AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

AUGUST 9, 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.

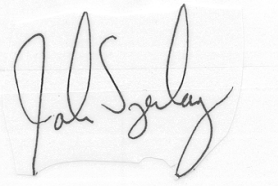
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration is on course with these goals.

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,



John Szerlag, City Manager

CITY COUNCIL

AGENDA

August 9, 2004 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Rev. Philip Fitzgerald - First Baptist Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentation: Introduction of Howard Wu, Student Representative Candidate for the Planning Commission 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items brought forward. 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Rev. Philip Fitzgerald - First Baptist 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:

A-1 **Presentation:** Introduction of Howard Wu, Student Representative Candidate for the Planning Commission

CARRYOVER ITEMS:

B-1 **No Carryover Items brought forward.**

PUBLIC HEARINGS:

C-1 **Standard Resolution #4 for Somerton Paving**

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

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

WHEREAS, The City Council has caused Special Assessment Roll No. 01.504.5 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy,

Bituminous Paving of Somerton.

WHEREAS, The City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor.

THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 01.504.5 in the amount of $12,269.24 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to and become a part of the Minutes of this meeting.

Yes:
No:

C-2 Rezoning Application (Z-#402-C) – North Side of Big Beaver, West of John R Road, Section 23 – E-P to O-1 and R-1E to E-P

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

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

RESOLVED, That the E-P to O-1 and R-1E to E-P rezoning request, located on the north side of Big Beaver Road, west of John R Road, Section 23, being 11.08 acres in size, is hereby **GRANTED,** as recommended by the Planning Commission and City Management.

Yes:
No:

C-3 Rezoning Application (Z-#695) – South Side of Henrietta Avenue, South of Big Beaver Road and East of Rochester Road – Section 27 – R-1E to P-1 (Z-#695)

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

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **GRANTED**, as recommended by City Management.

Yes:
No:

POSTPONED ITEMS:

D-1 Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues

Resolution A (Postponed Resolution)

Resolution #2004-08-
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the City Manager is **AUTHORIZED** to work with the Planning Commission to develop ordinance language that will address the relationship of accessory and/or add-on structures in residential districts as to lot size and boundaries, including the review approval process.

OR

Resolution B

RESOLVED, That the agenda item, Authorization for the *City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues*, be **POSTPONED** to a Regular City Council Meeting after a City Council Study Meeting that addresses this issue is held.

Resolution C

RESOLVED, That the City Manager is **AUTHORIZED** to work with the Planning Commission for reason of developing ordinance language that would call for a more balanced relationship between living quarter and attached garages for all residential zoning classifications.

AND / OR

Resolution D

RESOLVED, That the City Manager is **AUTHORIZED** to work with the Planning Commission for reason of developing ordinance language setting standards for having exterior elevations of residential structures achieve neighborhood compatibility.

Yes:
No:

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 #2004-08-
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 July 19, 2004

Suggested Resolution
Resolution #2004-08-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of July 19, 2004 be **APPROVED** as submitted.

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

E-4 Estate of Leslie McPherson v. City of Troy

Suggested Resolution
Resolution #2004-08-

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City OF Troy in any and all claims and damages in the matter of the Estate of Leslie McPherson by Trudy McPherson v. City of Troy and to pay all expenses and to retain any necessary expert witnesses to adequately represent the City.

E-5 Standard Purchasing Resolution 1: Award to Low Bidder – Air Compressor Repair and Maintenance

Suggested Resolution
Resolution #2004-08-

RESOLVED, That a contract to provide three-year requirements of air compressor repair and maintenance for the Fire Department is hereby **AWARDED** to the low bidder, Air Technologies, Inc. of Livonia, Michigan, for an estimated total cost of $21,480.00, at unit prices contained in the bid tabulation opened July 2, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of August 9, 2007; and

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

E-6 Request for Acceptance of a Permanent Easement for Watermain – 2075 Associates Limited Partnership – 2085 Big Beaver – Sidwell #88-20-29-201-015

Suggested Resolution
Resolution #2004-08-

RESOLVED, That the watermain easement from 2075 Associates Limited Partnership, owner of property at 2085 Big Beaver, having Sidwell #88-20-29-201-015 is hereby **ACCEPTED** for the operation, maintenance and repair or replacement of watermain; and

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

E-7 Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over $10,000.00: Southeast Michigan Council of Governments (SEMCOG) – 2004 Membership Dues

Suggested Resolution
Resolution #2004-08-

RESOLVED, That **APPROVAL IS GRANTED** to pay the 2004 Southeast Michigan Council of Governments (SEMCOG) membership dues from July 15, 2004 to July 15, 2005 in the amount of $11,040.00.

E-8 Approval of Changed Service Dates for Maintenance Contract for Sanctuary Lake Golf Course

Suggested Resolution
Resolution #2004-08-

WHEREAS, On March 1, 2004 through Resolution #2004-03-117, staff was authorized to prepare contract documents for Douglas Treadwell Golf and Associates to provide golf maintenance from June 1, 2004 through November 30, 2004.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the attached contract documents with the following date change from July 1, 2004 through December 31, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Standard Purchasing Resolution 2: Bid Award – Low Bidder Meeting Specifications – Tree/Stump Removal Service

Suggested Resolution
Resolution #2004-08-

RESOLVED, That a one-year contract to provide crews and equipment for Tree / Stump Removal Services on City-owned property, including ash trees, with an option to renew for one (1) additional year is hereby **AWARDED** to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights, for an estimated yearly cost of $1,500,000.00, at unit prices contained in the bid tabulation opened July 30, 2004, and supplemental Schedule of Values as listed in Appendix I, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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

PUBLIC COMMENT: Limited to Items Not on the 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.

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) Confirmation of Mayoral Appointments;** None **(b) Mayoral Appointments: 1)** Downtown Development Authority, **2)** Economic Development Corporation **(c) City Council Appointments: 1)** Advisory Committee for Persons with Disabilities, **2)** Parks and Recreation Board, **3)** Troy Youth Council

(a) Confirmation of Mayoral Appointments

Suggested Resolution
Resolution #2004-08-
Moved by

Seconded by

RESOLVED, That the appointments of John Szerlag and Douglas Smith to the Local Development Finance Authority (LDFA) with terms expiring on June 30, 2007, are hereby **CONFIRMED BY THE MAYOR** with **COUNCIL APPROVAL.**

Yes:
No:

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 #2004-08-
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:

Downtown Development Authority

Mayor, Council Approval (13) – 4 years

Marc W Rosenow resigned due to employment — **Unexpired term expires 09-30-2007**

Term expires 07-01-2005 (Student)

CURRENT MEMBERS	
NAME	**TERM EXPIRES**
Culpepper, Michael W	09/30/04
Frankel, Stuart	09/30/07
Hodges, Michele	09/30/05
Kennis, William	09/30/06
Kiriluk, Alan M	09/30/04
York, Thomas	09/30/04
MacLeish, Daniel	09/30/05
Price, Carol	09/30/07

Reschke, Ernest C	09/30/06
Rosenow, Marc W **Resigned**	09/30/07
Schroeder, Douglas J	09/30/06
Weiss, Harvey	09/30/05
Schilling, Louise E	09/30/04
Wong, Fred **(Student)**	07/01/04

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baughman, Deborah L	03/29/01-06/18/01-05/2003	04/09/01-07/09/01
Bloom, Jerry E	03/08/04-03/2006	04/12/04
Brodbine, Anju C	08/13/02-08/2004	08/19/02
Calice, Mark A	06/01/1997	
Elenbaum, Anita	04/17/02-04/2004	04/22/02
Howrylak, Frank J	04/05/01-06/11/03-05/2005	04/09/01-06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Huber, Laurie G	06/18/01-05/2003	07/09/01
Keisling, Laurence G	04/29/04-04/2006	05/03/04
O'Brien, Michael	07/28/03-07/2005	08/04/03
Petrulis, Al	02/11/03-02/2005	02/17/03
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Schultz, Robert M	06/19/01-06/2003	01/22/01-07/09/01
Shah, Jayshree	08/28/01-01/12/04-04/23/04-04/2006	09/17/01-02/02/04-05/03/04
Shier, Frank	02/18/03-02/2005	03/03/03
Shiner, Mary E	11/28/01-11/2003	12/09/01
Silver, Neil S	08/11/00-06/20/01-06/09/03-05/2005	08/21/00-07/09/01
Smits, Beatrice G	12/02/03-12/2005	12/15/03
Victor, Robert	06/03/03-05/2005	06/16/03
Wilberding, Bruce J	08/05/99-06/17/03-03/10/04-03/2006	04/12/04
Wright, Wayne C	01/07/99-06/18/03-06/2005	
Yousif, Gary	11/24/03-11/2005	01/05/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

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
Hoef, Paul V.	04/30/09
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	06/03/03-05/2005	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 #2004-08-
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 07-01-2005 (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		

Parks and Recreation Board

Appointed by Council (10) 3 years

Ida Edmunds **Term expires 07-31-2005**

Letter has been received from the Troy School District recommending Ida Edmunds for the 04-05 school year

Term expires 07-01-2005 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Bordas, Douglas M	09/30/05
Dixon, Merrill W (Sr Rep)	09/30/06
Edmunds, Ida (School Rep)	07/31/04
Fejes, Kathleen M	09/30/04
Redpath, Stuart	09/30/06
Kaltsounis, Orestes (Rusty)	09/30/06
Kerns, Amy (Student)	07/01/04
Krent, Tom	09/30/04
Kovacs, Meaghan	09/30/05

Stewart, Jeffrey (Troy Daze Rep)	09/30/06
Zikakis, Janice C	09/30/05
Anderson, Carol	(Ex-officio)

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/03-05/2005	05/05/03
Balasa, Violet-Viorica	06/27/03-06/2005	07/07/03
Bliss, Daniel H	03/17/03-03/2005	04/14/03
Dixon, Merrill W	03/17/03-03/2005	04/14/03
Gregory, Mr. Lynne	03/08/04-03/2006	04/12/04
Gazetti, Tod	09/10/02-09/2004	09/23/02
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Hrynik, Thomas F	10/16/00-06/14/01-06/09/03-05/2005	11/06/00-07/09/01-06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Keisling, Laurence	04/29/04-04/2006	05/03/04
Lenivov, Victor	04/08/04-04/2006	04/12/04
Navratil, Terry	06/10/03-05/2005	06/16/03
O'Brien, Michael	07/25/03-07/2005	08/04/03
Petrulis, Al	02/11/03-07/31/03-07/2005	02/17/03
Preston, Robert S	10/11/02	11/04/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Rounds, Muriel	07/25/03-07/2005	08/04/03
Shah, Jayshree	04/23/04-04/2006	05/03/04
Shah, Oniell	08/07/02	09/23/02
Smits, Beatrice G	12/2/03-12/2005	12/15/03
Victor, Robert	06/03/03-05/2005	06/16/03
Wattles, Brian J	07/10/01	07/23/01

Troy Youth Council

Appointed by Council (13) – 1 year

Emily Burns wishes to be reappointed	**Term expires 08-31-2005**
Min Chong wishes to be reappointed	**Term expires 08-31-2005**
Juliana D'Amico wishes to be reappointed	**Term expires 08-31-2005**

Monika Govindaraj wishes to be reappointed	**Term expires 08-31-2005**
Catherine Herzog wishes to be reappointed	**Term expires 08-31-2005**
Maniesh Joshi wishes to be reappointed	**Term expires 08-31-2005**
Andrew Kalinowski wishes to be reappointed	**Term expires 08-31-2005**
Manessa Shaw wishes to be reappointed	**Term expires 08-31-2005**
YuJing Wang wishes to be reappointed	**Term expires 08-31-2005**

CURRENT MEMEBERS

NAME	TERM EXPIRES
Alexandra Bozinowski	08-31-2005
Emily Burns	08-31-2004
Min Chong	08-31-2004
Juliana D'Amico	08-31-2004
Monika Govindaraj	08-31-2004
Catherine Herzog	08-31-2004
Maniesh Joshi	08-31-2004
Rishi Joshi	08-31-2005
Andrew Kalinowski	08-31-2004
Jessica Kraft	08-31-2005
Manessa Shaw	08-31-2004
Nicole Vitale	08-31-2005
YuJing Wang	08-31-2005

Yes:
No:

F-2 Approval for Troy Daze Fee

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

RESOLVED, That a fee of $1.00 for 3 tickets is **APPROVED** for participation in children's games at the Troy Daze Festival in addition to the previously approved Troy Daze Fee schedule.

Yes:
No:

F-3 Troy v. Maurice David Freed, et al

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

RESOLVED, That the City of Troy City Council **APPROVES** the proposed Consent Judgment; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, in the City of Troy v. Freed, Oakland County Circuit Court Case No. 03-048401-CC, and **AUTHORIZES** payment in the amounts stated therein, and further **AUTHORIZES** the Assistant City Attorney to **EXECUTE** the Consent Judgment on behalf of the City of Troy.

Yes:
No:

F-4 Request for Approval of Purchase Agreement, Michael G. Leinonen and Catherine Helena Leinonen, 2803 Thames, Sidwell #88-20-25-226-002, Big Beaver, Rochester to Dequindre Road Project - #01.105.5

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

RESOLVED, That the Agreement to Purchase between Michael G. Leinonen and Catherine Helena Leinonen, and the City of Troy, having Sidwell #88-20-25-226-002, for the acquisition of property at 2803 Thames is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of $185,000.00, plus closing costs.

Yes:
No:

F-5 Community Center Fitness Room Expansion to Enhance Customer Service

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

RESOLVED, That to enhance customer service in the Community Center Fitness Room, the **EXPANSION** of the fitness room include approximately 1,200 square feet to accommodate

additional cardiovascular equipment at an approximate cost of $4,500.00 to renovate and $24,000.00 per year to lease the equipment.

Yes:
No:

F-6 Rescind Bid Award / Re-Award Contract Hair and Body Shampoo

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

WHEREAS, On June 7, 2004, a one-year contract for Duraview Hair & Body Shampoo with an option to renew for an additional year was awarded to Lobaido Cleaning Supply, the low bidder meeting specifications (Resolution #2004-06-300-E-8).

WHEREAS, After numerous attempts by staff to obtain the product, the City was notified by the manufacturer, Kutol, that Lobaido Cleaning Supply is not an authorized dealer to sell the Duraview product.

NOW, THEREFORE, BE IT RESOLVED, That the contract to supply Hair & Body Shampoo be **RESCINDED** with prejudice from Lobaido Cleaning Supply, and **REAWARDED** to the next lowest acceptable bidder, Lower Huron Supply at unit prices contained in the attached bid tabulation opened April 14, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration of June 1, 2005.

Yes:
No:

F-7 Request from City at Large to Pay for Sidewalk Replacement Where Property Owners Meet Low to Moderate Income Guidelines

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

WHEREAS, Per Chapter 34 of the Troy City Code, homeowners are required to pay for sidewalk improvements.

NOW, THEREFORE, BE IT RESOLVED, That homeowners meeting the income guidelines established annually for the Community Development Block Grant program **SHALL BE ELIGIBLE** for 100% coverage of the cost of their sidewalk repairs. Funds for this **REIMBURSEMENT SHALL COME** from the General Fund.

Yes:
No:

F-8 Approval of Negotiated Agreement with the Michigan Municipal Risk Management Authority (MMRMA) for Casualty and Property Insurance Coverage

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

WHEREAS, On November 4, 1996, a three-year contract for Casualty and Property Insurance was awarded to the low bidder, Michigan Municipal Risk Management Authority (MMRMA) (Resolution #96-1032); and

WHEREAS, The contract was extended on August 16, 1999 for three years with an option to renew for three additional years (Resolution #99-376-E-4); and

WHEREAS, The contract was again approved for extension on August 2, 2002 for a two-year option under the same terms and conditions with changes in self-insured retention, stop loss, sewer back up coverage, and terrorism coverage due to the hardening insurance market (Resolution #2002-08-453);

WHEREAS, On March 1, 2004 authorization was given to the City Manager to negotiate a new agreement with the MMRMA for Casualty and Property Insurance (Resolution #2004-03-108-E-11);

NOW, THEREFORE, BE IT RESOLVED, That an agreement to renew the contract for Casualty and Property Insurance with the MMRMA be **EXERCISED** at a premium cost of $293,689.00 with no change in terms and conditions. This cost represents a 4% increase over last year's premium.

BE IT FINALLY RESOLVED, That this contract **INCORPORATES** an option to renew for the 2005/2006 coverage year depending on exposures, claims, underwriting, and market conditions. This agreement also **INCLUDES** the maintenance of a positive loss fund balance of up to $150,000.00 expiring November 7, 2006.

Yes:
No:

F-9 Proposed Amendments to Taxicab and Limousine Ordinance

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

Resolution A

RESOLVED, That the special events version of the ordinance amendment to Chapter 65, Section7.102 is hereby **ADOPTED** as recommended by the City Attorney. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Or

Resolution B

RESOLVED, That the version allowing reciprocal licensing of the ordinance amendment to Chapter 65, Section7.102 is hereby **ADOPTED** as recommended by the City Attorney. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-10 Traffic Committee Recommendations - July 21, 2004

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

(a) Installation of a *STOP* Sign on Southbound Thurber at Longfellow

RESOLVED, That Traffic Control Order #_____ is hereby **APPROVED** for the installation of a *STOP* signs on southbound Thurber at Longfellow.

(b) Installation of a *STOP* Sign on Thurber at Tallman

RESOLVED, That Traffic Control Order #_____ is hereby **APPROVED** for the installation of a *STOP* sign on Thurber at Tallman.

(c) No Changes to Parking Restrictions on Tallman

RESOLVED, That there be no changes to parking restrictions on Tallman.

(d) Installation of a *STOP* Sign on Evergreen at Amberly

RESOLVED, That Traffic Control Order #_____ is hereby **APPROVED** for the installation of a *STOP* sign on Evergreen at Amberly.

(e) Installation of a *STOP* Sign and DO NOT BLOCK INTERSECTION Sign on Rochester Court at Robinwood and a DO NOT BLOCK INTERSECTION Sign on Robinwood at Rochester Court

RESOLVED, That Traffic Control Order #_____ is hereby **APPROVED** for the installation of a *STOP* sign and a DO NOT BLOCK INTERSECTION sign on Rochester Court at Robinwood.

BE IT FURTHER RESOLVED, That Traffic Control Order #_____ is hereby **APPROVED** for the installation of a DO NOT BLOCK INTERSECTION sign on Robinwood at Rochester Court.

(b) Establishment of FIRE LANES at 1821 Maplelawn

RESOLVED, That Traffic Control Order #_____ is hereby **APPROVED** for the establishment of fire lanes at 1821 Maplelawn as recommended by the Fire Department.

Yes:
No:

F-11 Rescind Bid Award / Re-Bid Contract-Duct Cleaning Gun Range Ventilation System

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

WHEREAS, On January 5, 2004, a contract to provide duct cleaning of the Police Department gun range ventilation system was awarded to the low bidder, Sani-Vac Service, Inc. (Resolution #2004-01-006); and

WHEREAS, The awarded bidder, Sani-Vac Service, Inc. and the only other bidder, Indoor Air Professionals have notified the City that they have withdrawn their bid due to their inability to comply with the Lead Compliance Plan as outlined by Testing Engineers & Consultants, at the prices bid.

NOW, THEREFORE, BE IT RESOLVED, That the contract for duct cleaning of the Police Department gun range ventilation system be rescinded without prejudice from Sani-Vac Service, Inc., and be re-solicited.

Yes:
No:

F-12 Final Site Condominium Approval – Wattles Ridge Site Condominium, South of Wattles, East of Rochester, Section 23 – R-1C

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

RESOLVED, That the Final Site Plan as submitted by the petitioner, under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium know as Wattles Ridge Site Condominium and as recommended for approval by City Management and the Planning

Commission, located south of Wattles Road, east of Rochester Road, including 14 home sites, within the R-1C Zoning District, being 4.92 acres in size is hereby **APPROVED.**

Yes:
No:

F-13 Cultural, Religious and Historical Displays

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

WHEREAS, City Council directed the City staff to develop a policy for cultural, religious, and historic displays, and,

WHEREAS, The City Attorney, in her letter dated August 5, 2004 has articulated issues which need to be addressed by City Council before a policy can be promulgated,

A.

NOW, THEREFORE, BE IF RESOLVED, That the poling for cultural, religious, and historical displays will contain the following elements:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

And City Staff is so directed to craft a policy for Council's final approval which contain the above elements.

OR

B.

NOW, THEREFORE, BE IT RESOLVED, That a Study Session is scheduled for August 16, 30 or _____ 2004 for reason of getting direction from City Council so that staff may proceed to craft a policy for Council approval.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

(a) Commercial Vehicle Appeal – 6471 Denton – **Scheduled for August 23, 2004**
(b) Cobasys Abandonment of Industrial Facilities District – **Scheduled for August 23, 2004**
(c) Zoning Ordinance Text Amendment (ZOTA #202) – Article 28.30.02 – Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities – **Scheduled for August 23, 2004**

G-2 Green Memorandums:

(a) Proposed Ballot Language for Staggering of Terms

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

H-1 Resolution Advanced by Council Member Stine Requesting the City Manager to Meet with the Property Owner of 3129 Alpine

Council Member Stine requests that City Council adopt a resolution authorizing City Management to meet with the owners of 3129 Alpine Street for reason of reducing the size of their attached accessory building, which is currently under construction. Mrs. Stine also requested to include the memoranda along with supporting materials from Mr. Tom Krent as part of this issue.

Resolution Suggested by Council Member Stine:

Suggested Resolution
Resolution #2004-08-
Moved by
Seconded by

WHEREAS, It is the obligation of the Troy City Council to protect property values and to assist in maintaining the residential character of neighborhoods, and

WHEREAS, The attached accessory structure currently being constructed at 3129 Alpine is a detriment to property values and the residential character of homes in the immediate area,

NOW, THEREFORE BE IT RESOLVED, That City Management is **AUTHORIZED** to meet with the owners of 3129 Alpine Street for the purpose of reducing the size of the attached accessory structure and/or modifying the exterior elevation so as to make it more compatible with the surrounding neighborhood,

AND, BE IT FINALLY RESOLVED, That any costs involved in accomplishing a reduced accessory structure and/or elevations making it more compatible with surrounding homes be **BROUGHT BACK** to City Council for approval.

Yes:
No:

COUNCIL COMMENTS:

REPORTS:

J-1 Minutes – Boards and Committees:
(a) Downtown Development Authority/Draft – April 21, 2004
(b) Employees' Retirement System Board of Trustees/Final – June 9, 2004
(c) Parks and Recreation Advisory Board/Draft – June 10, 2004
(d) Planning Commission/Draft – July 8, 2004
(e) Planning Commission/Draft – July 13, 2004
(f) Employees' System Board of Trustees/Draft – July 14, 2004
(g) Planning Commission-Special-Study/Draft – July 27, 2004

J-2 Department Reports:
(a) 2004 Year-to-Date Crime and Calls for Service Report
(b) 2004 Second Quarter Litigation Report
(c) Mancini v. City of Troy
(d) City Council Expense Report, Re: Council Member Beltramini, Council Member Broomfield, Council Member Howrylak, Council Member Lambert, Mayor Schilling and Council Member Stine
(e) Barton Malow Co. v. Kmart Corp. City of Troy, et al.

J-3 Letters of Appreciation:
(a) Letter from Elizabeth Symonenko to Bill Huotari in Appreciation of the Hard Work and Consideration by City Staff During the Installation of The Water Main Replacement and Storm Sewer Work on Their Street with Special Recognition Given to Michael Dooley
(b) Letter from Mark Foran, High Gear Riders Ministry at Kensington Community Church Thanking Sgt. Redmond and Officer Tim Garcher for Their Assistance with the "Motorcycles for Ministers" Fundraiser
(c) Letter from The Wilson Family Thanking Officer Minton for His Assistance in Having a Old Truck Removed After Their Two and One Half Year Effort to Have it Removed
(d) Thank You Note Received from Gary Hauff, Asset Protection Detective – Saks Fifth Avenue to Chief Craft Thanking Officer Jay Reynolds for His Excellent Presentation on Fraud

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

J-5 Calendar

J-6 Memorandum, Re: Political Sign Ordinance – Chapter 85-A of Troy City Code

STUDY ITEMS:

K-1 International City/County Management Association (ICMA) Citizen Survey

PUBLIC COMMENT: Address of "K" Items

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 #2004-08-
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), Nancy Cook v. City of Troy and Ronald Makowski, Hunciag v. City of Troy; and Troy v. Premium Construction.

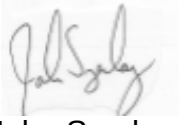
Yes:
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

July 20, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Steve Vandette, Acting Assistant City Manager – Services
William Huotari, Acting City Engineer
Nino Licari, City Assessor

Re: Standard Resolution #4 for Somerton Paving

Recommendation:

Staff recommends that you request Council to vote on Standard Resolution #4, the approving resolution for Special Assessment District #01.504.5 (this is bituminous paving on Somerton). This vote will occur after consideration of all comments during the Public Hearing on the same subject.

Detail:

Staff met with the property owners in the district on June 29, 2004. At this meeting details of the proposed construction, Special Assessment procedures, costs of the project and the apportionment of said costs, amortization tables and schedules of payments, and the availability and eligibility requirements for Community Block Grant Development Funds, were discussed with the residents.

A petition was returned to the City Clerk's office on July 1, 2004, reflecting eleven of seventeen assessable units or 64.7% in favor of the project. The City Assessor analyzed this petition, and in conjunction with the signatories at the top of this memo, presented the analysis to Council.

City Council has approved Standard Resolutions #1, 2, & 3 for this project on July 19, 2004, after reviewing the Petition Analysis and the Engineering Cost Estimates. The August 9, 2004 Public Hearing was also set at this meeting.

After the Public Hearing, City Council will vote on whether to approve the Special Assessment District, and Roll, by adopting Standard Resolution Number 4, as specified by City Charter. Failure of the Resolution to pass will terminate the project, barring the submittal of a new petition.

CITY OF TROY

PUBLIC HEARING

MEETING TO REVIEW THE NECESSITY FOR THE INSTALLATION OF ASPHALT PAVING ON SOMERTON, AND TO HEAR ANY AND ALL OBJECTIONS TO THE NECESSITY OF THE PUBLIC IMPROVEMENT AND SAID SPECIAL ASSESSMENT ASSESSED AGAINST SPECIAL ASSESSMENT DISTRICT NO. 01.504.5 IN THE CITY OF TROY, MICHIGAN:

PLEASE TAKE NOTICE that the Council will meet at City Hall on the 9th day of August, 2004 at 7:30 o'clock p.m., for the purpose of reviewing the necessity for the installation of Asphalt Paving Somerton, Project No. 01.504.5, and of hearing any and all objections to the necessity of the public improvement and Special Assessment made in the matter of construction of the following described improvement:

Installation of Asphalt Paving on Somerton.

The Assessment Roll is on file in the office of the City Clerk for public examination. The Special Assessments therein contained have been assessed according to law against the parcels of land constituting Special Assessment District No. 01.504.5, which District is described as follows:

T2N, RIIE, Section 10

20-10-451-010	20-10-452-015	20-10-453-004	20-10-477-016
20-10-451-011	20-10-452-016	20-10-476-001	20-10-477-035
20-10-452-002	20-10-453-001	20-10-476-002	
20-10-452-003	20-10-453-002	20-10-476-053	
20-10-452-013	20-10-453-003	20-10-476-054	

The special assessment for your property is $ 721.72

The above assessments and all proceedings upon which they are based shall not be contestable, unless suit to contest the validity thereof is instituted within thirty (30) days after the date of confirmation of said Special Assessment Roll No. 01.504.5

The owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

Tonni L. Bartholomew, MMC
City Clerk

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

88-20-10-451-010 $721.72
TRAN, JESSICA & KIEN
5189 SOMERTON
TROY MI 48085

88-20-10-451-011 $721.72
SUN, LEE YUAN
5177 SOMERTON
TROY MI 48085-3252

88-20-10-452-003 $721.72
PERKOWSKI, LUCJAN & JOLA
5073 SOMERTON
TROY MI 48085-3243

88-20-10-452-013 $721.72
DILLON, JOHN R
5041 SOMERTON
TROY MI 48085-3243

88-20-10-452-015 $721.72
KNIGHT, PHILIP & BARBARA
5065 SOMERTON
TROY MI 48085-3243

88-20-10-452-016 $721.72
WELLS, RICKY & ROBERTA
5057 SOMERTON
TROY MI 48085-3243

88-20-10-453-002 $721.72
HUSSAIN, ASIF & SHAPLE
5141 SOMERTON
TROY MI 48085

88-20-10-453-003 $721.72
LIU, JUNHUA
5123 SOMERTON
TROY MI 48085

88-20-10-476-001 $721.72
MC CATTY, WILLIAM G
5190 SOMERTON
TROY MI 48085-3255

88-20-10-476-002 $721.72
ODE, MARK & TINA
5176 SOMERTON
TROY MI 48085-3255

88-20-10-476-054 $721.72
KOWECK, DANIEL T & SHELLY
5128 SOMERTON
TROY MI 48085-3255

88-20-10-477-016 $721.72
POUGET, JAMES
5042 SOMERTON
TROY MI 48085-3244

88-20-10-477-035 $721.72
DUGENER, LINDA
5070 SOMERTON
TROY MI 48085-3244

88-20-10-452-002 $721.72
WATSON, ERNEST A
5085 SOMERTON
TROY MI 48085-3243

88-20-10-452-014 $721.72
CITY OF TROY 1 Unit
5021 SOMERTON
TROY MI 48085-3243

88-20-10-453-001 $721.72
YANG, REN
5159 SOMERTON
TROY MI 48085

88-20-10-453-004 $721.72
DAHMER, MATTHEW & THERESA
5105 SOMERTON
TROY MI 48085-3252

88-20-10-476-053 $721.72
WERNER, ALAN T
5152 SOMERTON
TROY MI 48085-3255

88-20-10-477-017 $1,443.42
CITY OF TROY 2 Units
615 E LONG LAKE
TROY MI 48085-4838

CITY OF TROY

Special Assessment Roll Number: **01.504.5** For defraying the expense of construction for:
Somerton Bituminous (Asphalt) Paving

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the City Council adopted on the **9th** day of **August** A.D. **2004**, for the purpose of paying that part of the cost which the Council decided should be paid and borne by special assessmentfor the purpose of **Asphalt Paving of Somerton**

That in making such assessment I have, as near as may be and according to my judgement, conformed in all things to the direction contained in the resolution of the Council herinbefore referred to, and the Charter of the City relating to such assessments.

Dated at the City of Troy, Oakland County, Michigan on this **9th** day of **August** A.D., **2004**.

Leger A. (Nino) Licari, City Assessor

Advertised: _____

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify that the above and foregoing assesment roll was filed on the **9th** day of **August** A.D., **2004**, and approved and confirmed by the Council of the City of Troy on the **9th** day of **August** A.D., **2004**.

Tonni Bartholomew, City Clerk

In the name of the People of the State of Michigan
To the Treasurer of the City of Troy, in the County of Oakland, Michigan.

You are hereby commanded to collect from each of the several persons assessed in the Special Assessment Roll hereunto annexed, the amount of money assessed to and set opposite his name therein, said amount being payable in **10** installments due **August 9, 2005** respectively, with interest at the rate of six percent (6%) per annum or such other rate of interest per annum which is not in excess of 1% of the rate borne by bonds issued in anticipation of the collection of said special assessment roll from and after **August 9, 2005**.

And in case any named in said Roll shall neglect or refuse to pay his assessment upon demand, after the same becomes due, you are hereby authorized to levy and collect the same by distress and sale of the goods and chattels of such person, and return said Roll and Warrant, together with your doing thereon within sixty (60) days; for so doing this shall be your sufficient Warrant.

Given under my hand and Seal of the City of Troy, Michigan, this **9th** day of **August** A.D., **2004**.

Tonni Bartholomew, City Clerk

July 1, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Steve Vandette, Acting Assistant City Manager – Services
William Huotari, Acting City Engineer
Nino Licari, City Assessor

Re: Petition Analysis, Paving of Somerton SAD# 01.504.5

Attached is a petition from residents and property owners on Somerton, in Section 10, requesting asphalt paving of the streets, and the creation of a Special Assessment District to finance the project.

There are seventeen (17) assessable units in the project area. Eleven (11) of the affected unit owners have signed the petition in favor of the project. This equates to 64.7% of the owners being in favor of the paving.

It is recommended that you request City Council approve Standard Resolution #1 (preparation of plans and cost estimates for the project), Standard resolution #2 (approval of the cost estimates, and directing the Assessor to create the roll), and Standard Resolution #3 (setting a Public Hearing for the project) as submitted.

REQUEST FOR PUBLIC IMPROVEMENTS
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable,
The Mayor and City Council
Troy, Michigan

We, the undersigned, owners of property in the city of Troy to be benefited by the proposed improvements, description of which property and addresses are set forth opposite our respective names hereto, do hereby request the following public improvements to wit:

Bituminous Paving on Somerton, contingent on Community Development Block Grant funds being available for qualified households.

The estimated cost for bituminous paving is $721.72 per unit.

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed if the City Council, in the exercise of its discretion, orders such improvement to be made.

NAME	ADDRESS	DATE	SUBDIVISION SIGNATURE	LOT # 10	TELEPHONE #
✓ JOLANTA PERKOWSKI	5073 SOMERTON	6/29	[signature]	452-003	2/740-8455
✓ LUCIAN PERKOWSKI	5073 SOMERTON	6/29	[signature]	452-003	2/740-8455
✓ Barbara Knight	5065 Somerton	6/29	[signature]	452-015	2/521-4214
✓ Terry Knight	5065 Somerton	6/29	[signature]	452-015	2/521-4213
✓ LINDA DUGENOR	5070 SOMERTON	6/29	[signature]	477-039	524-2583
✓ [illegible]	5057 Somerton	6/29	[signature]	452-016	248 321-1[illegible]
of 2 [illegible]	[illegible]				

In case of joint ownership, husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

REQUEST FOR PUBLIC IMPROVEMENTS
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable,
The Mayor and City Council
Troy, Michigan

We, the undersigned, owners of property in the city of Troy to be benefited by the proposed improvements, description of which property and addresses are set forth opposite our respective names hereto, do hereby request the following public improvements to wit:

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NAME	ADDRESS	DATE	SUBDIVISION	LOT #	TELEPHONE #
✓ Irene Claire Davis	5105 Somerton	6/29/04	CHERRY CREEK	4	248 528-1169
✓ Irene Claire Davis	" "	"	" " "	"	" "
✓ Theresa Dahmer	5105 Somerton	6/29/04	Cherrycreek	4	248 528-1169
✓ Theresa Dahmer	" "	"	" "	"	" "
✓ MATTHEW B. DAHMER	5105 SOMERTON	6/29/04	CHERRY CREEK	4	248 528-1169
✓ Matthew B. Dahmer	" "	"	" "	"	" "
			443.004		

In case of joint ownership, husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

REQUEST FOR PUBLIC IMPROVEMENTS
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable,
The Mayor and City Council
Troy, Michigan

We, the undersigned, owners of property in the city of Troy to be benefited by the proposed improvements, description of which property and addresses are set forth opposite our respective names hereto, do hereby request the following public improvements to wit:

Bituminous Paving on Somerton, contingent on Community Development Block Grant funds being available for qualified households.

The estimated cost for bituminous paving is $721.72 per unit.

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed if the City Council, in the exercise of its discretion, orders such improvement to be made.

10

NAME	ADDRESS	DATE	SUBDIVISION	LOT #	TELEPHONE #
Alan Werner	5152 SOMERTON	6·30·04		476·053	689·4171
William H. McCarty / Roberta McCarty	5190 SOMERTON	6-30-04		476·001	248 879 0480
[illegible]	5189 somerton	6/30/04		471·010	248 644-6105
Asif Hossain / Shaplah Hafez	5141 SOMERTON	6/30/04		453·007	248 4579475
J. Liu / L. Zhang	~~5123 Somerton~~ 5123 Somerton	~~6/30/04~~ 6/30/04		453·003	~~248-528-176~~ 248-528-176
Paul T. Kowal	5128 Somerton	6/30/04		476·054	248-524-1955
Shelly Kowal	5128 Somerton	6/30/04		476·054	2485241955
REN YANG	5159 Somerton	6/30/04		453·001	248-4579677

In case of joint ownership, husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

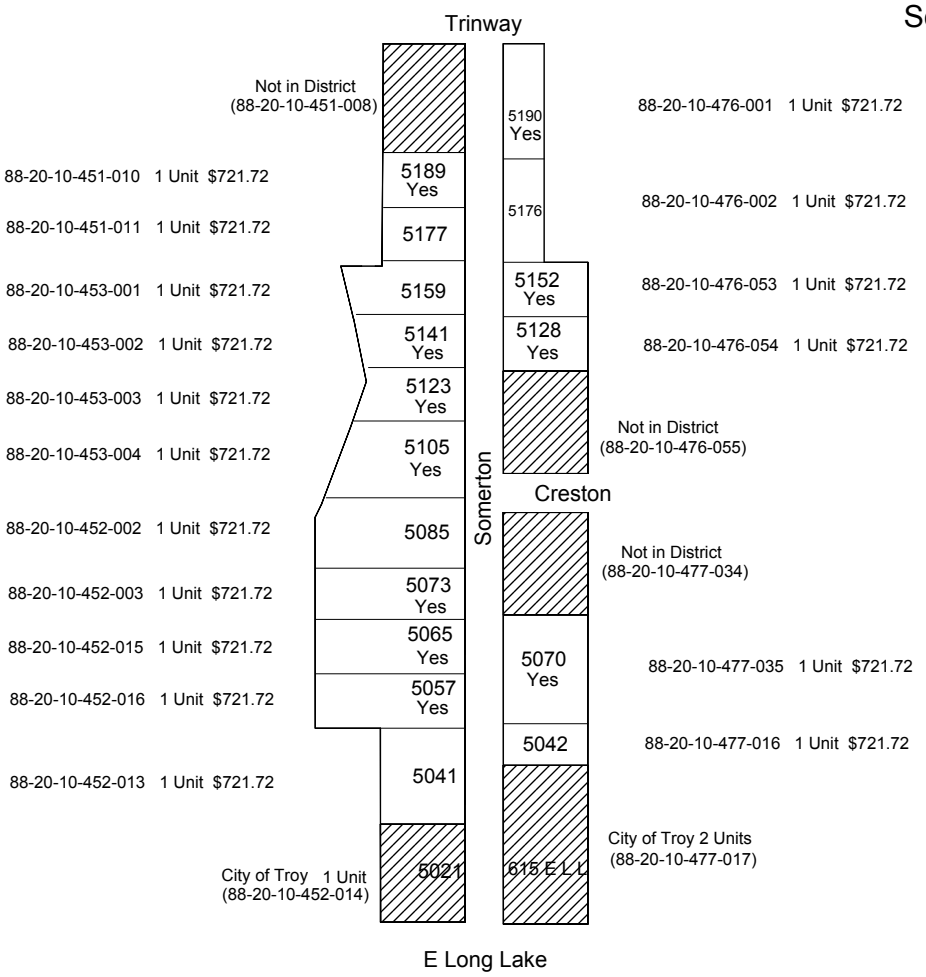
Somerton Paving Petition Analysis

Parcel ID	Address		Owner	Units	Owners	Paving Owners Signed	Paving Valid Vote
88-20-10-451-010	5189	Somerton	Jessica & Kien Tran	1	2	2	**1**
88-20-10-451-011	5177	Somerton	Lee Yuan Sun	1	1	0	**0**
88-20-10-452-002	5085	Somerton	Ernest A Watson	1	1	0	**0**
88-20-10-452-003	5073	Somerton	Lucjan & Jola Perlowski	1	2	2	**1**
88-20-10-452-013	5041	Somerton	John R Dillon	1	1	0	**0**
88-20-10-452-015	5065	Somerton	Philip & Barbara Knight	1	2	2	**1**
88-20-10-452-016	5057	Somerton	Ricky Wells	1	1	1	**1**
88-20-10-453-001	5159	Somerton	Ren Yang	1	1	0	**0**
88-20-10-453-002	5141	Somerton	Asif & Shaple(sp?) Hussain	1	2	2	**1**
88-20-10-453-003	5123	Somerton	Junhua Liu	1	1	2	**1**
88-20-10-453-004	5105	Somerton	Matthew & Theresa Dahmer	1	2	2	**1**
88-20-10-476-001	5190	Somerton	William & Roberta McCatty	1	2	2	**1**
88-20-10-476-002	5176	Somerton	Mark & Tina Ode	1	2	0	**0**
88-20-10-476-053	5152	Somerton	Alan T Werner	1	1	1	**1**
88-20-10-476-054	5128	Somerton	Daniel & Shelly Koweck	1	2	2	**1**
88-20-10-477-016	5042	Somerton	James Pouget	1	1	0	**0**
88-20-10-477-035	5070	Somerton	Linda Dugener	1	1	1	**1**
				17			**11**

11 of 17 units in favor of the paving project = 64.7%

*** 3 units (on 2 parcels) are owned by the City of Troy, and are NOT included in the calculations.**

Somerton Paving
SAD #1.504.5
17 Units
11 In Favor
64.7% Approval



City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Preliminary Engineer's Estimate

Somerton Road
Proj. No. 01.504.5

Prepared by: G. Scott Finlay, P.E.
Date: 28-Jun-04

	Description	Unit	Est. Qty	Unit price	Total
1	Remove Chip Seal	S.Y.	1200.00	2.50	$3,000.00
2	Machine Grading	STA.	13.40	500.00	$6,700.00
3	Bituminous Mix - 500-20C, 3 Inches	TONS	602.00	35.00	$21,070.00
4	Bituminous Mix - 1100T - 20AA, Wearing	TONS	301.00	40.00	$12,040.00
	Total Construction Costs				$42,810.00

SAD Assessment Share	$33,110.00
Less Chip Seal Costs	$ 17,912.50
Less Maintenance Savings	$ 3,650.00
SAD Assessment Share	$11,547.50
Admin. & Conting. (25%)	$2,886.88
Total SAD Assessment Share	$14,434.38

Bituminous Paving

FEASIBILITY REPORT
Proposed Special Assessment

CITY ENGINEER'S REPORT TO CITY MANAGER AND CITY ASSESSOR

Project Number		**01.504.5**
Project Title	**Somerton Paving**	
Project Location	**Section 10**	
Description of Poposed Improvements:	**24' wide, bituminous surfacing**	
Preliminary Cost Estimate:		**$42,810.00**
Proposed Portion of Cost to be Special Assessed:		**$12,269.24**
Proposed Scheduling of Project:		**Fall 2004**
Plan and Cost Estimate could be completed in:		**120 days**
Is this project feasible?		**Yes**

07/01/04

Steven Vandette, City Engineer — Date

CITY ASSESSOR'S REPORT TO THE CITY MANAGER

Amount to be Special Assessed:	**$12,269.24**
Amount to be General Assessed:	**$30,540.76**
Total Cost:	**$42,810.00**

		BENEFIT METHOD	BENEFIT RATE
Frontage		**N/A**	**N/A**
Area		**N/A**	**N/A**
Unit	17	**17.00**	**$721.72**

Owners Signed	**N/A**	Percent of Total	**N/A**
Frontage Signed	**N/A**	Percent of Total	**N/A**
Occupied Units Signed	**11**	Percent of Total	**64.70%**

Is this Project feasible? **Yes**

07/01/04

Nino Licari, City Assessor — Date

City of Troy
Assessing Department

Project Name: Somerton Bituminous Paving

Project #: 01.504.05

Amortization Table
10 Year

int. @.06

Assessment
$721.720

Year	Principal	Interest	Payment	Balance
1	$ 72.17		$ 72.17	$ 649.55
2	$ 72.17	$ 38.97	$ 111.14	$ 577.38
3	$ 72.17	$ 34.64	$ 106.81	$ 505.20
4	$ 72.17	$ 30.31	$ 102.48	$ 433.03
5	$ 72.17	$ 25.98	$ 98.15	$ 360.86
6	$ 72.17	$ 21.65	$ 93.82	$ 288.69
7	$ 72.17	$ 17.32	$ 89.49	$ 216.52
8	$ 72.17	$ 12.99	$ 85.16	$ 144.34
9	$ 72.17	$ 8.66	$ 80.83	$ 72.17
10	$ 72.17		$ 72.17	$ (0.00)
TOTAL	$ 721.72	$ 190.53	$ 912.25	

06/29/04

DATE: August 2, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director
Mark F. Miller, Planning Director

SUBJECT: REZONING APPLICATION (PUBLIC HEARING) – North side of Big Beaver, west of John R Road, Section 23 – E-P to O-1 and R-1E to E-P (Z 402-C).

RECOMMENDATION

The 50-foot wide E-P strip along the north property line will serve as a buffer between the development and the subdivision to the north. There is also approximately 400 feet of property south of the E-P strip that will remain as R-1E zoning. Included in this area is a 50-foot wide gas line easement. Recreational facilities such as soccer fields may be constructed within the easement; however, buildings and structures cannot.

The O-1 zoning classification is compatible with adjacent land uses and zoning districts and consistent with the Future Land Use Plan. On June 8, 2004 the Planning Commission recommended approval of the rezoning request. City Management concurs with the recommendation of approval.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner of the property is San Marino Hall, Inc. The applicant is Bob Casadei.

Location of Subject Property:
The property is located on the north side of Big Beaver, west of John R Road, in Section 23.

Size of Subject Parcel:
The parcel is approximately 11.08 acres in area.

Current Use of Subject Property:
The property is used by the San Marino Club, as a fraternal organization that provides banquet services.

Current Zoning Classification:
The parcel has three different zoning classifications. The front approximately 2/3 of the parcel is zoned O-1 Office Low Rise. The rear approximately 1/3 of the parcel is zoned

R-1E One Family Residential. A 50-foot wide area E-P Environmental Protection zoning district separates the O-1 and R-1E zoning districts.

Proposed Zoning of Subject Parcel:
The applicant is proposing to rezone the 50-foot wide E-P district to O-1 district. This proposed rezoning will extend the O-1 district 50 feet to the north. In addition, the applicant is proposing to rezone the northern 50 feet of property from R-1E to E-P.

Proposed Uses and Buildings on Subject Parcel:
A 2,700 square foot addition to the clubhouse is proposed, along with additional off-street parking spaces.

Current Use of Adjacent Parcels:
North: Single family residential (Raintree Village Subdivision No. 1).

South: U.S. Post Office warehouse and INA USA Corporation office.

East: Troy Sports Center and National City Bank.

West: Vacant.

Zoning Classification of Adjacent Parcels:
North: R-1D One Family Residential.

South: M-1 Light Industrial.

East: R-EC Residential-Elder Care and B-2 Community Business.

West: O-1 Office Building and R-1E One Family Residential.

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

For the O-1 Office Building District:

Principal uses permitted include office buildings for executive, administrative; professional; accounting; writing; clerical stenographic; drafting; and sales, medical offices (including clinics), banks, credit unions, savings and loan associations, and similar uses. publicly owned buildings, exchanges, and public utility offices, and other uses similar to the above uses.

Uses permitted subject to special conditions include accessory uses customarily supporting or serving the Principal Uses permitted in the O-1 District (such as pharmacies or drug stores, optical services, copy services, office supplies, book stores,

art galleries, or restaurants), data processing and computer centers, technical training uses.

Uses permitted subject to special use approval include mortuary establishments, private service clubs fraternal organizations and lodge halls, private ambulance facilities, utility sub-stations, transformer stations or gas regulator stations (without storage yards), mechanical or laboratory research involving testing and evaluation of products, or prototype or experimental product or process development, child care centers, nursery schools, or day nurseries (not including dormitories.

For the E-P Environmental Protection District:
Landscaped land use buffer areas are permitted by right in the E-P district. These E-P buffers are generally 50 feet in width.

Vehicular and Non-motorized Access:
Vehicular access to the San Marino Club is provided by a two-way access drive on Big Beaver Road. There is also an exit-only drive west of the two-way drive. There is an existing 8-foot wide sidewalk on the north side of Big Beaver.

Potential Storm Water and Utility Issues:
The applicant will utilize the existing storm water detention system.

Natural Features and Floodplains:
The Natural Features Map indicates that there are no significant natural features located on the property.

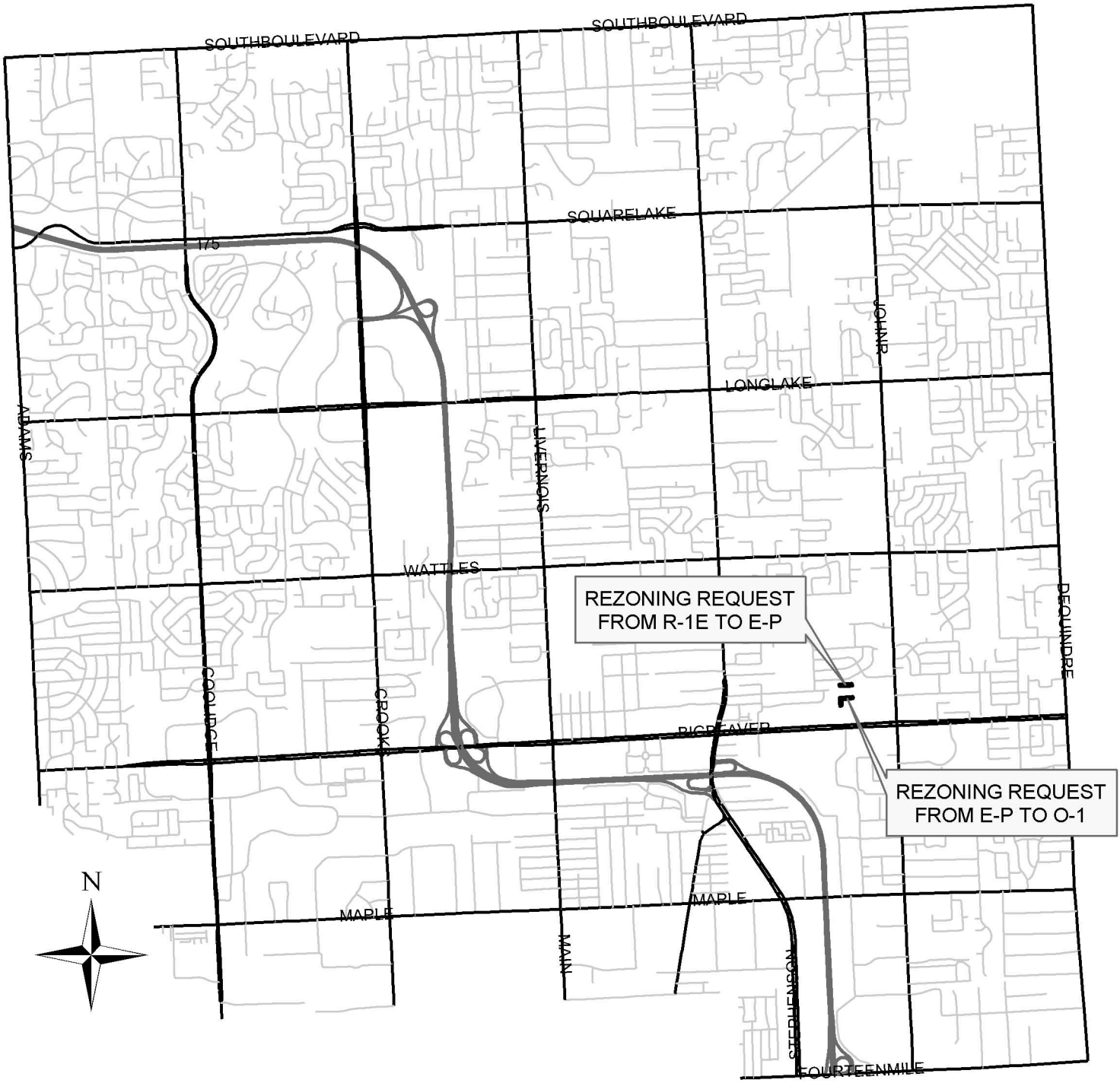
Compliance with Future Land Use Plan:
The parcel is classified on the Future Land Use Plan as Low Rise Office. Low Rise Office has a primary correlation with the O-1 Office Building district. The application is therefore in compliance with the Future Land Use Plan.

Compliance with Location Standards:
Article 24.40.00 Location Standards states that the O-1 Office Building District may be applied for areas indicated on the Future Land Use Plan as low-rise office. The application is therefore consistent with this standard.

cc: Applicant
File (Z 402-C)

G:\REZONING REQUESTS\Z-402 C San Marino Sec 23\San Marino Club Rezoning CC Public Hearing Zl-402C.doc

CITY OF TROY



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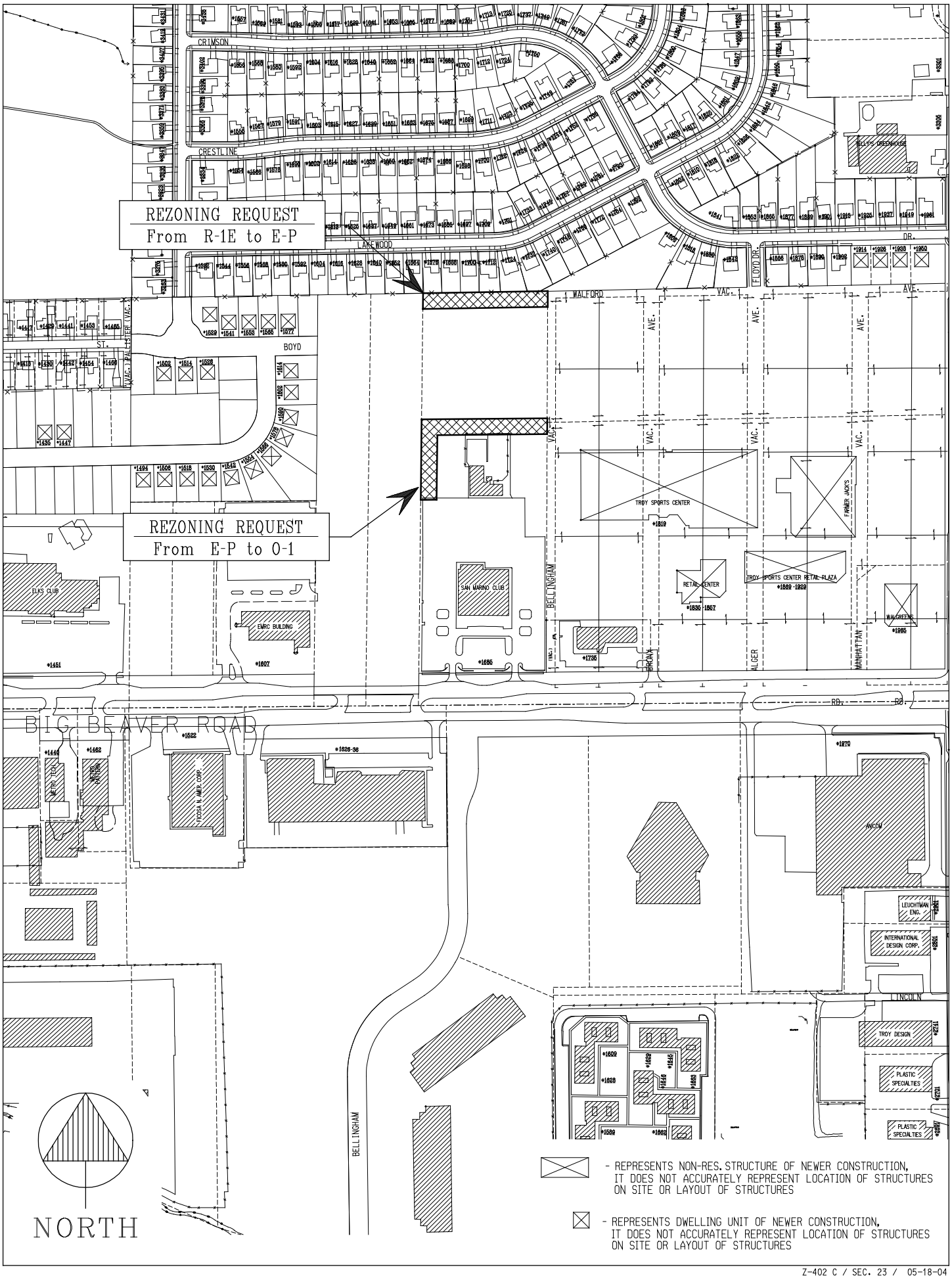
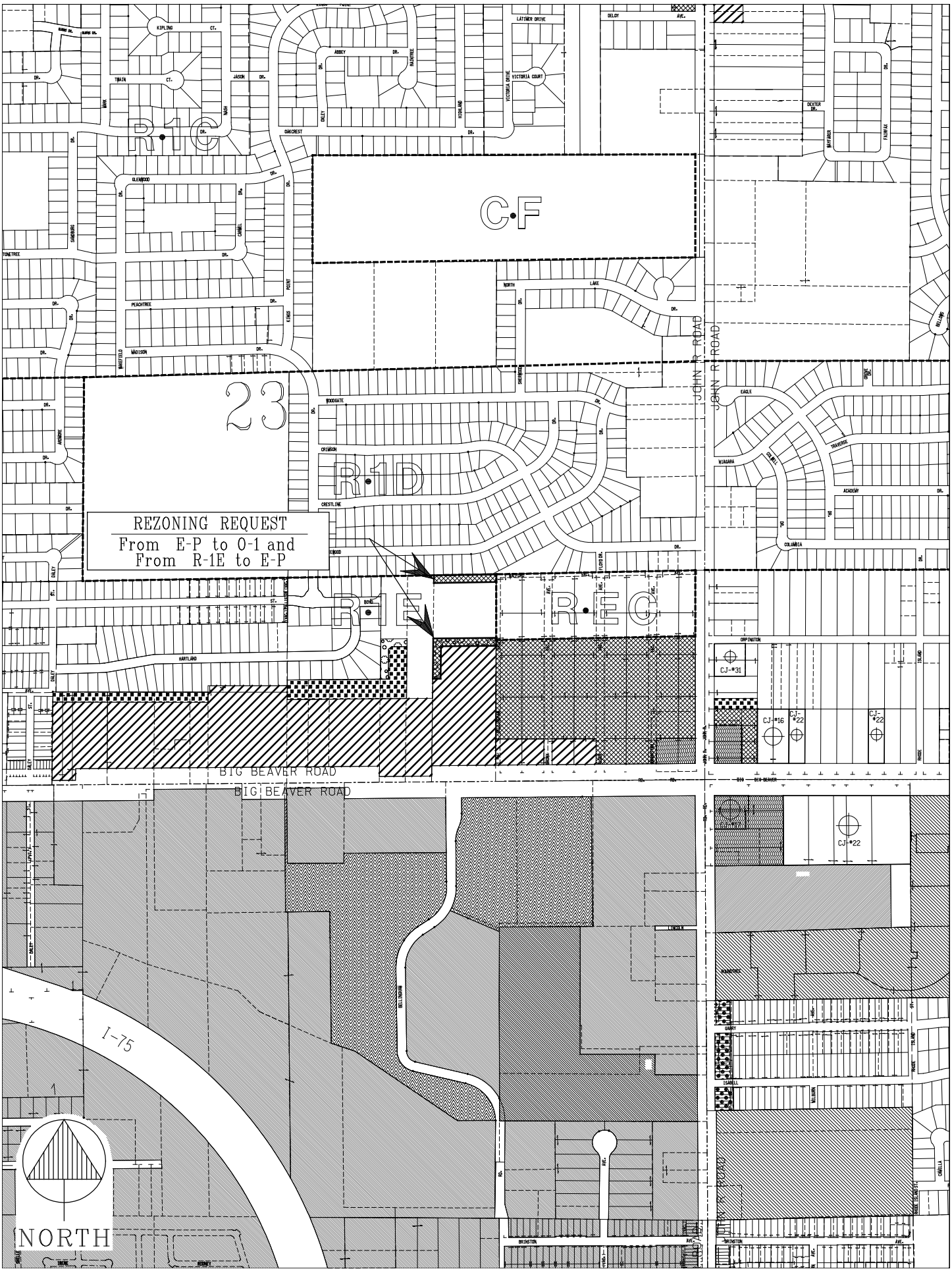


Z-402 C / SEC. 23 / 05-18-04


REZONING REQUEST
From E-P to O-1 and
From R-1E to E-P
R1C
C-F
R1D
R1E
23
JOHN R ROAD
BIG BEAVER ROAD
I-75
NORTH

REZONING REQUEST
FROM E-P TO O-1 AND R-1E TO E-P
EXPANSION OF SAN MARINO CLUB
N SIDE OF BIG BEAVER, W OF JOHN R (1685 E BIG BEAVER)
SEC. 23 (Z-402 C)
CRESTLINE
HARMONY
LAKEWOOD
CRIMSON
JOHN R
REZONING REQUEST
FROM R-1E TO E-P
BOYD
HARTLAND
REZONING REQUEST
FROM E-P TO O-1
E BIG BEAVER
E BIG BEAVER
N
0 100 200 400 Feet

6. PUBLIC HEARING – PROPOSED REZONING (Z 402-C) – San Marino Club, North side of Big Beaver, West of John R, Section 23 – From R-1E to E-P and From E-P to O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant noted that in addition to the 50-foot buffer along the northern property line, there is an existing gas line easement in which no structural development can take place, creating a greater distance between the residential development and the O-1 zoning. Clarification was provided with respect to a previous rezoning request for a similar "L" shaped parcel to the west of the proposed rezoning. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted.

Mr. Vleck asked if the Planning Department is aware of future residential or commercial development on the R-1E zoned property to the west abutting the E-P zoned property.

Mr. Savidant replied in the negative. He also confirmed that the property owners to the west were notified of the proposed rezoning request.

Mr. Schultz questioned the location of the proposed 2,700 square foot recreational shelter.

Mr. Savidant replied the Planning Department reviewed the proposal with respect to the rezoning only. He said it is the intent of the petitioner to submit a Special Use Request for future recreational development, which is a permitted use in the R-1E zoning district.

David Endreszl of Endreszl & Associates Engineering, 8700 Pine Knob Road, Clarkston, and Bob Casadei, Trustee for the San Marino Club, Chairman of the Renovation and Improvement Committee and member of the Future Committee, were present on behalf of the San Marino Club.

Mr. Khan asked if there is existing landscaping on the E-P zoning parcel.

Mr. Casadei replied in the negative.

Mr. Endreszl said the substantial landscaping of 10" to 16" pine trees to the north, located on the parcel that is proposed for E-P rezoning, would remain as is.

Mr. Littman questioned the facility's intent to put a soccer field.

Mr. Casadei said the northern third portion of the property (approximately 4 acres) would continue its existing use. Mr. Casadei said the existing soccer field would continue as a recreational area. He said it is planned to reorient the field so that it runs east to west, rather than north to south.

Mr. Endreszl stated the proposed O-1 zoning would be consistent with and align with the B-2 zoning on the adjacent property to the east, the Troy Sports Center property.

Mr. Schultz asked if the petitioner would entertain making the existing E-P zoned property to the north 75' wide instead of 50' wide.

Mr. Casadei said they would prefer not to make the E-P zoned parcel larger than what is required.

Chair Waller asked the reasoning behind the north/south E-P zoning on the property.

Mr. Casadei said at that time, the San Marino Club had no expansion plans and it was the recommendation of the City to relocate the E-P zoning to the north property lot line.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant reported that non-commercial outdoor recreational facilities are permitted by Special Use in the E-P zoning district.

Resolution # PC-2004-06-067

Moved by: Vleck
Seconded by: Khan

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to E-P and E-P to O-1 rezoning request, located on the north side of Big Beaver and west of John R, within Section 23, being 11.08 acres in size, be granted.

Yes: Chamberlain, Drake-Batts, Khan, Littman, Vleck, Waller
No: Schultz
Absent: Strat, Wright

MOTION CARRIED

Mr. Schultz was not in favor of the motion because he thinks environmentally protected property should be replaced in kind and size, and the E-P zoned property should be 75 feet instead of 50 feet.

DATE: August 2, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director
Mark F. Miller, Planning Director

SUBJECT: REZONING APPLICATION (PUBLIC HEARING) – South side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27 – R-1E to P-1 (Z-#695)

RECOMMENDATION

On May 11, 2004, the Planning Commission recommended denial of the rezoning request, with the stated reason that the request is premature at this time. City Management does not concur with the Planning Commission recommendation and therefore recommends approval of the rezoning request.

The P-1 Vehicular Parking Zoning District will allow the applicant to expand his off-street parking facilities and add viability to his property in an area of the City designated for commercial development. In fact, the subject area has been designated for commercial development for over 30 years. In addition, the rezoning will offer protection to the abutting residential properties to the east, because off-street parking is the only permitted use in the P-1 district. A screen wall will be required to buffer the future parking area from the residential properties. The proposed P-1 district is compatible with surrounding land uses and zoning districts. Furthermore, the request is consistent with the Future Land Use Plan.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Arnold D. Becker.

Location of Subject Property:
The property is located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, in Section 27.

Size of Subject Parcel:
The parcel is approximately 10,880 square feet in area, or 0.25 acres.

Current Use of Subject Property:
The property is currently vacant.

Current Zoning Classification:
R-1E One Family Residential District.

Proposed Zoning of Subject Parcel:
P-1 Vehicular Parking District.

Proposed Uses and Buildings on Subject Parcel:
According to the application the applicant is proposing to redevelop the property as overflow parking for an existing building on the adjacent property.

Current Use of Adjacent Parcels:
North: Off-street parking area.

South: Off-street parking area.

East: Single family residential.

West: Kaufman's Auto Body and a vacant commercial building.

Zoning Classification of Adjacent Parcels:
North: P-1 Vehicular Parking.

South: O-1 Office Building.

East: R-1E One Family Residential.

West: P-1 Vehicular Parking.

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

> PRINCIPAL USES PERMITTED:
> Premises in such Districts shall be used only as off-street vehicular parking areas, and shall be developed and maintained subject to such regulations hereinafter provided.

Vehicular and Non-motorized Access:
The parcel fronts on Henrietta Street.

Potential Storm Water and Utility Issues:
The applicant will have to provide on-site storm water detention.

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. There is no specific Plan Designation for P-1 Vehicular Parking in the Future Land Use Plan. The only use permitted within the P-1 zone is off-street parking. The off-street parking area will provide additional parking for uses that are zoned B-3. The B-3 Zoning District has a primary correlation with the Non-Center Commercial classification. Based on this reasoning, the application complies with the Future Land Use Plan.

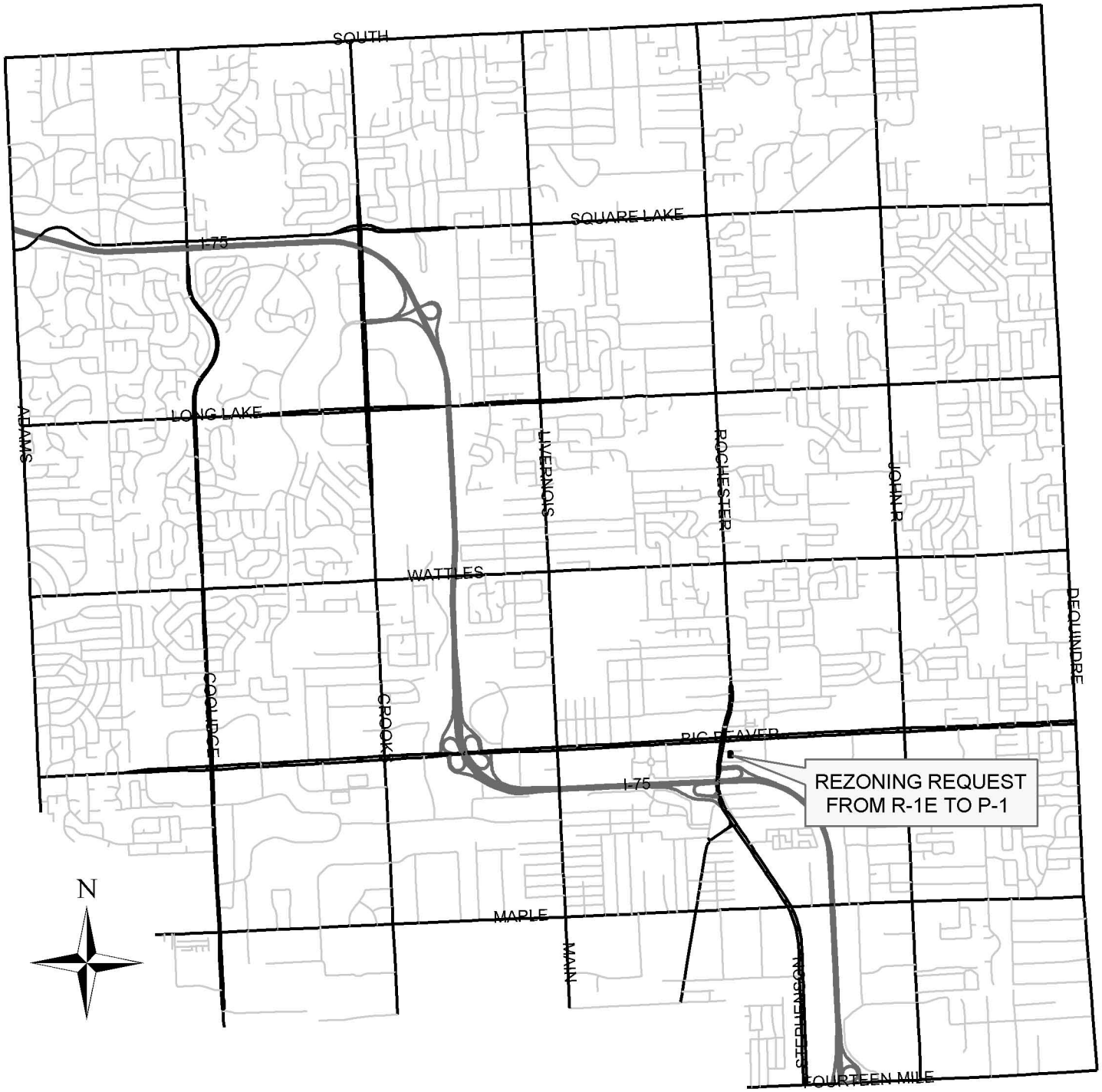
Compliance with Location Standards
There are no location standards for the P-1 Vehicular Parking Zoning District.

cc: Applicant
File (Z-695)

Attachments
1. Maps
2. Planning Commission Meeting Minutes (May 11, 2004 and May 25, 2004)
3. City Attorney Memo dated July 13, 2004

G:\REZONING REQUESTS\Z-695 Becker Property Sec. 27\Becker Rezoning CC Public Hearing Z-695.doc

CITY OF TROY



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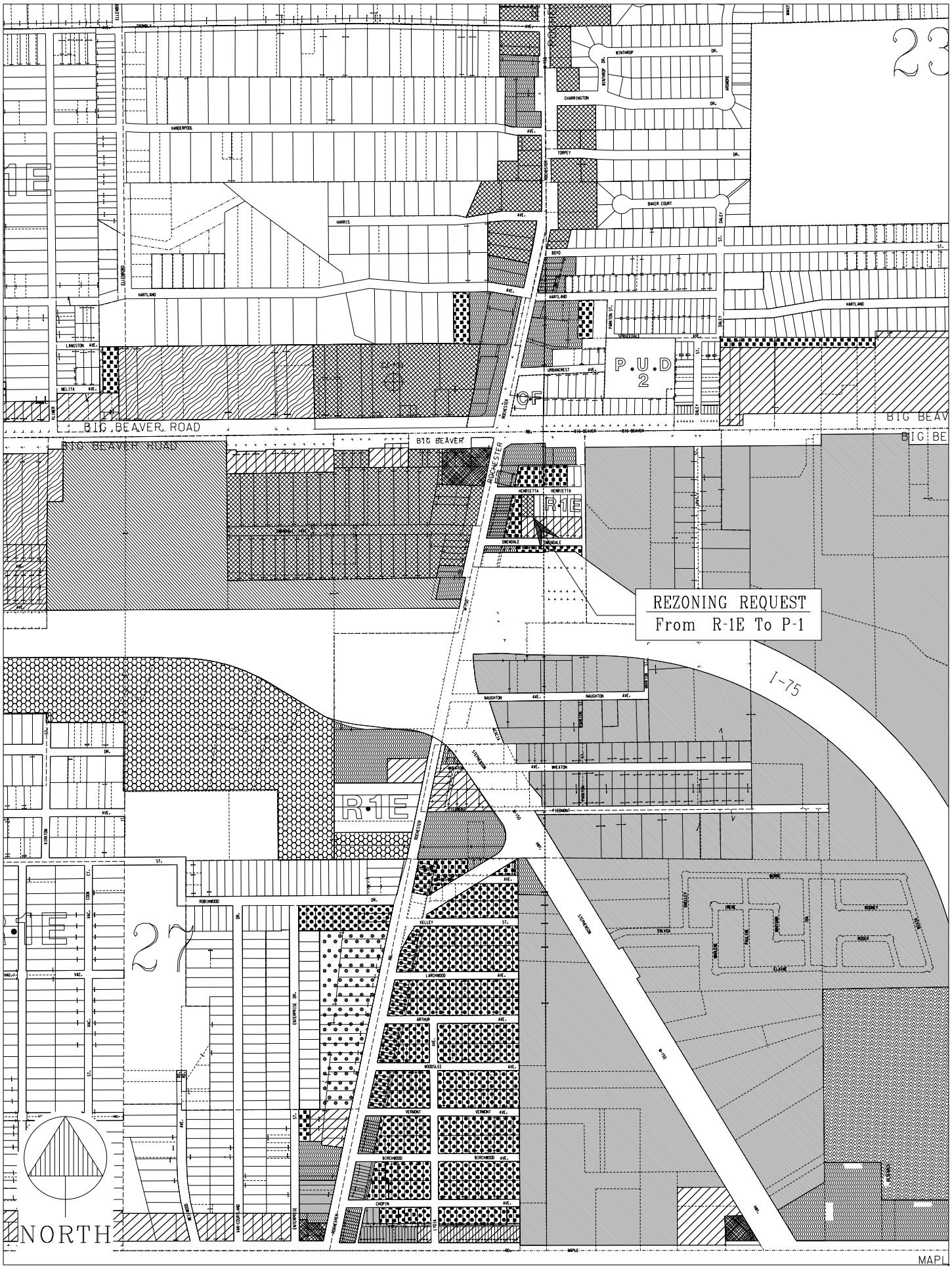
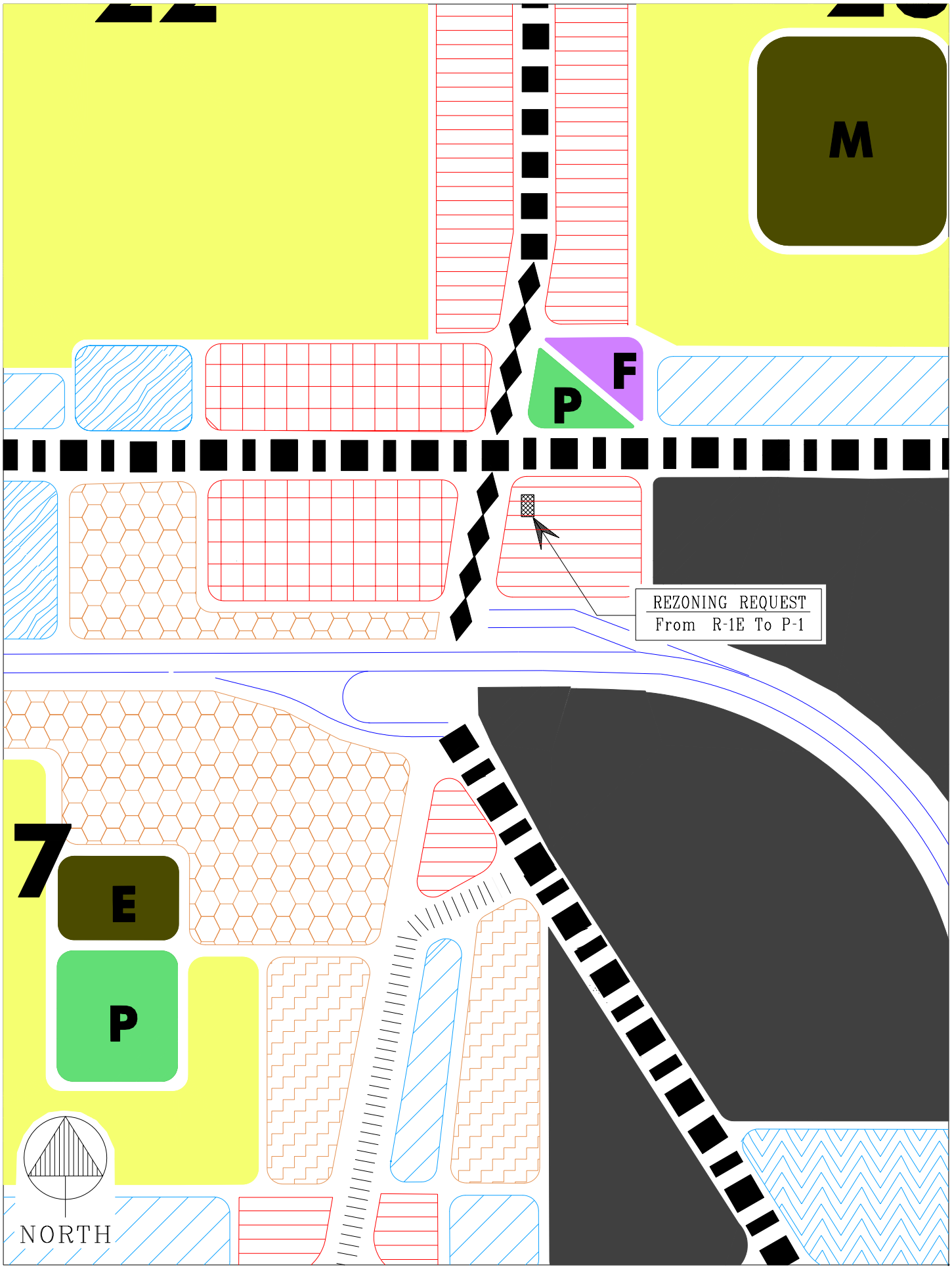

REZONING REQUEST
From R-1E To P-1
P.U.D
2
R-1E
R1E
I-75
BIG BEAVER ROAD
BIG BEAVER
ROCHESTER
ELLENBOY
VANDERPOOL
HARTLAND
LANGSTON
NELITA
WINTHROP
CHARRINGTON
TOPPET
BAKER COURT
DALEY
HEMLETTA
OWENDALE
URBANCREST
NAUGHTON
WHEATON
PIEDMONT
ROBINWOOD
KELLEY
LARCHWOOD
ARTHUR
WOODSLEE
VERMONT
BIRCHWOOD
CHOPIN
ENTERPRISE
STEPHENSON
SYLVIA
ELAINE
MAPLE
NORTH
23
27

Z-695 / SEC. 27 / 04-15-04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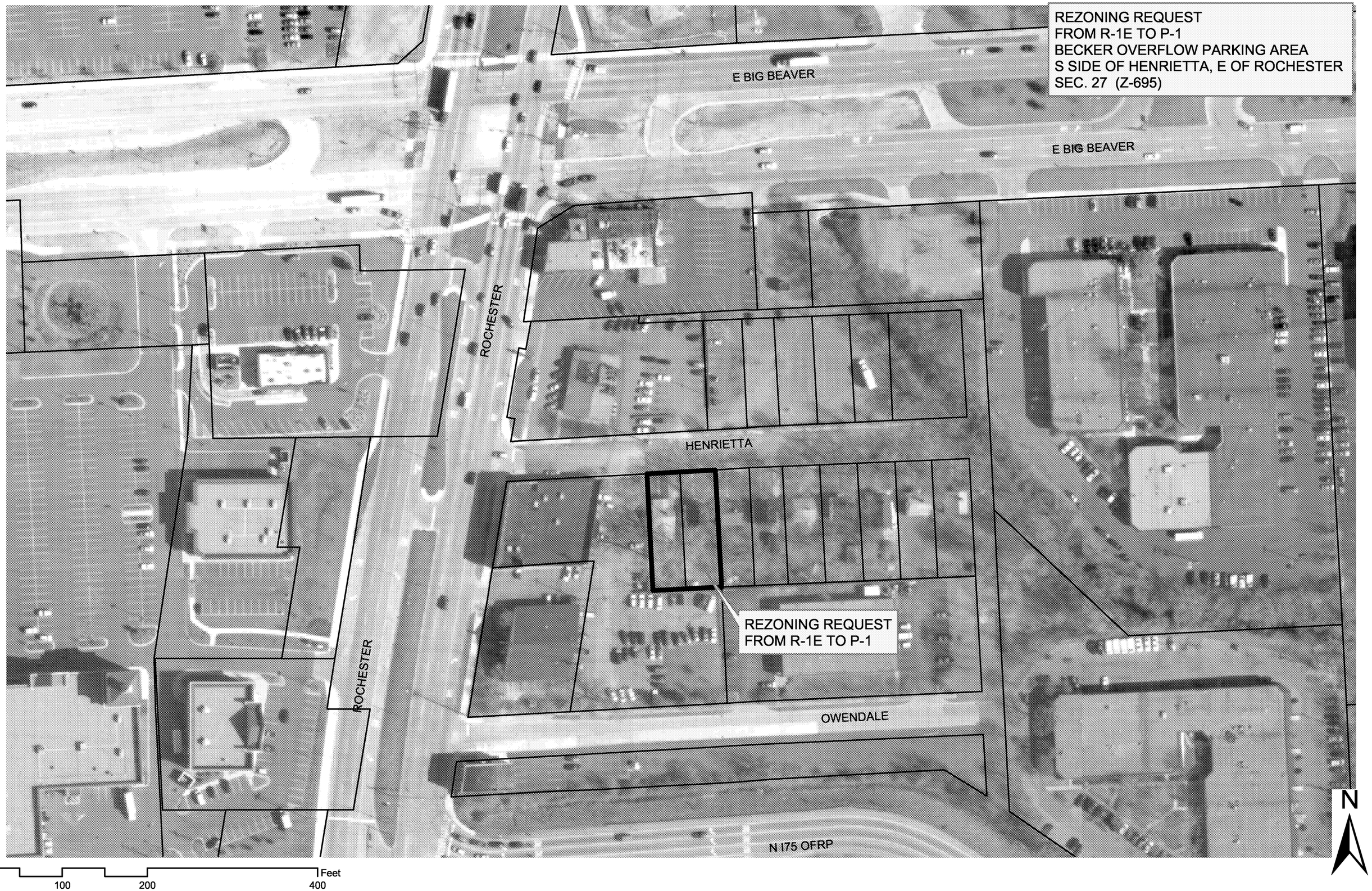
REZONING REQUEST
From R-1E To P-1
7
E
P
NORTH


REZONING REQUEST
FROM R-1E TO P-1
BECKER OVERFLOW PARKING AREA
S SIDE OF HENRIETTA, E OF ROCHESTER
SEC. 27 (Z-695)
E BIG BEAVER
E BIG BEAVER
ROCHESTER
HENRIETTA
REZONING REQUEST
FROM R-1E TO P-1
ROCHESTER
OWENDALE
N I75 OFRP
N
0
100
200
400
Feet

8. PUBLIC HEARING – PROPOSED REZONING (Z-695) – Proposed Becker Overflow Parking Area, South Side of Henrietta, East of Rochester Road, Section 27 – From R-1E to P-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Strat asked why consideration is not being given to rezoning the parcel to O-1. He said there is potential to having a parking area surrounded by light industrial or office buildings. Mr. Strat said it seems more appropriate to use the entire site.

Mr. Miller replied that the City is responding to the petitioner's request for a rezoning to the P-1 classification, and the Planning Department would review other alternative zoning classifications should they be submitted.

Mr. Vleck questioned the parking calculations in relation to the building size.

Discussion followed with respect to the parking calculations in relation to the existing building and the potential expansion of the existing building. Mr. Miller did not know if the existing building could be expanded, given the size of the lot.

Mr. Wright said the petitioner might be requesting a parking zoning classification instead of office because the property as a parking lot would most likely be assessed at a lower value.

Mr. Vleck said that residents are generally not in favor of office or parking developments adjacent to their residences. Mr. Vleck asked for details on the required screening to the residents.

Mr. Miller said the subject parcel is designated as non-center commercial on the Future Land Use Plan. He said the designation has a primary correlation with the B-3 zoning classification and a secondary correlation with the H-S zoning classification. Mr. Miller said there is no correlation to office zoning, but noted there is some office zoning in the area. Mr. Miller confirmed the west side of Rochester Road is zoned B-2.

Mr. Wright said if memory serves him correctly, the intent of the Master Plan for that area is to consolidate the individual pieces of property to one large piece that would accommodate a large commercial center, the same intent for the parcels on the west side of Rochester Road.

The petitioner, Eileen Youngerman of 35 W. Huron, Pontiac, was present. Ms. Youngerman, property manager for Arnold Becker, has worked for Mr. Becker for almost 17 years. She said that Mr. Becker is requesting the rezoning to provide off-street parking as an attraction to prospective tenants. Ms. Youngerman stated the screening wall to the adjacent residential homes would be consistent

with the previous wall and would provide the residents with more of a buffer from the office use.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes voiced objection to the rezoning because the parking lot would be right up against her living room and bedroom. She said the existing office building has been empty for almost two years, with the exception of the sale of Persian rugs for a short period of time. Ms. Haynes referenced the parking lot that connects with the American Transmission parking lot. She said today she counted 25 cars in various stages of decay that she is afraid will overflow into the proposed parking lot. Ms. Haynes objected to the lights, noise and overall nuisances from the existing restaurant and bar. She said the proposed parking lot is not necessary because the office building is not currently occupied.

Mr. Miller said the screening wall would be poured concrete at a height of 4.5 feet.

Chair Waller stated the zoning ordinance contains specific language relating to the shielding of lights from residential property, and informed Ms. Haynes to notify the Building Department with lighting concerns.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow voiced objection to the proposed rezoning because he would like to see a plan to cover the whole area, and he would like to maintain the fair market value of his home. Mr. Kozlow noted that the existing building has been vacant for approximately two years, and it appears that the petitioner has no plans for the use of the property. Mr. Kozlow said the previous business at this location did not require additional parking.

Jena Carrington of 1062 Henrietta, Troy, was present. Ms. Carrington, the only homeowner on Henrietta with children, moved specifically to the area so her children could attend Troy schools. Ms. Carrington emphasized that this is their home. Ms. Carrington voiced objection to the proposed rezoning. She said there is no reason to put in a parking lot for a building that has been sitting empty for two years. She said there is plenty of space for a business to come in and there is no need to add parking until there is a plan.

PUBLIC HEARING CLOSED

Discussion continued on the lot configuration, setback requirements for the building and screening wall, and parking requirements for the existing building and potential buildout of the existing building.

Mr. Vleck said he does not see P-1 zoning as a transition zone to residential. Mr. Vleck said that should the property be rezoned to P-1, there is a potential for building expansion and a more intense use.

Mr. Strat said he is not in favor of the proposed rezoning because the petitioner has not demonstrated a need or a plan for the rezoning.

Ms. Drake-Batts asked the petitioner why she is requesting the rezoning now. She asked if there is a prospective tenant or if there are plans for redevelopment.

Ms. Youngerman responded that one of the reasons the building is vacant is because they got caught up in the "S" curve of Rochester Road. She said Mr. Becker, who owned Corey Dinette, put the store in that location so the building would not remain vacant. Ms. Youngerman indicated the real estate agent is having difficulty getting a prospective commercial tenant (preferably office) because of the lack of parking adjoining the building. She pointed out that a prospective tenant goes elsewhere when he/she sees inadequate parking for a potential of 25 to 30 employees. Ms. Youngerman said it is proposed to provide a 20-foot greenbelt between the screening wall and the parking lot.

Mr. Khan said he does not think the proposed rezoning would be suitable with respect to the small lot size of the adjacent residential homes and the required screening wall. He said doing piecemeal rezoning of the parcels would not solve the matter.

Mr. Vleck said he is vehemently against rezoning both parcels because there would be no control of the parcels.

Mr. Wright agreed that the proposed rezoning is premature and he would like to see the parcels developed as one big area. Mr. Wright said that should the parcel be rezoned to P-1, the result would be a parking classification in the middle of other zoning classifications.

Mr. Miller reported the schematic site plan shows a 20-foot setback from the proposed parking area. Mr. Miller reminded the Commission that the Planning Department does not review schematic site plans at the time of rezoning submissions, and noted the City cannot require any conditions on schematic site plans. Mr. Miller stated that the schematic site plan was not included in the Commission's meeting packet.

Resolution # PC-2004-05---
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reason:

1. Such rezoning is premature at this time.

Discussion on the motion.

Mr. Vleck asked that the motion be revised to read that the P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Mr. Wright and Ms. Drake-Batts had no objection to the revision.

Resolution # PC-2004-05-059 (as amended)

Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reasons:

1. Such rezoning is premature at this time.

2. The P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

7. DISCUSSION OF RECONSIDERATION OF PROPOSED REZONING (Z-695) – Proposed Becker Overflow Parking Area, South side of Henrietta, East of Rochester Rd., Section 27 – From R-1E to P-1

Chair Waller explained that this item was placed on the agenda at his request. He referenced a memo from the Assistant City Attorney that stated items could only be reconsidered during the same meeting. Given this information, the Planning Commission is unable to discuss reconsideration of this item.

TO: MARK MILLER, PLANNING DIRECTOR
BRENT SAVIDANT, PRINCIPAL PLANNER
FROM: ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: July 13, 2004
SUBJECT: RECONSIDERATION OF AN APPLICATION TO REZONE

You have requested an opinion concerning the authority of the Planning Commission to reconsider its vote on an application to rezone prior to submitting its recommendation to City Council. For reasons set forth below, it is my opinion once the Planning Commission has voted to recommend approval or denial of an application to rezone, it may not reconsider the motion unless reconsideration takes place at the same meeting. However, the Planning Commission may reconsider its recommendation with respect to a request to rezone if the matter is referred back to the Planning Commission from City Council.

Under section 4, of the City and Village Zoning Act, MCL 125.584, an amendment to the zoning ordinance (both text amendments and rezoning) may not be adopted by City Council until the proposed amendment is submitted to the Planning Commission and it has held at least one public hearing and made a report thereon. After receiving the Planning Commission's report, City Council may adopt the amendment as recommended, adopt the amendment with additional amendments, or refer the proposed amendment again to the Planning Commission for further report. The City and Village Zoning Act does not specify any particular procedure that must be followed by the Planning Commission in making its report to City Council. The City of Troy Zoning Ordinance does not specify a procedure for amending the zoning ordinance but states in section 2.20.00 the zoning ordinance may be amended pursuant to the authority and procedure established in Act 207 of the Public Acts of 1921 as amended (City and Village Zoning Act, MCL 125.581 *et seq.*). The Municipal Planning Act, MCL 125.31 *et seq.* does not address the procedure to rezone but it does authorize the Planning Commission to adopt its own rules for transaction of business. MCL 125.34. Article IV of the Bylaws and Rules of Procedure for the City of Troy Planning Commission indicates all meetings shall be conducted in accordance with generally accepted parliamentary procedures, within the guidelines of Robert's Rules of Order. Section 37 of Robert's Rules of Order provides a motion to reconsider can be made only on the same day the vote to be reconsidered was taken. Therefore, based on the existing provisions of the City of Troy zoning ordinance and the bylaws and rules of procedure of the Planning Commission, it is my opinion that once the Planning Commission has voted upon a motion with respect to rezoning, it may not reconsider that vote at a subsequent meeting.

However, once the Planning Commission's recommendation is submitted to City Council, the Planning Commission may reconsider its vote with respect to a rezoning application "if" the City Council refers the matter back to the Planning Commission for further report. In *Temple v Twp. of Portage*, 365 Mich 474; 113 NW2d 789 (1962), the Michigan Supreme Court determined that when a township board referred a proposed amendment back to its zoning board after the zoning board recommended rejection of a proposed amendment, the zoning board was free to reconsider its own previous rejection of the proposed amendment and vote upon reconsideration to recommend adoption of the amendment even without holding a

second public hearing. *Temple*, 479. Although the *Temple* case involved a township and the provisions of the Township Zoning and Enabling Act in effect in 1962, MCL 125.271, *et seq.*, the statutory provisions construed by the court in that case are substantially similar to the current provisions of the City and Village Zoning Act. Thus, the decision of the court in the *Temple* would apply to rezoning matters involving cities. Accordingly, the Planning Commission may vote and reconsider a previous rejection of a proposed zoning amendment if it is referred back to the Planning Commission for further report. Such reconsideration may take place without a second public hearing.

Please let me know if you should have any questions.

July 7, 2004

TO: John Szerlag, City Manager

FROM: The Honorable Mayor and City Council Members

SUBJECT: Property Maintenance, and Neighborhood Compatibility Issues

On July 6, 2004 I was invited to visit the home sit of Mr. and Mrs. Rivard who live next door to the house and garage under construction owned by Mr. Paul Piscopo of 3129 Alpine. What I viewed from Mr. and Mrs. Rivard's property is more aptly described in the attached photographs. As a result of the conditions at this site, I asked Director Building/Zoning Mark Stimac to compile a list of compliance/enforcement activity for this property. In addition, Mr. Stimac is going to ascertain whether the on-site equipment is functional and germane to the construction activity or if it's junk. Mr. Stimac's report will be forthcoming.

There are two other issues which come into play that require direction from City Council:

1) Size of attached garage relative to square footage of living quarters:

   Staying with 3129 Alpine as our example, the house is roughly 3,300 square feet with a first floor footprint of 1,721 square feet, and the attached garage is going to be 6,000 square feet. If City Council agrees that there should be a more balanced relationship between living quarters and attached garage size, then I'll have staff work with the Planning Commission to come back with a recommendation.

2) It's my understanding that the attached garage at 3129 Alpine is going to have a corrugated sheet metal exterior (the kind one usually associates with industrial storage facilities). At this time there is nothing in our ordinances or building code precluding this type of exterior. My question to you is, "Should there be?" Again, should your response be in the affirmative, staff will work with the Planning Commission and come back with a recommendation.

Please know that any changes which may be made relative to garage size and exterior elevations would not be applicable to Mr. Piscopo's property, as he already has permits and is under construction. And in closing, in making your decision, you may wish to consider community values, rights of property owners, and reasonable expectations of adjacent property owners.

I can take direction at the Council meeting or we can schedule this to a study meeting. Please advise. And as always, feel free to contact me should you have any comments.

AGENDA ITEMS\2004\07.12.04 – Property Maint Issues

c: Lori Grigg Bluhm, City Attorney
Mark F. Miller, Planning Director
Douglas J. Smith, Real Estate & Development Director
Mark S. Stimac, Director of Building/Zoning
Steven J. Vandette, Acting Assistant City Manager/Services

July 13, 2004

To: John Szerlag, City Manager

From: Nino Licari, City Assessor

Cc: John Lamerato, Assistant City Manager – Finance/Administration

Re: Attached Garages equal to or greater than home size

Per your request at today's staff meeting, attached is a listing of residential garages that are equal, or larger, in size than the home they are attached to.

Please note that there are 14 such instances in the City (exclusive of the home on Alpine). I had noted that we had 10 such structures at the meeting.

Mitch Grusnick was able to alert me to a new home under construction on Windmill (5287).

Additionally, the Building Department considers a garage, with a breezeway between it and the home, to be attached. Our software considers this to be separate. As the ordinance addresses attached garages, I searched for any additional garages that might fit this criteria.

One additional home was discovered, along with two other homes that had garages just slightly less than equal in size to the main residence. This brought the total to 14.

It should be noted that all of these garages have conventional residential construction materials, none are metal, pole barn type structures.

I am available if you have any questions.

City of Troy - Assessing Department
Listing of Garages with Square Footage Larger Than Home

Parcel ID	#	Dir	Street	Sq Ft Home	Sq Ft Garage	% of Home Sq Ft	% Land Coverage	Land Area	House Built	Garage Built
88-20-01-451-022	6113		Evanswood	776	1,060	1.3660	0.04	50,207	1947	1968
88-20-02-128-015	1457		Cambria	1,000	1,042	1.0420	0.12	17,000	1972	1972
88-20-03-226-035	6764		Norton	1,666	1,672	1.0036	0.07	47,246	1940	1994
88-20-03-451-016	675	E	Square Lake	1,350	2,137	1.5830	0.07	50,965	1955	1970
88-20-04-100-054	1715	W	South Boulevard	1,331	1,800	1.3524	0.02	148,975	1929	2002
88-20-06-476-013	2180		Charnwood	2,124	2,008	0.9454	0.09	46,400	1955	1983
88-20-09-407-001	5290		Daniels	1,320	1,512	1.1455	0.14	20,150	1965	1965
88-20-10-427-033	717		Trinway	1,140	2,800	2.4561	0.11	37,373	1963	1963
88-20-10-476-051	810		Trinway	934	1,200	1.2848	0.05	43,502	1924	2002
88-20-11-277-017	5570		Holm	1,443	1,557	1.0790	0.08	39,600	1968	1968
88-20-12-476-068	5287		* Windmill	2,085	2,706	1.2978	0.20	23,679	2004	2004
88-20-19-157-015	2754		** Palmerston	3,293	3,146	0.9554	0.31	16,261	1963	1963
88-20-25-428-021	35841		Dequindre	1,025	1,316	1.2839	0.10	23,332	1966	1966
88-20-36-277-003	906		Minnesota	836	1,160	1.3876	0.06	31,440	1940	2000

* = New construction
** = This is a two story home. For lot coverage calculations, used 1,838 sq ft (1st floor home) & Garage Area.

Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 fax 248-625-8455

July 14, 2004

Mark Miller, Planning Director
City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Mark,

I understand that the City may be considering amending zoning regulations pertaining to attached accessory garages. Accessory garages are currently regulated in Sec. 40.55.00. Regulations pertaining to attached accessory garages in the City of Troy are fairly minimal which, as a traditional practice, is not unusual.

Currently, the communities we represent regulate attached garages in a wide ranging manner. Some communities have regulations that are quite permissive. However, many communities are finding that residential dwellings along with attached garages are becoming quite large in relationship to the lot size and character of the neighborhood.

The issue of attached accessory garages is particularly problematic in neighborhoods that are experiencing additions and expansions. Garages are either being expanded to accommodate more "toys" or are being converted to living space, thereby requiring construction of a new garage.

In my experience, communities that have upgraded their accessory garage regulations typically do so in response to issues associated with neighborhood compatibility, protection of property values, and promotion of community aesthetics. Under the Zoning enabling statues, the City is authorized to address these issues when revising your regulations pertaining to attached accessory garages.

I will provide you with examples of ordinances from other communities. Please let me know if you need additional information.

Yours truly,

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP, AICP

RKC: lh

225-01-2401

Date: August 5, 2004

To: John Szerlag, City Manager

From: Steve Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Nino Licari, City Assessor
Mark Stimac, Building and Zoning Director
Mark F. Miller, Planning Director

Subject: AUTHORIZATION FOR THE CITY MANAGER TO WORK WITH THE PLANNING COMMISSION REGARDING NEIGHBORHOOD COMPATIBILITY ISSUES

RECOMMENDATION

City Management recommends that this item be postponed to a date after a City Council study meeting is conducted. The study meeting will allow City Council the opportunity to discuss the issues related to neighborhood compatibility of one family residential accessory buildings and garages with City Management and Richard Carlisle, the City's Planning Consultant. A study meeting format would be more productive in clarifying these issues and the potential zoning ordinance direction to City Management and the Planning Commission.

BACKGROUND

At the City Council meeting of July 19, 2004, there was a great deal of discussion regarding the interests of City Council related to the matter of neighborhood compatibility of accessory buildings built as part of one family residential development. City Management reviewed a recording of the City Council meeting and prepared a summary of the topics discussed, which is included as an attachment and discussed below. As you instructed, we also incorporated comments from your meeting with Councilwoman Robin Beltramini. Within this memorandum City Management expanded upon the summary topics discussed by City Council and provided comments. Furthermore, City Management requested an opinion from Richard Carlisle, the City's Planning Consultant, which is included as an attachment to this memorandum.

CITY MANAGEMENT COMMENTS ON ISSUES DISCUSSED BY CITY COUNCIL

1. Restricting Materials

   The provisions of Public Act 230 of the Public Acts of 1972, as amended, indicates that all jurisdictions in Michigan that intend to administer and enforce building codes within their jurisdiction must enforce the provisions of the Michigan Building Code without amendment. The City of Troy confirmed their

intent to administer the Michigan Building Code locally in an application filed with the State in 2001. The Michigan Building Code is the legal standard that is to be used for evaluating and approving of building materials for construction purposes. The creation of an ordinance that prohibits a type of building material that is permitted pursuant to the Michigan Building Code, would be contrary to State Law. If the City adopts an ordinance, it shall only address the requirement for compatibility of materials that are used elsewhere on the structure. Therefore, the required amounts of material to establish compatibility shall have a review process and procedure for approval and variances.

2. Neighborhood Compatibility

The issue of very large homes built next to smaller homes has received considerable attention over the last few years. In the City of Birmingham, this was known as "bigfoot" homes and was the subject of much debate. The significant difference between older zoning regulations in Birmingham and Troy's ordinance is that the Birmingham Ordinance did not have a restriction on lot coverage by structures. In all of the single family zoning districts in Troy, there is 30% maximum lot coverage limit. As an example, in the R-1E District where the typical lot size is 60' x 120', a maximum of 2,160 square feet of ground floor area of structures (both main and accessory structures) can be built. Without the 30% maximum lot coverage, a main structure with a ground floor of 2,700 square feet could be built with an accessory building of another 912 square feet in area. This results with a lot coverage of over 50%. This disparity increases even more as the lots get larger. Troy maximum lot coverage provisions eliminate the issue of Bigfoot homes.

3. Large Additions Requiring Approval

In Troy approximately 40 homes a year receive approval for additions that are 50% greater than the existing home. These additions include the construction of family rooms, second floor additions, master bedroom suites, garages, etc.

- Do we want to send a message to our residents that implies; we don't want them to improve their properties?
- What will happen to multi-phased projects?
- How long must a resident wait after constructing a family room addition before they can build the attached garage addition?
- Will it be more beneficial to tear down the home completely rather than adding on?
- Who will conduct all of these public hearings?
- What criteria would be used to decide whether to approve or deny the requests?

4. Regulating the Size of Attached Garages as a Function of Home Size

The size of attached garages could be regulated with a formula that utilizes the home size to determine a compatible garage given the size and bulk. This could be accomplished by restricting the garage size to the allowable percentage of first floor area or as a percentage of living space. There should be a minimum allowable attached garage similar to our 600 square foot minimum allowance for detached accessory buildings.

5. Increasing Setbacks for Large Buildings

The current setbacks for structures in the residential districts are based upon an assumption that the structures can be built to the maximum height and stories permitted in the district. Development costs for land encourage builders to construct large homes on the lots throughout the City. Most homes are built to the minimum side yard setback in at least one side yard, if not both side yards. Many of these structures are built to the maximum height and some include garages with a second floor of living space above the garage. A substantial number of these structures could become non-conforming if setback standards were changed. The impact to the community and the increased docket of the Board of Zoning Appeals would be significant. Property split approval process would become more difficult due to the need to determine building heights, thus requiring certified architectural elevations and boundary surveys to verify setback requirements.

6. Modifications to the Home Occupation/Commercial Vehicle Provisions

The original City of Troy zoning ordinance defined a private garage as a building for the parking of vehicles normally incidental to the residential occupancy and not more than one commercial vehicle not over ¾ ton. If we applied the same rules regarding indoor parking of commercial vehicles, as we do outdoor parking of commercial vehicles on residential properties, we would eliminate the need for some of these large garage buildings. While this item alone would not regulate the size and type of accessory structures, it would eliminate the incentive to build large accessory structures for commercial vehicles and as a means to comply with other provisions of the ordinance.

7. Provisions for other Accessory Structures

Many of the unusual or atypical provisions of the Troy's zoning ordinance were developed in response to public comment regarding a single instance of a structure built or denied (similar to 3129 Alpine). Examples of zoning ordinance amendments driven by one application of adopted ordinance language include: requirements for neighbor notification for shed construction; Board of Zoning Appeals approval for gazebos; and increased height limits for amateur radio

antenna. Years later, the basis for these requirements becomes difficult to comprehend.

City Management included four resolutions: Resolution A, moved and seconded at the July 19, 2004 City Council Meeting; Resolution B, to postpone the item to a date after a City Council Study Meeting; and Resolutions C and D as previously submitted by the City Manager.

Attachments

1. Laura Fitzpatrick memorandum, August 3, 2004
2. City Council Minutes, July 19, 2004
3. Richard Carlisle Memorandum, July 30, 2004
4. City Council Agenda Item F-08, July 7, 2004

G:\ZOTAs\Neighborhood compatability\compatibility.doc

August 3, 2004

TO: John Szerlag, City Manager

FROM: Laura Fitzpatrick, Assistant to the City Manager

SUBJECT: Neighborhood Compatibility: City Council Comments

Below is a list of points raised by Council Members at the July 19, 2004 City Council meeting re: neighborhood compatibility issues.

- Would like to look more at “unacceptable materials” on the outside of a house than trying to legislate elevations or balance between living quarters or attached garages
- If we regulate size of attached garages, how do we address very large homes being built next to small homes? Is that incompatible?
- Some large garages are compatible (photos of existing ones cited)
- Do something about ordinance in general and then go back to specifics
- Does not believe we would be wise in precluding any specific materials; many homes with non-traditional materials are very nicely done
- We need to amend the ordinance so it is much easier to put a 10X10 garden shed/dog houses, etc. up
- Would like to see a change in the ordinance so that when an addition is a certain percentage of house size, they should have to go to an approval board (i.e., 50%); people do not have a right to improve their property to the detriment of the community/their neighbors
- Want to have some limits on what we send to the Planning Commission
- Would like to know what the possibilities are before we sent them to the Planning Commission (look at some of the other communities ordinances)
- We should modify the ordinance such that there are setback requirements which perhaps are dependent upon the size of the attached garage (i.e., a 10 ft setback for a 6,000 sq ft garage is not appropriate)
- Do not want to be overly expansive with changing our zoning ordinance/building standards.
- It is appropriate to send this to the Planning Commission with the information provided to us.
- Our ordinance states that home occupation is not to disrupt the neighbors. This issue needs to be resolved with the entire community in mind and we need to have the Planning Commission solve this so it does not happen in other areas of the City.
- Do not want to be in the business of regulating aesthetics
- Should be discussed at a joint meeting with Planning Commission
- Will take too long if we wait to discuss at a joint meeting with Planning Commission

- Right now we have our zoning code and different districts with setbacks. It seems this proposal will put an extra encumbrance on the sites that are under zoned.
- City Manager to work with Planning Commission for reason of developing ordinance language that will address the relationship of accessory/add on structures as to lot size and boundaries and the review-approval process
- Do not want to reduce the ability of people to do legitimate things on their property that are not a detriment to their neighbor
- Look at how attached or detached garages fit in with the neighborhood; want something good for the community

- *Item mentioned in conversations subsequent to this meeting re:* administrative approval of accessory structures, etc. relative to the City Assessor making an evaluation as to impact on property values in the neighborhood.

PUBLIC COMMENT: Limited to Items Not on the Agenda

The meeting **RECESSED** at 8:59 PM.

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

F-2 Temporary Sales Trailer – Wyngate of Troy Subdivision

Resolution #2004-07-376
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the request from Adam Vanderpool representing Pulte Homes for the placement of a temporary office trailer on one of the lots of the Wyngate of Troy Subdivision, is hereby **APPROVED** for a ten month period in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(3), of the Code of the City of Troy.

Yes: All-6
No: None
Absent: Stine

F-8 Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues

Resolution
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the City Manager is **AUTHORIZED** to work with the Planning Commission to develop ordinance language that will address the relationship of accessory and add-on structures in residential districts as to lot size and boundaries, including a review of approval procedures for all such structures.

Proposed Resolution to Postpone

Resolution
Moved by Lambert
Seconded by Schilling

RESOLVED, That Agenda Item, F-8 *Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues* be **POSTPONED** to the Regular City Council Meeting scheduled for Monday, August 9, 2004.

Vote on Resolution to Call the Question-Council Member Beltramini

Resolution #2004-07-377

RESOLUTION, That Troy City Council **SHALL CALL THE QUESTION** for a vote on the Resolution to postpone.

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

MOTION CARRIED

Vote on Resolution to Postpone

Resolution #2004-07-378
Moved by Lambert
Seconded by Schilling

RESOLVED, That Agenda Item, F-8 *Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues* be **POSTPONED** to the Regular City Council Meeting scheduled for Monday, August 9, 2004.

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

MOTION CARRIED

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: No appointments brought forward; **(b) City Council Appointments:** No appointments brought forward

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for August 9, 2004:

(a) Mayoral Appointments

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

Marc W Rosenow resigned due to employment	**Unexpired term expires 09-30-2007**
	Term expires 07-01-2005 (Student)

Blum
Smith
Miller
Vandette
Stimac

CARLISLE/WORTMAN Associates

Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 *fax* 734-662-1935

FAX COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGES TO:	
Name: John Szerlag	Date: 7-30-04
Organization:	Fax Number: 248 524-0851
THIS TRANSMISSION IS FROM:	**# OF PAGES SENT (Including Cover Sheet):**
Name: Dick Carlisle	8

MESSAGE:

If any pages are not received, please call LIZ at 734-662-2200

Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 *fax* 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 *fax* 248-625-8455

July 30, 2004

John Szerlag, City Manager
City of Troy
500 West Big Beaver
Troy, MI 48084

Dear Mr. Szerlag:

You have asked for my opinion regarding a course that the City may take on the regulation of accessory garages in residential districts. On the basis of my review of the Ordinance, along with the background material provided to me by your staff, it is both appropriate and necessary for the City to modify the current approach to the regulation of accessory garages.

When regulating accessory garages of any kind, primary issues of consideration should be size, compatibility and use. I would also preface my recommendations are based in the belief that regulations do not have to be overly complex to be effective. To illustrate various points, I have included examples.

Size

The traditional manner of regulating accessory garages is size (i.e., square footage and height). As Section 40.55.00 Accessory Building and Structures has been applied, there is no size restriction on attached accessory structures other than occupied area of the rear yard. There are further restrictions on detached accessory structures, limiting them to 600 square feet or one half of the ground floor area of the residence.

In the instance of attached garages, a restriction on size would also be reasonable. Generally, communities limit the size of attached garages to a specific square footage (see Independence Township) or on the basis of the ground floor area of the dwelling (see Novi).

I prefer the latter approach, but not necessarily the Novi Ordinance. It seems quite reasonable to prevent a garage from being larger than the dwelling to which it is supposed to be accessory. A simple limitation that the attached garage cannot exceed the ground floor area of the residence would be effective.

Mr. John Szerlag
July 30, 2004

In addition, you may also wish to consider allowing larger detached accessory structures based upon the size of the lot (see Orion Township). Again, it would seem reasonable that larger lots could accommodate larger accessory buildings.

Use

Use is always problematic. Once a structure is built, it is difficult to regulate what occurs inside. However, it is important to remember that accessory uses and, the structures which accommodate them, must be incidental and subordinate to the principle residential use.

One of the reasons why exceptionally large attached garages are built in Troy is the ambiguous restrictions on the parking of commercial vehicles in residential districts. While Section 40.66.00 restricts the outdoor parking of commercial vehicles, it does not restrict indoor parking of large commercial vehicles. To store such a vehicle also requires that the vehicle be driven through the neighborhood, creating a nuisance to residents and creating a safety problem, especially for children. In general, the continued presence of large commercial vehicles is inconsistent with the intent of the R-1A through R-1E Districts, and with the longstanding policy in Troy of protecting neighborhoods. Therefore, I would also suggest that the City re-evaluate the approach towards the parking of commercial vehicles in residential areas (See Orion).

I would also suggest the City reconsider the appellate procedures set forth in Section 44.02.00 for commercial vehicles that currently are heard before City Council. It is unusual for a City Council, a legislative body, to be put in the position to hear appeals on regulations it has passed. In addition, the standards set forth in Section 44.02.02 seem to be weighted more in favor of the applicant rather than providing protection to the neighborhood and public health, safety and welfare.

Compatibility

For now, I would advise the City to address the compatibility issue in the traditional ways; size, height, bulk, and setbacks. Attempting to regulate the types of materials becomes overly complicated and is likely to raise objections.

I hope this is helpful to you and Council in your deliberations. As always, I would be happy to attend a meeting to discuss this issue.

Sincerely,

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP, AICP

RKC: lh

225-05-2401

Independence

(2) The allowable floor area of a residential garage, whether attached or detached, shall not exceed nine hundred (900) square feet in the R-1A district and twelve hundred (1,200) square feet in the R-1B, R-1C, and R-1R districts.

(3) In the case of a combination of an attached and detached garage, the detached garage shall not exceed the difference between the square footage of the attached garage and allowable square footage set forth in section 5.03.1.b.(2), i.e., the total square footage of the attached and detached garage shall not exceed the allowable square footage of a residential garage.

(4) An attached residential garage shall conform to all setback and height requirements applicable to the principal dwelling.

Novi

Sec. 2503. Accessory Uses.

Accessory uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. *Accessory Buildings.*

   A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.

   B. Accessory buildings shall not be erected in any required front yard or in any required exterior side yard.

   C. No accessory building shall occupy more than twenty-five (25) percent of any required rear yard, provided that in a residential district, the accessory building shall not exceed the ground floor area of the main residence.

   D. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than six (6) feet to any interior side lot or rear lot line.

   E. In those instances where the rear lot line abuts an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within an easement or dedicated rights-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.

   F. No detached accessory building in the R-1 through R-4, RT, RM-1, MH, OS-1, OS-2, B-1, P-1, and NCC Districts shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be built to a height equal to the maximum permitted height of the district; provided, if the accessory building exceeds one (1) story or fourteen (14) feet in height, the building shall be set back one (1) foot for each foot the building exceeds fourteen (14) feet in height.

   G. No detached or attached accessory building(s) intended for the parking and storage of private motor vehicles shall exceed, in total aggregate floor space of all such accessory buildings on a lot, six hundred (600) square feet in gross floor area in an R-2, R-3, R-4 or RT District or seven hundred fifty (750) square feet in an R-A or R-1 District. *

   In addition to the above allowable space for the parking and storage of private motor vehicles, there may be up to two hundred and fifty (250) square feet of space associated with said garage or in a separate detached accessory building on the same lot for the storage of tools and recreation equipment and/or for a dog house.

   Notwithstanding the above, not more than one (1) detached accessory building shall be permitted on any lot having less than 21,780 square feet of area. Use of any detached accessory building in any Residential, Business or Office District for a use other than the parking and storage of private motor vehicles, tools, recreation equipment or dog houses requires review and approval by the Board of Appeals.

   In no instance shall an accessory building exceed the ground floor area of the principal building on the lot or parcel. Notwithstanding the above, an accessory building in a R-A or R-1 District may exceed the ground floor area of the main building on the lot if (1) the lot or parcel of land on which the accessory building is located has at least one (1) acre of area, (2) such accessory building is *

customarily incidental to an existing permitted principal use in said Districts, (3) does not exceed two thousand five hundred (2,500) square feet in ground floor area, and (4) complies with applicable setback requirements at Section 2508, 4 and 5, unless approved by the Board of Appeals upon a showing of need and no adverse effect upon adjacent properties.

2. *Accessory Structures.*

A. Accessory structures, except where otherwise permitted and regulated in this Ordinance, shall be located in the rear yard and shall meet the setback requirements of an accessory building.

B. Flagpoles may be located within any required front or exterior side yard. Such poles shall be located no closer to a public right-of-way than one-half (½) the distance between the right-of-way and the principal building.

C. (1) Canopies covering gasoline pump islands may extend into the required front or exterior side yards to a point fifteen (15) feet from the street right-of-way line. No signs shall be placed on any canopy other than a sign showing the height of the canopy. Such signs shall not exceed one (1) square foot in total display area.

(2) Canopies or awnings installed on the facade of a building shall not be considered as extending into the setback area, providing:

(a) The canopy or awning is retractable, or the canopy or awning can readily be disassembled without visible damage to the building facade or canopy itself; and

(b) If the canopy or awning is in a nonresidential area, administrative approval through the planning department is granted to assure compliance with this section and all other Zoning Ordinance requirements.

D. Structures such as private television antennas, pole antennas or other private communication antennas, or towers, shall be located in the rear yard or on a rooftop so long as the height of the antenna, or tower, does not exceed the minimum horizontal distance from its base to the nearest property line; except in no case shall an antenna or tower exceed the maximum height limitation of the district in which it is located. Dish antennas in single- and two-family districts shall be located in the rear yard only and shall be placed in accordance with the requirements governing setbacks for accessory buildings. Dish antennas in all other districts shall be located in the rear yard, an interior yard area that does not make up any part of a peripheral yard area, or on the top of buildings with flat roofs at or near the center of the roof.

E. The following restrictions shall apply to all buildings and structures other than for single-family residences:

(1) All roof top climate control equipment, elevator towers, transformer units and satellite dish antenna and similar items shall be screened from view so as not to be visible from any street, road or adjacent property. The planning commission may provide a waiver of this requirement as to satellite dishes where the requirement prevents the reception of satel-

3. A building, structure or use which is accessory to a single-family dwelling and attached to it shall, for the purposes of location and setbacks, be considered part of the principal building.

4. A building, structure or use which is accessory to a single-family dwelling and detached from it shall meet the same front and side yard setback requirements as the principal structure, as set forth in the Schedule of Regulations in Article XXVI of this Ordinance. However, the minimum rear yard setback shall be ten (10) feet for all detached accessory buildings. All accessory buildings and structures shall be included in the computation of total maximum area of all accessory buildings, and together with the principal building or structure shall not exceed the percentage of lot coverage requirements.

5. Detached accessory buildings or structures in non-residential districts shall conform to the height requirements for the principal building or structure, as set forth in the Schedule of Regulations in Article XXVI, except as specifically permitted otherwise in this Ordinance. However, detached accessory buildings or structures in non-residential districts that exceed the height of the principal building or structure, as constructed, shall not be located in the front yard.

   Detached accessory buildings or structures in residential districts shall not exceed the height of the principal building or structure as constructed. However, the height of a detached accessory building or structure may exceed the height of the principal building or structure, if said accessory building or structure is located at least one hundred fifty (150) feet distant and to the rear of the principal building or structure. In no case shall the height of a detached accessory building or structure exceed the maximum height requirement for the principal building or structure, as set forth in the Schedule of Regulations (Article XXVI), except as specifically permitted otherwise in this Ordinance.

6. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could, or are likely to, produce noise, odor, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

   It is the intent of these provisions to place the responsibility of abating or controlling nuisances on the owner of the lot where the nuisances are produced, rather than on the adjoining neighbors.

7. Accessory buildings or structures are not to be used for commercial operations other than home occupations, as defined in Article II, Section 2.01.

8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following *(amended 11.28.85)*:

LOT SIZE	MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS	MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS	TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *
Up to 1/2 acre	750 sq. ft.	75% of the principal structure	1,150 sq. ft.
1/2 to 1 acre	900 sq. ft.		1,300 sq. ft.
1 to 2.5 acres	1,000 sq. ft.		1,500 sq. ft.
Over 2.5 acres	1,400 sq. ft.		1,900 sq. ft.
* Includes the combined floor area of each story of the structure.			

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals *(amended 11.28.85)*:

Orion

Section 6.00 - Preamble

The R-1, R-2, and R-3 Single Family Residential Districts are intended to provide areas within the Township suitable for residential use in a family type atmosphere. It is intended that R-1, R-2, and R-3 Districts be developed in accordance with availability of public utilities. Thus, it is intended that areas be established where public utilities are not available while smaller lot areas be established only where public sewers are available. R-1, R-2, and R-3 zones are designated in accordance with the Township Master Plan objectives in keeping with the semi-rural character envisioned for the majority of the Township. Furthermore, it is intended that the designation of R-1, R-2, and R-3 Districts take into account and preserve the environment and physical characteristics of the land.

Section 6.01 - Principal Uses Permitted

The following uses shall be permitted, subject to the standards and requirements set forth herein:

A. Single family detached buildings.

B. Agriculture and farming use, including livestock and poultry raising, dairying, horticulture, forestry, sod farming, and similar agricultural enterprises or use of land or structures.

C. Mobile homes, subject to the standards set forth in Section 6.05. *(amended 11.01.84)*

D. Planned Unit Development, subject to the standards and approval requirements set forth in Section 30.13. *(amended 04.10.86)*

Section 6.02 - Accessory Uses Permitted

A. Accessory buildings, structures and uses, customarily incidental to any of the principal uses, when located on the same property and not involving any business, profession, trade or occupation other than provided for in the R-1, R-2, and R-3 Single Family Residential Zoning District.

B. A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence. In addition, one (1) commercial vehicle may be parked on site or as permitted on the street in the residential district only in accordance with the following conditions *(amended 11.19.01)*:

1. The vehicle shall be used as the principal means of transportation of a resident of the dwelling and as an integral part of their employment, business or profession.

2. The commercial vehicle is not a dump truck, stake truck, flatbed truck, wrecker, septic tank pumper, semi-tractor, tanker truck, well-drilling rig, welding truck, semi-trailer or any type of commercial or construction equipment. Construction equipment is further defined in Article II of this Ordinance.

3. No part of the vehicle shall exceed nine (9) feet in overall height measured from the ground, nor shall the vehicle exceed twenty-one (21) feet in length.

4. The vehicle has no exposed outside storage of lumber, tools, pipes, glass or building material.

5. The vehicle has no more than one (1) rear axle and it does not exceed a three (3) ton pay load capacity.

However, the parking or storage of commercial vehicles or commercial equipment shall be allowed in any zoning district where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service. Utility service vehicles, emergency service vehicles and agricultural vehicles are also exempt from these provisions.

July 7, 2004

TO: John Szerlag, City Manager

FROM: The Honorable Mayor and City Council Members

SUBJECT: Property Maintenance, and Neighborhood Compatibility Issues

On July 6, 2004 I was invited to visit the home sit of Mr. and Mrs. Rivard who live next door to the house and garage under construction owned by Mr. Paul Piscopo of 3129 Alpine. What I viewed from Mr. and Mrs. Rivard's property is more aptly described in the attached photographs. As a result of the conditions at this site, I asked Director Building/Zoning Mark Stimac to compile a list of compliance/enforcement activity for this property. In addition, Mr. Stimac is going to ascertain whether the on-site equipment is functional and germane to the construction activity or if it's junk. Mr. Stimac's report will be forthcoming.

There are two other issues which come into play that require direction from City Council:

1) Size of attached garage relative to square footage of living quarters:

   Staying with 3129 Alpine as our example, the house is roughly 3,300 square feet with a first floor footprint of 1,721 square feet, and the attached garage is going to be 6,000 square feet. If City Council agrees that there should be a more balanced relationship between living quarters and attached garage size, then I'll have staff work with the Planning Commission to come back with a recommendation.

2) It's my understanding that the attached garage at 3129 Alpine is going to have a corrugated sheet metal exterior (the kind one usually associates with industrial storage facilities). At this time there is nothing in our ordinances or building code precluding this type of exterior. My question to you is, "Should there be?" Again, should your response be in the affirmative, staff will work with the Planning Commission and come back with a recommendation.

Please know that any changes which may be made relative to garage size and exterior elevations would not be applicable to Mr. Piscopo's property, as he already has permits and is under construction. And in closing, in making your decision, you may wish to consider community values, rights of property owners, and reasonable expectations of adjacent property owners.

I can take direction at the Council meeting or we can schedule this to a study meeting. Please advise. And as always, feel free to contact me should you have any comments.

AGENDA ITEMS\2004\07.12.04 – Property Maint Issues

c: Lori Grigg Bluhm, City Attorney
Mark F. Miller, Planning Director
Douglas J. Smith, Real Estate & Development Director
Mark S. Stimac, Director of Building/Zoning
Steven J. Vandette, Acting Assistant City Manager/Services

July 13, 2004

To: John Szerlag, City Manager

From: Nino Licari, City Assessor

Cc: John Lamerato, Assistant City Manager – Finance/Administration

Re: Attached Garages equal to or greater than home size

Per your request at today's staff meeting, attached is a listing of residential garages that are equal, or larger, in size than the home they are attached to.

Please note that there are 14 such instances in the City (exclusive of the home on Alpine). I had noted that we had 10 such structures at the meeting.

Mitch Grusnick was able to alert me to a new home under construction on Windmill (5287).

Additionally, the Building Department considers a garage, with a breezeway between it and the home, to be attached. Our software considers this to be separate. As the ordinance addresses attached garages, I searched for any additional garages that might fit this criteria.

One additional home was discovered, along with two other homes that had garages just slightly less than equal in size to the main residence. This brought the total to 14.

It should be noted that all of these garages have conventional residential construction materials, none are metal, pole barn type structures.

I am available if you have any questions.

City of Troy - Assessing Department
Listing of Garages with Square Footage Larger Than Home

Parcel ID	#	Dir	Street	Sq Ft Home	Sq Ft Garage	% of Home Sq Ft	% Land Coverage	Land Area	House Built	Garage Built
88-20-01-451-022	6113		Evanswood	776	1,060	1.3660	0.04	50,207	1947	1968
88-20-02-128-015	1457		Cambria	1,000	1,042	1.0420	0.12	17,000	1972	1972
88-20-03-226-035	6764		Norton	1,666	1,672	1.0036	0.07	47,246	1940	1994
88-20-03-451-016	675	E	Square Lake	1,350	2,137	1.5830	0.07	50,965	1955	1970
88-20-04-100-054	1715	W	South Boulevard	1,331	1,800	1.3524	0.02	148,975	1929	2002
88-20-06-476-013	2180		Charnwood	2,124	2,008	0.9454	0.09	46,400	1955	1983
88-20-09-407-001	5290		Daniels	1,320	1,512	1.1455	0.14	20,150	1965	1965
88-20-10-427-033	717		Trinway	1,140	2,800	2.4561	0.11	37,373	1963	1963
88-20-10-476-051	810		Trinway	934	1,200	1.2848	0.05	43,502	1924	2002
88-20-11-277-017	5570		Holm	1,443	1,557	1.0790	0.08	39,600	1968	1968
88-20-12-476-068	5287		* Windmill	2,085	2,706	1.2978	0.20	23,679	2004	2004
88-20-19-157-015	2754		** Palmerston	3,293	3,146	0.9554	0.31	16,261	1963	1963
88-20-25-428-021	35841		Dequindre	1,025	1,316	1.2839	0.10	23,332	1966	1966
88-20-36-277-003	906		Minnesota	836	1,160	1.3876	0.06	31,440	1940	2000

* = New construction
** = This is a two story home. For lot coverage calculations, used 1,838 sq ft (1st floor home) & Garage Area.

Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 fax 248-625-8455

July 14, 2004

Mark Miller, Planning Director
City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Mark,

I understand that the City may be considering amending zoning regulations pertaining to attached accessory garages. Accessory garages are currently regulated in Sec. 40.55.00. Regulations pertaining to attached accessory garages in the City of Troy are fairly minimal which, as a traditional practice, is not unusual.

Currently, the communities we represent regulate attached garages in a wide ranging manner. Some communities have regulations that are quite permissive. However, many communities are finding that residential dwellings along with attached garages are becoming quite large in relationship to the lot size and character of the neighborhood.

The issue of attached accessory garages is particularly problematic in neighborhoods that are experiencing additions and expansions. Garages are either being expanded to accommodate more "toys" or are being converted to living space, thereby requiring construction of a new garage.

In my experience, communities that have upgraded their accessory garage regulations typically do so in response to issues associated with neighborhood compatibility, protection of property values, and promotion of community aesthetics. Under the Zoning enabling statues, the City is authorized to address these issues when revising your regulations pertaining to attached accessory garages.

I will provide you with examples of ordinances from other communities. Please let me know if you need additional information.

Yours truly,

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP, AICP

RKC: lh

225-01-2401

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

The Invocation was given by Rev. Jerry V. Stender – Life Line 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 (Absent)

Resolution to Excuse Council Member Stine

Resolution #2004-07-370
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Council Member Stine 's absence at the Regular City Council and Closed Session meetings of Monday, July 19, 2004 **BE EXCUSED** due to being out of town.

Yes: All-6
No: None
Absent: Stine

CERTIFICATES OF RECOGNITION:

A-1 **Presentation**: Christie Murray, Parks and Recreation Month Essay Contest Winner, read her winning essay.

CARRYOVER ITEMS:

B-1 No Carryover Items brought forward.

PUBLIC HEARINGS:

C-1 Parking Variance– 230 W. Maple

Resolution #2004-07-371
Moved by Eisenbacher
Seconded by Howrylak

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

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

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

4. The variance relates only to property described in the application for variance; and

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

D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Imad Potres for waiver of 30 additional parking spaces at the development at 230 W. Maple be **APPROVED**.

Yes: All-6
No: None
Absent: Stine

C-2 Parking Variance– 1915 E. Maple

Resolution #2004-07-372
Moved by Lambert
Seconded by Broomfield

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

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

6. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

7. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

8. The variance relates only to property described in the application for variance; and

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

H. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Pashk Oroshi Potres for waiver of 30 additional parking spaces at the development at 1915 E. Maple be **APPROVED**.

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

MOTION CARRIED

POSTPONED ITEMS:

D-1 PUBLIC HEARING: Rezoning Application Z-582 – Section 25 – B-3 to H-S

Reconsidered Resolution #2004-05-252:

Resolution #2004-07-373
Moved by Eisenbacher
Seconded by Broomfield

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.

BE IT FURTHER RESOLVED, That the granting of the B-3 to H-S rezoning request for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, does not compel the Board of Zoning Appeals to take any action one way or the other.

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

MOTION CARRIED

D-2 Preliminary Site Condominium Review – Stone Haven Woods East No. 2 Site Condominium – South Side of Wattles Road – West of Crooks Road – Section 20 – R-1B

Vote on Resolution to Postpone

Resolution #2004-07-374
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Preliminary Site Condominium Review for Stone Haven Woods East No. 2 Site Condominium, south side of Wattles Road and west of Crooks Road in Section 20 and zoned as R-1B, be **POSTPONED** until a date uncertain until the following events take place:

1. The petitioner, Mr. Shouhayib, must meet with the City Staff to further study alternate street patterns and other elements germane to Stone Haven Woods East No. 2.
2. That notification of the site condominium is sent to abutting property owners.
3. The petitioner, Mr. Shouhayib, is available to attend the City Council meeting so as to discuss this matter.

Yes: All-6
No: None
Absent: Stine

CONSENT AGENDA:

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

Resolution #2004-07-375
Moved by Beltramini
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-2, which is **APPROVED** as presented with the correction as it was laid on the table.

Yes: All-6
No: None
Absent: Stine

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

E-2 Minutes: Regular Meeting of July 12, 2004

Resolution #2004-07-375-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of July 12, 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 – Accessibility Ramps at the Historic Village Green

Resolution #2004-07-375-E-4

RESOLVED, That a contract to construct accessibility ramps with snow melting systems at the Caswell House and Poppleton School on the Historical Village Green is hereby **AWARDED** to low bidder, Commercial Contracting Corporation of Auburn Hills for an estimated total cost of $71,170.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon vendor submission of proper contract and bid documents, including insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or $7,117.00.

E-5 Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Tents for Troy Daze Festival

Resolution #2004-07-375-E-5

RESOLVED, That contracts to furnish and erect tents for the Troy Daze Festival are hereby **AWARDED** to the lowest bidders meeting specifications, S & R Event Rental of Fraser, MI and Ace Canvas and Tent, Inc. of Detroit, MI for an estimated total cost of $11,700.00 and $4,690.00 respectively, at unit prices contained in the bid tabulation opened May 28, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon vendors' submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

E-6 Standard Purchasing Resolution 8: Best Value Process Award – Uniform Rental Services

Resolution #2004-07-375-E-6

RESOLVED, That a contract to provide uniform rental services for two years with an option to renew for an additional two-year period is hereby **AWARDED** to Arrow Uniform, the bidder with the highest score and lowest prices, as a result of a Best Value process, which the Troy City Council determines to be in the public interest at unit price contained in the bid tabulation opened July 7, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of August 31, 2006; and

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

PUBLIC COMMENT: Limited to Items Not on the Agenda

The meeting **RECESSED** at 8:59 PM.

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

F-2 Temporary Sales Trailer – Wyngate of Troy Subdivision

Resolution #2004-07-376
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the request from Adam Vanderpool representing Pulte Homes for the placement of a temporary office trailer on one of the lots of the Wyngate of Troy Subdivision, is hereby **APPROVED** for a ten month period in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(3), of the Code of the City of Troy.

Yes: All-6
No: None
Absent: Stine

F-8 Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues

Resolution
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the City Manager is **AUTHORIZED** to work with the Planning Commission to develop ordinance language that will address the relationship of accessory and add-on structures in residential districts as to lot size and boundaries, including a review of approval procedures for all such structures.

Proposed Resolution to Postpone

Resolution
Moved by Lambert
Seconded by Schilling

RESOLVED, That Agenda Item, F-8 *Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues* be **POSTPONED** to the Regular City Council Meeting scheduled for Monday, August 9, 2004.

Vote on Resolution to Call the Question-Council Member Beltramini

Resolution #2004-07-377

RESOLUTION, That Troy City Council **SHALL CALL THE QUESTION** for a vote on the Resolution to postpone.

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

MOTION CARRIED

Vote on Resolution to Postpone

Resolution #2004-07-378
Moved by Lambert
Seconded by Schilling

RESOLVED, That Agenda Item, F-8 *Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues* be **POSTPONED** to the Regular City Council Meeting scheduled for Monday, August 9, 2004.

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

MOTION CARRIED

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: No appointments brought forward; **(b) City Council Appointments:** No appointments brought forward

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for August 9, 2004:

(a) Mayoral Appointments

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

Marc W Rosenow resigned due to employment	**Unexpired term expires 09-30-2007**
	Term expires 07-01-2005 (Student)

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

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 07-01-2005 (Student)

Parks and Recreation Board
Appointed by Council (10) 3 years

School Representative **Term expires 07-31-2005**

NOTE: Troy School District has been contacted regarding their recommendation for the 2004-2005 school year

Term expires 07-01-2005 (Student)

F-3 Petition Analysis – Paving of Somerton SAD #01.504.5 – Standard Resolutions #1, #2 and #3

(a) Standard Resolution #1

Resolution #2004-07-379 (a)
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Standard Resolution #1 be hereby **ADOPTED** to direct the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Somerton in Section 10, Project No. 01.504.5, all pursuant to Sections 1.1 and 1.23 of Chapter 5 of the Code of the City of Troy.

Yes: All-6
No: None
Absent: Stine

(b) Standard Resolution #2

Resolution #2004-07-379 (b)
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Standard Resolution #2 be hereby **ADOPTED** to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of

Somerton, in Section 10, Project No. 01.504.5, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy

Total Estimated Cost	$42,810.00
Assessment (17 units @ $721.72 ea.)	$12,269.24
City's Share	$30,540.76

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED AND DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes: All-6
No: None
Absent: Stine

(c) Standard Resolution #3

Resolution #2004-07-379 (c)
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Standard Resolution #3 be hereby **ADOPTED** to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Somerton, in Section 10, Project No. 01.504.5, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be **ESTABLISHED** for the Regular meeting scheduled for Monday, August 9, 2004.

Yes: All-6
No: None
Absent: Stine

F-4 Designation of Voting Delegates at the Annual MML Meeting – Mackinac Island, Michigan

Resolution #2004-07-380
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Mayor Louise Schilling is hereby **DESIGNATED** as Voting Delegate and Mayor Pro Tem Robin Beltramini is hereby **DESIGNATED** as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held on September 30 through October 2, 2004 at Mackinac Island, Michigan.

Yes: All-6
No: None
Absent: Stine

F-5 Final Plan Review – Crestwood Site Condominium – North of Wattles, East of Livernois, Part of the Crestfield Subdivision in the SW ¼ of Section 15 – R-1C

Resolution #2004-07-381
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Final Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Crestwood Site Condominium, located on the north side of Wattles Road, east of Livernois Road, including 23 home sites, within the R-1C Zoning District, being 11.983 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes: All-6
No: None
Absent: Stine

F-6 Change Order for Section 19 Drain Improvements

Resolution #2004-07-382
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That a change order to Contract 03-6, Crooks Road Watermain Abandonment, for the installation of the Section 19 Drain Improvements Project to be **AWARDED** to the second lowest bidder, Troelsen Excavating, Co. for the estimated cost of $280,730.00 at unit prices contained in the tabulation of bids opened June 7, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That **AUTHORIZATION IS GRANTED** to add work due to unforeseen circumstances, which is not to exceed 10% of the original project cost. The project will be paid out of the Capital Drains Account.

Yes: All-6
No: None
Absent: Stine

F-7 Option to Renew and Amend Contract – Sidewalk Replacement Program

Resolution #2004-07-383
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, On August 4, 2003 and corrected on August 18, 2003, a one-year contract to provide Sidewalk Replacement and Installation with an option to renew for two additional one-year periods was awarded to the low bidder, Hard Rock Concrete, Inc., at an estimated cost of $366,210.00, if changes in the work are required, either additive or deductive, such changes

are authorized in an amount not to exceed 25% of the contract total per year (Resolution #2003-08-425-E9).

WHEREAS, Hard Rock Concrete, Inc. has agreed to exercise the first one-year option to renew under the same prices, terms, and conditions.

WHEREAS, It is requested the contract be amended to allow for additional sidewalk work as needed, not to exceed $92,237.50.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED AND AMENDED** with Hard Rock Concrete, Inc. to provide Sidewalk Replacement and Installation within the City of Troy for the original contract amount plus $92,237.50, not to exceed a total project cost of$550,000.00, under the same contract prices, terms, and conditions for one-year expiring June 30, 2005.

Yes: All-6
No: None
Absent: Stine

F-9 Final Site Condominium Approval – Wattles Ridge Site Condominium, South of Wattles – East of Rochester – Section 23 – R-1C - Removed by City Management.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

(a) Rezoning Application – North Side of Big Beaver, West of John R Road, Section 23 – E-P to O-1 and R-1E to E-P (Z-402-C) – **Scheduled for Monday, August 9, 2004**

(b) Rezoning Application – South Side of Henrietta Avenue, South of Big Beaver Road and East of Rochester Road – Section 27 – R-1E to P-1 (Z-#695) – **Scheduled for Monday, August 9, 2004**

Noted and Filed

G-2 Green Memorandums:

(a) Proposed Amendments to Taxicab and Limousine Ordinance

(b) Community Center Fitness Room Expansion to Enhance Customer Service

(c) International City/County Management Association (ICMA) Citizen Survey

Noted and Filed

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

H-1 Approval of Privately Funded Displays on Public Property Near City Hall – Proposed by Council Member Lambert

Vote on Resolution to Reconsider

Resolution #2004-07-384
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Resolution #2004-06-325, Moved by Lambert and Seconded by Howrylak, as it appears below be **RECONSIDERED** by City Council:

> *RESOLVED, That City Council DIRECTS City Staff to provide two resolutions on a policy in regard to the original Council resolution regarding cultural and historical displays for the Regular City Council Meeting scheduled for Monday, August 23, 2004.*
>
> *Yes: All-6*
> *No: None*
> *Absent: Stine*

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

MOTION CARRIED

Proposed Resolution to Amend the Reconsidered Resolution by Substitution

Resolution
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the proposed reconsidered resolution be **STRICKEN** in its entirety and **SUBSTITUTED** with:

> *RESOLVED, That the City of Troy **SHALL ALLOW** privately funded displays on the public property near City Hall; and*
>
> *BE IT FURTHER RESOLVED, That the City Council **SHALL ADOPT** a policy governing privately funded displays before they shall be installed; and*
>
> *BE IT FINALLY RESOLVED, That the City Council **SHALL**, at its Regular meeting scheduled for Monday, August 23, 2004, **DESIGNATE** a location near City Hall for privately funded displays based upon recommendations made by the City Manager.*

Proposed Amendment to the Proposed Resolution to Amend the Reconsidered Resolution by Substitution

Resolution
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That the proposed substituted reconsidered resolution be **AMENDED** by **STRIKING,** "ALLOW" and **INSERTING** "consider" in the first paragraph; and **INSERT** "CONSIDER after SHALL," and **STRIKE** "ADOPT" and **INSERT** "ADOPTING" in the second paragraph.

Vote on the Resolution to Amend the Proposed Amendment to the Proposed Resolution to Amend the Reconsidered Resolution by Substitution

Resolution #2004-07-385
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That the proposed amendment to the proposed substituted reconsidered resolution be further **AMENDED** by **STRIKING** "August 23" and **INSERTING** "August 9."

Yes: All-6
No: None
Absent: Stine

Proposed Amendment to Substitute the Proposed Amendment to the Proposed Resolution to Amend the Reconsidered Resolution by Substitution

Resolution
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the proposed resolution to amend the reconsidered resolution by substitution be **AMENDED** by **SUBSTITUTION** by **STRIKING** the amended resolution it in its entirety and **INSERTING**:

> *RESOLVED, That the City of Troy SHALL ALLOW privately funded displays on the public property near City Hall; and*
>
> *BE IT FINALLY RESOLVED, That the City Council SHALL, at its Regular meeting scheduled for Monday, August 9, 2004, DESIGNATE a location near City Hall for privately funded displays based upon recommendations made by the City Manager and will consider a policy to address that issue.*

Vote on Amendment to Amend the Proposed Substituted Resolution to Amend the Proposed Amendment to Substituted Reconsidered Resolution

Resolution #2004-07-386
Moved by Beltramini
Seconded by Schilling

RESOLVED, That the proposed substituted amendment to amend the proposed amendment to the proposed amended substituted reconsidered resolution be **AMENDED** by **INSERTING**, "BE IT FURTHER RESOLVED, That such displays COMPLY with the original City Council resolution regarding cultural and historical displays on the Civic Center site." **AFTER** the first RESOLVED.

Yes: All-6
No: None
Absent: Stine

Vote on Amended Substituted Resolution to Amend the Proposed Amendment to Proposed Reconsidered Resolution by Substitution

Resolution #2004-07-387
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the proposed resolution to amend the reconsidered resolution by substitution be **AMENDED** by **SUBSTITUTION** by **STRIKING** the amended resolution it in its entirety and **INSERT**:

> *RESOLVED, That the City of Troy SHALL ALLOW privately funded displays on the public property near City Hall; and*
>
> *BE IT FURTHER RESOLVED, That such displays COMPLY with the original City Council resolution regarding cultural and historical displays on the Civic Center site; and*
>
> *BE IT FINALLY RESOLVED, That the City Council SHALL, at its Regular meeting scheduled for Monday, August 9, 2004, DESIGNATE a location near City Hall for privately funded displays based upon recommendations made by the City Manager and will consider a policy to address that issue.*

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

MOTION CARRIED

Vote on Substituted Amendment to Proposed Reconsidered Resolution by Substitution

Resolution #2004-07-388
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That the resolution to amend the proposed substituted reconsidered resolution be **AMENDED** by **SUBSTITUTION** by **STRIKING** the amended resolution it in its entirety and **INSERTING**:

> *RESOLVED, That the City of Troy SHALL ALLOW privately funded displays on the public property near City Hall; and*
>
> *BE IT FURTHER RESOLVED, That such displays COMPLY with the original City Council resolution regarding cultural and historical displays on the Civic Center site; and*
>
> *BE IT FINALLY RESOLVED, That the City Council SHALL, at its Regular meeting scheduled for Monday, August 9, 2004, DESIGNATE a location near City Hall for privately funded displays based upon recommendations made by the City Manager and will consider a policy to address that issue.*

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

MOTION CARRIED

Vote on Amended Reconsidered Resolution by Substitution

Resolution #2004-07-389
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the City of Troy **SHALL ALLOW** privately funded displays on the public property near City Hall; and

BE IT FURTHER RESOLVED, That such displays **COMPLY** with the original City Council resolution regarding cultural and historical displays on the Civic Center site; and

BE IT FINALLY RESOLVED, That the City Council **SHALL**, at its Regular meeting scheduled for Monday, August 9, 2004, **DESIGNATE** a location near City Hall for privately funded displays based upon recommendations made by the City Manager and will consider a policy to address that issue.

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

MOTION CARRIED

COUNCIL COMMENTS:

I-1 No Council Comments brought forward.

REPORTS:

J-1 Minutes – Boards and Committees:

(a) Parks and Recreation Advisory Board/Final – May 6, 2004
(b) Planning Commission Special –Study/Draft – June 22, 2004
(c) Planning Commission Special –Study/Final – June 22, 2004

Noted and Filed

J-2 Department Reports:

(a) Update on Proposed Join Meeting Between City Council and the Downtown Development Authority (DDA)
(b) Receipt of Grant for Ash Tree Removal

Noted and Filed

J-3 Letters of Appreciation:

(a) Letter from Gail J. Yax – Troy High School to Chief Craft Expressing Appreciation to Officers Ed Klute, Mark Cole and Paul Bednard for Their K-9 Demonstration; Officers Wayne Lepola and Mark Owczarzak for Their Evidence Technician Demonstration, Officer Russell Weipert for His Assistance in Arranging Tours of the 52nd District Court and the Police Station, and Liaison Officer Sean Morse for His Helpfulness When Organizing Speakers
(b) Letter from Kim D. Ostin on Behalf of the Sterling Heights Emergency Dispatchers Expressing Their Appreciation for the Assistance Given to Them by the City of Troy Dispatchers Displayed Following the Death of Officer Mark Sawyers
(c) Letter from Peg and Tish O'Connor to Chief Craft Thanking Officers Pat Dyjewski and Todd Michael for Their Assistance With Their Disabled Vehicle
(d) Letter from Keith and Renita Lakey to the Troy Police Department Commending Officers Mike Trainer and Lieutenant Bob Rossman, and Other Police Staff for Their Assistance in Their Time of Need
(e) E-Mail from Carla Meier to Nino Licari Complimenting the Assessing Department Staff for Their Courteous Helpfulness
(f) E-Mail from Alex Proszkow to Timothy Richnak Complimenting Bob Robertson's Professional and Personal Service

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

(a) City of Ferndale, Re: MDOT M-1, M-102 Environmental Assessment Study and Supporting Documentation

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Letter from SMART, Re: Status of the Troy/Birmingham Dial-a-Ride Consolidation

J-7 MEMORANDUM, Re: Modification of Approved Tentative Preliminary Plat – Wyngate of Troy Subdivision, East Side of Coolidge Highway, North of Square Lake Road, Section 5 – R-1B

Noted and Filed

J-8 MEMORANDUM, Re: EMS Standby at Public Events

Noted and Filed

J-9 MEMORANDUM, Re: City of Clawson Billboard Case

Also enclosed is some historical background material from the City Manager relative to Troy's financial assistance to Clawson in this regard.

Noted and Filed

STUDY ITEMS:

K-1 No Study Items submitted.

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2004-07-390
Moved by Eisenbacher
Seconded by Howrylak

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.

Yes: All-6
No: None
Absent: Stine

The meeting **RECESSED** at 11:35 PM.

The meeting **RECONVENED** at 11:59 PM.

The meeting **ADJOURNED** at 12:00 AM on Tuesday, July 20, 2004.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC - City Clerk

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: July 29, 2004
SUBJECT: Estate of Leslie McPherson v. City of Troy

Enclosed please find a complaint that was recently filed against the City of Troy. The complaint is filed on behalf of the Estate of Leslie McPherson, and pursued by Personal Representative Trudy McPherson. The lawsuit is brought under the newly revised statutory exception to governmental immunity, MCL 691.1416 et. seq.. Oakland County Circuit Court Judge Steven Andrews will preside over this case.

The sewer back-up occurred on August 4, 2002 at the McPherson home at 6470 Denton. Their finished basement was flooded with sewage water, causing damage to furniture, carpet, and other items. Plaintiff also claims structural damage from the back-up, in addition to a diminution of value of their property and the alleged loss and enjoyment of the property. They are also seeking reimbursement for the time, effort and money spent on sanitizing and cleaning the home. In addition, Plaintiff appears to claim that there was a second back-up four days later, and the exposure to Mr. McPherson resulted in his death. There were no additional details in the complaint to support this allegation, so further investigation will be pursued. These damages are alleged to exceed the $25,000 circuit court jurisdictional limit.

Our office will assume defense of this lawsuit absent objections from City Council. If you have any questions, please let us know.

.

Legal Software, Inc.
(800) 530-2255
Approved, SCAO

Original - Court
1st copy -Defendant

2nd copy - Plaintiff
3

04-059888-NO

JUDGE STEVEN N. ANDREWS
OAKLAND COUNTY MCPHERSON,LES V TROY CITY

STATE OF MICHIGAN 6th JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT

Court address
1200 N. Telegraph Road, Dept. 404, Pontiac, MI 48341-0404

Court telephone no.
248.858.0582

Plaintiff name(s), address(es) and telephone no(s).		Defendant name(s), address(es), and telephone no(s).
Estate of Leslie McPherson, by Trudy McPherson as Personal Representative	v	City of Troy 500 W. Big Beaver Troy, MI 248.524.3316 City Attorney City Manager Public Works Risk Management City Clerk
Plaintiff attorney, bar no., address, and telephone no. MACUGA & LIDDLE, P.C. STEVEN D. LIDDLE (P45110) Co-Counsel for Plaintiff 975 E. Jefferson Ave. Detroit, MI 48207		

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

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

Issued	This summons expires*	Court clerk
JUL 21 2004	OCT 20 2004	G. WILLIAM CADDELL

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

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

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

General Civil Cases

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

VENUE

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

7-20-04
Date

Signature of attorney/plaintiff Steven D. Liddle (P45110)

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

SU
Case

04-059888-NO

OAKLAND COUNTY JUDGE STEVEN N. ANDREWS
MCPHERSON,LES V TROY CITY

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days fro of expiration on the order of second summons. You must make and file your return with the court clerk service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2), and that: (notarization not required)

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____
List all documents served with the Summons and Complaint

_____

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

Service fee	Miles Traveled	Mileage fee	Total fee
$		$	$

_____
Signature

_____
Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature _____
Date Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with: _____
Attachments

_____ on _____
Day, date, time

_____ on behalf of _____
Signature

04-059888-NO

JUDGE STEVEN N. ANDREWS
MCPHERSON,LES V TROY CITY

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ESTATE OF LESLIE McPHERSON
by TRUDY McPHERSON as Personal Representative,

Plaintiff

CASE NO. NO
Hon.

vs.

CITY OF TROY,

Defendant.

/

FIEGER, FIEGER KENNEY & JOHNSON, P.C.
REBECCA S. WALSH (P45331)
Attorney for Plaintiff
19390 West Ten Mile Rd.
Southfield, MI 48075-2463
(248) 355-5555

MACUGA & LIDDLE, P.C.
STEVEN D. LIDDLE (P45110)
Co-Counsel for Plaintiff
975 E. Jefferson Ave.
Detroit, Michigan 48207-3101
(313) 392-0015

/

MACUGA & LIDDLE, P.C.
975 E. JEFFERSON AVE.
DETROIT, MICHIGAN 48207-3101
TELEPHONE (313) 392-0015

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

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff, ESTATE OF LESLIE McPHERSON, by TRUDY McPHERSON, as Personal Representative, and TRUDY McPHERSON, Individually, by and through her attorney, FIEGER, FIEGER, KENNEY & JOHNSON, P.C. and Co-Counsel, MACUGA & LIDDLE, P.C. and state in support of her Complaint against the Defendant, CITY OF TROY (hereinafter "The City"), as follows:

I. Nature of the Action

1. On or about August 4, 2002, Plaintiff's person and property was unreasonably interfered with, and unconstitutionally taken, resulting from the flooding and invasion of Plaintiff's person and property by sewage, pollutants, water, feces, dirt, debris,

bacteria, viruses and noxious odors, thereby causing fatal physical and material injury to Plaintiff's person and property. Plaintiff brings this action pursuant to the Michigan Constitution and MCL 691.1416 which was enacted to ensure that governmental immunity would not bar a claim for damages arising from a sewage invasion.

II. Jurisdiction

2. Plaintiff, TRUDY McPHERSON, is the duly appointed Personal Representative of the estate of Leslie McPherson and is a resident of the City of Troy, County of Oakland, State of Michigan, residing at 6470 Denton.

3. The decedent, LESLIE McPHERSON, was a resident of the City of Troy, County of Oakland, State of Michigan, residing at 6470 Denton.

4. The Defendant, CITY OF TROY, is located in the County of Oakland, State of Michigan and upon information and belief, is a municipality incorporated pursuant to Chapter 117 of the Michigan Compiled Laws of the State of Michigan.

5. The injury giving rise to Plaintiff's Complaint took place in the City of Troy, Oakland County, Michigan.

6. The amount in controversy is in excess of twenty-five Thousand ($25,000.00) Dollars, and is otherwise within the jurisdiction of this Court.

III. Venue

7. Venue is proper in this Court pursuant to MCL 600.1615.

III. General Allegations

8. On or about August 4, 2002, Plaintiff's basement was flooded and physically invaded by water and sewage.

MACUGA & LIDDLE, P.C.
975 E. JEFFERSON AVE.
DETROIT, MICHIGAN 48207-3101
TELEPHONE (313) 392-0015

MACUGA & LIDDLE, P.C.
975 E. JEFFERSON AVE.
DETROIT, MICHIGAN 48207-3101
TELEPHONE (313) 392-0015

9. The water and sewage which physically invaded Plaintiff's person and property contained feces, dirt, debris, bacteria, viruses, noxious odors, and other unknown materials.

10. The water and sewage which flooded and settled on Plaintiff's property contained an extremely offensive odor.

11. Plaintiff has complied with the notice requirements of MCL 691.1416 et seq.

12. More than forty-five (45) days have elapsed since Plaintiff provided notice to the Defendant regarding Plaintiff's claim of damages and physical injury, and the Defendant, despite the fact that it has investigated Plaintiff's claim of damages, has made no effort to satisfy Plaintiff's claims.

13. The flooding of Plaintiff's residence by the sewer system has caused Plaintiff damages including but not limited to the following:

A. Fatal injury of Plaintiff's Decedent, Leslie McPherson;

B. Structural damage to Plaintiff Trudy McPherson's real property;

C. Destruction of Personal property;

D. Plaintiff has, or will, spend a great amount of time, effort and money to sanitize and clean their residence due to the bacteria and other unsanitary conditions caused by the flooding of their residence by untreated sewage;

E. Diminution in market value of Plaintiff's property; and,

F. Loss of use and enjoyment of Plaintiff's property.

14. Pursuant to MCL 691.1416 et. seq. and the Michigan Constitution, Plaintiff's claims are not barred by Governmental Immunity.

COUNT I

MACUGA & LIDDLE, P.C.
975 E. JEFFERSON AVE.
DETROIT, MICHIGAN 48207-3101
TELEPHONE (313) 392-0015

Claim For a Sewage Disposal System Event Pursuant to MCL 691.1416 et seq.

15. The allegations contained in Paragraphs 1-14 are realleged and incorporated as if referenced herein.

16. Upon information and belief, the City, on or about August 4, 2002, was jet cleaning the main sewer line which services Plaintiff's residence without the knowledge of Plaintiff decedent.

17. On or about August 8, 2002, Plaintiff was working in his basement when, as a result of the City's jet cleaning and/or maintenance of its sewer lines, Plaintiff received a direct stream of sewage to his face and body which contained pollutants, water, feces, dirt, debris, bacteria, viruses and noxious odors, thereby causing fatal physical injury to Plaintiff's person.

18. Plaintiff Trudy McPherson and Plaintiff's Decedent, Leslie McPherson suffered injuries and damages from a sewage disposal system event.

19. Plaintiff Trudy McPherson and Plaintiff's Decedent, Leslie McPherson's person and property was flooded and/or physically invaded by the contents of a sewage disposal system owned or operated by the Defendant.

20. Plaintiff Trudy McPherson and Plaintiff's Decedent, Leslie McPherson's person and/or property was flooded and/or physically invaded by the contents of a sewage disposal system into which the Defendant either directly or indirectly discharges.

21. The Defendant is an appropriate governmental agency in that at the time Plaintiff's property was flooded by water and sewage, the Defendant owned or operated or directly or indirectly discharged into the portion of the sewage disposal system that caused damage and physical injury to Plaintiff's person and property.

22. The sewage disposal system that serviced Plaintiff's property had a construction, design, maintenance, operation or repair defect which the Defendant knew, or in the exercise of reasonable diligence, should have known about.

23. The Defendant had the legal authority to repair, correct or remedy the defect.

24. The Defendant failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect, which defect was a substantial proximate cause of the flooding and damage of Plaintiff's person and/or property by sewage, pollutants, water, feces, dirt, debris, bacteria, viruses and noxious odors.

25. As a result of Defendant's breach of duty and failure to act reasonably as described above, Plaintiff Trudy McPherson, Individually and as Personal Representative for the Estate of Leslie McPherson, suffered damages and will continue to suffer damages, including, without limitation, the following:

a. Reasonable medical, hospital, funeral and burial expenses;

b. Reasonable compensation for the pain and suffering the decedent experienced while he was conscious during the time between his injury and his death;

c. Losses suffered by the next of kin as a result of the decedent's death, including the following:

(i) loss of financial support;

(ii) loss of services;

(iii) loss of gifts and other valuable gratuities;

(iv) loss of parental training and guidance;

(v) loss of society and companionship; and

MACUGA & LIDDLE, P.C.
975 E. JEFFERSON AVE.
DETROIT, MICHIGAN 48207-3101
TELEPHONE (313) 392-0015

(vi) other miscellaneous losses.

WHEREFORE, Plaintiff Trudy McPherson, Individually and as Personal Representative for the Estate of Leslie McPherson, deceased, respectfully requests that this Honorable Court enter Judgment in her favor and against Defendant and award costs, interest and attorney fees wrongfully incurred.

COUNT II

Unconstitutional Taking of Plaintiff's Property Caused by Overflow of the Sewer

25. The allegations contained in Paragraphs 1-24 are realleged and incorporated as if referenced herein.

26. Article 10 Subsection 2 of the Michigan Constitution states that private property shall not be taken without payment of just compensation.

27. Water and sewage accumulated and controlled by the Defendant has physically invaded and settled upon Plaintiff Trudy McPherson's and Plaintiff's Decedent, Leslie McPherson's person and property.

28. The physical invasion of Plaintiff Trudy McPherson and Plaintiff's Decedent, Leslie McPherson's person and property by water and sewage unjustifiably and unlawfully, interfered, hindered, prevented and deprived Plaintiff of their exclusive right to utilize their property for the purpose which it was intended to be used.

29. Plaintiff Trudy McPherson has not been paid just compensation for the interference or unconstitutional taking of her person and property.

30. Plaintiff did not consent to the invasion or unconstitutional taking of her

MACUGA & LIDDLE, P.C.
975 E. JEFFERSON AVE.
DETROIT, MICHIGAN 48207-3101
TELEPHONE (313) 392-0015

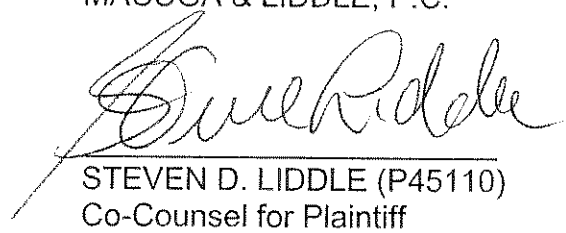
person and property.

31. The unconstitutional taking of Plaintiff Trudy McPherson and Plaintiff's Decedent, Leslie McPherson's person and property entitles Plaintiff to an award of just compensation and attorneys fees.

WHEREFORE, Plaintiff Trudy McPherson, Individually and as Personal Representative for the Estate of Leslie McPherson, deceased, respectfully requests that this Honorable Court enter Judgment in her favor and against Defendant and award costs, interest and attorney fees wrongfully incurred.

Respectfully,

MACUGA & LIDDLE, P.C.



STEVEN D. LIDDLE (P45110)
Co-Counsel for Plaintiff
975 E. Jefferson Ave.
Detroit, MI 48207
(313) 392-0015

Dated: July 20, 2004

MACUGA & LIDDLE, P.C.
975 E. JEFFERSON AVE.
DETROIT, MICHIGAN 48207-3101
TELEPHONE (313) 392-0015

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ESTATE OF LESLIE McPHERSON
by TRUDY McPHERSON as Personal Representative,

Plaintiff

DEPUTY COUNTY CLERK

CASE NO. NO
Hon.

vs.

CITY OF TROY and
JOHN DOE REPRESENTATIVES,
EMPLOYEES, OR AGENTS
OF THE CITY OF TROY,
JOINTLY AND SEVERALLY,

Defendants.

/

FIEGER, FIEGER KENNEY & JOHNSON, P.C.
REBECCA S. WALSH (P45331)
Attorney for Plaintiff
19390 West Ten Mile Rd.
Southfield, MI 48075-2463
(248) 355-5555

MACUGA & LIDDLE, P.C.
STEVEN D. LIDDLE (P45110)
Co-Counsel for Plaintiff
975 E. Jefferson Ave.
Detroit, Michigan 48207-3101
(313) 392-0015

/

JURY DEMAND

NOW COMES the Plaintiff in the above entitled action and demands a trial by jury.

Respectfully,

MACUGA & LIDDLE, P.C.

STEVEN D. LIDDLE (P45110)
Co-Counsel for Plaintiff
975 E. Jefferson Ave.
Detroit, MI 48207
(313) 392-0015

Dated: July 20, 2004

MACUGA & LIDDLE, P.C.
975 E JEFFERSON AVE.
DETROIT, MICHIGAN 48207-3101
TELEPHONE (313) 392-0015

July 23, 2004

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Air Compressor Repair and Maintenance

RECOMMENDATION

On July 2, 2004, bid proposals were opened to provide three-year requirements of Air Compressor repair and maintenance for the Fire Department with an option to renew for two additional years. City management recommends the contract be awarded to the low bidder, Air Technologies, Inc. of Livonia, MI, for an estimated total cost of $21,480.00 or $7,160.00 annually.

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

BACKGROUND

- The Fire Department utilizes ten (10) high-pressure air compressors for the filling of self-contained breathing apparatus. Each of these units operates at pressures of between 4500 and 6000 psi.

- This contract will provide semi-annual maintenance visits that include filter changes, adjustments, cleaning, and laboratory air quality analysis.

- The service includes repairs on an as needed basis.

SUMMARY

The original bid for this contract was rejected on June 7, 2004, as the single bid received exceeded contract estimates. (Resolution #2004-06-300-E10) Three bids were received on the re-bid, which resulted in an estimated savings of $14,000.00 per year.

BUDGET

Funds are budgeted in the Fire Operations Account #344.7802.150.

39 Vendors Notified on the MITN System
3 Bid Responses Rec'd
1 Late Bid

Prepared by: Richard Sinclair, Assistant Fire Chief

VENDOR NAME:	* AIR TECHNOLOGIES	COMPRESSION SYSTEMS	CONTROLLED ** TEMPERATURE
PROPOSAL: Air Compressor maintenance and repair for the Troy Fire Department			
QTY / DESCRIPTION	**COST PER VISIT**		
ITEM #1- Bi-Annual Maintenance Cost			
5 ea American Bristol - Bauer 3.5 cfm block, stationary, 5000 psi	**$ 220.00**	$ 226.00	($9,610.00) $ 320.33
1 ea Eagle, Hamworthy 22 cfm block, trailer mounted, 6000 psi	**$ 270.00**	$ 554.00	($2,260.00) $ 376.66
1 ea Mako K-15, Bauer 16 cfm block, trailer mounted, 4500 psi	**$ 220.00**	$ 348.00	($1,930.00) $ 321.66
1 ea Bauer H13V, 6000 psi, Securus P-2 Filtration System	**$ 220.00**	$ 348.00	($2,053.00) $ 342.16
1 ea Bauer H25B 20hp, 6000 psi, Securus P-5 Filtration System	**$ 270.00**	$ 505.00	($1,941.00) $ 323.50
1 ea Bauer 3.5 cfm block, Bauer Securus P-2 Filtration System	**$ 220.00**	$ 348.00	($1,950.00) $ 325.00
BAUER PARTS: In Stock - Y or N	YES	YES	YES
Dollar Amt Stocked	$ 55,000.00	$ 15,000.00	$ 2,000.00
TOTAL PARTS INVENTORY:			
In Stock Inventory Value	$ 2,800,000.00	$ 30,000.00	$ 3,000.00
Sub-Total (Per Year) -	**$ 4,600.00**	$ 6,466.00	$ 6,581.26
ITEM #2 - Repair Service			
Estimated Hours Per Year - 40			
Regular Time	**$ 64.00**	$ 76.00	$ 90.00
Overtime	**$ 96.00**	$ 114.00	$ 135.00
Holiday Time	**$ 128.00**	$ 152.00	$ 180.00
Crew Size	ONE	ONE	ONE
Travel Time	**$ 32.00**	$ 50.00	$ 91.00
		TRUCK CHARGE/VISIT	
ESTIMATED TOTAL: (Per Year)	**$ 7,160.00**	$ 9,506.00	$ 10,181.26
ESTIMATED GRAND TOTAL: (All Three-Years)	**$ 21,480.00**	$ 28,518.00	$ 30,543.78
REPAIR PARTS:			
Discount of %	10%	10%	10%
Parts Price List (Y or N)	BAUER	BLANK	BAUER/AMER BRISTOL
Dated	6/10/04	BLANK	6/30/04
Markup or Markdown	BLANK	16%	10%
Alternate Parts Pricing	BLANK	BLANK	N/A
SITE INSPECTION:			
Visited site - Y or N	YES	YES	YES
Date	4/27/04	2002	6/30/04
INSURANCE: Can meet	XX	XX	BLANK
Cannot Meet			

VENDOR NAME:	* **AIR TECHNOLOGIES**	COMPRESSION SYSTEMS	CONTROLLED ** TEMPERATURE
CONTACT INFORMATION:			
Hrs of Operations	24 HRS	7-5	8-5
Phone	(866)300-2601	(517)548-1950	(248)669-0500
TECHNICIANS TRAINING:			
Attached: Y or N	YES	YES	NO
Marked	ATTACHED	ATTACHED	
YEARS IN BUSINESS	42+	4	30+
TERMS:	NET 10	NET 30 DAYS	30 DAYS
WARRANTY:	30 DAYS	60 DAYS	ONE YEAR
DELIVERY DATE(S)	2 TIMES PER YEAR	BLANK	ON DEMAND
EXCEPTIONS:	BLANK	BLANK	N/A
ACKNOWLEDGEMENT:			
Completed - Y or N	YES	YES	YES

Proposal - Three Year Requirements of Air Compressor Maintenance and Repair for the Troy Fire Department with an Option to Renew for an Additional Two-Year Period

*** DENOTES LOW BIDDER**

** CLERICAL ERROR - CTI CALCULATED THE TOTAL COST OF THE CONTRACT FOR EACH OF THE COMPRESSORS; INSTEAD OF THE COST FOR EACH COMPRESSOR VISIT. PURCHASING VERIFIED THE ERROR.

ATTEST:
Shirley Smith
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 04-33AirCompres

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **7/23/2004.**

Document Title:	Three Year Requirements of Air Compressor Maintenance
Date Issued:	6/14/2004
Close Date:	7/2/2004

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
17063	3-D Service Michigan, Ltd.	E-mail		
17251	Air Technologies, Inc/Ohio Transmission Corp	Free	6/17/2004	
11257	Allied, Inc.	E-mail	6/15/2004	
10624	Arctic Air, Inc.	E-mail	7/1/2004	
12040	Argus Supply Company	E-mail	6/14/2004	
15248	Associated Design & Services, Inc.	E-mail		
18004	Bobcat Of MotorCity	E-mail	6/29/2004	
12836	Burke Equipment Co	E-mail		
12856	CCH Incorporated	Free	6/16/2004	
11397	Central Air Compressor	E-mail	6/23/2004	
11040	Cloverdale Equipment Company	E-mail		
17273	Compression Systems, Inc.	E-mail	7/1/2004	
14834	Controlled Temperature Inc.	Free	6/30/2004	
13576	DAC TECHNOLOGIES INC.	Free	6/21/2004	
16943	Detroit Boiler Company	E-mail	6/15/2004	
10707	Detroit Diamond Drilling Inc.	E-mail		
11363	Detroit Electric Motor Works, Inc.	E-mail		
10669	Douglass Safety Systems	E-mail	6/17/2004	
12824	Johnson Controls	E-mail	7/2/2004	
17872	Johnson Controls Incorporated	E-mail	6/16/2004	
16592				

	KTS and Company, Inc	Free	6/18/2004	
17919	Mac's Service Equipment Incorporated	Free	6/21/2004	
12302	MECHANICAL COMFORT, INC.	E-mail		
12144	Mechanical Sheet Metal Co.	E-mail		
11630	Mercer Equipment Rentals	E-mail		
14205	METROL CO.	E-mail	6/25/2004	
17802	PBS SERVICES	E-mail	6/17/2004	
15415	Process Control Services	E-mail		
12056	Quality Temperature Inc.	E-mail	6/28/2004	
11361	Quickie Carpet Cleaning	Free	6/21/2004	
12531	Rohr gasoline equipment inc.	E-mail		
16152	SealSource, Inc.	E-mail		
12294	Siemens Building Technologies, Inc.	E-mail		
13730	SMART Management Group, LLC	E-mail		
17916	SUB-AQUATICS INC DBA BREATHING AIR SYSTEMS	Free	6/21/2004	
12630	Thermal Engineering Corporation	E-mail		
17039	TMI-Champco Compressors Inc	E-mail	6/15/2004	
12714	WEST SHORE FIRE INC.	Fax	6/16/2004	
15858	York Electric Motors, INC.	E-mail		

Return to Main Menu Return to Report Menu

July 14, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate Development Director
Larysa Figol, Right of Way Representative

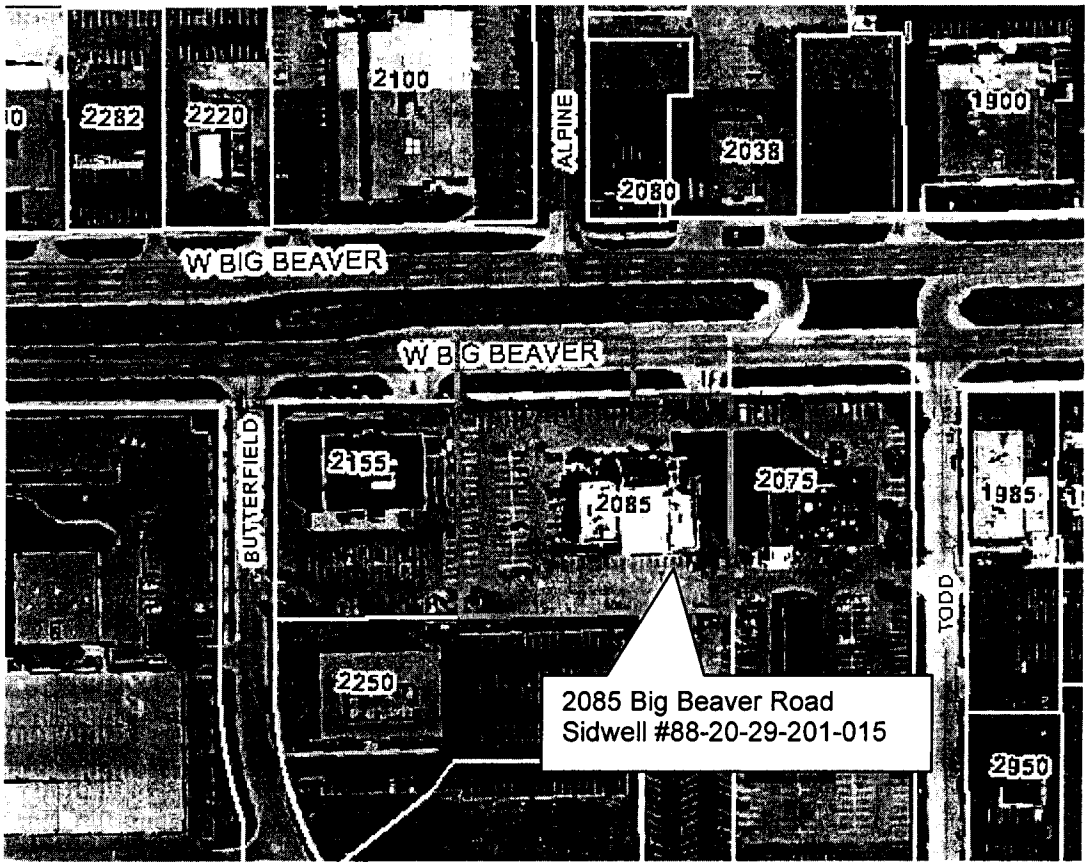
SUBJECT: AGENDA ITEM – REQUEST FOR ACCEPTANCE OF A PERMANENT EASEMENT FOR WATERMAIN – 2075 ASSOCIATES LIMITED PARTNERSHIP – 2085 BIG BEAVER Sidwell #88-20-29-201-015

In connection with the development of a commercial property, the future site of Maggiano's Little Italy Restaurant, in Section 29 on the south side of Big Beaver between Butterfield and Todd, the Real Estate and Development Department has acquired a watermain easement from the property owner, 2075 Associates Limited Partnership. The consideration on this document is $1.00

Management recommends that City Council accept the attached easement.

2075 BIG BEAVER ROAD
Sidwell # 88-20-29-201-015

2075 BIG BEAVER ROAD
Sidwell # 88-20-29-201-015



PERMANENT EASEMENT

Sidwell # 88-20-29-201-015
Resolution #

2075 Associates Limited Partnership, a Michigan limited partnership, Grantor, whose address is 33020 Northwestern Hwy, Suite 205, Farmington Hills, MI 48334 for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 26th day of March A.D. 2004.

2075 Associates Limited Partnership, a Michigan limited partnership

By: 2075 Investment Corporation,
a Michigan Corporation
Its: General Partner

By: _____
*David B. Friedman
Its: President

STATE OF)
COUNTY OF)

The foregoing instrument as acknowledged before me this 26th day of March, 2004, by David B. Friedman, President of 2075 Investment Corporation, a Michigan Corporation, general partner of 2075 Associates Limited Partnership, a Michigan limited partnership, on behalf of corporation and the partnership.

Carrie L. Tokarczyk

Notary Public, Wayne County, Michigan

My Commission Expires June 30, 2007

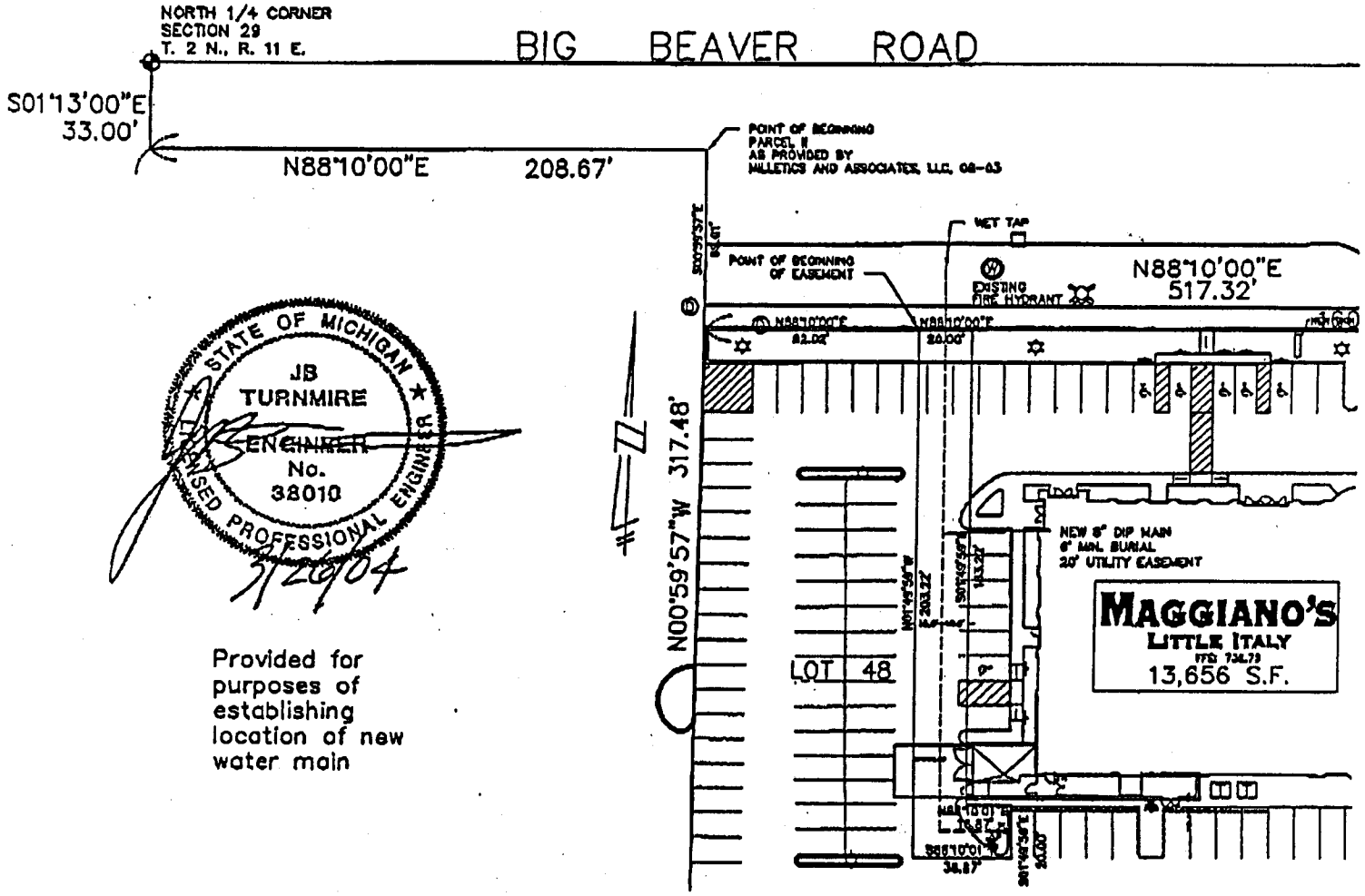
CARRIE L. TOKARCZYK
Notary Public, Wayne County, MI
My Commission Expires Jun. 30, 2007

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT A

MAGGIANO'S WATERLINE 2089 (FORMERLY 2085) BIG BEAVER ROAD



Provided for purposes of establishing location of new water main

A 20 foot wide easement within Lot 48, Supervisor's Plat of Butterfield Farms, a subdivision of part of the Northeast 1/4 of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 48, on Page 44 of Plats, Oakland County Records. The easement commencing at the North 1/4 corner of said Section 29; thence S01°13'00"E 33.00 feet, and N88°10'00"E 208.67 feet, and S00°59'57"E 69.01 feet, and N88°10'00"E 82.02 feet to Point of Beginning of easement; thence N88°10'00"E 20.00 feet; thence S01°49'59"E 183.22 feet; thence N88°10'01"E 16.87 feet; thence S01°49'59"E 20.00 feet; thence S88°10'01"W 36.87 feet; thence N01°49'59"W 203.22 feet back to the Point of Beginning.

July 16, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Mary Redden, Administrative Assistant to City Manager

SUBJECT: Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over $10,000: Southeast Michigan Council of Governments (SEMCOG) 2004 Membership Dues

Attached is an invoice from SEMCOG in the amount of $11,040.00 for the City's 2004 membership dues. Funds are available for this membership in City Council's *Membership & Dues* account number 102.7958.

SEMCOG . . . *Local Governments Advancing Southeast Michigan*

Southeast Michigan Council of Governments • 535 Griswold Street, Suite 300 • Detroit, Michigan 48226-3602 • 313-961-4266 • *Fax 313-961-4869*
www.semcog.org

June 23, 2004

RECEIVED
JUL 16 2004
CITY OF TROY
CITY MANAGER'S OFFICE

Mary Redden, Office Coordinator
City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Ms. Redden:

An invoice for your 2004 membership dues is enclosed. We encourage you to renew your SEMCOG membership because your involvement represents a valuable investment in your community and Southeast Michigan. Your continued support strengthens SEMCOG's presence among local governments, state and federal agencies, and the general public. A stronger SEMCOG means a stronger voice for you and the interests of Southeast Michigan.

SEMCOG's resources and technical expertise are available to members, often at no charge or discounted. These services are designed to enhance the roles of elected officials making them even more effective in responding to constituent concerns. In addition, active participation on SEMCOG's advisory councils, General Assembly, and Executive Committee is encouraged to ensure maximum benefit from membership.

We look forward to continuing to work with you and your staff. If you have any questions, please feel free to contact SEMCOG's Membership Manager, Durene Brown, at (313) 961-4266, or e-mail your inquiries to brown@semcog.org.

Sincerely,

Joan Flynn
Chairperson

Paul E. Tait, CAE
Executive Director

cc: Robin Beltramini, Councilperson/City of Troy
Mark F. Miller, Planning Director/City of Troy

Joan Flynn Chairperson *Commissioner, Macomb County*
Gregory Pitoniak First Vice Chairperson *Mayor, City of Taylor*
Mary Blackmon Vice Chairperson *Member, Wayne County Regional Education Service Agency*
John F. Jones Vice Chairperson *Supervisor, Ira Township*
Chuck Moss Vice Chairperson *Commissioner, Oakland County*
Barbara Urban Vice Chairperson *Trustee, Charter Township of Harrison*
Maryann Mahaffey Immediate Past Chair *Council President, City of Detroit*
Paul E. Tait Executive Director

Recycled paper

070104

Sales Order # : 2004

SEMCOG
Southeast Michigan Council of Governments
535 Griswold Street • Suite 300 • Detroit, Michigan 48226
(313) 961-4266 • FAX (313) 961-4869

MEMBERSHIP NOTICE

City Of Troy
500 W. Big Beaver
Troy, MI 48084

	Invoice Date	
LOCAL-A	07/01/2004	07/01/2004

	Invoice Amount
2004 Membership Dues	$11,040.00

SEMCOG, serving local units of government and education in the seven-county region of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne

INVOICE
Annual Membership in
Southeast Michigan Council of Governments

For the Period From July 15, 2004

To July 15, 2005

[The annual contribution is established by the by-laws and action of the General Assembly]

Membership Fee $11,040.00

Balance Due $11,040.00

Please enclose yellow copy with remittance to insure proper credit

August 2, 2004

To: John Szerlag, City Manager

From: Steve Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Approval of Changed Service Dates for Maintenance Contract for Sanctuary Lake Golf Course

Recommendation

City Management requests approval that the contract dates for maintenance for Sanctuary Lake be July 1, 2004 - December 31, 2004.

Background

On March 1, 2004, City Council authorized staff to prepare contract documents for golf maintenance and awarded the contract to Treadwell Golf and Associates (resolution # 2004-03-117).

The contract documents have been completed with maintenance to be provided July 1, 2004 to December 31, 2004 at an estimated cost of $480,400.00. The approved resolution indicated the contract dates to be July 1, 2004 to November 30, 2004.

The contract is attached and it is requested that the City Clerk and Mayor execute the documents.

_____

Reviewed and approved by the City Attorney's office

GOLF COURSE MAINTENANCE AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2004 by and between, THE CITY OF TROY, a Michigan Municipal Corporation, whose principal address is 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter designated as the "City" and Treadwell Golf & Associates, Inc., a Michigan Corporation, whose address is 417 Eureka, Wyandotte, Michigan 48192 hereinafter designated as the "Contractor".

WHEREAS, the City has approved the plans for the construction of a municipal golf course near the intersection of South Boulevard and Dequindre Road to be known as Sanctuary Lake Golf Course;

WHEREAS, the City desires to maintain Sanctuary Lake Golf Course at the very highest quality of landscaping possible and to provide an environmentally sound maintenance plan consistent with the Audubon International Cooperative Sanctuary and/or the Michigan Turfgrass Environmental Stewardship Program;

WHEREAS, the City seeks a maintenance Contractor who acknowledges the City goals for high quality maintenance and agrees to work with the City to achieve those goals;

NOW THEREFORE, the parties agree to enter into this Agreement to set out the terms, conditions and goals for the maintenance of the Sanctuary Lake Golf Course as follows:

TERMS AND CONDITIONS:

1. SCOPE OF WORK

A. Golf course and landscape maintenance shall be defined to include the complete care as defined within these specifications, of Holes #1-18, driving range, practice greens, clubhouse, common areas, tees, fairways, roughs, planted trees, plants, groundcovers, lawn areas within the limits of the Sanctuary Lake Golf Course. Attachment 2 is the schematic of the area to be maintained.

B. Reference to landscape maintenance in this agreement shall also include turf maintenance.

C. The Contractor shall provide all materials and labor required and/or inferred to perform all tasks identified within these specifications. Any equipment needed other than that provided in Attachment 1 is the responsibility of the Contractor. The equipment listed in Attachment 1 will be available for use by the Contractor and returned to the City in good working condition taking into account ordinary wear and tear. Furthermore the Contractor agrees to follow the Manufacturers recommended initial service and all subsequent preventative maintenance to the equipment with

accurate record keeping pertaining to initial service, preventative maintenance and warranty repairs.

D. All labor shall be done in a manner resulting in a quality of workmanship reflective of the expectation by the City for a high quality of golf course maintenance and landscape maintenance. Appropriate equipment shall be used on each of the different areas to be maintained or landscaped.

2. STATEMENT OF INTENT - LEVEL OF MAINTENANCE

A. The Contractor is hereby made aware that the City expects the golf course landscape and turf management maintenance to be of the very highest quality possible taking into account the playability of the game and achieving a balance between the needs of the golfer and the agronomic needs of the golf course. All work to be performed within the scope of these specifications shall be strictly managed, executed, and performed by experienced personnel.

B. It is the City's intent to maintain the course in practices consistent with the Audubon International Cooperative Sanctuary and/or Michigan Environmental Turfgrass Stewardship Program. The Contractor must adhere to best management practices regarding environmental issues.

3. GOLF COURSE MAINTENANCE INSPECTIONS AND REPAIRS

A. The Contractor shall be responsible for notifying the City of any turf or maintenance problems. Notice shall be given to the City by way of the presentation of Maintenance Worksheet to the Director of Parks and Recreation (hereinafter "Director") or her designated representative. The Worksheets need not contain normal required or routine maintenance covered within the maintenance specifications. Worksheets shall be prepared on the first Monday of each month and delivered to the Director or her designee on that day. Incidents such as incidents on the golf course with employees, guests or residents, accidents, injuries, vandalism and/or items which would not be considered usual maintenance shall be reported in writing and delivered to the Director or her designee within one working day.

B. The Director or her designee and a representative of the Contractor will perform a grounds inspection on the entire property bi- weekly. At that time, the Contractor will compile a list of the landscape and other facility related maintenance work that shall be performed before the next grounds inspection. The Director or her designee and the Contractor will be responsible for scheduling the bi-weekly landscape maintenance inspections.

C. The Contractor shall replace, at the Contractor's expense, all turf grasses and plant material, which, in the opinion of the City, fail to be in a healthy, vigorous condition as a result of the Contractor's failure to perform the work specified herein. This shall include but not limited to turf damage caused by equipment or golf cars, traffic wear areas, irrigated areas that fail due to faulty heads, etc.

D. The Contractor shall replace, at the Owner's direction and Owner's expense, directional flags, ball washers, distance markers, tee markers, sand containers, water coolers, water cooler stands, signage and any other items of personal property normally associated with a golf course., directional flags, ball washers, distance markers, tee markers, sand containers, water coolers, water cooler stands, signage and any other items of personal property normally associated with a golf course. The Owner will provide or pay the cost to the Contractor for the replacement of; tee towels, soap, ball washers, putting green cups and flags, benches, trap rakes, trash receptacles, cleat brushes, range stands, range water buckets, water coolers, tee sand / seed containers, hazard stakes, hazard paint and other similar pertinent golf course equipment. Upon opening, the golf course will be fully equipped with all items needed to operate the course including all of the above. The owner is responsible for replacement only.

E. It is the responsibility of the Contractor to notify the City of any conditions beyond the control of the Contractor or scope of work of these specifications, which may result in the damage, and/or loss of plant material. This responsibility includes, but is not limited to the following:

1. Vandalism and/or other abuse of property, which results in damage to the golf course property including plant material. Damage and or abuse of property from vandalism, resulting in damage to the golf course will be repaired by contractor at Owner's expense.

F. The Contractor shall list any such items on the Maintenance Worksheet with recommended solutions and date to be completed. Projects discussed during bi-weekly inspections shall be detailed according to line item if not part of the Agreement to include cost for Contractor to complete. Failure of the Contractor to report such items within 10 days of their discovery by Contractor shall cause Contractor to incur full responsibility and cost for repair of such items. Damage and or abuse of property from vandalism, resulting in damage to the golf course will be repaired by contractor at Owner's direction, approval and expense. Contractor will facilitate the completion of a police report and copy the Owner.

4. PERSONNEL

A. The Contractor shall provide a Superintendent and maintenance crew at the golf course daily, including weekends and holidays, during normal working hours, as determined by the City. Normal working hours for the maintenance of the golf course will be typically 6:00 a.m. through 2:00 p.m. Under no circumstances, shall the City be responsible for payment of overtime wages to Contractor and/or any of Contractor's employees.

B. A Personnel Worksheet will be produced as an attachment to the Agreement that details the Contractor's budgeted personnel to be staffed throughout the entire year. The Worksheet will detail the number of employees to be on hand for each work week and job titles.

C. Typically, the existing City course has been open for golf business in March and play has extended well into December. The peak operating season in Michigan requires an understanding that 80% of the course revenues are attained during the season and this position may require many overtime hours in order to maintain the course at its highest standards. This provision in the Agreement will require the Contractor to detail the additional work required during such timeline as to achieve the highest performance results during the peak season.

D. The Contractor must employ sufficient personnel to perform all work as specified and approved by the City. In the case of well system and irrigation system maintenance and repair, the Contractor shall agree to employ qualified personnel to perform this work as approved by the City.

E. All of the Contractor's personnel shall be neat and clean at all times and must wear approved uniforms and safety equipment provided by the Contractor. All personnel must start each workday with neat, non-soiled, approved uniform.

F. Persons employed by the Contractor who are found not to be satisfactory by the City shall be discharged or reassigned by the Contractor immediately and on no longer than five (5) days' notice from the City.

G. Employees of the Contractor involved in turfgrass maintenance, specifically spraying of pesticides will carry all necessary certifications in compliance with the Michigan Department of Agriculture.

H. The Employees of the Contractor are in no way considered employees of the City during or after the completion of this contract and the City is not required to extend employment to any of Contractors employees upon completion of this Contract.

5. REPORTING

The Contractor or its representative shall meet with the Director or her designee as needed to review the performance of the Agreement and to discuss any problems or matters as determined by the City.

6. RECORDS

A. In addition to any other reporting requirements set out herein, the Contractor shall complete a monthly Maintenance Report which indicates the City's approval by written signature of the Director of additional work performed outside the specifications of this Agreement. That Maintenance Report shall contain an estimate by the Contractor of the costs for labor, materials and costs for the additional work. The Contractor shall also submit a Completion Report to the Director. This report shall contain a description, including man-hours, equipment, and materials breakdown and costs used to accomplish any additional work, which the Contractor and the City agreed to beyond the scope of the Agreement. Payment for additional work will not be authorized unless the City first approves the additional work, labor, equipment and costs.

B. The Contractor shall also permit the City or its representatives or agents to inspect and audit its books and records at any reasonable times as relating to this maintenance contract. The Contractor shall allow access to the Contractor's books and records within two (2) days after the request under this paragraph unless a different time is agreed to in writing by the City.

7. EMERGENCY SERVICES

The Contractor shall provide the City with the names and telephone numbers of at least two (2) qualified persons who can be contacted by a City employee or representatives when emergency maintenance conditions occur during hours when the Contractor's normal workforce is not present. During periods of sufficiently inclement weather as determined by the City, the Contractor shall provide sufficient personnel twenty-four (24) hours per day at the golf course for the purpose of undertaking any tasks required to prevent damage to golf course improvements and facilities.

8. COURSE TEMPORARILY OUT OF PLAY

Whenever play on the golf course is temporarily suspended due to inclement weather conditions as determined by the City, the Director or her designee shall make the final determination as to when play can resume and when carts are allowed on the course.

9. COURSE OUT OF OPERATION

A. If the golf course area is unusable for golf for any reason, including acts of nature or vandalism, the Director or her designee may declare that an emergency condition exists and that the golf course is out of operation.

B. The Contractor and the Director or her designee will jointly determine what changes in the normal level of maintenance, if any, may be necessary, including additional hours of labor and materials. During the period of an emergency shut down of the golf course, the consideration to be paid to the Contractor under the terms of this Agreement shall be increased or decreased only if there is a change in the overall level of service rendered by the Contractor as determined by both parties. Any increase in consideration to the Contractor shall be calculated on the basis of additional actual cost. A decrease in consideration shall be calculated on the basis of the value of labor and materials, which the Contractor does not have to expend as a result of an emergency condition. If the parties are unable to agree on any aspect herein, an arbitrator shall be jointly agreed to by the parties to resolve the issue.

C. Notwithstanding any provisions contained elsewhere in this Agreement, the City reserves the right to perform any repair or construction work it deems advisable, including normal routing maintenance contemplated by this Agreement, with its own labor and equipment or through a third party and the Contractor waives any claim for costs or damages of any nature.

10. SPECIFICATIONS FOR MAINTENANCE

Exhibit A sets out the specifications and description for golf course maintenance services which will include holes #1-18, practice facility, practice greens, clubhouse and common areas to accomplish the professional level of maintenance required under this Agreement. If there is a conflict between the specification set out in Exhibit A and the specifications of the Audubon International Cooperative Sanctuary specifications and the Michigan Turfgrass Environmental Stewardship Program specifications, the Audubon International Cooperative Sanctuary specifications shall take precedence over the Michigan Turfgrass Environmental Stewardship Program specification and Exhibit A. If there is a conflict between the specification set out in Exhibit A and the specifications of the Michigan Turfgrass Environmental Stewardship Program specifications, the Michigan Turfgrass Environmental Stewardship Program specifications shall take precedence.

11. MATERIALS TO BE PROVIDED BY CONTRACTOR

The Contractor at his own cost and expense shall furnish all necessary equipment, supplies and materials that may be required to perform the work set out in Exhibit A. Exhibit A sets out the specifications and description for golf course maintenance services which will include holes #1-18, practice facility, practice greens, clubhouse and common areas shall include, but not be limited to:

A. All equipment necessary or appropriate for the performance of services under this Agreement, together with all necessary gas, oil, and spare parts for all equipment used by the Contractor.

B. All necessary top dressing, seed, fertilizers, fungicides, insecticides, and herbicides.

C. All parts necessary for the repair and maintenance of all irrigation systems.

D. Materials for the maintenance of drains except for maintenance and parking lot drainage

E. Sand for bunkers being checked frequently and added as needed.

F. The Contractor will be responsible for the payment of water bills and utilities for the pump house and maintenance building.

G. The Contractor shall not be required to bear the cost of replacing capitalized items which are part of the irrigation systems such as pumps, controllers, valves, wiring; but shall be required to perform repairs and service to the same as part of its obligations under this Agreement. The Contractor should maintain minimal stock of repair items needed to handle quick repairs to the system.

H. It is understood that for the length of this Agreement, all equipment should be warranted and thus repaired at the cost of the Contractor on behalf of Troy Golf, LLC.

12. SPECIAL EVENTS

A. The Contractor shall provide courtesies and labor, reasonable in nature, to any special event held by the City at the Course including but not limited to tournaments, outings, league play and or marketing schemes. Any special signage (i.e. Long drive closest to the pin etc. shall be the responsibility of the Owner)

1. All requests will be specifically made by the Director of Parks and Recreation, or his/her designee.

13. CLAIMS BY CONTRACTOR'S EMPLOYEES

A. The Contractor shall hold harmless the City and all of its agents, employees, directors, officers and representatives, from any and all damages or claims, of any kind or nature, which may be made or may arise directly or indirectly from the performance of duties by the, Contractor including, but not limited to any claims which may arise either directly or indirectly from the use of any equipment, tools, labor or materials which the City may supply or sell to the Contractor.

B. In connection with possession and use of said equipment, tools, and materials the Contractor expressly acknowledges that it has examined same and hereby waives any claim, now or in the future, against the City arising directly or indirectly from any injuries that may be suffered by the Contractor or any of its employees or agents, or any other party from the use or condition of said equipment, and acknowledges further that the City makes no representations or warranties of any kind or nature as to quality, quantity, fitness for use or condition of said equipment or of the golf course or any of the improvements thereon and that said equipment and the golf course and improvements thereon are acceptable, and will be used by the Contractor in their "as is, where is" condition.

14. USE OF CITY MAINTENANCE BUILDINGS

The City shall provide an adequate facility and storage space for the Contractor's supplies and equipment. The City shall have the right of access to the service yard and buildings therein at all reasonable times. The City shall be responsible for ordinary structural upkeep of the facility. The Contractor shall pay the expense of accessing available utilities to the facility.

15. LIABILITY FOR DAMAGES

The Contractor shall be fully responsible for any and all damage to the City property, equipment or property of the public on the golf course premises that results from the Contractor's operations under this agreement. This shall include ,but not be limited to the replacement, at the Contractor's expense, of shrubs, trees, vines, turf, groundcover or other landscape items that are lost due to negligence in pest and disease control practices; and/or due to improper watering, fertilizing, or lack of proper maintenance and care. Except as otherwise required by law or this agreement, lost plant material shall be replaced by comparable sized plants of the same species and horticultural variety as the shrub or tree being replaced unless the City and Contractor agree otherwise in writing.

16. INSURANCE

A. The Contractor shall maintain general liability insurance for any actions, claims, liability or damages caused to persons and/or property arising out of the operation and/or maintenance and personnel responsibilities and obligations as described herein of the

Sanctuary Lake Golf Course, automobile liability insurance, excess liability and worker's compensation. All insurance and amounts shall be in compliance with the sample ACORD Certificate of Insurance attached to this Agreement. Workers Compensation Insurance shall comply with the requirements of the State of Michigan. All insurance coverage shall be approved by the City. The City shall be named as an additional insured under all policies except worker's compensation. All insurance companies must be licensed and admitted to do business in the State of Michigan. All insurance set out herein shall be maintained for the duration of the Agreement.

B. Failure to maintain coverage or to continue to maintain coverage shall be considered a breach of contract with immediate termination of the Agreement at the will of the City. The Contractor is responsible for any deductibles under its policies of insurance. The Contractor agrees to indemnify and hold the City harmless for any claims, actions, liabilities or damages arising out of the operation and/or maintenance and management of personnel for which it is responsible as set out in this Agreement.

17. INDEMNIFICATION AND HOLD HARMLESS

To the fullest extend permitted by law, Contractor agrees to defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is any way connected or associated with Contractor's duties or responsibilities under this Agreement.

18. Payments

A. Invoices are payable upon receipt and the City will forward payment to the Contractor within 21 days of receipt of the invoice In the event that any balance remains outstanding for more than 30 days, the City hereby acknowledges the Contractor has the right to terminate the Agreement upon thirty (30) days written note to the City. Failure of the Contractor at any time to exercise its rights hereunder shall not be construed as a waiver of such rights or as a bar to the later exercise thereof.

B. The City will pay $480,400 to the Contractor for work performed over the term of the Agreement. The total payments will be divided into the following amounts and paid for the month shown:

July	$117,850	to be paid on July 10, 2004
August	85,850	to be paid on August 10, 2004
September	85,850	to be paid on September 10, 2004
October	85,850	to be paid on October 10 2004
November	60,000	to be paid on November 10, 2004
December	45,000	to be paid on January 10, 2004

C. The effective date of this agreement is the day which it is signed by both parties.

19. ASSIGNMENT OF AGREEMENT

This Agreement or any part thereof, shall not be assigned, hypothecated, sold, alienated or transferred by the Contractor or by operation of law or otherwise, and will not be recognized to create any liability upon the City thereby, with the sole exception and unless the prior formal approval of the City has been obtained thereto and the surety has consented thereto writing filed with the City.

20. COMPLIANCE WITH APPLICABLE LAWS

A. The Contractor shall have in its possession, and be familiar with all safety regulations issued by the State Division of Industrial Safety and shall comply with these and all other applicable laws, ordinances, and regulations governing Affirmative Action Programs and health and safety. The Contractor shall provide all safeguards and protective devices and take any other action necessary or appropriate to protect the health and safety of employees on the job and safety of the public at large, in connection with the performance of the work required by this Contract.

B. Nothing in this Agreement shall be construed to relieve the Contractor from compliance with all applicable laws whether municipal, county, state or federal.

21. ADVERTISING

No advertising of any kind or description, bill or poster, whether printed, painted or by the use of any other method or application legible to human sight, shall appear on any building, structure, fence, canopy, post or sign except valid and authorized legal notices required to be placed thereon and except as may be specifically authorized in these General Conditions.

22. GOLF COURSE IMPROVEMENTS

The construction of golf course improvements, such as cart paths, new greens or tees, and irrigation system installations may be done by the Contractor on a negotiated price basis when required by the City, provided, however, that the City shall have the option to perform the work itself, or take bids for the doing of such work and may award the bid to the lowest responsible bidder, or such other bidder as the City deems appropriate. This includes any improvements, punch-list or incomplete work related to golf course construction (Troy Golf, LLC).

23. VANDALISM

It shall be the responsibility of the Contractor to repair and/or replace the City's owned property, whether real or personal, which is lost, or damaged or destroyed through vandalism, while in the possession or under the control of the Contractor, or which is damaged or destroyed as a result of the failure of the Contractor to protect said property.

24. RECOVERY OF ATTORNEYS FEES

Should action be instituted to enforce any of the terms and provisions of the Agreement the prevailing party in such action shall be entitled to recover such reasonable attorney's fees as may be affixed by the Court.

25. QUALIFICATIONS OF CONTRACTOR AND SUPERINTENDENT

In order to be eligible to enter into this agreement with the City, the Contractor bidder shall:

A. Agree to and employ Jeff Parks, who is a class "B" member, or a GCSAA member superintendent who shall hold a Class "A" membership from the Golf Course Superintendents' Association of America.
B. Agree to provide a superintendent a minimum of six (6) days per week during the peak season, five (5) days per week during the spring and fall Seasons and who will be available during the off season. Agree to provide a maintenance crew at the golf course daily, including weekends and holidays, during normal working hours, as determined by the City. The superintendent shall be the resident superintendent for the City and the maintenance of the Golf Course shall be his sole responsibility. In the event that the resident superintendent should resign, become unable to perform the assigned task, or be terminated, the Contractor must have a qualified temporary or permanent City approved replacement superintendent on site within 72 hours. Any deviations from these requirements must be by written approval from the City. The Contractor must employ sufficient personnel to perform all work as specified and approved by the City.

C. The City shall have the authority to request that the Contractor replace any personnel with cause that in their opinion, are not qualified or performing to standards. The Contractor shall have five days to make these personnel adjustments.

26. PERSONAL PROPERTY TAXES

The Contractor shall be liable for any personal property taxes assessed against its equipment or inventory.

27. ASSIGNMENT OF AGREEMENT / INDEPENDENT CONTRACTOR

The Contractor shall have no authority or power to assign, sublet and/or transfer any rights, privileges or interests under this Agreement without prior written consent from the City. The Contractor acknowledges that it is an independent contractor with no authority to bind the City to any contracts or agreements, written or oral.

28. TERM OF AGREEMENT

This Agreement shall terminate December 31, 2004.

29. NOTICE

All written notices to be given under this Agreement shall be mailed by certified mail, return receipt requested, to the other party at its address set forth herein or at such address as the party may provide in writing from time to time. Any such notice shall be deemed to have been received five days subsequent to mailing.

30. SECTION HEADINGS

All section headings contained herein are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

31. SEVERABILITY

If any provision of this Agreement is held to be invalid, unenforceable or unconstitutional by a court of law, the remaining provisions of this Agreement shall remain in full force and effect.

32. JURISDICTION

This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

33. ENTIRE AGREEMENT

This Agreement incorporates by reference the Request for Proposal, General Specifications, Vendor's Questionnaire, and the Contractor's Proposal as set out herein. These documents constitute the entire Agreement and any changes thereto shall be in writing signed by both the parties unless otherwise set out in the Agreement.

IN WITNESS WHEREOF, the City and the Contractor have executed this Agreement.

WITNESS:

_____

_____

Treadwell Golf & Associates, Inc., a Michigan Corporation

BY: _____

ITS: President

City of Troy, a Michigan Municipal Corporation

_____ BY:_____
Louise Shilling, Mayor

_____ BY:_____
Tonni Bartholomew, City Clerk

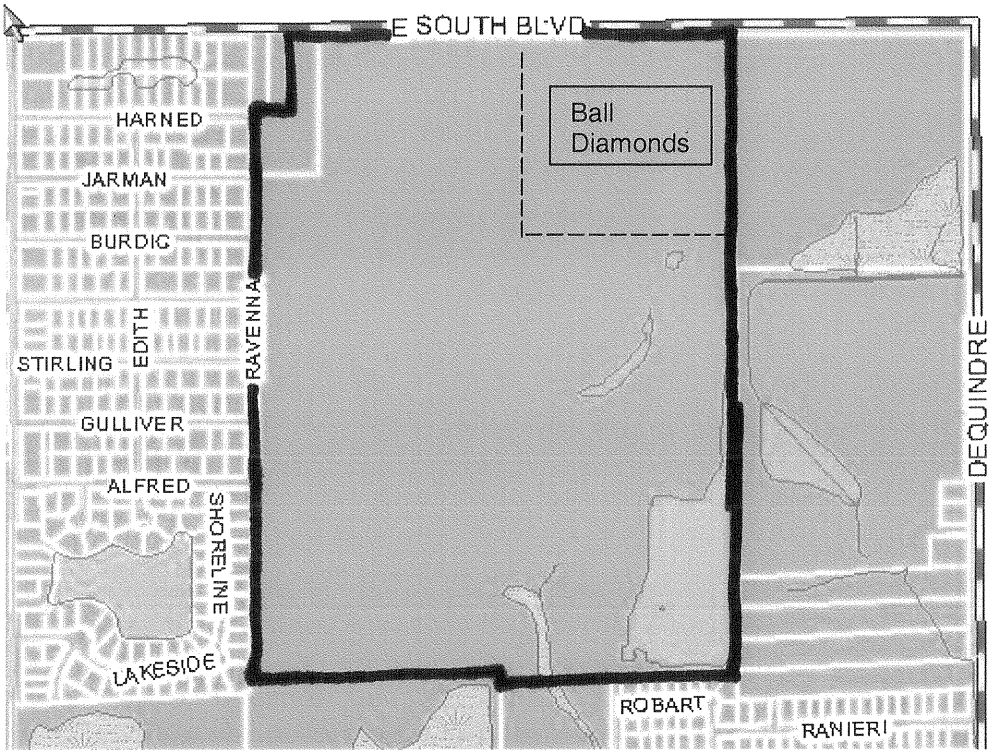
APPROVED AS TO FORM AND LEGALITY:

BY: _____

_____ ATTEST: _____
City Attorney (City Clerk)

ATTACHMENT 2

All City property in Section 1 except inside fence and parking lot of ball diamonds.



It is understood that exhibit A is relative in that some frequency of tasks may not be accomplished during the 2004 season due to conditions, grow-in timing and best practices for this golf course. Exhibit A should be considered standard task frequency but variations may exist for the first year with proper, preventative maintenance schedules as set forth by the manufacturers. Contractor shall be responsible for any repairs to systems needed due to the neglect of the Contractor.

EXHIBIT A
GOLF COURSE MAINTENANCE SERVICE DESCRIPTION AND SPECIFICATION HOLES #1-18, PRACTICE FACILITY, PRACTICE GREENS, CLUBHOUSE AND COMMON AREAS

I. GREENS AND COLLARS

A. Mowing

Greens and collars are to be mowed in accordance with a schedule in order that no more than 20% of the leaf surface shall be removed at any one time. Collars will be mowed a minimum of five times weekly during the growing season and will be cut at a height between *3/8- 1/2*", maintaining a width in keeping with desired mowing patterns. Greens are to be maintained at a height of 1/8" to 3/16" depending on weather, season, traffic, and owner specifications regarding normal speed requirements. Mowing patterns are to be alternated each mowing. All clippings are to be spread in deep rough. Owner approved greens mowing equipment is to be used. Greens are to be mowed with a "Riding triplex," green repairs of ball marks will be done by each maintenance employee prior to each mowing. Greens shall be mowed 7 days week except when greens are too wet to be mowed at the agreement of the Owner and Contractor.

A weekly pin sheet agreed upon by both parties will be made available to all golfers who play the course.

B. Fertilization

Fertilization is based on soil tests. A combination of water soluble and slow release nitrogen is to be used. Applications are to be scheduled as to provide a consistent turf growth so growth flushes are not apparent. Greens and collars are to be maintained for maximum turf health, density, color, consistency, and playability. The fertility program will be based on semi-annual soil tests (spring/fall) and a minimum of one turf grass tissue analysis done during mid peak season. The City and contractor will agree to the outside lab service to perform these required tests. Costs to be paid by contractor.

C. Weed Control

All greens and collars are to be maintained to control and strive to eliminate all weeds. The program will include pre-emergent, post emergent mechanical weed controls. Herbicides are to be applied on an annual basis.

D. Disease Control

Greens and collars are to be kept disease free. Systemic and contact fungicides are to be utilized to control all turf diseases. Fungicides are to be alternated in order to control resistant diseases. Preventative program will be maintained and supplemented with a curative program as needed.

E. Insect Control

Greens and collars are to be treated to prevent insect damage. Insecticides are to be applied on a preventative and curative basis. Alternate insecticides are to be used to control resistant insects. A preventative program shall be maintained and supplemented with a curative program.

F. Aerification

Aerification is generally not necessary during the first year, however should the Owner deem aerification necessary, the contractor will perform the work as specified: All greens and collars are to be aerified a minimum of two (2) times annually with tines penetrating a minimum of 3" on 2" spacing. 3/8" to 1/2" coring tines will be used. This will be done once in the spring and once in the fall. The Contractor shall be responsible for an additional 1to 2 aerations or more as needed for stress relief and to produce superior turf quality. This will be done on a program of one (1) in the spring and one (1) in the fall.

G. Topdressing

Applications should be made as needed to smooth the putting surface and provide thatch reduction. Topdressing material shall consist of the same sand as used for green construction. Topdressing material shall be free of all debris or foreign material. Greens and collars shall be dragged after topdressing, along with a clean up mow to improve conditions for daily play. Mowing greens after topdressing may be done with different approved mowers for a day, two at the most prior to returning to the daily mowing schedule.

If aerified, topdressing should be applied.

H. Verticutting

Brushing will be used to eliminate grain so as not to damage the turf. Verticutting the first year is only at the Owner's discretion:

Light vertical mowing will be used to eliminate grain, maximize putting quality, and maintain proper surface smoothness. This will be accomplished with grooming attachments or a dedicated vertical mowing unit.

I. Spiking

Spiking (or water injection) is to be performed to correct surface compaction or an impermeability problem. It can be performed weekly during summer stress to enhance shoot and root rejuvenation.

J. Interseeding

Interseeding is to be performed as needed to enhance turf density and offset thinning from concentrated traffic.

II. TEES

A. Mowing

Tees will be mowed a minimum of three (3) times weekly during the growing season. Tees will be cut at a height between 3/8" and 5/8". No more than 20% of the leaf surface may be removed at any one cutting. Mowing patterns are to be alternated at each mowing. Clippings will not be collected on tees, collars or approaches except if

deemed necessary by the Owner. Clippings may be removed at the discretion of the Owner. Tee markers are to be replaced after mowing.

B. Fertilization

The program is to be based on annual soil tests. A combination of water soluble and slow release nitrogen is to be used. Applications are to be scheduled as to provide a consistent turf growth. Tee fertilization is to be maintained for maximum turf density, color, and regeneration.

C. Weed Control

All tees are to be maintained to control and strive to eliminate weeds. The program will include pre-emergent, post-emergent, and mechanical weed controls. Herbicides are to be applied on an annual basis.

D. Disease Control

Tees are to be treated for disease with a preventative and curative fungicide program. Fungicides are to be alternated in order to control resistant diseases. IPM should be utilized for monitoring.

E. Insect Control

Tees are to be treated to prevent insect damage. Insecticides are to be applied on a preventative and curative basis. Alternate insecticides are to be used to control resistant insects. IPM will be utilized for monitoring and scouting.

F. Aerification

No aerification will be performed during the 1st year unless the Owner deems it necessary.

Tees will be aerified as necessary to maintain turf health.

If aerified, tees will be aerified with conventional coring equipment using 1/2" tines on 2" spacing penetrating to a 3" depth. Cores will be matted back in as topdressing. This will be done on a program of once in the spring and once in the fall.

G. Topdressing

Tees will not be topdressed. Divots will be filled once every week. If aerified, topdressing will be applied after each aerification.

H. Grooming

Tees shall be verticut as necessary to prevent mat/thatch build-up.

I. Interseeding

Interseeding is to be performed as needed to enhance turf density and offset thinning from concentrated traffic.

J. Divot Repair (Holes #1-18)

Divot repair and filling shall be done by the Contractor once per week to maintain level and smoothness on the tees. The filling of divots is done with the same topdressing sand as used in maintenance. Sand & Seed containers will be provided on all par 3 teeing areas by the Owner.

III. FAIRWAYS

A. Mowing

Fairways are to be mowed up to three (3) times per week when the turf is actively growing. Fairways will be cut at a height between 1/2" and 3/4" during the growing season. The Owner will determine the cutting height during the season. Mowing will take place so no more than 30% of the leaf blade is removed at any one time. Mowing patterns are to be alternated as needed. Clippings are to be dispersed so they are not visible after mowing. Discretion will be used so as not to rut fairways from mowing equipment.

B. Fertilization

The program is to be based on annual soil tests and growth rates needed for climate and traffic. Combinations of water soluble and slow release nitrogen are to be used. Applications are to be scheduled as to provide a consistent turf growth. Fairways are to be maintained for maximum turf density, color and consistency.

C. Weed Control

All fairways are to be maintained to control and strive to eliminate weeds. The program will include pre-emergent and post emergent weed controls. Herbicides are to be applied on an annual basis.

Weed control of fairways should be kept weed free of 90% by pre-post emergent herbicide.

D. Disease Control

Fairways are to be treated for disease with a preventative and curative fungicide program. Fungicides are to be alternated in order to control resistant diseases. IPM should be utilized for monitoring.

E. Insect Control

Fairways are to be treated for insect damage. Insecticides are to be applied on a curative basis. Alternate insecticides are to be used to control resistant insects. IPM will be utilized for monitoring and scouting

F. Aerification

Fairways will be aerified as needed at the discretion of the Owner during the growing season.

If needed, all fairways are to be aerified with core aerification equipment. The machine shall use 5/8" tines spaced on 4" centers. Penetration shall be a minimum of 3". Cores will be dragged in and any debris removed.

G. Grooming

All fairways will be groomed to control thatch and grain from the turf. Grooming will be accomplished with a combination of a drag mat and vertical mowing unit. Grooved rollers will be used on lightweight fairway mowers.

H. Divot Repair

The Contractor will do divot filling in landing areas with weekly applications by the contractor.

I. Turf Repair, Cart and Traffic Control

The contractor shall be responsible for topdressing or resodding worn or bare areas of the fairways. Cart traffic control must be monitored and adjusted to prevent unnecessary wear adjacent to paths. Barriers may be necessary to ensure restricted cart flow.

IV. ROUGHS

A. Mowing

Roughs will be mowed a minimum of two (2) times weekly during the growing season and as necessary during the balance of the year. Rough cutting heights will be cut at 2 to 2 1-2". Clippings will not be allowed to accumulate in the roughs to the point of smothering grass. No more than 33% of the leaf surface of the grass will be allowed to be cut at any one time.

B. Fertilization

Rough fertilization is to be based on annual soil tests and growth rates needed for climate and traffic. A balanced fertilization program is to be used. Applications are to be scheduled to provide consistent turf growth so growth flushes are not apparent. Fertilization should be adequate to provide a healthy looking turf.

C. Weed Control

The rough areas are to be kept to a minimal weed presence and prevent seed formation. The program will include pre-emergent and post emergent weed control. Herbicides are to be applied a minimum of once per year.
Rough weed control shall be performed as necessary to prevent seed formation and to allow proper play.
The weed control ordinance must be adhered to in all areas.

D. Disease Control

Roughs are to be treated for disease with a curative fungicide program. Fungicides are to be alternated in order to control resistant diseases. IPM should be utilized for monitoring.

E. Insect Control

The rough areas are to be treated for insect damage. Insecticides are to be applied on a curative basis. Alternate insecticides are to be used to control resistant insects.

F. Aerification

There will be no aerification during the 1st year unless the Owner deems it necessary. Roughs shall be aerified as needed to maintain turf.

V. NATURAL AREAS

A. Mowing

Natural growth areas will be mowed on an as needed basis with frequency to be determined by Owner. Natural or native areas should be left to grow and without routine mowing. Area should be free of trash, noxious weeds, and vertebrae pests. Removal of vertebrae pests are the responsibility of the city. Natural growth areas may be improved by pruning, irrigation, cultivation or other practices to maintain or establish the areas.

B. Fertilization

Native grass area fertilization is to be based on annual soil tests. One application per year will maintain these areas, applied in the fall @ 1.25lbs. N/1000sf/yr. The best analysis will be based on the soil tests

C. Weed Control

In order to maintain aesthetics within the native areas, they are to be kept to a very minimal weed presence. The program will include pre-emergent and post emergent weed control. Additional removal or mowing of specific overgrown areas may be necessary.

Natural growth area weed control should include the elimination of noxious weeds and adherence to the weed ordinance must be followed.

D. Disease Control

IPM monitoring and scouting to apply only on as needed basis.

E. Insect Control

IPM monitoring and scouting to apply only on as needed basis.

F. Aerification

N/A

G. Insect Control

The rough areas are to be treated for insect damage. Insecticides are to be applied on a curative basis. Alternate insecticides are to be used to control resistant insects.

VI. BUNKERS

SAND BUNKERS

A. Raking

Bunkers will be raked 4 times per week or as needed. Two of those times will be with the machine.

Washed out sand will be replaced and raked after heavy rains.

B. Edging

The bunkers will be edged or trimmed periodically as to prevent excessive lateral turfgrass growth, maintaining an adequately defined edge of the hazard to aid in proper rules interpretation.

C. Additional Sand

Sand will be added once annually and throughout the year as needed to maintain a minimum average depth of 4" in all parts of the bunker except the slopes which shall have ½" sand. Conditions of the bunkers should be consistent throughout the golf course and some sand may have to be removed and replaced due to mixed soil conditions and/or contamination. New sand must conform to existing sand. Waste bunkers will be groomed periodically and contractor will strive to maintain them weed free. Waste bunkers will be groomed periodically and contractor will maintain them weed free.

D. Bunker Rakes

Rakes will be provided on each cart. Bunker rakes are replaced at Owner's cost.

E. Weed Control

Bunkers shall be maintained weed free using mechanical or chemical methods.

VII. CLUBHOUSE & COMMON AREAS

A. Mowing

Turf shall be cut at a height of 1/2"-3" as conditions dictate.

B. Edging

Contractor shall be responsible for edging all curbs, walkways, cart paths, and turf bed lines with a metal blade edger. All completed edges will have a perpendicular appearance between turf and hardlines, and turf and bed lines. An angled or beveled appearance of hardlines or bed lines is unacceptable. (Weed eaters are not to be used in edging). Edging will be performed as often as needed to provide perpendicular appearance between turf and hardlines.

C. Fertilization

Contractor shall have full responsibilities of determining the proper formulations and rates of all fertilizers to maintain healthy vigorous turf. Contractor shall be expected to apply any minor nutrients necessary to maintain a healthy turf.

D. Weed Control

Weeds are to be controlled in turf areas by mechanical, physical and chemical methods. Turf areas are to be maintained weed free.

E. Insect & Disease Control

Landscape maintenance: Contractor shall be responsible for weekly inspections of the entire property and treatment of any insect or disease related problems.

F. Removal/Replacement

Shrubs and groundcover shall be in a viable, thriving condition. All plant materials should be warrantied for the length of this contract. Any dead plant material shall be replaced at contractor's cost. (only if death or damage to plant is due to the contractor's negligence in maintaining the plant).

VIII Driving Range

A. General conditions/maintenace

1. Driving range areas other than tees shall be mowed 2-3 times per week, depending on growth rate so the cutting height does not interfere with picking up driving range balls but generally maintained as are roughs.
2. Target greens will be mowed twice per week or as often as necessary to distinguish the greens from the rough.

3. Maintenance of the driving range is the responsibility of the contractor. Artificial driving range surface is to be maintained for optimum experience for golf. This may include, at Owner's expense and direction replacement of material surface, range amenities, etc.

B. Practice Facility Tee - Divot Repair – Grass tees

1. Divot repair is needed on the driving range tee as often as necessary as necessary to maintain tees during the growing season. This is accomplished with daily traffic rotation for optimum wear distribution on the tee. The Superintendent and Director will approve the method of traffic rotation and mowing used.
2. Driving range tees shall be maintained as indicated in section II

IX. ADDITIONAL MAINTENANCE

1. SHRUBS AND GROUNDCOVER

A. Pruning

All shrubs shall be hand pruned to remove dead and damaged wood to allow for natural development of plant material, and to create the effect intended.

B. Fertilization

Contractor shall fertilize shrub and groundcover as needed.

C. Insect and Disease Control

Contractor shall be responsible for weekly inspections of the entire property and treatment of any insect or disease related problems.

D. Bed Weed Control/Planters

Weeds shall be controlled in bed areas by mechanical, physical and chemical methods. Bed areas should be maintained weed free.
Landscaped areas and Planters shall be maintained weed free.

E. Edging

Contractor shall be responsible for edging all curbs, walkways, cart paths, and turf bed lines with a metal blade edger. All completed edges will have a perpendicular appearance between turf and hardlines, and turf and bed lines. An angled or beveled appearance of hardlines or bed lines is unacceptable. Edging will be performed as often as needed to provide perpendicular appearance between turf and hardlines.

2. TREE CARE

A. Pruning

Trees located in natural areas shall be pruned only when their growth habit affects formal, maintenance areas. Limbs and branches are to be disposed of in Owner approved areas. All trees are to be maintained up to ten feet into canopy. All sucker growth from trunk and base of trees shall be removed weekly or as required to maintain a clean appearance. Brush and sapling trees may be cut down in wooded areas to promote air movement with Owner's approval.

B. Insect and Disease Control

Contractor shall be responsible for weekly inspections of the entire property and treatment of any insect or disease related problems. Owner is responsible for mosquito control.

3. MULCHING

A. Mulch

One application will be required this year.
Application of double shredded hard wood mulch will occur in all mulched beds at the Owner's discretion. Mulch is to be spread at a depth of 2 inches such that none of the old or previously laid mulch is visible. Mulch depth should never exceed 3". Old mulch should be stripped as much as needed not to exceed 3". Contractor is responsible for spot mulching of any bare soil areas as they appear throughout the year. Owner will approve all mulch.

4. PLANT MATERIAL DISPOSAL

A. Removal

Dead plant material, not requiring general tree surgeon practices for removal shall be removed and disposed of immediately by the Contractor.

B. Replacement

The Contractor shall contact and advise the Owner, in writing, of possible replacements. Plant replacement necessitated by negligence of the Contractor shall be the sole responsibility of the Contractor.

5. LEAF REMOVAL in landscape and playable areas

A. Leaf Collection

Fallen leaves in lawn and planted bed areas shall be collected and removed from the property daily and as often as necessary. This is to be done from the middle of October through the end of the contract, or until leaf disbursement ceases. On an as needed basis, the Contractor will disburse leaves from focal areas, and playable areas to prevent heavy build-up and cause damage to turf and plant material by smothering. Contractor shall remove all leaves from all playable areas. Leaves must be disposed in proper locations as determined by the Owner.

6. DEEP ROUGH/NATURAL AREA MAINTENANCE

A. Wooded and natural areas within the boundaries of play areas shall be kept free of fallen limbs, pinecones, sucker growth, undesirable vegetation, weeds and litter. Fallen limbs and such will be left in the out of play wooded areas. Natural leaf drop will not have to be removed. Playable natural areas cannot be used for leaf deposit.

Any removal of dead trees 2" or greater in caliber, other than plants that died due to the negligence of the Contractor, is not the responsibility of the Contractor. The owner must approve any tree removal.

7. MISCELLANEOUS DEBRIS DISPOSAL

A. Clean Up Procedures

As a part of the daily maintenance service, a general clean up program will occur. Contractor shall remove all debris including leaves, trash, and any other material prior to 8:00 a.m. or ahead of daily play.

The clean up program shall involve a policing of all areas (considered grounds of the golf course and common areas) for the removal of paper, cans, bottles, sticks, cigarette butts, leaves, and other debris.

Also a complete sweeping or blowing, by mechanical means, of the entire roadways, curbs, and gutters, drains, parking lots and sidewalk areas will be performed. This will encompass complete removal of weeds and soil within curbs and pavement surfaces, and other trash that has settled in these areas. Parking lot areas will be kept clean of debris, soil and organic material.

B. Disposal of Debris

All debris shall be disposed of in Owner approved areas.

C. Severe Weather Clean Up

In the event of a natural disaster, such as a major ice, snow, or wind storm, such as a tornado, the Contractor shall not be responsible for any clean up operation outside of the agreed maintenance contract. If Owner elects, they may request that the maintenance Contractor utilize dedicated man hours for the purpose of severe weather clean up, and will reimburse Contractor for the man hours and expenses used.

D. Typical Weather Clean Up

Contractor shall be responsible for debris clean up deposited by typical weather conditions.

E. Weed Control

All parking lot areas, curb and gutters, driveways, parkways and loading dock areas shall be maintained weed free.

8. SOIL MANAGEMENT

A. Contractor is responsible for adjusting soil nutrient/pH imbalances by applying soil amendments according to soil tests and programs approved by the CITY. Contractor is not responsible for changing the quality of the irrigation water.

9. MONOFILAMENT TRIMMING

A. All areas around the lake, drainage ditches, and culverts shall be trimmed twice per month (bi-monthly) using mowers or monofilament trimmers throughout the growing season. The use of herbicides or contact sprays of any kind to keep grass maintained at the base of trees must be approved by the City. Trimming of all other areas (except roughs) shall be performed after each mowing of area. This requirement is subject to

change as City is currently experimenting with limited trimming around water areas.

10. PERIMETER MAINTENANCE

A. All fringe areas that border playable areas shall be maintained to prevent their chemical and mechanical encroachment onto playable areas.

11. FENCES

A. All wood fences or chain-link fences within the boundaries of the golf course shall be replaced when necessary within 15 calendar days or a predetermined replacement as determined by the Owner, at the Owner's expense. Repair or replace all fences, gates, and locking devices needed for protection of the golf course or equipment immediately at the Owner's expense. Any abuse or destruction by contractor shall result in replacement costs by contractor. Removal of any fences as a result of the opening of the golf course shall be at the contractor's expense.

12. CART PATH MAINTENANCE

A. Pot holes within cart paths or tire ruts that develop in soil or turf areas bordering cart paths shall be repaired as needed. All cart paths bordered by turf must be edged with metal blade edger as needed to maintain perpendicular appearance. Contractor shall also be responsible for removal of any debris or soil build-up on the cart path surface daily. Standing water shall be removed from cart paths as needed.

13. LAKE

A. All aquatic weed control is the responsibility of the Owner. The perimeter shall be skimmed to remove algae and other organic growth. Overgrown areas that affect golf play view of landing areas and height of golf shots may require trimming twice per year. Litter and trash shall be removed daily.

14. IRRIGATION SYSTEM MANAGEMENT

A. Irrigation Inspection

1. Contractor agrees to monitor, adjust and manage all automatic irrigation systems as to proper frequency, duration, and operation of supplemental watering on a daily basis. At all times, the system shall be functioning properly and conforming to all related codes and regulations. Adjustments include but are not limited to: flow control, radius adjustment, nozzle cleaning, sprinkler height, and level adjustment.
2. Contractor agrees to be responsible for monitoring all systems within the described premises and correct for: coverage, adjustment, clogging of lines, and removal of obstacles, including plant materials and turf, which obstruct the spray. The Contractor is expected to make all adjustments that include: flow control, radius adjustment, nozzle cleaning, sprinkler height, and level adjustment.
3. Contractor shall check system daily and adjust and/or repair any sprinkler

heads causing excessive runoff, including slope area or which throw directly onto roadway paving or walks within rights of way.

4. Contractor shall be responsible for checking and adjusting all controllers to assure proper operation.

B. Scheduling and Operations

1. The Owner understands that due to high bicarbonate problems with the irrigation water the golf course irrigation will be scheduled so that watering will be as deep and infrequent as possible. This may cause low areas to temporarily be extremely moist. Due to the bicarbonate problem in the irrigation water, standing water problems in certain areas may increase as the use of irrigation water increases. The contractor may, at his expense, install additional drainage to eliminate standing water. All turf areas will be free from wilt with no standing water from irrigation. Irrigation will take place at times that will not interfere with regular play. Greens will be hand syringed in periods of hot, dry weather to supplement night watering.

2. Adequate soil moisture shall be determined by visual observation, plant resiliency, turgidity, examining cores removed by soil probe, moisture censoring devices and programming irrigation controllers accordingly.

3. In areas where wind creates problems of spraying onto private property or road rights of way, the controllers shall be set to operate during the period of lowest wind velocity that would normally occur at night.

4. A soil probe or tensiometer shall be used to determine the soil moisture content in various areas as needed.

C. Pumps, Pump Motors, Sump Pumps, and Controllers

All pump systems shall be maintained in accordance. Any warranties associated with replacement or repair shall be assignable to the Owner. Control valves and pressure regulating valves shall be serviced as needed.

All systems will be winterized by the Contractor according to the manufacturers specifications and with warranty.

D. Maintenance, Repairs, and Replacement

1. Any and all maintenance associated with the system including the water delivery system, main lines, lateral lines, sprinkler heads/valves, controllers, and pumps is required of the Contractor within the scope of the work.
2. Contractor shall make all repairs as needed within 24 hours or as quickly as possible. Due to the irrigation piping system being an HDPE pipe, repairs may not be able to be made with in 24 hours due to the machines and specialized equipment required to make the repairs. Parts and labor expense shall be born by the Contractor as part of his obligation.

   Irrigation of the golf course is required even when system is in need of repair. Responsibility for proper irrigation belongs to the contractor.

E. Contingency Irrigation Schedule

In the event of a reduction of the volume of water supplied to a golf course during peak demand periods, the priority of water distribution by the Contractor shall be as follows:

(1) Greens, Approaches, Collars
(2) Tees
(3) Fairways
(4) Other Turf and landscape areas

F. Water and Electrical Consumption

The Contractor shall be responsible for monitoring water and electrical consumption to ensure adequate, but not excessive water or electrical use. The contractor shall be responsible for completing golf course water use reporting forms as required under the authority of Part 327, Great Lakes Preservation, Natural Resources and Environmental Protection Act, 1994. P.H. 451 as amended. Contractor shall pay any fees associated with report.

15. Accessory Equipment

A. The Contractor shall be responsible for maintaining all golf course accessory equipment in a clean, safe, properly operating and aesthetically pleasing condition at all times, including but not limited to the following:

(1) Green flags, poles and cups
(2) All informational signage
(3) Tee markers, monuments, and divot boxes
(4) Ball washers, including tee towels and soap
(5) Hazard & Out-of bounds markers
(6) Directional flags and poles
(7) Distance markers (fairway makers, tee plaques, marked irrigation heads)
(8) Trash receptacles & water cooler equipment
(9) Repair/replacement of bunker rakes

B. Flags should be replaced as needed(if a custom flag is used the City will provide). Plastic cup liners will not be used - regulation cups on the course and practice green cups on the practice green. They will be replaced when they become worn or when damaged. Ball washers and stands, tee markers, benches, and trash receptacles are to be maintained at a clean and aesthetically appealing appearance at all times. Touch up painting may be necessary to maintain a pleasing appearance.

C. Accessory equipment damaged by the Contractor shall be replaced at the sole expense of the Contractor within seven (7) days. Accessory equipment that needs to be replaced due to normal wear and tear, vandalism, style change, etc. shall be at the sole expense of the Owner as directed by the Owner.

16. Changing Cups

A. Pin replacements are to be changed daily during the season. The Contractor on a daily basis shall accomplish cup changing and ball mark repairs during high play times. Off-season may only require cup changing and ball mark repair be done on every other day. A general rule is that the cups should be changed if more than fifty (50) players play in one day. Weather conditions, limiting play will also limit the need to change cups. Sod plugs replaced when changing cups are to be level with the putting surface. Cups left too high that are scalped by mowers are to be replaced with new sod plugs. Plugs left too low will be raised.

17. Tee Markers - Divot Soil Containers

A. Tee markers are to be changed each day cups are changed. The Owner will determine the tee marker rotation program and spacing. Tee markers must always point toward the center of the fairway. Divot soil containers with scoop (type to be provided by owner) will be maintained on holes 4, 9, 12, & 17 on each regulation teeing area. They will be checked daily for content and filled as needed. Litter receptacles should be emptied daily and liners installed with Owner approved receptacle liners if applicable.

18. Ball Washers

A. Ball washers are to be serviced daily. They shall be emptied weekly, then clean water and soap added as needed. Clean towels will be attached to the ball washers. Towels may be needed more often at times of heavy play. Towels are to be replaced when soiled.

19. Rest Room

A. All golf course restrooms are to be maintained by the Owner, at the Owners expense.

20. Refuse Receptacles

A. Site staff will inspect, empty, and clean all containers at least once a day or more if objectionable odor is noticed. Approved insecticides shall be applied by spray. Plastic liners of not less than 2 mm thickness shall be installed and maintained in each refuse can. Refuse will be disposed of in an authorized disposal area.

X GOLF COURSE MAINTENANCE FERTILIZATION, DISEASE, WEED AND INSECT SPECIFICATION

1. Contractor will be responsible for applying chemicals and fertilizers at specified rates and will be responsible for any damages to person or properties caused by negligence of the applicator. IPM practices of monitoring and scouting will be utilized to protect environmental concerns.

2. Chemical selections may vary with weather conditions. The Owner is to be notified for these changes before application.

3. Contractor will be responsible for controlling any insect, disease or weed problems that may occur during the year. Owner is responsible for mosquito control.

4. The Contractor will be responsible for taking general tissue analysis and micronutrient soil tests of turf and shrub bed areas. The Owner should receive copies of test results and a list of actions to be taken by Contractor to correct all problems identified by the report within 30 days of the execution of the contract and yearly throughout the term of the contract. Soil management material applications are to be jointly agreed upon by the Contractor and Owner. The Owner reserves the right to request additional soil tests.

5. The Contractor will be responsible for making any extra visits necessary during the year to correct any problems that may occur during the duration of the contract.

6. Contractor will be responsible for applications of any other nutrients that should be applied to maintain a balanced soil.

7. Contractor will take full responsibility for replacing any plant material that is damaged by improper application or lack of timely application of nutrients that are necessary to maintain healthy plant material.

XI WETLAND MAINTENANCE

1. Restored wetland area: not to be mowed…ever. This is a "natural area" created as a restoration.
2. Phragmites area: Area should be mowed or knocked down in a "pathway through the tee line to the fairway". This area should be mowed or knocked down once a week. This area should be cut as short as possible (1/2 inch or inch, if possible). Use of a weed whacker-type tool, or a hand scythe may be necessary as machinery may not be able to access the area. Any additional maintenance to the Phragmites area will be at the cost of the Owner.
3. The Phragmites area will be entirely mowed or knocked down at the beginning of the season, then once a month. This would curtail growth and make it substantially shorter. Any additional work requested by the owner will be at the Owner's expense.

XII. OTHER MISCELLANEOUS RESPONSIBILITIES

1. Clean, repair and replace trash receptacles as necessary to maintain clean, safe, and sanitary conditions. Replacement of receptacles will be at the direction of the Owner and at cost to the Owner.

2. Take whatever preventive steps are necessary to protect all slope areas from erosion, fire, and rodent damage at all times. Removal of rodents will be at the direction of the Owner and at cost to the Owner.

3. Control rodent and other animal pests as necessary to prevent erosion and destruction of plantings on golf course property. Removal of rodents and other animal pest including but not limited to geese will be at the direction of the Owner and at cost to

the Owner.

4. Maintain and repair as necessary surface flow lines, swales, catch basins, grates, sub-surface drainage system and other drainage structures in clear, weed-free and properly functioning conditions at all times.

5. Protect golfers from injury and the golf course from damage in periods of frost, rainy weather, and other unusual conditions at all times. The contractor shall not be responsible for protecting golfers or the golf course from weather related issues such as, but not limited to lightening, tornadoes or slipping from frost or wet surfaces on the course.

6. Use of the golf course by any maintenance employees or maintenance managers will not be considered as part of this agreement.

7. Any purchases of food or merchandise at the facility will be paid at the time of purchase.

8. All well monitoring, reporting and maintenance is the responsibility of the contractor. Landfill well monitoring is the responsibility of the Owner

Company Name TREADWELL Golf Associates, Inc.

ADDRESS 417 Eureka Rd, Wyandotte MI. 48192

CONTRACTOR SIGNATURE

TITLE President.

TELEPHONE NUMBER 734-282-2122

WORK SCHEDULE

Work under this Agreement is to begin as soon as grow-in is complete on June 30 and/or public golf is played

UNIT PRICES for SUPPLEMENTAL WORK

Should work be required not included in this contract, the unit costs plus 10% will be invoiced to the CITY. The CITY may require a total cost bid on supplemental work.

Unit Cost/laborer $15.00 per hour.

Unit Cost/Superintendent 50.00 per hour

Signature [illegible] Date 8-3-04

EXHIBIT B
WEEKLY MAINTENANCE WORKSHEET (SAMPLE ONLY)

1) Date of maintenance visit:_____

2) Supervisor:_____

3) Overtime hours/Part-time hours:_____

4) Listing of problems and location:

a) Insect:_____

b) Disease:_____

c) Fertilization:_____

d) Weed Control:_____

e) Cultural:_____

f) Ornamental Work:_____

g) Equipment repairs:_____

h) Special Projects:_____

I) IPM:_____

j) Irrigation damage and repairs:_____

5) Extra work performed:

a) Number of men:_____

b) Materials needed:_____

c) Hour per man:_____

d) Description of work performed:_____

General Notes:

Please list any items that Owner needs to know or any extra work that is to be performed outside of the grounds maintenance agreement scope. Also, give an estimate of time to perform the work:_____
_____
_____

SIGNATURE_____DATE_____

August 5, 2004

To: John Szerlag, City Manager

From: Steve Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

Subject: **Agenda Item** - Standard Purchasing Resolution 2: Bid Award - Low Bidder Meeting Specifications – Tree/Stump Removal Services

RECOMMENDATION

On July 30, 2004, bid proposals were opened for a one (1) year contract to provide crews and equipment for tree / stump removal services on right-of-ways and City owned property, including ash trees, with an option to renew for one (1) additional year. After reviewing these proposals, City management recommends awarding the contract to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights for an estimated total yearly cost of $1,500,000.00, at unit prices contained in the attached bid tabulation and supplemental Schedule of Values listed in Appendix I.

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

SUMMARY

Due to the emerald ash borer, an estimated 20,000 to 30,000 ash trees on municipal property are creating hazardous situations. This contract will field four (4) tree removal crews and three (3) stump removal crews. These crews will be assigned square miles of the City and instructed to remove all ash trees and any other dead trees found on municipal property inside that square mile. Upon completion of each square mile, they will be reassigned to another square mile until the entire City has been serviced.

BUDGET

Funds for this project are available through the Parks Capital Account for Subdivision Improvements #401780.7974.130.

79 Vendors Notified on the MITN System
4 Bid Responses Received
1 Bid did not meet specifications
1 Late Bid
1 No Bid: Company's schedule does not permit performance of the specifications.

Prepared by: Ron Hynd, Landscape Analyst

VENDOR NAME:	* JH HART URBAN FORESTRY	ASPLUNDH TREE EXPERT CO	THE DAVEY TREE EXPERT COMPANY
Check Number	649163513	3282970	244840206
Amount	$50,000.00	$50,000.00	$50,000.00

PROPOSAL -- FURNISH ONE (1) YEAR REQUIREMENTS OF TREE/STUMP REMOVAL SERVICES WITH AN OPTION TO RENEW FOR AN ADDITIONAL YEAR IN ACCORDANCE WITH THE SPECIFICATIONS

PROPOSAL "A"			
TREE REMOVAL 6,000 HOURS - Estimated Qty			
Provide three-man tree removal crews, all equipment, saws, vehicles, aerial tower, chipper, trucks, traffic controls etc	$ 114.90 Hour/3man Crew	$ 132.91 Hour/3man Crew	$ 240.00 Hour/3man Crew
Overtime:	$ 159.86 Hour/3man Crew	$ 157.96 Hour/3man Crew	$ 360.00 Hour/3man Crew
Holiday Time:	$ 159.86 Hour/3man Crew	$ 183.01 Hour/3man Crew	$ 480.00 Hour/3man Crew
PROPOSAL "B"			
STUMP REMOVAL 6,000 HOURS - Estimated Qty			
Provide a stumping crew including all equipment for removal and grinding of the stumps.	$ 81.25 Man Hour	$ 156.10 Man Hour	$ 120.00 Man Hour
Overtime:	$ 99.75 Man Hour	$ 160.81 Man Hour	$ 180.00 Man Hour
Holiday Time:	$ 99.75 Man Hour	$ 185.87 Man Hour	$ 240.00 Man Hour
Typical Crew Size for Stumping	One (1) # of Men	Three (3) # of Men	Two (2) # of Men
ESTIMATED GRAND TOTAL PROPOSALS 'A-B':	* $ 1,176,900.00	$1,734,060.00	$ 2,160,000.00
SCHEDULE OF VALUES	Attached	Attached	Attached
INSURANCE: Can Meet	XX	XX	XX
Cannot Meet			
SITE INSPECTION: Y/N	YES	YES	YES
DATE	JULY 2004	7/26/04	7/23 & 7/24/04
EXTENDING TO MITN PURCHASING COOPERATIVE Y or N	NO	YES	NO
PROGRESS PAYMENTS Schedule:	BI-WEEKLY	W/I 30 DAYS OF INVOICE	WEEKLY
Identified as:	N/A	BLANK	BLANK
TERMS:	NET 14 DAYS	BLANK	UPON RECEIPT
EXCEPTIONS:	NONE	LISTED IN BID	BLANK
	VALUE-ADDED SERVICES: PRODUCE 1500CY OF SHREDDED HARDWOOD ANNUALLY FREE OF CHARGE		
ACKNOWLEDGEMENT - SIGNED Y or N	YES	YES	YES
Proposed Personnel & Equipment Y or N	YES	YES	YES

*** JH HART URBAN FORESTRY LOW TOTAL BIDDER MEETING SPECIFICATIONS**

NO BIDS:
Harry Fox, Inc

DMS: Owen Tree Service, Inc. Reason - No bid surety check submitted as specified. Included a 5% bid bond which was specifically excluded in the bid documents.

ATTEST:
Ron Hynd
Mark Colombo
Jeffrey Biegler
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

J.H. HART URBAN FORESTRY

City of Troy

SCHEDULE OF VALUES 2004 – 2005 PROGRAM

Your company MUST complete this form

ITEM	EQUIPMENT DESCRIPTION:	RATES:
Labor – ARBORIST Monday – Friday 8am to 5pm	See exhibit 'D'	$ 37.00 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 55.50 / Man Hour $ 55.50 / Man Hour
Labor – TREE MAN Monday – Friday 8am to 5pm	See exhibit 'D'	$ 26.45 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 39.68 / Man Hour $ 39.68 / Man Hour
Labor – STUMP MAN Monday – Friday 8am to 5pm	See exhibit 'D'	$ 37.00 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 55.50 / Man Hour $ 55.50 / Man Hour
Logging truck / lift	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Aerial tower	See exhibit 'D'	$ 12.50 / Unit / 1 Hour
Brush chipper	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
Dump truck	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
Truck w/ walking floor	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Stump chipper	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Loader	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Heavy duty pick-up	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
OTHER:		
Arrow Board	See exhibit 'D'	$6.25/Hr / Unit/ 1
Horizontal Grinder	See exhibit 'D'	$300.00/Hr / Unit/ 1
Wood Trailer	See exhibit 'D'	$2.00/Hr / Unit/ 1

Downloading History for ITB-COT 04-34TreeRemoval

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **8/2/2004.**

Document Title:	One Year Requirements Tree / Stump Removal Services with Option
Date Issued:	7/9/2004
Close Date:	7/30/2004

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
16428	A. LILIA'S MAINTENANCE, INC.	Fax	7/15/2004	
12306	Advanced Services Lawn and Landscape	E-mail		
13986	Advanced Tree Care, Inc.	E-mail	7/28/2004	
14952	All State Tree & Lawn, Inc.	E-mail	7/21/2004	
14279	Amerinational Community Services	E-mail		
18056	ARBORCARE TREE SPECIALISTS LLC	Fax	7/20/2004	
13397	Asplundh Tree Expert Co.	Free	7/20/2004	
12114	B & B Lawn Service	Fax		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
15934	B & W Management Services, Inc	E-mail		
17378	Bedard Shade Tree Co., Inc.	E-mail		
17272	Ben & Dan's Landscaping, Inc.	E-mail		
18295	Beninati Land Clearing, Inc	Free	7/29/2004	
16863	BOSS Commercial Building Services	Free	7/29/2004	
11631	Bowman Construction LLC	Free	7/12/2004	
13917	Branch Tree Service, Inc.	Fax	7/9/2004	
18138	C & G Disaster Recovery Group, LLC	Free	7/15/2004	
10682	C & R Maintenance d/b/a Rizzo Services	E-mail	7/20/2004	
11355	Cartegraph	E-mail		
12856	CCH Incorporated	Free	7/20/2004	
10915				

	CITYWORKS, INC.	E-mail		
16071	Corporate Cleaning Group, Inc.	E-mail	7/14/2004	
15987	Cutting by Faith Landscaping snow	E-mail		
11681	D and J Lawn and Snow Corp.	E-mail		
15620	D. A. Alexander & Company	E-mail	7/22/2004	
13317	DJG & Associates	E-mail		
14616	Downriver Tree Service, Inc.	E-mail	7/28/2004	
17666	Eagle 1 Tree Service	Fax	7/10/2004	
14381	Environmental Wood Solutions	Fax		
10657	Envision Enterprises	E-mail		
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax		
16111	Green Way Maintenance, LLC	E-mail		
14972	Harry Fox, Incorporated	Free	7/13/2004	
15149	HAWTHORNE TREE & LAWN CARE INC.	Fax	7/21/2004	
16255	I.E. Inc. Land Clearing and Grinding Service	Fax		
18255	IROQUOIS TREE SERVICE,LLC	Free	7/27/2004	
10543	J & W Tree Artisans	Free	7/18/2004	
10798	J.H. Hart Urban Forestry	E-mail	7/29/2004	
17522	Jack B. Anglin Company, Inc	E-mail		
17160	K.J. Tree Service Inc.	Fax		
15135	Kappy Industries Inc	Free	7/22/2004	
13409	kathys lawn maintenance	Free	7/16/2004	
14108	Kevin's Lawn Care & Snow Removal	E-mail		
16835	Kirtland Landscape Inc.	E-mail		
16067	Landscape Services, Inc.	E-mail		
14891	Lawn Barber Inc.	Fax		
17283	Metropolitan Tree Inc.	Fax		
11639	Mike's Tree Surgeons, Inc.	E-mail	7/23/2004	
10295	NLS Lawn Care Inc.	Free	7/27/2004	
14529	Northwood Contracting Incorporated	Fax		
18182	Oakland Tree Service	E-mail	7/19/2004	
10203	Owen Tree Service, Inc.	E-mail	7/16/2004	
18148	Paul Davis Restoration of Macomb and St. Clair	Free	7/14/2004	
15672	Perfect Irrigation & Landscape	E-mail	7/14/2004	
17790	Pete Wood Plumbing & Heating Co.	E-mail		
18310	Phil's Tree Services	E-mail	8/1/2004	
16120	PlaySmart Recreational Construction Inc.	Free	7/12/2004	
13725	Quality Tree Services, L.L.C.	E-mail		
16190	shades of green	Fax	7/29/2004	

13704	Shepherd's Landscape and Tree Service	E-mail		
13730	SMART Management Group, LLC	E-mail		
13684	soil and materials engineers, inc	E-mail		
13914	Steele's Service's LLC	E-mail		
18172	Stewarts Tree Service	Fax	7/29/2004	
10731	T.F.R. Enterprises, Inc.	E-mail		
13975	The Davey Co.	Free	7/28/2004	
17106	The Energy Group, Inc.	E-mail	7/30/2004	
15269	Tiede Landscaping	E-mail		
12516	Tree & Lawn Spraying	Free	7/19/2004	
13480	Tri-County Tree Expert Co., Inc.	E-mail	7/15/2004	
16126	ULTRA Professional Outdoor Services	Free	7/24/2004	
16454	UNITED TREE SERVICE	E-mail		
17713	Valentinco	E-mail		
15073	W.T. Stevens Construction, Inc.	Free	7/21/2004	
14338	Washtenaw Inc., Maintenance Services	E-mail	7/15/2004	
17151	Watts Lawn Service	E-mail		
17546	wonsey tree service, inc	Fax		
14292	Woody's Tree Service	E-mail	7/24/2004	

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July 12, 2004

To: John Szerlag, City Manager

From: Steven Vandette, Acting Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director
Bob Berk, Chairman, Troy Daze Advisory Committee
Jim Cyrulewski, Chairman, Festival Committee

Subject: Agenda: Approval for Troy Daze Fee

Recommendation
The Troy Daze Committee requests approval of a fee for games and entertainment in the children's area at Troy Daze. The fee proposed is 3 tickets for $1.

Background
The Troy Daze Advisory Committee is expanding the children's area to include entertainment and games. This addition is based on a review of our current event offerings, activities at other local festivals and our participation in children's activities workshops at the annual Michigan Festival and Events Association convention.

The Committee has obtained a Corporate Sponsor for the entertainment expenses. However, to cover the game expenses, the Committee needs to establish a small fee. Each game would require one ticket. For each game played a participant would receive one token for playing and losing or two tokens if he or she wins. The tokens are exchanged for prizes. Arrangements have been made with the game company that unopened prize bags can be returned at no cost. The games selected are in four categories, which are Kiddieland Games (Ernie Toss, Race Car, Fish Pond); Easy Games (Toss Tic Tac Toe, Putt It In, Roller Bowler); Medium Games (Milk Can Toss, Baseball Cube, Pool shark) and Hard Games (Crazy Ball). The chairpersons for the event will ensure that none of the games involve darts, guns, etc.

The Troy Daze Advisory Committee has therefore requested approval of a $1 for (3) ticket fee for participation in the children's game area in addition to the previously approved Troy Daze fee schedule.

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

cc: Troy Daze Advisory Committee Members

TO: MAYOR AND MEMBERS OF TROY CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: JULY 26, 2004
SUBJECT: TROY v MAURICE DAVID FREED, ET AL

As part of a road improvement project, the City initiated efforts to acquire the O'Rilley property (owned by Maurice Freed) located at the southeast corner of Rochester Road and Owendale Street. The City filed its complaint for acquisition on March 20, 2003 and has acquired ownership of the subject property. The only issue remaining is the amount of just compensation.

The City's initial offer of $500,000 was based on an appraisal of the property prepared by Integra Dean Appraisal. The appraiser for defendants, using a different methodology, determined the value of the property was $725,000. The parties have engaged in settlement discussions concerning the property. Defendants offered to settle the case for $645,000, exclusive of statutory costs, attorney fees and interest. Defendants have approved a proposed Consent Judgment that details the settlement proposal.

If the case proceeds to trial, there is a risk the jury may adopt the methodology of defendant's appraiser and return a verdict in the amount of $725,000.

In light of that risk, it is our recommendation the City Council accepts the settlement proposal and approve the attached Consent Judgment. Please let us know if there are any questions or requests for additional information.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

Plaintiff,

v

MAURICE DAVID FREED, JAMES P. O'RILLEY AND MARCIA A. O'RILLEY, successor co-trustees of the Wilbert G. O'Rilley Revocable Trust UAD 10/28/1971 as amended 6/1/1991, and I.S.C. SERVICES,

Defendants.
_____/

03-048401-CC

JUDGE DEBORAH G. TYNER
TROY CITY V FREED,MAURIC

City of Troy-City Attorney's Office
Lori Grigg Bluhm (P46908)
Allan T. Motzny (P37580)
Attorneys for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

Timothy P. Dugan (P41135)
Attorney for Defendant O'Rilley Trust
888 W. Big Beaver Road, Suite 610
Troy, MI 48084
(248) 362-5600

Ackerman and Ackerman, P.C.
Alan T. Ackerman (P10025)
Darius W. Dynkowski (P52382)
Attorneys for Defendant Freed
5700 Crooks Road, Ste. 405
Troy MI 48098
(248) 537-1155

Keith M. Nathanson (P41633)
Attorney for Defendant I.S.C. Services
31700 W. 13 Mile Road, Suite 219
Farmington Hills, MI 48334
(248) 865-9410
_____/

CONSENT JUDGMENT

At a session of said Court held in
the Courthouse, in the City of Pontiac,
Oakland County, MI,
on:_____

PRESENT: HONORABLE DEBORAH G. TYNER, CIRCUIT JUDGE

The parties having reached a final settlement, the terms of this settlement, having been approved by the City of Troy (hereinafter "Plaintiff"); and Defendants, and the Court having reviewed the terms of this Judgment;

IT IS HEREBY ORDERED:

1. Title to the property has vested in the Plaintiff by virtue of the filing of the Complaint for Acquisition of Property and Declaration of Taking, filed on March 20, 2003, and the entry by this Court of the Order for Payment of Estimated Just Compensation and Surrender of Possession on April 11, 2003.

2. As required by the Order for Payment of Estimated Just Compensation and Surrender of Possession, Plaintiff previously paid the Defendants estimated just compensation in the amount of $500,000.

3. Plaintiff shall pay $645,000 as total just compensation, less $500,000 just compensation previously paid, plus statutory interest. Said payment shall be made to Defendant Maurice Freed only.

4. Any due, payable, or delinquent taxes, assessments, charges or indebtedness shall be deducted by Plaintiff prior to payment of the aforementioned monies.

5. Plaintiff shall pay Ackerman & Ackerman, P.C. a payment of attorney fees of one-third (1/3) of the difference between $500,000.00 Good-Faith Offer as to real estate, and the settlement amount of $645,000.00, plus one-third (1/3) of all statutory interest.

6. Plaintiff shall reimburse the Ackerman & Ackerman, P.C. Client Trust Account all costs and expenses in the amount of $11,498.20, comprised of the following:

Appraisal Fees, David Burgoyne:	$11,100.00.
Court Costs:	$ 398.20.

7. This compromise and settlement shall be with prejudice to any further assertion or claims by the Defendants against the Plaintiff by reason of the condemnation or by Plaintiff against Defendants.

8. Plaintiff shall pay all amounts owing within 30 days of the entry of this Consent Judgment.

9. This judgment resolves the last pending claim and closes the case.

_____.
Circuit Judge

I CONSENT TO ENTRY OF THE ABOVE JUDGMENT

_____.
Allan T. Motzny (P37580)
Attorney for Plaintiff

_____.
Timothy P. Dugan (P41135)
Attorney for Defendant O'Rilley Trust

_____.
Alan T. Ackerman (P10025)
Attorney for Defendant Freed

_____.
Keith M. Nathanson (P41633)
Attorney for Defendant I.S.C. Services

August 3, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Larysa Figol, Right of Way Representative

RE: Request for Approval of Purchase Agreement, Michael G. Leinonen and Catherine Helena Leinonen, 2803 Thames, Sidwell #88-20-25-226-002, Big Beaver, Rochester to Dequindre Road Project #01.105.5

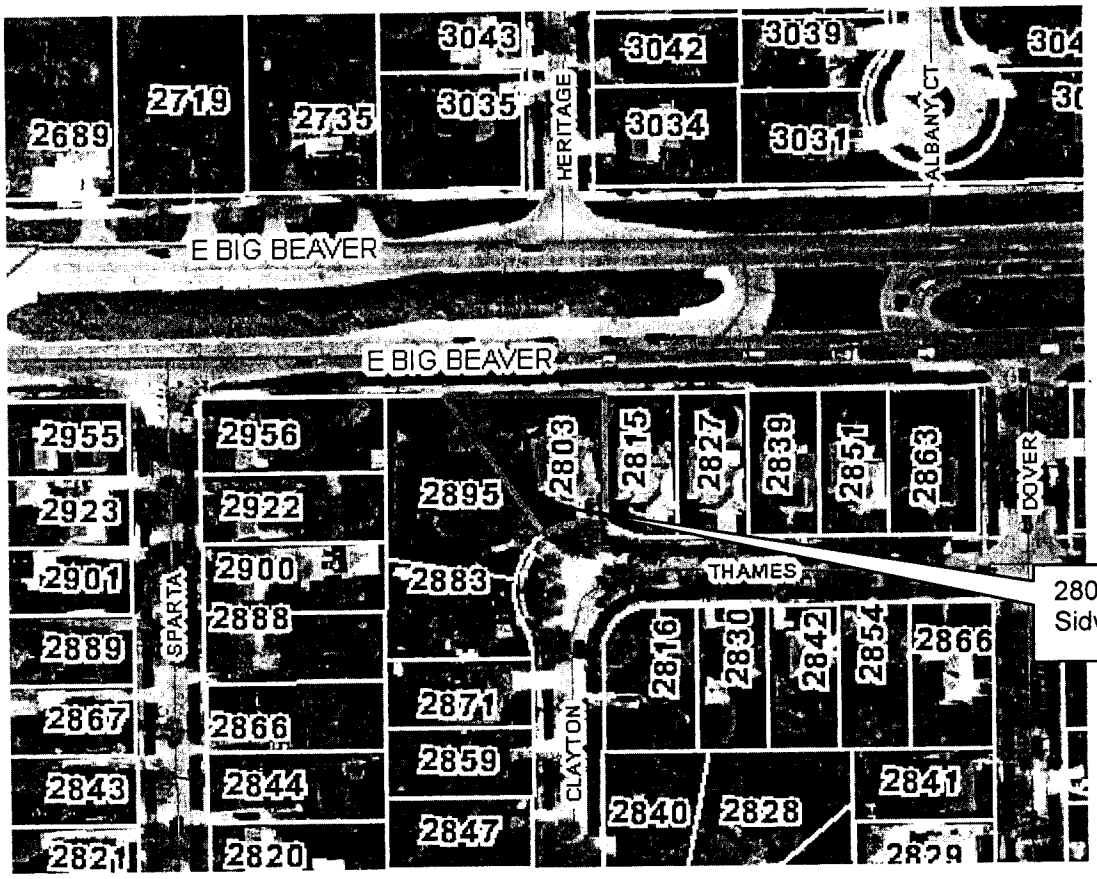
As part of the proposed Big Beaver Road Widening Project – Rochester to Dequindre, the Real Estate & Development Department has reached an agreement with Michael G. Leinonen and Catherine Helena Leinonen to purchase property at 2803 Thames, having Sidwell #88-20-25-226-002. The subject parcel is approximately 0.252 acres of land with a single family home and attached garage totaling 1,349 square feet.

Based on an appraisal performed by R.S. Thomas & Associates, Inc., and reviewed by Kimberly Harper, Deputy Assessor, staff believes that $185,000, the compensation agreed upon, is a justifiable value to this acquisition.

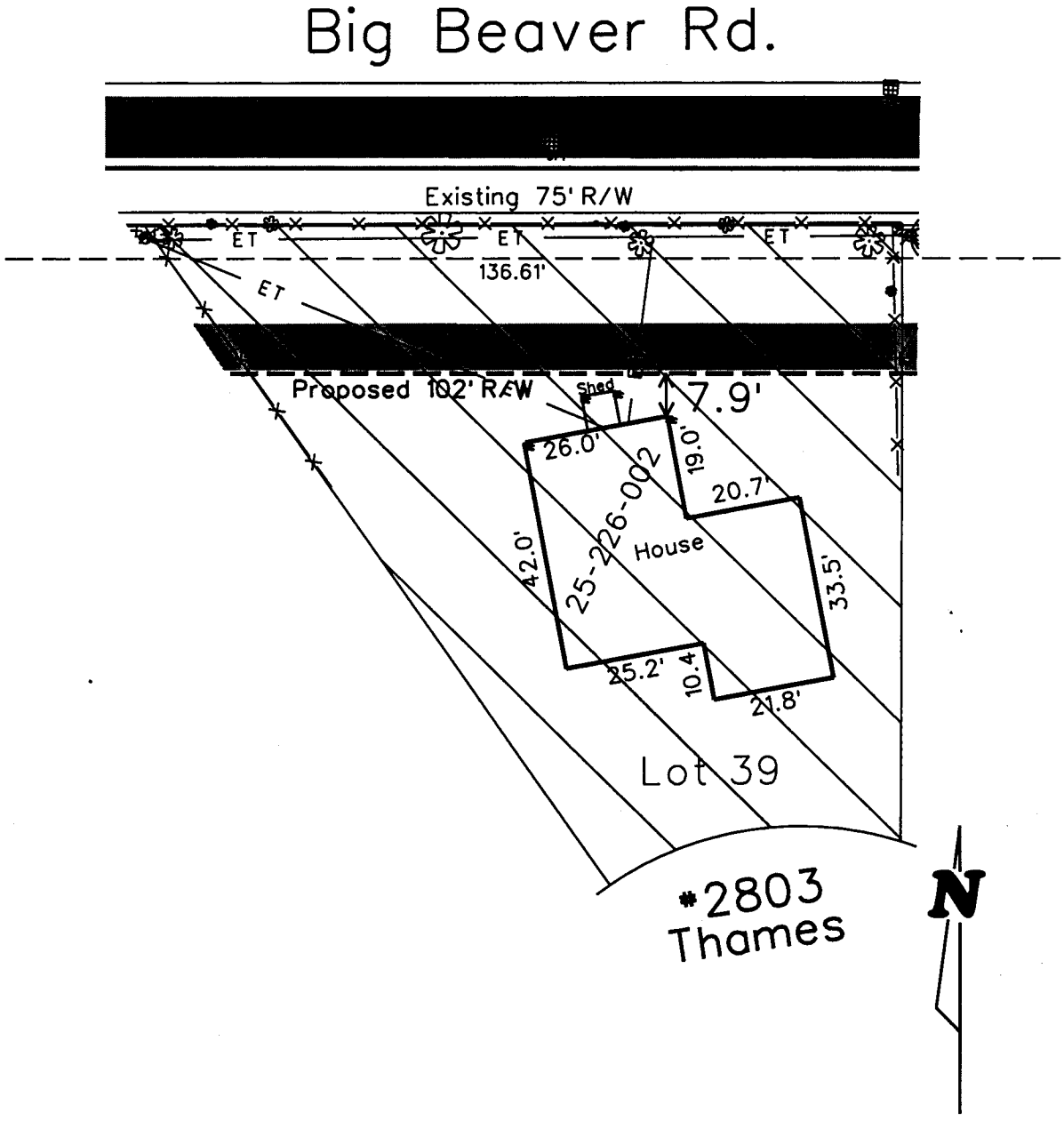
In order for the City to proceed with the acquisition of this parcel, staff requests that City Council approve the attached Purchase Agreement with Michael G. Leinonen and Catherine Helena Leinonen in the total amount of $185,000, plus closing costs. Funds will come from the Big Beaver – Rochester to Dequindre Road Project #01.105.5.

BIG BEAVER – ROCHESTER TO DEQUINDRE ROAD
PROJECT #01.105.5

BIG BEAVER – ROCHESTER TO DEQUINDRE ROAD
PROJECT #01.105.5



2803 Thames
Sidwell #88-20-25-226-002



Graphic Scale: 1"=30'

0 15' 30' 60'

Parcel #4

STATE OF MICHIGAN
George J. Ballard III
SURVEYOR NO. 41090
LICENSED PROFESSIONAL SURVEYOR

Right of Way Acquisition
Area=10,974 Sq.Ft.

City of Troy
"The City of Tomorrow, Today"
500 W. Big Beaver Rd.
Troy, Michigan 48084
(248) 524-3594
www.ci.troy.mi.us

#2803 Thames
Right of Way
Acquisition Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR.	NAME GJB III	NAME	See Above
VER.	DATE 5-19-04	DATE	VIEW #1

DATE	REV.

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No.	JOB No.
1 of 1	01.105.5

Sidwell #88-20-25-226-002
Revised July 30, 2004

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Michael G. Leinonen and Catherine Helena Leinonen, also known as Catherine H. Leinonen, husband and wife (the "Sellers"), the following described premises (the "Property"):

> Situated in the City of Troy, Oakland County, Michigan, described as:
> Lot 39, Yorkshire Subdivision, according to the plat thereof as recorded in liber 115, pages 29-30 of Plats, Oakland County Records. Containing 10,974 Square Feet or 0.252 Acres and being subject to all easements of record.

for a public project within the City of Troy and to pay the sum of One Hundred, Eighty-Five Thousand and no/100 Dollars ($185,000.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.

2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.

3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.

4. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.

5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.

6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.

7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.

8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.

9. Seller agrees to vacate the premises on or before December 1, 2004; or sign a Short-Term Rental Agreement for continued occupancy on a short term basis, which shall be determined by the City. Seller will not be required to pay rent after the closing and prior to December 1, 2004. Beginning on December 1, 2004, rent will be at a rate of $1,349 per month and shall be pro-rated if Seller occupies the property for a period less than one full month. Seller shall be responsible for and pay all utility bills for this property as long as Seller occupies the premises. At Seller's expense, Seller shall be responsible for maintaining the property until the premises are vacated.

10. Additional conditions, if any:

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 30TH day of JULY, A.D. 2004.

In presence of:

LARYSA FIGOL

PATTI GROSS

CITY OF TROY (BUYER)

SELLER:

Michael G. Leinonen

Catherine Helena Leinonen, also known as Catherine H. Leinonen

Exhibit "A"

Wednesday, May 19, 2004

Section 25, Big Beaver Widening Project
Parcel: 88-20-25-226-002
Owner: Michael G. Leinonen and Catherine Helena Leinonen
Parcel #4

Parent Parcel Description (Title Commitment #63-510794)

Situated in the City of Troy, Oakland County, Michigan, described as:
Lot 39, Yorkshire Subdivision, according to the plat thereof as recorded in liber 115, pages 29-30 of Plats, Oakland County Records.

Proposed Right of Way Acquisition

Situated in the City of Troy, Oakland County, Michigan, described as:
Lot 39, Yorkshire Subdivision, according to the plat thereof as recorded in liber 115, pages 29-30 of Plats, Oakland County Records. Containing 10,974 Square Feet or 0.252 Acres and being subject to all easements of record.

July 28, 2004

To: John Szerlag, City Manager

From: Steve Vandette, Acting Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Community Center Fitness Room Expansion
to Enhance Customer Service

RECOMMENDATION

To better serve our customers in keeping with the city's philosophy of providing affordable, convenient, community recreation, staff recommends the expansion of the fitness room into existing unused space, adding 1,200 square feet at a cost of $4,500 for renovations. This expansion would increase the fitness room to 6,700 square feet and could accommodate an additional eight (8) treadmills and ten (10) elliptical trainers with an approximate cost of $24,000 per year.

BACKGROUND

The popularity of the fitness room in the Community Center continues to grow since opening March 25, 2002. The fitness room was originally 4,600 square feet that included 34 pieces of cardiovascular and 15 pieces of strength training equipment. In September 2003, the area was expanded into an adjacent room and added another line of strength training equipment (10 pieces). This expansion increased the size to 5,500 square feet. As the usage during the winter months increased, four more elliptical trainers were added to bring the total to 38 pieces of cardiovascular equipment. While these acquisitions alleviated the wait to use machines to some degree, it continued to be a problem with the cardiovascular machines throughout the winter months. Due to a limited amount of available floor space in the fitness room, the ability to add additional equipment to accommodate members is not available.

The room being recommended for conversion to a fitness room was originally scheduled to be a Wellness Room but it currently sits vacant as efforts to lease the space to a Wellness Provider have failed. It is projected that the new expansion may generate an estimated $52,500 in additional annual revenue by attracting and accommodating new members. Furthermore, another room could be leased to a Wellness Provider without adversely impacting existing members. The extra machines would meet the demands of the existing membership and approximately 300 more users per day or 5% increase in memberships.

The cost to renovate this room is estimated at $4,500 which includes the installation of a new doorway and half-wall for electrical hookups performed by the city's Building Operations staff. This cost is minor compared to adding on to the current fitness room with new construction. The equipment could be leased for approximately $24,000 per year, which is already included in the 2004-05 budget. Not only could this expansion reduce the annual attrition rate of current pass holders upset over the availability of machines, but also make it easier to attract new members.

If expansion efforts are not pursued, staff may have to place a cap on memberships at 6,000 in order to improve customer service. However, this would be very difficult to manage internally and justify to residents who pay for the operation of this facility. It would also eliminate the ability to sell day passes.

If a cap is not established and membership levels are maintained without expansion, staff feels that approximately 5% of pass holders will cancel their membership due to dissatisfaction with the facility. This would amount to approximately $45,000 per year in lost revenue. This does not include any potential new pass holders that may want to join, but feel the facility cannot accommodate their needs. With a lower membership base, the Community Center could not obtain the revenue it needs to meets its operating costs without raising prices.

BUDGET

Funds are available for the cardiovascular equipment and fitness room expansion costs in the Troy Parks and Recreation Capital Budget, Account #401755.7978.045.

Prepared by: Kraig Schmottlach, Community Center Facility Manager

July 26, 2004

To: John Szerlag, City Manager

From: Steven J. Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol Anderson, Parks and Recreation Director

Subject: **Agenda Item**: Rescind Bid Award / Re-Award Contract
Hair and Body Shampoo

RECOMMENDATION

On June 7, 2004, City Council awarded a contract for Hair and Body Shampoo to the low bidder meeting specifications, Lobaido Cleaning Supply, at an estimated annual cost of $10,004.00. After multiple attempts by the Parks and Recreation Department to obtain the product from the vendor, it was learned from the manufacturer of the shampoo (Kutol) that Lobaido Cleaning Supply was not an authorized dealer and did not have access to sell the product. A letter was faxed to Lobaido putting them on notice that they will be held in default with prejudice because they could not supply the awarded product.

City management recommends that Council rescind the award to Lobaido Cleaning Supply (Resolution #2004-06-300-E-8), and re-award the contract to the next low bidder that meets specifications, Lower Huron Supply at an estimated annual cost of $10,914.80, at unit prices contained on the attached bid tabulation opened 4/14/04.

BID NOT MEETING SPECIFICATIONS

HP Products submitted a bid for an alternate product Estesol, which does not meet the general specifications for utilizing the current dispensing system. Although the bid price is lower than the cost for the Duraview product, when the labor cost is added to replace the dispensers for the 4500ml cartridges with 3500ml dispensers, the total expenditure is higher than the Duraview product from Lower Huron Supply at an estimated annual cost of $11,214.00.

Even though HP Products submitted a bid for the 2000ml cartridge whose dispenser fits all the mounting hardware currently in place, these units are smaller than the 4500ml units that were specified and would require additional staff time to keep them stocked with product.

BUDGET

Funds are available for these purchases in the Troy Parks and Recreation Budget for Operating Supplies, Account #755.7740.010.

Prepared by: Kraig Schmottlach, Community Center Facility Manager

Susan A Leirstein

From: Kraig L Schmottlach
Sent: Monday, July 26, 2004 8:23 AM
To: Susan A Leirstein
Subject: FW: Hair and Body Shampoo Pricing

Susan,
Here is the letter from Lower Huron regarding the price for the hair and body soap. They are not going to give us the dispensors for free but since the ones that we currently have will work with their product, there is not a need to purchase any. Should I contact him to see if he will extend the bid pricing for one year beginning from the start of the contract?
Let me know what I need to do to proceed.

Kraig Schmottlach

-----Original Message-----
From: tim [mailto:tim@procleansupply.com]
Sent: Sunday, July 25, 2004 11:35 AM
To: schmottlkl@ci.troy.mi.us
Cc: mark@procleansupply.com
Subject: Hair and Body Shampoo Pricing

Dear Kraig,

The purpose of this email is to detail bid pricing for SSS Body Fresh Shampoo (private label brand of Duraview by Kutol). I will guarantee the bid price of $28.04/case of 4500 ml and $33.44/case of 2000 ml for a period of one year beginning 6-1-04 and ending 6-1-05.

Since Kutol would not allow us to distribute the Duraview brand to you, we had to make the change to the private label brand. Same manufacturer-different name. Since we have to supply the private label brand, I cannot supply any replacement dispensers to you at no charge. I will supply them to you at our cost of $5.35/each.

We would like to request that orders be placed for a minimum of 50 cases each order, otherwise we would have to pass along a freight charge.

Thank you for the opportunity of supplying this product to you. If you are interested in once again exploring the SSS Foam Soap, which would provide you with a cost savings of approximately 30%, please let me know.

Tim McClure
Lower Huron Supply
(734)673-7300 cell

E-8 Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Hair and Body Shampoo

Resolution #2004-06-300-E-8

RESOLVED, That a one (1) year contract to furnish Duraview hair and body shampoo with an option to renew for one additional year is hereby **AWARDED** to the low bidder meeting specifications, Lobaido Cleaning Supply of Macomb, Michigan, at unit prices contained in the bid tabulation opened April 14, 2004 which will expire April 30, 2005; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Private Agreement for Crestwood Site Condominiums – Project No. 02.922.3

Resolution #2004-06-300-E-9

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and RTW Building, LLC is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalk, soil erosion and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Standard Purchasing Resolution 11: Rejection of Bid – Air Compressor Repair and Maintenance

Resolution #2004-06-300-E-10

RESOLVED, That the sole bid to provide a three-year contract for repair services including parts and bi-annual maintenance of air compressors for the Fire Department, opened May 18, 2004, is hereby **REJECTED** due to costs exceeding contract estimates, and the services be **RE-BID** as soon as possible.

E-11 Extension of Preliminary Plat – Tentative Approval – Oak Forest Subdivision – West Side of John R Road and South of Square Lake Road – Section 11

Resolution #2004-06-300-E-11

RESOLVED, That a one-year extension of the Tentative Approval be **GRANTED** to the Preliminary Plat of Oak Forest Subdivision (Revised), west side of John R Road and south of Square Lake Road, Section 11.

PUBLIC COMMENT: Limited to Items Not on the Agenda

May 7, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 2: Bid Award - Lowest Bidder Meeting Specifications – Hair and Body Shampoo

RECOMMENDATION

On April 14, 2004, bids were opened for a one-year contract to furnish hair and body shampoo with an option to renew for one additional year. City management recommends an award be made to the lowest acceptable bidder, Lobaido Cleaning Supply of Macomb, MI for the Duraview line of hair and body shampoo, for an estimated annual cost of $10,004.00, at unit prices contained in the attached bid tabulation to expire April 30, 2005.

SUMMARY

The Parks and Recreation Department utilizes hair and body soap in the Community Center locker rooms. As mandated by state health codes for swimming facilities, soap dispensers are mounted in each of the 40 shower stalls in the locker rooms. Hair and body shampoo will be ordered throughout the year on an as needed basis.

BIDS NOT MEETING SPECIFICATIONS

Two vendors, HP Products and Arnold Sales, Inc. submitted bids for alternate products, which do not meet the general specifications for utilizing the current dispensing system. Although the bid price is lower than the cost for the Duraview product, when the labor cost is added to replace the dispensers, the total expenditure is higher than the cost for the Duraview product. HP and Arnold require the replacement of the existing dispensers. Labor costs to remove dispensers, repair holes in tile, and mount new dispensers are estimated at $1,084.20. When added to the Arnold bid, the total expenditure is estimated to be $10,040.16 making it higher than Duraview. The estimated cost for HP is $10,087.95. Additional problems include: 1) making additional holes in the tile wall to mount different dispensing units, thereby compromising the integrity of the wall. 2) The units are more difficult to keep clean because more surface area is black. Soap marks would need to be removed more frequently, which would require extra labor costs. 3) It is more difficult to determine how much soap is left because the viewing window on the box of soap is smaller resulting in wasted product.

BUDGET

Funds are available for these purchases in the Troy Parks and Recreation Budget for Operating Supplies, Account #755.7740.010.

88 Vendors Notified via MITN System
17 Bid Responses Rec'd
2 Bids did not meet specifications
1 No Bid: (1) Company does not handle product specified.

Prepared by: Kraig Schmottlach, Community Center Facility Manager

Opening Date -- 4-14-04
Date Prepared -- 5/6/04

CITY OF TROY
BID TABULATION
HAIR & BODY SHAMPOO

	VENDOR NAME:	* LOBAIDO CLEANING SUPPLY	HP Products	Lower Huron Supply	Supply Den Inc
EST. QTY	DESCRIPTION	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
	Duraview Hair & Body Shampoo		6/CS		
100 CS	2000 ml Cartridges (4 per Case) (8000ml)	**$ 30.65**	$ 39.35	33.44	$ 35.00
			3.5 LITER 4/CS		
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	**$ 25.70**	$ 43.35	28.04	$ 32.50
	Replacement Dispensers	NO Charge	NO Charge	NO Charge	NO Charge
	Ouoting on:	DURAVIEW	ESTESOL	DURAVIEW	DURAVIEW
	Manufactured by:	KUTOL	STOCKHAUSEN	KUTOL	KUTOL
	ESTIMATED TOTAL COST--	* **$ 10,004.00**	$ 10,179.35	$ 10,914.80	$ 12,275.00
	MINIMUM SHIPMENT:				
	($Amount) or # of Cases	10	50	$ 100.00	NO MINIMUM
	Days before receipt	2-3	4-5	2	NEXT DAY
	CONTACT: Hrs of Operation	7am-5pm	8am-5pm	8am - 5pm	7:30-5:00
	Phone #	(586) 212-0201	(800) 382-5326	(734) 721-3601	(586) 939-0747
	TERMS:	NET 30	NET 30 DAYS	NET 30 DAYS	NET 30
	WARRANTY:	100% SATISFACTION	BLANK	BLANK	ALL PRODUCTS GUARANTEED
	DELIVERY:	48 HOURS	4-5 DAYS	OUR TRUCK	NEXT DAY N/C
	EXCEPTIONS:	BLANK	LISTED IN BID	BLANK	NONE
	ACKNOWLEDGEMENT: Completed Y / N	YES	YES	YES	YES

NO BIDS:
Supply Pro

PROPOSAL - Furnish One (1) Year Requirements of Hair & Body Shampoo with an Option to Renew for One Additional Year

ATTEST:
Aileen Bittner
Kraig Schmottlach
Linda Bockstanz

*** DENOTES LOWEST ACCEPTABLE BIDDER**

Jeanette Bennett
Purchasing Director

G:/Hair & Body Shampoo ITB-COT 04-16

EST. QTY	VENDOR NAME: / DESCRIPTION	Ecolab Inc	Zep Mfg Co	Grainger Industrial Supply	Stallings-Julien Sales & Service
		UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
	Duraview Hair & Body Shampoo	10/950ml CS	(1000ml) 6/cs	2000ml 2/cs	
100 CS	2000 ml Cartridges (4 per Case) (8000ml)	$ 48.48	$ 38.56	$ 30.29	$ 68.00
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	$ 48.48	$ 38.56	BLANK	$ 66.00
	Replacement Dispensers	NO Charge	NO Charge	NO Charge	NO Charge
	Ouoting on:	EPICARE	MELON BODY SHAMPOO	FMX LUXURY FOAM	DURAVIEW
	Manufactured by:	ECOLAB	ZEP	GOJO	DURAVIEW
	ESTIMATED TOTAL COST--	$ 16,483.20	$ 20,745.28	$ 24,474.32	$ 24,620.00
	MINIMUM SHIPMENT: ($Amount) or # of Cases	2 CASES	$ 100.00	- 0 -	10 CS EA SIZE
	Days before receipt	5-7 DAYS ARO	2-5 DAYS	1-2 DAYS	3-10
	CONTACT: Hrs of Operation	24 HOURS	8am-4:30pm	7:30am-5pm	9-5pm M-F
	Phone #	(800) 332-6522	(734) 525-0800	(248) 585-4100	(313) 345-6442
	TERMS:	NET 30 DAYS	NET 30	NET 30	N 30
	WARRANTY:	12 MONTHS	SATISFACTION GUARANTEED	LIFETIME DISPENSERS	MANUFACTURERS
	DELIVERY:	5-7 DAYS ARO	2-5 DAYS	1-2 DAYS ARO	3-10 DAYS
	EXCEPTIONS:	BLANK	BLANK	LISTED IN BID	NONE
	ACKNOWLEDGEMENT: Completed Y / N	YES	YES	YES	YES

Opening Date -- 4-14-04
Date Prepared -- 5/6/04

	VENDOR NAME:	ChemLine	Audio Visual Equipment & Supply	Lower Huron Supply (Alternate #1)	Supply Den Inc (Alternate #1)
EST. QTY	DESCRIPTION	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
100 CS	Duraview Hair & Body Shampoo 2000 ml Cartridges (4 per Case) (8000ml)	$ 72.98	$ 64.00	BLANK	(6) 1000ml $ 36.61
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	$ 64.88	$ 72.00	2 LTR CARTRIDGE $ 34.99	BLANK
	Replacement Dispensers	NO Charge	NO Charge	NO Charge	NO Charge
	Ouoting on:	DURAVIEW	DURAVIEW	FOAM FRESH	EZ FOAMING
	Manufactured by:	KUTOL	BLANK	GOJO	KUTOL
	ESTIMATED TOTAL COST--	$ 24,815.60	$ 25,840.00	N/A	N/A
	MINIMUM SHIPMENT: ($Amount) or # of Cases	NO MINIMUM	$ 200.00	$ 100.00	NONE
	Days before receipt	7-14	2	2 DAYS	NEXT DAY
	CONTACT: Hrs of Operation	8am - 5pm	8am-5pm	8am - 5pm	7:30-5pm
	Phone #	(248) 377-4277	(800) 296-5446	(734) 721-3601	(586) 939-0747
	TERMS:	30 DAYS	NET 30	NET 30 DAYS	
	WARRANTY:	FREE REPLACEMENT OF DEFECTIVE PRODUCTS	PER MANUFACTURER	BLANK	
	DELIVERY:	7-14 DAYS	2 DAYS ARO	OUR TRUCK	
	EXCEPTIONS:	SEPARATE BID FOR SBS ALTERNATE PRODUCTS.	BLANK	BLANK	
	ACKNOWLEDGEMENT: Completed Y / N	YES	YES	YES	

	VENDOR NAME:	Chem Line Inc	Chem Line Inc	Broner Glove & Safety	
		(Alternate #2)	(Alternate #1)		
EST. QTY	DESCRIPTION	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE	
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
	Duraview Hair & Body Shampoo			6/cs	
100 CS	2000 ml Cartridges (4 per Case) (8000ml)	BLANK	BLANK	$ 47.32	
		1 Litre 8/cs	1 Litre 8/cs		
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	$ 37.85	$ 40.05	N/A	
	Replacement Dispensers	NO Charge	NO Charge	NO Charge	
	Ouoting on:	AQUARESS	AERO BLUE	ESTESOL	
	Manufactured by:	SBS - GEL	SBS - FOAM	STOCKHAUSEN	
	ESTIMATED TOTAL COST--	N/A	N/A	N/A	
	MINIMUM SHIPMENT: ($Amount) or # of Cases	NO MINIMUM	NO MINIMUM	1 CASE	
	Days before receipt	7-14	7-14	2 DAYS	
	CONTACT: Hrs of Operation	8am-5pm	8am-5pm	7:30 - 5:30	
	Phone #	(248) 377-4277	(248) 377-4277	(800) 521-1318	
	TERMS:			NET 30	
	WARRANTY:			N/A	
	DELIVERY:			UPS	
	EXCEPTIONS:			BLANK	
	ACKNOWLEDGEMENT: Completed Y / N			YES	

Opening Date -- 4-14-04
Date Prepared -- 5/6/04

EST. QTY	DESCRIPTION	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE
	VENDOR NAME:	HP Products DMS (Alternate #1)	Arnold Sales Inc DMS		
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
	Duraview Hair & Body Shampoo				
100 CS	2000 ml Cartridges (4 per Case) (8000ml)	DMS ($26.25)	DMS ($27.06)		
		5000ml	5000ml		
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	DMS ($26.25)	DMS ($25.72)		
	Replacement Dispensers	NO Charge	NO Charge		
	Ouoting on:	SHOWER UP	PRO LINK		
	Manufactured by:	GOJO	PRO LINK		
	ESTIMATED TOTAL COST--	($9,003.75)	($8,955.96)		
	MINIMUM SHIPMENT: ($Amount) or # of Cases	- 0 -	NONE		
	Days before receipt	1-3 DAYS	1 WEEK		
	CONTACT: Hrs of Operation	8am-5pm	9am-5pm		
	Phone #	(800) 382-5326	(800) 734-8133		
	TERMS:	NET 30	30 DAYS		
	WARRANTY:	BLANK	BLANK		
	DELIVERY:	1-3 DAYS	1 WEEK		
	EXCEPTIONS:	LISTED IN BID	QUOTING PRO LINK AS ALTERNATIVE		
	ACKNOWLEDGEMENT: Completed Y / N	YES	YES		

DMS:
Vendors did not meet general specifications for product dispensing, which would utilize existing wall units.

Downloading History for ITB-COT 04-16 Soap

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **5/7/2004.**

Document Title:	Hair & Body Shampoo for the Community Center Lockers Rooms
Date Issued:	3/16/2004
Close Date:	4/14/2004

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
15458	A & S Associates d/b/a Jani - King	E-mail	3/16/2004	
11680	A-1 Business Products	E-mail		
13440	Advance Glove & Safety Co., Inc.	E-mail		
12133	Allied Building Service Company of Detroit, Inc.	E-mail		
13234	ALYKO Enterprises LLC	Free	4/1/2004	
16602	AMERICAN INSTITUTIONAL SUPPLY	Free	3/24/2004	
10489	American Solutions for Business, Inc.	E-mail		
10632	Ampro Inc.	E-mail		
13995	APAC PAPER & PACKAGING CORP.	Fax		
12040	Argus Supply Company	E-mail		
13096	Arnold Sales	Free	4/6/2004	
10497	ATD-AMERICAN CO	E-mail	3/16/2004	
11493	Audio Visual Equipment & Supplies, Inc.	E-mail	3/16/2004	
11456	B & R Sales and Service Inc.	Fax		
11464	Bell & Sons Distributors	E-mail	3/18/2004	
14948	Biloxi Paper Company	Free	3/23/2004	
12834	BOSTWICK-BRAUN CO.	Free	3/31/2004	
10831	BRIGHTON CLEANING SUPPLIES	E-mail	3/18/2004	
14039	Broner Glove & Safety	E-mail	4/9/2004	
11393	Capital Consultants, Inc.	Free	4/1/2004	

10151	Central Michigan Paper	E-mail		
10415	Chem-Line, Inc.	E-mail	3/17/2004	
16258	Chemico Systems	E-mail	3/16/2004	
15768	Clark Products	Free	4/8/2004	
16193	Cleanex Janitorial	E-mail		
12406	cleaning connection inc	E-mail		
11438	Colgate Palmolive	E-mail		
11863	Colman Wolf Sanitary Supply	E-mail	3/16/2004	
13269	Commercial CCI	E-mail		
13183	Corporate Express	E-mail		
10228	Courtesy Sanitary Supply	E-mail	4/5/2004	
13830	DataMail Services Inc.	Free	3/26/2004	
12411	Davis-Stevens Foods Inc.	E-mail		
10115	Ecolab Inc.	Free	3/16/2004	
15474	FASTSIGNS of Dearborn	E-mail		
16320	Geisler Company	E-mail	4/13/2004	
13824	Giant Janitorial Service, Inc	Fax		
11861	Grainger Industrial Supply	E-mail	4/12/2004	
13972	Hercules & Hercules Inc.	E-mail	3/17/2004	
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	4/13/2004	
14309	HP Products	Free	4/7/2004	
10459	Industrial Cleaning Supply Co.	E-mail	3/16/2004	
14773	Integrated Supply Management, Inc.	E-mail		
12159	James Glove & Supply Company Inc.	E-mail	4/5/2004	
10296	jansan supply	Free	4/11/2004	
14939	Jeannie Parent Inc	Free	3/17/2004	
10365	JEM Industries Inc.	E-mail	3/29/2004	
10508	LOWER HURON CHEMICAL & SUPPLY	E-mail	4/13/2004	
14525	Maro Enterprises LLC	E-mail	4/1/2004	
13143	maurer's	E-mail	3/22/2004	
12956	McCaffrey's Office Products, Inc.	E-mail		
13084	MER-WIL INDUSTRIES	E-mail		
13429	Multi-Source	E-mail		
15276	Nichols	E-mail	4/9/2004	
11936	Northside True Value Hardware	Fax		
13376	O'Mara Products, Inc.	E-mail		
10791	OFFICE DEPOT	E-mail		
10192	Oliver Supply Company	Fax		
10250	ourgolf.com	Free	3/29/2004	
11553	Paragon Cleaning &Restoration Services Inc.	E-mail		
13022	Peter E. Johnson and Associates, Inc	Fax		

11668	Plant Pros, A Division ofAbsorbents Midwest, Inc.	E-mail		
15346	Porta John Systems, Inc.	Free	3/23/2004	
14265	Professional Sanitary Supply	E-mail	3/30/2004	
14883	Pyramid School Products	E-mail		
15189	Regina's All-Star Apparel & Accessories	E-mail	3/27/2004	
13955	Saber Commercial Cleaning and Supply	E-mail		
16496	Securitas Inc	Free	3/17/2004	
12726	Security Options	E-mail	3/22/2004	
11216	Seneca Medical inc.	E-mail	3/16/2004	
11001	Sheldon Supply Company	E-mail		
12675	SledgeHammer Const. Inc.	E-mail		
13730	SMART Management Group, LLC	E-mail		
12123	Source One Distribution LLC	E-mail		
16450	SourceMaster	E-mail		
16127	STERLING CLEANING SERVICES, INC.	E-mail	3/18/2004	
13967	Strong Tool	E-mail		
10162	SupplyDen Inc.	E-mail	4/13/2004	
11614	SupplyPro	E-mail	3/16/2004	
10279	Sure Products, Inc	E-mail		
12352	T and T Enterprise Corporation	Free	4/7/2004	
14843	The GED Examination & Adult Education Center	E-mail	3/16/2004	
12027	The Office Connection, Inc.	E-mail		
15310	Tiffany's Building Services, Inc.	E-mail	4/5/2004	
15544	UNIQUE PACKAGING	E-mail	3/29/2004	
16707	VETERANS SUPPLY & DIST	Free	3/30/2004	
12154	Village Distributors	E-mail	3/16/2004	
12367	Zep Manufacturing Company	E-mail	3/30/2004	

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F-07

July 30, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Request for City at Large to Pay for Sidewalk Replacements where Property Owners Meet Low to Moderate Income Guidelines

It has been brought to my attention that some resident property owners may have some difficulty in paying for their share of sidewalk replacement costs. As such, I propose that the City at large pay for these costs when affected resident property owners meet the criteria for low to moderate income levels. Eligibility will be commensurate to the levels we use for our special assessment programs where community development block grant funds are utilized. These income levels follow:

PERSONS PER HOUSEHOLD	INCOME
1	$39,150.00
2	$44,750.00
3	$50,350.00
4	$55,900.00
5	$60,400.00
6	$64,850.00
7	$69,350.00
8	73,800.00

As a point of information, it's not prudent to try to utilize block grant funding for this program as the cost of certain reporting requirements could well exceed the actual benefit. As an example, the Davis-Bacon act, which mandates a prevailing wage rate paid by contractors, as well as other reporting requirements, could increase the overall project cost to the City.

Attached is information relative to our current sidewalk program, and I have included a map delineating how we divide the City into program years. This year we are in program areas 1 and 12.

As always, please contact me should you have any questions.

c: Laura Fitzpatrick, Assistant to the City Manager
Steve Vandette, Acting Assistant City Manager/Services
Timothy Richnak, Public Works Director

Will the City's Contractor replace any dirt or grass if needed?

Yes. Part of the sidewalk repair contract includes repair and replacement of all landscaping that is disturbed by the removal and replacement of sidewalk slabs.

Is the City's contractor insured?

Yes. The City's contract requires that they be INSURED AND BONDED.

Am I protected against vandalism and damage?

After the walk is poured, the contractor will be present for a few hours as it sets. The property owner is asked to keep an eye on the sidewalk for a day or two afterward, and to inform the City if any damage or vandalism is done.

In the past, the most common problem with sidewalks has been spalling. This is a damage which occurs to the surface of the newly poured sidewalk during the winter months due to the use of salt. The City's contractor will spray a curing compound on the sidewalk to help prevent this problem from occurring. It is, however, a good idea not to use salt on your newly poured sidewalks during the first winter. A number of non-salt, de-icing products are available at local retail outlets.

How will I know if the work is completed correctly?

City inspectors will check and correct all work performed by its contractor before any payment is made. The city suggests that you do the same and inspect all work that you contract out personally.

If you do hire your own contractor, you may want to request the items below for a quality job:

- -The use of 6-sack concrete.
- -A broom finish.
- -They resod grass areas that die out because of the sidewalk repair.
- -They apply curing compound after the cement is finished.
- -Expansion strips be placed every 50ft. of newly poured continuous sidewalk.
- -Expansion strips be placed at the back of the curb and front edge of the sidewalks adjacent to each driveway approach, and service walk.
- -Sidewalk must be 4" thick and not less than 6" thick at any driveway crossing.
- -Driveway approaches must be 6" thick.

For further information you can contact The Public Works Department.

at: 524-3595

Mon.-Fri. (8:00 am to 4:00 pm.)

CITY OF TROY
SIDEWALK PROGRAM

City of Troy

The following information will be helpful in understanding how the Sidewalk Replacement Program works.

Does the City of Troy need a Sidewalk Replacement Program?

The City of Troy is fortunate to have a comprehensive network of sidewalks, paved streets, and driveway aprons for the use of pedestrians and vehicular traffic. However, pavement deteriorates in time and must be replaced. Some of the sidewalks and driveway aprons have fallen into disrepair creating several problems for our residents.

Our utmost concern is to alleviate the potential for pedestrian injuries due to tripping on uneven or broken sidewalks. The City must always be concerned with the safety of its residents. This program provides a safer sidewalk for pedestrians.

A maintenance program for sidewalks significantly reduces the possibility of any legal action being taken against our residents.

Most civil actions today name both the property owner and the municipality. If we can reduce the possibility of legal action from occurring it will help keep the insurance cost down.

FREQUENTLY ASKED QUESTIONS;

Who is responsible for sidewalk repair cost?

The City will be responsible for the cost only when the following conditions exist:

- Damage caused by trees located in the street right-of-way.
- Damage caused by the City utilities but not utility trench settlement.
- Sidewalks located on the side street portion of the corner lot, other than those at a driveway crossing.
- Street intersection crosswalks and ramps.

The cost for sidewalk repair beyond these conditions is borne by the property owners.

How does the program work?

The City of Troy has an ongoing maintenance program. Every year sidewalks needing repair are selected by the Public Works Department for replacement. The inspector marks these sidewalk blocks to show which specific areas need to be addressed. A notice to property owners is sent by mail to all properties which are in need of repair or replacement. As the notice indicates, there is a specific deadline date by which the property owner has to repair or replace the sidewalk as marked. If the repairs have not been made by the deadline date, the City will cause the work to be done by a contractor hired by the City. Following completion of the work the property owner will be billed by the City.

How can I arrange for the City's contractor to repair my sidewalk?

If you want the City's contractor to make the necessary repairs to your sidewalk, please sign and return the notice before the deadline date. This will automatically put you on the City's contractor repair list. The cost would be the same as explained in the notice.

Can I hire the City's contractor for additional private work ?

Yes. You can hire the City's contractor for additional private work by having your own contract or private agreement with him. The City will not be involved or responsible for any of this additional private repair.

Do I have to use the City's contractor?

No. You can make the necessary repairs to your sidewalks yourself or you may hire any licensed contractor you choose to make the repair for you. Any sidewalk or driveway approach replacement larger than 50 sq. ft. requires a permit from the Building Department. The inspection will be made by the Public Works Department.

Is leveling permitted?

Yes. You may level any concrete block that is not cracked, shattered, or severely spalled (deteriorated surface).

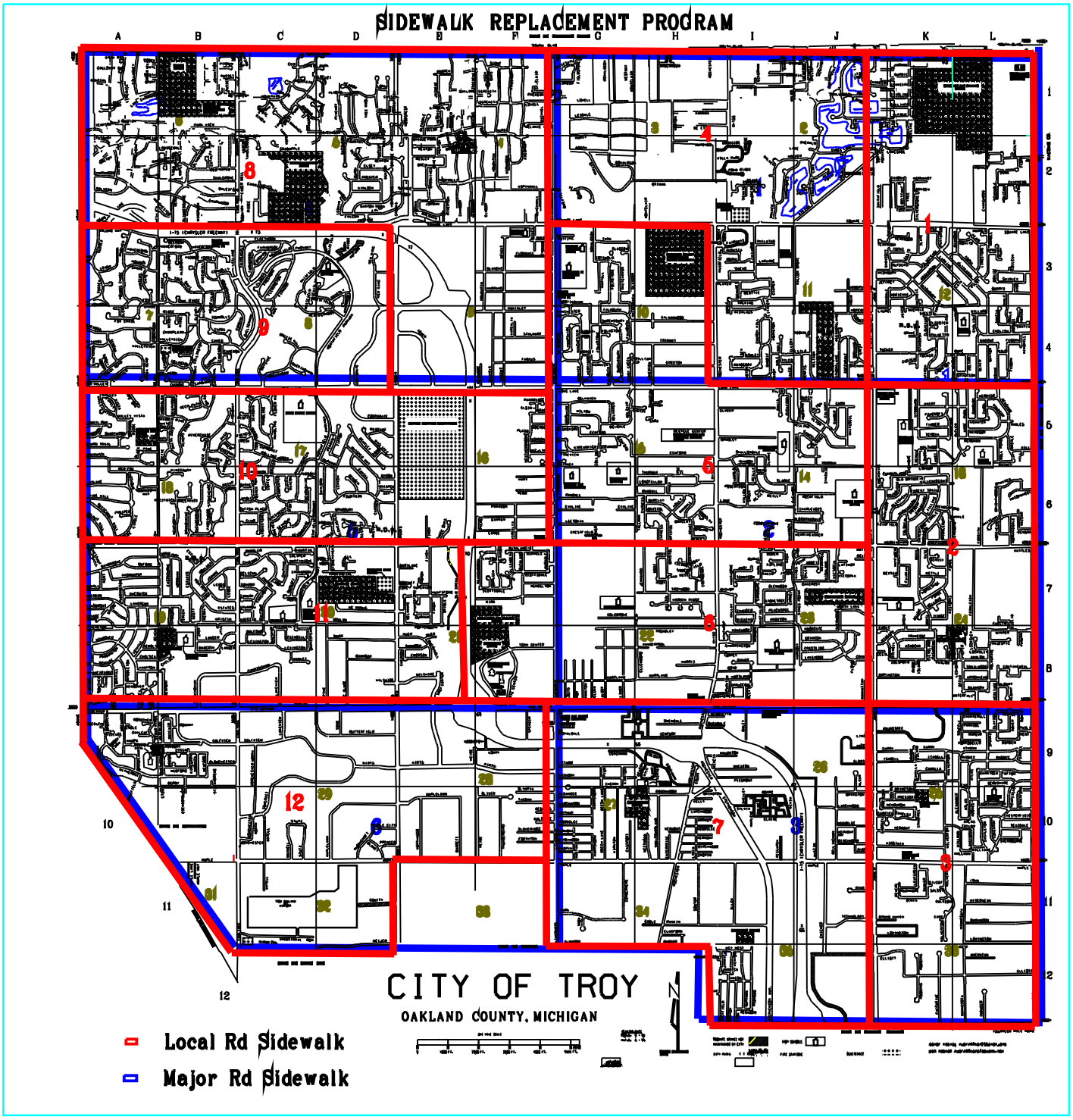
What is concrete leveling?

It is a procedure that remedies a number of subsurface problems by injecting a special compound mixture through small, precisely placed holes drilled in the concrete. This procedure fills all voids under the concrete and raises the slabs to the original grade while stabalizing and increasing the load bearing ability of the concrete.

Why concrete leveling?

Concrete leveling offers these benefits:

- Repairs are quick with little inconvenience.
- Repaired surface may be driven on immediately.
- Repairs maintain the original color (shade) of concrete.



Sidewalk Replacement Contract3.dgn 8/4/2004 10:46:48 AM

July 30, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item – Approval of Negotiated Agreement with the Michigan Municipal Risk Management Authority (MMRMA) for Casualty and Property Insurance coverage

RECOMMENDATION:

A bid was let in 1996 for casualty and property insurance with five bids received and a contract awarded to the low bidder, MMRMA (Resolution #96-1032). On August 16, 1999, a three (3) year renewal of Casualty and Property Insurance with the Michigan Municipal Risk Management Authority was approved (Resolution #99-376-E-4). On August 5, 2002 a two-year agreement with the MMRMA was approved (Resolution 2002-08-453). On March 1, 2004 City Council authorized the City Manager to negotiate a new agreement with the MMRMA (Resolution 2004-03-108-E-11, materials attached). Staff has negotiated a new agreement at a premium cost in the first year of $293,689 with an option to renew a second year. There are no changes in terms or conditions. The agreement is to commence November 8, 2004.

Cost History: The cost for insurance of this renewal continues to be below the base bid price of 1996. The following are the cost of insurance for years 1996 through 2003: $294,391, $292,874, $291,761, $262,585, $269,829, $277,297, $282,096, and $282,096.

Loss Fund History: In 1996, the City agreed to maintain a positive loss fund balance of up to $150,000 that is designated to pay claims. The City currently has a positive loss fund balance of $35,097.37. The MMRMA will be requesting a contribution to the loss fund this year. The contribution based on the City's June 7, 2004 balance would be $114,902.63.

HISTORY:

In 1996, the insurance marketplace was experiencing a "soft market" resulting in low prices and broad coverage. Insurance Underwriting was more relaxed and allowed for greater leniency in determining insurance premiums and coverage availability. Since MMRMA's low bid offering in 1996, the MMRMA had been able to keep annual premiums below the 1996 pricing and provide even broader coverage while increasing coverage limits from $10 million to $15 million.

However, in 2002 both the MMRMA and the City were affected by the hardening of the insurance market. A compromise was reached whereby the MMRMA kept premiums low, but terms and conditions were adjusted to account for the "hard market". The changes included:

- A change in Self-Insured Retention (SIR) from $250,000 to $500,000
- An increase in the City's stop loss program from $633,000 to $1,000,000
- A change in sewer back up coverage from $15,000,000 to $500,000
- Terrorism Coverage included in the amount of $25,000,000

It was during a "hard market" in 1990 that the City's casualty and property insurance coverage was bid, and we subsequently became members of the MMRMA. The MMRMA is an insurance pool. Unlike commercial insurance, an insurance pool is able to spread the risk among all its members to help stabilize premiums and preserve coverage. Insurance pools generally provide specific coverage; in the case of the MMRMA, it is coverage specific to the needs of governmental agencies.

ANALYSIS:

The insurance industry has experienced a "hard market" in recent years in which underwriting for insurance becomes more stringent. Prices have gone up and coverage is not as readily available. The insurance market is still reeling from the World Trade Center Disaster, which further served to harden the market.

The proposal provided by the MMRMA reflects Troy's long-term membership and good loss history. Please know that this proposal is valid through August 31, 2004. Should the City opt to bid its insurance renewal, the MMRMA reserves the right to withdraw this proposal.

It should also be noted that during the past two years Troy's exposures and values have increased with the addition of the Police and Fire Administration wing, the new Fire Station #3, and the Sanctuary Lake Golf Course. The MMRMA is providing Troy with an excellent proposal given the current state of the insurance market, and the added exposures and values.

BUDGET IMPACT:

Funds are available to pay the premium from the operating budgets of each department.

C: John Lamerato

RISK
Michigan Municipal
MANAGEMENT
AUTHORITY

RECEIVED
2 2 2004
CITY OF TROY
CITY MANAGER'S OFFICE

BOARD OF DIRECTORS

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Newaygo County

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GERALD BUCKLESS
Board Member Emeritus

MICHAEL L. RHYNER
Executive Director

July 21, 2004

Mr. John Szerlag, City Manger
City of Troy
500 West Big Beaver Road
Troy, MI 48084

RE: MMRMA Renewal 2004-2005 & 2005-2006

Dear Mr. Szerlag:

I would like to say it was a pleasure for Mike Rhyner and myself to meet with you and your associates yesterday.

Again, I would like to say in consideration of Troy's long-term membership and excellent loss history we are in agreement to the following renewal pricing:

1. Retaining Troy's present $500,000 Self-Insured Retention, 2004 budget, and last years's property values, your 2004 contribution will be $293,689. We are also requesting that you bring up your Self-Insured Retention fund to $150,000. This renewal contribution reflects a 4% increase over your 2003-2004 contribution.

2. 2005-2006 you will have an option to renew. Pricing will be based on exposure increase, claims, underwriting and market conditions.

This proposal is subject to the city maintaining it's membership with MMRMA for a two-year period and is valid through August 31, 2004. If the city opts to bid its insurance renewal or decides to select an outside Regional Risk Manager, MMRMA reserves the right to withdraw this proposal.

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RISK Michigan Municipal MANAGEMENT AUTHORITY

If you have any questions, do not hesitate to give me a call.

Sincerely,

Boyd M. Smith

Boyd M. Smith, CIC
MMRMA Risk Manager

BMS/nr

cc: Michael Rhyner, MMRMA Executive Director
Chuck Schwab, MMRMA Director of Risk Management
Stephen Cooperrider, City of Troy
MMRMA Underwriting

500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

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

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

RESOLUTION

Casualty and Property Insurance Renewal – Approval to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)

At a Regular meeting of the Troy City Council held on Monday, March 1, 2004, the following Resolution was passed:

Resolution #2004-03-108-E-11
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the City Manager is hereby **AUTHORIZED** to negotiate a new agreement with the Michigan Municipal Risk Management Authority (MMRMA) for the casualty and property insurance needs of the City.

Yes: All-6
No: None
Absent: Broomfield

I, Barbara A. Holmes, duly appointed Deputy Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the Twelfth day of May, 2003.

Barbara A. Holmes

Barbara A. Holmes, CMC
Deputy City Clerk

February 19, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item - Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)

This is a request to negotiate a new agreement with the MMRMA for the City's Casualty and Property Insurance, subject to City Council approval. The City's current agreement with the MMRMA expires November 8, 2004. Mr. Boyd Smith, Regional Risk Manager for the MMRMA has asked if the City would be open to negotiating a new agreement (Letter of February 2, 2004 attached).

The City has been a member with the MMRMA since November of 1990. Since that time, the MMRMA has been requested to participate, and has submitted a competitive bid proposal four (4) times. Each time the MMRMA has provided the most comprehensive bid proposal with the broadest coverage at the lowest price. The last competitive bidding process was in 1996 for a three-year agreement. Since that time, we have been able to successfully negotiate two additional agreements with the MMRMA, with City Council approval (Resolutions #99-376-E-4 and #2002-08-453).

I would submit that a review of the following attachments would indicate that the MMRMA should be given an opportunity to provide the City a quotation without competitive bidding. Mr. Smith is aware that any negotiation with regard to pricing is open to review by competitors should the City and MMRMA not come to an agreement.

- Attachment #1 is a history of insurance premiums paid for casualty and property insurance since 1988/89.
- Attachment #2 is a cost comparison and coverage comparison from the most recent competitive bidding process in 1996, as presented by Mr. Angelo Zervos, Insurance Counselor for the City of Troy.
- Attachment #3 is a listing of MMRMA member cities throughout the State of Michigan.
- Attachment #4 is a listing of the top ten Oakland County communities ranked by population that are MMRMA members.

Other services provided by the MMRMA as part of the insurance premium include: Notary Bonds, Oakland County Sheriff's Bonds, claims handling services (other than allocated legal expenses), loss control services (which include numerous educational programs), input and decision making authority on claims prior to settlement, no annual aggregate limits of liability, risk transfer counseling, risk management counseling, and others.

Other benefits provided by the MMRMA as part of the insurance premium include: Financial strength (program assets of $207,878,516 and a fund balance of $101,905,035), the broadest available coverage, a reinsurance program that includes carriers with the highest financial ratings that are admitted to do business in the State of Michigan, and others.

I believe it to be in the City's best interest to give Mr. Smith an opportunity to present and negotiate a proposal from the MMRMA because of their past performance in our competitive bidding process, and their excellent service to the City of Troy for the past 13 years.

RISK
Michigan Municipal
MANAGEMENT
AUTHORITY

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Charter Township
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GERALD BUCKLESS
Board Member Emeritus

MICHAEL L. RHYNER
Executive Director

February 2, 2004

Stephen Cooperrider, Risk Manager
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Dear Steve:

As you are well aware, the City of Troy has been a valued member of the Michigan Municipal Risk Management Authority since November of 1990. Its members like you that work hand and hand with our Risk Control Department to keep losses down. Our Risk Control Department has won many State and National Awards in the field of Municipal Risk Management. Because of their efforts, along with the support of our membership, I am happy to say we are ranked by The Business Insurance Publication, May 19, 2003 issue as the 7th ranked public entity pool in the country! If they would take out of the mixes Workmans Comp and Employee Benefits and just use Liability and Property as a basis of rating, we would move up to 3rd or 4th in the survey.

ONE OF A KIND PROGRAM - MMRMA's Risk Avoidance Program (RAP Grants). This program offers monetary assistance to develop and implement projects with a high potential for solving risk management problems. Police Pursuit, Court Security, Law Enforcement Defensive Tactics, and Fire Service Educational Training, are just a few areas where our RAP Grant funding has gone. In the fiscal year 2003, MMRMA received 78 RAP Grant applications, 63 earned approval and shared about $500,000 in awards. (Troy police department received $4000.00 in November of 2003 for TASERS).

Steve, I thought you might be interested in how the City of Troy compared in contributions with other MMRMA members.

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RISK Michigan Municipal MANAGEMENT AUTHORITY

The following is a list of members picked at random:

City	Population	SIR	Contribution
City of Troy	81,000	500,000	282,096
City A	72,000	500,000	542,782
City B	78,000	250,000	1,086,832
City C	60,000	250,000	650,000
City D	31,000	150,000	920,000
City E	19,000	150,000	378,000
City F	86,483	100,000	1,083,000
City G	39,000	250,000	574,000
City H	59,000	75,000	1,087,111
City I	34,000	75,000	494,282
City J	83,500	75,000	960,520
City K	22,500	150,000	686,000
City L	71,000	500,000	1,030,027

Just a reminder there are a lot of factors that go into rating a municipality, a good loss ratio plays a big factor in keeping the rate down, it also depends on the size of their police, and fire departments, are we insuring any courts, water treatment facility? Do they have a stop loss, and have they purchased sewer liability? What is the size of their budget and property values, also the limit of liability protection they purchased? All play a part in their total contribution. As you can see I believe the City of Troy has faired very, very well, and I believe it attributes directly to an excellent management staff.

It's important to understand how the MMRMA evolved. Back in the early 80's the last hard insurance market, the commercial insurance market dried up, they would not write Municipal Insurance. That's when a couple Municipalities along with t heir insurance agent formed an insurance pool. It started with 3 and now we have more than 350 members in our pool. It's because of the loyalty of our membership that we are able today in this again hard market, to provide excellent insurance rates and services.

With the untimely and tragic death of Don Althoff 2/02, it was decided to best serve his MMRMA Members by bringing his accounts in house. Now that you are being serviced in house there is no doubt in my mine that you will continue to get the excellent service that you have always expected from the C.M. Althoff Company. Along with the excellent staff we have here, I was hired as an in house Risk Manager to replace Don in the day to day relationship and Risk Management functions that he provided for the City of Troy. My back ground comes with 30 years of Insurance experience, ten spent working as a Regional Risk Manager and Marketing Agent for the MMRMA program. I also hold the professional designation CIC (Certified Insurance Counselor).

RISK Michigan Municipal MANAGEMENT AUTHORITY

As of this writing Michael L. Rhyner MMRMA's Executive Director is having talks with our Re-insurance Companies, trying his best to keep the rates low and locking in extended contracts. With this all said I know that the MMRMA will do everything within its power to retain our excellent relationship with the City of Troy, and that the City Council will decide to continue this relationship through the 2004-2005 renewal process.

Sincerely,

Boyd M. Smith

Boyd M. Smith, CIC
MMRMA Risk Manager

BMS/nr

Resolution #2002-08-452
Moved by Pallotta
Seconded by Eisenbacher

RESOLVED, That a contract to purchase two (2) 64,000 GVW Dump Trucks, 2003 Models, with 10-12 yard dump box, underbody scraper, front mounted snowplow, wetting system, and tailgate salt spreader with hydraulic system is hereby awarded to the lowest acceptable bidder, Motor City Truck with Monroe Truck Equipment, at unit prices contained in the bid tabulation opened June 7, 2002, at an estimated total cost of $243,092.00 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, August 19, 2002.

Yes: All-7

PUBLIC COMMENT:

A. Items on the Current Agenda

E-14 Standard Purchasing Resolution 3: Exercise the Renewal Option – Casualty and Property Insurance with the MMRMA from November 8, 2002 through November 7, 2004

Resolution #2002-08-453
Moved by Beltramini
Seconded by Pallotta

WHEREAS, On November 4, 1996, a three-year contract for Casualty and Property Insurance was awarded to the low bidder, Michigan Municipal Risk Management Authority (MMRMA) (Resolution #96-1032); and

WHEREAS, The contract was extended on August 16, 1999 for three years with an option to renew for three additional years (Resolution #99-376-E-4); and

WHEREAS, The MMRMA has agreed to exercise a two-year option under the same terms and conditions with the following changes due to the hardening insurance market:

- A change in Self-Insured Retention (SIR) from $250,000 to $500,000
- An increase in the City's stop loss program from $633,000 to $1,000,000
- A change in sewer backup coverage from $15,000,000 to $500,000
- Terrorism Coverage is included in the amount of $25,000,000

NOW, THEREFORE, BE IT RESOLVED, That a two-year option to renew the contract for Casualty and Property Insurance is hereby exercised with the MMRMA at a premium cost in the first year of $282,096 and a second year cost of $282,096 including the maintenance of a positive loss fund balance of up to $150,000 expiring November 7, 2004.

Yes: All-7

ATTACHMENT #1

2/5/2004

INSURANCE PREMIUM HISTORY

POLICY YEAR	INSURER	PREMIUM CASUALTY AND PROPERTY	SELF-INSURED RETENTION	LIMITS	LOSS FUND CONTRIBUTION
1988/89	Corroon and Black	$866,048	Varied by coverage	Varied by coverage	Not Applicable
1989/90	Note: C&B put on notice that we were comparing a quote from the MML.				
	Corroon and Black	$729,286	Varied by coverage	Varied by coverage	Not Applicable
1990/91	Note: RFP from C&B, MML, and MMRMA.				
	MMRMA	$495,599	$100,000	$10 mil	$50,000
1991/92	Note: RFP from C&B, MML, and MMRMA.				
	MMRMA	$519,586	$100,000	$10 mil	$50,000
1992/93	NOTE: RFP from MML and MMRMA. (C&B declined to bid)				
	MMRMA	$467,300	$150,000	$10 mil	$50,000
1993/94	NOTE: RFP for 3 year contract from MML, MMRMA, Johnson & Higgins, and Sedgwick James				
	MMRMA	$296,804	$250,000	$10 mil	$55,615
1994/95	MMRMA	$314,767	$250,000	$10 mil	$60,921
1995/96	MMRMA	$329,818	$250,000	$10 mil	$89,132
1996/97	NOTE: RFP for 3 year contract from Lademan & Youd, MMRMA, MI Community Underwriters, Ralph Wilson Agency, and Gallagher Abow. (MML, Willis Corroon, and Sedgwick James declined to bid.)				
	MMRMA	$294,391	$250,000	$10 mil	$73,000
1997/98	MMRMA	$292,874	$250,000	$10 mil	$73,000
	NOTE: Limits automatically increased during year at no cost.			$15 mil	
1998/99	MMRMA	$291,761	$250,000	$15 mil	$0
	NOTE: Negotiated new three year agreement with the MMRMA.				
1999/00	MMRMA	$262,585	$250,000	$15 mil	Not requested by MMRMA
2000/01	MMRMA	$269,829	$250,000	$15 mil	Not requested by MMRMA
2001/02	MMRMA	$277,297	$250,000	$15 mil	Not requested by MMRMA
	NOTE: Negotiated a new two year agreement with MMRMA.				
2002/03	MMRMA	$282,096	$500,000	$15 mil	$118,640
2003/04	MMRMA	$282,096	$500,000	$15 mil	$30,800

ATTACHMENT #2

Cost Comparisons

Coverage	MMRMA	GALLAGHER	WILSON	LADEMAN	MCU
Liability	294,491	224,000	284,589	336,416	345,837
Property	Included	25,159	Included	Included	Included
Crime	Included	1,502 (1)	1,502 (1)	1,502 (1)	Included
Vehicle	Included	Included	Included	Included	Included
Boiler	Included	2,536 (1)	2,536 (1)	2,536 (1)	Included
Base Bid Quote	**294,491**	**253,197**	**288,627**	**340,454**	**345,837**
Prior Acts	Included	Included	Included	Included	26,120
Safety Fees	Included	4,600 (2)	1,000 (2)	1,000 (2)	Included
Claims Adm.	Included	36,822 (2)	40,000 (2)	40,000 (2)	20,000 (2)
Risk Mgmt Fees	4,000 (2)	Included	Included	Included	Included
Finance Charge	Included	5,513	Included	Included	Included
Total Adjusted Quotes	**298,491**	**300,132**	**329,627**	**381,454**	**391,957**
Fiduciary, UST (3)	22,600	22,600	22,600	22,600	22,600
Total:	**321,091**	**322,732**	**352,227**	**404,054**	**414,557**

(1) Costs are "Shared" insurance markets. (See pre-qualification process)
(2) Fee estimates are consultants opinion based on available facts.
(3) All bidders "shared" the Fiduciary Liability, Underground Storage Tank Liability.

ATTACHMENT #2

Coverage

While the rates were competitive, there were significant deviations from the current insurance program. The proposals have been briefly listed for comparison purposes.

Abbreviations for list:

(A)	C.M. Althoff	(Y)	Yes
(G)	Gallagher ABOW	(N)	No
(W)	Ralph Wilson	(R)	Limits and /or coverage is less than current insurance.
(L)	Lademan & Youd		
(M)	Michigan Community Underwrites	(E)	Limits and/or coverage are more than current.
(U)	Available but not quoted.		

Bid Coverage or Terms Itemized	**A**	**G**	**W**	**L**	**M**
Annual Aggregate Stop Loss Retention	Y	R	N	Y	Y
Employee Benefits Insurance Occurrence Basis	Y	N	Y	Y	Y
Municipal Engineers E & O Liability	Y	R	Y	R	N
Failure to Supply Water, Gas or Electric	Y	Y	N	R	N
Class Action Liability	Y	R	R	R	Y
Wrongful Entry, Eviction, or Invasion of Privacy	Y	R	Y	Y	Y
Property Limits or Terms	Y	Y	R	R	Y
Prior Act Claim- Made policies	Y	Y	Y	R	Y
Employers Liability	Y	Y	Y	Y	R
Zoning, Condemnation, Inverse Condemnation	Y	R	N	R	Y
Coverage From Criminal Acts of Employees	Y	R	Y	N	Y
Uninsured Motorist	Y	E	Y	Y	Y
Broadcast Liability	Y	Y	Y	Y	U
Fireworks	Y	R	Y	Y	R

The broadest insurance protection continues to be the MMRMA.

ATTACHMENT #3:

Listing of MMRMA member cities throughout the State of Michigan.

Algonac
Alma
Bay City
Belleville
Bloomfield Hills
Carson
Cheboygan
Clawson
Davison
Dearborn Heights
Dowagiac
Eastpointe
Escanaba
Essexville
Farmington Hills
Farmington
Ferndale
Garden City
Gladstone
Grand Ledge
Grand Rapids
Hazel Park
Howell
Huntington Woods
Iron Mountain
Ironwood
Ishpeming
Kalamazoo
Keego Harbor
Lake Angelus
Livonia
Ludington
Madison Heights
Manton
Mason
Mt. Clemens
Mt. Pleasant
Muskegon
Negaunee
New Buffalo
Northville
Orchard Lake Village
Owosso
Parchment
Pinconning
Pleasant Ridge
Pontiac
Port Huron
Portage
River Rouge
Riverview
Rochester Hills
Royal Oak
Sandusky
Scottville
South Haven
Southfield
Southgate
Springfield
St. Clair Shores
St. Ignace
St. Joseph
Sylvan Lake
Troy
Wayne
Westland
Whitehall
Wixom
Wyoming

ATTACHMENT #4:

Listing of the Top Ten Oakland County communities ranked by population that are MMRMA members.

COMMUNITY	DATE JOINED MMRMA
City of Southfield	September 1, 1985
City of Farmington Hills	June 10, 1985
City of Troy	November 8, 1990
City of Pontiac	July 1, 1985
Waterford Township	December 15, 1983
City of Royal Oak	May 31, 1985
City of Rochester Hills	July 27, 1985
Bloomfield Township	August 20, 1997
West Bloomfield Township	July 27, 1985
City of Madison Heights	July 1, 1986

D) The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s); and

WHEREAS, the City Council of the City of Troy has found that the petitioner has demonstrated the presence of the condition(s), justifying the granting of a variance;

NOW, THEREFORE, BE IT RESOLVED, that the request from Dane Lawicki, 1840 E. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of one step van in a residential district is hereby approved for a six month period.

Yes: All-7

Approval of HayGroup Recommendations for Classified and Exempt Personnel **D-2**

Resolution #99-375
Moved by Pallotta
Seconded by Allemon

RESOLVED, that the salary structure and pay plan, as proposed by the HayGroup, is hereby approved, and a copy shall be attached to the original minutes of this meeting.

Yes: All-7

CONSENT AGENDA

Approval of Consent Agenda **E-1**

Resolution #99-376
Moved by Pallotta
Seconded by Allemon

RESOLVED, that all items as presented on the Consent Agenda are hereby approved as presented with the exception of Items E-2, E-6, E-7b and E-16, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

CONSENT AGENDA – CONTINUED

Set Public Hearing – Request for Waiver of Sidewalk Requirements – 2171 and 2184 Orpington **E-3**

Resolution #99-376-E-3

2184 Orpington

Resolution #99-376-E-3

RESOLVED, that a Public Hearing is hereby established for September 13, 1999 to consider requests for waiver of sidewalk requirements at 2171 and 2184 Orpington.

Approval of Three Year Renewal of Casualty and Property Insurance and Purchase of Fiduciary Liability Insurance **E-4**

Resolution #99-376-E-4

RESOLVED, that a three (3) year renewal of Casualty and Property Insurance with Michigan Municipal Risk Management Authority for November 8, 1999 through November 7, 2002, with option to renew for an additional three years, is hereby approved as outlined in a memorandum from the Acting Risk Manager dated July 21, 1999, a copy of which shall be attached to the original minutes of this meeting; and

BE IT FURTHER RESOLVED, that Fiduciary Liability Insurance is hereby purchased from Michigan Municipal Risk Management Authority with the first year premium to be $11,200 as outlined in a letter from the MMRMA dated July 16, 1999, a copy of which shall be attached to the original minutes of this meeting.

Acceptance of Permanent Easement for Water Main, Elias, Project No. 98.916.3 – Sidwell #88-20-25-229-027 **E-5**

Resolution #99-376-E-5

RESOLVED, that a Permanent Easement for Water Main from Michael A. and Lisa M. Elias, 2803 Continental, being Sidwell # 88-20-25-229-027, is hereby accepted for public use, and;

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

CONSENT AGENDA - CONTINUED

Bid Awards: (a) Contract No. 99-6 – Local Road Overlays and Woodland Elementary School Passing Lane; (c) Portable Bleachers; (d) Water System Materials **E-7**

Resolution Awarding Three-Year Contract for Insurance Coverage for Property and Liability Insurance to Michigan Municipal Risk Management Authority (MMRMA) C-4

Resolution #96-1032
Moved by Pallotta
Seconded by Allemon

RESOLVED, that the City of Troy hereby awards its insurance coverage for property and liability insurance to the Michigan Municipal Risk Management Authority (MMRMA) in accordance with their proposal dated September 23, 1996 from Mr. Don Althoff, Troy's Regional Risk Manager. This is a three-year bid award and will take effect from November 8, 1996 to November 8, 1999 and is subject to the following conditions:

1. The premium costs for policy years 1996, 1997 and 1998 will not exceed $321,091 per year for all coverages listed in C. M. Althoff's proposal. If the City of Troy does not purchase fiduciary insurance, this premium cost will be reduced by $20,600 per year; and

2. The City agrees to maintain a positive balance in the loss fund. In addition, should Troy's loss fund balance be less than $150,000 on November 7th of each year during this coverage period, then a contribution to the loss fund will be required bringing the balance up to $150,000.

Yeas: All-7

Request from Honey Baked Ham, 1081 East Long Lake Road, for Temporary Suspension of Chapter 39, Zoning, of the Code of the City of Troy - Outside Storage - December 1, 1996 Through January 3, 1997 C-5

Resolution #96-1033
Moved by Pryor
Seconded by Allemon

RESOLVED, that the request from Honey Baked Ham, 1081 East Long Lake Road, for temporary suspension of Chapter 39, Zoning, Section 21.50.02, of the Code of the City of Troy, to permit outdoor storage in three large boxes in their rear parking area, from December 1, 1996 through January 3, 1997, in conjunction with anticipated holiday sales needs, is hereby approved.

Yeas: Allemon, Gosselin, Pryor, Schilling
Nays: Pallotta, Stevens, Stine
MOTION PASSED

Requests for Temporary Suspension of Chapter 78, Signs, of the Code of the City of Troy: (a) From Clawson-Troy Elks, 1451 East Big Beaver - November 10-17, 1996; (b) From Athens Band and Orchestra - 20 Off-Site Signs and 2 Signs at Athens High School, 4333 John R - November 15-23, 1996; (c) From Troy Christian Chapel, 400 East Long Lake - November 9-16, 1996 C-7

(a) From Clawson-Troy Elks, 1451 East Big Beaver - November 10-17, 1996

Resolution #96-1034
Moved by Pallotta
Seconded by Allemon

RESOLVED, that the request from Clawson-Troy Elks, 1451 East Big Beaver, for temporary suspension of Chapter 39, Zoning, of the Code of the City of Troy, to permit placement of a 32 square foot A-frame ground sign on site, from November 10 through 17, 1996, in conjunction with a craft show, is hereby approved.

Yeas: All-7

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: August 3, 2004
SUBJECT: Proposed Amendments to Taxicab and Limousine Ordinance

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Our office has received requests to amend our taxicab and limousine ordinance, in anticipation of the Ryder Cup Match in September 2004. In addition to the Ryder Cup, there are other special events planned for the immediate future, including the All-Star Baseball game at Comerica Park for 2005 and the Super Bowl at Ford Field in 2006. The International Automobile Show at Cobo Hall also draws many visitors to Detroit who choose to stay at Troy hotels and frequent Troy restaurants. Many of the visitors to these events will require transportation, and especially the Ryder Cup, where Maple Road will be closed off to accommodate the event. The currently available taxicab and limousine transportation is inadequate for the anticipated needs.

A number of surrounding communities have ordinances similar to Troy, which require the licensing of taxicabs and limousines, mechanical inspections of those vehicles and specific qualifications for drivers. Each of these communities charge a separate licensing fee. Due to the cost involved, most taxicab companies apply for a license in only one community. Under Troy's current ordinance, a taxicab that is not licensed in Troy cannot respond to a call for a pick up in the City, although they can drop off a passenger in the City.

There are two methods of addressing the need to have more public transportation. First, the special events version to Chapter 65 allows City Council to pass a resolution to grant a special events exemption to the licensing provision of Chapter 65. A second method is to adopt a reciprocal licensing ordinance for taxis that have licenses in other communities with similar regulations. Proposed revisions for both of these alternatives are attached for your review. Under the proposed ordinance revisions, the taxicabs or limousines must be licensed by another community having an ordinance similar to Troy's ordinance. The attached chart is an indication of some of the communities that would satisfy the ordinance requirements. Additionally, as part of the licensing requirement of that city, the vehicle must have passed a mechanical inspection within the last 9 months. All other provisions of Troy's ordinance relating to the licensing of the driver, rate of fare, and the conditions of the vehicle will still be applicable.

We recommend adoption of one of the proposed versions amending Chapter 65. Immediate action on these proposals would allow for an increase in public transportation for the Ryder Cup event and other subsequent events.

If you have any questions or comments, please let us know.

TAXI CAB AND LIMOUSINE LICENSING IN OTHER COMMUNITIES THAT WOULD CURRENTLY QUALIFY FOR RECIPROCAL LICENSING UNDER THE PROPOSED AMENDMENT TO THE CHAPTER 65

City	Licensed Annually	Vehicle Inspection Required	Insurance Required	Driver Investigated
Detroit*	X	X	X	X
Novi	X	X	X	X
Royal Oak	X	X	X	X
Birmingham	X	X	X	X
Dearborn	X	X	X	X
Southfield	X	X	X	X
Warren	X	X	X	X
Sterling Heights	X	X	X	X

* Also requires a bond and an inspection of the taximeter. The vehicle can also be inspected upon complaint by a passenger.

NOTE: This chart is based on currently accessible information. There may be other communities that have licensing requirements which would allow licensees to be eligible for reciprocal licensing in Troy.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 65 OF THE CODE
OF THE CITY OF TROY

(Special Events Version)

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cite as the 8th amendment to Chapter 65 of the Code of the City of Troy.

Section 2. Amendment

Section 7.102 of Chapter 65 is hereby amended to read as follows:

CHAPTER 65 TAXICABS, LIMOUSINES AND DRIVERS

7.102 License Required. Special Events Exemption.

A. No person shall operate or permit a taxicab or limousine owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Troy without having first obtained a license pursuant to the provision of this Chapter. Any operator of a taxicab or limousine that picks up passengers in the City of Troy for a destination, either within or without the City of Troy, shall comply with the provisions in this Chapter.~~be deemed in the business of operating a taxicab or limousine within the meaning of this Chapter.~~ Taxicabs or limousines not licensed to operate in the City of Troy may deliver their fares or passengers to destinations with the City. Taxicabs or limousines licensed to operate in the City of Troy may deliver their fares or passengers to destinations throughout the City or may call for and pick up passengers within the City in response to a direct request. Any police officer of the City shall have the power to stop any taxicab or limousine operating within the City to determine whether the vehicle is being operated in compliance with this Chapter.

B. City Council may declare a Special Events Exemption for the enforcement of the license requirements under this Chapter as follows:

1. City Council shall pass a resolution granting the exemption that shall state the reason for the special event exemption and shall specify the date(s) during which the special events exemption shall be in effect.

2. The exemption shall only be effective for those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a mechanical inspection for the grant of the license, and that has completed the required mechanical inspection within the previous 9 months from the special events exemption resolution of the Troy City Council. The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.

3. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:

   A. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.

   B. The presentation of another form of photo identification for the driver, and a photocopy of the original.

   C. The experience of the applicant in the transportation of passengers;

   D. A concise history of the applicant's employment;

   E. The name, address and telephone number of the taxicab or limousine company for whom the driver will be driving; the license plate of the vehicle or vehicles that will be driven; and the name of the city, township or village where the vehicle is currently licensed, the license number and the date of vehicle inspection by that city, township or village.

   F. The applicant shall pay the registration fee as set out by resolution of City Council.

4. ~~4.~~ The Troy Police Department will obtain a copy of the applicant's driving record. The Troy Police Department has the discretion to approve or deny a requested certificate of registration, based on departmental criteria. If a certificate of

registration is approved, the driver shall display that certificate in a location that is visible to the public.

5. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.

6. All certificates of registration shall be valid for the dates ~~period~~ during which Council has authorized a special event exemption. ~~of the exemption resolution of City Council only~~.

7. A~~A~~ new certificate of registration must be obtained for each authorized special event exemption granted by City Council. ~~exemption resolution of City Council~~.

8. If the Troy Police Department denies or revokes a certificate of registration, the applicant may appeal that decision by submitting a written letter to the Troy Chief of ~~P~~Police within ~~filed within~~ 72 hours of the date of notification of the denial or revocation. This letter shall state the reasons why the applicant feels that the certificate of registration should be either granted or reinstated, and shall attach any evidence in support of the reasons. ~~with evidence as to why the Chief of Police should approve a certificate of registration or reinstate the certificate of registration after revocation~~. Within 48 hours of receiving such a letter, the ~~The~~ Chief of Police will either confirm or reverse the challenged action ~~decision~~ concerning the~~to deny or revoke a~~ certificate of registration. ~~within 48 hours.~~

5. The grant of a special events exemption shall not have any effect on ~~apply to~~ sections 7.117,(~~.~~ Condition of Vehicles); 7.118~~.~~(-Taximeter Required); 7.120. (Rate of Fare); 7.121~~.~~ (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Crusing); and 7.123~~.~~(Taxicab or Limousine Stands) of ~~T~~this Chapter. ~~.~~ These ordinance provisions shall be enforced for all taxicabs and limousines and drivers ~~thereof~~ carrying passengers in the City of Troy. ~~even though those vehicles and drivers are exempt from the specific licensing requirements set out in this ordinance.~~

6. At midnight on the date of the expiration of the Council declared special events exemption period, ~~At midnight of the last date of the Special Events exemption,~~ a taxicab and/or limousine shall not be operated without license in the City of Troy, as set forth in Section 7.102 (b)(1). ~~all taxicabs and limousines and drivers~~

~~of taxicabs and limousines must be in compliance with all provisions of Chapter 65 to operate in the City of Troy.~~

Section 3. Repeal

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

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on the _____day of _____, 2004.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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A. No person shall operate or permit a taxicab or limousine owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Troy without having first obtained a license pursuant to the provision of this Chapter. Any operator of a taxicab or limousine that picks up passengers in the City of Troy for a destination, either within or without the City of Troy, shall comply with the provisions in this Chapter. Taxicabs or limousines not licensed to operate in the City of Troy may deliver their fares or passengers to destinations with the City. Taxicabs or limousines licensed to operate in the City of Troy may deliver their fares or passengers to destinations throughout the City or may call for and pick up passengers within the City in response to a direct request. Any police officer of the City shall have the power to stop any taxicab or limousine operating within the City to determine whether the vehicle is being operated in compliance with this Chapter.

B. City Council may declare a Special Events Exemption for the enforcement of the license requirements under this Chapter as follows:

1. City Council shall pass a resolution granting the exemption that shall state the reason for the special event exemption and shall specify the date(s) during which the special events exemption shall be in effect.

2. The exemption shall only be effective for those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a mechanical inspection for the grant of the license, and that has completed the required mechanical inspection within the previous 9 months from the special events exemption resolution of the Troy City Council. The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.

3. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:

   A. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.

   B. The presentation of another form of photo identification for the driver, and a photocopy of the original.

   C. The experience of the applicant in the transportation of passengers;

   D. A concise history of the applicant's employment;

   E. The name, address and telephone number of the taxicab or limousine company for whom the driver will be driving; the license plate of the vehicle or vehicles that will be driven; and the name of the city, township or village where the vehicle is currently licensed, the license number and the date of vehicle inspection by that city, township or village.

   F. The applicant shall pay the registration fee as set out by resolution of City Council.

4. The Troy Police Department will obtain a copy of the applicant's driving record. The Troy Police Department has the discretion to approve or deny a requested certificate of registration, based on departmental criteria. If a certificate of registration is

approved, the driver shall display that certificate in a location that is visible to the public.

5. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.

6. All certificates of registration shall be valid for the dates during which Council has authorized a special event exemption. .

7. A new certificate of registration must be obtained for each authorized special event exemption granted by City Council. .

8. If the Troy Police Department denies or revokes a certificate of registration, the applicant may appeal that decision by submitting a written letter to the Troy Chief of Police within 72 hours of the date of notification of the denial or revocation. This letter shall state the reasons why the applicant feels that the certificate of registration should be either granted or reinstated, and shall attach any evidence in support of the reasons. . Within 48 hours of receiving such a letter, the Chief of Police will either confirm or reverse the challenged action concerning the certificate of registration.

5. The grant of a special events exemption shall not have any effect on sections 7.117,(Condition of Vehicles); 7.118 (Taximeter Required); 7.120. (Rate of Fare); 7.121 (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Cruising); and 7.123(Taxicab or Limousine Stands) of this Chapter. These ordinance provisions shall be enforced for all taxicabs and limousines and drivers carrying passengers in the City of Troy.

6. At midnight on the date of the expiration of the Council declared special events exemption period, a taxicab and/or limousine shall not be operated without license in the City of Troy, as set forth in Section 7.102 (b)(1).

Section 3. Repeal

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

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

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_____
Louise E. Schilling, Mayor

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Tonni Bartholomew, City Clerk

(Text in blue represents a modification from Special Events Version.)

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A. No person shall operate or permit a taxicab or limousine owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Troy without having first obtained a license pursuant to the provision of this Chapter. Any operator of a taxicab or limousine that picks up passengers in the City of Troy for a destination, either within or without the City of Troy, shall comply with the provisions in this Chapter. ~~be deemed in the business of operating a taxicab or limousine within the meaning of this Chapter~~. Taxicabs or limousines not licensed to operate in the City of Troy may deliver their fares or passengers to destinations with the City. Taxicabs or limousines licensed to operate in the City of Troy may deliver their fares or passengers to destinations throughout the City or may call for and pick up passengers within the City in response to a direct request. Any police officer of the City shall have the power to stop any taxicab or limousine operating within the City to determine whether the vehicle is being operated in compliance with this Chapter.

B. Taxicab or limousine licenses may be obtained in one of the following ways: ~~City Council may declare a Special Events~~

~~Exemption for the enforcement of the license requirements under this Chapter as follows:~~

1. ~~City Council shall pass a resolution granting the exemption that shall state the reason for the special event exemption and shall specify the date(s) during which the special events exemption shall be in effect.~~

2. ~~The exemption shall only be effective~~ F~~f~~or those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a mechanical inspection for the grant of the license, and that has~~ve~~ completed the required mechanical inspection within the previous 9 months of the licensing request, a reciprocal license shall be granted by the City of Troy. ~~from the special events exemption resolution of the Troy City Council.~~ The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.

3. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:

   A. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.

   B. The presentation of another form of photo identification for the driver, and a photocopy of the original.

   C. The experience of the applicant in the transportation of passengers;

   D. A concise history of the applicant's employment;

   E. The name, address and telephone number of the taxicab or limousine company for whom the driver will be driving; the license plate of the vehicle or vehicles that will be driven; and the name of the city, township or village where the vehicle is currently licensed, the license number and the date of vehicle inspection by that city, township or village.

   F. The applicant shall pay the registration fee as set out by resolution of City Council.

4. ~~4.~~ The Troy Police Department will obtain a copy of the applicant's driving record. The Troy Police Department has the discretion to approve or deny a requested certificate of registration, based on departmental criteria. If a certificate of registration is approved, the driver shall display that certificate in a location that is visible to the public.

5. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.

6. ~~All certificates of registration shall be valid for the period of the exemption resolution of City Council only. A new certificate of registration must be obtained for each exemption resolution of City Council.~~

8. If the Troy Police Department denies or revokes a certificate of registration, the applicant may appeal that decision by submitting a written letter to the Troy Chief of ~~P~~Police within ~~filed within~~ 72 hours of the date of notification of the denial or revocation. This letter shall state the reasons why the applicant feels that the certificate of registration should be either granted or reinstated, and shall attach any evidence in support of the reasons. ~~with evidence as to why the Chief of Police should approve a certificate of registration or reinstate the certificate of registration after revocation~~. Within 48 hours of receiving such a letter, the ~~The~~ Chief of Police will either confirm or reverse the challenged action ~~decision~~ concerning the~~to deny or revoke a~~ certificate of registration. ~~within 48 hours.~~

5. In addition to complying with the rules and regulations of a similar licensing jurisdiction, there shall also be compliance with ~~The exemption shall not apply to~~ sections 7.117,(~~.~~ Condition of Vehicles); 7.118~~.~~(-Taximeter Required); 7.120. (Rate of Fare); 7.121~~.~~ (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Crusing); and 7.123~~.~~(Taxicab or Limousine Stands) of ~~T~~this Chapter. ~~.~~ These ordinance provisions shall be enforced for all taxicabs and limousines and drivers ~~thereof~~ carrying passengers in the City of Troy. ~~even though those vehicles and drivers are exempt from the specific licensing requirements set out in this ordinance.~~

6. ~~At midnight of the last date of the Special Events exemption, all taxicabs and limousines and drivers of taxicabs and limousines must be in compliance with all provisions of Chapter 65 to operate in the City of Troy.~~

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Louise E. Schilling, Mayor

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Tonni Bartholomew, City Clerk

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B. Taxicab or limousine licenses may be obtained in one of the following ways:

1. For those taxicabs and limousines that are currently licensed in another Michigan municipality that requires the passage of a

mechanical inspection for the grant of the license, and that have completed the required mechanical inspection within the previous 9 months of the licensing request, a reciprocal license shall be granted by the City of Troy. The taxicab or limousine license issued by another Michigan municipality shall be displayed in the vehicle in a location which is visible to the public.

2. All drivers of taxicabs or limousines shall obtain a City of Troy registration certificate to transport passengers. A registration certificate application shall be filed with the Troy City Clerk, who shall submit the application to the Troy Police Department for an investigation. The application shall require the following items:

   A. The presentation of the driver's valid State of Michigan chauffeur's license, and a photocopy of the original.

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4. The Troy Police Department may immediately revoke the certificate of registration upon the applicant's violation of any provisions of this ordinance or for other good cause.

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6. In addition to complying with the rules and regulations of a similar licensing jurisdiction, there shall also be compliance with sections 7.117,(Condition of Vehicles); 7.118(Taximeter Required); 7.120. (Rate of Fare); 7.121 (Refusal of Passengers to Pay Legal Fare); 7.122. (Solicitation and Cruising); and 7.123(Taxicab or Limousine Stands) of this Chapter. These ordinance provisions shall be enforced for all taxicabs and limousines and drivers carrying passengers in the City of Troy.

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_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

August 3, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Asst. City Manager/Services
William J. Huotari, Acting City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Agenda Item – Traffic Committee Recommendations July 21, 2004

At the Traffic Committee meeting of July 21, 2004, the following recommendations were made for City Council approval:

1. Recommend installing a STOP sign on southbound Thurber at Longfellow (Item 4).

2. Recommend installing a STOP sign on Thurber at Tallman (Item 5).

3. Recommend that there be no changes to parking restrictions on Tallman (Item 6).

4. Recommend installing a STOP sign on Evergreen at Amberly (Item 7).

5. Recommend installing a STOP sign and DO NOT BLOCK INTERSECTION sign on Rochester Court at Robinwood, and a DO NOT BLOCK INTERSECTION sign on Robinwood at Rochester Court (Item 8).

6. Recommend establishment of fire lanes at 1821 Maplelawn as recommended by the Fire Department (Item 9).

JKA/ln

TRAFFIC COMMITTEE 7/21/04
SUGGESTED RESOLUTIONS

1. RESOLVED, that a STOP sign be installed on southbound Thurber at Longfellow (Item 4.

2. RESOLVED, that a STOP sign be installed on Thurber at Tallman (Item 5).

3. RESOLVED, that there be no changes to parking restrictions on Tallman (Item 6).

4. RESOLVED, that a STOP sign be installed on Evergreen at Amberly (Item 7).

5. RESOLVED, that a STOP sign and a DO NOT BLOCK INTERSECTION sign be installed on Rochester Court at Robinwood, and be it further RESOLVED, that a DO NOT BLOCK INTERSECTION be installed on Robinwood at Rochester Court (Item 8).

6. RESOLVED, that fire lanes be established at 1821 Maplelawn as recommended by the Fire Department (Item 9).

DRAFT

The Traffic Committee meeting was called to order at 7:30 p.m. in the Lower Level Conference Room at Troy City Hall on July 21, 2004 by Jan Hubbell.

1. **Roll Call**

PRESENT:	Ted Halsey Jan Hubbell Richard Kilmer Richard Minnick Peter Ziegenfelder
ABSENT:	John Diefenbaker Charles Solis Grace Yau, Student Representative
Also present:	John Abraham, Traffic Engineer Lt. Scott McWilliams, Police Department Lt. Robert Matlick, Fire Department
And items 3	Dawna May, 6740 Coolidge Wahib Shaker, 2007 Cameo
4	Dave Sysko, 4438 Yanich
5 & 14	Kevin King, 218 Randall
6	Rob Schoenfeldt, 514 Longfellow
7	Tom Violante, 2758 Amberly Lane
7	Jim Jehle, 2883 Amberly Lane
7	Roman Magidenko, 2856 Amberly Lane
?	Linda Chisolm, 909 Trinway

Motion to Excuse

RESOLUTION #TC-2004-07-44
Motion by Kilmer
Seconded by Halsey

To excuse Mr. Solis, Mr. Diefenbaker and Ms. Yau.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

2. Minutes – May 19, 2004

RESOLUTION #TC-2004-07-45
Motion by Halsey
Seconded by Ziegenfelder

To approve the May 19, 2004 minutes as printed.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

PUBLIC HEARING

3. Request for Sidewalk Waiver – 6790 Coolidge

Wahib Shaker is requesting a waiver for the sidewalk at 6790 Coolidge. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

The Traffic Engineer received a letter (attached) from Marie Couch, Wilfred Warner Jr., and Whitney Couch, 2072 Russet Drive, asking that this waiver request be denied. They reside in the area north of this location and feel the lack of sidewalk continuity is a hardship in their ability to walk to and from the center of Troy.

Mr. Shaker pointed out that the houses to the north and to the south of the subject property don't have sidewalks.

Dawna May, 6740 Coolidge, does not want sidewalks; so is in favor of the waiver. She also represented her neighbor who does not want sidewalks.

RESOLUTION #TC-2004-07-46
Motion by Halsey
Seconded by Kilmer

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

   WHEREAS, Wahib Shaker has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing; and

   WHEREAS, THE Traffic Committee has determined the following:

   a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and

   b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and

   c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

   NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 6790 Coolidge, which is owned by Wahib Shaker

YEAS: 4

NAYS: 1 (Minnick)

ABSENT: 2

MOTION CARRIED

Mr. Minnick stated that Coolidge between Square Lake and South Blvd. already has about ½ mile of sidewalk on the east side and ¾ mile of sidewalk on the west side. Mr. Minnick voted against the waiver because he feels sidewalks should be required on all major roads and this area should be filled in.

REGULAR BUSINESS

4. Install 3-Way STOP Signs at Thurber and Longfellow

This matter was first heard by the committee at the April 21, 2004 meeting. At that time no changes were recommended. City Council has referred the issue back to the committee for reconsideration.

This 3-way intersection is on Longfellow, between Yanich and Rochester Road. Traffic volumes on Longfellow were around 500 in each direction and on Thurber around 300.

Traffic crashes in the vicinity of the intersection include 3 crashes involving parked cars but none at the intersection. All the 3 were hit-and-run crashes where reports were made after damages to the vehicles were noticed.

The Michigan Manual of Uniform Traffic Control Devices states that installation of a multi-way STOP would be warranted under one of the following conditions:

- *Where traffic signals are warranted and urgently needed, the multi-way STOP is an interim measure that can be installed quickly to control traffic while arrangements are being made for traffic signal installation.*

- *An accident problem as indicated by five or more reported accidents of the type susceptible to correction by a multi-way STOP during a 12-month period. Such accidents include right and left turn collisions.*

- *Minimum Traffic Volume – The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any eight hours of an average day.*

Traffic crash history and traffic volumes indicated that 4-way STOP sign warrants as mandated by the MMUTCD are not met for this intersection.

Dave Sysko, 4438 Yanich, stated that this was one of the earlier items and that he had no objection to it. Robert Schoenfeld lives on the corner of Longfellow and Tallman, and thinks if any STOP sign is installed, it should be on southbound Thurber, since there are STOP signs at Yanich already to provide a break for Longfellow traffic.

Bill Murray, 528 Longfellow, doesn't think any more STOP signs are justified. He wants to wait and see if the other recently installed signs are effective.

RESOLUTION # TC-2004-07-47
Motion by Minnick
Seconded by Halsey

To recommend installing a STOP sign on southbound Thurber at Longfellow.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

5. Install STOP signs at Thurber and Tallman

Councilwoman Jeanne Stine requested that the Traffic Committee consider this intersection. An earlier committee item recommended a STOP sign at the end of Longfellow at Tallman, and since the intersection of Thurber and Tallman is very similar, she feels that a STOP sign at this location also may help, particularly since it is right across from the school.

This is a three-way intersection with Thurber ending at Tallman. Thurber carries around 360 vehicles in a day, and Tallman in this area carries around 800 vehicles in a day. A traffic crash analysis shows that there have been no reported traffic crashes at this intersection.

Residents of the area pointed out that there is a pedestrian crosswalk close to this intersection and that vehicles tend to make their turns at this corner without stopping, so a STOP sign on Thurber may help pedestrian safety, particularly since it is so close to the elementary school.

RESOLUTION # TC-2004-07-48
Motion by Halsey
Seconded by Kilmer

To recommend installing a STOP sign on Thurber at Tallman.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

6. Establish Parking Restrictions on the East Side of Tallman between Randall and the North School Drive

Councilwoman Jeanne Stine requested that the east side of Tallman from Randall to the north school drive be marked NO PARKING. She reported that with parking allowed on Tallman, she could hardly see oncoming northbound traffic on Tallman when she was trying to turn from Randall. She feels there is definitely a hazard there.

Tallman runs from Eckford to south of Leetonia. The roadway is predominantly straight with a small "kink" near Longfellow. Currently there is no parking allowed on the west side of Tallman.

Observations indicate that there is a pickup truck that parks just south of Longfellow that could cause a slight vision obstruction. Other than that, very few

vehicles were observed parked on Tallman. Also, during school arrival and dismissal times, there were many vehicles stopped on Tallman to pickup/drop students near the school.

Bill Murray, 528 Longfellow, feels there isn't a problem on Tallman.

The traffic engineer reported that he has not received any concerns from Dr. Long, principal of Leonard Elementary School, and that the City has been working closely with the school on school safety.

The school requires the kids to cross Tallman at Longfellow with the assistance of a crossing guard. The crossing guard was employed as a result of a Traffic Committee recommendation while reviewing safety at the school.

Rob Schoenfeldt lives at 514 Longfellow, at the jog in the road, and is against restricting parking. He has five kids and they need to be able to park on the street. Since one side is NO PARKING already, this restriction would deny residents any parking.

He said that according to the principal of Leonard Elementary School, there are many school events during the day, which totally fill up the available parking and cause visitors to park on the school lawn.

Kevin King, 218 Randall, wonders if no parking on both sides might encourage drivers to go faster. Parked cars might cause motorist to slow down and be more careful and that based on majority of resident comments, the parking restriction should not be imposed.

RESOLUTION # TC-2004-07-49
Motion by Ziegenfelder
Seconded by Minnick

To recommend no changes to parking restrictions on Tallman.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

Mr. Halsey asked Lt. McWilliams to recheck the situation in the fall after school starts.

7. Install YIELD or STOP Sign on Evergreen at Amberly

George Bednarik of 2757 Amberly Lane requests either a YIELD or a STOP sign on Evergreen at Amberly. Mr. Bednarik reported that there is a large volume of traffic that enters Evergreen from Adams and traffic does not yield to traffic on Amberly, even though Evergreen dead ends into Amberly at the "T" intersection. He also indicated that a number of non-residents enter Evergreen and turn around to go back out to Adams Road. They do not slow down when they approach the intersection of Evergreen and Amberly, nearly colliding with drivers on Amberly.

Traffic volume studies indicate that there are around 900 vehicles in a day on Amberly north of Evergreen, and around 200 vehicles west of Amberly. Traffic volumes on Troy residential roads range between 80 and 5000 per day. A traffic crash analysis shows that there were no reported traffic crashes at the intersection in the past three years. In 2000 there was a police report regarding minor damage to a parked vehicle on Amberly south of Evergreen. Sight distance studies show no major sight obstructions in the area. The major movement of traffic at the intersection is on eastbound Evergreen to northbound Amberly and southbound Amberly to westbound Evergreen. Observations indicate that some motorists on Evergreen do not yield to traffic on Amberly, particularly when the preceding vehicles also made a left turn at the intersection to go northbound.

Tom Violante, 2758 Amberly, observes a lot of cut-through traffic from Adams to Big Beaver. Many motorists drive into the cul-de-sac thinking that it's a through street and have to turn around to get back out. The Traffic Engineer will request a NO OUTLET sign in that location.

The resident at 2869 thinks that the noise of cars stopping and revving up at the corner will be disturbing.

Jim Jehle, 2883 Amberly, mentioned the three reported incidents (one reported crash) at this location. He said there are approximately 26 elementary-school-age kids in the subdivision, and the STOP sign would help protect them.

Gary Chapman, 2869 Amberly, suggested signs prohibiting turns during rush hour, as is done in Birmingham. He also thinks improving the traffic flow at Adams and Big Beaver would reduce the volume of cut-through traffic in the sub. Mr. Minnick agreed, and suggested keeping eastbound Big Beaver traffic in a single center lane and using the right lane as a dedicated right-turn lane, allowing a right turn on red. Dr. Abraham pointed out that there is heavy traffic volume eastbound on Big Beaver and one of the reasons the intersection was widened was to get more cars through the intersection on every green signal to reduce congestion, and that restricting all eastbound through traffic to one lane may increase congestion on this leg of the intersection. As Adams and Big Beaver are county roads, Dr. Abraham will discuss the matter with the Road Commission for Oakland County.

Mr. Minnick asked if Troy uses NO TURNS and NO THROUGH TRAFFIC signs. Dr. Abraham explained that Troy has not used these signs, primarily since they are virtually unenforceable, and may provide advertisement that there indeed exists a through route. Also, if we set that precedent, every neighborhood would request similar signs.

RESOLUTION # TC-2004-07-50
Motion by Halsey
Seconded by Ziegenfelder

To recommend installing a STOP sign on Evergreen at Amberly.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

8. Install STOP Sign on Rochester Court at Robinwood

Cassandra Bielawski wrote asking the Committee to address some concerns at Rochester Court and Robinwood. There is only one existing STOP sign, and that is on Robinwood Drive where it meets Rochester Court. Traffic coming out of Rochester Court does not yield for the traffic turning off Rochester Road, resulting in their crossing traffic coming off Rochester Road to Robinwood. Traffic trying to enter Rochester Road from Rochester Court backs up, blocking Robinwood.

Often traffic from Rochester cannot see vehicles at the intersection and since this traffic can make either a left or right turn, it becomes confusing, particularly since traffic from Rochester Court does not yield to traffic coming in from Rochester.

The Traffic Committee considered concerns in the area a few years ago. As a result of the Traffic Committee recommendations, the Engineering Department performed an analysis to determine if any engineering improvements could help address some of the concerns. There was a design to provide a right turn lane on Rochester Road when turning into Rochester Court and to increase the width of the roadway between Rochester Road and Robinwood, such that there would be two lanes of traffic in this section provide an exclusive lane for right turns to continue on Rochester Court and a lane for left turns into Robinwood. The project design is complete; however the project has not been funded. The engineer's estimate for the project is around $50,000.

Rochester Road carries around 16,000 vehicles in a day, while Rochester Court just west of Rochester Road carries around 6000 vehicles in a day. A traffic crash analysis shows that there have been one or two reported crashes in a year for the

past three years. Ms. Bielawski also reports that she witnessed a four-car crash at the intersection recently.

No one appeared to address the committee, but members felt strongly that there are definite hazards at this intersection that can be ameliorated by requiring Rochester Court traffic to stop.

RESOLUTION TC-2004-07-51
Motion by Halsey
Seconded by Ziegenfelder

To recommend installing a STOP sign on Rochester Court at Robinwood.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

RESOLUTION #TC-2004-07-52
Motion by Halsey
Seconded by Ziegenfelder

To recommend installation of DO NOT BLOCK INTERSECTION signs on Rochester Court at Robinwood and on Robinwood at Rochester Court.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

9. Establish Fire Lanes at 1821 Maplelawn

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION # TC-2004-07-53
Motion by Ziegenfelder
Seconded by Halsey

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1821 Maplelawn.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

RESOLUTION # TC-2004-07-54
Motion by Kilmer
Seconded by Halsey

To remove the remaining four fire lane items from the agenda. Lt. Matlick said they are just maintenance issues for fire lanes that have already been approved, and need no further action by the committee.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

14. Visitors' Time

No one else wished to address the committee.

15. Other Business

RESOLUTION #TC-2004-07-55
Motion by Halsey
Seconded by Ziegenfelder

To not meet in August, as several members will be on vacation at that time.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

16. Adjourn

The meeting was adjourned at 8:35 p.m. The next meeting is scheduled for September 15, 2004.

SIGNED: _____
Jan Hubbell, Vice-Chair

ITEM 3

City of Troy

Geographical Information Systems Online

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

May 26, 2004

John Abraham
Traffic Engineering
City of Troy
500 West Big Beaver
Troy, MI 48084

Dear Mr. Abraham,

We ask for denial of the request for waiver of sidewalk requirements for 6790 Coolidge.

We reside in the area north of this location and feel this lack of sidewalk continuity is a hardship in our ability to walk to and from the center of Troy.

Sincerely,

Marie Couch
2072 Russet Drive
Troy 48098

Wilfred Warner Jr.
2072 Russet Drive
Troy 48098

Whitney Couch
2072 Russet Drive
Troy 48098

ITEM 3

To Whom It May Concern:

We are opposed to having sidewalks put in at 6790 Coolidge Hwy, because no one else has sidewalks on this side of the street!!!

Shannan Howard

Sincerely,

6765 Coolidge

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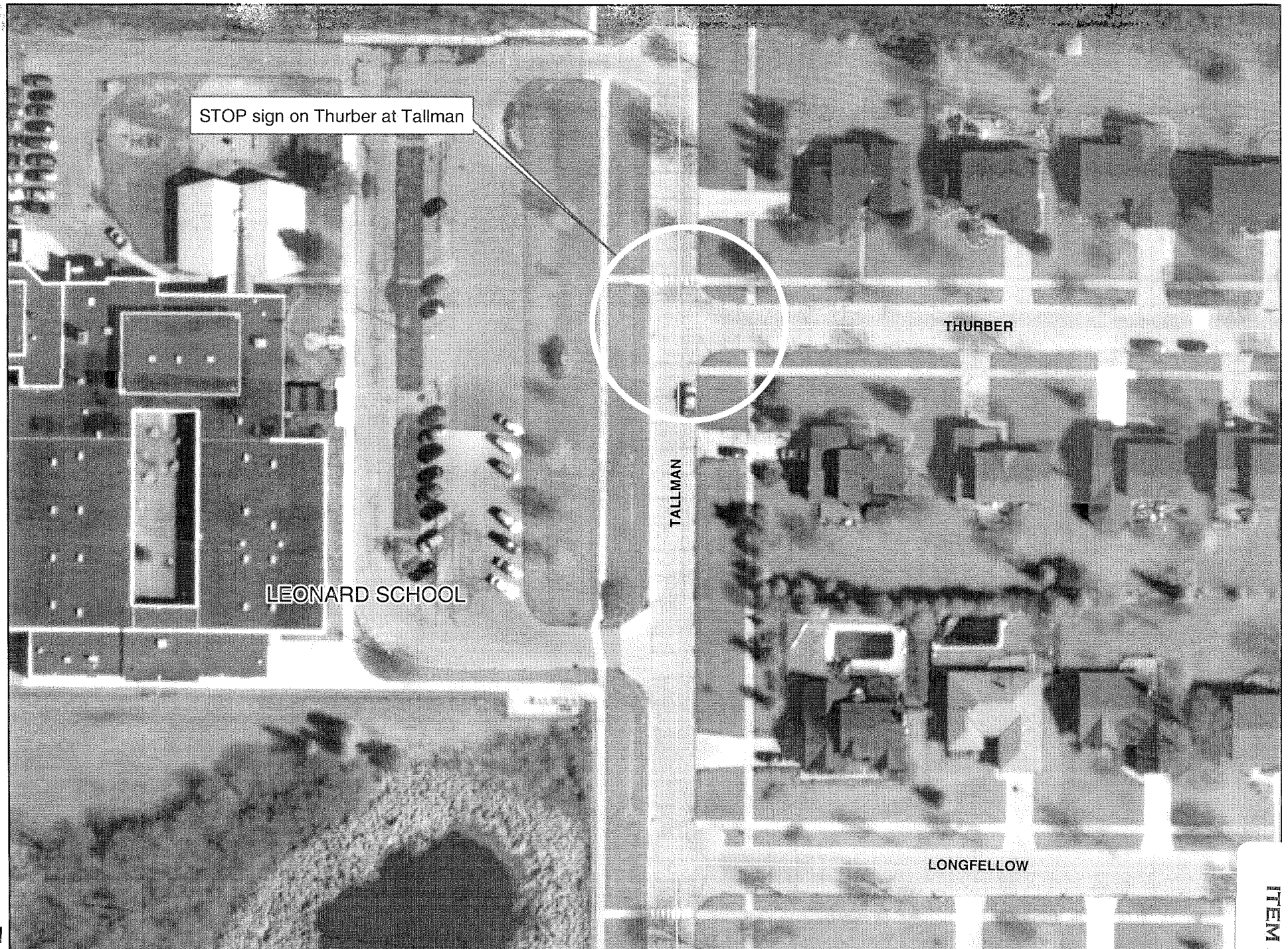
CITY OF TROY
OAKLAND COUNTY MICHIGAN

1 inch equals 178.1 feet

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

ITEM 4



ITEM 5

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CITY OF TROY
OAKLAND COUNTY MICHIGAN

1 inch equals 75.1 feet

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

ITEM 6

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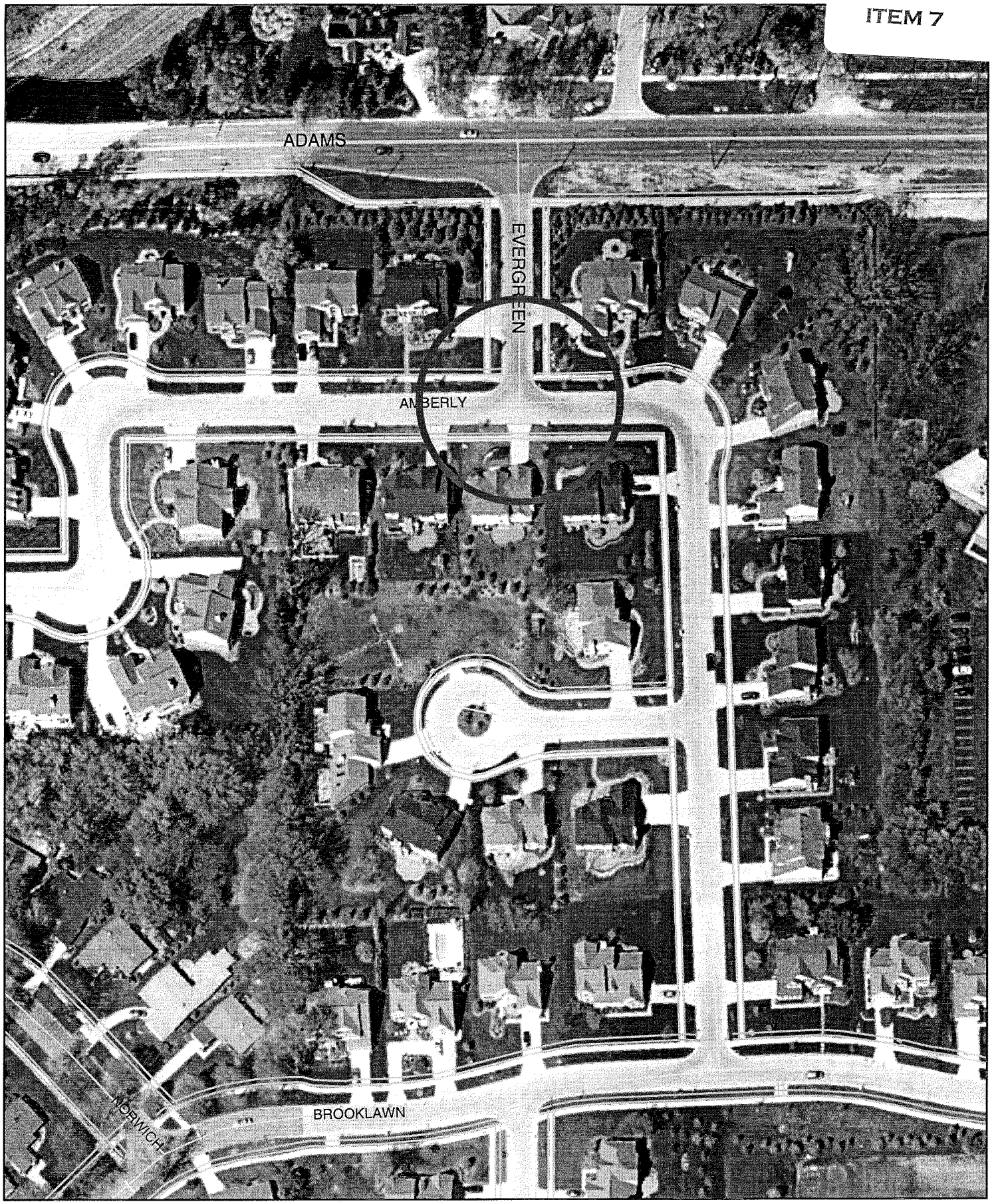
CITY OF TROY
OAKLAND COUNTY MICHIGAN

1 inch equals 144.9 feet

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

ITEM 7


ADAMS
EVERGREEN
AMBERLY
BROOKLAWN
NORWICH
0 45 90 180 270 360
Feet

N

July 9, 2004

City of Troy
500 W. Big Beaver Road
Troy, MI 48084
Attn: Public Works – Tim Richnak

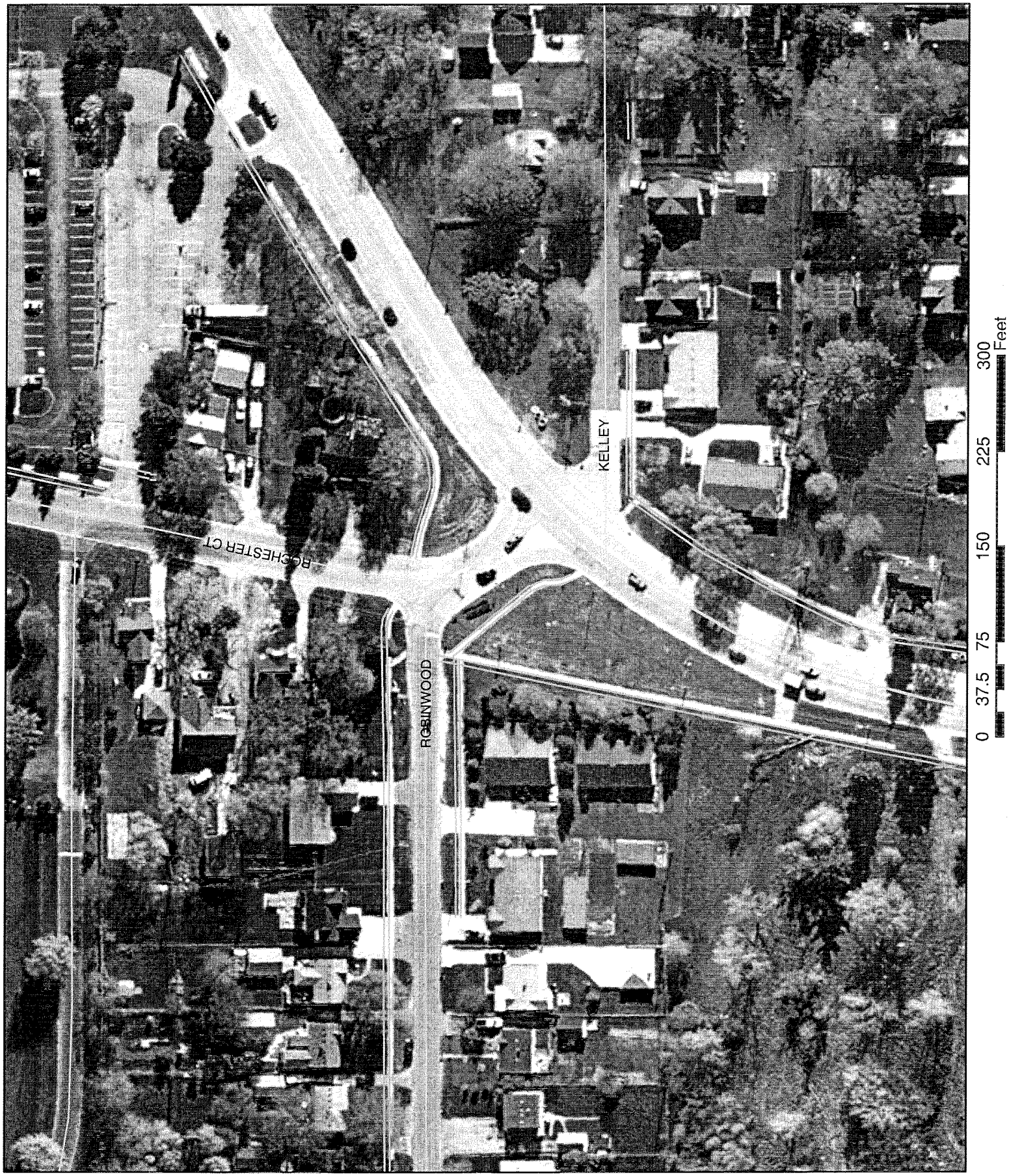
I rent a home and work in the Troy area. It is a very busy area to begin with but there is an area that I noticed needs attention. You will find a map of the exact area that this letter is referring to attached. The small intersection of Rochester Rd and Rochester Ct there seems to be a problem not only during high volume traffic times. Any time someone is turning into the subdivision area right or left while a car is coming from Rochester Ct there is almost an accident. There is only one stop sign at this point. The stop sign is for the traffic coming from the road Robinwood Dr. The traffic coming from Rochester Ct and Rochester Rd do not have stop signs. This causes a problem from Rochester Rd seeing how you have both left and right turns being made. Rochester Ct does not yield for the traffic coming in from the main road. There is not quite enough room for more than one or two cars to stop and wait after turning from Rochester Rd. Rochester Ct has an entire straight strip of road for traffic to wait, which of course they do not. Instead they will pile up and Rochester Ct will sometimes have a very long line of traffic and block the entrance for Robinwood Rd. This is entirely blocking anyone entering from Rochester Rd. There have been accidents at this point for this very reason; one that I witnessed myself was a four car accident. People from the main road cannot see past to find out there are cars coming or that there are not stop signs. They do not expect it and end up slamming on their brakes and any cars turning in after them from the opposite direction are unaware of this. So what I am requesting is a stop sign is placed at the end of Rochester Ct before it reaches the turning point of Rochester Rd. It seems that it should be a two way stop and traffic from the main road should have the right away since they could have no way of knowing who was barreling down the side streets. Please see both maps for what is present and what is being requested. (See Page 2)

This is solely for the safety of drivers and pedestrians in this area. It is a very small area that has very high volume of traffic all times of day. One reason being the subdivision can lead straight through to Livernois Rd. A stop sign can only increase safety. If you would be so kind as to take this into consideration it would be greatly appreciated.

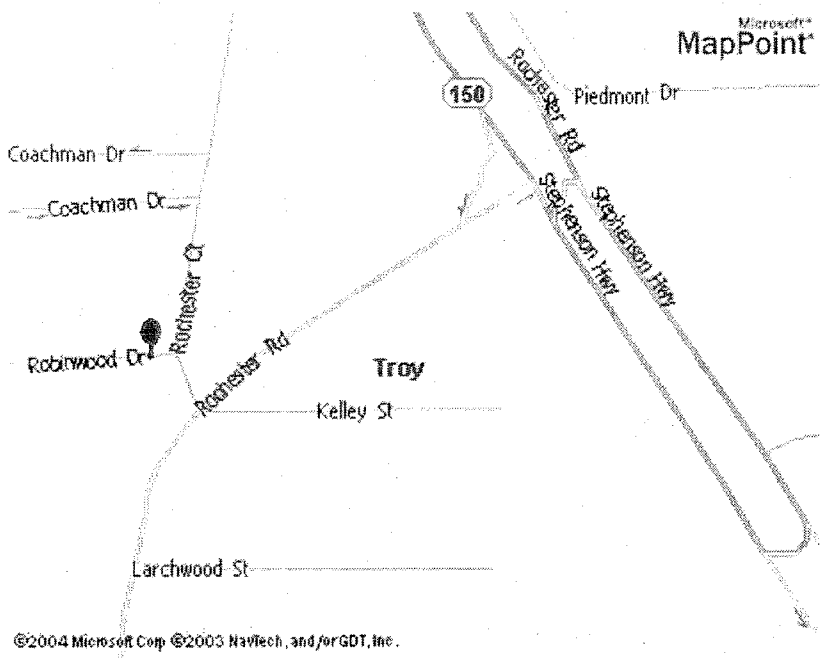
Thank You Very Much,

Cassandra Bielawski
1034 Vermont
Troy, MI 48083

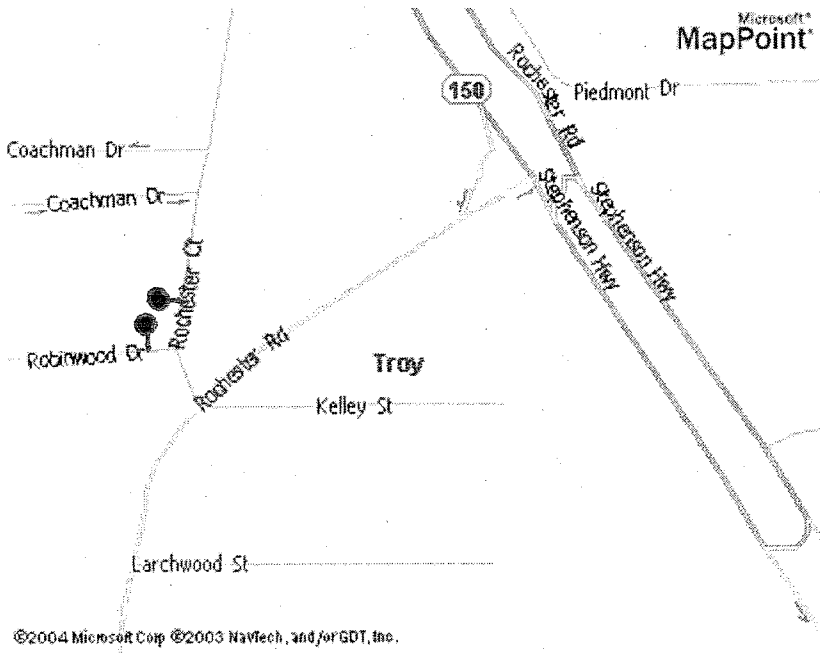
ITEM 8



Map 1 Present Time



Map 2 Requested Changes



OLD SETBACK 100'- 0"
NEW SETBACK 85'- 0"
LANDSCAPE AREA
EXIST F.H.
38'- 0"
19'- 0"
20'- 0"
L.P.
NEW CURB AND GUTTER
NEW 30'- 0" DRIVE
24'- 0"
REMOVE EXISTING SWING GATE AND INSTALL NEW 20' SLIDING GATE
WRITE UP
16'- 0"
SLOPE AND MEET ASPHALT GRADE
5'- 0"
EXIST SIDEWALK
19'- 0"
CUSTOMER
24'- 0"
28'- 6"
35'- 0"
43'- 0"
1821 MAPLE LAWN
EXIST SIDEWALK
EXIST LANDSCAPE
N.A. SIGN
REMOVE EXIST ASPHALT DRIVE AND BASE
16'- 0"
POST AS FIRE LANE (TYP)
9'- 6"
13'- 0"
SHOWROOM OFFICES
LADSCAPE AREA
122'- 6"
DUE NORTH 300.00
NEW CURB AND GUTTER
SAW CUT - PATCH-REPAIR-SEAL EXISTING ASPHALT PARKING LOT
47'- 6"
PARTS / SERVICE
RAMP
NEW CONCRETE SIDEWALK
7'- 0"
REMOVE EXIST ASPHALT DRIVE AND BASE
NEW ELECTRICAL TRANSFORMER AND CONCRETE ISLAND
16'- 0"
19'- 0"
WALKWAY
4'-10"
SLOPE AND MEET ASPHALT GRADE
6'- 0"
57'- 0"
FIRE LANES
POST AS FIRE LANE (TYP)
NEW 30'- 0" DRIVE
NEW CURB AND GUTTER
NEW SETBACK 35'- 0"
OLD SETBACK 50'- 0"
19'- 0"
24'- 0"
38'- 0"
ITEM 9

July 19, 2004

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

SUBJECT: **Agenda Item**: Rescind Bid Award / Re-Bid Contract–
Duct Cleaning Gun Range Ventilation System

RECOMMENDATION

City management recommends that City Council rescind resolution #2004-01-006-E-06 approved on January 5, 2004 without prejudice, for the duct cleaning of the Police Department gun range ventilation system awarded to Sani-Vac Service, Inc., and request authorization to re-bid the contract. In re-soliciting bids, the Purchasing Department will target companies specializing in the abatement and remediation of environmental hazards, in addition to duct cleaning contractors. The Purchasing Department will attach the Michigan Department of Consumer and Industry Services' Occupational Health Standards—Lead to the bid documents, as reference material to assist the successful bidder in meeting the regulatory requirements for Duct Cleaning with Lead Remediation.

BACKGROUND

Sani-Vac and co-contractor, the IWC Group, have notified the City in writing that the companies were withdrawing their bid. The companies could not complete the project for the bid price of $13,000.00, due to excessive costs associated with the Lead Compliance Program as outlined by Testing Engineers & Consultants (TEC). They would have to hire a subcontractor, at an estimated cost of $10,574.00, to manage their compliance with the Specification for Duct Cleaning and applicable governmental regulations enacted to ensure the safety and health of workers, especially those that prevent workers' overexposure to lead.

The only other bidder, Indoor Air Professionals, also declined to accept the contract at the bid price of $24,030.00. The company representative reported that specification requirements related to environmental engineering control measures were more costly than anticipated.

Prepared by: Lieutenant Michael Lyczkowski, Police Department

Cc: Captain Gary Mayer

July 19, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager / Finance and Administration
Police Chief Charles Craft
Jeanette Bennett, Purchasing Director

RE: Supplemental Information
Return of Bid Deposit – Gun Range Duct Cleaning

ISSUE – RETURN OF A BID DEPOSIT

After Council approval of a non-bondable contract (less than $50,000), and successful compliance with insurance requirements, the successful bidder is required to fulfill the terms of the contract including all specifications. If a bid deposit is requested, it then becomes a performance surety that will be returned upon successful completion of all contract requirements. If the contractor cannot comply with the terms of the contract, Purchasing requires that the contractor submit a letter that details the reasons for the non-compliance.

The award then must be rescinded by City Council, to allow a re-award to the next low bidder or re-bid of the project. Staff determines if there is sufficient cause to allow the vendor to dissolve the contract without prejudice and recommends what they consider to be in the City's best interest.

GUN RANGE DUCT CLEANING

Sani-Vac Services, Inc. has requested the return of their bid / performance surety deposit in the amount of $2,000.00. Staff is recommending that the award be rescinded without prejudice due to the following:

The main stumbling block was the lack of a Lead Compliance Plan.

> The bid specifications read, "Section 2.04 Health and Safety, subsection (C) Written Lead Compliance: The contractor must provide a written Lead Compliance Plan prior to conducting work at this site. The plan must be reviewed and approved by the owner's consultant prior to conducting work."

Sani-Vac Services, Inc. is contending that the Lead Compliance Plan was not delineated in the bid specifications, and therefore, the bid specifications are deficient. The only other bidder, Indoor Air Professionals, was then contacted; they too declined to proceed with this project due to costly environmental engineering control measures. Even though there was a reference to providing a Lead Compliance Plan, this issue still meets the "sufficient cause" test for a recommendation without prejudice. Lead remediation is beyond their normal scope of operations.

After a brief discussion, a settlement was agreed upon with the parties involved, Testing Engineers & Consultants, Inc. and Sani-Vac Services, Inc. who would make concessions of $250.00 each to offset administrative fees incurred trying to resolve the problem.

Attached is a narrative of Police Lt. Michael Lyczkowski who was charged with overseeing the Duct Cleaning of the Gun Range with the events of the situation as they unfolded.

SANI-VAC SERVICE, INC.

DUCTWORK AND EXHAUST SYSTEM CLEANING

April 28, 2004

City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084
Lt. Michael Lyczkowski
Troy Police Department

SUBJECT: **DUCT CLEANING OF THE POLICE GUN RANGE VENTILATION SYSTEM ORDER #20300560-000 0P**

Dear Lt. Lyczkowski,

Due to the Lead Compliance Program that was recently drafted and distributed by Testing Engineering & Consultants, Inc., Sani-Vac Service, Inc. will be withdrawing its bid of $13,000.00 as shown on P.O. #20300560-00-0P dated February 16, 2004.

I believe the requirements stated in the Lead Compliance Program should have been a part of the specifications in the original pre-bid documents.

In order for Sani-Vac Service, Inc. to comply with the program we would have had to hire Clean Air Management, Inc. at an additional cost of $10,574.00 not to mention our quoted price of $13,000.00.

I am requesting the return of the $2,000.00 bid deposit that we submitted with the original bid documents.

Thank you for this opportunity, I look forward to working with you again in the near future.

Sincerely,

John H. Line III, ASCS

5750 ENTERPRISE COURT
WARREN, MICHIGAN 48092-3462
PHONE: 586-558-9200
FAX: 586-558-9400
www.sanivac.com

NADCA

IWC GROUP

ASBESTOS/LEAD/MOLD REMEDIATION, DEMOLITION, ELECTRICAL CONSTRUCTION, SPECIALTY COATINGS

June 7, 2004

City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084
Lt. Michael Lyczkowski
Troy Police Department

Subject: Duct cleaning of the police gun range ventilation system
Order #20300560-000 OP

Dear Lt. Lyczkowski,

Due to the Lead Compliance Program that was recently drafted and distributed by Testing Engineering & Consultants, Inc., IWC Group will be withdrawing its bid of $13,000.00 as shown on P.O. #20300560-00-OP dated February 16, 2004.

I believe the requirements stated in the Lead Compliance Program should have been a part of the specifications in the original pre-bid documents.

In order the IWC Group to comply with the program we would have had to hire Clean Air Management, Inc. at an additional cost of $10,574.00 not to mention our quoted price of $13,000.00.

I am requesting the return of the $2,000.00 bid deposit that we submitted with the original bid documents. Please return it to Sani-Vac Service, Inc.

Thank your for this opportunity, I look forward to working with you again in the near future.

Sincerely,

Juan A. Quiroz
President

12838 Gavel - Detroit, MI 48227 - Tel: 313-933-3000 - Fax 313-934-3175
100% Minority owned and Operated *ISO 9001 Certified*

PROFESSIONALS

DUCT CLEANERS

1352-H Combermere Ave., Troy, Michigan 48083 Tel: 248/583-9200 Fax: 248/583-9202

Lt Michael Lycykowski
Troy Police Department
500 W. Big Beaver Rd.
Troy, MI. 48084

06/04/04

Lt. Lycykowski,

After careful review of all documents, particularly the lead compliance program written by Scott Chandler, and as a result of our walk-thru on Thursday, June 3rd, it is with regret that we have to decline to proceed with this project.

We appreciate your patience with us on this project and I hope you understand this has become a complex undertaking requiring more equipment, more personal and far more containment than originally intended. The liability exposure on this project is tremendous. So many additional precautions must be taken.

Sincerely,

Larry J. Brady

Larry J. Brady

Monday, January 5, 2004:

The Troy City Council approved a resolution, granting a contingent award to Sani-Vac Service, Inc. for the gun range duct cleaning (Resolution #2004-01-006-E-06). The award was contingent upon the contractor's delivery of the required insurance certificate.

Monday, January 19:

I asked Steve Cooperrider if Sani-Vac Services, Inc. had complied with the insurance requirements established in the bid proposal. Cooperrider advised that Mr. John Line III informed him that Sani-Vac did not have the required pollution liability insurance. Line was attempting to obtain that coverage.

Scott Chandler faxed me a copy of a memo he sent to John Line, reminding him of several items in the duct cleaning specifications that address some of Sani-Vac's responsibilities as the contractor on this project. Most of the items related to requirements that Sani-Vac must fulfill before the company begins the cleaning project. One item related to the post project report.

Wednesday, January 28:

I asked Steve Cooperrider for an update on John Line's efforts to obtain pollution liability insurance. He explained that John Line attempted to secure insurance through a consultant he intends to use. The consultant's insurance carrier would add Sani-Vac onto the consultant's pollution liability insurance policy as an additional insured. However, the City requires Sani-Vac to be a named insured on a pollution liability insurance policy, with the City of Troy being added as an additional insured.

Cooperrider met with Jeanette Bennett and Assistance City Attorney Susan Lancaster to discuss the problem. As an acceptable solution, Lancaster will draft an Assignment of Contract document for Sani-Vac and the consultant to sign as co-contractors. Sani-Vac's co-contractor will then be able to add the City as an additional insured on that company's pollution liability insurance policy.

Tuesday, February 03:

Steve Cooperrider informed me that Sani-Vac's proposed co-contractor was Industrial Waste Cleanup, Inc. of Detroit. He was working to get the required insurance certificates from both companies.

Monday, February 09:

Steve Cooperrider informed me that Sani-Vac Service, Inc. and Industrial Waste Cleanup, Inc. met all insurance requirements on Friday, February 6. He was

waiting for Sue Lancaster to revise the Assignment of Contract document she prepared for Sani-Vac Service and Industrial Waste Cleanup to sign as co-contractors.

Thursday February 12:

I spoke with Sue Lancaster. She informed me that she sent the Assignment of Contract to Steve Cooperrider on Tuesday, February 10.

Friday, February 13:

I made telephone contact with John Line III. He told me that he received the Assignment of Contract from Steve Cooperrider. Line forwarded it to Industrial Waste Cleanup for a signature from the company president, Juan A. Quiroz. Line was waiting for Industrial Waste Cleanup to return the signed contract to him. He would send the signed contract back to Cooperrider.

Monday, February 16:

I received a telephone call from Steve Cooperrider. He informed me that representatives of Sani-Vac Service, Inc. and Industrial Waste Cleanup, Inc. signed the Assignment of Contract as co-contractors. Cooperrider sent the bid proposal file to Susan Leirstein so that she could issue a Purchase Order.

I spoke with Susan Leirstein. She would mail Purchase Order #20300560 to Sani-Vac Service, Inc. She informed me that I could have the co-contractors start the project.

I left a voice mail message for Scott Chandler, informing him that we could begin the duct-cleaning phase of the project.

I made telephone contact with John Line III. I informed him that the Purchasing Department issued the Purchase Order for the duct cleaning. I reminded him that he must provide the information requested by Scott Chandler in a memo dated 1/19/2004, except for the post project report, before work could begin. This information included MSDS's for chemicals Sani-Vac would use, a copy of the Air System Cleaning Specialist (ASCS) certification from the National Air Duct Cleaners Association (NADCA) for the person from Sani-Vac's staff responsible for the project and a written plan to prevent lead contamination to the indoor environment. Line asked that I have Scott Chandler call him to discuss the matter.

Wednesday, February 18:

I spoke with Scott Chandler. He informed me that he made contact with John Line. Line understood what information he must provide to Chandler before the

contractors could begin the cleanup portion of the project. Chandler advised that Line verbally explained the control measures the contractors would use during the pre-cleaning video camera inspection of the ventilation system to prevent the release of contaminants into the indoor environment. Chandler was satisfied with the plan and approved the inspection.

I received a telephone call from John Line. We scheduled the video inspection for Monday, February 23 at 1:00 PM.

Friday, February 20:

I received a telephone call from Sani-Vac General Manager Jim Sicca. He informed me that John Line wanted to reschedule the video inspection for a time after the paperwork issues were resolved. Sicca was not certain as to what paperwork issues Line wanted resolved. I speculated that the issues involved the documents for Scott Chandler or the background checks we would conduct on the contractors' employees.

Tuesday, March 9:

Scott Chandler emailed me a copy of a memo he wrote to John Line. In the memo, Chandler advised Line that his written plan on proposed controls to prevent lead contamination required substantially more detail. He provided a number of questions for Line to answer in his written plan. He also asked Line if he had prepared a Lead Compliance Plan as required in the Specification for Duct Cleaning.

Wednesday, March 10:

Sergeant Bjork ordered 100 cases of Winchester Super Clean NT, 100 grain, 9 mm, lead free practice ammunition. We decided to purchase this round, with a solid core bullet, because we wanted lead free ammunition that performed like our duty ammunition. This ammunition offered comparable performance, accuracy and feel to our duty ammunition.

Thursday, March 11:

Scott Chandler, Matt Weber, John Line, Bob Myal of the IWC Group, Steve Pallotta and I met to revisit the jobsite. The purpose of the meeting was to assist Line and Myal in planning environmental controls to prevent lead contamination to the indoor environment and exposure controls for the contractors' workers. Chandler provided Line and Myal with copies of the Phase I Specification for Remediation of Lead Containing Dust to use as a reference to establish their environmental and exposure controls. Line would provide their written control plan to Chandler by the end of next week.

Thursday, March 18:

I received a telephone call from Scott Chandler. He informed me that he received additional documents from John Line. The documents included a cover letter from John Line, lead awareness training certificates for employees of the contractors, and the Lead Abatement Guidelines and Sample Lead Compliance Program from the Industrial Waste Cleanup Environmental Services Group Corporate Safety Manual. However, Chandler did not believe that the documents satisfied the Specification's requirement for a written control plan.

Scott Chandler called John Line. He agreed to provide an outline to assist Line with the preparation of his control plan.

Friday, March 19:

As a result of reports from Scott Chandler that the contractors had not yet complied with requirements of the Specification, I asked Jeanette Bennett about the process involved in canceling the contract with Sani-Vac and Industrial Waster Cleanup. She explained that I must send the companies written notice that they were not in compliance with the Specification and provide a due date for them to comply. If the companies did not comply, I would have to prepare a Contract Administration-Documentation form for the Troy City Council, which would detail the specific issues leading to a request to have them rescind the contract award.

Bennett recommended that I work with the contractors to gain their compliance with the Specification.

I called John Line. He believed that he had provided the documents requested by Scott Chandler and, therefore, complied with the Specification. He was uncertain as to what other documentation Chandler required from him. He agreed to wait for Chandler's outline to learn what he needed to do to comply with the Specification.

Monday, March 22:

I reviewed a draft letter that Scott Chandler faxed to me on Friday, March 19. In the letter, he asserted that documents submitted by the contractors did not include a site specific Lead Compliance Plan, nor any description of specific engineering controls or work practices necessary to prevent lead contamination in the environment and overexposures to workers. He indicated that the contractors had not identified or provided the credentials for the employee responsible for the Lead Compliance Plan. Additionally, even though the lead awareness training that the contractors reported as having been provided to their employees appeared to satisfy minimum OSHA requirements, Chandler expressed concern that the training was not sufficient to provide adequate

protections to them. He believed that the issues described in his draft letter posed potential liability concerns for TEC and the City.

At the direction of Jeanette Bennett and Sue Lancaster, I made contact with Scott Chandler to discuss his draft letter. I informed him that I wanted to work with the contractors to achieve their compliance with the Specification. With regard to Chandler's liability concerns, I expressed my intent to resolve any issues involving regulatory requirements before the contractors began work on the project. Scott admitted that there was no regulatory requirement or any reference in the Specification for the contractors' employees to receive any additional level of training. However, he advised that he did not write the Specification from an environmental point of view and suggested that he possibly should have included additional training requirements for the contractors' employees. He believed that the potential for occupational exposure from this project required employees to receive more training than a simple awareness training program.

Chandler agreed to call me on Tuesday to discuss plans to resolve the concerns related to this project.

Tuesday, March 23:

I made telephone contact with Scott Chandler. We agreed that we would work with Sani-Vac and Industrial Waste Cleanup to achieve compliance with the Specification. Chandler also agreed to contact John Line of Sani-Vac and Bob Myal of Industrial Waste Cleanup to schedule an appointment to work with them in writing their control plan. Chandler recommended that he attend a meeting that we would ask the contractors to schedule with their employees to explain the plan. Chandler expressed concern that the employees understand the plan before they start the project. Once work begins, Chandler would provide more project oversight to make certain that the employees follow acceptable work practices and engineering controls, and comply with OSHA regulatory requirements.

Thursday, March 25:

Scott Chandler informed me that he scheduled a meeting at his office with Bob Myal and John Line for Tuesday, March 30 at 9:00 AM to work on the contractors' control plan.

Tuesday, March 30:

Scott Chandler, John Line, Bob Myal and I met at TEC to work on the contractor's control plan. In an effort to get the project started, Chandler agreed to write the draft plan for the contractors. He would forward a copy of the draft plan to each of us by Monday, April 5 for our review and recommendations.

Chandler would have to approve the control plan before contractors could begin work on the project. The contractors asserted that they would be ready to begin work as soon as Chandler approved the plan.

Line and Myal agreed to allow Chandler to meet with the contractors' employees the day they start work on the project to make certain they understand the approved control plan.

John Line faxed a list of employees that Sani-Vac might assign to the duct-cleaning project so that we could conduct background checks on them. Tammy of Sani-Vac faxed the names of two Industrial Waste Cleanup employees that might be assigned to the project for background checks.

Monday, April 5:

Scott Chandler emailed me a copy of the draft Lead Compliance Program he wrote for the contractors. The document was required by the Specification. According to Chandler, it was also required by OSHA to prevent excessive lead exposures to the contractors' workers. The document also served as a site-specific plan to prevent lead contamination to the indoor environment.

Scott Chandler informed me that John Line faxed him a copy of the contractors' Respiratory Protection Program on April 1 as an attachment to the Lead Compliance Program document. Chandler had not yet reviewed it.

I informed John Line that some of the employees he proposed as potential workers on the duct-cleaning project were not eligible to work in the Police building based upon information collected during the background checks on them. He provided the name of another employee so that we could conduct a background check on him.

Wednesday, April 07:

I called Scott Chandler to discuss my questions and observations on his draft Lead Compliance Program document. He agreed to make the appropriate changes and email a copy to John Line for review. He would also review the Respiratory Protection Program supplied by John Line.

Chandler called later to inform me that Line's Respiratory Protection Program did not comply with OSHA requirements.

Chandler gave me copies of OSHA's General Industry Respiratory Protection regulations, Sani-Vac's Respiratory Protection Program document and respirator instruction manual, and two sample Respiratory Protection Program documents.

Thursday, April 08:

I met with Jeanette Bennett and Steve Cooperrider to discuss Scott Chandler's opinion that Sani-Vac's Respiratory Protection Program did not comply with OSHA requirements. We agreed that the contractors had an obligation to comply with applicable OSHA, and other governmental safety and environmental regulations. We communicated those obligations to the contractors in the Specification for Duct Cleaning. We also agreed that it was the responsibility of the contractors, not the City, to make certain that the contractors' Respiratory Protection Program was in compliance with applicable regulations. Once work began, the contractors would also have the responsibility to monitor themselves for compliance. However, we would have a responsibility to report obvious violations to the project manager and, if necessary, to a MIOSHA inspector.

Steve Cooperrider reviewed Sani-Vac's Respiratory Protection Program. In his opinion, it was satisfactory and in compliance with MIOSHA regulations. He described MIOSHA regulations as equivalent to or more demanding than OSHA regulations.

Cooperrider and I made telephone contact with Scott Chandler. Cooperrider explained that he thought Sani-Vac's Respiratory Protection Program was acceptable and complied with MIOSHA regulations. Chandler disagreed. He did not believe it was compliant with OSHA standards because it did not include all of the applicable provisions of OSHA's Respiratory Protection Program regulations.

Cooperrider expressed the opinion that it was not the City's responsibility to approve Sani-Vac's Respiratory Protection Program. Chandler thought he should approve it because it was to be an attachment to the Lead Compliance Program document. He agreed to accept a letter from Sani-Vac, in which they asserted their compliance with MIOSHA's Respiratory Protection Program and that they would enforce applicable regulations on the work site, in the place of his approval of Sani-Vac's Respiratory Protection Program document.

I made telephone contact with John Line. I informed him about Chandler's concerns with Sani-Vac's Respiratory Protection Program and our subsequent discussions with Jeanette Bennett and Steve Cooperrider. Line agreed to submit the letter, if necessary, but advised that his company's Safety Officer had recently provided him with an updated Respiratory Protection Program document. He would forward a copy of the document to Scott Chandler for review and approval.

Line also informed me that he forwarded copies of Chandler's draft Lead Compliance Program document to Bob Myal of the IWC Group, and Clean Air Management, Inc. for review.

Friday, April 9:

I received a telephone call from Scott Chandler. He informed me that he received and reviewed a copy of Sani-Vac's updated Respiratory Protection Program document. He described it as a reasonable plan. He was satisfied with the document and would not require a letter from Sani-Vac.

I informed John Line that Scott Chandler was satisfied with Sani-Vac's updated Respiratory Protection Program document.

Thursday, April 22:

I made contact with Scott Chandler. He informed me that he spoke with John Line yesterday. Line had not yet received any response from Bob Myal of the IWC Group on the draft Lead Compliance Program document. Line speculated that they would not be available to start work on the project for approximately 2 weeks.
Chandler also reported that Line faxed a copy of the draft Lead Compliance Program to Clean Air Management, Inc. this morning. Chandler received a telephone call from Jim Kukalis (734-216-2024) of Clean Air to discuss the document. The document called for a field hygienist from Clean Air to be on site during the project to act as the competent person, as defined by the OSHA Safety and Health Regulations for Construction-Lead Standard, to ensure the contractors' compliance with the program and the OSHA Lead Standard.

Friday, April 23:

I received a telephone call from John Line. He informed me that he could not complete the project for the bid price of $13,000. He cited excessive costs associated with the Lead Compliance Program as the reason he could not complete the project at the bid price. The rates charged by Industrial Waste Cleanup and Clean Air Management were greater than he anticipated. To complete the project, he would need to charge the City for Clean Air Management's fees. Clean Air Management estimated their fees for this project as $10,574. I told Line that I would discuss available options with Jeanette Bennett on Monday.

Monday, April 26:

I met with Jeanette Bennett to discuss John Line's assertion that he could not complete the project for the bid price. In discussing available options, Jeanette advised that we could ask Line to submit a letter declaring his intent to withdraw from the contract. We could accept the letter and allow him to withdraw. City Council would decide whether to accept the withdrawal, with or without prejudice. If accepted with prejudice, the City would not return Line's bid surety deposit. If accepted without prejudice, Line would have his bid surety deposit returned. As

another option, we could petition City Council to allow Line to increase his bid price by $10,574.

Jeanette asked that I contact a representative from Indoor Air Professionals, the only other company to bid on the project, to determine if they were still interested and, if so, if they would hold to their bid price. We also wanted to know if the representative thought the Specification for Duct Cleaning was clear and understandable, especially as it related to compliance with the OSHA Lead Standard. We would use the information supplied by the Indoor Air rep to assist us in resolving the problem.

Tuesday, April 27:

I made telephone contact with Mr. Larry Brady of Indoor Air Professionals. I informed him about the possibility of Sani-Vac withdrawing from the duct-cleaning contract. He was interested in the contract and would hold to their bid price. I asked him if thought the Specification for Duct Cleaning was a clear and understandable document. He said that it was clear and understandable. He understood the specification requirements, including those related to containments, monitoring and disposal of contaminants. He also understood the need to comply with appropriate OSHA requirements. He explained that he had intended to subcontract with Inland Waters Pollution Control to manage the compliance issues.

I met with Jeanette Bennett and Susan Leirstein. I related information from my conversation with Mr. Brady to them. We agreed that I would ask John Line to submit a letter declaring his intent to withdraw from the contract. We would recommend that City Council accept the withdrawal. I expressed interest in making the recommendation without prejudice, in an effort to prevent any further delays in the project. Jeanette informed me that we would have to provide justification to make the recommendation without prejudice. If Line chose not to submit the withdrawal letter, we would send him a letter, putting him on notice to complete the project by a specified date.

I left a voice mail for John Line to call me regarding this issue.

Wednesday, April 28:

I received a telephone call from John Line. He agreed to submit the letter declaring his intent to withdraw from the contract. He would fax a copy of the letter and send the original through the mail.

I received the faxed letter from John Line. He worded the letter to read that Sani –Vac Service, Inc. would be withdrawing its bid of $13,000.00. I gave a copy to Jeanette Bennett.

Jeanette instructed me to have a representative of Indoor Air Professionals submit a letter expressing the company's interest in the contract and assurance that they would hold to their bid price of $24,030. She asked that the rep include a statement that the company understood the requirements of the specified Lead Compliance Plan. She also asked that the rep confirm, in the letter, the company's intention to subcontract with a qualified company to manage their compliance with the specification's health and safety requirements, and applicable governmental regulations.

Jeanette also instructed me to draft a Rescind Resolution and Re-Award Project document for an upcoming City Council Agenda.

I left a voice mail message for Mr. Brady to call me regarding the contract and required letter.

Thursday, April 29:

I received a telephone call from Mr. Brady. He agreed to write a letter to include the information requested by Jeanette Bennett.

I wrote a draft Rescind Resolution and Re-Award Project document. I emailed the document to Jeanette for review.

Friday, April 30:

I received the original bid withdrawal letter that John Line sent through the mail.

Monday, May 03:

I gave John Line's original bid withdrawal letter to Jeanette Bennett.

I spoke with Larry Brady. He planned on using two subcontractors on the project. In the interest of complying with the Specification for Duct Cleaning's requirement for a written Lead Compliance Plan, he wanted to discuss the issue with both subcontractors. He did not know which subcontractor would write the plan. I faxed him a copy of the Lead Compliance Program Scott Chandler wrote for Sani-Vac and IWC, to use as reference material.

Brady would submit a letter of interest in the contract after he consulted with his subcontractors.

I received Invoice #101446, in the amount of $1,887.50, from TEC for consulting services related to the duct-cleaning phase of the project.

Tuesday, May 04:

I forwarded TEC Invoice #101446 to Steve Pallotta for payment.

Wednesday, May 26:

I spoke with Larry Brady. He informed me that he consulted with a representative of Inland Waters Pollution Control. Brady was still interested in the contract. He wanted to schedule a site visit so that he could determine where to set up containment systems and a decontamination unit. I told him that I would call him later to schedule the appointment.

Thursday, May 27:

I contacted Larry Brady to schedule the site visit for Tuesday, June 1 at 9:00 AM. He would have representatives from two subcontractors attend with him. I notified Scott Chandler about the appointment. He agreed to attend.

Friday, May 28:

I emailed Steve Pallotta to inform him about the site visit, so that he could arrange for a member of his staff to attend. Pallotta replied that he would not have anyone available for the meeting.

Tuesday, June 1:

Larry Brady called to cancel today's site visit. His subcontractors were not available due to other unexpected commitments. We rescheduled the meeting for Thursday, June 3 at 9:00 AM.

Thursday, June 03:

Larry Brady and William Nardin of Indoor Air Professionals, Loren Choate and Don Simota of Inland Waters, Scott Chandler, Steve Cooperrider and I met for a site visit of areas that contain the gun range ventilation system. The contractors identified possible containment and decontamination locations. Scott Chandler answered their questions related to the Specification for Duct Cleaning. Cooperrider discussed insurance requirements. Larry Brady would call on Monday to let me know if the contractors would submit a letter of interest in the contract.

Friday, June 04:

I received a telephone call from Larry Brady. He informed me that he could not complete the project for the bid price. He explained that specification requirements related to environmental engineering control measures were more

costly than he had anticipated. In addition, he believed that there was significant liability exposure with the project. He also expressed concern about his ability to pass a gravimetric analysis, with the gun range ventilation system under negative pressure, to determine the success of the cleaning project. The Specification for Duct Cleaning allowed for project success verification through visual inspection and/or gravimetric analysis.

Sue Lancaster informed me that a representative of the IWC Group would have to submit a letter declaring that company's intent to withdraw from the contract before City Council could rescind the contract award. The letter was necessary because John Line assigned the duct-cleaning contract to Sani-Vac Services, Inc. and the IWC Group through an Assignment of Contract document.

I called Scott Chandler to inform him about Larry Brady's intent to decline the contract. Chandler recommended that I ask Brady if he would reconsider his decision if we verified the success of the cleaning project through visual inspection only.

Monday, June 07:

I called John Line to inform him that the IWC Group must also submit a withdrawal letter before City Council could rescind the contract award. Line obtained a letter from Juan A. Quiroz of the IWC group. Line faxed a copy of the letter to me.

I called Larry Brady to discuss Scott Chandler's recommendation that we verify the success of the project through visual inspection only. Brady advised that he would consult with representatives from Inland Waters before he made a decision to accept the contract based upon Chandler's recommendation.

I received a letter sent by Larry Brady on June 4, confirming his decision to decline the duct-cleaning project.

Tuesday, June 08:

I gave the faxed copy of Juan A Quiroz's bid withdrawal letter and Larry Brady's letter declining the project to Jeanette Bennett.

Wednesday, June 09:

I received a voice mail message from Larry Brady. He advised that Scott Chandler's recommendation would not change his decision to decline the duct-cleaning project. He cited the complexity of the containment, magnitude of the job, liability concerns and associated costs as the main issues influencing his decision to decline the project.

Monday, June 14:

I informed Jeanette Bennett that Larry Brady declined the duct-cleaning project. Since no other contractors, besides Sani-Vac and Indoor Air Professionals, bid on the duct cleaning contract, she instructed me to draft a Rescind Resolution and Re-Solicit Sealed Proposals document for an upcoming City Council Agenda. The document would recommend that City Council rescind the resolution that awarded the duct cleaning contract to Sani-Vac so that the we could re-solicit bids for the project.

I called Scott Chandler to tell him that Larry Brady declined the project. I advised Scott that I would schedule a meeting to discuss all of our available options to complete the project.

I wrote a draft Rescind Resolution and Re-Solicit Sealed Proposals document. I emailed the document to Jeanette for review.

Tuesday, June 15:

Susan Leirstein emailed me revisions to the draft Rescind Resolution and Re-Solicit Sealed Proposals document I sent to Jeanette Bennett, along with a separate Resolution document. The email included attachments to the documents. Leirstein also provided instructions for Chief Craft to approve the documents, now titled Rescind Bid Award/Re-Bid Contract—Duct Cleaning Gun Range Ventilation System, and Resolution, and forward them to the Purchasing Department.

I spoke with Terry Colussi. She would make certain that the Chief initialed the documents. She would also follow other steps necessary to get the documents on the City Council Agenda for Monday, June 21, 2004.

Wednesday, June 16:

After Chief Craft and Jeanette Bennett initialed the documents, I delivered them, with attachments, to the City Manager's office for Mr. Szerlag to approve and initial for the City Council Agenda of Monday, June 21, 2004.

Thursday, June 17:

Jeanette Bennett informed me the Mr. Szerlag wanted to postpone placing the Rescind Bid Award/Re-Bid Contract—Duct Cleaning Gun Range Ventilation System, and Resolution, on a City Council Agenda pending a meeting to discuss the issues that caused the need to take such action regarding the project.

Monday, June 21:

I received Invoice #101830, in the amount of $825.00, from TEC.

Tuesday, June 22:

I asked Scott Chandler for an explanation of the charges on Invoice #101830. He informed me that the charges were for his services on April 5 & 7. He prepared a Lead Compliance Plan for Sani-Vac Services Inc. and the IWC Group.

Wednesday, June 23:

I forwarded TEC Invoice #101830 to Steve Pallotta for payment.

Thursday, July 01:

John Szerlag, John Lamerato, Jeanette Bennett, Steve Pallotta, Steve Cooperrider and I met in Conference Room C to discuss the issues that caused the need to place the Rescind Bid Award/Re-Bid Contract—Duct Cleaning Gun Range Ventilation System, and Resolution, on a City Council Agenda. Sani-Vac Services, Inc. and the IWC Group submitted letters withdrawing the bid because they could not complete the project at the bid price. The contractors argued, in their bid withdrawal letters, that the requirements of the Lead Compliance Program should have been part of the Specification For Duct Cleaning. We believed that the Specification was clear and understandable with regard to the contractors' requirement to submit a written Lead Compliance Plan or Program, mandated by OSHA and MIOSHA regulations. Information on OSHA and MIOSHA regulations is readily available to the public. Therefore, It was my opinion that it was not necessary to attach the OSHA and MIOSHA regulations to the Specification.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Duct Cleaning of the Police Gun Range Ventilation System

Resolution #2004-01-006-E-06

RESOLVED, That a contract to provide the duct cleaning of the Police gun range ventilation system is hereby **AWARDED** to the low bidder, Sani-Vac Service, Inc., for an estimated total cost of $13,000.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost.

E-7 Revised Final Site Condominium Approval – Shady Creek South Site Condominium, North of Long Lake Road and West of Rochester Road – Section 10 – R-1B

Resolution #2004-01-006-E-07

RESOLVED, That the Revised Final Site Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Shady Creek South Site Condominium as recommended for approval by City Management, located north of Long Lake Road and west of Rochester Road, Section 10, including ~~56~~ 5 home sites, within the R-1B Zoning District, being 3.02 acres in size, is hereby **APPROVED.**

E-8 Approval of Subdivision Entrance Sign/Agreement – Sylvan Glen Subdivision

Resolution #2004-01-006-E-08

RESOLVED, That the sign application submitted by the Sylvan Glen Homeowners Association for the placement of a sign in the median of the intersection of Berwyck Drive and Long Lake Road is hereby **APPROVED** as to the design and materials proposed; and

BE IT FURTHER RESOLVED, That the agreement regarding the maintenance and liability coverage for the sign is also **APPROVED** and authorization is hereby **GRANTED** to the Mayor and City Clerk to sign the agreement on behalf of the City of Troy.

E-9 Request for Acceptance of (1) Permanent Water Main Easement, Permanent Sanitary Sewer Easement and a Private Road Agreement – Fountain Park Troy, L.L.C. – Sidwell #88-20-14-351-002, 003 and 004

Resolution #2004-01-006-E-09

December 22, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

RE: Standard Purchasing Resolution 1: Award To Low Bidder – Duct Cleaning of the Police Gun Range Ventilation System

RECOMMENDATION

Bids were received for the Duct Cleaning of the Police Gun Range Ventilation System on December 19, 2003. City management recommends that the contract be awarded to the low total bidder, Sani-Vac Service, Inc., at an estimated total cost of $13,000.00.

The duct cleaning shall be accomplished through the completion of all requirements established in the Specifications and Amendments for ITB-COT 03-35, Duct Cleaning City of Troy Police Gun Range Ventilation System.

The award is contingent upon the recommended bidder's submission of properly executed contract and bid documents, insurance certificates and all specified requirements. In addition, staff requests authorization to approve additional work if needed, due to unforeseen circumstances, not to exceed 10% of the total project cost.

SUMMARY

On May 8, 2002, the Police Department discovered mechanical problems and maintenance deficiencies with the gun range ventilation system. Subsequent analysis by Testing Engineers and Consultants, Inc. of Troy revealed areas of the Municipal Building with significant amounts of settled lead dust and lead contamination in the gun range ventilation system. In addition, measurements of air supply and exhaust quantities from the ventilation system were significantly below design values. TEC recommended further evaluation of the air handling system by a qualified air-balancing contractor. Due to the elevated quantities of lead dust in the system, TEC anticipated the need to decontaminate the ductwork to safely conduct further mechanical system evaluations.

National Abatement Corporation completed the remediation of elevated levels of lead containing dust around the Municipal Building on Thursday, July 24, 2003. Cleaning the gun range ventilation system is the second phase of a three phase plan. The Police Department intends to eliminate any potential health risk caused by exposure to range generated lead contaminants and make improvements to the ventilation system to return the gun range to operation.

December 22, 2003

To: The Honorable Mayor and City Council
Re: Bid Award – Gun Range Duct Cleaning

SUMMARY - Continued
The duct-cleaning phase of the project will be accomplished as follows:

Prior to any cleaning, the contractor shall perform a visual inspection to determine the appropriate method, tools and equipment required to satisfactorily complete the project. The inspection shall be conducted without negatively impacting the indoor environment through the excessive disruption of settled dust or other debris.

Duct cleaning shall be achieved by removing visible surface contaminants and deposits within the HVAC system. Environmental engineering control measures shall be implemented as necessary.

Debris shall be collected and precautions taken to ensure it is not otherwise dispersed outside the HVAC system during the cleaning process. All dust, debris and wash water will be treated and disposed as lead contaminated hazardous waste.

The contractor shall provide the Police Department with a video recording of pre and post cleaning inspections of the HVAC system.

BUDGET
Funds are available in the City Hall/Emergency Repairs account #401265.7975.050.

58 Vendors Notified on MITN System
2 Bid Responses Rec'd
2 No Bids: Companies schedules do not permit them to perform the work

Prepared By: Lieutenant Michael Lyczkowski
Cc: Captain Gary Mayer

Opening Date -- 12-19-03
Date Prepared -- 12-19-03

CITY OF TROY
BID TABULATION
DUCT CLEANING OF GUN RANGE VENTILATION

FIRM NAME:	*	**Sani-Vac Service Inc**	Indoor Air Professionals		
CHECK NO.		698890000	130329		
CHECK AMT.		$2,000.00	$2,000.00		

PROPOSAL: TO FURNISH ALL SUPERVISION, PROFESSIONAL EXPERTISE, LABOR , MATERIALS, TOOLS, EQUIPMENT, ANALYSIS TESTING, MACHINERY, APPURTENANCES AND TECHNICAL SERVICES FOR DUCT CLEANING OF THE GUN RANGE VENTILATION SYSTEM IN ACCORDANCE WITH ALL SPECS

FURNISH DUCT CLEANING OF GUN RANGE VENTILATION SYSTEM					
COMPLETE FOR THE SUM OF:		**11,500.00**	23,280.00		
COMPLETION SCHEDULE:					
Can meet		XX	XX		
Cannot meet					
DISPOSAL OF CONTAMINANTS:					
Disposal Site		Spring Grove -Ohio	EQ		
EPA Permit Number		OHD000816629	MID9822606287		
SITE REVIEW: Visted the site		XX	XX		
Date		8/13 & 12/8/03	12/10/03		
INSURANCE: Can meet		XX	XX		
Cannot meet					
NATIONAL CERTIFICATION:					
Employee:		John H. Line III	William Nardin		
Certification:		ASCS	ASCS 02990772		
By National Organization:		NADCA	NADCA		
Attachment Marked:		Item #1	Page 6		
TERMS:		Net 30 Days	30 Days		
COMPLETION DATE:		Within 30 Days	As Per Specs		
EXCEPTIONS:		None	Blank		
ADDITIONAL: ADDENDUM #1					
Inspection - Videotape etc.		**1,500.00**	750.00		
ESTIMATED GRAND TOTAL:	*	**13,000.00**	24,030.00		

NO BIDS:
Quality Temperature Inc
Direct Resources Ltd., Inc.

*** DENOTES LOW TOTAL BIDDER**

ATTEST:
Michael Lyczkowski
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

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Downloading History for ITB-COT 03-35 Duct Clean

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **12/22/2003.**

Document Title:	Duct Cleaning of the Police Gun Range Ventilation System
Date Issued:	11/25/2003
Close Date:	12/19/2003
Date Amendment #1 was Issued:	12/8/2003
Date Amendment #2 was Issued:	12/12/2003

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
14942	A.F.Bellisario.,Inc.	E-mail		
13998	ABM Janitorial Services	Free	11/26/2003	
11126	Acme Maintenance Service, Inc.	Free	12/1/2003	
12133	Allied Building Service Company of Detroit, Inc.	E-mail		
15174	America's Best Service, Inc.	Free	12/1/2003	
10624	Arctic Air, Inc.	E-mail	11/26/2003	
13297	At Your Service Cleaning Contractors Inc.	E-mail		
10661	ATIGROUP	E-mail		
14182	B2 INC	Free	12/6/2003	
12903	Bennett Design and Fabrication LLC	E-mail		
11794	Best Technology Systems, Inc.	Free	12/8/2003	
11860	Cascade Water Services	E-mail		

12856	CCH Incorporated	Free	12/1/2003	
12020	Computer & Electronics Enterprises, Inc.	E-mail		
14019	Cornerstone Landscape Design, Inc.	E-mail		
11122	Crystal Bright Janitorial Services, Inc.	E-mail		
12287	Demko Inc.	E-mail	12/2/2003	
11363	Detroit Electric Motor Works, Inc.	E-mail		
13387	DJ Maintenance Corp.	Fax	12/3/2003	#1 12/8/2003 #2 12/12/2003
15050	DMS Electric Apparatus Service, Inc.	E-mail		
10028	ENTRAM CORP	Free	11/26/2003	
15152	EVERLASTING SHINE, INC.	E-mail	11/28/2003	
12967	Expert Auto Accents, Inc.	Fax		#1 12/8/2003 #2 12/12/2003
14863	FLAME FURNACE COMPANY	E-mail		
13051	Flint-Genesee Economic Growth Alliance	Free	12/5/2003	
13350	Fred Lax Construction	E-mail		
10215	Greater Detroit Heating & Cooling, Inc.	E-mail		
12309	Horizon Painting Inc.	E-mail	11/26/2003	
12686	Ideal Building Supplies, LLC.	E-mail		
15222	Indoor Air Professionals	Free	12/5/2003	#1 12/11/2003 #2 12/18/2003
12098	Innovative Resources Group, Inc.	E-mail		
11884	Mathisen Company	Fax		#1 12/8/2003 #2 12/12/2003
11630	Mercer Equipment Rentals	E-mail		
14655	National Heating Co., Inc.	E-mail	11/26/2003	
12599	National Industrial Maintenance, Inc.	Free	12/1/2003	
13420	Nedrow Refractories Co.	E-mail		
13310	North Star Refrigeration, Heating and Cooling	E-mail		
14089	Northview Custom Homes, LLC	E-mail	11/25/2003	
11073	Oscar W. Larson Co.	E-mail		

11344	Premium Sevices, Inc	E-mail		
12056	Quality Temperature Inc.	E-mail		
12531	Rohr gasoline equipment inc.	Fax		#1 12/8/2003 #2 12/12/2003
10713	Rumford Industrial Group, Inc.	E-mail		
11387	Sani-Vac Service Incorporated	E-mail	12/4/2003	#1 12/11/2003 #2 12/12/2003
14420	Sempra Energy Solutions	E-mail		
12681	Services Unlimited	E-mail		
11622	Siemens Industrial Services	E-mail		
13223	Simpson Development Group	E-mail		
13730	SMART Management Group, LLC	E-mail		
12106	Success Enterprise	Free	11/25/2003	
10909	Sunglo Restoration Services	E-mail		
15364	Supreme Heating & Supply Co., Inc	Free	12/18/2003	#1 12/18/2003
12181	T-III, LTd.	Free	12/12/2003	
10974	The Avrie Group, Inc.	E-mail		
12630	Thermal Engineering Corporation	E-mail		
13767	Uniglobe Construction Company	E-mail		
13207	Walbridge Aldinger Company	E-mail		
15267	Winslow Heating and Cooling LLC	Free	12/15/2003	

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August 3, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Lori Grigg Bluhm, City Attorney
Douglas Smith, Real Estate and Development Director
Mark Miller, Planning Director MHM
William Huotari, Acting City Engineer WJH

SUBJECT: FINAL SITE CONDOMINIUM APPROVAL – Wattles Ridge Site Condominium, South of Wattles, East of Rochester, Section 23 – R-1C

BACKGROUND

Final approval for the Wattles Ridge Site Condominium was withdrawn from the July 19, 2004 council agenda so that the Engineering Department could investigate ownership and maintenance responsibilities for the existing Raintree Subdivision detention basin that will provide stormwater detention for the proposed development.

FINDINGS

Our investigation into the maintenance responsibility for the Raintree Subdivision stormwater detention basin has determined that the property owners of Raintree Subdivision 1,2 and 3 are responsible for maintenance despite the existence of an Oakland County Drain Commission (OCDC) easement that encompasses the entire basin. When Raintree No. 1 was built in the mid-seventies, the Shanahan drain under the jurisdiction of the OCDC traversed through the property. The OCDC approved an in-line detention basin; a basin where the drain actually flows through the pond, with the condition that an easement be executed and that pond maintenance would be strictly the responsibility of the subdivision association.

Additionally, the pond was approved by the City of Troy as a regional pond with capacity to service future Raintree subdivisions, and over 200 acres of property north and west of Raintree, all within the Shanahan drainage district. Over the years, other subdivisions were approved with drainage and detention provided by the regional Raintree detention basin. The proposed Wattles Ridge Site Condominium is within the basin's design area. Therefore, the site condominium is permitted to utilize this basin to achieve the City's storm water detention requirement, without constructing a detention basin within the Wattles Ridge Site Condominium.

RECOMMENDATION

It is recommended that Council give final site condominium approval to Wattles Ridge Site Condominiums as presented at the July 19, 2004 meeting and attached hereto.

DATE: July 12, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
William Huotari, Acting City Engineer
Mark F. Miller, Planning Director

SUBJECT: FINAL SITE CONDOMINIUM APPROVAL – Wattles Ridge Site Condominium, South of Wattles, East of Rochester, Section 23 – R-1C

RECOMMENDATION

City Council granted Preliminary Plan Approval on January 26, 2004. The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. City Management recommends approval of the Final Plan for Wattles Ridge Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Brentwood Land Development, L.L.C.

Location of subject property:
The property is located south of Wattles, east of Rochester, in section 23.

Size of subject parcel:
The parcel is approximately 4.92 acres in area.

Description of proposed development, including number and density of units:
The applicant is proposing a 14-unit site condominium on 4.92 acres, which represents a density of 2.85 units per acre.

Current use of subject property:
The property is currently vacant.

Current use of adjacent parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Commercial.

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: B-3 General Business.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:
Lot Area: 10,500 square feet.

Lot Width: 85 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.
Side (least one): 10 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1C District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
A Tree Preservation Plan is approved by the Parks and Recreation Department.

Stormwater detention:
On-site detention is not required since the petitioner is able to utilize a regional detention basin in Lakeside Park.

Natural features and floodplains:
The Natural Features Map indicates that there are woodlands located on the property. A Wetland Evaluation was conducted by King & MacGregor Environmental Inc. The report indicates there is a 1-acre non-regulated wetland on the parcel.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: Access to the site condominium will be provided by Burns Street, a paved public street.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Easements: The applicant will be required to provide utility easements. A 20-foot wide construction access easement will provide a direct connection to the property from Wattles Road.

Topographic Conditions: The applicant provided a Topographic Survey of the property.

Streets: The cul-de-sac is extended by approximately 590 feet.

Sidewalks: The applicant is proposing to install 5-foot wide sidewalks along both sides of Burns Street.

Utilities: The parcel is served by public water and sewer.

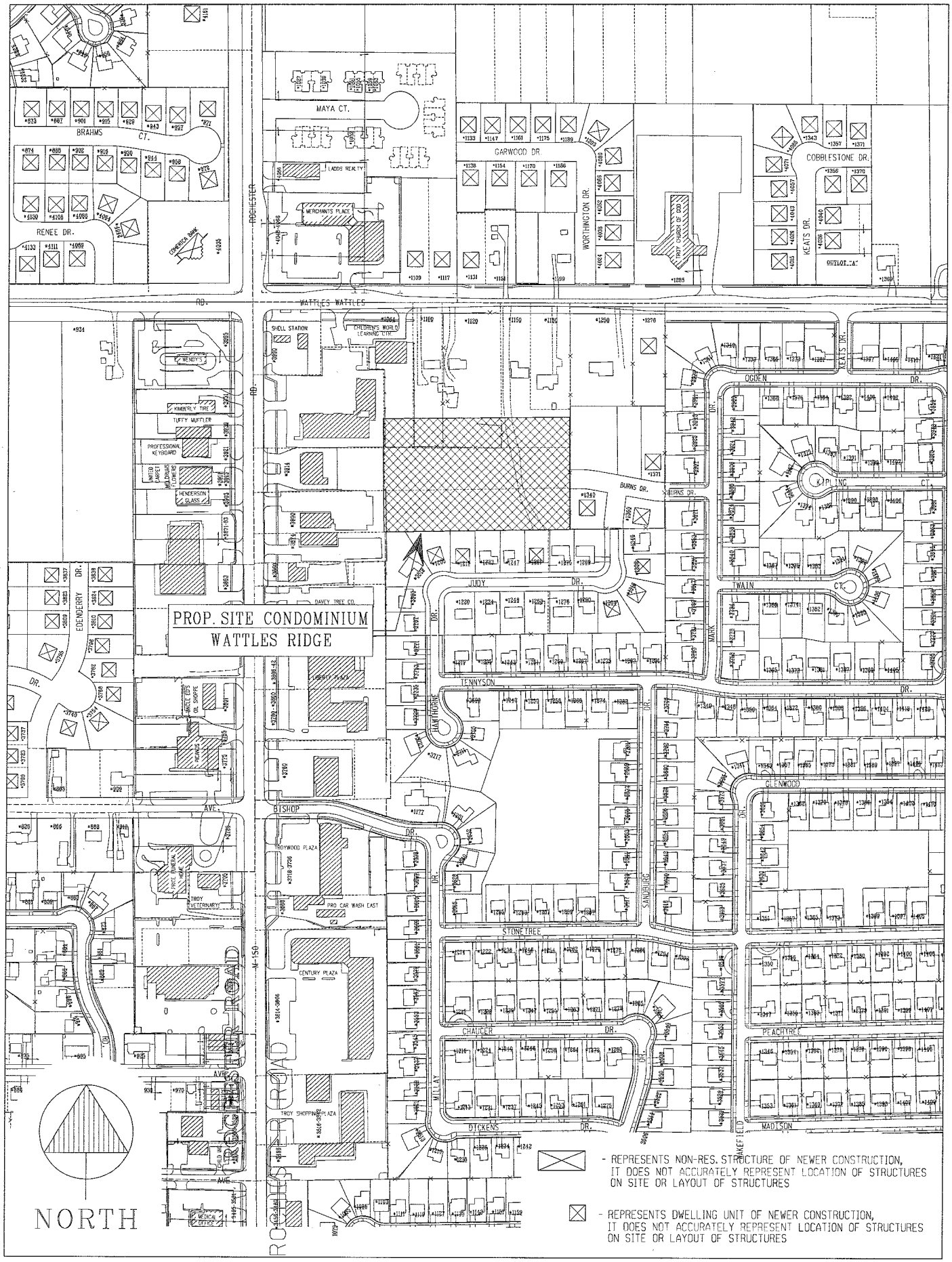
cc: Applicant
File/ Wattles Ridge Site Condominium

Attachments:
1. Maps
2. Unplatted Residential Development Levels of Approval
3. Comparison between Site Condominiums and Plats
4. City Council Minutes from January 26, 2004
5. Contract for Installation of Municipal Improvements

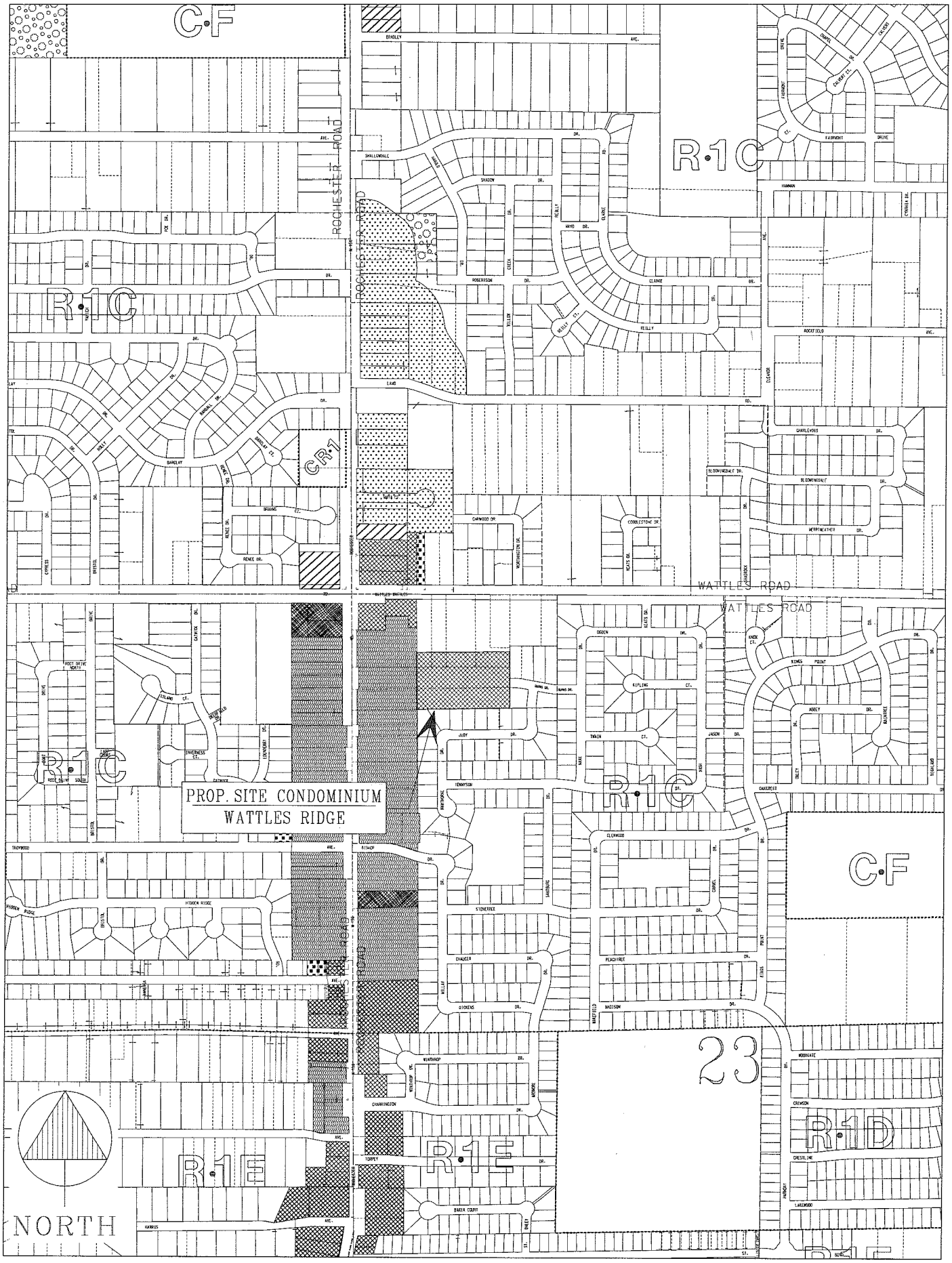
G:\SUBDIVISIONS & SITE CONDOS\WATTLES RIDGE SITE CONDO\CC Final Approval Wattles Ridge Site Condo 07 19 04.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.



WATTLES RIDGE S.C. Revised / SEC. 23 / 01-07-04


PROP. SITE CONDOMINIUM
WATTLES RIDGE
C·F
R·1C
R·1D
R·1E
CR·1
ROCHESTER ROAD
WATTLES ROAD
NORTH
23

0 50 100 200 300 400 Feet

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.
Adjacent property owners are notified by mail
Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
  - Number of lots
  - Building setbacks
  - Lot dimensions
  - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site
City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
  - Sanitary and Storm sewer
  - Water mains
  - Detention / Retention basins
  - Grading and rear yard drainage
  - Paving and widening lanes
  - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.

f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.

g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.

h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.

i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.

k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.

l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: August 5, 2004
SUBJECT: Cultural, Religious and Historical Displays

A. City Council Procedural History

At the December 1, 2003 City Council meeting, Council defeated Councilman Lambert's motion to allow privately funded religious displays on City owned property [1] by a 5-2 vote. At the next meeting on December 15, 2003, Councilwoman Broomfield's resolution to research the feasibility of a City owned holiday display for the front lawn of City Hall was similarly defeated by City Council in a 4-3 vote.[2] Council then voted to reconsider Councilman Lambert's 12/1/03 motion to allow privately funded religious displays on City owned property, and this reconsideration was postponed to the February 16, 2004 City Council meeting.[3] In the meantime, City Council held a study session on the issue on January 12, 2004. Although there were no resolutions at that study session, there was a consensus on Council's mission statement, which is as follows:

> "The Troy City Plaza" [4] is dedicated to the positive expression of our cultural and historical heritage, philosophies, and ethnic diversity, encouraging activities and displays depicting events which highlight and honor them.

City Council did not take any action on the reconsideration scheduled for February 16,2004, since Council informally requested input from the Ethnic Issues Advisory Committee and the Parks and Recreation Board prior to their reconsideration. According to John Szerlag's January 15, 2004 letter to the Ethnic Issues Advisory Board Chair Tom Kaszubski:

> Our target date to have a recommendation to City Council is May of 2004. Other tasks that should be considered are discussion of a name (primarily through the Parks and Recreation Advisory Board); a vision for the long run; potential for more than one display at a time; input from other boards and committees as well as potential user groups; short and long term plan(s).

---

[1] Resolution 2003-12-620
[2] Resolution 2003-12-631
[3] Resolutions 2003-12-632 to 2003-12-634
[4] The actual name needs to be determined

This letter also stated: "Mayor and Council have indicated that the area for these displays will be in the southwest quadrant of Town Center Drive and Civic Center Drive; but we still need a dimensioned area." This decision was reached by consensus at the study session of January 12, 2004.

At the June 21, 2004, the Ethnic Issues Advisory Board (EIAB) reported the results of their progress to City Council. They had researched public sentiment about religious displays on City Property; researched how many other municipalities support religious displays on their City property, and made the recommendation to the Troy City Council to create a "unity plaza" that focused on diverse cultures. At that meeting, the Troy City Council "directed City Staff to provide two resolutions on a policy in regard to the original Council resolution regarding cultural and historical displays for the Regular City Council Meeting scheduled for Monday, August 23, 2004" [5] At the July 19, 2004 City Council meeting, this project was moved to the August 9, 2004 meeting.

B. Undecided Elements

Based on some discussion at the study session on January 12, 2004, City Council wanted further exploration of a location for a plaza at the southwest corner of Town Center and Civic Center Drive. It is assumed that the location would not be directly on the corner, due to the presence of the drain. However, depending on the desires of City Council, there may be other locations that are better suited. For example, there is accessibility to electricity and lighting and parking in the circle parking area outside of the Police Department. Another potential location is on the Southeast corner of Town Center and Civic Center Drive, behind the location of the Corporate Head. Others have suggested the Peace Garden as a potential location.

Council should first determine whether the intent is to offer land, without any improvements, or whether the intent is to offer a smaller concrete pad with definite dimensions. Without knowing the desires of City Council, it is difficult to formulate a policy for the cultural, religious, and historic displays. The following items are some considerations that may assist City Administration in formulating a policy for final action:

- Is concrete desired or necessary for the "plaza"?
- Is electricity something that is desired or necessary?
- Would generators be acceptable on the "plaza"?
- Is there a desire to have only one display permitted at a time or a desire to have more than one at a time?
- Is there a desire to allow displays for a 10- day period? A 14- day period? A longer period of time?

[5] Resolution 2004-06-325

- Is it acceptable to divide the calendar year into 10 or 14- day time blocks and use a lottery of all qualified applicants to choose the desired time block?
- Is there a charge to participate in the lottery?
- Is the ability to place displays limited to Troy organizations?
- Do the Troy organizations need to have 75% of their members as residents?
- Can sub-groups of eligible organizations participate in the lottery?
- Are the displays limited to non-profit organizations, or are corporate citizens able to sponsor a display?
- Are residents eligible to place a display?
- Is the plaza designed for displays that are to be observed by pedestrians or vehicular traffic?
- Does the City need to provide a pathway or sidewalks for the display or invest in any infrastructure?
- What is the desired location for the "plaza" for display?
- What is the dimension of the "plaza" for display?
- Is there a height limitation for displays?
- Who monitors displays that contain pornography or obscenity or profanity? Is there an appeal process, and if so- who is responsible? Is there a process?
- Is there a desire to preclude assemblies or ceremonies on the "plaza"?
- Will awnings, tents, or canopies be allowed on the plaza?

Discussion on these items will be helpful in crafting a policy that fits the needs and desires of the community.

C. Elements of a Constitutional Policy

Some of the elements that have been previously suggested are still recommended for inclusion.

- Applicants shall complete a City of Troy Historical, Cultural, or Religious Display Application and shall provide all requested information.
- Applicants must address any safety or sanitary concerns of the City of Troy administration.
- The requested use must not interfere with other approved uses of the property.
- The display must be wholly funded by the private sector.
- There will be signs accompanying the display or exhibit stating that it is erected by a private entity, and that its presence does not constitute the City's endorsement of the entity and/or the display. These signs will be the sole financial responsibility of the private entity.
- There should be a minimum 24 hour period between displays to allow maintenance of the "plaza"

- If the displays are designed to be viewed by vehicular traffic, then a sign viewable from the roadway should be erected as a disclaimer of the City of Troy
- All displays should be WHOLLY funded by the private sector
- All applicants will be required to hold the City harmless
- Insurance should be required for all applicants
- All applicants should provide a bond or a cash deposit to insure prompt removal of the display and to provide money for any property damage
- There shall be no content based censoring of private displays, other than to prohibit profanity, obscenity, and pornography

I am happy to address any additional questions.

January 15, 2004

Tom Kaszubski, Chair
Ethnic Issues Advisory Committee
1878 Freemont
Troy, MI 48098

Regarding: Recommendation of Events for the Troy City Plaza

Dear Tom:

City Council wishes to showcase its diversity by designating an area on the Civic Center site for displays and activities that represent positive community values. As such, they adopted the following mission/vision statement:

> *The Troy City Plaza* is dedicated to the positive expression of our cultural and historical heritage, philosophies, and ethnic diversity, encouraging activities and displays depicting events which will highlight and honor them.*

The scope of work involved in having the mission/vision statement reach fruition involves two primary tasks; getting positive displays and events to City Council for their approval, and having a dimensioned location to showcase these displays.

As we discussed Tom, the Ethnic Issues Advisory Committee will be tasked with advancing to City Council proposed cultural and historical displays that foster good community relations. As such, this item will appear on your February 3, 2004 Ethnic Issues Advisory Committee agenda for determining the methodology to complete this assignment. In addition, I spoke with Parks and Recreation Advisory Committee Chair Kathleen Fejes, as well as Brian Wattles, Chair of the Civic Center Priority Task Force. Both Kathleen and Brian have agreed to attend your February 3 meeting as their respective groups will also have input into this project.

I only intend on being at the February 3 meeting, and the matter in which you and the Parks and Recreation Advisory Board, as well as the Civic Center Priority Task Force wish to proceed is left to you and the volunteer participants.

Mayor and Council have indicated that the area for these displays will be in the southwest quadrant of Town Center Drive and Civic Center Drive; but we still need a dimensioned area.

Our target date to have a recommendation to City Council is May of 2004. Other tasks that should be considered are discussion of a name (primarily through the Parks and Recreation Advisory Board); a vision for the long run; potential for more than one display at a time; input from other boards and committees as well as potential user groups; short and long term plan.

Because of the potential increase in participants at your meeting, I have rescheduled the venue to the Council Board Room.

Please feel free to call me should you have any questions.

Very truly yours,

John Szerlag,
City Manager

JS/mr\2004\To Kaszubski Re Troy City Plaza

c: Carol Anderson, Parks and Recreation Director
Laura Fitzpatrick, Assistant to City Manager
John M. Lamerato, Assistant City Manager/Finance
Gary A. Shripka, Assistant City Manager/Services
Cindy Stewart, Community Affairs Director
Parks and Recreation Advisory Board Members
Civic Center Priority Task Force Members

**In recognition of the rights protected by the US Constitution and Bill of Rights the City of Troy provides this plaza.*

DATE: July, 26, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
6471 Denton

On May 26, 2004, information was sent to Steven Hundich that identified restrictions related to commercial vehicles and equipment located on residential property. As part of that information, he was advised that the two commercial pick-ups and commercial trailers parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Hundich has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of August 23, 2004.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

COMMERCIAL VEHICLE
APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

RECEIVED JUL 13 2004 BUILDING DEPARTMENT

NAME: STEVE HUNDICH

ADDRESS: 6471 DENTON DR.

CITY: TROY MI. ZIP: 48098 PHONE: 248-828-3192

ADDRESS OF SITE: SAME

NUMBER OF VEHICLES: (2) VEH. & (2) TRAILERS

VEHICLE IDENTIFICATION NUMBER(S): DAM PICK-UP 1D7HA16272 J251709 | CLOSED TRAILER 18' 16HPB18233H112664

PICKUP FORD 2FTRX08LOWCA69161 | TRAILER OPEN 12 / 1B9031OD64 CC24381

LICENSE PLATE NUMBER(S)

DESCRIPTION OF VEHICLE(S) (2) PICK-UPS & (2) TRAILERS
1 ENCLOSED
1 OPEN

REASON FOR APPEAL (see A - D below) SEEKING TEMPORY RELIEF TILL A NEW SITE/ CAN BE FOUND

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.

C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle)s) and a photo of the vehicle on-site..

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 13 day of JULY, 20 04 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Wendy J Waker
Notary Public, MACOMB County, Michigan ACTING IN OAKLAND

My Commission Expires: May 4, 2007

WENDY J. WAKER
Notary Public, Macomb County, MI
My Commission Expires May 4, 2007

Steve Hundich
6471 Denton Dr.
Troy, Michigan 48098
248-828-3192

Description of Vehicles in Question

Pick-Up # 1: Ford F-150 ½ ton, 4 x 4, small box, extended cab. With company name & numbers. Driven by Steve Hundich. Primary family and work vehicle. Currently parked in the driveway.

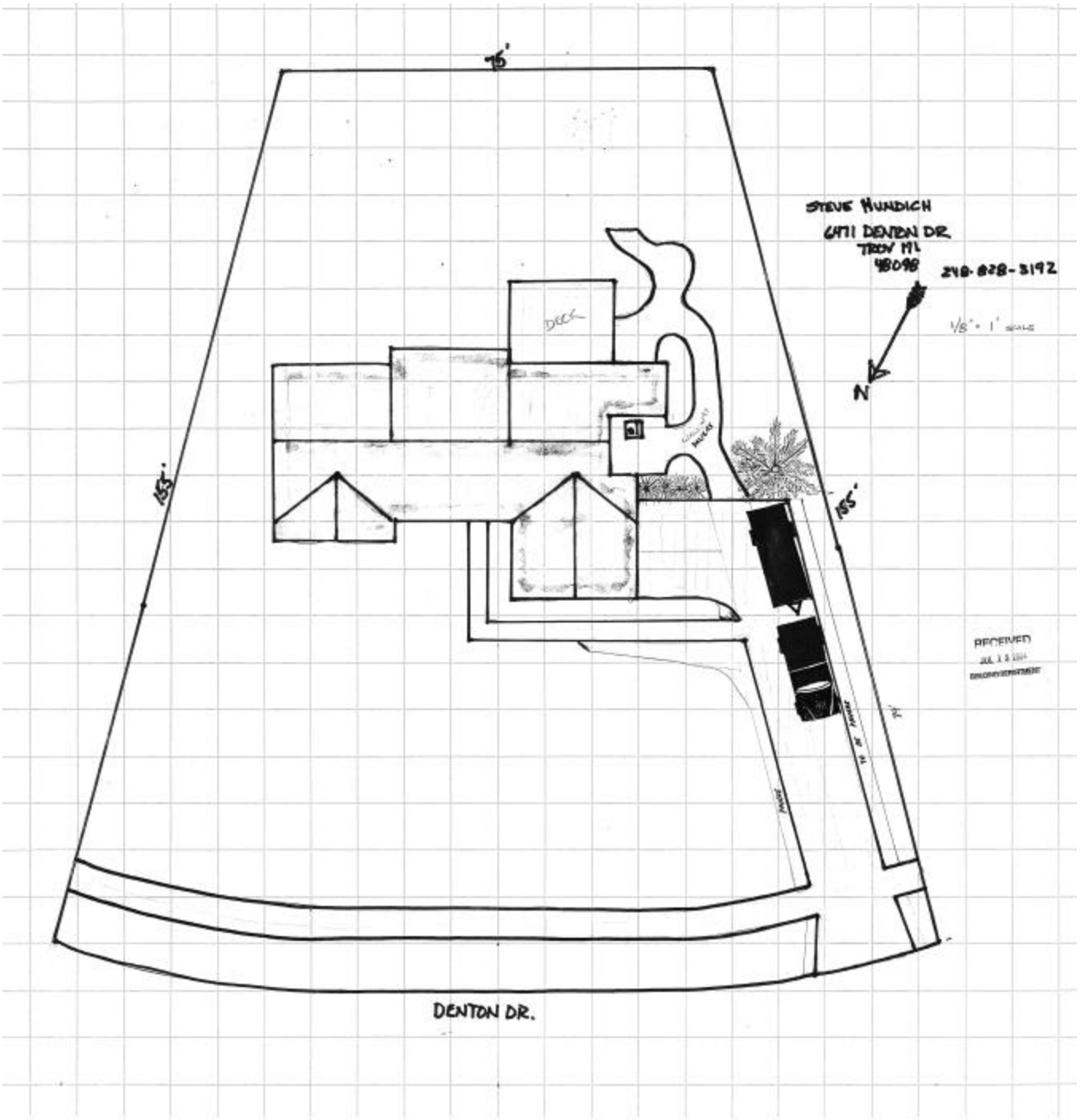
Pick-Up # 2: Dodge Ram 1500 ½ ton, small box, regular cab. Company name and number will be removed July 14, 2004. Primary driver Justin Hundich used for school, work, socially. Currently parked in the driveway.

Trailer # 1: 7' x 18' enclosed trailer with company name and numbers. Holds most of the equipment for lawn cutting and landscape work. Trailer is currently stored in the southwest corner of the driveway.

Trailer # 2: 6' x 12' Dump trailer with magnetic name and number on it. Trailer will be stored in home garage as of Saturday July 17, 2004.

These are the vehicles in question, decryption and location on premises.

RECEIVED
JUL 1 3 2004
BUILDING DEPARTMENT


75'
STEVE HUNDICH
6471 DENTON DR.
TROY MI
48098
248-828-3192
1/8" = 1' SCALE
N
DECK
155'
155'
DENTON DR.

July 21, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item - Announcement of a Public Hearing on August 23, 2004 – Cobasys Abandonment of Industrial Facilities District

Recommendation:

Staff recommends that you request City Council set a Public Hearing on August 23, 2004, to allow Cobasys to explain their rationale for abandoning their Industrial Development District, at 1344 Maplelawn. Additionally, City Council will have to decide how to address the breach of the Letter of Agreement between Texaco Ovonic Battery Systems L.L.C. (now Cobasys), and the City of Troy.

Detail:

Cobasys, formerly Texaco Ovonic Battery Systems, L.L.C., has announced plans to move from Troy (1344 Maplelawn) to a near location in Orion Township, for 2005.

As Texaco Ovonic Battery Systems, L.L.C., they applied for, and City Council granted both an Industrial Development District (IDD), and an Industrial Facilities Exemption Certificate (IFEC) for their Maplelawn location, beginning in 2003, and expiring in 2012 (February 4, 2002, Resolutions #2002-02-049 and #2002-02-050).

As part of City Council tax abatement policy (and at the direction of the State Tax Commission), City Council and Texaco Ovonic Battery Systems, L.L.C. (now Cobasys) entered into a Letter of Agreement.

The Letter of Agreement States that the City Council of the City of Troy may: collect all of the previously abated taxes; all of the previously abated taxes and any future abated taxes for the length of the abatement; or forgive any portion of the abated or future abated taxes, should Texaco Ovonic Battery Systems, L.L.C. (now Cobasys), leave the City of Troy before the abatement has expired.

Any City Council decision on this breach of the Letter of Agreement requires a Public Hearing, where Cobasys may explain the reason for their relocation.

August 2, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director
Mark F. Miller, Planning Director

RE: ANNOUNCEMENT OF PUBLIC HEARING (AUGUST 23, 2004) - ZONING ORDINANCE TEXT AMENDMENT (ZOTA #202) – Article 28.30.02 Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities

RECOMMENDATION

The Planning Commission recommended approval of the proposed text amendment at the July 13, 2004 Public Hearing. City Management concurs with the Planning Commission recommendation.

BACKGROUND

Troy City Council requested that the Planning Commission and City Management develop draft zoning ordinance language that has the effect of creating 500 off-street parking spaces in the M-1 district to be used for the storage of commercial and recreational vehicles.

The City Management researched existing mini-warehouse storage sites in the City to determine whether there was excess parking or vacant space on these properties to develop outdoor storage space for commercial or recreational vehicles. Table 1 shows the results of this research, which consisted of site visits, a review of 2002 aerial photography and approved site plans. Research shows that there were approximately 40 excess off-street parking spaces. In addition, there appeared to be undeveloped space for approximately 130 storage spaces. We assumed that the dimension of a storage space is 10' by 20'. To calculate the total number of potential outdoor storage spaces under the current ordinance provisions, we added the number of potential storage spaces with the number of excess parking spaces. In total, there is the potential for 170 potential storage spaces in existing mini-warehouse facilities.

The draft text amendment has the effect of permitting the outdoor storage of commercial and recreational vehicles within mini-warehouse facilities by special use approval. Special uses are reviewed and approved by the Planning Commission following the submission of a special use application and site plan. The proposed text amendment will also reduce the number of required off-street parking spaces for mini-warehouse facilities.

Table 1 shows the potential number of outdoor storage spaces if ZOTA #202 were to be adopted. Since the required number of parking spaces would be significantly reduced, there would be an excess of approximately 375 existing parking spaces. There would also be undeveloped space for approximately 130 spaces. The total number of potential outdoor storage spaces made available by the adoption of ZOTA #202 would be the sum of these figures, or approximately 505 outdoor storage spaces. There does not appear to be any negative impacts associated with the proposed amendments.

All owners of mini-warehouse facilities were notified of the ZOTA process, provided with copies of the draft amendments, and invited to attend a Planning Commission meeting. One representative of the mini-warehouse industry, a mini-warehouse manager, attended a Study Session and expressed support of the proposed amendment.

cc: File/ ZOTA #202

Attachments:
1. ZOTA #202, dated 02/16/04
2. Table 1, dated 04/28/04
3. Public Comment
4. Planning Commission Meeting Minutes

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PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 202)
Commercial Storage in the M-1 Light Industrial District
Updated Version 02 16 04

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Articles XXVIII, XL and IV of Chapter 39

Amend the indicated portions of Article XXVIII M-1 LIGHT INDUSTRIAL DISTRICT text, Article XL GENERAL PROVISIONS text and Article IV DEFINITIONS text in the following manner:

(Underlining, except for major section titles, denotes changes.)

28.30.02 Mini-Warehouse or Self-Storage Developments, wherein indoor storage areas are made available to the general public, subject to the following conditions:

A. The Planning Commission shall determine that the site driveway system is designed in a manner which will ensure safe and easy access to all building elements.

B. Outside storage of materials or vehicles shall be prohibited, except as otherwise provided in this Section.

C. ~~Off-street parking shall be provided at a rate of one space for every seventeen hundred (1,700) square feet of gross warehouse building area~~ See Article 40.20.00 for off-street parking requirements.

D. Commercial and recreational vehicle storage shall be permitted, subject to the following conditions:

1. Outdoor storage spaces shall be provided on the site for all such vehicles, over and above the parking required by Article 40.20.00.

2. The vehicular storage area shall be enclosed within a building or by a masonry obscuring wall on those sides abutting any other Zoning District, and on any yard abutting a public thoroughfare or freeway. The extent of such walls may be determined by the Planning Commission on the basis of usage. Such walls shall not be less than six (6) feet in height and may, depending upon the nature of the storage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Article XXXIX, Section 39.10.00, "Environmental Provisions". In instances where the grade of the freeway is more than four (4) feet above the grade of the property, the Planning Commission may permit a landscaped berm at least five (5) feet, in height, in lieu of the above wall. The top of the berm shall be landscaped with a minimum of a double row, ten (1) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. The Planning Commission has the authority under Article 03.31.06 to modify the buffering requirements based on the specific characteristics of the proposed use and the abutting uses.

3. The number of vehicles stored on site shall not exceed one vehicle per one-hundred square feet of interior warehouse space. A vehicle stored on a trailer shall constitute one vehicle for the purpose of applying this formula.

4. Special Use Approval is required in order to permit vehicular storage within an established Mini-Warehouse development.

E. When outside areas are to be used for the storage of vehicles, no repair work or servicing shall be permitted other than that minor repair or servicing necessary to prepare the vehicles for storage or to bring them out of storage. Such storage areas shall meet at least the following minimum standards:

1. A durable dustless surface, consisting of concrete, asphalt, gravel, or crushed stone, designed and drained to meet City Engineering Standards.

2. Storage spaces having minimum dimensions of 10 feet by 20 feet.

3. Driveways shall be designed to provide direct access to all storage spaces and to assure fire safety.

4. The configuration of the storage area and the items to be stored shall be subject to the approval of the Fire Department.

F. Rental of trucks or vans for the purpose of transfer of items stored or to be stored within the Mini-Warehouse development may be permitted, subject to the following conditions:

1. Parking spaces shall be provided on the site for all such trucks or vans, over and above the parking required by Article 40.20.00 ~~Paragraph C above~~.

2. The number of trucks or vans available for lease on the site shall not exceed one (1) for each ten thousand (10,000) square feet of gross warehouse building area.

3. No vehicle repair or servicing shall occur on the site.

4. Separate Special Use Approval action by the Planning Commission is required in order to permit a truck or van rental use within an established Mini-Warehouse development.

G. Rental of trailers and vehicles other than trucks or vans shall be prohibited.

H. A manager's apartment may be permitted in order to enable 24- hour surveillance of the development.

40.21.83	Mini-warehouse or Self-Storage Establishment	One (1) space for each ~~seventeen hundred (1700) square feet of gross floor area~~ one-hundred (100) storage units plus two (2) spaces for the caretaker residence or office.

04.20.128 RECREATIONAL VEHICLE - Any airplane, antique or racing automobile, boat, float, trailer, trailer coach, camping trailer, motorized home, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature.

Section 3. Savings

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

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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TABLE 1
OUTDOOR STORAGE SPACES WITHIN MINI-WAREHOUSE FACILITIES

				UNDER EXISTING ZONING ORDINANCE PROVISIONS		UNDER PROPOSED ZONING ORDINANCE AMENDMENTS	
MINI WAREHOUSE	**# UNITS/ GBA**	**PARKING SPACES PROVIDED**	**POTENTIAL STORAGE SPACES***	**REQUIRED PARKING SPACES**	**EXCESS PARKING SPACES**	**REQUIRED PARKING SPACES**	**EXCESS PARKING SPACES**
Mini-U-Storage 262 E. Maple Road	700 units 74,840 SF	52	4	44	8	9	43
Shurgard 322 E. Maple Road	544 units 82,098 SF	50	20	48	2	7	43
Public Storage 1404 E. Big Beaver	672 units 136,286 SF	82	16	80	2	9	73
National Self Storage 1150 Coolidge	300 units 61,306 SF	36	0	36	0	5	31
EZ Mini Storage 1320 E. Big Beaver	500 units 88,620 SF	73	21	52	21	7	66
D & M Investments 1485 Maple Way	400 units 87,200 SF	54	32	51	3	6	48
Shurgard 2821 Industrial Row	148 units 34,104 SF	24	12	20	4	3	21
Snell Storage 1205 Rochester Road	74 units 12,450 SF	8	19	8	0	3	5
Shurgard 1315 Chicago	582 units 90,119 SF	53	6	53	0	8	45
TOTAL	3,920 units 667,023 SF	432	130	392	40	57	375

* All potential spaces are assumed to be 10’ by 20’ in area.

SUMMARY OF TABLE:

1. The total number of potential outdoor storage spaces under existing conditions = Potential storage spaces + excess parking spaces = 130 + 40 = 170.

2. The total number of potential outdoor storage spaces under proposed amendments = Potential storage spaces + excess parking spaces = 130 + 375 = 505.

Mark F Miller

From: Kevin Cannon [KevinCa@Shurgard.com]
Sent: Friday, July 09, 2004 4:16 PM
To: millermf@ci.troy.mi.us
Cc: Shurgard of Troy - Maple; Shurgard of Troy - Oakland Mall
Subject: Proposed Self-Storage Zoning Change

Mr. Miller,

We get an average of 30 calls per month between our 3 Shurgard Self-Storage facilities located in the city of Troy. Based on that much demand, we recognize the need for additional RV parking spaces in the city, and we are very much in favor of the additional parking spaces the proposed zoning change would give us.

Kevin Cannon
Michigan East District Manager
Mobile Phone: 586-770-0129
Fax: 248-733-9752

ZONING ORDINANCE TEXT AMENDMENTS

6. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District

Mr. Miller presented a summary of ZOTA 202 and the most recent revisions.

Chair Waller referred to a letter received from Shurguard stating that it recognizes the need and is very much in favor of the proposed zoning ordinance text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-07-076

Moved by: Schultz
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 28.30.02, Article 40.21.83 and Article 04.20.128 of the Zoning Ordinance, be amended as printed on the Updated Version of the Zoning Ordinance Text Amendment (ZOTA 202), dated 02/16/04.
Yes: All present (6)
No: None
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District

Mr. Miller reported that a Public Hearing for ZOTA 202 has been scheduled for the July 13, 2004 Regular Meeting. Mr. Miller confirmed that letters were addressed to the owners of the outdoor storage facilities, to which there have been no formal responses.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #202) – Article 28.30.02 Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #204) – Article 28.00.00 Outside Storage of Commercial and Recreational Vehicles in Required Off Street Parking in the M-1 District

Mr. Miller stated that the draft ordinance language for the proposed ZOTA #202 has not changed from previous Planning Commission meeting discussions. Planning Department research determined that approximately 500 off-street parking spaces in the M-1 district could be created for the potential storage of commercial and recreational vehicles. Mr. Miller reported that written invitations were mailed last week to owners of mini-warehouse storage sites asking for their input on the matter at tonight's meeting. Mr. Miller indicated the invitation would remain open.

Mr. Miller stated that after much discussion on ZOTA #204, it is the concurrence of the Planning Department, Planning Commission and City Management that parking lots and landbanked areas are not viable options for providing outdoor storage of commercial and recreational vehicles in the M-1 zoning district. Therefore, the Planning Department has not provided any proposed language to that regard.

Cindy Rhinehart of Secure Storage Systems (D&M Investments), 1485 Maple Way Drive, was present. Ms. Rhinehart said she receives phone calls daily from potential customers who would like to store their recreational vehicles, trailers, and pop-up campers on site. She indicated there is a definite market for recreational vehicle storage. Ms. Rhinehart said the proposed ordinance change would provide Secure Storage Systems with 51 parking spaces, and noted they would choose not to use the additional spaces for storage of recreational vehicles. Ms. Rhinehart said Secure Storage Systems prefers not to store recreational vehicles or large trucks on site because they take up a lot of space and would remain parked for more than a 24-hour period. Ms. Rhinehart said small business owners (i.e., plumbers, landscapers) are permitted to park on site because their trucks are smaller in size and are moved on a daily basis. Ms. Rhinehart stated there is no additional charge above the storage unit rental fee to the small business owner to park vehicles on a short-term basis. Ms. Rhinehart said most of the commercial business vehicles are parked outside and the rental units are used to store supplies and equipment, but she noted that some vehicles are small enough to be stored inside the units. Ms. Rhinehart stated that the charge for storage is the same for commercial and residential customers.
Mr. Savidant asked Ms. Rhinehart if she thought 6 parking spaces would provide adequate parking, noting that the ordinance change, if adopted, would require only 6 spaces for Secure Storage Systems.

Ms. Rhinehart replied in the affirmative.

A brief discussion followed with respect to safety concerns of storing vehicles inside a storage rental unit and the lack of outdoor storage facilities in the City of Troy.

Chair Waller said departmental review of the proposed language would be sought prior to scheduling a public hearing and going forward to City Council.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #202) – Article 28.30.02 Outside Storage of Commercial & Recreational Vehicles in Self Storage Facilities

and

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #204) – Article 28.00.00 Outside Storage of Commercial & Recreational Vehicles in Required Off Street Parking in the M-1 District

Mr. Miller presented a summary of the Planning Department report on outside storage of commercial and recreational vehicles. Research conducted by the Planning Department shows no businesses advertising the outdoor storage of commercial or recreational vehicles. Mr. Miller noted that business owners have not been notified the City is considering amendments to the zoning ordinances.

Mr. Miller presented overhead plans and briefly reported on the following mini-warehouse sites.

- Secured Storage Systems, 1485 Maple Way
- Snell Storage, 1205 Rochester Road
- Shurgard Storage Center, 1315 Chicago Road
- Shurgard Storage Center, 2821 Industrial Row
- E Z Mini Storage, 1320 E. Big Beaver Road
- Public Storage, 1404 E. Big Beaver Road
- Mini U Storage, 262 E. Maple Road
- Shurgard Storage Center, 322 E. Maple Road
- Storage USA, 1150 Coolidge

Mr. Miller presented photographs and maps for the following parcels that appear to offer outdoor storage potential.

- Site on Souter
- Site on Badder
- Site on Elmsford

(Mr. Chamberlain entered meeting at 9:00 p.m.)

General discussion followed with respect to notification to business owners and appropriate “number crunching” information to provide them, researching property size calculations in relation to the size of retention/detention ponds, and providing City Council with an interim progress report.

The Planning Department was commended on a job well done.

Resolution # PC-2004-03-038
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Department put together an interim report regarding ZOTA #202 and ZOTA #204 relating to outside storage of commercial and recreational vehicles in self-storage facilities in M-1 districts and forward to City Council as a green informational item, inclusive of the visual aids, so that City Council can be made aware of the progress.

Yes: Drake-Batts, Schultz, Strat, Waller, Wright
No: None
Absent: Chamberlain, Khan, Littman, Vleck

MOTION CARRIED

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #202) – Article 28.30.02 Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities

- and -

13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #204) – Article 28.00.00 Outside Storage of Commercial and Recreational Vehicles in Required Off Street Parking in the M-1 District

Mr. Miller reported that the Planning Department revised the language with respect to ZOTA #202 that in effect reduces the parking requirements and frees up some land area. With respect to screening, Mr. Miller noted proposed language was added to Section 28.30.02 D.2: "The Planning Commission has the authority under Article 03.31.06 to modify the buffering requirements based on the specific characteristics of the proposed use and the abutting uses." Mr. Miller also read Section 03.31.06 that relates to the Special Use Approval and noted that the Planning Commission has the discretion to apply increased standards to insure compatibility.

Mr. Miller reported on the request of City Council to provide 500 parking spaces for storage within the M-1 zoning district. The Planning Department conducted an analysis of existing mini warehouse areas to determine excess parking and unused areas for potential outdoor storage. It was determined that there are presently 124 potential storage spaces (assuming 10' x 20' size). The Planning Department took the analysis one step further and applied the proposed parking reduction. It was determined that there are 408 potential storage spaces with the proposed parking space reduction. Mr. Miller said that the Planning Department is continuing to work on identifying existing outdoor storage areas in the City.

Mr. Miller spoke with respect to the Special Use Approval requirement for outdoor storage in the M-1 zoning district. Mr. Miller said it is necessary for the Commission to review, discuss and determine whether Special Use Approval should or should not be a requirement for outdoor storage in the M-1 zoning district and/or should the zoning ordinance be amended.

Discussion followed relating to the Special Use Approval requirement, screening material, standards for outside storage, negative impact of outdoor storage, City Council's intent of acquiring 500 parking spaces, types of storage, and security provisions.

Ms. Drake-Batts suggested to research private parking structures that provide 24-hour security. It was noted that parking structures might inhibit some vehicle storage because of height limitations.

Mr. Miller asked the Assistant City Attorney to provide the Commission with his interpretation of the added language to Section 28.30.02 D.2 as it relates to providing authority to the Planning Commission to eliminate the wall and/or berm requirement and to apply other requirements for screening. If the legal interpretation is that the Commission would not have the authority to eliminate the wall and/or berm screening requirement, then the Planning Department would

prepare ordinance language to provide an alternative to the landscaping requirement of a wall.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District

Mr. Miller reviewed the latest modified draft ordinance text relating to outdoor storage of commercial and recreational vehicles in the M-1 zoning district.

Discussion followed with respect to Section 28.30.02.D.2. The section relates to screening from abutting non-M-1 properties and abutting rights-of-way; i.e., 6-foot high screen wall versus a berm. There was further discussion with respect to performance specifications wherein the petitioner would determine the appropriate screening.

Mr. Miller said a Special Use Request for a proposed commercial kennel is on the January 13, 2004 Regular Meeting agenda. He noted that the Special Use will involve sharing an easement access with the abutting storage yard, and encouraged the Commissioners to inspect the site (1300 Souter).

After a short discussion, it was the consensus of the Commission to delete references to the security plan (28.30.02.D.6.) and vehicle repair (28.30.02.D.3.).

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outdoor Storage of Commercial and Noncommercial Vehicles in Light Industrial Zoning Districts

Mr. Savidant provided a first draft of the proposed zoning ordinance text amendment. Discussion was specifically held on Sections 28.30.02 (C), (D.2), (D.4) and (F) and if mini-warehouse or self-storage developments should be considered as Special Use requests. Mr. Savidant said that the Planning Director strongly recommends that the development requests continue to be Special Use because a higher level of scrutiny can be maintained for the developments.

Ms. Lancaster confirmed that Special Use requests provide the City and the Commission with the ability to put conditions on the use. She further encouraged that the definition of “Commercial Vehicle” be better defined.

Mr. Kramer suggested that consideration also be given to incidental sales and transient storage.

Mr. Savidant made note of the suggestions and will provide a second draft.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outdoor Storage of Commercial and Noncommercial Vehicles in Light Industrial Zoning Districts

Mr. Savidant presented a first draft of potential revisions of the zoning ordinance to permit outdoor storage of commercial and recreational vehicles in the M-1 zoning district at existing mini-storage facilities.

A brief discussion followed. The Commission encouraged the Planning Department to conduct a site visit of the commercial property on the east side of Dequindre between 13 and 14 Mile Roads.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial Vehicles in M-1 (Light Industrial) Zoning District

Mr. Miller reported that City Council has directed the Planning Commission to give consideration to potential revisions of the zoning ordinance with respect to permitting outdoor storage of commercial vehicles in the M-1 zoning district at existing mini-storage facilities.

Mr. Miller requested input from the Commission, and noted the Planning Department would prepare draft zoning ordinance text for the proposed revisions.

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/ Finance & Administration
Tonni Bartholomew, City Clerk
Lori Grigg Bluhm, City Attorney
DATE: August 5, 2004
SUBJECT: Ballot Language for Staggering of Terms

In order to meet the deadlines for the November 2004 General Election, all ballot proposals should be approved by City Council not later than August 23, 2004. One of the ballot proposals previously considered by City Council was an amendment to Section 3.4 of the Troy Charter that would provide for the staggering of terms.

With the passage of the State Election Consolidation Amendments, the terms of the Mayor and City Council members are extended, resulting in an election scenario where five of the seven members are up for election in 2007. This cycle will continue in perpetuity absent a Charter amendment to Section 3.4.

Previously, we encountered difficulties in drafting a ballot question on this issue, due to some contingencies of the election consolidation amendments. Under the new laws, local communities must establish their official election dates between September 1, 2004 and December 31, 2004. Although it is anticipated that Troy will not opt out of the November odd year election cycle, this decision cannot be made until after the deadline for ballot language approval. This dilemma caused us to remove the staggering of terms from the April 2004 question. It is recommended that the question be further delayed until the 2005 election, when all of the contingencies are removed.

If you have any questions concerning the above, please let us know.

Mary F Redden

From: Jeanne M. Stine [stinejm@wwnet.net]
Sent: Wednesday, August 04, 2004 12:03 PM
To: John Szerlag

John:

Since it is the obligation of city council to protect property values and to assist in maintaining the residential character of neighborhoods, I am requesting that a resolution be advanced for the Aug. 9th agenda that would have the city work with the Piscopos to reduce the size of the attached accessory building at 3129 Alpine.

It is my understanding that Mr. Piscopo had originally requested a building permit to construct a pole barn in his yuard. The permit was denied so he found a loop hole that enabled him to construct a similar structure that he called a garage attached to his house. (A pole barn by any other name is still a pole barn unless it is a commercial warehouse). I believe Mr. Piscopo has misled city staff with regard its purposes.

This attached accessory building definitely has a negative economic effect on the neighbors, hence the need for council action.

Please, John, attached to the resolution, will you provide this letter along with the materials from Tom Krent and , if possible, materials from Dennis Rivard.

Thank you for your attention to this very important matter.

Jeanne

Copy Mark S
Lori
Doug
Mark M
Steve
DS

July 30, 2004

TO: City of Troy

Mayor Louise Schilling
Mayor Pro Tem Robin Beltramini
Councilwoman Cristina Broomfield
Councilman David Eisenbacher
Councilman Martin Howrylak
Councilman Dave Lambert
Councilwoman Jeanne Stine
City Manager John Szerlag

FROM: Tom Krent • 3184 Alpine, Troy, MI 48084 • 248-649-4948

SUBJECT: INDUSTRIAL-STYLE GARAGE AT 3129 ALPINE

I agree with all of you that our City Ordinance needs to be modified as a result of the building permit approval for the garage at 3129 Alpine.

At the July 19th Council meeting, each Council member offered good ideas for ways to amend our Zoning Ordinance so that an industrial-style building is not allowed in our residential neighborhoods. I, too, have ideas, and I've detailed my thoughts below.

I want to focus on four points that, if enacted, should resolve the non-compatibility issue of the Piscopos' garage at 3129 Alpine and prevent the City Building Department staff from issuing future permits for industrial-style garages in residential neighborhoods.

POINT 1

One major objection to the garage at 3129 Alpine is that it violates the existing Zoning Ordinance Section 10.25.01. *(refer to page 2 for Section 10.25.01)* The City Building Department staff issued a building permit because they considered the "garage" (industrial building) as part of the house structure and not an "Accessory Building". Even though this "garage" (industrial building) has a different structure and appearance from the house and does not even closely resemble the house, the City staff still provided a building permit for construction of both the house and garage as one structure. It is perfectly obvious that these are two very different buildings. Anyone who honestly cannot see the difference between the two sections should not be serving this City in the Building Department. It is a travesty of responsible city planning to allow construction of this "garage" (industrial building), especially because the garage (used mostly for business) covers more than three times the land than that of the house on this lot . In effect, this "combined" structure is devoted mostly to business and is located in a residential zone. The building of a large garage for personal use is permitted under the present ordinance.

DEFINITIONS: Section 04.20.65
GARAGE, PRIVATE: an accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.

> *"Garage, Private" is defined as an accessory building, PERIOD. It does not say that only a "detached garage" is an "accessory building" or that an "attached garage" is part of the house.*

DEFINITION OF GARAGE, as defined by the City Assessing Department
The City Assessing Department defines a garage (either attached or detached) as an "accessory building" and taxes it at a different rate than that of the house. From the City's Assessing Department's point of view, only living quarters are considered the house.

VIOLATION of Section 10.25.01, Part A, Subpart 2
If the City Building Department staff considered the garage an "Accessory Building" the existing Zoning Ordinance Section 10.25.01 would have prohibited its construction because the garage will be used for a "Home Occupation".

> DEFINITION Section 04.20.71: HOME OCCUPATION: An occupation carried on within the walls of a dwelling unit by a resident thereof, having no employees who are not themselves residents. Said occupations shall not be visible or noticeable in any manner or form from outside the walls of the dwelling and accessory structures.

VIOLATION of Section 10.25.01, Part A, Subpart 5
The building permit should never have been issued because the use for the garage at 3129 Alpine will be in violation of the existing Ordinance Section 10.25.01 part A, subpart 5. That is, Paul Piscopo will use the garage to store a garbage truck in a residential area and use the garbage truck (and other vehicles) for pick-up or delivery of materials, supplies, or products in excess of that normally incident to a one-family dwelling. For confirmation of this, just look in his backyard and see the items he has already stored there for years that are in excess of that normally incident to a one-family dwelling.

To make it perfectly clear to the City Building Department staff that the intent and purpose of our Ordinance Section 10.25.01 is to protect residential areas from losing their residential character and to avoid reduction of property values, I have amended the existing Section 10.25.01 language to read as follows:

NOTE: I made additions to the Ordinance language in bold lettering.

10.25.01 Home Occupations, as defined in Section 04.20.71, subject to the following conditions:

A) In order to insure compatibility of the subject residential parcel with the surrounding residential area, to maintain the residential character of the area, and to avoid reduction of property values, the following activities or uses shall be prohibited in conjunction with Home Occupations:

1. Signs relating to any occupation or business.

2. Accessory buildings **(attached or not attached) to a house and** devoted primarily to the subject Home Occupation or Business.

3. Off-street parking area greater that that amount maintained by neighboring dwellings within three hundred (300) feet of the subject site.

4. Outside storage or display of any items related to the subject Home Occupation or Business and, thus, not normally incident to a one-family dwelling.

5. Vehicular Traffic characterized by pick-up or delivery of materials, supplies, or products in excess of that normally incident to a one-family dwelling.

B) Any proposed structure that will be used in connection with a Home Occupation or Business that has more than 30%* of the structure's area devoted to business related use, must have the Planning Commission review and approve the new construction plans before a permit can be approved by the City Building Department.

POINT 2

The second major objection to the "garage" (industrial building) at 3129 Alpine is its industrial style. If the entire population of Troy were asked if that garage was typical to the design of homes in Troy, I'm sure over 90% of the answers would be NO. Yet, the City approved the building permit based on the premise that the "garage" (industrial building) is part of the house structure and not an "Accessory Building". In effect, it allows warehouse-style buildings for houses in Troy.

To make it perfectly clear to the City Building Department staff that the intent and purpose of our Ordinance Section 10.00.00 ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS – R-1A THROUGH R-1E is to protect the residential character of our houses and avoid reduction of property values, I suggest the following language:

Addition under Section 10.10.00 INTENT:

10.10.02 All new house construction and additions to or renovations of existing houses will be compatible with the surrounding residential area so as to maintain the residential character of the area and to avoid reduction of property values.

10.10.03 If an accessory building or structure is attached to a house, it shall be of the same architectural design, and the entire structure will have the same exterior materials.

POINT 3

The third major objection to the 3129 Alpine "garage" (industrial building) is how the size of it affects the neighbors, Dennis and Stacy Rivard. The Rivards and the Piscopos share a common property line. The 150 foot long and 20 foot high garage wall overwhelms the Rivards' backyard. It's like having their own "Berlin Wall".

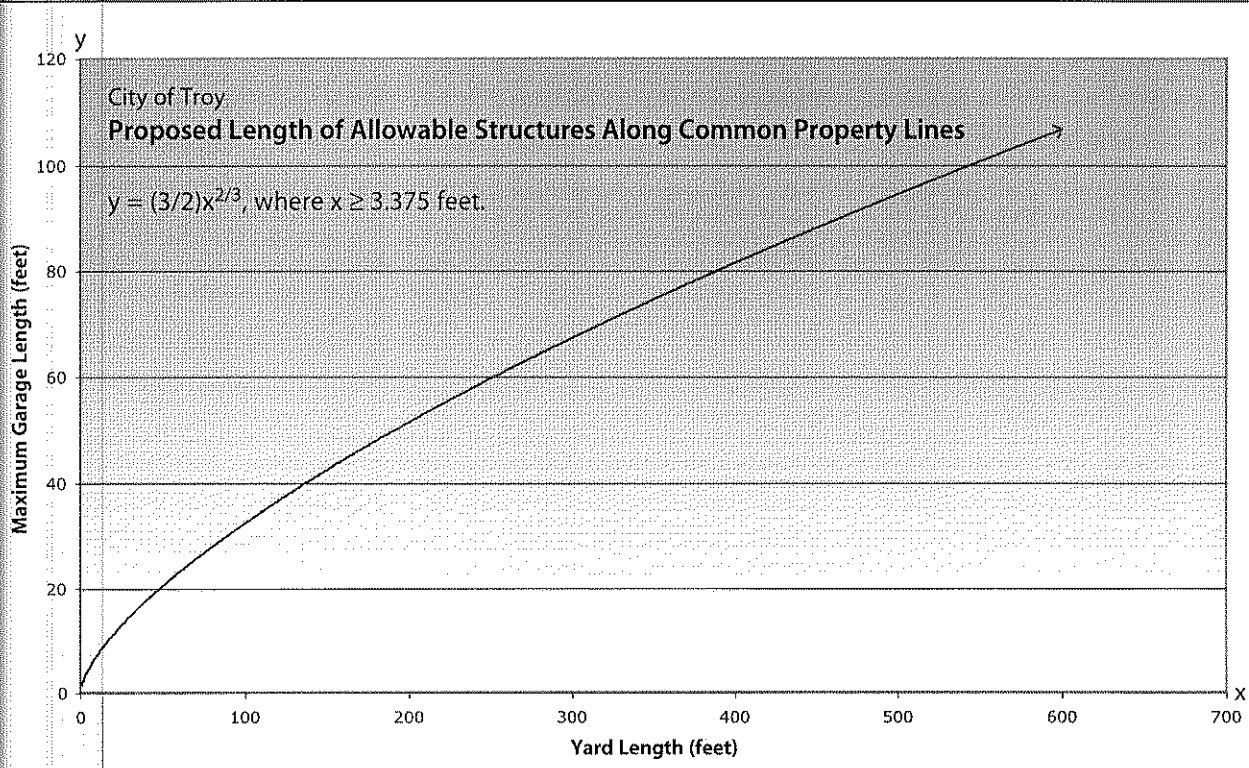
One way to mitigate a tall building is to increase the side setback, as was mentioned by Martin Howrylak. I think it would require a very large setback to allow an industrial-style building to appear residential from neighboring backyards. Personally, to make it residential in appearance, it would have to be set so far back that it would have to be out of sight. I don't think setbacks are the answer. There are probably hundreds, if not thousands, of two-story colonial-style homes that now exist in Troy with a 10 foot side setback. The existing setback works well in those neighborhoods, mainly because the colonial house looks like a house, not a warehouse.

After talking with Dennis Rivard, he felt that the size of the garage should be in some reasonable proportion to the size of the house and lot. The key is to find a balance between building and open space.

Troy has a large range of lot sizes and shapes. Because of that, assigning a fixed percent of a common side property line to the total length allowed for all structures near that property line will cause unreasonable results for lot sizes at the extremes, both very small and very large lots. To arrive at a balance , I propose a non-linear relationship based on the length of the common side property line and usable garage sizes and house additions that won't overwhelm the adjoining neighbor.

The formula I came up with is as follows: $y = (3/2)x^{2/3}$ or approximately $y \approx (1.5)x^{0.66}$ in decimal form.
Where "y" is the maximum length of all residential structures along the side property line, and "x" is the length of the side property line.

This formula is illustrated on the graph below:



Notes:

1. $y = x$ when $x = 3.375$. For values of $x < 3.375$, y becomes larger than x. Obviously, the resulting values for y, when $x < 3.375$, are nonsensical for this formula's intended application.
2. The constants in the formula are dependent upon all units being in feet.

EXAMPLES:
If the property length is 100 feet, then $y = (3/2)(100)^{2/3}$, which approximates to $y \approx 32.3$ feet.
If the property length is 300 feet, then $y = (3/2)(300)^{2/3}$, which approximates to $y \approx 67.2$ feet.

I propose that it be added to the Zoning Ordinance Section 30.10.00.
The City should test this formula against the 14 garages on the "Large Garage" list and other existing garages to see if it provides reasonable results for our City.

In the Rivards/Piscopos case, the length of the property on the shared side is 300 feet. That would make a maximum wall length of 67.2 feet.

NOTE:
I tried a simple linear formula using a factor of 30% of the side property line for the maximum of building length on that side. It worked well on small lots. Unfortunately, on large lots the results of the linear formula created building lengths that could prove too overwhelming for the adjacent neighbors.

Example:
If the property length is 100 feet, then y = 0.30(100) = 30 feet.
If the property length is 300 feet, then y = 0.30(300) = 90 feet.

POINT 4

The Rivards would like to have been notified by the City that a building permit for this large garage was being applied for prior to it being approved, so that they could have voiced any concerns to the City before the City approved the building permit.

I suggest that the City include **"and any new construction that is more than fifty percent (50)% of the existing ground floor living quarters of a house"** to the existing Section 40.57.11 NEIGHBORS NOTIFICATION. I also suggest that Section 40.57.11 be modified to notify 100% (not 50% indicated in the existing ordinance section text) of the developed lots or parcels which are immediately abutting the parcel on which the building or structure is to be placed.

Existing Section 40.57.11 text

40.57.11 NEIGHBORS NOTIFICATION:

Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.

The suggested changes are shown in bold lettering:
Improper use of three commas were also removed.

40.57.11 NEIGHBORS NOTIFICATION:

Applications for permits for the placement or construction of sheds **and any new construction that is more than fifty percent (50)% of the existing ground floor living quarters of a house** located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction to the owners of record of **one hundred percent (100%)** of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts or a signed affidavit from the required number of property owners.

CONCLUSION

Since all members of the Council have voiced the need to amend our Zoning Ordinance as a result of the "industrial-style" garage at 3129 Alpine, I feel it is imperative that Council and City Management find a way to rectify the "industrial-style" garage on Alpine now under construction.

After all, it is the industrial-style garage on Alpine that has caused this Council to address the issue of such garages that have a negative impact on residential neighborhoods. In a nutshell, you cannot fix the problem for future construction and ignore our problem on Alpine.

Dennis Rivard has told me that it would be a great financial hardship for him to pursue litigation with the City for allowing this garage to be approved. It has most certainly lowered his property value. Instead of litigation, I would like the City to discuss with Paul and Louise Piscopo (owners of the 3129 Alpine property) a plan that would provide them with a garage that is residential in design and have the City pay for any costs needed to rectify this blight on Alpine that the City has allowed. If it is left to stand, the industrial-style garage will be "Grandfathered" with the property and remain there for all of our lives and possibly generations to come.

I sent the Council members an e-mail on July 19th. I've revised it a bit and listed only the main steps in reaching a non-litigious resolution, which would remove this non-complying building on Alpine.

STEPS TO RECTIFY THE MONSTER GARAGE ON ALPINE

1) Inform the Piscopos that the permit they were issued did not meet the Zoning Ordinance Section 10.25.01 part A, subparts 2 and 5. The intent of Troy's Zoning Ordinance is to prohibit a Home Occupation or Business from reducing the property values of the surrounding residential area and to prohibit construction of buildings that do not maintain the residential character of the area.

2) Have the City pay the Piscopos the costs they incurred for construction and pay the costs for the demolition of the "garage" (industrial building).

3) Have the City pay for an architect to design a new garage for the Piscopos that looks residential in design. The architect that designed the house should be the first choice. The City will do this because it provided a building permit that should not have been issued.

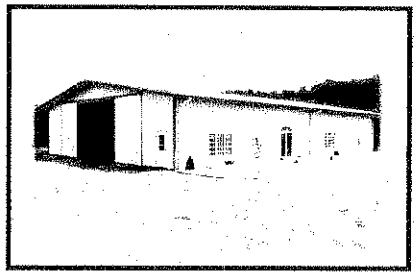
4) Have the Planning Commission review the revised garage plans before a new building permit is approved, so that the design is suitable for a residential neighborhood.

5) Have the City pay the costs of storing the Piscopos' items that would have been stored in the garage, currently under construction, until the revised garage is completed. That period should be limited to one year.

It may also be necessary for the City to pay the Piscopos compensation for loss of time in having their garage completed.

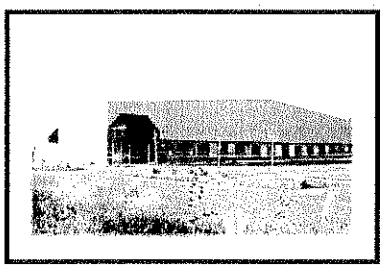
Note from page 2:
**A 30% business use was chosen because a clear majority (70%) of the use of the property should be residential.*

Only Star Buildings combine common sensibility with uncommonly beautiful designs!



Above, Gorski Farm Building;
Wanta & Son, Inc.,
builder and architect.

West Palm Beach Fire Truck Maintenance;
Select Contracting, Inc., builder.



Pro-Tech Engineering;
TJK Design & Const. Co., Inc.,
builder and architect.

New Town Hall of Portland;
M.C.J. Const. Co., Inc., builder;
Lawrence Witrowski, architect.

Sport-2-Sport;
Carney Construction, Inc., builder.

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Attached are copies of a CD submitted by Tom Krent
to the City Manager's Office
for inclusion with the Agenda packet

FINAL
Meeting Minutes

A meeting of the Downtown Development Authority was held on Wednesday, April 21, 2004 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Tom York called the meeting to order at 7:30 a.m.

PRESENT: Michael Culpepper
Stuart Frankel
William Kennis
Daniel MacLeish
Carol Price (arrived @ 7:33 a.m.)
Ernest Reschke
Louise Schilling
Douglas Schroeder (arrived @ 7:33 a.m.)
Fred Wong
G. Thomas York

ABSENT: Michele Hodges
Alan Kiriluk
Marc Rosenow
Harvey Weiss

ALSO PRESENT: John Szerlag
John M. Lamerato
Gary A. Shripka
Lori Grigg Bluhm
Mark Miller
Doug Smith

APPROVAL OF MINUTES

Resolution: DD-04-09
Moved by: Kennis
Seconded by: MacLeish

RESOLVED, that the minutes of the March 17, 2004 regular meeting be approved.

Yeas: All (9)
Absent: Hodges, Kiriluk, Rosenow, Weiss

OLD BUSINESS

Big Beaver Corridor RFQ

Doug Smith gave a brief update on the Big Beaver Corridor RFQ

Student Representative Fred Wong

Student Representative Fred Wong was presented a certificate of recognition for serving on the Board.

NEW BUSINESS

Adoption of 2004-05 Budget

Resolution: DD-04-10
Moved by: Reschke
Seconded by: Culpepper

RESOLVED, that the Board approve the proposed 2004-05 budget as submitted and recommends City Council approval.

Yeas: All (9)
Absent: Hodges, Kiriluk, Rosenow, Weiss

PUBLIC COMMENT

One member in attendance addressed the Board.

EXCUSE ABSENT MEMBERS

Resolution: DD-04-11
Moved by: MacLeish
Seconded by: Schilling

RESOLVED, That Hodges, Kiriluk, Rosenow and Weiss be excused.

Yeas: All (9)
Absent: Hodges, Kiriluk, Rosenow, Weiss

The meeting was adjourned at 8:10 a.m.

Next Meeting: June 16, 2004 @ 7:30 a.m.

_____

~~Alan Kiriluk, Chairman~~
G. Thomas York, Vice Chair

John M. Lamerato, Secretary/Treasurer

JL/pg

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, June 9, 2004, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI.
The meeting was called to order at 12:08 p.m.

TRUSTEES PRESENT:	Mark Calice Robert Crawford Thomas Houghton, Chair (Departed @ 12:12) David A. Lambert (Arrived @ 12:17) William R. Need Steven A. Pallotta John Szerlag (Arrived @ 12:12)
ALSO PRESENT:	Laura Fitzpatrick
ABSENT:	John M. Lamerato

MINUTES

Resolution # ER – 2004 – 06 - 023
Moved by Calice
Seconded by Houghton

RESOLVED, That the minutes of the May 12, 2004 meeting be approved.

Yeas: All 4
Absent: Lamerato, Lambert, Szerlag

RETIREMENT REQUESTS

Resolution # ER – 2004 – 06 - 024
Moved by Houghton
Seconded by Crawford

RESOLVED, That the following retirement request be approved:

Danny Lee Caverly, DC, 5/29/04, Police, 31 years, 5 months

Yeas: All 4
Absent: Lamerato, Lambert, Szerlag

INVESTMENTS

Resolution # ER – 2004 – 06 - 025
Moved by Szerlag
Seconded by Lambert

RESOLVED, That investments be brought back at the next meeting.

Yeas: All 5
Absent: Houghton, Lamerato

PRIOR GOVERNMENTAL SERVICE

Noted and filed.

EXCUSE ABSENT MEMBER

Resolution # ER – 2004 – 06 - 026
Moved by Calice
Seconded by Lambert

RESOLVED, That John Lamerato be excused.

Yeas: All
Absent: Houghton, Lamerato

The next meeting is July 14, 2004 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 12:56 p.m.

_____
Thomas Houghton, Chairman

_____
John M. Lamerato, Secretary

JML/bt\Retirement Board\2004\06-09-04 Minutes_Final.doc

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, June 10, 2004 at the Troy Community Center, room 503. Chairwoman, Kathleen Fejes called the meeting to order at 7:33 p.m.

Present:
Doug Bordas, member
Ida Edmunds, member
Tom Krent, member
Janice Zikakis, member
Carol K. Anderson, staff
Merrill Dixon, member
Kathleen Fejes, member
Stu Redpath, member
Jeff Biegler, staff

Absent: Orestes Kaltsounis, Meaghan Kovacs, Jeff Stewart

Visitors:

Resolution # PR - 2004 - 06 - 014
Moved by Edmunds
Seconded by Zikakis

RESOLVED, that the minutes from May 6, 2004 be approved as submitted.

Yeas: All
Nays: None
MOTION CARRIED

NEW BUSINESS

A. Park Operations - Jeff Biegler briefly summarized the work done by the Parks staff. In addition to the general maintenance of the parks, this department also maintains the cemeteries. Currently the condition of the cemeteries is being upgraded.

B. Summer Meeting Schedule - The summer meeting schedule was discussed.

Resolution # PR - 2004 - 06-015
Moved by Krent
Seconded by Bordas

RESOLVED, that the Parks and Recreation Advisory Board will not meet for July and August unless there is a need to meet.

Yeas: All
Nays: None
MOTION CARRIED

OLD BUSINESS

A. Sanctuary Lake Golf Course - City Council approved the rates for the new golf course. It is tentatively scheduled to open on July 15 for play and a grand opening is scheduled for July 27 or 28 at 4 p.m.

B. Disabled Golf Rates - City Council approved the discount for disabled golfers. It will be the same discount as seniors. Discussion followed regarding a minimum age for playing golf and that we do not allow spectators on the course.

C. Surplus Parcels - The Rotary Club is interested in maintaining a parcel west of Somerton on Long Lake between Livernois and Rochester Rd. This parcel will be kept as a greenspace, with possibly some benches and a playstructure.

Member Comments - Ida Edmunds encouraged everyone to get out and vote next Tuesday on the bond issue for the schools.

Staff Reports

A. Directors Reports - The teen room is getting lots of use, especially with school being out for the summer.

Park Board appointments for Kathy and Tom are up in September. Expect a phone call from Robin Beltramini asking if you are interested in renewing your term.

MRPA survey for Park Board members. Those interested in completing the survey, please see Carol Anderson.

Ethnic Advisory Committee is making a presentation to City Council on the 21st of June with their recommendation.

B. Recreation Report - Summer programs are gearing up and staff is being trained.

Resolution #PR - 2004 - 06 - 016
Moved by Krent
Seconded by Bordas

RESOLVED that absent members are excused.

Yeas: All
Nays: None
MOTION CARRIED

The meeting adjourned at 8:30 p.m.

_____
Kathleen Fejes, Chairwoman

_____
Mary Williams, Recording Secretary

The Special Meeting of the Troy City Planning Commission was called to order by Chair Waller at 3:00 p.m. on July 8, 2004, at the Sanctuary Lake Golf Course, 1450 E. South Boulevard, Troy, Michigan.

1. ROLL CALL

Present:
Gary Chamberlain
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
David T. Waller

Absent:
Lynn Drake-Batts
Mark J. Vleck
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney

Resolution # PC-2004-07-071
Moved by: Littman
Seconded by: Schultz

RESOLVED, That Members Drake-Batts, Vleck and Wright be excused from attendance at this meeting.

Yes: All present (6)
No: None
Absent: Drake-Batts, Vleck, Wright

2. PUBLIC COMMENT

There was no one present who wished to speak.

3. TOUR OF GOLF COURSE

There was general discussion regarding the design of the golf course.

4. PUBLIC COMMENT

There was no one present who wished to speak.

ADJOURN

The Special Meeting of the Planning Commission was adjourned at 4:37 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Mark F. Miller, Planning Director

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on July 13, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:
Lynn Drake-Batts
Fazal Khan
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney
Howard Wu, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-07-072
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That Members Drake-Batts, Khan and Wright be excused from attendance at this meeting.

Yes: All present (6)
No: None
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-07-073
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, To approve the June 22, 2004 Special/Study Meeting minutes as published.

Yes: Chamberlain, Schultz, Strat, Waller
No: None
Abstain: Littman, Vleck
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

SITE CONDOMINIUM SITE PLANS

4. SITE PLAN REVIEW – Proposed Presidential Place Site Condominium, 5 units/lots proposed, West side of John R, North of Square Lake, Section 2 – R-1D

Mr. Miller presented a summary of the Planning Department report for the proposed Presidential Place Site Condominium. Mr. Miller reported that it is the recommendation of the Planning Department to approve the preliminary site condominium plan as submitted, subject to three conditions: (1) construction of a 5-foot wide concrete sidewalk, designed and constructed to City standards, within the 5-foot wide sidewalk easement; (2) that the petitioner obtain an MDEQ Wetlands Permit or Jurisdictional Wetland Determination Document stating authoritative status prior to Final Approval; and (3) that the petitioner create a general common area to replace the recreation easement that provides access to the pond and gazebo.

Mr. Schultz questioned the limited space remaining with respect to the 25-foot front setback and the required 5-foot sidewalk, and asked if the building could be pushed back to eliminate the possibility of parked cars on the sidewalk.

Mr. Miller replied that the 25-foot setback is the City's current standard.

Mr. Chamberlain expressed concern with the designated trees on the preliminary tree preservation plan. He said he would not vote favorably on the site plan unless the trees were removed from the tree preservation plan.

Mr. Miller said the preliminary tree plan is in essence only a tree inventory, and it is at the discretion of the Commission to remove the trees from the tree preservation plan at this time. Mr. Miller noted the petitioner would be required to remove the trees from the plan prior to getting final site plan approval.

Mr. Chamberlain expressed concern that a potential dam could be created with the fill dirt that would be necessary for the proposed development, and said this is a good example that final grading plans should be required for site plan approval.

Mr. Miller replied that the petitioner's engineer would address this concern.

Mr. Strat questioned why the recommendations of the City's Environmental Specialist have not been incorporated in the site plan; i.e., bio retention in the center aisle. He said the plan shows no creativity with respect to the retention pond.

Chair Waller questioned the location of the required 8-foot sidewalk.

Mr. Miller clarified that the 8-foot sidewalk is along John R and the 5-foot sidewalk is within the interior roads.

Chair Waller shared information with respect to new ideas on storm water detention. He proposed that the petitioner contact the Planning Department with respect to incorporating the new ideas in the development of the project's storm water detention.

There was a brief discussion on the site plan designation of "detention" and the Engineering Department's recommendation of a "retention" pond. Mr. Miller said he would check the original Engineering Department review and confirm the correct designation.

Bill Mosher of Apex Engineering, 47745 Van Dyke, Shelby Township, was present on behalf of the petitioner. Mr. Mosher confirmed that the site plan shows the sidewalk easement on the outside of the 40-foot private road easement. Mr. Mosher said a wetlands permit would be obtained, and noted that a previous MDEQ letter of no authority had expired. Mr. Mosher said the plan would be revised to include a general common area instead of the recreational component. To address the setback concerns, Mr. Mosher said it would be possible to impose a 30-foot setback on Lots 1 and 2, but not on Lots 3, 4, and 5. Mr. Mosher said the designated trees would be removed from the tree preservation plan. He also addressed the grading issues and stated he would work with the Engineering Department to insure that the detention is sufficient. Further, Mr. Mosher said he would work on a creative concept for the proposed detention pond.

Mr. Miller reported that the Engineering Department's review specifically states "retention", not "detention". The Engineering Department's review states there is a lack of drainage capacity on John R and notes there are no planned improvements until the year 2008 or later.

Discussion followed with respect to maintaining the pond as a retention pond, once improvements are completed on John R.

Mr. Mosher said he would like to keep the pond dry and the building envelopes as large as possible, and noted there is a detention facility at the fire station. Mr. Mosher said he would work with the Engineering Department on a complete evaluation of the storm water detention.

Mr. Strat asked if the petitioner would come back to the Planning Commission for resubmission of site plan approval should the preliminary engineering requirements change.

Mr. Mosher answered in the affirmative. He stated that a condition of the Condominium Act is to review some forms of drainage and lot configurations. Mr. Mosher said that should the Engineering Department not waive the requirement for a retention facility, there would be changes in the layout and it would be necessary to re-evaluate the plan.

Chair Waller asked if it is reasonable to have the City review the fire station retention pond at the same time.

Mr. Miller replied that a request could be made to the Engineering Department.

Discussion continued on the grades.

Mr. Mosher said he would do whatever is necessary to get the project going; i.e., bio swales, catch basin, etc.

Chair Waller opened the floor for public comment.

Leonid Shashlo of 6336 Atkins Drive, Troy, was present. Mr. Shashlo voiced his objections to the proposed development. He said Unit #5 of the proposed development is too close to his property. Mr. Shashlo expressed concern for the young children playing near two roads and the potential to destroy the existing environment and wildlife.

Jerry Slywka of 6322 Atkins Drive, Troy, was present. Mr. Slywka has been a Troy resident for 25 years. Mr. Slywka bought the property in 1969 and sold the property to Mr. Haddad approximately six or seven years ago. Mr. Slywka said Mr. Haddad promised to build two nice houses on the property for his sons. Mr. Slywka protested strongly to the proposed development because of potential danger to the existing environment, nature and wildlife. Mr. Slywka voiced concerns that the sump pumps would be connected to the pond. He asked that the 17-foot pond not be touched because it provides clean water for his children and grandchildren to swim in. Mr. Slywka questioned the logic of the City that it placed such strong restrictions on the quality of water when he created the pond, but has no interest in the water quality with the proposed development. Mr. Slywka said the proposed development would affect his life and the lives of his neighbors, children and grandchildren. Further, Mr. Slywka questioned the size of the lots in relation to the size of the homes, and encouraged the City to impose soil and boring tests on the property.

Chair Waller explained that the petitioner is proposing to create a pond for aesthetic pleasure and the pond would not be used for water sports or anything similar. Chair Waller confirmed that a wetlands report would be provided. He also stated that a

natural features ordinance proposed several years ago was not passed because the majority of residents were in opposition to it.

Mr. Vleck clarified that (1) there is no rezoning request on the subject parcel; (2) the proposed development is on the petitioner's property and not on anybody else's property; (3) the Planning Commission does not have the authority to deviate from the requirements set forth by the City; and (4) the petitioner has met all of the City codes and requirements.

Kinette Bayliss, owner of 2.5 acres of property located to the south of the proposed development, Sidwell No. 88-20-02-427-007, was present. Ms. Bayliss is very concerned about the development of the property. She said it was her understanding that the property would remain as two residential lots after it was sold. She questioned how the property could go from two residential lots to five lots without the property getting rezoned. Ms. Bayliss said her concerns are similar to the concerns expressed by Mr. Slywka; i.e., sump pump run-off into the pond and the clean water in the pond for recreational purposes. She said that she and Mr. Slywka developed the pond to be what it is and it is very important to them that the pond water remains the same. She asked for an explanation why the City would go from all wetlands to constructing condominiums.

Mr. Miller provided a brief explanation of the R-1D zoning district and its requirements and provisions for development.

Ms. Bayliss asked if there was a capacity requirement for the use of the pond.

Chair Waller announced that the floor at tonight's meeting is the wrong forum to discuss the pond. He said that any concern about the quality of the pond and whether or not the sump pumps from Lots 4 and 5 might be directed toward the pond is something that should be negotiated with the property owner. Chair Waller said that concerns should be brought to the attention of the City Council. He explained that the decision made tonight by the Planning Commission is only a recommendation to the City Council for its review and approval. Chair Waller stated that Mr. Haddad owns part of the pond and Ms. Bayliss can only wish that the future property owners would have her passion for its quality. Chair Waller assisted Ms. Bayliss in locating the retention pond on the proposed site plan in relation to her property.

Mr. Chamberlain said his sump pump drains into the storm system, and he presumes that is how sump pumps are in operation today.

Mr. Miller agreed. Mr. Miller further advised the Planning Commission to strike the notation on the site plan that relates to the discharge of the sump pumps to Lots 4 and 5. He stated that the information is extraneous at this time.

Priscilla King of 6310 Atkins, Troy, was present. Ms. King said the Planning Commission informed her the property could not be developed because it was

wetlands. Ms. King strongly objected to the proposed development, and stated that her husband spent years trying to improve the property.

The floor was closed.

Resolution # PC-2004-07-074

Moved by: Vleck
Seconded by: Littman

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Presidential Place Site Condominium, including 5 units, located on the west side of John R Road and north of Square Lake Road, Section 2, within the R-1D zoning district be granted, subject to the following conditions:

1. Construction of a 5-foot wide concrete sidewalk, designed and constructed to City standards, within the 5-foot wide sidewalk easement.
2. The petitioner obtain an MDEQ Wetlands Permit or Jurisdictional Wetland Determination Document stating authoritative status, prior to Final Approval.
3. The petitioner create a general common area to replace the recreation easement that provides access to the pond and gazebo.
4. That all existing illegal trees on the property will be removed.
5. That the note on the drawing that states “sump pump discharge directly to pond for Units 4 and 5 will be removed.
6. That the design recommendations provide that the petitioner will duly note all drainage concern for neighboring properties and plan for adequate drainage.

Discussion on the motion.

Mr. Littman requested that the motion be amended to reflect the site plan designation of a “retention” pond, as recommended by the Engineering Department.

Mr. Miller explained the difference between a detention pond and a retention pond. He said detention pond water is detained and slowly released so there is not a quick flash of water that would overburden the storm water drainage system. Retention pond water is retained and in essence is a wet pond. Mr. Miller noted that not all storm water drainage systems are City owned; that the County owns some of the systems.

Mr. Vleck recommended the site maintain a detention pond because the fire station has an existing detention pond and a retention pond with its standing water would create a risk factor for West Nile Virus.

Vote on the motion on the floor, as moved and seconded.

Yes: Chamberlain, Littman, Schultz, Vleck, Waller
No: Strat
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED/DENIED

Mr. Strat stated his reasons for not voting in favor of the motion. He feels (1) the final engineering has not been provided to determine exactly the size of the detention pond or retention pond; (2) the wetlands report might affect the final layout of the design of the site and the plan might have to return to the Planning Commission for a second approval; (3) the plan does not protect the value of the adjacent property owners; and (4) there is a lack of innovative design and bio retention, as indicated by the City's Environmental Specialist review comments.

Members Chamberlain and Strat encouraged the residents to voice their objections to the City Council.

Mr. Miller said the item most likely would be on the City Council agenda at their 2nd meeting in August or their 1st meeting in September. Mr. Miller confirmed that abutting property owners would be notified.

[Student Representative Howard Wu joined the meeting]

5. SITE PLAN REVIEW – Proposed Timbercrest Estates Site Condominium, 11 units/lots proposed, South side of Wattles, West of Fernleigh, Section 24 – R-1C

Mr. Miller presented a summary of the Planning Department report for the proposed Timbercrest Estates Site Condominium. Mr. Miller noted that the Planning Department recognizes the potential for future development on parcels to the south and west, and the Planning Department has worked with the petitioner to create a layout that would include a stub street to the south property line that would allow for the extension of further development. Mr. Miller reported that it is the recommendation of the Planning Department to approve the preliminary site condominium plan as submitted.

Mr. Chamberlain said the Planning Commission should be advised on the potential development of surrounding properties in relation to proposed projects. Mr. Chamberlain noted there is a potential curb cut on Wattles Road should the property to the west of the proposed development be developed, and it is very important to the Commission how that property to the west might be developed.

Mr. Miller said his research showed the property to the west as an old outlot that runs one-half mile to the south and the majority of the property is owned by the

State of Michigan. Mr. Miller reported that the City has a long history of asking petitioners to provide information on potential development of surrounding properties, but there is no requirement. He noted there is a requirement in the Subdivision Ordinance to provide information on potential development of large tracts of unplatted land. Mr. Miller apologized for the Planning Department's error in not providing information on the potential development of the 160-foot wide property to the west. Mr. Miller said the matter was discussed with the petitioner, and indicated the petitioner may be able to address it further. He said the Planning Department could prepare alternate layouts for the surrounding area for a future study meeting, should the Commission desire. Mr. Miller said the City should provide a means for future development in the rear portions that front Fernleigh.

Mr. Chamberlain pointed out that the Planning Department should have on file how this particular piece of property could be developed before the item is forwarded to the City Council for review and approval.

Discussion continued on the potential development of the property to the west with respect to different design layouts, emergency access, additional access points, and a boulevard entrance.

Nader Wehbe of Beckman Wehbe Corp., 25775 W. Ten Mile Road, Southfield, and Ben Gill of Chesterfield Building, 31125 Westwood, Farmington Hills, were present.

Mr. Wehbe commented on the access situation and alternate layouts. He said he worked closely with the Planning Department, and it is the preference of the Planning Department to provide the stub road because it would create many possibilities to extend the road for future development.

Mr. Gill stated that negotiations with the owner to purchase the property to the west were unsuccessful.

Chair Waller opened the floor for public comment.

Claude Vidal of 2506 E. Wattles Road, Troy, was present. Mr. Vidal is the owner of the property to the west and has lived there for 52 years. He said that is the reason he asked such an exorbitant purchase price. Mr. Vidal said he does not appreciate the Commission dissecting his property and telling him how it should be developed. Mr. Vidal said there is a retention pond on the DNR strip, and asked if he would really have to look out his front window at the proposed project's retention pond that would be located directly next door and in the front of his house. Mr. Vidal stated that he had a speech prepared but implied he was too emotional to present it.

Stephen Mounteer of 3845 Fernleigh Drive, Troy, was present. Mr. Mounteer said his home is at the southeast corner of the proposed development. Mr. Mounteer expressed concerns with the potential traffic and safety issues that would result from the proposed development. He said currently it is almost impossible to exit onto Wattles Road, in either direction, during morning traffic. He expressed concerns with

the potential widening of Wattles Road, and noted that the proposed development is at the narrowest part of the Wattles Road. Mr. Mounteer said he would like to see lower density on the development or improvement to the traffic flow from the property.

Pat O'Donnell of 3951 Fernleigh, Troy, was present. Ms. O'Donnell expressed her objection to the proposed development because it appears to be too high of a density for the space available, and she believes it would take away from the atmosphere of the neighborhood. Ms. O'Donnell also asked for information on the widening of Wattles Road to five lanes.

Mr. Miller replied that the ultimate right of way for Wattles Road is 120 feet wide, which would accommodate a five-lane road. Mr. Miller informed Ms. O'Donnell to contact the Engineering Department for the improvement schedule for Wattles Road.

Max Akins of 2545 E. Wattles Road, Troy, was present. Mr. Akins said he does not want to look at a retention pond across from his house, which is where the proposed retention pond would be located. He asked how the City would widen Wattles Road at that particular point and expressed concerns with the remaining frontage of his home.

A short discussion followed on the future widening of Wattles Road.

Mr. Wehbe responded to the concerns expressed on the retention pond. He said the proposed retention basin is 3 feet high with a 1:6 slope, unfenced and well landscaped. Mr. Wehbe said the retention pond would look like a depression on the ground, and would fill up with water only during rain events. Mr. Wehbe confirmed the detention pond would be conveyed to the City for maintenance purposes.

Chair Waller announced that any drainage concerns should be brought to the attention of the Planning Department or Engineering Department.

Mr. Strat asked if the petitioner proposed to do the landscaping as indicated on the plan, approximately 4 feet deep.

Mr. Wehbe answered in the affirmative.

Mr. Vleck directed comments to the resident who owns the property to the west. He said the reason the Commission would like to be advised of future development is that should the property be sold, the Commission must take into consideration what may happen in the future, and that the Commission tries to design as best it can for future development. The Commission's concern in looking at the property to west is whether or not the street layout would accommodate possible future developments.

Mr. Littman requested an explanation on the location of the retention basin.

Mr. Wehbe responded that the property is considered fairly level, and the retention basin is best positioned at the outlet in the corner of the property. He said also that its location near a public road is best for overflow purposes. Mr. Wehbe said that

everything on site would stay on sight, inclusive of landscaping and trees, and the run-off water would be collected in the underground storm system.

Mr. Schultz apologized to the property owner to the west if there was a misunderstanding. He said the Commission is not indicating that his property must be developed. Mr. Schultz explained that it is in the best, long-term interest of the property owner that he/she is not left with an undevelopable piece of property.

Mr. Strat asked if the Planning Department received any specific comments on the proposed development from the Environmental Specialist.

Mr. Miller replied that the only comment from the Environmental Specialist is that there are no wetlands or flood plain issues.

Chair Waller asked that the motion reflect the comments of the petitioner that the trees along the property line would be saved, and that should rear yard drain routing result in tree loss, the petitioner would come back before the Planning Commission.

The floor was closed.

Resolution # PC-2004-07-075
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Timbercrest Estates Site Condominium, including 11 units, located south of Wattles Road and west of Fernleigh Road, Section 24, within the R-1C zoning district be granted, subject to the following conditions:

1. That an adjacent property plat layout for the properties to the south and to the west be on file at the Planning Department before the item goes to City Council.
2. That the drainage of this property to the properties to the east that are developed is engineered such that there are no water flows that create standing water in the properties to the east.
3. The tree survey lists a number of trees that are not the kind of trees the City of Troy wants, and those trees that do meet the requirement of being a good tree, on the property lines specifically, that every effort be made to do the underground utility work without cutting roots and maybe the recommendation would be not to do any rear yard underground utility work, but make it all down Timbercrest.
4. If there are trees to be destroyed, the item needs to come back to see how best the City and the petitioner can get together and save as many trees as possible.

Yes: All present (6)
No: None
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED

Mr. Schultz proposed that the motion be amended to reflect that the petitioner is required to bring back the site plan for approval should there be any significant change to the site plan.

Mr. Chamberlain asked for a legal opinion on the proposed amendment to the motion.

Mr. Motzny said the Commission could put the language in the motion but, in his opinion, City Council is not required to honor the request because the motion is only a recommendation to City Council.

ZONING ORDINANCE TEXT AMENDMENTS

6. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District

Mr. Miller presented a summary of ZOTA 202 and the most recent revisions.

Chair Waller referred to a letter received from Shurguard stating that it recognizes the need and is very much in favor of the proposed zoning ordinance text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-07-076

Moved by: Schultz
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 28.30.02, Article 40.21.83 and Article 04.20.128 of the Zoning Ordinance, be amended as printed on the Updated Version of the Zoning Ordinance Text Amendment (ZOTA 202), dated 02/16/04.

Yes: All present (6)
No: None
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 34.70.00 One Family Cluster Option

Mr. Miller presented a summary of ZOTA 200. Mr. Miller reviewed clarifications and/or corrections to the following sections of the proposed zoning ordinance text amendment: 34.70.02 (B)(1), 34.70.05 (A) and 34.70.06 (D).

A thorough discussion followed on the size of trees to be planted. After a straw vote, the tree size determined was 3 to 3.5 dbh.

A discussion followed on the wording of Section 34.70.02 (B)(1). It was determined that the paragraph should read: "…significant individual trees, significant individual trees ten inches in diameter or larger…".

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-07-077

Moved by: Chamberlain
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 34.70.00, Article 10.20.09 and Articles 04.20.120 through 04.20.122 of the Zoning Ordinance, be amended as printed on the Updated Version, dated 06/29/04, and the changes noted by the Planning Director on the paragraphs 34.70.02 (B)(1), 34.70.05 (A) and 34.70.06 (D).

Yes: All present (6)
No: None
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED

8. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Miller announced that the Planning Department is in receipt of a letter from the Oakland Mall stating that due to the new acquisition and change of ownership of the Lord & Taylor department store, Lord & Taylor is no longer moving forward with its plan to put a store at Oakland Mall.

Mr. Schultz referenced an informational item on last night's City Council agenda. A 3,300 square foot home is being built on Alpine with a 6,000 square foot attached garage, and the construction is taking place totally within the City's ordinances. Mr. Schultz suggested that the Planning Commission should move forward with changing ordinances as they pertain to accessory structures or garages that outweigh the house.

Mr. Miller reported that the matter will be a City Council regular item to seek direction on (1) what can happen from an existing standpoint and define an enforcement on Alpine; and (2) whether City Council would like the Planning Commission and City Management to address compatibility of those structures and attached garages, and whether size should be limited on attached garages.

Mr. Schultz distributed information with respect to green sustainable development. He also stated his appreciation for the tour of the Sanctuary Lakes Golf Course. He said the tour was very informative and the facility is one that the citizens of Troy can be justifiably proud.

Mr. Littman welcomed Mr. Wu to the Commission, and encouraged his input on Planning Commission matters.

Mr. Strat asked the status of the zoning ordinance text amendment with respect to site plan approval and the requirement to submit landscape plans.

Mr. Miller reported the proposed ZOTA is scheduled for a Public Hearing in August, and would be forwarded to the City Council for review and approval in September. Mr. Miller said the amendment, if adopted by City Council, would become effective 10 days after its approval. Mr. Miller said a determination would have to be made for site plan applications that are in the process of site plan review and the effective date of the amendment.

Mr. Strat asked if the Planning Commission could directly receive the review comments of the various departmental site plan reviews.

Mr. Miller said the departmental comments are incorporated verbatim in the Planning Department reports. He would prefer not to make additional copies of the departmental reviews when review comments are easily incorporated into the reports. Mr. Miller said a complete review would be provided to the Planning Commission should there be substantial comments.

Mr. Miller confirmed that the Downtown Development Authority (DDA) is meeting tomorrow morning. He said a presentation is being given by the City Manager with respect to the vision of the DDA on items that the Planning Commission has been involved.

Mr. Chamberlain said that tonight's meeting is the first meeting being recorded on DVD.

Resolution # PC-2004-07-078

Moved by: Chamberlain
Seconded by: Vleck

RESOLVED, That all Planning Commission meetings be recorded on DVD and a copy of the DVD be stored at the Planning Department for future reference.

Yes: All present (6)
No: None
Absent: Drake-Batts, Khan, Wright

MOTION CARRIED

Chair Waller asked the City Attorney to prepare a document explaining the origins and the rule of law of the City of Troy development standards; how it came to be, how it is viewed, how it is approved, and how it is utilized.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:57 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 14, 2004, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:07 p.m.

TRUSTEES PRESENT:	Mark Calice (Departed @ 1:20) Robert Crawford Thomas Houghton, Chair David A. Lambert John M. Lamerato William R. Need Steven A. Pallotta John Szerlag
ALSO PRESENT:	Laura Fitzpatrick Steve Gasper, UBS John Grant, UBS

MINUTES

Resolution # ER – 2004 – 07 - 027
Moved by Lambert
Seconded by Crawford

RESOLVED, That the minutes of the June 9, 2004 meeting be approved.

Yeas: All 7

RETIREMENT REQUESTS

Resolution # ER – 2004 – 07 - 028
Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the following retirement request be approved:

Kathleen McCabe, DB, 7/31/04, Police, 24 years, 3 months

Yeas: All 7

Roger Owens duty disability retirement was postponed to the August 11, 2004 meeting.

OTHER BUSINESS – MARCH 31, 2004 INVESTMENT PERFORMANCE

Steve Gasper and John Grant of UBS, reviewed with the Board the March 31, 2004 Investment Performance.

INVESTMENTS

Resolution # ER – 2004 – 07 - 029
Moved by Houghton
Seconded by Pallotta

RESOLVED, That the following investments be purchased and sold:
$500,000 AT&T, 6% due 9/15/08; Sell – Aqilent Technologies; Enron; Country Wide Financial; Purchase – 4,000 shares Eaton Vance; 6,000 shares Donaldson; 5,000 shares Dow Chemical; 6,000 shares Del Monte; 4,000 shares Danaher; 4,000 shares Diebold; 4,000 shares Chico Fas; 8,000 shares EMC; 4,200 shares Caremark Rx; 4,000 shares Baldor Electric; 6,000 shares Capital One; and 2,000 shares Chevron,

AND, LET IT BE FURTHER RESOLVED, That we transfer $500,000.00 into the NAIC Account and purchase 2,000 shares from each of their monthly recommendations.

Yeas: All 6
Absent: Calice

The next meeting is August 11, 2004 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:55 p.m.

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 6:00 p.m. on July 27, 2004, at the Saleen / SSV Facility, 1225 E. Maple Road, Troy, Michigan.

1. ROLL CALL

Present:
Gary Chamberlain
Robert Schultz
Thomas Strat
David T. Waller

Absent:
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Mark J. Vleck
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Douglas J. Smith, Real Estate & Development Director

Let the record reflect that because there was no quorum, the July 27, 2004 Special / Study Meeting was not held.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Mark F. Miller, Planning Director

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July 23, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police
Wendell Moore, Research & Technology Administrator

SUBJECT: Agenda Item - 2004 Year-To-Date Crime and Calls for Service Report

Attached is a spreadsheet detailing and comparing 2004 calls for service, criminal offenses, clearance rates, traffic crashes and citations issued through June 2004, with the same time period of 2003. This report's format complies with the National Incident Based Reporting System. All offenses within an incident are reported.

Group A Crime increased 4.6% or 81 reported incidents. Several categories showed minor numerical increases or decreases. However, significant variations occurred in the following categories:

- Destruction/Damage to Property/Vandalism: Down 26.3%, or 67 incidents.
- Drug/Narcotic Offenses: Up 43.5% or 27 incidents.
- Assault Offenses: Up 30.1% or 84 incidents.

A review of the Assault Offenses category indicates the increase is due to an increase in the number of reported simple assaults and intimidation/threats. As for the increase in Drug/Narcotic Offenses, such crimes are typically the result of police officer initiated activity (such as traffic arrests, the stop of suspicious vehicles, etc.) as opposed to complaints filed by citizens. This increase is not in and by itself an indication of increased drug use in the community. However, increases such as this over a period of time may be such an indicator.

Group B crime decreased 7.4% or 87 incidents. Reports of Disorderly Conduct decreased significantly, down 34.5% or 69 incidents, while Liquor Law Violations increased 56.5% or 13 incidents.

Total incidents of crime (Group A & B) decreased .2% or 6 incidents.

Clearance rates (the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted) continue to be high. Arrests have increased 16.3% overall with arrests for reported crime up 19.7%. While Assault and Drug/Narcotic Offenses have increased, so too have the number of arrests.

Group C (non-criminal) calls for service showed a 3.2% decrease or 516 incidents. Alarms increased 3.5% or 76 alarm responses.

Property damage traffic crashes are down 6.6% or 93 crashes from the same time period last year. Injury traffic crashes are down 1.6% or 6 crashes. The number of traffic citations issued for hazardous traffic violations decreased 7.2%, while non-hazardous and license/title/registration violations increased 60.9% and 24.4% respectively.

Overall, crimes and calls for service are down 2.8% or 540 incidents.

Please feel free to contact Chief Craft or Wendell Moore if you require additional information.

Troy Police Department

Midyear 2004/2003 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent	Y-T-D		Percent	Y-T-D		Percent	Y-T-D	
Group A Crime Categories	2004	2003	Change	2004	2003	Change	2004	2003	Change	2004	Percent
Arson	2	4	-50.0%	2	4	-50.0%	0	5	-	0	0.0%
Assault Offenses	363	279	30.1%	363	279	30.1%	86	62	38.7%	123	33.9%
Bribery	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Breaking and Entering	124	130	-4.6%	124	130	-4.6%	11	7	57.1%	11	8.9%
Counterfeiting/Forgery	50	51	-2.0%	51	52	-1.9%	12	8	8.1%	8	15.7%
Destruction/Damage/Vandalism	188	255	-26.3%	194	265	-26.8%	4	3	33.3%	13	6.7%
Drug/Narcotic Offenses	89	62	43.5%	130	118	10.2%	123	81	51.9%	116	89.2%
Embezzlement	46	35	31.4%	46	36	27.8%	30	27	11.1%	25	54.3%
Extortion/Blackmail	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Fraud Offenses	83	79	5.1%	88	79	11.4%	22	32	-31.3%	20	22.7%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Kidnapping/Abduction	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Larceny/Theft Offenses	779	768	1.4%	780	779	0.1%	360	333	8.1%	275	35.3%
Motor Vehicle Theft	58	59	-1.7%	59	62	-4.8%	2	0	+	4	6.8%
Pornography/Obscene Material	0	0	NC	0	1	-	0	0	NC	0	0.0%
Prostitution Offenses	10	0	+	10	0	+	26		+	10	100.0%
Robbery	14	12	16.7%	14	12	16.7%	9	5	80.0%	2	14.3%
Sex Offenses, Forcible	18	12	50.0%	18	12	50.0%	7	4	75.0%	7	38.9%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	8	6	33.3%	9	8	12.5%	7	8	-12.5%	5	55.6%
Weapon Law Violations	4	3	33.3%	6	6	NC	5	2	150.0%	4	66.7%
Group A Total	1,836	1,755	4.6%	1,894	1,843	2.8%	704	577	22.0%	623	32.9%
Group B Crime Categories											
Bad Checks	11	8	37.5%	11	8	37.5%	0	7	-	3	27.3%
Curfew/Loitering/Vagrancy	1	0	+	1	0	+	1	0	+	1	100.0%
Disorderly Conduct	131	200	-34.5%	143	200	-28.5%	12	8	50.0%	33	23.1%
Driving Under the Influence	196	168	16.7%	213	177	20.3%	180	160	12.5%	180	84.5%
Drunkenness	2	3	-33.3%	3	3	NC	0	1	-	1	33.3%
Family Offenses, Nonviolent	13	5	160.0%	13	5	160.0%	1	1	NC	1	7.7%
Liquor Law Violations	36	23	56.5%	63	46	37.0%	95	43	120.9%	56	88.9%
Peeping Tom	1	1	NC	1	1	NC	1	0	+	1	100.0%
Runaway (Under 18)	18	22	-18.2%	18	22	-18.2%	0	0	NC	16	88.9%
Trespass of Real Property	7	6	16.7%	8	8	NC	5	4	25.0%	5	62.5%
All Other	669	736	-9.1%	707	776	-8.9%	332	311	6.8%	341	48.2%
Group B Total	1,085	1,172	-7.4%	1,181	1,246	-5.2%	627	535	17.2%	638	54.0%
Group A and B Total	2,921	2,927	-0.2%	3,075	3,089	-0.5%	1,331	1,112	19.7%	1,261	41.0%

Above data includes both completed and attempted offenses.

Troy Police Department

Midyear 2004/2003 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent	Y-T-D		Percent	Y-T-D		Percent	Y-T-D	
Description	2004	2003	Change	2004	2003	Change	2004	2003	Change	2004	Percent
Alarms	2,250	2,174	3.5%	2,250	2,174	3.5%	NA	NA	NA	NA	NA
All Other	13,560	14,152	-4.2%	13,743	14,002	-1.8%	256	253	1.2%	NA	NA
Group C Miscellaneous Total	15,810	16,326	-3.2%	15,993	16,176	-1.1%	256	253	1.2%	NA	NA
Group E Fire Total	22	40	-45.0%	20	40	-50.0%	NA	NA	NA	NA	NA
Grand Totals	18,753	19,293	-2.8%	19,088	19,305	-1.1%	1,587	1,365	16.3%	1,261	41.0%

Traffic Crashes and Citations

Reportable Traffic Crashes			
Personal Injury	360	366	-1.6%
Property Damage	1,312	1,405	-6.6%
Fatal	2	2	NC
Total Reportable	1,674	1,773	-5.6%
Private Property Crashes	578	598	-3.3%
Crashes Grand Total	2,252	2,371	-5.0%

2004 Alcohol Involved Crashes

17 Incidents--4.7% involved alcohol.

20 Incidents--1.5% involved alcohol.

2 Incidents--100.0% involved alcohol.

39 Incidents--2.3% of all reportable crashes involved alcohol.

Traffic Citations			
Hazardous	5,939	6,401	-7.2%
Non-hazardous	811	504	60.9%
License, Title, Registration	1,500	1,206	24.4%
Parking	335	514	-34.8%
Traffic Citations Total	8,585	8,625	-0.5%

TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY
CAROLYN F. GLOSBY, ASSISTANT CITY ATTORNEY
SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: July 1, 2004
SUBJECT: 2004 SECOND QUARTER LITIGATION REPORT

The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the second quarter of 2004 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. Troy v. Papadelis- This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order has been entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the Court's order, and therefore a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay $1,000 to the City of Troy.

However, the Court also determined that the defendants were currently in compliance with the City of Troy zoning ordinances. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners have filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow**.** The intervening counter-plaintiffs' filed a motion to dismiss the neighboring property owners from this lawsuit, which was recently denied by the Court. **The case is now proceeding through discovery**.

2. Williams et. al v. City of Troy and Ken Freund- Some of the residents in the Middlesex Country Homesites Subdivision have filed this lawsuit against the City and developer Ken Freund. The lawsuit challenges that the City of Troy improperly approved the Freund Site Condominium project without requiring an official replat of the property. The Troy City Council granted preliminary approval of the site condominium plan on March 3, 2003. Each of the parties filed a Motion for Summary Disposition. On 9/3/03, Judge Kuhn heard oral arguments from all parties on the Motions for Summary Disposition. On 3/24/04, the Court entered an order which holds that a re-plat is not required for site condominium developments. **This resulted in the Court granting Summary Disposition in favor of the City on Counts I and II of the Plaintiffs' Complaint. However, the Court failed to rule on Count III, a violation of substantive due process allegation. The City has filed a Supplemental Brief asking for dismissal of Count III.**

3. Rathka v. City of Troy – This lawsuit was filed by Roy Rathka, Jr. and concerns property he owns on Canham, a gravel drive located south of Square Lake Road and west of Livernois Road. Mr. Rathka claims he was wrongfully denied a building permit to build a duplex on Canham. The permit was denied pursuant to Section 40.10.01 of the Troy Zoning Ordinance that requires proposed building in one or two family residential districts to front on a public street that has been accepted for maintenance by the City. **The City filed a motion for summary disposition, which was granted on 6/21/04. On 6/28/04, Plaintiff filed an appeal of the dismissal to the Michigan Court of Appeals.**

4. Long Lake Road Development Partners v. City of Troy – Plaintiffs served this zoning challenge against the City on March 29, 2004. Plaintiffs own the 14.5-acre parcel of property on the south side of Long Lake, west of Rochester Road. This property was the subject of an earlier zoning challenge, Goodman v. Troy, which was dismissed in favor of the City. The

property is currently zoned R-1T (medium density residential). Plaintiffs requested a commercial re-zoning of the property, which was denied by City Council on January 26, 2004, in accordance with the Planning Commission recommendation of November 11, 2003. Plaintiffs argue that the refusal to re-zone the property to B-3 is arbitrary and capricious, and a violation of procedural due process, equal protection, and an unconstitutional taking of property. **Discovery is on going.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

1. Parkland Acquisition (Sections 22, 24, 36)

Troy v. Matthews Farms L.L.C. et. al- The Court scheduled a jury trial for 2/9/04. **The Court ordered the parties to facilitate the case. Facilitation started 2/04/04 and is continuing. If the case is not successfully resolved through facilitation, it will proceed to a jury trial on 9/20/04.**

2. Long Lake Road

Troy v.Richard & Mary Rauhut- **A consent judgment was entered on 4/16/04.**

3. Miscellaneous

Troy v Freed (O'Rilley Trust)- The City now has possession of the property. **A jury trial is scheduled to begin on 7/26/04.**

D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that their civil rights were somehow violated by the City and/or the police officers of the City of Troy.

Maria Elena Hunciag v. Troy- This is an alleged employment discrimination case filed on July 1, 2003. According to the complaint, Ms. Hunciag argues

that she was denied the position of Troy Museum Curator due to alleged age, gender, and/or national origin discrimination. A status and scheduling conference is scheduled for October 3, 2003, before U.S. Federal District Court Judge Victoria Roberts. Discovery continues**. A status conference is scheduled for 8/24/04.**

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Paul Mancini v. Troy- The City was served with this lawsuit on August 7, 2003. Mr. Mancini alleges that he was injured when he slipped on an icy sidewalk in front of his home. He argues that the City is liable under the defective highway exception to governmental immunity, since we knew or should have known that ice would accumulate on the sidewalk. **The City was not successful in its motion for summary disposition as the court found an issue of fact for a jury to decide. A jury trial is scheduled for July 13, 2004.**

2. Nancy Cook v. Troy and Makowski- The City was served with this lawsuit on 2/21/04. According to the complaint, Ms. Cook sustained a fall on the sidewalk at 561 Burtman Street, the home owned by co-defendant, Ronald Makowski. This fall allegedly occurred on 10/18/03. The complaint alleges that the City is liable for her injuries under the defective highway exception to governmental immunity. The complaint alleges that the sidewalk was not kept in reasonable repair. **Discovery is on going.**

3. Doris and Morris Story v. Troy– The City was served with this lawsuit on 2/24/04. On the morning of 5/27/03, Doris Story, a California resident, was walking on the sidewalk in front of the residence at 5737 Patterson Drive. According to the complaint, she "tripped on an uneven and dangerous buckle in the defective sidewalk." Her injuries from the fall include a fractured right wrist and arm, in addition to pain, limited range of motion, swelling, and scarring from surgery. Morris Story has asserted a claim for loss of consortium. **Discovery is on going.**

4. **<u>Susan M. Sevek and Johnny Yee v. Troy</u>– The City was served with this lawsuit on 6/2/04. Susan Sevek was jogging on the sidewalk adjacent to Northfield Parkway, between Long Lake and Brentwood on 1/19/02. She alleges that she tripped on a portion of sidewalk that was cracked and sunken, causing a deviation of more than 2 inches. As a result of her fall, Ms. Sevek allegedly sustained permanent injury to her right knee, which required multiple surgeries. Johnny Yee, her husband, has asserted a claim for loss of consortium.**

F. MISCELLANEOUS CASES

1. <u>Kaftan Enterprises, Inc. v. City of Troy</u>- In connection with the Hidden Meadows residential development, the City required cash deposits and escrows from the developer, Kaftan Enterprises. Although certificates of occupancy have been issued for the homes, the developer has not yet finalized the project. As a result, the City of Troy is still holding money for this development. The developer has filed this lawsuit, demanding a return of the money being held by the City. The parties have negotiated a settlement, which has been approved by City Council. **An order dismissing the case was entered on 4/27/04.**

2. <u>Barton Malow Co. v. K-Mart, City of Troy, et. al.</u>- Barton Malow Co., a contractor for the K-Mart data center, has filed this lawsuit, seeking to foreclose on its construction lien. The data center was completed some time ago, but the K-Mart bankruptcy delayed any action on the construction lien. The City is a named party, due to our easement interest in the property. **The City continues to monitor this lawsuit.**

3. <u>Catherine Norris and Kathleen Livingway v. City of Troy</u> – This lawsuit is identical to lawsuits filed in 12 other communities in the State of Michigan. The complaint asserts that the revenue paid by cable television companies, pursuant to franchise agreements, constitutes an impermissible tax, that is prohibited by the Headlee Amendment**.** A motion for summary disposition, in addition to a motion for class certification, was scheduled for 4/21/04. **In several of the lawsuits against the other twelve communities, an appeal has been filed with the Michigan Court of Appeals. As a result, Troy's case is stayed until these appeals are concluded.**

G. CRIMINAL CASE APPEALS

1. <u>People v. Vasile Nagy</u> – Defendant appeals his violation of probation adjudication. In this case, Defendant was sentenced to probation back in 1996. Prior to being discharged from probation, he committed additional crimes. The Court extended his term of probation accordingly. Defendant now challenges the Court's ability to extend probation beyond a two-year

maximum, even when there are violations of probation. **The City filed a motion to dismiss Defendant's appeal. Instead of complying with the procedural requirements of an appeal, Defendant successfully asked the District Court to dismiss the violation of probation charge, making the appeal moot, and therefore dismissed.**

2. People v. Mo Qian – Although not clear from her pleading, it appears that Ms. Qian has filed an appeal from her driving without a valid proof of insurance on person civil infraction determination and/or her driving without obtaining a valid Michigan driver's license conviction of 1/29/04. Ms. Qian received a fine for both of these charges. **The parties have submitted their appeal briefs. The court has not yet set a date for oral argument.**

If you have any questions concerning these cases, please let us know.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Carolyn F. Glosby, Assistant City Attorney
DATE: July 22, 2004
SUBJECT: Mancini v. City of Troy

On February 23, 2003, plaintiff Paul Mancini allegedly slipped on an icy sidewalk abutting the driveway of his home located at 4425 Reilly Court. He filed a lawsuit against the City on August 5, 2003, alleging that the City had breached our duty to maintain the sidewalk in reasonable repair, which caused an unnatural formation of ice upon which he slipped. Plaintiff had no measurements of the sidewalk's unevenness at the time he fell; our later investigation showed a discontinuity of less than one inch at the point of deepest deflection.

Mr. Mancini suffered a cerebral hemorrhage as a result of striking his head on the sidewalk after falling. He was admitted to Troy Beaumont Hospital, where his condition worsened and evolved into a neurological disorder known as Guillain-Barre Syndrome. As a result of his injuries, he was hospitalized for approximately two months. He also required physical therapy for two to three months, but is now virtually completely recovered from his injuries. His medical expenses totaled over $300,000, and the insurers sought reimbursement for $98,000 in liens on any judgment against the City.

Through the Oakland County case evaluation process, three independent attorneys evaluated the case at $35,000. Although Mr. Mancini's injuries were substantial, we took the case evaluation award as an indication that the applicable law favored the City's position. Plaintiff accepted this award, but the City rejected, and thereafter filed a motion for summary disposition, based on governmental immunity. Unfortunately, the Court denied our motion, opining that when all of the assertions were taken in the light most favorable to Mr. Mancini, there was an issue of fact as to whether the sidewalk was in a reasonable state of repair. This remaining issue of fact resulted in the case proceeding to a three-day jury trial, starting on July 13, 2004, before the Hon. Steven Andrews, Oakland Circuit Court.

Plaintiff was seeking over $100,000 in damages. In response to his case, we believe that we effectively explained the scope of the Sidewalk Replacement Program to the jurors, and how this program was an appropriate response to our duty of reasonable repair. We also challenged Plaintiff's statements that his fall was on the sidewalk, based on a reference to a fall on the driveway in Plaintiff's medical records. The City is not responsible for ensuring reasonable repair for driveways to private residential homes.

After approximately 1 and ½ hours of deliberation, the jury ruled in favor of the City, and returned a verdict of no cause for action. The jury agreed with our position that the City was not negligent, and had complied with our statutory obligation to keep the sidewalk in a reasonable state of repair. The speed of the verdict implies that the jury was unmoved by sympathy for the plaintiff. Absent objections from City Council, we will request reimbursement for our out of pocket expenses incurred in the litigation of this case.

We would be pleased to answer any questions you may have.

CITY COUNCIL EXPENSE REPORT
Month of June 2004

Council Person	Expense /Reimbursement Date	Purpose	Amount	Totals
Beltramini, Robin	6/7/2004	Fax / DSL Line - First Qtr 04-05	$ 123.72	$ 123.72
Broomfield, Cristina	6/7/2004	DSL / Fax Line - First Qtr 04-05	$ 194.85	$ 194.85
Eisenbacher, David				
Howrylak, Martin F.	5/21/2004	Cancelled Fax Line - New Connection Unconfirmed		
Lambert, David	6/7/2004	Fax/ Data Line - First Qtr 04-05	$ 212.85	$ 212.85
Louise Schilling	6/7/200	DSL Line -Last Qtr 03-04 DSL Line -First Qtr 04-05	$ 89.95 89.95	$ 179.90
Stine, Jeanne M.	6/7/2004	Fax / DSL Line - First Qtr 04-05	$ 119.85	119.85
Total for Month				***$ 831.17***

NOTE: This report is presented in compliance with *Rules of Procedure for the City Council, Item 18. Miscellaneous Expenses*

Date Prepared: 7/15/2004
Final Preparation By: J. Nash

S://Finance/Template - City Council monthly expense report.xls

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Carolyn F. Glosby, Assistant City Attorney
DATE: August 3, 2004
SUBJECT: Barton Malow Co. v. Kmart Corp., City of Troy, et al.

We are pleased to advise that the City has been dismissed as a defendant in this civil action. Barton Malow initiated the lawsuit to enforce its construction lien, which was granted for the installation of a roof at Kmart's Data Center, located on Cunningham Drive in Troy. The City was named as a defendant, as required by the construction lien statute, solely because of its easement in the affected property. Our office monitored this case, and successfully sought dismissal of the City from this lawsuit. We were able to obtain a dismissal with prejudice.

Attached please find the July 21, 2004 order by Oakland County Circuit Court Judge Fred Mester dismissing the City from the case. Although the City has been dismissed, the lawsuit continues between Barton Malow, K-Mart, and Michigan Metal Walls, Inc.

Please advise if we may answer any further questions.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

BARTON MALOW COMPANY, a Michigan Corporation,

Plaintiff,

-v-

Case No. 03-050253-CH
Hon. Fred M. Mester

KMART CORPORATION, a Michigan Corporation, MICHIGAN METAL WALLS, INC., a Michigan Corporation, SHEFFIELD OFFICE, L.P., a Delaware limited partnership, MICHIGAN BELL TELEPHONE COMPANY, A Michigan Corporation, LUTHERN CHURCH OF THE MASTER, a Michigan charitable organization, And CITY OF TROY, a Michigan Municipal Corporation,

Defendants,

and

MICHIGAN METAL WALLS, INC., a Michigan Corporation,

Defendant/Counter-Claimant, Cross-Plaintiff,

-v-

BARTON MALOW COMPANY, a Michigan Corporation, Counter-Defendant; KMART CORP., a Michigan Corporation, SHEFFIELD OFFICE, L.P., a Delaware limited partnership, MICHIGAN BELL TELEPHONE CO., a Michigan Corporation, LUTHERN CHURCH OF THE MASTER, a Michigan charitable organization, and CITY OF TROY, a Michigan Municipal Corporation,

Defendants/Cross-Defendants.

DOUGLAS J. FRYER (P51765)
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Of the Master
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ALBERT CALILLE (P26819)
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Detroit, MI 48226
(313) 223-0964

ORDER FOR DISMISSAL WITH PREJUDICE

At a session of said Court held in the City of Pontiac, County of Oakland, State of Michigan, on _____ 2004

PRESENT: HONORABLE _____
Circuit Court Judge

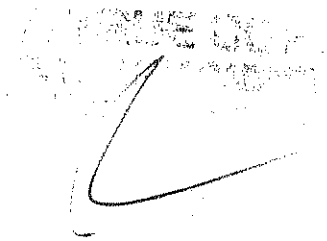
Pursuant to the stipulation executed by the parties in the above-captioned matter, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the easements held by Defendants, Ameritech Michigan, City of Troy, Sheffield Office LP, and Lutheran Church of the Master, shall be preserved in any judgment or other relief entered in this matter.

IT IS FURTHER HEREBY ORDERED that Defendants, Ameritech Michigan, City of Troy, Sheffield Office LP, and Lutheran Church of the Master, shall be dismissed with prejudice from all claims in this action, without costs or attorney fees to any party.

FRED M. [illegible]

Circuit Court Judge



-----Original Message-----
From: Symonenko, Elizabeth [mailto:elizabeth.symonenko@eds.com]
Sent: Monday, July 26, 2004 4:02 PM
To: huotariwj@ci.troy.mi.us
Subject: Sylvanwood Project

Dear Mr. Huotari:

I live at 589 Sylvanwood and know that I speak for all the residents of the street, when I say that we deeply appreciate all the hard work that was put in to the water main replacement and storm sewer work on our street.

The entire crew, City of Troy individuals, as well as the Giannetti crew were extremely cooperative and helpful. The big bulldozers didn't seem to mind too much when we would come driving down the street and they had to move out of our way.

I must, however, single out one person in particular who worked exceptionally hard to make the entire project the success that it was. This is Michael Dooley, who seems to have an unlimited amount of energy and holds firmly to the conviction that if it is worth doing, it is worth doing right. It is fair to say that without his help, this project would not have been nearly as successful as it was.

Mike was always willing to help each and every one of the residents of the street. Whether our concerns were valid or not, he took the time to stop and discuss them with us and explain what would be done to resolve it. We all knew that if we had a concern, we simply needed to look for the white city truck and wave Mike down. Some neighbors were worried about their mailboxes, others about their grass while others about the mud that was accumulating at the end of their driveways and messing up their garages. All these issues were taken at face value and resolved to everyone's satisfaction.

I personally, had a concern with my sump pump draining into the ditch. It had gotten blocked when the ditch was dug up. As I was mucking around in the mud through the drizzle trying to locate the drain, Mike was driving by and stopped, grabbed his shovel and dug it out for me. It was these small acts that made a world of difference to the residents of Sylvanwood. Mike was always being proactive and trying to solve any issues before they turned into valid concerns.

I would like to extend my appreciation to the whole crew for the wonderful job they did. Our street is even a more pleasant place then it was before.

Thank you.

X Ä|étuxà{ f çÅÉÇxÇ~É

Email: elizabeth.symonenko@eds.com
Phone: 248-265-8455
Address: EDS
750 Tower Drive
Troy, MI 48098

Microsoft CERTIFIED Systems Engineer

J-03b

Troy Police Dept.

This past Saturday, July 10th, was the "Motorcycles For Ministers" fundraiser ride at Kensington Community Church. It was a great success, and we wanted to thank the Troy police for the help in making it so. Thanks to Sgt. Redmond for his help in getting the necessary letters written and approved for us. Special thanks to officer Tim Garcher, who did a fantastic job leading the ride, and setting the pace. Officer Garcher even stayed after the ride to spend some time with the riders. It was great to have him there. He is a fine representation of the Troy Police department.

Sincerely,
Mark Foran
High Gear Riders Ministry,
Kensington Community Church
Troy
highgear@provide.net

Mark Foran
Barbara Ritsey Foran
Patricia Gibbons
Bill Gibbons
Jerry Staples
Greg Staples
Lisa Kuenert
Larry Kuenert

RECEIVED
Chief of Police
7/20/2004 CTC

Cc: City Manager
Capt. Murphy
Sgt Redmond / File
Off Garcher / File
Correspondence File
Bulletin Board

J-03c

Attention Chief Craft:

I would like to bring to your attention the remarkable job that was done by one of your officers. For the past two and half years we have been trying to see to the Parks and Recreation Dept.having the availabilitly to the area of a tree on City easement on the east side of Berkshire just north of Hempstead. The tree is dying and in need of care.
The last time that I called to have an old truck moved that has been in this area, a truck that does not run, Officer Minton finally got the attention of all involved and had the truck ticketed and then towed when there was no response to the ticket. This was something no one else was able to accomplish in two and half years, all though there was numerous responses by the Police and the Parks and Recreation Dept. The old truck had a current license plate and was moved from place to place, but always in the area of the tree when the Parks and Recreation Dept. would come. On the Parks and Recreation records it was noted to check periodically to see if the area was free of the truck so they could do there job. Always to no avail.

Thanks again to Officer Minton for a job well done.

The Wilson Family

Gertrude P. Wilson

RECEIVED
Chief of Police
7/26/2004 CR

CC: City Manager
Capt. Murphy
Sgt. Stout
Off. Minton
Dept. Files
BB

J-03d

CC: City Manager
Capt. Mayer
Lt. Schalwdc
Off. Reynolds
Dept. Files
BB's

RECEIVED
Chief of Police
7/26/2004 CTC

SAKS
FIFTH
AVENUE

GARY HAUFF
ASSET PROTECTION DETECTIVE

2901 W. BIG BEAVER ROAD TROY, MICHIGAN 48084
T: 248.614.3308

July 23, 2004

Dear Chief

This is a special note of thanks, over and above what our store may send you, regarding the excellent presentation today at Saks Fifth Avenue. Jay Reynolds was excellent, extremely professional and very thorough in his talk to the store on fraud. In a word, the employees loved him. He was fantastic!

Gary Hauff

August 2004

August 2004

S	M	T	W	T	F	S
1	2	**3**	**4**	5	6	7
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September 2004

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					August 1
2	3 **Election - State Primary** 7:30pm Planning - Study (Council Boardroom)	4 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm Persons w/Dis (Conference Room	5	6	7 8
9 7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	10 7:00pm Act 78-Hearing (Lower Level Conference Room) 7:30pm Planning Commission - Reg (Council Chamb	11 12:00pm Retirement System Board of Trustees (Conference Room C)	12 7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)	13	14 15
16	17 8:00am Historic District (Conference Room C) 7:30pm BZA (Chambers) 7:30pm BOARD OF ZONING APPEALS (Council C	18 7:30am DDA Meeting (Conference Room Lower Level)	19	20	21 22
23 7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	24 7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze	25 7:00pm Troy Youth (Conference Room Lower Level)	26	27	28 29
30	31				

8/23 PH Comm. Veh. Appeal 6471 Denton
8/23 PH Cobasys Abandonment/Ind Fac. District
8/23 PH ZOTA #202 Outside Stor./Comm. & Rec. Veh. Self/Stor. Fac.

J-5

September 2004

September 2004

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October 2004

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

October 2004

October 2004

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November 2004

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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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 LL) 7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		10
11	12	13	14	15	16
	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)		17
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	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) 7:00pm Cable Adv (Conference Room C)			24
25	26	27	28	29	30
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum)	7:00pm Troy Youth (Conference Room Lower Level)			31

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: August 5, 2004
SUBJECT: Political Sign Ordinance- Chapter 85-A of Troy City Code

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Chapter 78 of the Troy City ordinances sets forth the regulations for signs in the City. Under these provisions, certain signs are exempt from permit requirements. These exceptions include small signs (not more than two square feet in area), real estate signs, garage sale signs, non-commercial signs (not exceeding six square feet), and corporate flags. In addition, Chapter 85-A of the City of Troy ordinances allows for political signs without a permit.

The City has recently received a letter from the ACLU, criticizing Section 3 of the Political Signs Ordinance (Chapter 85-A), which provides:

3. Political Sign Control

(a) Political signs may be erected in addition to all other signs permitted by Chapter 78 without a permit if they comply with the provisions of this section. Permission shall be obtained from the property owners where signs are located.

(b) Uses: Political signs shall be solely for the purpose of providing information relating to the election of a person to public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body, or any other public issue or expression of opinion, and shall be permitted subject to the following conditions.

(1) Maximum Area and Number: No more than two (2) political signs shall be placed on any parcel of real property in one ownership and the area of each sign shall not exceed two and one half (2.5) square feet. Political Signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way. Political signs shall be ground or wall signs, no ground sign shall be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.

(2) No sign shall be erected or displayed earlier than thirty (30) days before an election or event to which it relates, and shall be removed within ten (10) calendar days after the event or election. Signs that express an opinion unrelated to an election date are limited to a period of display not to exceed thirty (30) days in one (1) calendar year on any parcel of real property in one ownership. Signs shall not be attached to any utility pole or be located within any public right- of- way.

(3) Such signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

The ACLU letter erroneously used an outdated version of Troy's ordinance for its legal analysis. However, the ACLU letter can be narrowed down to four areas where Troy ALLEGEDLY violates the First Amendment of the constitution: the number of allowed signs; the limitations on the size of each political sign, the time limitations for political signs and the separation of political signs from other types of signs.

A. Number of Allowed Signs

Troy's ordinance allows up to two political signs on any single piece of property. There is no distinction between residential and non-residential properties under Chapter 85-A. It is our opinion that there is no legal reason to amend the City's ordinance- which includes valid time, place, and manner restrictions. However, some members of City Council may wish to increase the allowable number of political signs, or may wish to provide different allowances for differing zoning districts. Some members of the public have advocated for an unlimited number of political signs. Others have requested one allowable sign per candidate or ballot question, which could result in several signs in a presidential election cycle. Others support the current ordinance, and others recommend a hybrid approach. If a majority of City Council seeks to amend this provision of the ordinance, then City Administration can compile a chart of the allowable political signs in other metro Detroit jurisdictions prior to any Council action on amendments. This compilation may be complicated, since some jurisdictions limit the total "face" amount, rather than limit the number of signs.

B. Limitations on Sizes of Political Signs

Troy's political sign ordinance limits the size of political signs to a maximum display area of 2 ½ square feet, and a height not to exceed 3 feet. For double- sided signs, the area of both sides is included in the area calculation. It is our opinion that this size limitation is a valid time, place and manner restriction, and therefore there is no legal reason to amend the City's ordinance. However, if a majority of City Council desires to allow larger political signs, then City Administration can research the ordinances of other jurisdictions to provide some additional guidance to City Council.

C. Time Limitations for Political Signs

Troy's political sign ordinance provides that political signs may not be displayed earlier than thirty (30) days before an election, and they must be removed within ten (10) calendar days after an election. In addition, signs that express an opinion unrelated to an election are limited to thirty (30) days of display per calendar year. Based on our research, it is our opinion that these provisions are valid time, place and manner restrictions that do not violate the First Amendment of the United States Constitution. However, if a majority of City Council desires to amend these sections of the ordinance, City Administration can provide some recommended language.

D. Segregation of Political Signs

Troy separates its political sign regulations from the other sign regulations. The ACLU letter challenges that this practice violates the constitutional requirement of content neutrality regulations. In support of this allegation, the ACLU relies almost exclusively on a 1996 opinion by Eastern District of Michigan Judge Anna Diggs Taylor in *Dimas v. City of Warren* (939 F. Supp. 545). This federal district court opinion is binding only on the City of Warren, since it was not appealed. Similarly, there is a recent district court case, *King Enterprises, Inc. v. Thomas Township*, 215 F. Supp. 891 (2004), which is similarly not binding on the City of Troy. The decisions in the *Dimas* and *King Enterprises cases* are based on how the courts interpreted the term "content neutral". Essentially, those courts opined that any regulation based on the type of sign,(e.g. political sign) are content based, subjecting the regulation to strict scrutiny. However, there are other court decisions that apply a different analysis when determining the content neutrality of an ordinance. The recent decision of the Michigan Court of Appeals in *Outdoor Systems Inc. v City of Clawson*, ___ Mich App ___; ___NW2d___ (2004), discussed the proper analysis for determining content neutrality:

> The principal inquiry in determining content neutrality, in speech cases generally and in time, place, or manner cases in particular, is whether the government has adopted a regulation of speech because of disagreement with the message it conveys. The government's purpose is the controlling consideration. A regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others. Government regulation of expressive activity is content neutral so long as it is "justified without reference to the content of the regulated speech." [*Ward v Rock Against Racism*, 491 U.S. 781, 791-792; 109 S Ct 2746; 105 L Ed 2d 661 (1989) (citations omitted).]

This published decision of the Michigan Court of Appeals is binding on the City of Troy, and therefore it is appropriate to utilize the analysis set forth in the *Outdoor Systems* case in determining the validity of Troy's ordinance. Applying such analysis, it is our opinion the City of Troy Political Sign Ordinance is content neutral because it does not regulate what may or may not be said on a particular political sign.

Since signs are a form of expression, any ordinance regulating signs must be drafted to insure the ordinance does not infringe upon freedom of speech as guaranteed by the First Amendment to the United States Constitution. *Metromedia, Inc. v City of San Diego*, 453 US 190; 101 S Ct 2882; 69 L Ed 2d 800 (1981). It is well-settled, however, that time, place and manner restrictions on expression are constitutionally permissible if they are justified without reference to the content of regulated speech, they serve a significant government interest, and they leave open ample alternative channels for communication of the information. *Gannett Outdoor Co. of Michigan v City of Troy*, 156 Mich App 126, 132-133; 409 NW2d 719 (1986). As a content neutral regulation, the time, place and manner restrictions set forth in Troy's political sign ordinance are valid if they serve a significant government interest and they leave open ample alternative channels for communication of the information. *Gannett*, 132-133. Chapter 78 of the Troy City Code reveals sign regulations in the City of Troy serve

many purposes including the promotion of traffic safety, prevention of visual obstruction, fostering the most appropriate uses of the land, and preserving and improving the appearance of the city. Such interests have been held sufficient governmental interest to support content neutral sign regulations. *Gannett*, 136; *Outdoor Systems*, *Inc*. Troy's ordinance also leaves open ample alternative channels for communication of information regarding political candidates and ideas. In addition to showing their support of candidates and expressing opinions on political signs in accordance with the ordinance, residents of Troy may also distribute literature concerning candidates, they may post signs and bumper stickers on automobiles, and they may freely express their ideas and political concerns using the newspaper and the internet. Thus the regulations set forth in Troy's ordinance are valid.

Please let us know if you should have any questions or if additional research would be helpful.

August 3, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: International City/County Management Association (ICMA) Citizen Survey

In my July 15, 2004 letter to you along with supporting documentation (which is attached for ease of reference) I asked for your advice on which additional questions, if any, should be incorporated in the survey. Succinctly, we're allowed to include three optional yes/no policy type questions in addition to the basic template of issues for a fee of $8,200. And we can include two open-ended questions for an additional amount of $1,250 each. The open-ended question would enable the resident surveyed to write a response.

To offer a starting point for our discussions, you may wish to consider the following policy issues that can be responded to in a yes/no fashion:

- Would you be in favor of reducing the level of City services to maintain the current tax rate?

- For quality of life services, should there be an increase in user fees before an increase in taxes is considered? Quality of life services pertain to Parks and Recreation, Library, Museum, and Nature Center.

- Would you be in favor of implementing new user fees where none currently exist? Examples pertain to Library, parks, and recreation uses/programs.

My rationale for offering these questions is twofold:

1) It's part of an ongoing dialogue we have relative to the budgetary process.

2) Local legislative policies can be defined as an allocation of community values. As such, an accurate read will let us know how the community views these issues.

In terms of the open-ended question, you may wish to address the issue of traffic congestion. This was the number one concern by respondents to the 1999 survey conducted by Market Measurement; so you may wish to ask the following:

- Our last survey conducted in 1999 indicated that traffic congestion was Troy's number one concern. How do you feel about this and how would you like the City of Troy to address traffic congestion?

Finally, we made some minor changes to the ICMA template to have a closer orientation to Troy. The proposed changes are attached to this memo.

I look forward to discussing this matter with you, and, as always, please feel free to call should you have any questions.

JS/mr\AGENDA ITEMS\2004\08.09.04 – ICMA Citizen Survey

c: Department Directors
Laura Fitzpatrick, Assistant to the City Manager

The City of Troy 2004 Citizen Survey

Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Please circle the response that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please circle the number that comes closest to your opinion for each of the following questions:

	excellent	good	fair	poor	don't know
How do you rate Troy as a place to live?	1	2	3	4	5
How do you rate your neighborhood as a place to live?	1	2	3	4	5
How do you rate Troy as a place to raise children?	1	2	3	4	5
How do you rate Troy as a place to retire?	1	2	3	4	5
How do you rate the overall quality of life in Troy?	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to Troy as a whole:

	excellent	good	fair	poor	don't know
Sense of community	1	2	3	4	5
Openness and acceptance of the community towards people of diverse backgrounds	1	2	3	4	5
Overall appearance of Troy	1	2	3	4	5
Opportunities to attend cultural activities	1	2	3	4	5
Shopping opportunities	1	2	3	4	5
Recreational opportunities	1	2	3	4	5
Job opportunities	1	2	3	4	5
Access to affordable quality housing	1	2	3	4	5
Access to affordable quality child care	1	2	3	4	5
Ease of car travel in Troy	1	2	3	4	5
Ease of bus travel in Troy	1	2	3	4	5
Ease of bicycle travel in Troy	1	2	3	4	5
Ease of walking in Troy	1	2	3	4	5

3. Please rate the speed of growth in the following categories in Troy over the past 2 years:

	much too slow	somewhat too slow	right amount	somewhat too fast	much too fast	don't know
Population growth	1	2	3	4	5	6
Retail growth (stores, restaurants etc.)	1	2	3	4	5	6
Jobs growth	1	2	3	4	5	6

4. To what degree, if at all, are the following problems in Troy:

	not a problem	minor problem	moderate problem	major problem	don't know
Crime	1	2	3	4	5
Drugs	1	2	3	4	5
Too much growth	1	2	3	4	5
Lack of growth	1	2	3	4	5
Graffiti	1	2	3	4	5
Noise	1	2	3	4	5
Run down buildings, weed lots, or junk vehicles	1	2	3	4	5
Taxes	1	2	3	4	5
Traffic congestion	1	2	3	4	5
Unsupervised youth	1	2	3	4	5
Homelessness	1	2	3	4	5

5. Please rate how safe you feel from the following occurring to you in Troy:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know
Violent crime (e.g., rape, assault, robbery)	1	2	3	4	5	6
Property crimes (e.g., burglary, theft)	1	2	3	4	5	6
Fire	1	2	3	4	5	6

6. Please rate how safe you feel:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know
In your neighborhood during the day	1	2	3	4	5	6
In your neighborhood after dark	1	2	3	4	5	6
In Troy's shopping/commercial area during the day	1	2	3	4	5	6
In Troy's shopping/commercial area after dark	1	2	3	4	5	6
In Troy's parks during the day	1	2	3	4	5	6
In Troy's parks after dark	1	2	3	4	5	6

7. During the past twelve months, were you or anyone in your household the victim of any crime?

❑ no *[go to question #9]* ❑ yes *[go to question #8]* ❑ don't know

8. If yes, was this crime (these crimes) reported to the police?

❑ no ❑ yes ❑ don't know

9. In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in Troy?

	never	once or twice	3 to 12 times	13 to 26 times	more than 26 times
Used Troy public libraries or their services	1	2	3	4	5
Used Troy recreation centers	1	2	3	4	5
Visited the Troy Historical Museum	1	2	3	4	5
Visited one of Troy's golf courses	1	2	3	4	5
Participated in a recreation program or activity	1	2	3	4	5
Visited a neighborhood or City park	1	2	3	4	5
Ridden a local bus within Troy	1	2	3	4	5
Attended a meeting of local elected officials or other local public meeting	1	2	3	4	5
Watched a meeting of local elected officials or other local public meeting on cable television	1	2	3	4	5
Recycled used paper, cans or bottles from your home	1	2	3	4	5
Volunteered your time to some group/activity in Troy	1	2	3	4	5
Read Troy Today Newsletter	1	2	3	4	5
Used the Internet for anything	1	2	3	4	5
Used the Internet to conduct business with the City of Troy	1	2	3	4	5
Purchased an item over the Internet	1	2	3	4	5

10. How do you rate the quality of each of the following services in Troy?

	excellent	good	fair	poor	don't know
Police services	1	2	3	4	5
Fire services	1	2	3	4	5
Ambulance/emergency medical services	1	2	3	4	5
Crime prevention	1	2	3	4	5
Fire prevention and education	1	2	3	4	5
Traffic enforcement	1	2	3	4	5
Garbage collection	1	2	3	4	5
Recycling	1	2	3	4	5
Yard waste pick-up	1	2	3	4	5
Street repair	1	2	3	4	5
Street cleaning	1	2	3	4	5
Street lighting	1	2	3	4	5
Snow removal	1	2	3	4	5
Sidewalk maintenance	1	2	3	4	5
Traffic signal timing	1	2	3	4	5
Amount of public parking	1	2	3	4	5
Bus/transit services	1	2	3	4	5
Storm drainage	1	2	3	4	5
Nature Center	1	2	3	4	5
Sewer services	1	2	3	4	5
City parks	1	2	3	4	5
Recreation programs or classes	1	2	3	4	5
Range/variety of recreation programs and classes	1	2	3	4	5
Recreation centers/facilities	1	2	3	4	5
Accessibility of parks	1	2	3	4	5
Accessibility of recreation centers/facilities	1	2	3	4	5
Appearance/maintenance of parks	1	2	3	4	5
Appearance of recreation centers/facilities	1	2	3	4	5
Land use, planning and zoning	1	2	3	4	5
Code enforcement (weeds, abandoned buildings, etc)	1	2	3	4	5
Animal control	1	2	3	4	5
Economic development	1	2	3	4	5
Services to seniors	1	2	3	4	5
Services to youth	1	2	3	4	5
Services to low-income people	1	2	3	4	5
Public library services	1	2	3	4	5
Variety of library materials	1	2	3	4	5
Public information services	1	2	3	4	5
Public schools	1	2	3	4	5
Cable television	1	2	3	4	5
Troy Museum	1	2	3	4	5

11. Overall, how would you rate the quality of the services provided by...

	excellent	good	fair	poor	don't know
The City of Troy?	1	2	3	4	5
The Federal Government?	1	2	3	4	5
The State Government?	1	2	3	4	5

12. Have you had any in-person or phone contact with an employee of the City of Troy within the last 12 months (including police, receptionists, planners or any others)?

❑ no *[go to question #14]* ❑ yes *[go to question #13]*

13. What was your impression of employees of the City of Troy in your most recent contact? (Rate each characteristic below.)

	excellent	good	fair	poor	don't know
Knowledge	1	2	3	4	5
Responsiveness	1	2	3	4	5
Courtesy	1	2	3	4	5
Overall impression	1	2	3	4	5

14. Please rate the following statements by circling the number that most clearly represents your opinion:

	strongly agree	somewhat agree	neither agree nor disagree	somewhat disagree	strongly disagree	don't know
I receive good value for the City of Troy taxes I pay	1	2	3	4	5	6
I am pleased with the overall direction that the City of Troy is taking	1	2	3	4	5	6
The City of Troy government welcomes citizen involvement	1	2	3	4	5	6
The City of Troy government listens to citizens	1	2	3	4	5	6

15. What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:

❑ very positive ❑ somewhat positive ❑ neutral ❑ somewhat negative ❑ very negative

16. Please check the response that comes closest to your opinion for each of the following questions:

a. Would you be in favor of reducing the level of City services to maintain the current tax rate?
❑ yes ❑ no ❑ don't know

b. For Quality of Life Services (Parks & Recreation/Library/Museum/Nature Center) should there be an increase in user fees before an increase in taxes?
❑ yes ❑ no ❑ don't know

c. Would you be in favor of implementing new user fees (Library, Parks & Recreation uses/programs) where none currently exist?
❑ yes ❑ no ❑ don't know

d. Our last survey conducted in 1999 indicated that traffic congestion was Troy's #1 concern. How do you feel about this and how would you like the City of Troy to address traffic congestion?

_____

_____

_____

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

17. Do you live within the City limits of the City of Troy?

❑ no ❑ yes

18. Are you currently employed?

❑ no *[go to question #19]* ❑ yes *[go to question #18a]*

18a. What one method of transportation do you *usually* use (for the longest distance of your commute) to travel to work?

❑ Motorized vehicle (e.g. car, truck, van, motorcycle etc…)
❑ Bus, Rail, Subway, or other public transportation
❑ Walk
❑ Work at home
❑ Other

18b. If you checked the motorized vehicle (e.g. car, truck, van, motorcycle, etc.) box in 18a, do other people (adults or children) *usually* ride with you to or from work?

❑ no ❑ yes

19. How many years have you lived in Troy?

❑ less than 2 years
❑ 2-5 years
❑ 6-10 years
❑ 11-20 years
❑ more than 20 years

20. Which best describes the building you live in?

❑ one family house detached from any other houses
❑ house attached to one or more houses (e.g. a duplex or townhome)
❑ building with two or more apartments or condominiums
❑ mobile home
❑ other

21. Is this house, apartment, or mobile home...

❑ rented for cash or occupied without cash payment?
❑ owned by you or someone in this house with a mortgage or free and clear?

22. Do any children 12 or under live in your household?

❑ no ❑ yes

23. Do any teenagers aged between 13 and 17 live in your household?

❑ no ❑ yes

24. Are you or any other members of your household aged 65 or older?

❑ no ❑ yes

25. Does any member of your household have a physical handicap or is anyone disabled?

❑ no ❑ yes

26. What is the highest degree or level of school you have completed? (mark one box)

❑ 12th Grade or less, no diploma
❑ high school diploma
❑ some college, no degree
❑ associate's degree (e.g. AA, AS)
❑ bachelor's degree (e.g. BA, AB, BS)
❑ graduate degree or professional degree

27. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)

❑ less than $24,999
❑ $25,000 to $49,999
❑ $50,000 to $99,999
❑ $100,000 or more

28. Are you Spanish/Hispanic/Latino?

❑ no ❑ yes

29. What is your race? (Mark one or more races to indicate what race you consider yourself to be)

❑ American Indian or Alaskan native
❑ Asian or Pacific Islander
❑ Black, African American
❑ White/Caucasian
❑ Other

30. In which category is your age?

❑ 18-24 years
❑ 25-34 years
❑ 35-44 years
❑ 45-54 years
❑ 55-64 years
❑ 65-74 years
❑ 75 years or older

31. What is your sex?

❑ female ❑ male

32. Are you registered to vote in your jurisdiction?

❑ no ❑ yes ❑ don't know

33. Did you vote in the last election?

❑ no ❑ yes ❑ don't know

34. Are you likely to vote in the next election?

❑ no ❑ yes ❑ don't know

Thank you for completing this survey. Please return the completed survey in the postage paid envelope to: National Research Center, Inc., 3005 30th St., Boulder, CO 80301

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July 15, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: International City/County Management Association (ICMA) Citizen Survey

The International City/County Management Association (ICMA) has partnered with National Research Center, Inc., a professional survey organization, to develop and test a survey template that combines standard and customized questions. As a result, ICMA members can take advantage of a national citizen survey at a fraction of the cost of most consultant surveys. Over 350 other governmental agencies have availed themselves of the service for ICMA members.

For the fee of $8,200 the National Citizen Survey basic service offers us:

1) Customized survey form with three optional questions
2) Three mailings with 1,200 randomly selected households
3) A margin of error (95% confidence interval) of no more than plus or minus five percentage points
4) Three reports: Executive Summary, Statistical Analysis of Survey Results, and Optional Comparison with National Norms
5) Technical assistance by phone and email

As stated above, we're allowed to include three optional questions. And I'd like your advice on which questions we should ask. So too, for inclusion of an open-ended question we would pay an additional $1,250. The open-ended question would enable the resident surveyed to write a response.

Please review the template survey and determine if additional questions should be included. We'll then discuss this matter as a study item for either the August 9 or 23 Council meeting, depending upon Agenda length.

In closing, please know that funds are budgeted for this project in the Community Affairs Department's consultant services account; number 748.7816.010. Once we're set on the questions, I'll have staff register the City of Troy to have the ICMA survey mailed October 25, 2004.

c: John M. Lamerato, Assistant City Manager/Finance & Administration
Cynthia Stewart, Community Affairs Director
Steven J. Vandette, Acting Assistant City Manager/Services

JS/mr\AGENDA ITEMS\2004.07.19.04 – ICMA Citizen Survey

Timeline for The National Citizen Survey™ September 2004 Class

Legend: ◄ Indicates when items **from NRC are due to you** ► Indicates when items **from you are due to NRC** ♦ Indicates information items

Item	Week	Actual Dates
Preparing for the survey		
♦ The NCS survey process is initiated upon receipt of your enrollment form and first payment	week 1	Sept 6
◄ NRC mails you The NCS worksheet packet	week 2	Sept 13
► Due to NRC: Worksheets and additional payment for add-on options	week 4	Sept 27
♦ NRC uses the information you provided to generate the sample and customize the survey instrument for your jurisdiction	weeks 5-6	Oct 4-Oct 11
◄ NRC provides confirmation documents about options selected by your jurisdiction and a sample of the postcard and mailing envelope for your records	week 5	Oct 4
► Due to NRC: Confirmation of options selected.	week 6	Oct 11
◄ NRC provides samples of survey materials (cover letters and survey instrument) for your records	week 6	Oct 11
♦ NRC prints materials and prepares mailings	weeks 5-6	Oct 4- Oct 11
◄ NRC mails evaluation questionnaire and timesheet about the data collection process to you	week 7	Oct 18
Conducting the survey		
♦ Survey materials are mailed		
♦ Prenotification postcards delivered to post office	week 7	Oct 18
♦ 1st wave of surveys delivered to post office	week 8	Oct 25
♦ 2nd wave of surveys delivered to post office	week 9	Nov 1
♦ Data collection: surveys received for your jurisdiction	weeks 8-12	Oct 25-Nov 22
♦ *Note 1*: During this time, you will receive postcards that were undeliverable due to bad addresses, or vacant housing units. This is normal. Please count all the postcards, as we will subtract the number of returned postcards from the total number mailed to estimate the number of "eligible" households in calculating the final response rate.		
♦ *Note 2*: You may receive phone calls from citizens during this time period who call to inform you they are outside of your jurisdiction's boundaries, or that they do not wish to receive additional mailings, etc. Please reassure them that their household was randomly selected, and while they may receive a total of three mailings from you, they will not receive any additional mailings after that time.		
► Due to NRC: evaluation questionnaire and timesheet about the data collection process	week 12	Nov 22
► Due to NRC: Final count of returned postcards	week 12	Nov 22
♦ Survey processing and report writing	week 12-14	Nov 22-Dec 6
♦ During this time, NRC will process the surveys, perform the data analysis, and produce a two-part draft report for your jurisdiction. The report of results will contain a description of the methodology, information on understanding the results, and graphs and tables of your results. The second report will include a description of NRC's database of normative data from across the U.S. and actual comparisons to your results, where appropriate.		
◄ NRC emails draft report (in PDF format) to you	week 15	Dec 13
► Due to NRC: jurisdiction feedback on the draft report	week 16	Dec 20
◄ NRC mails final report and data file to you (unless otherwise specified)	week 17	Dec 27
◄ NRC mails final invoice to you	week 17	Dec 27
◄ NRC mails final evaluation questionnaire and timesheet to you	week 17	Dec 27
► Due to NRC: Final half of costs of The NCS	week 18	Jan 3
► Due to NRC: completed final evaluation questionnaire and timesheet	week 18	Jan 3

THE NATIONAL CITIZEN SURVEY™

Why Survey? Some Talking Points

You as a manager know that citizen surveying is a "power tool" for performance evaluation and improvement, but you also know that power tools carry risks and many elected officials are cautious about using them.

A few talking points may help you explain why citizen surveying is not only a good idea but also a necessity for today's responsive local government.

1. Citizen surveying bridges the gap between the government and citizens who don't come to meetings, but do vote, pay taxes, and make decisions about where to live and build their businesses.

2. The best way to encourage good performance is to measure it, and the best indicator of government performance is citizen satisfaction. Two out of three local governments that monitor their contracts use citizen satisfaction as a guide.

3. Surveying is how you measure progress. Surveying is not a one-time event. You start a trend line with your first survey. In following years, declining scores tell you where to focus improvements; rising scores reward departments that are improving.

4. Surveys done by professionals come with analysis and explanation that put local scores in perspective. Surveys done by outside consultants are free of bias and establish a neutral benchmark that all parties can accept.

5. Surveying is always done in the context of planning for the future—balancing priorities, setting new objectives, preparing the next budget, improving services. You create, you measure; you refine, you reassess. Strong management demands a credible feedback system.

6. The cost of surveying is repaid with interest in terms of citizen satisfaction with government, staff commitment to change, and conservation of resources.

ICMA makes available several resources for you to use in working with your elected officials to decide whether to survey citizens and whether to use The National Citizen Survey™. See The NCS™ webpage at icma.org/ncs for

- Articles on surveying and The NCS™
- Answers to frequently asked questions about The NCS™
- A PowerPoint presentation on The NCS™
- And many more materials.

The XYZ of ABC 2003 Citizen Survey

Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Please circle the response that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please circle the number that comes closest to your opinion for each of the following questions:

	excellent	good	fair	poor	don't know
How do you rate ABC as a place to live?	1	2	3	4	5
How do you rate your neighborhood as a place to live?	1	2	3	4	5
How do you rate ABC as a place to raise children?	1	2	3	4	5
How do you rate ABC as a place to retire?	1	2	3	4	5
How do you rate the overall quality of life in ABC?	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to ABC as a whole:

	excellent	good	fair	poor	don't know
Sense of community	1	2	3	4	5
Openness and acceptance of the community towards people of diverse backgrounds	1	2	3	4	5
Overall appearance of ABC	1	2	3	4	5
Opportunities to attend cultural activities	1	2	3	4	5
Shopping opportunities	1	2	3	4	5
Air quality	1	2	3	4	5
Recreational opportunities	1	2	3	4	5
Job opportunities	1	2	3	4	5
Access to affordable quality housing	1	2	3	4	5
Access to affordable quality child care	1	2	3	4	5
Access to affordable quality health care	1	2	3	4	5
Ease of car travel in ABC	1	2	3	4	5
Ease of bus travel in ABC	1	2	3	4	5
Ease of rail/subway travel in ABC	1	2	3	4	5
Ease of bicycle travel in ABC	1	2	3	4	5
Ease of walking in ABC	1	2	3	4	5

3. Please rate the speed of growth in the following categories in ABC over the past 2 years:

	much too slow	somewhat too slow	right amount	somewhat too fast	much too fast	don't know
Population growth	1	2	3	4	5	6
Retail growth (stores, restaurants etc.)	1	2	3	4	5	6
Jobs growth	1	2	3	4	5	6

4. To what degree, if at all, are the following problems in ABC:

	not a problem	minor problem	moderate problem	major problem	don't know
Crime	1	2	3	4	5
Drugs	1	2	3	4	5
Too much growth	1	2	3	4	5
Lack of growth	1	2	3	4	5
Graffiti	1	2	3	4	5
Noise	1	2	3	4	5
Run down buildings, weed lots, or junk vehicles	1	2	3	4	5
Taxes	1	2	3	4	5
Traffic congestion	1	2	3	4	5
Unsupervised youth	1	2	3	4	5
Homelessness	1	2	3	4	5
Weeds	1	2	3	4	5

5. Please rate how safe you feel from the following occurring to you in ABC:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know
Violent crime (e.g., rape, assault, robbery)	1	2	3	4	5	6
Property crimes (e.g., burglary, theft)	1	2	3	4	5	6
Fire	1	2	3	4	5	6

6. Please rate how safe you feel:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know
In your neighborhood during the day	1	2	3	4	5	6
In your neighborhood after dark	1	2	3	4	5	6
In ABC's downtown area during the day	1	2	3	4	5	6
In ABC's downtown area after dark	1	2	3	4	5	6
In ABC's parks during the day	1	2	3	4	5	6
In ABC's parks after dark	1	2	3	4	5	6

7. During the past twelve months, were you or anyone in your household the victim of any crime?

❑ no *[go to question #9]* ❑ yes *[go to question #8]* ❑ don't know

8. If yes, was this crime (these crimes) reported to the police?

❑ no ❑ yes ❑ don't know

9. In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in ABC?

	never	once or twice	3 to 12 times	13 to 26 times	more than 26 times
Used ABC public libraries or their services	1	2	3	4	5
Used ABC recreation centers	1	2	3	4	5
Participated in a recreation program or activity	1	2	3	4	5
Visited a neighborhood or XYZ park	1	2	3	4	5
Ridden a local bus within ABC	1	2	3	4	5
Attended a meeting of local elected officials or other local public meeting	1	2	3	4	5
Watched a meeting of local elected officials or other local public meeting on cable television	1	2	3	4	5
Recycled used paper, cans or bottles from your home	1	2	3	4	5
Volunteered your time to some group/activity in ABC	1	2	3	4	5
Read ABC Newsletter	1	2	3	4	5
Used the Internet for anything	1	2	3	4	5
Used the Internet to conduct business with ABC	1	2	3	4	5
Purchased an item over the Internet	1	2	3	4	5

10. How do you rate the quality of each of the following services in ABC?

	excellent	good	fair	poor	don't know
Police services	1	2	3	4	5
Fire services	1	2	3	4	5
Ambulance/emergency medical services	1	2	3	4	5
Crime prevention	1	2	3	4	5
Fire prevention and education	1	2	3	4	5
Traffic enforcement	1	2	3	4	5
Garbage collection	1	2	3	4	5
Recycling	1	2	3	4	5
Yard waste pick-up	1	2	3	4	5
Street repair	1	2	3	4	5
Street cleaning	1	2	3	4	5
Street lighting	1	2	3	4	5
Snow removal	1	2	3	4	5
Sidewalk maintenance	1	2	3	4	5
Traffic signal timing	1	2	3	4	5
Amount of public parking	1	2	3	4	5
Bus/transit services	1	2	3	4	5
Storm drainage	1	2	3	4	5
Drinking water	1	2	3	4	5
Sewer services	1	2	3	4	5
XYZ parks	1	2	3	4	5
Recreation programs or classes	1	2	3	4	5
Range/variety of recreation programs and classes	1	2	3	4	5
Recreation centers/facilities	1	2	3	4	5
Accessibility of parks	1	2	3	4	5
Accessibility of recreation centers/facilities	1	2	3	4	5
Appearance/maintenance of parks	1	2	3	4	5
Appearance of recreation centers/facilities	1	2	3	4	5
Land use, planning and zoning	1	2	3	4	5
Code enforcement (weeds, abandoned buildings, etc)	1	2	3	4	5
Animal control	1	2	3	4	5
Economic development	1	2	3	4	5
Health services	1	2	3	4	5
Services to seniors	1	2	3	4	5
Services to youth	1	2	3	4	5
Services to low-income people	1	2	3	4	5
Public library services	1	2	3	4	5
Variety of library materials	1	2	3	4	5
Public information services	1	2	3	4	5
Municipal courts	1	2	3	4	5
Public schools	1	2	3	4	5
Cable television	1	2	3	4	5

11. Overall, how would you rate the quality of the services provided by...

	excellent	good	fair	poor	don't know
The XYZ of ABC?	1	2	3	4	5
The Federal Government?	1	2	3	4	5
The State Government?	1	2	3	4	5

12. Have you had any in-person or phone contact with an employee of the XYZ of ABC within the last 12 months (including police, receptionists, planners or any others)?

❑ no *[go to question #14]* ❑ yes *[go to question #13]*

13. What was your impression of employees of the XYZ of ABC in your most recent contact? (Rate each characteristic below.)

	excellent	good	fair	poor	don't know
Knowledge	1	2	3	4	5
Responsiveness	1	2	3	4	5
Courtesy	1	2	3	4	5
Overall impression	1	2	3	4	5

14. Please rate the following statements by circling the number that most clearly represents your opinion:

	strongly agree	somewhat agree	neither agree nor disagree	somewhat disagree	strongly disagree	don't know
I receive good value for the XYZ of ABC taxes I pay	1	2	3	4	5	6
I am pleased with the overall direction that the XYZ of ABC is taking	1	2	3	4	5	6
The XYZ of ABC government welcomes citizen involvement	1	2	3	4	5	6
The XYZ of ABC government listens to citizens	1	2	3	4	5	6

15. What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:

❑ very positive ❑ somewhat positive ❑ neutral ❑ somewhat negative ❑ very negative

16. Please check the response that comes closest to your opinion for each of the following questions:

a. Policy Question #1

❑ scale point 1 ❑ scale point 4
❑ scale point 2 ❑ scale point 5
❑ scale point 3 ❑ scale point 6

b. Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2 Policy Question #2

❑ scale point 1 ❑ scale point 4
❑ scale point 2 ❑ scale point 5
❑ scale point 3 ❑ scale point 6

c. Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3 Policy Question #3

❑ scale point 1 ❑ scale point 4
❑ scale point 2 ❑ scale point 5
❑ scale point 3 ❑ scale point 6

d. OPTIONAL [See Worksheets for details and price of this option] Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question Open-Ended Question

_____

_____

_____

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

17. Do you live within the XYZ limits of the XYZ of ABC?

❑ no ❑ yes

18. Are you currently employed?

❑ no *[go to question #19]* ❑ yes *[go to question #18a]*

18a. What one method of transportation do you *usually* use (for the longest distance of your commute) to travel to work?

❑ Motorized vehicle (e.g. car, truck, van, motorcycle etc…)
❑ Bus, Rail, Subway, or other public transportation
❑ Walk
❑ Work at home
❑ Other

18b. If you checked the motorized vehicle (e.g. car, truck, van, motorcycle, etc.) box in 18a, do other people (adults or children) *usually* ride with you to or from work?

❑ no ❑ yes

19. How many years have you lived in ABC?

❑ less than 2 years ❑ 11-20 years
❑ 2-5 years ❑ more than 20 years
❑ 6-10 years

20. Which best describes the building you live in?

❑ one family house detached from any other houses
❑ house attached to one or more houses (e.g. a duplex or townhome)
❑ building with two or more apartments or condominiums
❑ mobile home
❑ other

21. Is this house, apartment, or mobile home...

❑ rented for cash or occupied without cash payment?
❑ owned by you or someone in this house with a mortgage or free and clear?

22. Do any children 12 or under live in your household?

❑ no ❑ yes

23. Do any teenagers aged between 13 and 17 live in your household?

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❑ no ❑ yes

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26. What is the highest degree or level of school you have completed? (mark one box)

❑ 12th Grade or less, no diploma
❑ high school diploma
❑ some college, no degree
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27. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)

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❑ $25,000 to $49,999
❑ $50,000 to $99,999
❑ $100,000 or more

28. Are you Spanish/Hispanic/Latino?

❑ no ❑ yes

29. What is your race? (Mark one or more races to indicate what race you consider yourself to be)

❑ American Indian or Alaskan native
❑ Asian or Pacific Islander
❑ Black, African American
❑ White/Caucasian
❑ Other

30. In which category is your age?

❑ 18-24 years ❑ 55-64 years
❑ 25-34 years ❑ 65-74 years
❑ 35-44 years ❑ 75 years or older
❑ 45-54 years

31. What is your sex?

❑ female ❑ male

32. Are you registered to vote in your jurisdiction?

❑ no ❑ yes ❑ don't know

33. Did you vote in the last election?

❑ no ❑ yes ❑ don't know

34. Are you likely to vote in the next election?

❑ no ❑ yes ❑ don't know

Thank you for completing this survey. Please return the completed survey in the postage paid envelope to: National Research Center, Inc., 3005 30th St., Boulder, CO 80301

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