Level)			20
21	22	23	24	25	26
7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)	7:00pm Troy Youth (Conference Room Lower Level)			27
28	29	30			

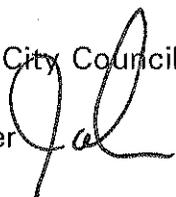
July 2004

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
							29	30	31				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			July 1		2
					3
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					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)		
					11
					12
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					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)		
					18
					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)			
					25
					26
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					29
					30
					31
	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)				

May 6, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager 

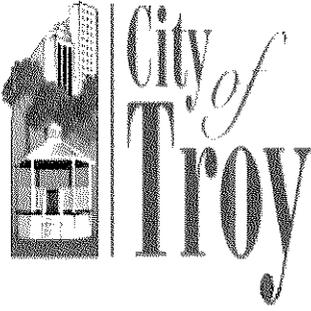
SUBJECT: Proposed I-75/ Crooks/ Long Lake Road Interchange Improvement

We are still developing the power point presentation for the above referenced issue. However, I wish to include the following in advance of this study item:

1. Memorandum from City Attorney Lori Bluhm indicating legal implications of abandoning the I-75/Crooks/Long Lake Road Project.
2. Memorandum from Police Chief Charles Craft relative to effects of freeway entrance/exit ramps on crime rates.
3. Executive Summary along with complete report of the traffic simulation analysis conducted by Hubbell, Roth & Clark Inc.

For your convenience, also included is my memo of April 29, 2004 sent to you last week regarding this topic.

As always, please feel free to contact us should you have any questions.



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
DATE: May 6, 2004
SUBJECT: Legal Implications of Abandoning I-75/Crooks/Long Lake Road

As articulated by City Management, the I-75/ Crooks Road/ Long Lake Road project has a long history, dating back to 1971. Throughout this period, many actions have been taken in furtherance of the interchange project. These actions include an amendment to the Master Land Use Plan, acquisition of property, execution of contracts, and efforts in economic redevelopment.

On numerous occasions, the Troy City Council voted to approve actions that were an integral part of the overall traffic reduction plan for the northwest section of the City. This public support for the entire project, and more specifically the I-75/ Crooks Road/ Long Lake Road interchange project, served as an incentive for businesses to locate in that area. Many business entities acted in reliance on the timely completion of the interchange project, which was projected to manage the increasing volume of traffic.

A sudden abandonment of this project, especially where there has been repeated justification for the interchange, could lead to lawsuits by entities that perceive a negative impact on business expectations.

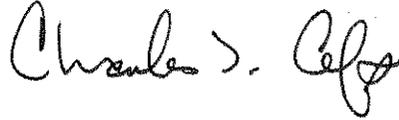
In the event that City Council wishes to discuss potential legal implications in more detail, I have provided a privileged and confidential memorandum, which can be an appropriate topic for closed session discussion.

If you have additional questions, please let me know.

May 5, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police



SUBJECT: Effects of Freeway Entrance/Exit Ramps on the Crime Rate

Per your direction, I have researched the effect the construction of a freeway entrance/exit ramp has on the crime rate in the surrounding area.

I am personally unaware of any research and statistical data concerning this subject. I conducted an Internet search and was unable to find anything addressing freeway entrances/exits and crime.

I assigned Officer Jeff Stacey, who serves as a crime prevention specialist, to research the matter. He contacted the National Criminal Justice Reference Service, the Federal Highway Administration, and the Michigan Department of Transportation; all advised him that they have no data that concerns crime rates in relationship to freeway access.

The question posed indicates a belief that access to an area from a freeway or onto a freeway from a surface street will result in an increase in crime. My experience, and knowledge of crime in Troy, does not support this belief.

Please advise if you require additional information.

May 4, 2004

To: Chief Craft

From: P.O. Stacey

Re: Effects of crime in areas where there are expressway ramps/highway access.

Chief,

Per your request, I have attempted to locate information and or data concerning this matter, and I have been unable to find anyone that has information based on that criteria.

With the assistance of Officer J. Reynolds, on 4-29-04, we made contact with the National Institute of Justice, and asked them. On 5-3-04, I got a response from Ken Molter, of the National Criminal Justice Reference Service, 800-851-3420. He stated, "We don't have any data that indicates highway access has any effects on crime rates definitively". He further states that no national studies have been undertaken using those criteria. He stated the only related report he was able to locate was an article from 1990 titled transient crowding and crime. It basically stated that the more strangers in an area, the more crime, "except for murder, assault and rape". He stated that he could furnish a copy of that article for \$10, I did not ask for, or purchase a copy.

For possible information on this matter Molter suggested that I contact the Federal Highway Administration, at 202-366-0660. I called them and they did not have any information on this matter and referred me to Michigan Department of Transportation, MDOT, at 517-373-2090. On 5-3-04, I called MDOT and was told that they have no information concerning crime rates, but did say that there is information to support that areas with good highway access are safer with respect to vehicular traffic and traffic accidents.

I also asked our own Research and Technology Administrator, Wendell Moore, if he could furnish me with any local data on this matter. Wendell stated that there is no city data for crime rates as they compare with highway access. He further stated that using that criteria, he attempted to locate such information on intranet websites, and was unable to. It is with regret, that I am unable to locate and furnish you with any data supporting or refuting the impact on crime rates as they relate to highway access. If you require more from me on this matter, please let me no.

PRINCIPALS

Gerald F. Knapp
Thomas E. Biehl
Walter H. Alix
George E. Hubbell
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Curt A. Christeson

CHIEF FINANCIAL OFFICER
J. Bruce McFarland

SENIOR ASSOCIATES

Frederick C. Navarre
Gary J. Tressel
Lawrence R. Ancypa
Kenneth A. Melchior
Dennis M. Monsere
Randal L. Ford
David P. Wilcox
Timothy H. Sullivan



HUBBELL, ROTH & CLARK, INC.
CONSULTING ENGINEERS

ASSOCIATES

Thomas G. Maxwell
Nancy M.D. Faught
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Diane
James C. Hanson
Richard F. Beaubien
Margaret Syrik Kuhn
William R. Davis
James J. Aiello
Daniel W. Mitchell
Joel E. Bowdan
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli

May 5, 2004

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Attention: Dr. John Abraham, Deputy City Engineer/Traffic Engineer

Re: Traffic Model at I-75/Long Lake Road – Executive Summary

HRC Job No. 20040293.02

Dear Dr. Abraham:

With this letter we are transmitting the CORSIM model simulation for the roadway network in the area bordered by Square Lake Road, Livernois Road, Long Lake Road and Crooks Road. The defined area includes the I-75/Crooks Road interchange. These models include the latest geometric modifications suggested by MDOT. We have also prepared a comparison of existing and future geometry under future year 2025 traffic conditions.

The model showed that there is significant difference between having and not having the interchange. With the interchange improvements in place average speed on the system increases and the vehicle-hours of travel are reduced. Specifically, with the interchange the average speed of the network will increase by 64% in the AM peak and by 97% in the PM peak. The vehicle hours of travel will decline by 20% for the AM peak and 36% for the PM peak.

Additional analysis showed that the Level of Service (LOS) along Long Lake Road, within the study area, is improved with the interchange in place. This improvement in operations is a result of a redistribution of traffic after access to I-75 is modified. Future PM peak hour volume on Long Lake west of I-75 is 5,650 without the interchange and 4,340 with the interchange.

Conclusions:

- There will be significant increase in traffic volume within the study area by year 2025.
- The existing interchange operation currently has unacceptable LOS during some hours of the day, and the existing roadway network cannot handle the year 2025 traffic.
- The proposed interchange will significantly improve the operating conditions of the study area because it redistributes the traffic by providing improved access to I-75 which will reduce air pollution and fuel consumption.

Very truly yours,

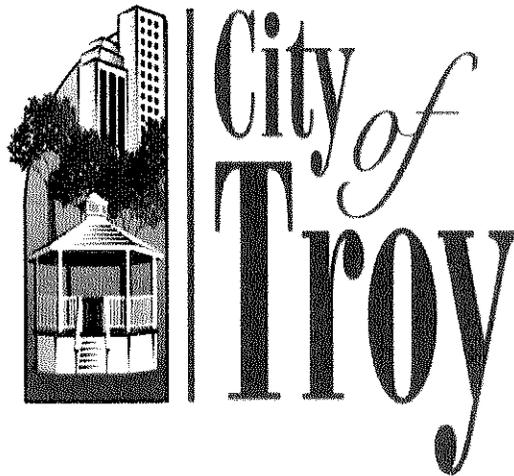
HUBBELL, ROTH & CLARK, INC.

Richard F. Beaubien, P.E., P.T.O.E.
Associate/Transportation Director

PN/jjb

pc: City of Troy; Steve Vandette
HRC; G. Knapp, W. Alix, File

Corporate Office: 555 Hulet Drive • P.O. Box 824 • Bloomfield Hills, MI 48303-0824 (Mailing – P.O. Box) – 48302-0360 (UPS Zip)
Telephone: (248) 454-6300 • FAX: (248) 338-2592 or (248) 454-6312 • www.hrc-engr.com



I-75-CROOKS/LONG LAKE
TRAFFIC SIMULATION ANALYSES FOR 2025

APRIL 2004



HUBBELL, ROTH & CLARK, INC.

Consulting Engineers

555 Hulet Drive • P.O. Box 824

Bloomfield Hills, MI 48303-0824

PRINCIPALS

Gerald F. Knapp
Thomas E. Biehl
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Joel E. Bowdan
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli

April 12, 2004

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Attention: Dr. John Abraham, Deputy City Engineer/Traffic Engineer

Re: Traffic Model at I-75/Long Lake Road
TSIS Simulation Results

Dear Dr. Abraham:

With this letter we are transmitting the CORSIM model simulation results for the roadway network in the area bordered by Square Lake Road, Livernois Road, Long Lake Road and Crooks Road. The defined area includes the I-75/Crooks Road interchange. These models include the latest geometric modifications suggested by MDOT. We are also providing a comparison of existing and future geometry under future year 2025 traffic conditions.

Background

HRC performed a similar study of this area for future year 2020 and submitted a report in April 2000. MDOT has changed the geometry of the proposed interchange near Long Lake since then, necessitating the revision of the CORSIM models. Attached exhibit shows the MDOT proposed geometry.

2025 Traffic Volumes

CH2MHill did a study of this area for MDOT and submitted a report in October 2002. This study forecasted volumes for the year 2025 for the build and no build options. However, the study area considered did not include Square Lake Road. HRC developed forecasts of the volumes on Square Lake Road and at intersections within the study area using CH2MHill information for 2025. HRC then used these 2025 volumes in the CORSIM models.

HRC Traffic Volume Projections

The traffic analysis prepared by CH2MHill (dated February 25, 2002, revised October 14, 2002) was reviewed and used as a base for the projection of traffic to the design year 2025 for the intersections of Square Lake/Crooks and Square Lake/Livernois. The CH2MHill analysis was also used to estimate volumes at Square Lake/Delphi, Tower/Crooks and Tower/Long Lake. Traffic volumes from HRC's April 2000 traffic analysis for the build year 2020 were projected to 2025 by distributing traffic from the CH2MHill information. Turning volumes, that were not directly affected by intersections included in the CH2MHill analysis, were projected to 2025 by using the average factor applied the study area. The attached exhibits show the volume information.

Suggested Improvements

It is important to note that our April 2000 study recommended some improvements on the surface roads along with the proposed interchange. The specific improvements were as follows:

I-75 Ramps/Crooks/Corporate Drive (existing and future geometry can be seen in the attached exhibits)

- Additional northbound right-turn lane
- Additional westbound right-turn lane
- Additional westbound through lane
- Additional eastbound left-turn lane

Crooks/Square Lake

- Adding a southbound right turn lane

Livernois

- Widening to five lanes, from Long Lake to Square Lake

This study assumes that the above mentioned improvements are in place for the year 2025 along with the proposed interchange geometry.

CORSIM Analyses

HRC modified the earlier version CORSIM models to include year 2025 volumes and the proposed geometry. The following table shows the Measures of Effectiveness from these revised models:

CORSIM Results for the Year 2025 Models

Measures of Effectiveness	Without Proposed Interchange*		With Proposed Interchange	
	AM Peak	PM Peak	AM Peak	PM Peak
Average Speed (mph)	17.15	10.93	28.43	21.51
Vehicle Hours of Travel (VHT)	1778.53	2896.56	1418.83	1864.89

* includes 5 lane geometry on Livernois

It can be seen from the above table that there is significant difference between having and not having the interchange. With the interchange improvements in place average speed on the system increases and the vehicle-hours of travel are reduced. Specifically, with the interchange the average speed of the network will increase by 64% in the AM peak and by 97% in the PM peak. The vehicle hours of travel will decline by 20% for the AM peak and 36% for the PM peak.

ACCUSIM Analyses

ACCUSIM is the post-processor and model validation software for the CORSIM. This software was used to reveal the levels of service (LOS) at each individual intersection and segment within the study area. The following table presents the LOS information for key intersections within the study area:

**Intersection Level of Service Comparison
 I-75/Crooks/Long Lake Area**

Intersection	2000 Volumes on Existing Geometry		2025 Volumes Without Proposed Interchange *		2025 Volumes With Proposed Interchange	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Crooks and Square Lake	B	B	C	D	B	C
Crooks and I-75 Ramps	E	D	E	F	C	C
Crooks and Long Lake	B	B	C	C	B	B
Long Lake and I-75 On Ramp	-	-	-	-	B	B
Long Lake and I-75 Off Ramp	-	-	-	-	C	B
Long Lake and Livernois	D	B	D	F	B	B
Livernois and Square Lake	B	F	F	F	C	F

* includes 5 lane geometry on Livernois

It can be seen from the above table overall LOS for the study area is much better with the new interchange and proposed improvements. Please see the attached ACCUSIM exhibits.

The ACCUSIM exhibits show that the LOS along Long Lake Road, within the study area, is improved with the interchange in place. This improvement in operations is a result of a redistribution of traffic after access to I-75 is modified. Future PM peak hour volume on Long Lake west of I-75 is 5,650 without the interchange and 4,340 with the interchange.

Summary

1. There will be significant increase in traffic volume within the study area by year 2025.
2. The existing roadway network cannot handle the year 2025 traffic.
3. The proposed interchange will significantly improve the operating conditions of the study area because it redistributes the traffic by providing improved access to I-75.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

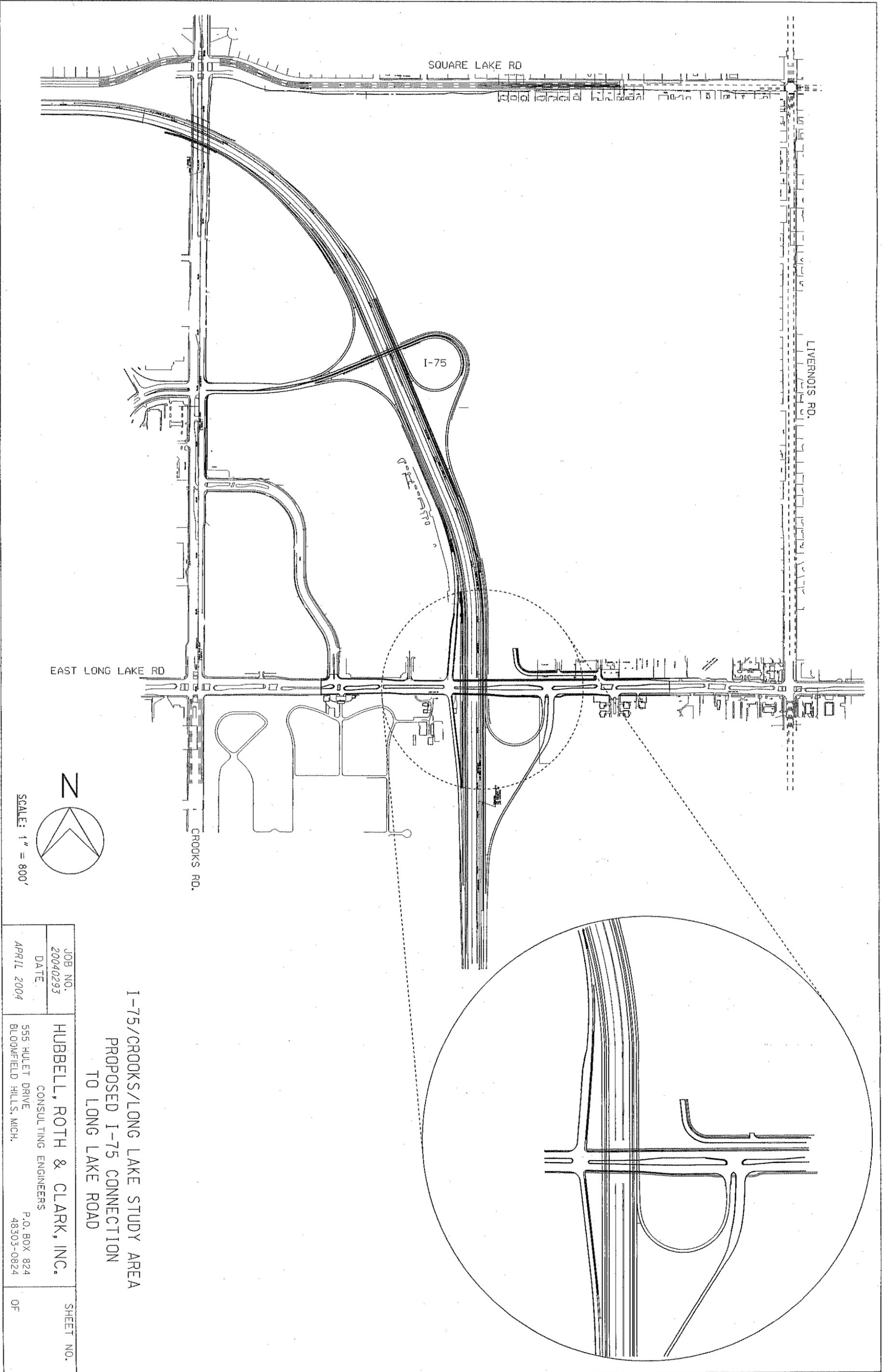


Richard F. Beaubien, P.E., P.T.O.E.
 Associate/Transportation Director

PN/jjb/scb

pc: City of Troy; Steve Vandette
 HRC; G. Knapp, W. Alix, File

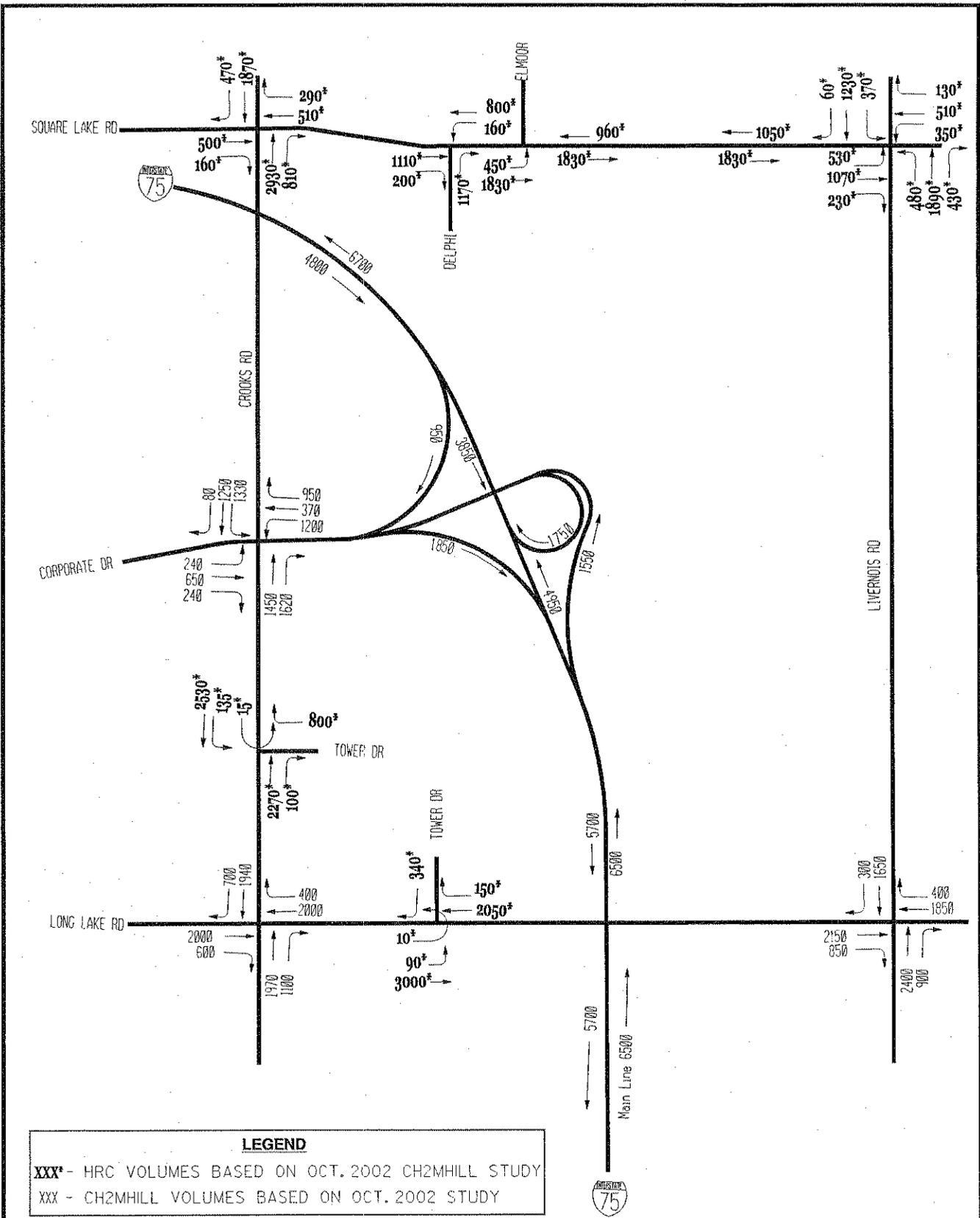
Proposed MDOT Geometry



I-75/CROOKS/LONG LAKE STUDY AREA
 PROPOSED I-75 CONNECTION
 TO LONG LAKE ROAD

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS	SHEET NO.
DATE APRIL 2004		
555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303-0824	OF

Projected Traffic Volumes



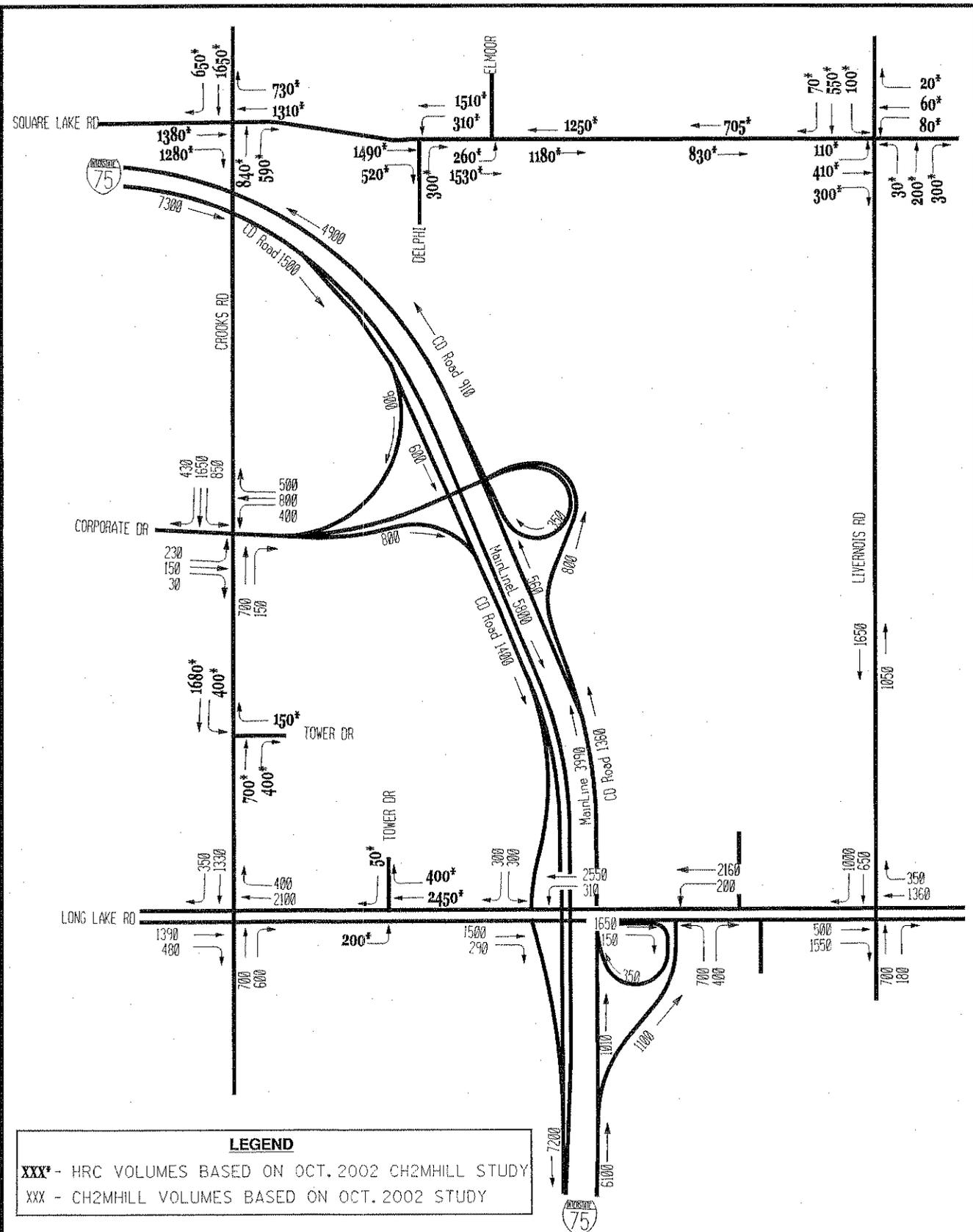
LEGEND
 XXX* - HRC VOLUMES BASED ON OCT. 2002 CH2MHILL STUDY
 XXX - CH2MHILL VOLUMES BASED ON OCT. 2002 STUDY



**NO BUILD - PM PEAK
 YEAR 2025 TRAFFIC**

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC.		SHEET NO.	
			OF	
DATE APRIL 2004	CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.		P.O. BOX 824 48303-0824	

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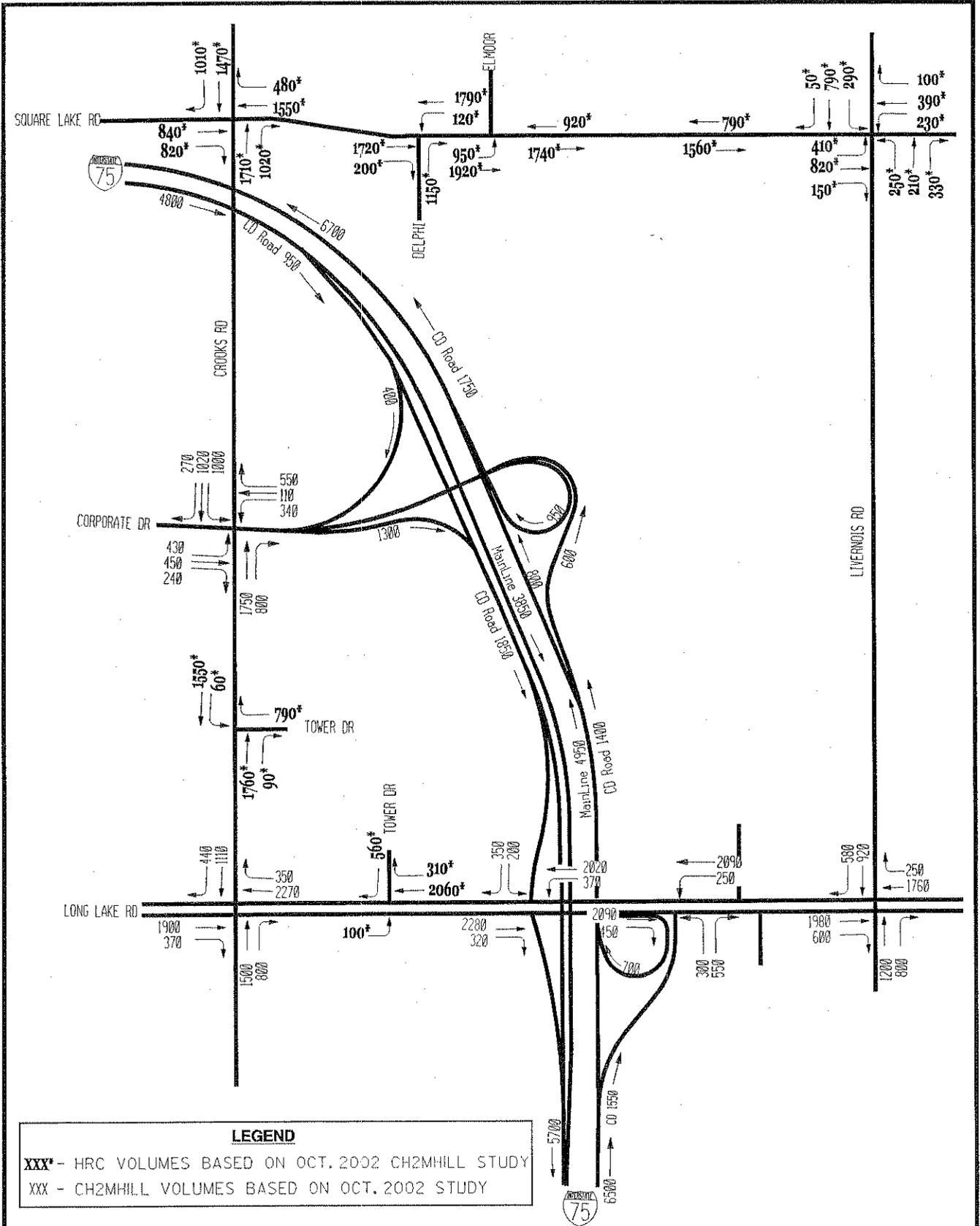
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NOT TO SCALE

**BUILD - AM PEAK
 YEAR 2025 TRAFFIC**

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303-0824	SHEET NO.
DATE APRIL 2004			OF



LEGEND
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 XXX - CH2MHILL VOLUMES BASED ON OCT. 2002 STUDY

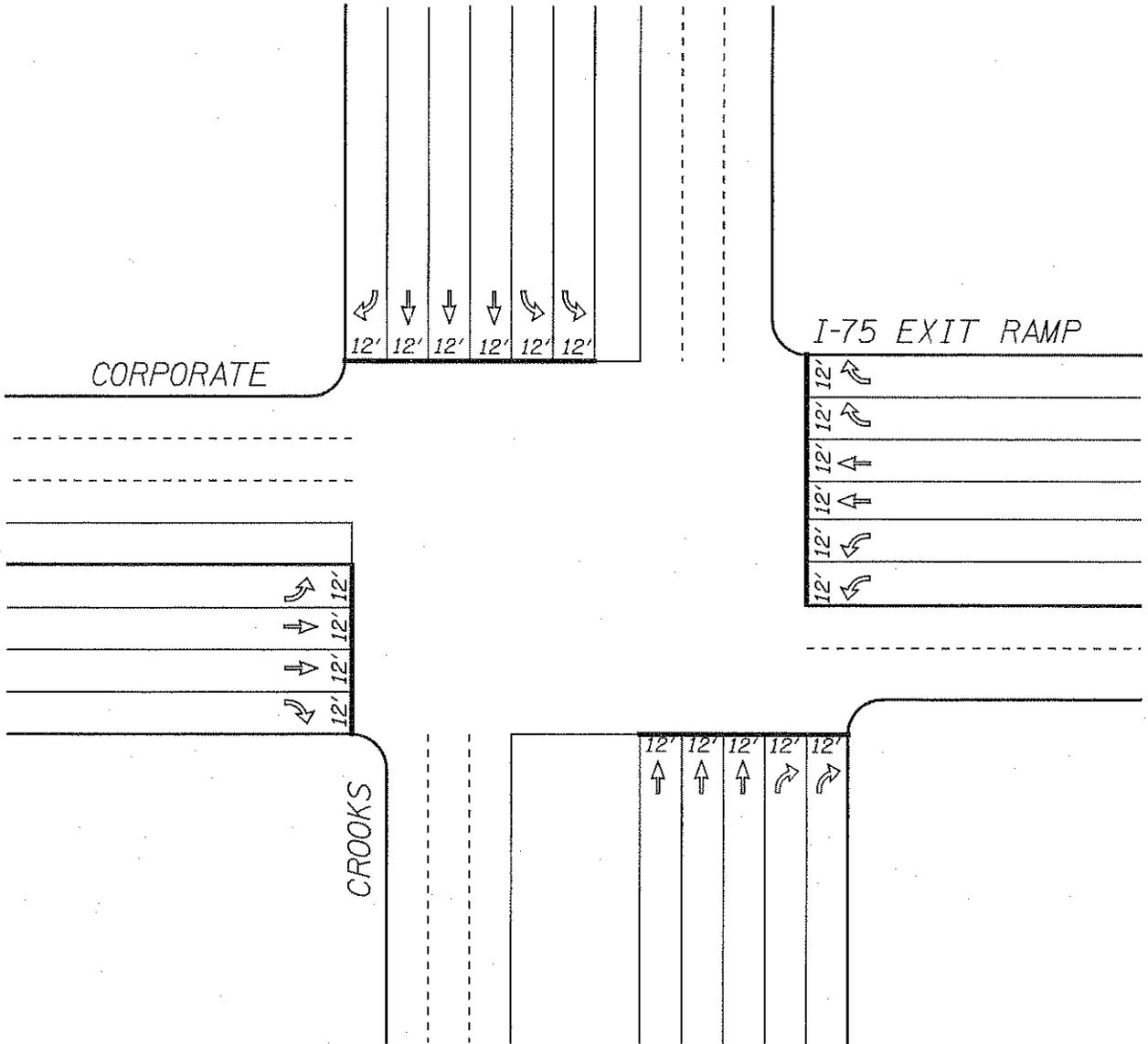


**BUILD - PM PEAK
 YEAR 2025 TREFFIC**

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO.
DATE APRIL 2004		

Existing and Proposed Geometry
At
Corporate Dr./Crooks/I-75 Ramps

INTERSECTION OF I-75/CORPORATE & CROOKS (FUTURE PROPOSED LANE GEOMETRY)



SCALE: 1" = 50'

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS	SHEET NO.
DATE APRIL 2004	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303-0824
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ACCUSIM Outputs

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