AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

DECEMBER 20, 2004

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Goals

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

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

Respectfully submitted,

John Szerlag, City Manager

CITY COUNCIL

AGENDA

December 20, 2004 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Dennis Wegner – Troy Church of the Nazarene 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: None Scheduled 1

CARRYOVER ITEMS: 1

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b) December 10, 2004 8
c) December 11, 2004 8

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Dennis Wegner – Troy Church of the Nazarene

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 **Presentations:** None Scheduled

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 **Commercial Vehicle Appeal – 6903 John R**

Suggested Resolution
Resolution #2004-12-
Moved by
Seconded by

RESOLUTION A FOR APPROVAL

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:_____
_____
_____

NOW, THEREFORE, BE IT RESOLVED, That the request from Elena Minetos, 6903 John R, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Peterbuilt semi tractor in a residential district is hereby **APPROVED** for _____ _____(not to exceed two years).

RESOLUTION B FOR DENIAL

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Elena Minetos, 6903 John R, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Peterbuilt semi tractor in a residential district is hereby **DENIED**.

Yes:

No:

C-2 Commercial Vehicle Appeal – 1263 Wrenwood

Suggested Resolution
Resolution #2004-12-
Moved by
Seconded by

RESOLUTION A FOR APPROVAL

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:_____
_____
_____

NOW, THEREFORE, BE IT RESOLVED, That the request from Jane Bulak-Ramsden, 1263 Wrenwood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet cube van in a residential district is hereby **APPROVED** for _____(not to exceed two years).

RESOLUTION B FOR DENIAL

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Jane Bulak-Ramsden, 1263 Wrenwood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet cube van in a residential district is hereby **DENIED**.

Yes:
No:

C-3 Commercial Vehicle Appeal – 2875 Bywater

Suggested Resolution
Resolution #2004-12-
Moved by
Seconded by

RESOLUTION A FOR APPROVAL

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:_____
_____
_____

NOW, THEREFORE, BE IT RESOLVED, That the request from Raad Makisi, 2875 Bywater, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford box truck in a residential district is hereby **APPROVED** for _____ _____(not to exceed two years).

RESOLUTION B FOR DENIAL

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Raad Makisi, 2875 Bywater, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford box truck in a residential district is hereby **DENIED**.

Yes:
No:

C-4 Rezoning Application – South Side of South Boulevard, West Side of Rochester Road, Section 3 – R-1C to R-1T (Z 698)

Suggested Resolution
Resolution #2004-12-
Moved by
Seconded by

RESOLVED, That the R-1C to R-1T rezoning request, located on the south side of South Boulevard, west side of Rochester Road, Section 3, being 2.31 acres in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

Yes:
No:

C-5 Street Vacation Application (SV 179) – A Portion of Alger Street Right-Of-Way, Located Between Birchwood and Vermont, Located West of John R Road, North of Maple Road – Section 26

Suggested Resolution
Resolution #2004-12-
Moved by
Seconded by

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted public Alger Street, extending north approximately 260 feet from Birchwood Street to Vermont Street, and within the John R Garden Subdivision, Section 26 (Liber 44, page 27 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this requested vacation include abutting lots 409, 410, 433 and 434 of John R Garden Subdivision; and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted subject to the following conditions:

1. The house at 1767 Alger Street shall be demolished prior to final vacation.
2. The City shall retain the southern 5 feet of the Alger Street right-of-way for the purpose of establishing a 60-foot right-of-way on Birchwood.

NOW, THEREFORE, BE IT RESOLVED, That the City Council **CONCURS** in the recommendations of City Management and the Planning Commission; and,

BE IT FURTHER RESOLVED, That final action on this street vacation request shall be **TAKEN** by the City Council, after the petitioner has met the two conditions.

Yes:
No:

POSTPONED ITEMS:

D-1 Commercial Vehicle Appeal – 1855 Boulan

Resolution
Moved by Howrylak
Seconded by Eisenbacher

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following conditions, justifying the granting of a variance:

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Sergiu Botezan, 1855 Boulan, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet cube van in a residential district is hereby **APPROVED** for one-year.

Proposed Resolution to Amend

Resolution
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "and that the vehicle be parked in an area directly behind the house" **AFTER** "one-year".

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 #2004-12-
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

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E-2 Approval of City Council Minutes

a) December 6, 2004
b) December 10, 2004
c) December 11, 2004

Suggested Resolution
Resolution #2004-12-

RESOLVED, That the Minutes of the Regular Meeting of December 6, 2004 and the Special Meetings of December 10, 2004 and December 11, 2004, be **APPROVED** as submitted.

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

E-4 Troy Golf, LLC – Final Contract Reconciliation and Payment

Suggested Resolution
Resolution #2004-12-

RESOLVED, That final contract reconciliation and payment to Troy Golf, LLC is **APPROVED** in the estimated amount $220,000.

E-5 Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Brick Paver Project

Suggested Resolution
Resolution #2004-12-

RESOLVED, That a contract to complete the brick paver project at the Troy Museum and Historic Village is hereby **AWARDED** to the lowest bidder meeting specifications, Mueller's Sunrise Nursery, Inc. of Shelby Township, MI at an estimated total cost of $50,290.00, for completion in the Spring of 2005.

BE IT FURTHER RESOLVED, That the award is contingent upon the vendor submission of proper contract and bid documents, including insurance certificates, bonds, 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 $5,029.00.

E-6 Application to Transfer Ownership of a Class C Liquor License – Brinker Michigan, Inc. (Chili's Restaurant)

Suggested Resolution
Resolution #2004-12-

(a) License Transfer

Suggested Resolution
Resolution #2004-

RESOLVED, That the request from Brinker Michigan, Inc. (a Delaware Corporation) to transfer ownership of a 2004 Class C licensed business, located at 402 W. Fourteen Mile, Troy, Michigan 48083, in Oakland County, from Brinker Restaurant Corporation; be **CONSIDERED FOR APPROVAL**.

It is the consensus of this legislative body that the application be **RECOMMENDED** "above all others" for issuance.

Yes:
No:

(b) Agreement

Suggested Resolution
Resolution #2004-

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Brinker Michigan, Inc. (a Delaware Corporation) to transfer ownership of a 2004 Class C licensed business, located at 402 W. Fourteen Mile, Troy, Michigan 48083, in Oakland County, from Brinker Restaurant Corporation; and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

E-7 Request for Approval for a Price Differential Payment and Moving Costs, Emad and Niran Youno, 2955 Thames, Sidwell #88-20-25-229-005, Big Beaver Improvements, Rochester to Dequindre Road – Project #01.105.5

Suggested Resolution
Resolution #2004-12-

RESOLVED, That as required by Michigan Laws and Federal Regulations, a price differential payment, not to exceed $19,500.00, and a moving payment of $3,997.15 is hereby **APPROVED** to be paid to Emad and Niran Youno as part of the relocation payments for relocating from 2955 Thames, having Sidwell # 88-20-25-229-005, which was acquired by the City of Troy for the Big Beaver to Dequindre Road Improvement Project.

E-8 Request for Approval A Price Differential Payment and Moving Costs, Saoud Jamo and Nidhal Jamo, 2907 Thames, Sidwell #88-20-25-229-001, Big Beaver, Rochester to Dequindre Road Project #01.105.5

Suggested Resolution
Resolution #2004-12-

RESOLVED, That as required by Michigan Laws and Federal Regulations, a price differential payment, not to exceed $18,900.00, and a fixed moving payment not to exceed $1,800.00, or not to exceed the lowest of 3 estimates for a commercial move is hereby **APPROVED** to be paid to Saoud Jamo and Nidhal Jamo as part of the relocation payments for relocating from 2907 Thames, having Sidwell # 88-20-25-229-001, which is being acquired by the City of Troy for the Big Beaver, Rochester to Dequindre Road Improvement Project.

E-9 Allocation of 2005 Tri-Party Program Funds, Big Beaver, Rochester to Dequindre

Suggested Resolution
Resolution #2004-12-

RESOLVED, That the City of Troy allotment for the 2005 Tri-Party Program is $406,638 and that the City's share is $135,546 and that these funds be **USED**, as required, for the Big Beaver Improvement Project, Rochester to Dequindre construction phase.

E-10 Request for Acceptance of Covenant Deed with Attached Conservation Easement & Approval of Hold Harmless Agreement, Elgin Corners, LLC – Sidwell #88-20-04-226-015 & 016

Suggested Resolution
Resolution #2004-12-

RESOLVED, That the Covenant Deed with Conservation Easement received from Elgin Corners, LLC, having Sidwells #88-20-04-226-015 & 016, is hereby **ACCEPTED**, and that the City Clerk is hereby directed to **RECORD** said deed with the Oakland County Register of Deeds Office, copies of which shall be **ATTACHED** to the original minutes of this meeting, and

BE IT FURTHER RESOLVED, That the Hold Harmless Agreement between the City of Troy and Eglin Corners, LLC is hereby **APPROVED**, the Mayor and City Clerk are authorized to **EXECUTE** the document, and a copy shall be **ATTACHED** to the original minutes of this meeting.

E-11 Resolution to Permit Use of Shell Crackers to Disperse Migratory Waterfowl – Emerald Lakes Subdivision

Suggested Resolution
Resolution #2004-12-

RESOLVED, That the City Council of the City of Troy hereby waives the provisions of Chapter 98, Section 98.07.02 of the Code of the City of Troy relative to the use of shell crackers to frighten and disperse waterfowl away from Emerald Lakes Village, provided that authorized persons of the Homeowners Association shall adhere to the following procedures:

1. Shell crackers shall not be discharged before 7:00 AM and not after dusk.
2. The permitee(s) shall notify the Police Communications Section prior to discharging the shell crackers and shall provide the police with his/her name(s) and phone number(s).
3. A violation of either of the above limitations shall be cause for immediate revocation of the City authorization.
4. Authorization shall expire December 31, 2009.

E-12 RWT Building, LLC v. City of Troy – Partial Plat Vacation Action

Suggested Resolution
Resolution #2004-12-

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 RWT Building, L.L.C. v City of Troy, et al and to pay all expenses and to retain any necessary expert witnesses to adequately represent the City.

E-13 Change Order to Standard Purchasing Resolution 1: Award to Sole Bidder – Duct Cleaning, and Testing, Adjusting and Balancing Services on the Lead Contaminated Gun Range Ventilation System

Suggested Resolution
Resolution #2004-12-

RESOLVED, That the Troy City Council **CONFIRMS** the emergency authorization granted to the Police Department by the City Manager for Asbestos Control Environmental, Inc. of Taylor, MI to remove damaged insulation from the gun range ductwork at a cost not to exceed $2,000.00.

BE IT FURTHER RESOLVED, That the Troy City Council **CONFIRMS** the emergency authorization granted by the City Manager for any additional unforeseen work related to the duct cleaning, and testing, adjusting and balancing services on the lead contaminated gun range ventilation system in an amount not to exceed 25% of the total project cost or $10,566.00.

E-14 Sale of Rochester Road Remnant Parcel, Sidwell # 20-22-426-057, Section 22, Part of Lots 42, 43, and 45 of Supervisors Plat #17

Suggested Resolution
Resolution #2004-12-

RESOLVED, That the City Council of the City of Troy hereby **APPROVES** the sale of the City remnant parcel which is described as:

Lots 42, 43 and 45 of ”Supervisors Plat #17, of part of the southeast ¼ of section 22, T.2.N. R.11.E. City of Troy, Oakland County, Michigan. As recorded in Liber 28, page 36, of plats, Oakland County Records. Except the east 42 feet of lots 43 and 45, also reserving an easement for sidewalk, drainage and public utilities over the west 10 feet of the east 52 feet of lots 43 and 45, including a 25 foot triangle at the northeast corner of the described parcel. Sidwell# 88-20-22-426-057

For $200,000.00, the appraised value, to Cueter Investment Company, as outlined in the Offer to Purchase, with conditions, plus closing costs and;

BE IT FURTHER RESOLVED, That closing will take place when all conditions have been met;

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the Warranty Deed, on behalf of the City, a copy of which and a copy of the Offer to Purchase shall be **ATTACHED** to and made a part of the original minutes of this meeting.

E-15 State of Michigan Election Equipment Grant Application Authorization

Suggested Resolution
Resolution #2004-12-

WHEREAS, The Troy City Council wishes to apply to the Secretary of State for a grant to purchase an optical scan voting system and related Election Management System (EMS) software to comply with the Help America Vote Act (HAVA);

WHEREAS, The Troy City Council has chosen to submit a grant application for a new optical scan voting system in 2005; and

WHEREAS, That the County Clerk must have this resolution as Proof of Authority for entering into upcoming Grant Agreements with the State by the end of January 2005 in order to meet the wishes of the majority of the local clerks in this county that Oakland County qualify for ordering the new voting system in the 05-1 order period in early February 2005.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Clerk is hereby **AUTHORIZED** to submit this grant application on behalf of the City of Troy, Oakland County, Michigan, on this 20th day of December, 2004.

Yes:
No:

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) Mayoral Appointments: Downtown Development Authority

b) City Council Appointments: Advisory Committee for Persons with Disabilities; Animal Control Appeal Board; Historic District Commission; Liquor Committee; Troy Daze Committee

(a) Mayoral Appointments

Downtown Development Authority

Mayor, Council Approval (13) – 4 years

Term expires 07-01-2005 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Culpepper, Michael W	09/30/08
Frankel, Stuart	09/30/07
Hay, David R	09/30/07
Hodges, Michele	09/30/05
Kennis, William	09/30/06
Kiriluk, Alan M	09/30/08
MacLeish, Daniel	09/30/05
Price, Carol A	09/30/07
Reschke, Ernest C	09/30/06
Schilling, Louise E	09/30/08
Schroeder, Douglas J	09/30/06
Weiss, Harvey	09/30/05
Wong, Fred (Student)	07/01/04
York, G Thomas	09/30/08

INTERESTED STUDENT APPLICANTS

None on File

(b) City Council Appointments

Advisory Committee for Persons with Disabilities

Appointed by Council (9) – 3 years

Term expires 11/01/2007

CURRENT MEMBERS

NAME	TERM EXPIRES
Bertin, Leonard G.	11/01/05
Buchanan, Cynthia	11/01/07

Robosan-Burt, Susan	11/01/06
Done, Angela	11/01/05
Fuhrman, Adam (Alternate)	11/01/06
Gauri, Kul B	11/01/05
House, Theodora	11/01/06
Johnson, Nancy (Alternate)	11/01/06
Kuschinsky, Dick (Resigned)	11/01/04
Manetta, Pauline	11/01/06
Pietron, Dorothy Ann	11/01/07
Pritzloff, Mark (Alternate)	11/01/06
Wiqar, Anbereen (Student)	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Connor, Kathleen Ann	02/25/04-02/2006	03/01/04
Laudicina, M.K.	07/20/04-07/2006	08/09/04
Uitto, Renee	12/03/04-12/2006	12/06/04
Werpetinski, Susan	11/14/04-11/2006	12/06/04

Animal Control Appeal Board

Appointed by Council (5) – 3 years

Term expires 09/30/2007

CURRENT MEMBERS

NAME	TERM EXPIRES
Ms Harriet Barnard (Resigned)	09/30/2004
Ms Kathleen Melchert	09/30/2007
Mr Al Petrulis	09/30/2005
Ms Jayne Saeger	09/30/2006
Mr Vincent James Viola	09/30/2006

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Larue, Patricia M	08/12/02- 08/2004	08/19/02
Pritzlaff, Mark	04/17/03- 04/2005	04/28/03
Wheeler, Nancy	03/08/04- 03/2006	04/12/04

Historic District Commission

Appointed by Council (7) – 3 years

Unexpired term expires 05/15/2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Ms Marjorie A Biglin	03/01/07
Mr Wilson Deane Blythe	03/01/05

Ms Barbara Chambers	03/01/05
Mr Paul C Lin	05/15/06
Ms. Ann Partian	03/01/05
Ms Muriel Rounds	05/15/06
Ms Dorothy Scott (Resigned)	05/15/06
Ms Vilin Zhang (Student)	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Krivoshein, Kerry S	08/12/99-06/14/01-05/2003	11/08/04
Petrulis, Al	02/11/03-07/31/03-07/2005	07/09/01-11/08/04
Wheeler, Nancy	03/08/04-03/2006	04/12/04-11/08/04

Liquor Committee

Appointed by Council (7) – 3 years

Unexpired term expires 1/31/06

CURRENT MEMBERS

NAME	TERM EXPIRES
Mr Henry Allemon	01/31/06
Mr Alex Bennett	01/31/06
Mr Max K Ehlert	01/31/05
Mr W S Godlewski	01/31/05
Mr Patrick C Hall	01/31/06
Mr James R Peard	01/31/06
Ms Anita Elenbaum (Resigned)	01/31/06
Ms Emily Polet (Student)	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Bloom, Jerry E	03/08/04-03/2006	04/12/04
Howe, Peter Thomas	03/12/03-03/2005	03/17/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Ogg, David S.	03/06/02-06/09/03-05/2005	03/18/02-06/16/03
Petrulis, Al	02/11/03-07/31/03-07/2005	02/17/03-08/18/03
Powers, Brian M	10/15/02-10/2004	10/21/02
Pritzlaff, Mark	04/17/03-04/2005	04/28/03
Shah, Jayshree	01/12/04-01/2006	02/02/04
Sobota, Christopher A	02/14/02-02/2004	02/18/02
Ukrainec, Bohdan L	01/30/01-04/16/03-11/01/04-11/2006	02/05/01 11/08/04
Victor, Robert	06/03/03-05/2005	06/16/03

Ziegenfelder, Peter F	12/07/00-06/11/01-06/11/03-05/2005	12/18/00-07/09/01-6/16/03

Troy Daze Committee

Appointed by Council (9) – 3 years

Term expires 11/30/07

Term expires 11/30/07

Term expires 11/30/07

CURRENT MEMBERS

NAME	TERM EXPIRES
Berk, Robert A	11/30/06
Cyrulewski, Jim D.	11/30/04
Dilley, Cecile	11/30/04
Gonda, Michael S	11/30/06
Kaltsounis, Kessie	11/30/05
Hall, William F	11/30/05
Mehta, Dhwani (Student)	07/01/05
Musick, Marilyn K.	11/30/04
Stewart, Jeffrey (Repr to Parks/Rec Board)	09/30/06
Preston, Robert S	11/30/05
Whitton-Kaszubski, Cheryl A	11/30/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/0-05/2005	05/05/03
Freliga, Mary E	11/25/02-11/2004	12/02/02
Hashmi, Amin	08/22/02-08/2004	
Huber, Laurie G	09/22/00-06/18/01-05/2003	09/22/00-07/09/01
Lenivov, Victor	04/08/04-04/2006	04/12/04
Pietron, Dorothy Ann	07/10/01-07/2003	07/23/01
Pritzlaff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Solarte, Remedios A.	09/15/04-09/2006	09/20/04
Wells, Alexandra	08/22/02-08/2004	09/09/02

Yes:
No:

F-2 Proposed Minor League Baseball Multi-Use Facility

Suggested Resolution
Resolution #2004-12-

Moved by
Seconded by

RESOLUTION A

WHEREAS, General Sports and Entertainment, L.L.C. approached the City of Troy for reason of locating a multi-use minor league baseball stadium on Civic Center property, and

WHEREAS, The Troy City Council gave direction to the City Manager at the Study Session of November 15, 2004 to identify and address elements that have salience relative to the proposed stadium in terms of benefit to the community, site plan issues, environmental issues, and financing, and

WHEREAS, On November 29, 2004, the Troy City Council directed City staff to continue discussions with General Sports and Entertainment, L.L.C. regarding the placement of a minor league baseball stadium at the southeast portion of the Civic Center site with additional consideration being given to financial arrangements, alcohol use, and additional public input from the City of Troy boards and committees,

NOW, THEREFORE BE IT RESOLVED, That City Administration is **AUTHORIZED** to negotiate a contract with General Sports and Entertainment, L.L.C. for placement of a multi-use minor league baseball stadium in the southeast area of the Civic Center site, and this contract will contain the following elements:

1. Financing:

- All construction, maintenance, and construction costs for the facility will be the responsibility of General Sports
- All infrastructure costs are to be the responsibility of General Sports, unless the Downtown Development Authority, City, and General Sports agree upon some cost-sharing of various components
- The stadium will not be collateral for loans
- If General Sports fails in their operations of the minor league baseball team and stadium, the City will be left without debt and will own the facility
- General Sports will pay property taxes on the privately owned real property and all personal property

2. Stadium:

- The property will continue to be owned by the City of Troy
- The stadium will be a gift to the City of Troy from General Sports with the understanding that General Sports will operate a minor league baseball team on the site
- Management of the facility for all events will be provided by General Sports at no cost to the City of Troy
- User costs (clean-up, electricity, etc.) for the City of Troy and community groups will be paid by the event organizer
- General Sports will provide all necessary insurance for the facility and operations as determined by the City of Troy

- The City of Troy reserves the right to approve any transfer of management or ownership of operations of the facility
- In the event General Sports fails in their operations of the facility and minor league baseball team, the City of Troy can order demolition of the stadium with the cost to be borne by General Sports
- Clean-up for all events will be the responsibility of General Sports, including all off-site locations used for parking

3. Parking:

- At least 2,000 parking spaces will be provided for all games and events without a variance, with long-term agreements established from nearby property owners for a minimum of 25 years; the City of Troy will consider a zoning ordinance text amendment to permit off-site parking if required
- Parking attendants will be located at the Community Center, Aquatic Center, Library, and City Hall parking lots to preclude minor league baseball patrons from parking in these lots
- Maximum facility capacity is limited to 5,000 patrons per game or event without adding additional off-site parking arranged at the expense of General Sports

4. Environmental Impacts:

- Spill light from the stadium will be nonexistent at 1,200 feet from the stadium
- A fully distributed sound system configuration will be used in lieu of an outfield or centralized speaker system, and the emission of measurable noises from the facility shall not exceed 65 dBA at the southern limits of the residential neighborhood to the north of the stadium
- Traffic control services provided by the City of Troy will be paid for by General Sports
- Various Leadership in Energy and Environmental Design (LEED) certification elements will be considered and incorporated into the design of any storm water and drainage improvements

5. Community Benefit:

- The stadium will be available for at least 260 days per year for City of Troy and resident organization use
- General Sports will not charge the City of Troy or resident groups a rental or users fee, but will pay for any direct costs incurred as part of their event

6. Alcohol Sales:

- All sales and advertising of alcoholic beverages will be per the memorandum between the Troy Community Coalition and General Sports, dated November 2004

BE IT FURTHER RESOLVED, That City Administration is **AUTHORIZED** to secure the services of outside professionals that have experience in stadium development.

OR

RESOLUTION B

WHEREAS, General Sports and Entertainment, L.L.C. approached the City of Troy for reason of locating a multi-use minor league baseball stadium on Civic Center property, and

WHEREAS, The Troy City Council gave direction to the City Manager at the Study Session of November 15, 2004 to identify and address elements that have salience relative to the proposed stadium in terms of benefit to the community, site plan issues, environmental issues, and financing, and

WHEREAS, On November 29, 2004, the Troy City Council directed City staff to continue discussions with General Sports and Entertainment, L.L.C. regarding the placement of a minor league baseball stadium at the southeast portion of the Civic Center site with additional consideration being given to financial arrangements, alcohol use, and additional public input from the City of Troy boards and committees,

RESOLVED, That the City of Troy is not interested in locating a multi-use minor league baseball stadium on Troy Civic Center property.

Yes:
No:

F-3 Application for New Class C (Quota) License for Red Robin Restaurant

Suggested Resolution
Resolution #2004-12-
Moved by
Seconded by

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Troy Robin, Inc., for a new full year (quota) Class C license with Official Permit (Food), Entertainment Permit, and new SDM, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County, **"**above all others**"**; and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

Yes:
No:

F-4 Application for New Class C (Quota) License for Brio Tuscan Grille Restaurant

Suggested Resolution

Resolution #2004-12-
Moved by
Seconded by

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Bravo Development, Inc., d/b/a Cucina Development, Inc. for a new QUOTA Class C license, a Sunday Sales permit, an SDM license, and an Official Permit for the Sale of Food on Sundays, to be located at Somerset Collection South, Suite E 150, 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County, **"**above all others**"**; and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

Yes:
No:

F-5 Traffic Committee Recommendations – November 17, 2004

Suggested Resolution
Resolution #2004-12-
Moved by
Seconded by

a) **No Changes Be Made at Donaldson and Square Lake**

RESOLVED, That **NO CHANGES** be made at Donaldson and Square Lake.

b) **Installation of All-Way STOP Signs at the Intersection of Larchwood and Bellingham**

RESOLVED, That Traffic Control Order 2004-_____ be **ISSUED** for installation of all-way STOP signs at the intersection of Larchwood and Bellingham, and that the intersection be striped to designate the separate lanes, if deemed necessary by the Traffic Engineer.

c) **Request for a Flashing Red Phase to be Added to the Traffic Signal on Westbound Maple at Chicago Road**

RESOLVED, That the City **REQUEST** the Road Commission for Oakland County to change operation of the traffic signal on westbound Maple at Chicago Road to add a flashing red phase.

Yes:
No:

F-6 Administrative Consent Order for Evergreen Farmington SDS

Suggested Resolution
Resolution #2004-12-
Moved by
Seconded by

RESOLVED, That the City Council **APPROVED** the Administrative Consent Order, and authorizes the City Manager to **EXECUTE** the document on behalf of the City of Troy.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Rezoning Application – Northeast Corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-B) – January 10, 2005

G-2 Green Memorandums: No Green Memorandums Submitted

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

H-1 Moratorium on Expenditures for the I-75/Long Lake Road Exit Project – Proposed by Council Member Lambert

RESOLVED, That the City of Troy will halt expenditures for the I-75/Long Lake Road Exit project except for any work required by the Federally-mandated Environmental Assessment. This moratorium will continue until the Environmental Assessment is completed.

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Parks and Recreation Advisory Board/Final – October 21, 2004
b) Advisory Committee for Persons with Disabilities/Draft – November 3, 2004
c) Advisory Committee for Persons with Disabilities/Final – November 3, 2004
d) Advisory Committee for Senior Citizens/Draft – November 4, 2004
e) Liquor Advisory Committee/Final – November 8, 2004
f) Employees' Retirement System Board of Trustees/Final – November 10, 2004
g) Board of Zoning Appeals/Draft – November 16, 2004
h) Building Code Board of Appeals/Draft – December 1, 2004
i) Advisory Committee for Senior Citizens/Draft – December 2, 2004
j) Special Meeting Minor League Baseball Stadium Proposal – Minutes from Civic Center Priority Task Force (CCPTF) – December 7, 2004
k) Special Meeting on Proposed Minor League Baseball Stadium/Draft – December 7, 2004
l) Special Meeting Minor League Baseball Stadium Proposal – Minutes from Parks and Recreation Advisory Board – December 7, 2004
m) Special Meeting on Proposed Minor League Baseball Stadium/Draft – Minutes from Planning Commission – December 7, 2004
n) Parks and Recreation Advisory Board/Draft – December 7, 2004
o) Planning Commission Special/Study/Draft – December 7, 2004

J-2 Department Reports:

a) SOCRRA Quarterly Report – October 2004
b) Notification of Local Law Enforcement Block Grant Change
c) Brownfield Redevelopment Authority Audited Financial Statement for Year Ended June 30, 2004
d) Downtown Development Authority Audited Financial Statement for Year Ended June 30, 2004
e) Report – Auction – Vehicle Sale on October 30, 2004 in Rochester Hills
f) Monthly Financial Report – November 30, 2004

J-3 Letters of Appreciation:

a) Thank You Note from Ann and Gary Renard Thanking the Troy Police Department and Officers Kocenda and Langbeen for Responding Quickly to Their Home Alarm
b) Thank You Note from Mrs. Angela Schroeder on Behalf of the Troy Estates Neighborhood Playgroup to Chief Craft, Thanking Officer Kaptur for the Stranger Safety Presentation
c) Thank You Note from Spalding DeDecker Associates, Inc. to Sergeant Don Ostrowski, Thanking Him for Participating in the Oakland County Vulnerability Assessment

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Report from General Government Committee Regarding: MR #04316 – County Executive – Emergency Response and Preparedness – Representation Concerns on the Urban Area Security Initiative (UASI) Funding Formulas and Geographic Urban Area Determination

J-5 Calendar

J-6 Cat Leash Ordinance

STUDY ITEMS:

K-1 No Study Items submitted.

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: No Closed Session Requested

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, January 10, 2005 ..... Regular City Council
Monday, January 24, 2005 ..... Regular City Council
Monday, February 7, 2005 ..... Regular City Council
Monday, February 21, 2005 ..... Regular City Council
Monday, February 28, 2005 ..... Regular City Council
Monday, March 7, 2005 ..... Regular City Council
Monday, March 21, 2005 ..... Regular City Council
Monday, March 28, 2005 ..... Regular City Council

DATE: December 8, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Public Hearing
Commercial Vehicle Appeal
6903 John R

On November 16, 2004, information was sent to Elena Minetos that identified restrictions related to a commercial vehicle located on residential property. As part of that information, she was advised that the Peterbuilt semi tractor parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. She was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, She 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 December 20, 2004.

The property in question is basically an acreage parcel that is 123' wide and 240' deep. It contains an existing home that has a ground floor footprint of 3,237 square feet. Of this 1,423 square feet are contained in an attached 4 car garage. Based upon the required setbacks and lot coverage limitations, a building up to 8,856 square feet or an additional 5,619 square feet could be constructed. Under the current provisions of Section 40.57.04, an accessory building of 1,618 could be constructed.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
NOV 23 2004
BUILDING DEPARTMENT

COMMERCIAL VEHICLE APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: ELENA MINETOS

ADDRESS: 6903 JOHN R. Rd.

CITY: TROY MI. ZIP: 48085 PHONE: 248 879-2494

ADDRESS OF SITE: 6903 JOHN R. Rd., TROY, MI 48085

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1XP5DB9X92N573036

LICENSE PLATE NUMBER(S) RS 4920 MI

DESCRIPTION OF VEHICLE(S) 2002 PETERBILT VIPER RED
(see attch. picture)

REASON FOR APPEAL (see A - D below) The truck comes home only 4 times a MONTH (IF IT COMES). IT is parked on the North side of the property behind the garage. NO NEIGHBORS ON THAT SIDE - WOODED EMPTY LOT IT CAN NOT BE SEEN BY any neighbors.

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..

Elena Smith
(signature of applicant)

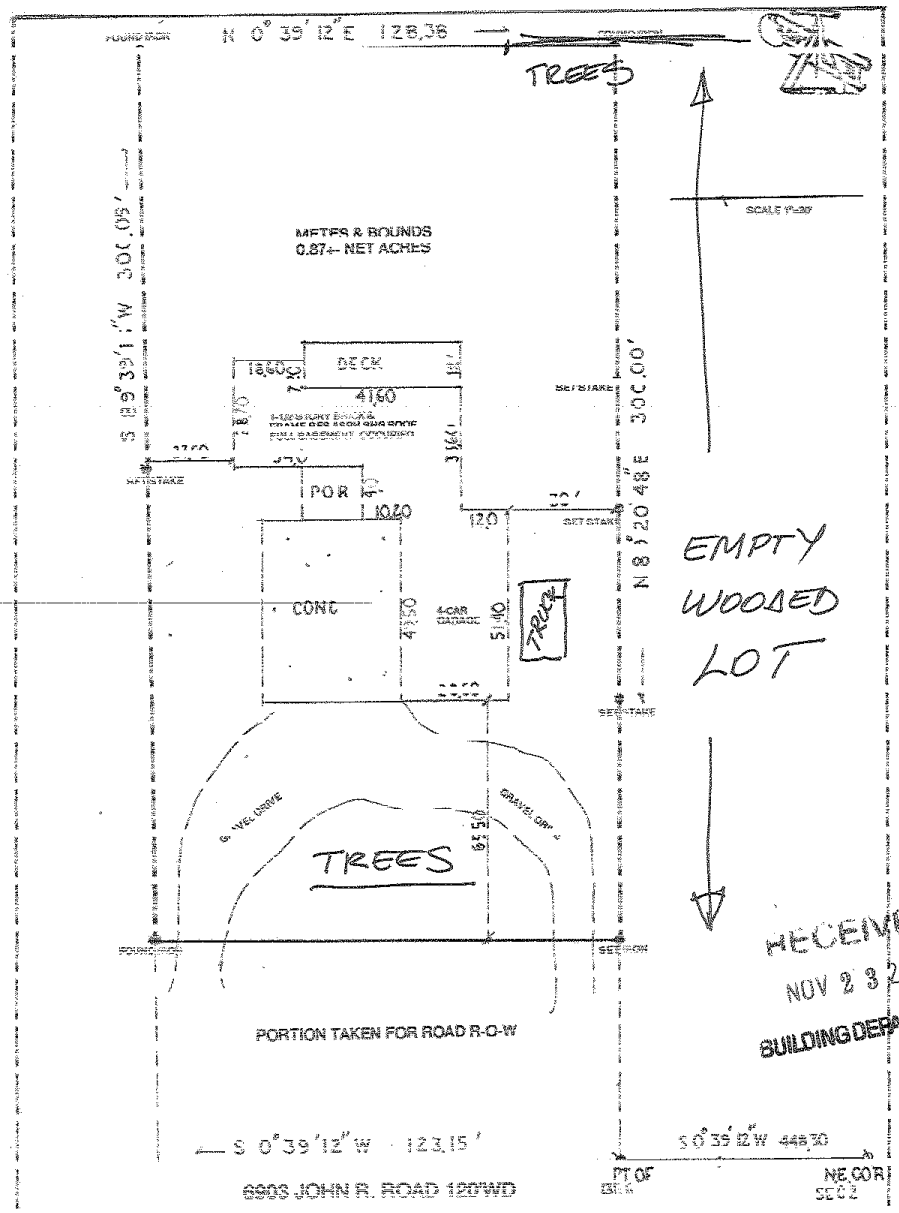
STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 23rd day of November, 2004 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Pamela R Pasternak Macomb
Notary Public, County, Michigan

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of Oakland

My Commission Expires:



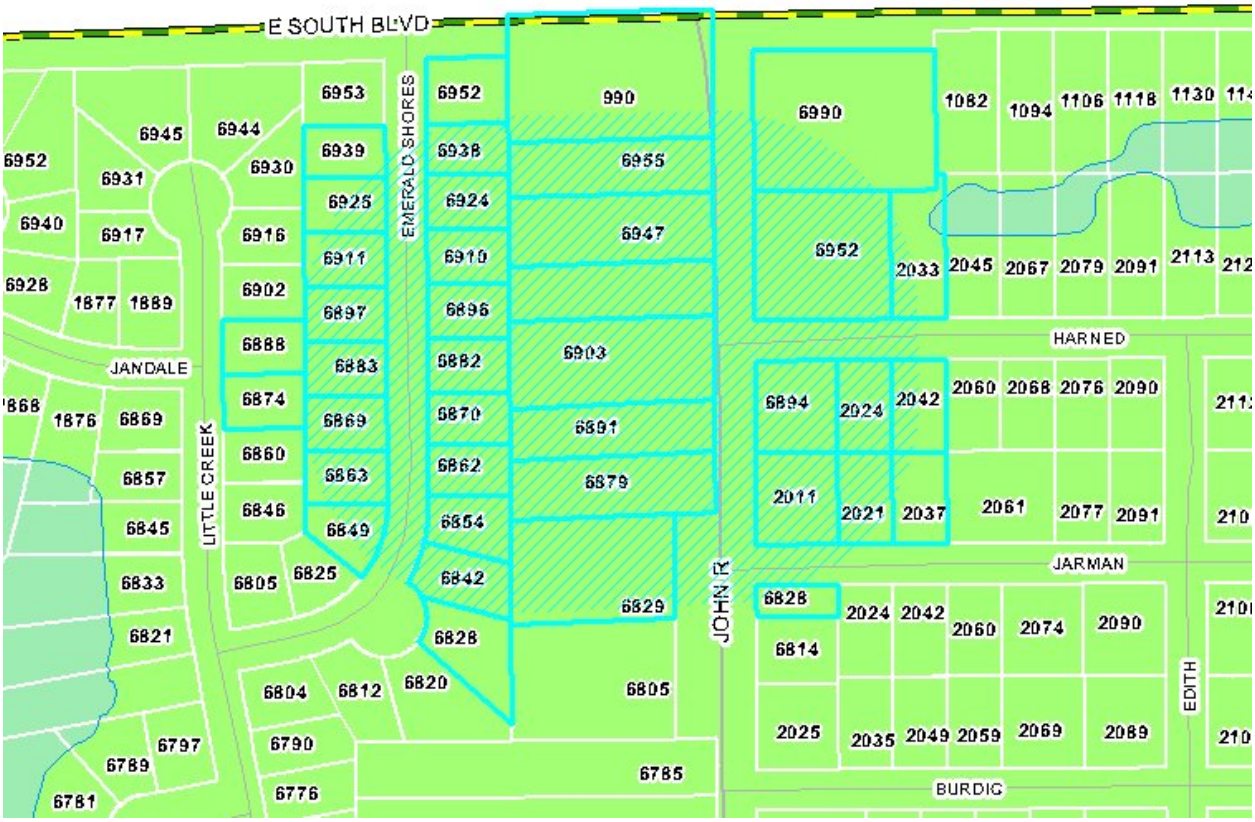
RECEIVED
NOV 23 2004
BUILDING DEPARTMENT

Elena Minetous Survey # 24-12 3/6/04
SHEET 1 OF 2

We hereby certify that we have surveyed the parcel hereon delineated in accordance with the legal description as furnished by you and the boundaries and corners of said parcel are as indicated herein and that there exists no encroachments upon said parcel except as otherwise noted.

By Clive Cantor
Clive Cantor, L.S. # 10002

LOUIS CANTOR COMPANY
Civil Engineering & Land Surveying
17600 Northland Park Court, Ste. 201
Southfield, Michigan 48075


E SOUTH BLVD
EMERALD SHORES
LITTLE CREEK
JANDALE
HARNED
JARMAN
BURDIG
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RECEIVED
DEC 0 8 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

SUCH A TRUCK (TRACTOR) IS INAPPROPRIATE FOR A RESIDENTIAL AREA. THEY ARE TOO LARGE & NOISY FOR THE AREA.

SUCH AN EXCEPTION WOULD SET AN UNDESIRABLE PRECEDENT, WHICH WOULD ENCOURAGE OTHERS TO SEEK EXEMPTIONS FOR OTHER COMMERCIAL VEHICLES, RECREATION VEHICLES, CAMPERS, ETC.

NAME: JAMES QUINN James F Quinn

ADDRESS OR PROPERTY DESCRIPTION 6883 EMERALD SHORES DR.

RECEIVED
DEC 0 8 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

the regulation is there to prevent residential areas Troy from looking like industrial parks. If one person is allowed an exception you can't deny others. Trucks of this nature detract from the appearance of neighborhoods. There are enough junky-looking yards along John R as it is without allowing tractor-trailer parking. Some of the Troy citizens have spent a lot of money to buy and maintain attractive homes and keep our yards well-maintained. If we wanted to look at semi's, we would have spent less money and moved to other towns instead.

NAME: Ken + Kay Pomeroy

ADDRESS OR PROPERTY DESCRIPTION 6896 Emerald Shores Dr

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

For the OBVIOUS reasons - which is why there is an ordinance against it in the first place!

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DEC 08 2004
BUILDING DEPARTMENT

NAME: Ann Tomasell Ann Tomasell

ADDRESS OR PROPERTY DESCRIPTION 6869 Emerald Shores

Friday 12/10/04

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

RECEIVED
DEC 13 2004
BUILDING DEPARTMENT

I feel that this is a good ordinance and should not be given a variance for this vehicle or anyothee vehicle which is a blot on the landscape of our residential area and a diminishing of the value of our property.

Troy is a beautiful city.
Let's keep it this way!

Thank You!

NAME: Dolores M Coe / Panebianco

ADDRESS OR PROPERTY DESCRIPTION 6882 Emerald Shores
Troy, Michigan
48085

TO: CITY COUNCIL

RECEIVED
DEC 1 4 2004
BUILDING DEPARTMENT

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

this is a residential neighborhood, and to keep the feel of the residential area, I do not feel we should allow exceptions to the normal rules regarding residential property.
Why have rules if we're going to grant exceptions?

NAME: James A Walker

ADDRESS OR PROPERTY DESCRIPTION 6870 Emerald Shores

DATE: December 8, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Public Hearing
Commercial Vehicle Appeal
1263 Wrenwood

On November 3, 2004, information was sent to Jane Bulak-Ramsden that identified restrictions related to a commercial vehicle located on residential property. As part of that information, she was advised that the Chevrolet cube van parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. She was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, she 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 December 20, 2004.

The property in question is a single family home site in the R-1C Zoning District. The property is 60 feet wide and approximately 143 feet deep. The existing home has a ground floor area of 1,158 square feet and a 528 square foot detached garage already exists. Section 40.57.04 of the Zoning Ordinance would only allow 72 additional square feet of detached accessory building. The maximum lot coverage would allow a total of 2,592 square feet of building on this site. This is 906 square feet more than what currently exists.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
NOV 1 5 2004
BUILDING DEPARTMENT

COMMERCIAL VEHICLE APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Jane Bulak Ramsden

ADDRESS: 1263 Wrenwood

CITY: Troy MI. ZIP: 48084 PHONE: 248 540 2636
248 895 8633 Dennis

ADDRESS OF SITE: 1263 Wrenwood Troy

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1GDJG31R0V1012466

LICENSE PLATE NUMBER(S) LF 9242

DESCRIPTION OF VEHICLE(S) Cube VAN

REASON FOR APPEAL (see A - D below) B, C, D.

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..

Jane Bulak Ramsden
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 15 day of November, 2004 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

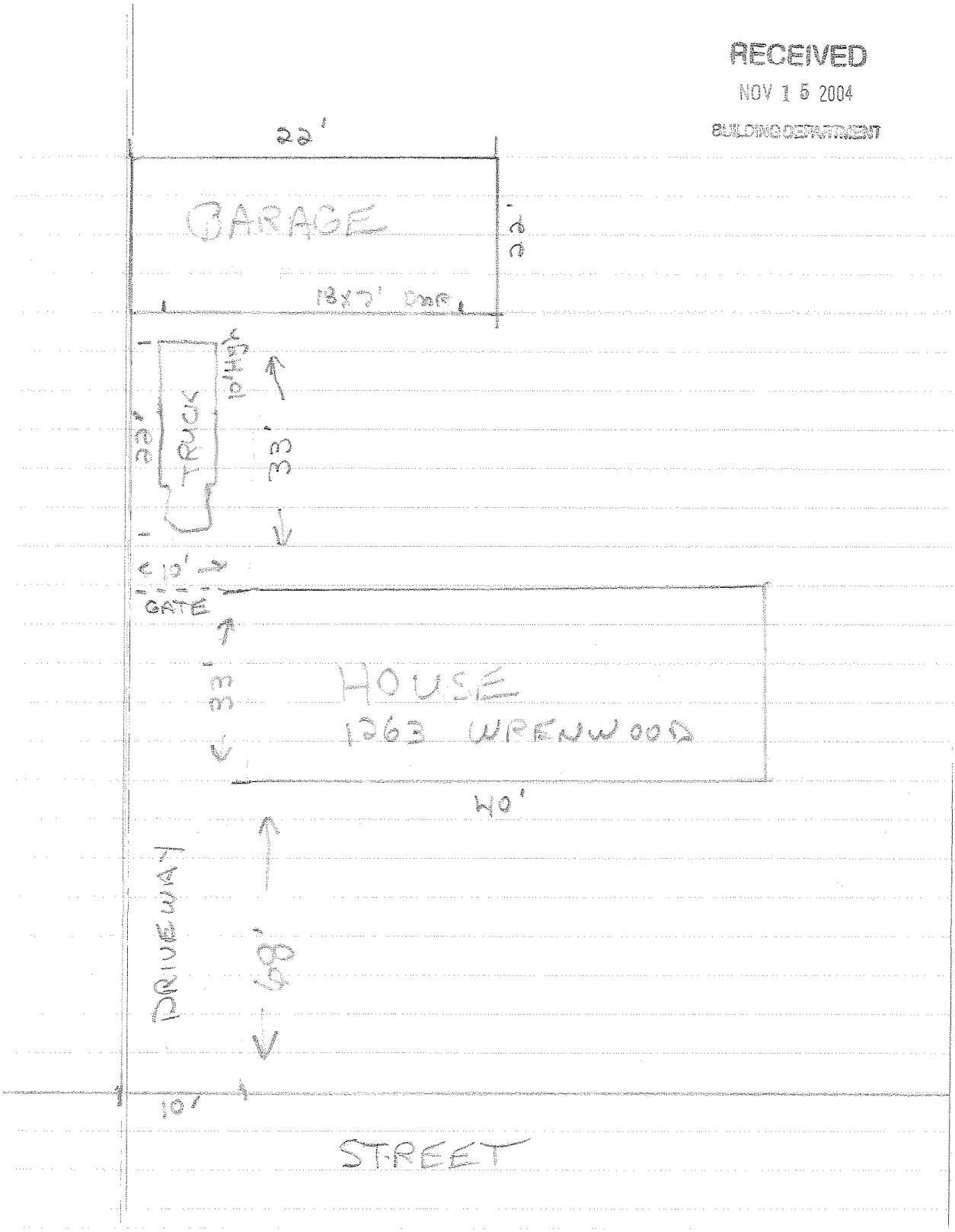
Jim Allin

Notary Public, Oakland County, Michigan

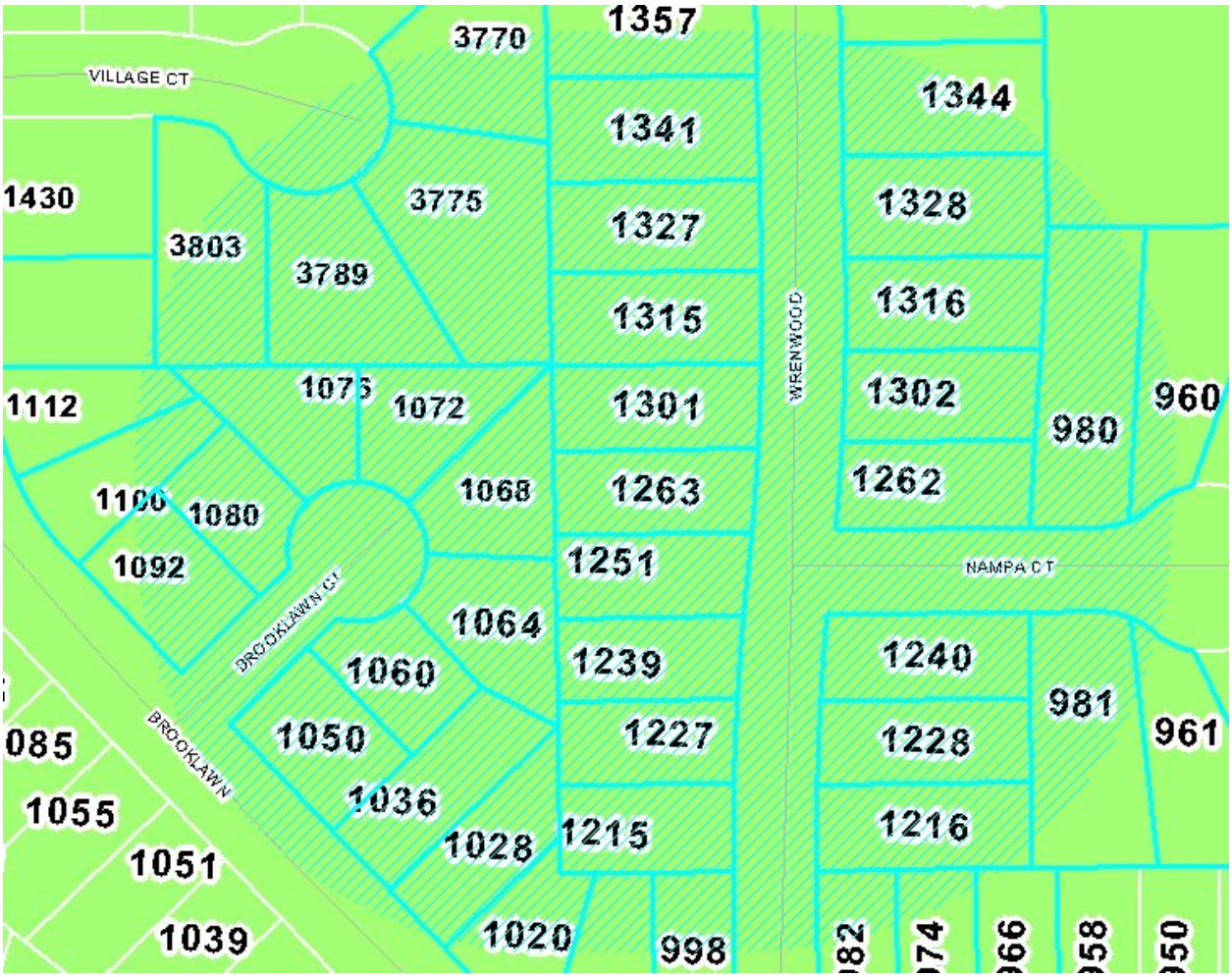
My Commission Expires: 08-30-07

JIM ALLIN
Notary Public, Oakland County, MI
My Commission Expires August 30, 2007

RECEIVED
NOV 1 5 2004
BUILDING DEPARTMENT



Bay Bridge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RECEIVED
DEC 0 8 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [✓] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [✓] **objection** [ ] is:

I Julia McKibben reside at 1227 Wrenwood Dr. (3 doors south of the property in question, which is 1263 Wrenwood, Jane Bulak-Ramsden property. I've lived here over 50 yrs. and since the Ramsdens moved in I have had no problem with their commercial vehicle being parked way back in their drive way. It's evidently used for business everyday so what is more convient than to have it handy every morning when its used for work. I never notice that it hinders my view. It's hardly noticeable parked between the houses. If the guy next to him has no objection whats the problem.

NAME: Julia McKibben

ADDRESS OR PROPERTY DESCRIPTION 1227 Wrenwood
Troy 48084

TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [X] **objection** [ ] is:

VAN IS NOT VISABLE FROM MY PROPERTY BUT IT WOULDN'T MATTER EVEN IF IT WERE

RECEIVED
DEC 0 8 2004
BUILDING DEPARTMENT

NAME: JOSEPH M. WILSON

ADDRESS OR PROPERTY DESCRIPTION 1360 WRENWOOD DRIVE TROY

TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

RECEIVED
DEC 10 2004
BUILDING DEPARTMENT

My reason for this **approval** [X] **objection** [ ] is:

We weren't even aware that the Ramsdens had a commercial van until someone pointed it out to us. It in no way presents a problem of any sort. The Ramsdens are nice people and wonderful neighbors. It's a shame that they have to go through this exercise for such a non-issue!

NAME: Lori & Mike Smith

ADDRESS OR PROPERTY DESCRIPTION 1216 Lawrenwood

RECEIVED
DEC 1 3 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval [ ] objection [✓]** to the request described on the reverse side.

My reason for this **approval [ ] objection [✓]** is:

an exception could become the rule.

NAME: Marilyn Sandera

ADDRESS OR PROPERTY DESCRIPTION 1080 Brookline Ct.
Troy, MI 48084

RECEIVED
DEC 13 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

Property value needs to be preserved! Commercial vehicles parked in a residential area will only make it harder for one to sell a property. Approval of this can open the flood gates to new requests that could potentially lower property value.

NAME: Paul Pitzner 12/9/04

ADDRESS OR PROPERTY DESCRIPTION 3789 Village Ct.

RECEIVED
DEC 14 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [✓] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [✓] **objection** [ ] is:

We've never noticed this van parked on Drenwood so it obviously is not an eyesore.

J Brandonisio

NAME: Joe + Diane Brandonisio

ADDRESS OR PROPERTY DESCRIPTION 961 Nampa Ct

RECEIVED
DEC 14 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [X] **objection** [ ] is:

The vehicle in question is definitely not an eyesore or a hindrance to anyone's activities. I live across the street from the Ramsdens; their van is gone all day; at night it is parked on their driveway behind their house; a wooden gate is closed in front of the van and a car is parked on the driveway in front of the gate. The van is barely visible from the street when one passes their driveway.

In addition, I have lived on Wrenwood for 48 years; the Ramsdens have been my neighbors for almost two decades, and they have been among the best neighbors I've ever had. They are kind, considerate, and caring people, who keep up their property impeccably and lend a hand to neighbors, particularly elderly ones, without being asked. It is unfortunate that they are being hassled over such a minor "infraction" of the rules. I sincerely hope that the City of Troy will permit them to park their van on their own property.

NAME: Kathryn Ripson

ADDRESS OR PROPERTY DESCRIPTION 1240 Wrenwood
Troy, Michigan 48084

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

See attachment.

RECEIVED
DEC 14 2004
BUILDING DEPARTMENT

NAME: Russell Lewis

ADDRESS OR PROPERTY DESCRIPTION 1068 Brooklawn Ct.

Attachment:

Re: Public Hearing, December 20, 2004; Relief of Ordinance to store a commercial vehicle outside on residential property T.2.N. R11E, Section 40.66.00; Lot #13, John F. Englehardt Sub., Sidwell #30-102-027 (1263 Wrenwood).

Based on the information provided, I assume relief of the Ordinance would be permanent and the vehicle would not be garaged.

Opinions:
There are many sections in the Ordinance for which I would consider approving relief (e.g., building setbacks, building height, percentage of lot coverage, accessory structures, even changes in land use). But not this one!

Wrenwood is a residential collector street to Big Beaver. It therefore has high use and visibility to everyone living in Section 30. Relief of this Ordinance would be the start of "visual blight" and would impact the entire Section. Adjacent property owners would immediately feel the greatest negative effects. More importantly, this visual impact would probably result in lower market values to adjacent properties.

Relief of the Section would establish precedent for the storage of more commercial vehicles on more residential properties in the future. Why approve relief knowing it will likely result into a future problem?

I can't think of any logical reason why relief should/would be approved. Granting relief based on any financial hardship is not a valid argument.

There's nothing complicated in the Section or anything that would warrant subjective discussion. The Ordinance should be simply upheld and relief denied.

Russell Lewis
1068 Brooklawn Court

RECEIVED
DEC 14 2004
BUILDING DEPARTMENT

DATE: December 8, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Public Hearing
Commercial Vehicle Appeal
2875 Bywater

On August 4, 2003, information was sent to Raad Makisi that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Ford box truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Makisi arranged for off-site storage of the vehicle. In November of 2004, our office began receiving complaints that the vehicle was once again being parked on that property. On November 9, 2004, inspection of the site confirmed that the truck was there in violation of the ordinance and a court summons was issued.

In response to our most recent enforcement activities, Mr. Makis 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 December 20, 2004.

The property in question is a lot within the Wattles Pointe Subdivision. The property is 80 feet wide and 270 feet deep although the northern 135 feet of the property is either flood plain or county drain easement. The existing home has a ground floor area of 2,234 square feet, of which, 457 square feet is an attached garage. Section 40.57.04 of the ordinance would currently permit up to 1,117 square feet of accessory buildings to be constructed on the site. Setback and lot coverage limitations would restrict the site to 6,480 total square feet of buildings. This is 4,246 square feet more than currently exists.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

COMMERCIAL VEHICLE
APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Raad Makolisi

ADDRESS: 2875 By Water

CITY: Troy MI. ZIP: 48085 PHONE: 248-740-9626

ADDRESS OF SITE: Drive Way

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDKE37H6SHC12179

LICENSE PLATE NUMBER(S) 5292MQ

DESCRIPTION OF VEHICLE(S) 12 FT Cutaway Van 1995

REASON FOR APPEAL (see A - D below) See On Back

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 29 day of November, 2004 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Mary Laraine McGinnis
Notary Public, County, Michigan

My Commission Expires:_____

MARY LARAINE McGINNIS
Notary Public, State of Michigan, County of Oakland
My Commission Expires May 30, 2007
Acting in the County of Oakland

To whom it may concern;

The reason why I park my 12ft. truck in my driveway is because my son helps me load up my ATV.,bikes and some personal belongings when I go up North. The only time I have my truck there is 1 day out of the week and that falls on the weekend. The time that it remains on my driveway is between 7p.m.- 6a.m. the following day. I have had 2 surgeries on my back and therefore I can no longer carry anything heavy, that is why I bring my truck home so my son can help me with the loading. The remainder of the week my truck is parked in a storage space. The reason why I don't return my truck the same night is because it gets really late and some one needs to follow me to the storage which is about 7 miles away from my house. And I don't like my son to drive that late at night. I hope this will clarify any misunderstandings. I thank you for time and patience.

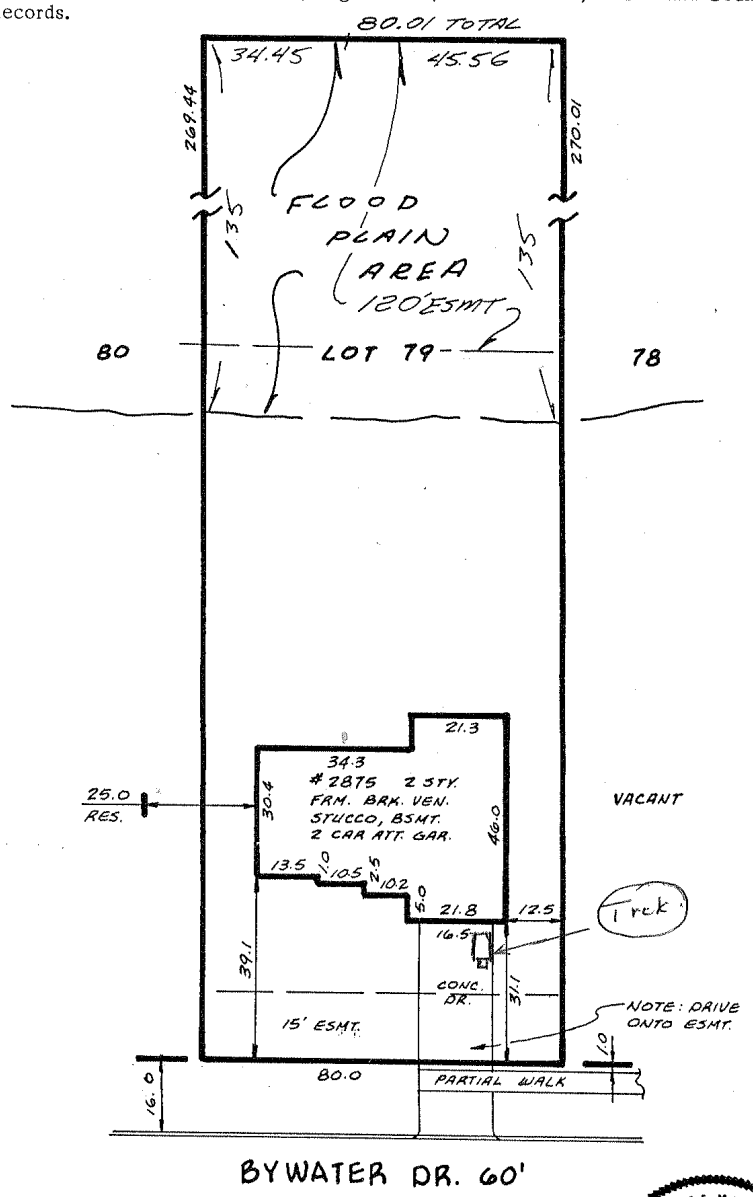
Yours truly,

MORTGAGE SURVEY

Certified to: FAIRLANE MORTGAGE COMPANY

Applicant: RAAD MAKDISI

Property Description:
Lot 79 of WATTLES POINTE SUBDIVISION, City of Troy, Oakland County, Michigan, as recorded in Liber 215 of Plats, Pages 29-35, both inclusive, of Oakland County Records.



I HEREBY CERTIFY that we have made a mortgage survey of the property herein described and that the building and improvements are located as shown and that there are no visible encroachments upon said property unless noted and shown. NOTE: This survey is for MORTGAGE purposes only and no property corners were set. Do not use for establishing fences or building lines.

STATE OF MICHIGAN
MICHAEL J. YAMBOR
Land Surveyor
No. 25883
LICENSED LAND SURVEYOR

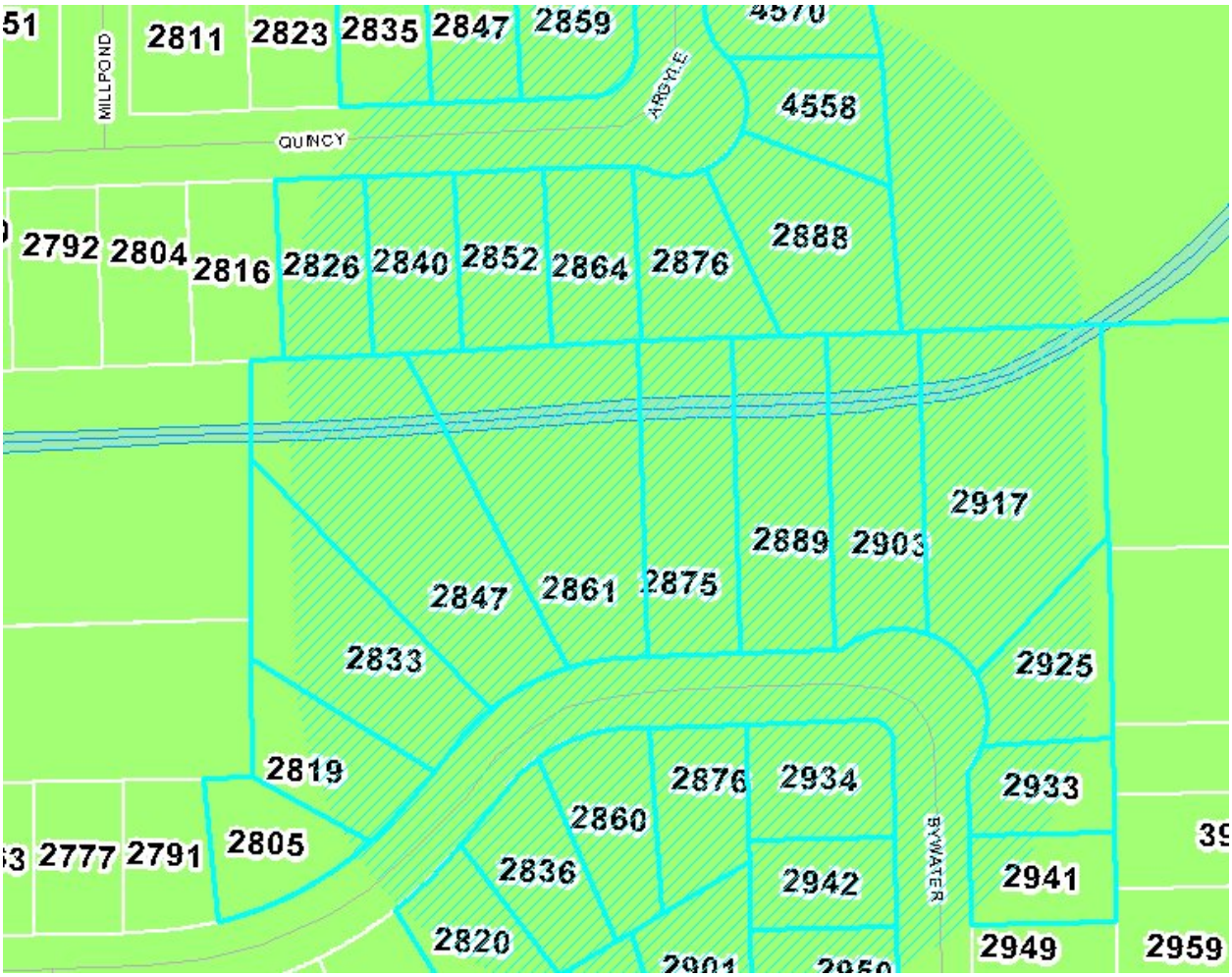
LEGAL DESCRIPTION PROVIDED BY OTHERS

Michael J. Yambor

JOB NO. 92-65017 SCALE 1" = 30'

DATE 3-19-92 DR. BY M.M.B.

Michael J. Yambor & Associates, Inc.
Licensed Land Surveyors
3210 Coolidge Highway, Berkley, Michigan 48072
(313) 547-8585 • Telefax (313) 547-5874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TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

see attached sheet.

John + Victoria Madden
2819 Bywater

RECEIVED
DEC 10 2004
BUILDING DEPARTMENT

NAME: John + Victoria Madden

ADDRESS OR PROPERTY DESCRIPTION 2819 Bywater

According to a 6 Dec 2004 City of Troy letter, we have been informed that Mr. Raad Makisi, 2875 Bywater Dr., Troy, MI, is requesting relief from the City of Troy ordinances in order to park a Ford box truck outside a residential property (2875 Bywater). The truck does not comply with the exception of the ordinance.

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DEC 1 0 2004
BUILDING DEPARTMENT

We object to the request for relief.

Reasons for objection.

While Mr. Makisi and his family appear to be good residents of Bywater Dr. and the Wattles Pointe subdivision, we object to the City of Troy granting Mr. Makisi's request for relief to the prohibition to park commercial vehicles in residential districts because:

1. For well over a year, Mr Makisi has used his residence not only to park his commercial vehicle but to use his garage to stage supplies for his business. When he parks his truck, we have observed him loading stacks of boxes from inside his garage into the truck. He is clearly using his residence as part of a commercial venture. He also has performed maintenance on this commercial truck in the street, leaving the street stained. If he is given permission to park his truck at his residence, we are concerned that he will not just use his residence to park the commercial truck but to expand his commercial use of his residence. We understand he has been informed by the city several times not to park his vehicle without a variance but continued to ignore the city, so we don't feel he would comply with any restrictions imposed by the city under a variance.

2.He clearly has other parking facilities for the truck since he sometimes parks another vehicle in place of the truck which meets the restrictions of the ordinance and has no need for even a temporary permit to park in our neighborhood.

3. Bywater Dr. and Wattles Pointe subdivision are entirely residential in nature. There are no commercial buildings or activities in or near the street or subdivision. All the buildings in or near the street and subdivisions are single family homes. Parking the box truck would not be harmonious with the rest of the neighborhood and subdivision. We know of no other box truck which is permitted to park outside a residence on Bywater or in the subdivision. The only commercial vehicles that we know of that are parked in the subdivision meet the exception of the ordinance, and for the most part are harmonious with the nature of the subdivision and its streets and are not used to conduct a commercial venture from the residence. Permitting this variance for a commercial vehicle will further destroy the neighborhood feel and property values of this subdivision.

4. There is no place on the lot at 2875 Bywater which would permit the box truck to be parked other than in front of the house. There appears to be no access to the back yard, and insufficient space on the side yard to park it.

5. There is no method of screening the truck from view.

6. We believe that relief from the prohibition of parking commercial vehicles in residential districts in this case is neither necessary nor warranted, and that relief for any period of time should not be granted. Joel + Victoria Mallen 2819 Bay Water

40.66.00 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

Outdoor parking of commercial vehicles is prohibited in Residential Districts, with the following exception:

A. The outdoor parking of one (1) commercial vehicle of one of the following two types is permitted, for each dwelling unit on a residential lot or parcel:

1. A Commercial Vehicle: Pick up truck as defined in Section 04.20.33;

(or)

2. A Commercial Vehicle: Passenger/Cargo-Style Van, as defined in Section 04.20.34

(Rev. 03-28-94)

RECEIVED
DEC 1 0 2004
BUILDING DEPARTMENT

RECEIVED
DEC 1 0 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval [ ] objection [X]** to the request described on the reverse side.

My reason for this **approval [ ] objection [ ]** is:

My VIEW of the property is The back yard of 2875 Bywater. & others. Whether I would see one truck parked on the side of the house is questionable but a variance to park in the rear or build an auxillary building on the large lot would not be acceptable.

All lots that border the creek (Gibson Drain) are well landscaped and maintained.

There is property on Dequindre (app 200ft away) that seems to be a storage area for stuff!

NAME: Joyce Candra

ADDRESS OR PROPERTY DESCRIPTION 2864 Quincy

RECEIVED
DEC 1 0 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

I object to seeing this big truck that blocks our view, and is very unsightly. I also object to his Boat being stored on the side of his house.

This is absolutely not allowed. This will hurt our Property Values.

NAME: Mr Dennis L. Baran

ADDRESS OR PROPERTY DESCRIPTION 2847 Byrwater

December 13, 2004

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM –PUBLIC HEARING – REZONING APPLICATION – South side of South Boulevard, West side of Rochester Road, Section 3 – R-1C to R-1T (Z 698)

RECOMMENDATION

The application is consistent with the Future Land Use Plan and the R-1T Location Standards. Further, the proposed R-1T Zoning District is compatible with the adjacent land uses and zoning districts. On November 9, 2004 the Planning Commission recommended approval of the rezoning request. City Management concurs with the Planning Department recommendation.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Frank Ayar. The applicant is Ted Berlinghof.

Location of Subject Property:
The property is located on the south side of South Boulevard, west of Rochester Road, in Section 3.

Size of Subject Parcel:
The parcel is 2.31 acres in area.

Current Use of Subject Property:
A single family home presently sits on the property.

Current Zoning Classification:
R-1C One Family Residential.

Proposed Zoning of Subject Parcel:
R-1T One Family Attached Residential.

Proposed Uses and Buildings on Subject Parcel:
The application indicates that a 12-unit condominium development is proposed for the property.

Current Use of Adjacent Parcels:
North: Single family residential.

South: Sandalwood Condominiums, a 54-unit R-1T development.

East: Sandalwood Condominiums, a 54-unit R-1T development.

West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-3 One Family Residential (City of Rochester Hills).

South: R-1T One Family Attached Residential.

East: R-1T One Family Attached Residential.

West: R-1C One Family Residential

ANALYSIS

Range of Uses Permitted in R-1T:

PRINCIPAL USES PERMITTED:

All principal uses permitted and as regulated in the nearest R-1A through R-1E One Family Residential Districts.

Two family dwellings developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

One family attached dwellings as defined in sub-Section 04.20.44 developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

Accessory buildings and uses customarily incidental to the above principal uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Churches and other facilities normally incidental thereto.

Schools.

Child care centers.

Utility and public service buildings and uses.

Vehicular and Non-motorized Access:
The property fronts on South Boulevard.

Potential Storm Water and Utility Issues:
The applicant will be required to provide on-site detention.

Natural Features and Floodplains:
The Natural Features Map indicates there are some woodlands on the property.

Compliance with Future Land Use Plan:
The Future Land Use Plan classifies the property as Medium Density Residential. Medium Density Residential correlates with the R-1T Zoning District in the Future Land Use Plan. The application is therefore consistent with the Future Land Use Plan.

Compliance with Location Standards:
Section 12.40.01 Location Standards provides the following:

> The R-1T (One-family Attached Residential) District may be applied to property when one or more of the following conditions prevail:
>
> (A) When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density or high density residential.

The application meets the Location Standards for the R-1T One Family Attached Residential District.

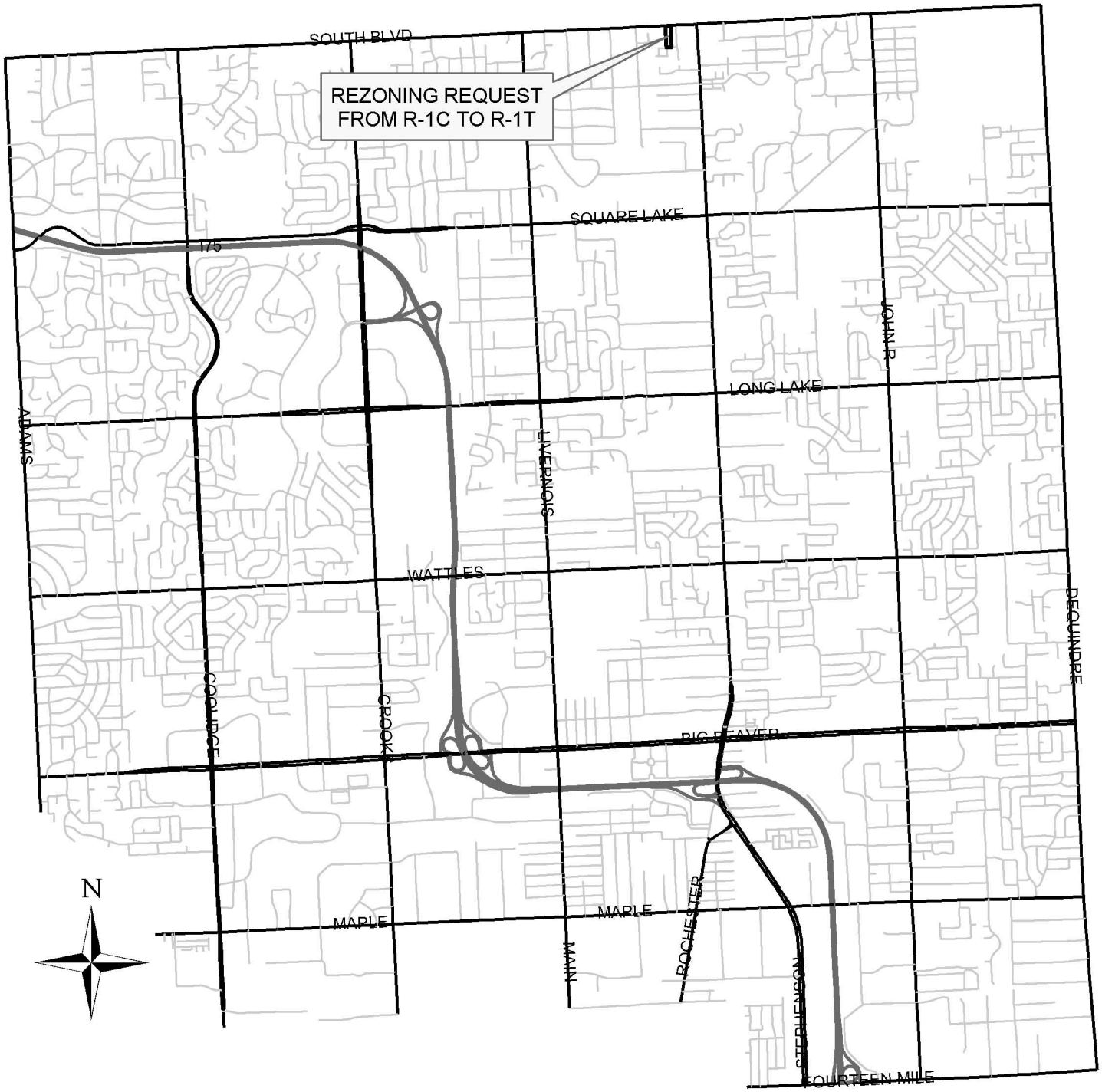
Attachments:
1. Maps.
2. Letter from petitioner dated September 14, 2004.
3. Minutes from November 9, 2004 Planning Commission Regular meeting.

cc: Applicant
File (Z 698)

Prepared by RBS/MFM

G:\REZONING REQUESTS\Z-698 Ayar Townhouse Sec 3\CC Public Hearing Ayar Townhouse 12 20 04.doc

CITY OF TROY



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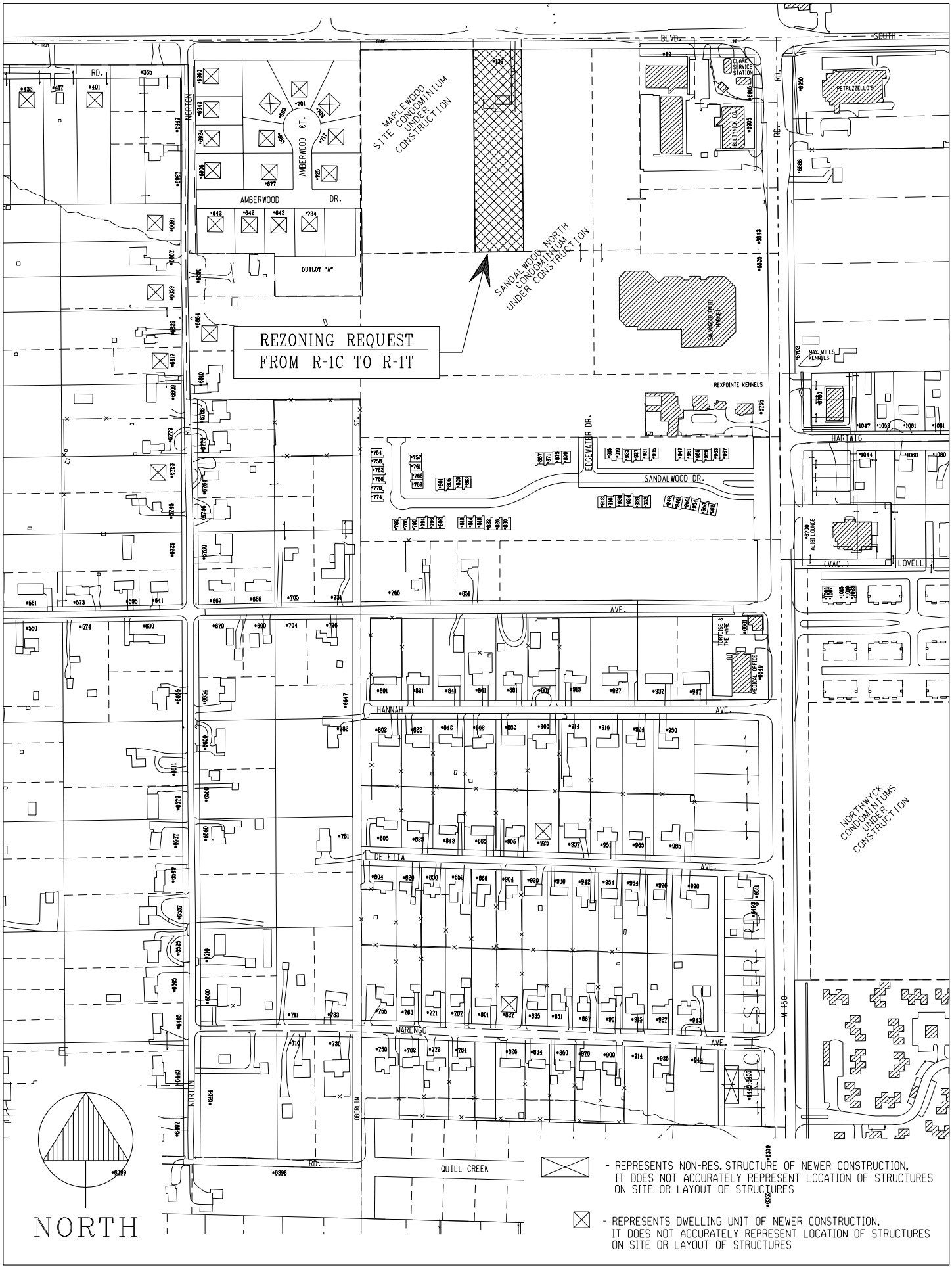
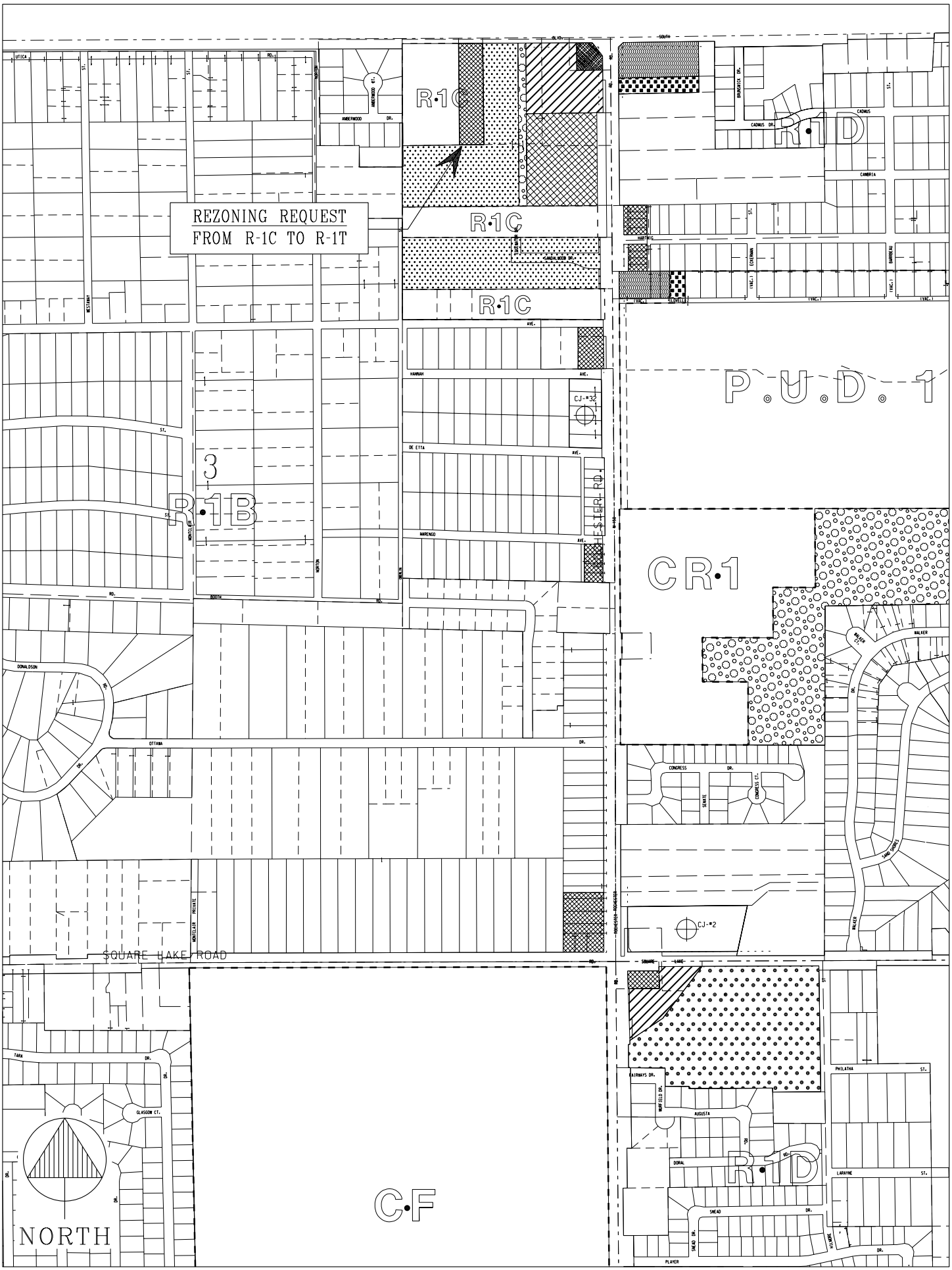


Z-698 / SEC. 3 / 10-26-04

Z 698 AYAR CONDOS.dgn 11/9/2004 1:52:52 PM



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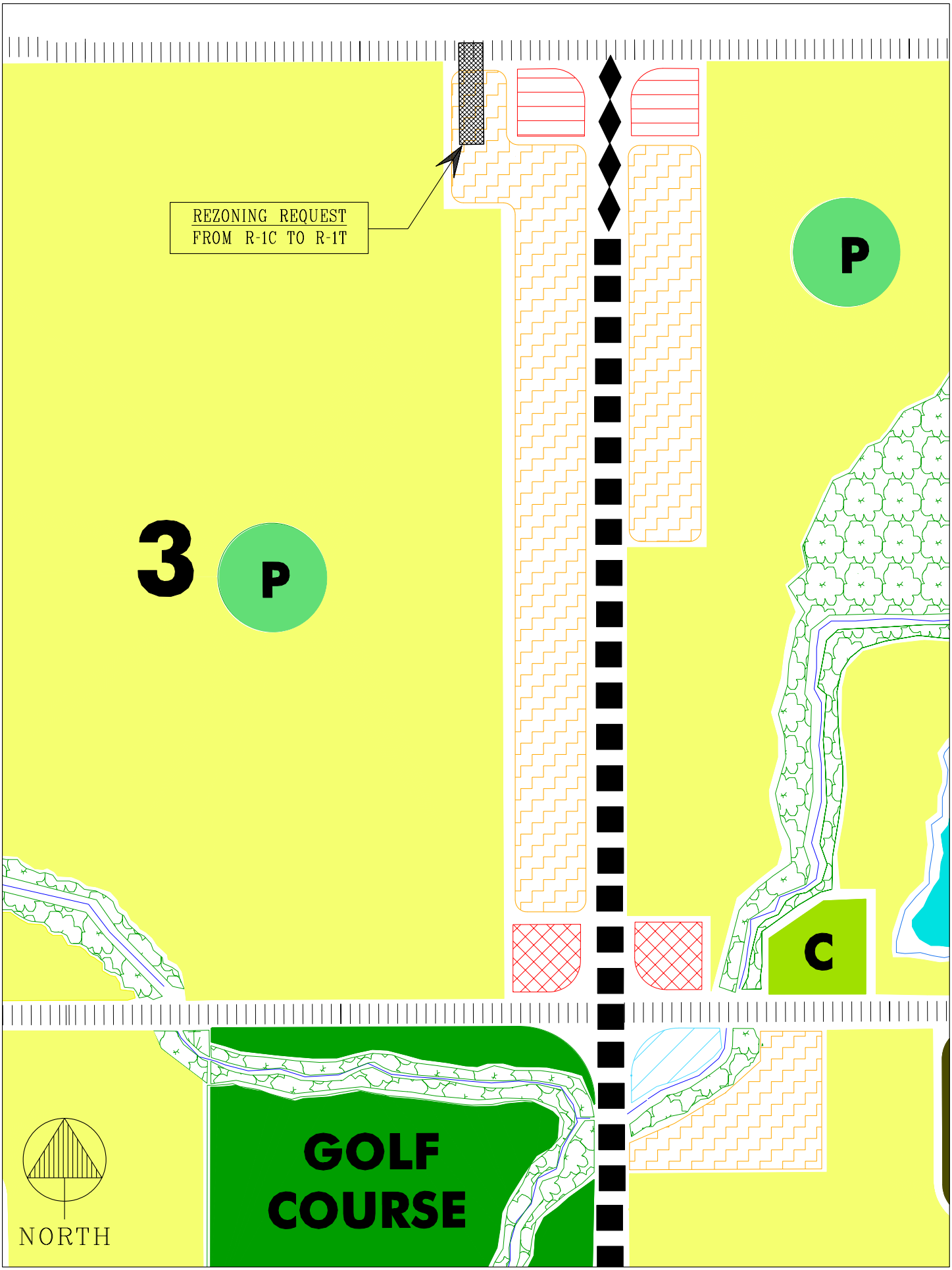


Z 698 AYAR CONDOS.dgn 11/9/2004 1:45:49 PM

REZONING REQUEST
PROP. AYAR CONDOMINIUMS
FROM R-1C TO R-1T
S SIDE OF SOUTH BLVD., W OF ROCHESTER
SEC. 3 (Z-698)
REZONING REQUEST
FROM R-1C TO R-1T
W SOUTH BLVD
E SOUTH BLVD
EDGEWATER
BRUNSWICK
CADMUS
AMBERWOOD
PAINT CREEK
RED RUN
ROCHESTER
NORTON
HARTWIG
SANDALWOOD
N
0 50 100 200 300 400 Feet

Architects International Inc.
Architects Planners Engineers
554 East Hendrie Street
Detroit, Michigan 48202
313.875.3551

ARCHITECTS *INTERNATIONAL*

September 14, 04

CITY OF TROY PLANNING DEPARTMENT
500 W Big Beaver
Troy, MI 48084

RE: RE-ZONING REQUEST TO-R-1C
SOUTH BOULEVARD & ROCHESTER ROAD

Attention: Planning Department

Please review our proposed Re-Zoning request to the City of Troy, on behalf of our client, Mr. Frank Ayar.

We have included a Site Plan SP-1 and Preliminary Plans, A-1 of a typical Townhouse. Also, we have provided a computer Rendering of a typical Townhouse. We intend to construct the Townhouses of brick.

We feel that this Townhouse project fits well into the City of Troy's Master Plan with our request to change from R-1C to R-1T Zoning. The Master Plan currently has his parcel scheduled for a change to R-1T and we would like to make this change a reality.

Thanking you in advance, for your cooperation and consideration, I am

Sincerely,

ARCHITECTS INTERNATIONAL, INC.

Ted Berlinghof

Ted Berlinghof, AIA
President

Fa.091404

8. PUBLIC HEARING – PROPOSED REZONING (Z 698) – Proposed Condominium Development, South side of South Blvd., West of Rochester Road, Section 3 – From R-1C (One Family Residential) to R-1T (One Family Attached)

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

The petitioner, Ted Berlinghof of Architects International, 40 Hague, Detroit, was present.

The property owner, Frank Ayar of 6924 Cottonwood Knoll, West Bloomfield, was also present.

Mr. Berlinghof provided a brief description of the proposed condominium project.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-11-130
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the south side of South Boulevard, west of Rochester Road, within Section 3, being 2.31 acres in size, be granted.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

December 13, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steven J. Vandette, City Engineer
Nino A. Licari, City Assessor
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PUBLIC HEARING – STREET VACATION APPLICATION (SV 179) – A portion of the Alger Street right-of-way, located between Birchwood and Vermont, located west of John R Road, north of Maple Road, Section 26

RECOMMENDATION

At the November 9, 2004 Regular Meeting, the Planning Commission recommended that the Alger Street vacation request be approved, with the following conditions:

1. The house at 1767 Alger Street shall be demolished prior to final vacation.
2. The City shall retain the southern 5 feet of the Alger Street right-of-way for the purpose of establishing a 60-foot right-of-way on Birchwood.

City Management concurs with the Planning Commission recommendation and recommends an authorizing resolution. Once the conditions are met City Council may consider a Final Vacation of the right-of-way.

GENERAL INFORMATION

Name of applicant(s):
Thomas M. Moss and Sam and Shirley Coleman.

Location of property owned by applicant(s):
The street is located in the John R Garden Subdivision, which was platted in 1926. Mr. Moss owns the property abutting Alger Street to the east, comprised of lots 410, 411, 432 and 433 of John R Garden Subdivision. On the west side of the street, Mr. and Mrs. Coleman own the house on lot 408 and 409. Coleman's Wrecker Service is on lots 402 through 407 and 434 through 441. The street abuts lots 409, 410, 433 and 434.

Length and width of right-of-way.
The Alger Street right-of-way is 50 feet wide. The applicant is proposing to vacate the entire portion (50 feet wide) of Alger Street, between Birchwood Street and Vermont Street (vacated), a distance of 260 feet.

History of Right-of-Way:
A significant portion of the Alger Street right-of-way has been vacated, including the entire right-of-way between Woodslee and Brinston. City and county aerial photographs indicate that the western half of the Alger Street right-of-way between Vermont Street and Birchwood Street has been vacated. However, City staff has determined that no portion of the Alger Street right-of-way between Birchwood and Vermont has ever been vacated.

Mr. Moss applied to vacate this portion of Alger Street in January 2003. The application was considered at the February 11, 2003 Planning Commission Regular Meeting. At this meeting, it was discussed that Alger Street serves the existing non-conforming residence on the west side of the street. Section 40.10.02 requires that any parcel of land zoned in a classification other than One-Family or Two-Family Residential has access to an approved public street that has been accepted for maintenance by the City. A representative of the Department of Public Works indicated that the City would not accept maintenance of a sub-standard street. Approving this street vacation would have the effect of increasing the non-conformity of the abutting residential parcel to the west.

For these reasons, this item was tabled to the February 25, 2003 Special/Study Meeting and was tabled again. Following this meeting, the applicant withdrew the application until such time that the home at 1767 Alger was removed.

The applicant resubmitted the application, together with the owners of the non-conforming house at 1767 Alger Street. A residential wrecking permit (PB2004-1136) for 1767 Alger was issued on October 5, 2004. As of the date of this report, the wrecking permit had not been finalized. Upon finalization, the street vacation request will comply with the Zoning Ordinance.

Current use of adjacent parcels:
North: Industrial uses.

South: A single family home and a vacant lot.

East: Vacant.

West: A single family home and a wrecking yard. The single family home is a non-conforming use in the M-1 Light Industrial district.

Zoning classification of adjacent parcels:
All parcels abutting Alger Street between Birchwood and Vermont are zoned M-1 Light Industrial.

ANALYSIS

Reason for street vacation (as stated on the Street/Alley Vacation Application):
Both applicants have provided a letter requesting the street vacation application (see attached).

Future Land Use Designation:
The property is designated on the Future Land Use plan as Light Industrial/Research.

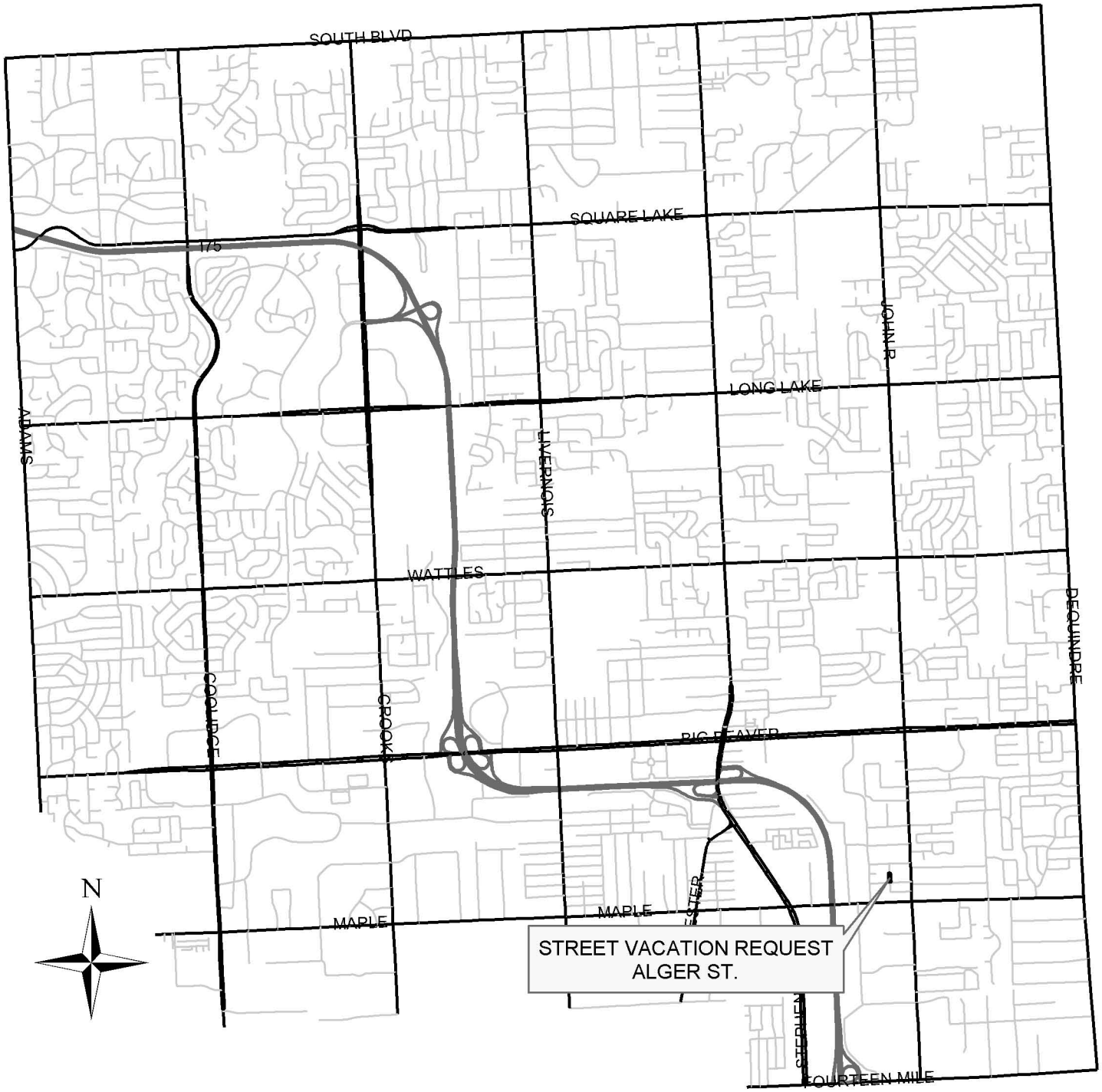
Attachments:
1. Maps.
2. Letters from applicants.
3. Minutes from February 11, 2003 Planning Commission Regular Meeting.
4. Minutes from February 25, 2003 Planning Commission Special/Study Meeting.
5. Minutes from November 9, 2004 Planning Commission Regular Meeting.

cc: Applicant
File/SV 179

Prepared by RBS/MFM

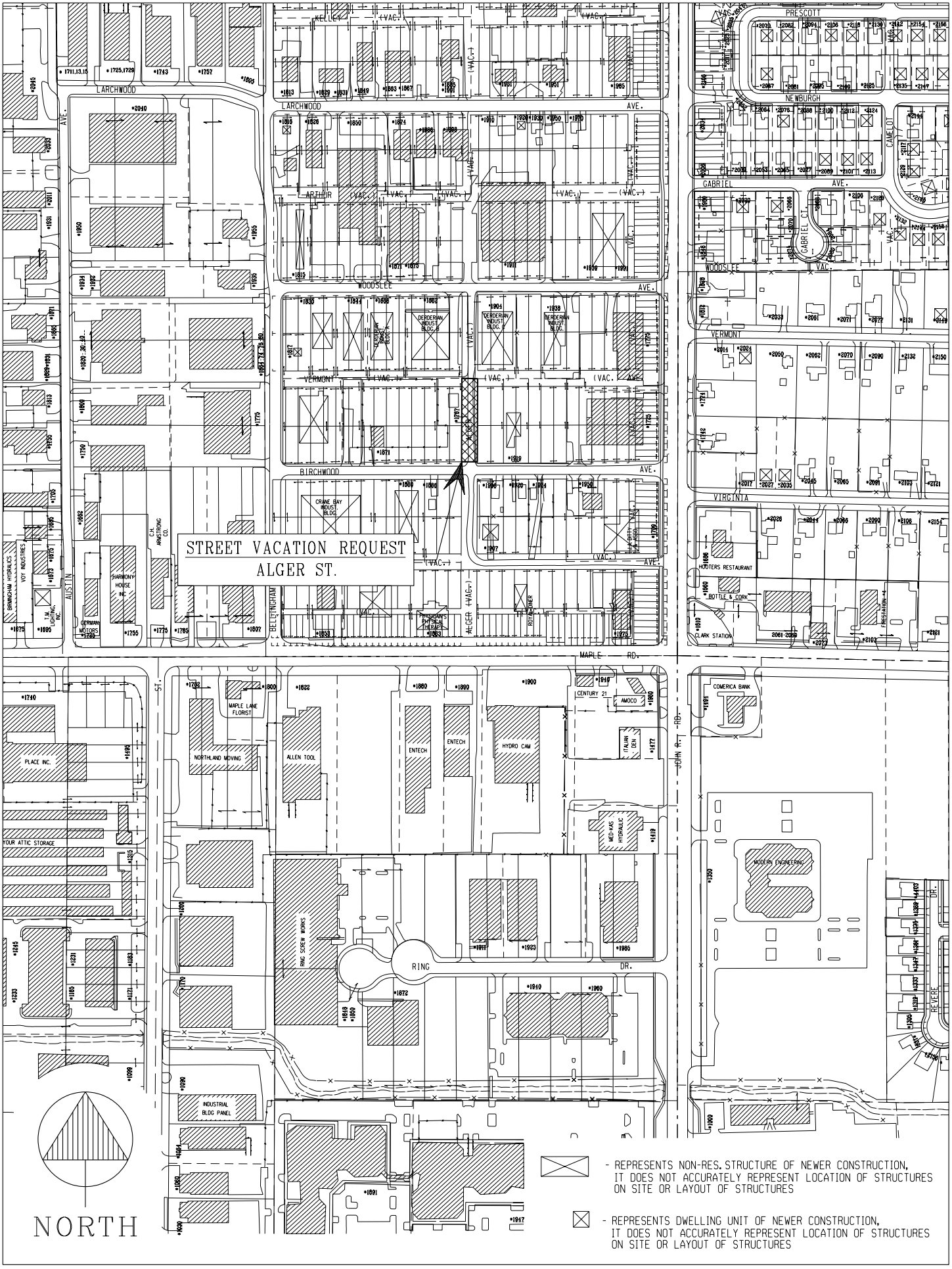
G:\STREET VACATION\SV 179 Alger St N of Birchwood Sec 26\CC Public Hearing Alger St Vacation 12 20 04.doc

CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.

STREET VACATION REQUEST
ALGER ST.
I-75
JOHN R ROAD
BRINSTON
LARCHWOOD
MOORELEE
VERMONT
BIRCHWOOD
VIRGINIA
PRESCOTT
NEWBURGH
CAMELOT
GABRIEL
CHOPIN
BELLINGHAM
AUSTIN
CHICAGO
TECHNOLOGY
RING
ELLIOTT
SHAKER ST.
RUSHMORE
REVERE
ZENIA
LEAMINGTON
SILCOTT
CJ-27
CJ-20
NORTH



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

SV-179 B / SEC. 26 / 10-13-04

STREET VACATION REQEUST
ALGER ST. BETWEEN BIRCHWOOD & VERMONT
N OF MAPLE, W OF JOHN R
SEC. 26 (SV-179 B)
GABRIEL
CAMELOT
WOODSLEE
VERMONT
ALGER
STREET VACATION REQUEST
ALGER STREET
VERMONT
JOHN R
BIRCHWOOD
VIRGINIA
ALGER
AUSTIN
BELLINGHAM
CHOPIN
E MAPLE
N
0 50 100 200 300 400
Feet

REC'D
SEP 15 2004
PLANNING DEPT.

Sept 15th, 2004

Planning Dept. Commission

Att: Mark Miller

We are joining along with Thomas Moss from G & M Properties LLC at 1893 Birchwood Dr. and Sam & Shirley Coleman to ask for total vacation of Alger St. from Birchwood to Vermont

This vacation would abut lots 433, 434, 409 & 410 in the John R. Garden Sub. If you need to talk to either of us please feel free to do so. Sam or Shirley can be reached at 248-8796684 and Thomas Moss at 248-7407800 We have already made application to demolish the house on lots 409 & 410 we would like this to happen A.S.A.P. Thank you so much.

Respectfully

Shirley Coleman

Sam Coleman

G & M PROPERTIES OF MICHIGAN, L.L.C.
1893 Birchwood Drive
Troy, MI 48083
(248) 740-7800 Fax: (248) 740-7805

September 8, 2004

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

Attn: Mark Miller, Planning Department

RE: Vacating all of Alger between Birchwood & Vermont
Abutting Lots #433, 434, 409 & 410

Dear Mark:

Enclosed is an Application for Vacating all of Alger Street between Birchwood & Vermont, being the east & west half of Alger Street abutting lots #433, 434, 409 & 410.

You will note on attached plat layout that it shows half of Alger being vacated on the west side running 120' in depth north of Birchwood Avenue. However, this is not the case and through extensive searching by your real estate division, Mr. Dennis Stephens, there are no records in the files for council approval of said vacation. Furthermore, we researched same with Oakland County Register of Deeds and found that Alger between Birchwood and Vermont is not vacated. Kindly refer to Oakland County Plat attached and also the Oakland County L/P listing vacated areas in the John R Garden Subdivision.

The vacation of this street is being done with the consent of the Coleman's. The utilities are being shut off and the demolition of the house is to be done immediately on Lot #409.

Please forward all correspondence to G & M Properties of Michigan, LLC at the address listed above.

Your immediate attention to this matter would be greatly appreciated; and should you have any questions regarding the above, please don't hesitate to contact our office.

Sincerely,

G & M PROPERTIES OF MICHIGAN, LLC

Thomas M. Moss
Member

TMM/bg

Enclosure

Cc: Mark Stimac – Building Department
Dennis Stephens – Real Estate

tom moss & associates, inc.

DESIGN/BUILD CONTRACTORS

1180 E. BIG BEAVER ROAD, TROY, MI 48083-1934
(248) 740-7800 • FAX (248) 740-7805

March 10, 2003

City of Troy
Planning Department
500 West Big Beaver
Troy, MI 48084

RECD
MAR 11 2003
PLANNING DEPT.

Attn: Mark Miller
Planning Director

RE: Street Vacation Request (SV-179)
East ½ of Alger Street, abutting Lots 410 & 433 of John R Gardens Subdivision, North of Birchwood, West of John R, Section 26 – M-1

Dear Mr. Miller:

We respectfully request withdrawal of our former application to vacate Alger Street as noted above until such time that the residential home on Alger in question is removed and Alger can be requested for vacation in its entirety.

Thank you for your attention to this matter. Should you have any questions regarding the above, please don't hesitate to contact our office.

Sincerely,

TOM MOSS & ASSOCIATES, INC.

Thomas M. Moss
President

TMM/bg

Cc: Arthur Shannon

DEPT. CIRCULATION
☑ DIRECTOR
☑ PRINCIPAL PLANNER
☑ PLANNER
☑ PLANNER
☑ SECRETARY

FILE
PLANNING COMMISSION

STREET VACATION REQUEST

6. PUBLIC HEARING – STREET VACATION REQUEST (SV-179) – East ½ of Alger Street, abutting Lots 410 and 433 of John R Garden Subdivision, North of Birchwood, West of John R, Section 26 – M-1.

Mr. Savidant presented a summary of the Planning Department report for the proposed street vacation. The applicant is proposing to vacate the east half (25 feet wide) of Alger Street between Birchwood Street and Vermont Street (vacated), which is a distance of 260 feet. Mr. Savidant said that a significant portion of the Alger Street right-of-way has been vacated, including the entire right-of-way between Woodslee and Brinston. In reviewing the current use of adjacent parcels, Mr. Savidant reported that the parcel to the west contains a single family home and a wrecking yard and noted the single family home is a non-conforming use in the M-1 Light Industrial district. All parcels abutting Alger Street between Birchwood and Vermont are zoned M-1 Light Industrial. Mr. Savidant stated that the applicant wishes to vacate the eastern half of the street to enable the construction of an industrial shop and office building on the site, noting that presently it would be difficult, if not impossible, to meet setback requirements.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to deny the Alger street vacation request as submitted. Mr. Savidant explained that approving the street vacation would have the effect of increasing the non-conformity of the abutting residential parcel to the west, which neither the Planning Commission nor City Council has the authority to do.

Mr. Savidant stated the attorney representing the applicant has contacted the Planning Department with a willingness to work with the City to come to some kind of an agreement.

Ms. Pennington asked for confirmation that the property located east of Alger Street is unbuildable as it is currently zoned.

Mr. Savidant confirmed that the site is unbuildable because of the required setbacks.

Mr. Waller questioned the width of the street and right-of-way.

Mr. Savidant explained that the right-of-way is currently 50 feet wide and the gravel street is 22 feet wide. He explained that if the 25 feet were to be vacated, one half of the gravel street would be lost as well, resulting in roughly an 11-foot wide gravel street on a 25-foot wide right-of-way.

Mr. Waller stated that somebody potentially could shift the gravel over to the west to turn the 22 feet into 25 feet.

Mr. Savidant responded yes, potentially.

Ms. Pennington questioned if a utility easement exists on the property.

Mr. Savidant confirmed that the Engineering Department did not designate any utility easement in the right-of-way.

Arthur Shannon, 43252 Woodward, Bloomfield Hills, was present to represent the petitioner. He explained that Mr. Moss was called out of town and could not attend the meeting. Mr. Shannon commented that the information provided to the Commission has been presented accurately. Mr. Shannon stated that Mr. Moss was involved in developing land in the area of Brinston and Bellingham, which is located in the same subdivision a little to the north. He further stated that Mr. Moss wishes to relocate his business and office to this site, noting that Mr. Moss currently works out of an office on Big Beaver, east of Rochester.

Mr. Shannon recognizes that the main problem to this street vacation is the house on Alger, and stated that Mr. Moss is willing to do one of two things. Mr. Moss is willing to grant an easement over the entire road, so that the road as it now exists could continue to be used, unless or until some day it could be vacated. Mr. Moss is also willing to grant a permanent easement over the roadway so that the roadway would remain unaffected. Mr. Shannon noted that Mr. Moss does not need the roadway; he needs the setbacks in order to build within his lots. Mr. Shannon further noted that the house would probably be removed within one year.

Chairman Littman asked if the petitioner would like the matter to be tabled.

Mr. Shannon said that due to time constraints, he is asking the Commission to grant approval to the street vacation subject to granting a permanent easement over the roadway so the roadway remains unaffected.

Chairman Littman asked for legal advice from the Assistant City Attorney.

Ms. Lancaster said that she and Mr. Shannon had discussed the matter earlier in the day. She reported that the granting of an easement may or may not resolve the matter. She cited the ordinance with respect to site access requirements in that a permanent and unobstructed private easement can suffice if it is at least 40 feet in width, noting this would not be the case in this matter. Ms. Lancaster stated that with less than 40 feet, any easement would be subject to the review of the City Engineer who is required to receive approval from both the Fire Chief and Police Chief. Ms. Lancaster summarized that preliminary work must be conducted to find out if an easement is feasible, and suggested that no action be

taken to this regard because an easement may not be a viable solution. Ms. Lancaster reminded the Commission that granting a vacation at this time would increase the non-conformity of the abutting residential parcel.

A short discussion followed.

Mr. Chamberlain said that regardless if there is a residence or not, there is a viable piece of land that is separately owned, and whoever owns that land has a street going to it. He said there could someday be an industrial building on that property with a need for a street, noting then there would be truck traffic as opposed to car traffic. Mr. Chamberlain said then a matter could arise with not wanting truck traffic over this easement. Mr. Chamberlain expressed his opposition to vacating the street because it would result in landlocking the residence and further commented that he would not vote for any recommendation to vacate this street.

Mr. Shannon responded that the house is owned by the same gentleman who owns the vacant corner lot to the south of it, and again noted that the house would probably not remain a year from now. Mr. Shannon stated that if there were a permanent easement, the same road would be there whether the owner wanted to develop the back piece of land separately from the front piece.

Mr. Kramer responded there are two parcels; today it could be one owner, tomorrow it could be two owners.

Chairman Littman stated that the Planning Department has on file a letter from the Coleman's voicing their objection to this proposed street vacation.

PUBLIC HEARING OPENED

No one was present to speak.

Mr. Shannon announced that Mr. Moss met with the Coleman's since that letter was written and explained his proposal. Mr. Shannon stated that the Coleman's do not have an objection to the vacation now.

PUBLIC HEARING CLOSED

Resolution

Moved by Pennington Seconded by Vleck

RESOLVED, that this item be tabled to the Special/Study Meeting scheduled on February 25, 2003.

Yeas	Nays
Kramer	Chamberlain
Littman	
Pennington	
Schultz	
Storrs	
Vleck	
Waller	
Wright	

MOTION CARRIED

Mr. Chamberlain stated: "My negative vote is due to the fact that we are wasting everybody's time here. You got that sidwell sitting up there that you cannot have a legal street to. It might be all one ownership but right now it's a different sidwell. The only way you can change that is to change the sidwell to combine it with the rest of the properties and that ain't gonna probably happen and that's the reason for my no vote."

Ms. Lancaster recommended that the public hearing remain open to avoid re-sending public hearing notifications to affected residents.

PUBLIC HEARING RE-OPENED

No one was present to speak.

Chairman Littman announced that the public hearing will remain open until the February 25 Special/Study Meeting.

8. ALGER STREET VACATION REQUEST – Tabled from February 11, 2003 Regular Meeting

Chairman Littman announced that the Public Hearing remains open on this item.

Mr. Miller reported that he and Mr. Savidant met with the petitioner and explained to the petitioner that the zoning ordinance requires that the existing home on Alger Street be provided access on a road or, as an alternative because it is zoned M-1, provided a 40 foot wide easement which includes a 28 foot wide road built to City road standards. Mr. Miller said that all options were discussed with the petitioner and the petitioner is considering potential solutions; i.e., changing the complete building plan and/or seeking a variance.

A short discussion followed.

Mr. Miller recommended that the petitioner be provided enough time to assess his alternatives and that the vacation request be tabled to a regular meeting.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Waller Seconded by Schultz

RESOLVED, that Street Vacation Request (SV-179) be tabled to the April 8, 2003 Regular Meeting.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

STREET VACATION REQUEST

10. PUBLIC HEARING – STREET VACATION REQUEST (SV-179) – Alger Street between Birchwood and Vermont, approximately 260 feet, abutting Lots 409, 410, 433 and 434, John R Garden Subdivision, North of Birchwood, West of John R, Section 26 – M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report for the proposed Alger Street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the request with the conditions that (1) the house at 1767 Alger Street be demolished prior to final vacation; and (2) that the City retain the southern 5 feet of the Alger street right-of-way for the purpose of establishing a 60-foot right of way on Birchwood.

The petitioners, Tom Moss of 1893 Birchwood, Troy, and Shirley Coleman of 2089 Burdic, Troy, were present.

Mr. Moss said he is the owner of the property located immediately to the east of the subject vacation and the Coleman's are owners of the property immediately to the west. Mr. Moss said the house at 1767 Alger Street is scheduled to be demolished next Monday. He explained the home was recently used by the Troy Police Department for SWAT team drills.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-11-132
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for the Alger Street right-of-way, located within the John R Gardens Subdivision, abutting lots 409, 410, 433 and 434, being approximately 260 feet in length and 50 feet in width, in Section 26, be approved subject to the following conditions:

1. That the structure at 1767 Alger shall be demolished prior to final vacation.

2. That the City shall retain the southern 5 feet of Alger Street right-of-way for purposes of establishing a 60 foot right-of -way on Birchwood.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

DATE: November 17, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Public Hearing
Request for Commercial Vehicle Appeal
1855 Boulan

On October 20, 2004, a violation was issued for the outdoor parking of a commercial vehicle located on the residential property at 1855 Boulan. In particular, a violation was issued for the parking of a Chevrolet cube van east of the garage. In response to our violation Mr. Sregiu Botezan, a resident of the home and son of the property owner, has filed an appeal application for your consideration. 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 November 29, 2004.

The main building on the property is 1,586 square feet in size. Section 40.57.04 would allow a detached accessory building of 793 square feet. There is also considerable room and setback available to build attached accessory buildings. The 30% lot coverage rule would dictate the maximum building size and limit the size to 7,830 square feet or an addition of 6,244 square feet.

A request for a similar, but different, vehicle was heard and denied by City Council at their meeting of May 7, 2001. A copy of those minutes are attached.

Copies of the application, site plan, photos and map showing the 300' notice area are attached for your reference. Should you have any questions or require additional information, kindly advise.

Prepared by: Mark Stimac, Director of Building and Zoning

COMMERCIAL VEHICLE APPEAL APPLICATION

RECEIVED
OCT 27 2004
BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: SERGIU V. BOTEZAN (SON of PROPERTY owner & resident @ this Location)

ADDRESS: 1855 BOULAN DR

CITY: TROY MI. ZIP: 48084 PHONE: (248) 614-0008

ADDRESS OF SITE: 1855 BOULAN DR, TROY, MI 48084

NUMBER OF VEHICLES: ONE

VEHICLE IDENTIFICATION NUMBER(S)
1GBJ631F9W1055560

LICENSE PLATE NUMBER(S) 6157 AY

DESCRIPTION OF VEHICLE(S) CUBE VAN.

REASON FOR APPEAL (see A - D below)

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.

C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle)s) and a photo of the vehicle on-site..

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 27 day of October, 2004 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Barbara A Holmes
Notary Public, County, Michigan

My Commission Expires: Dec 16, 2004

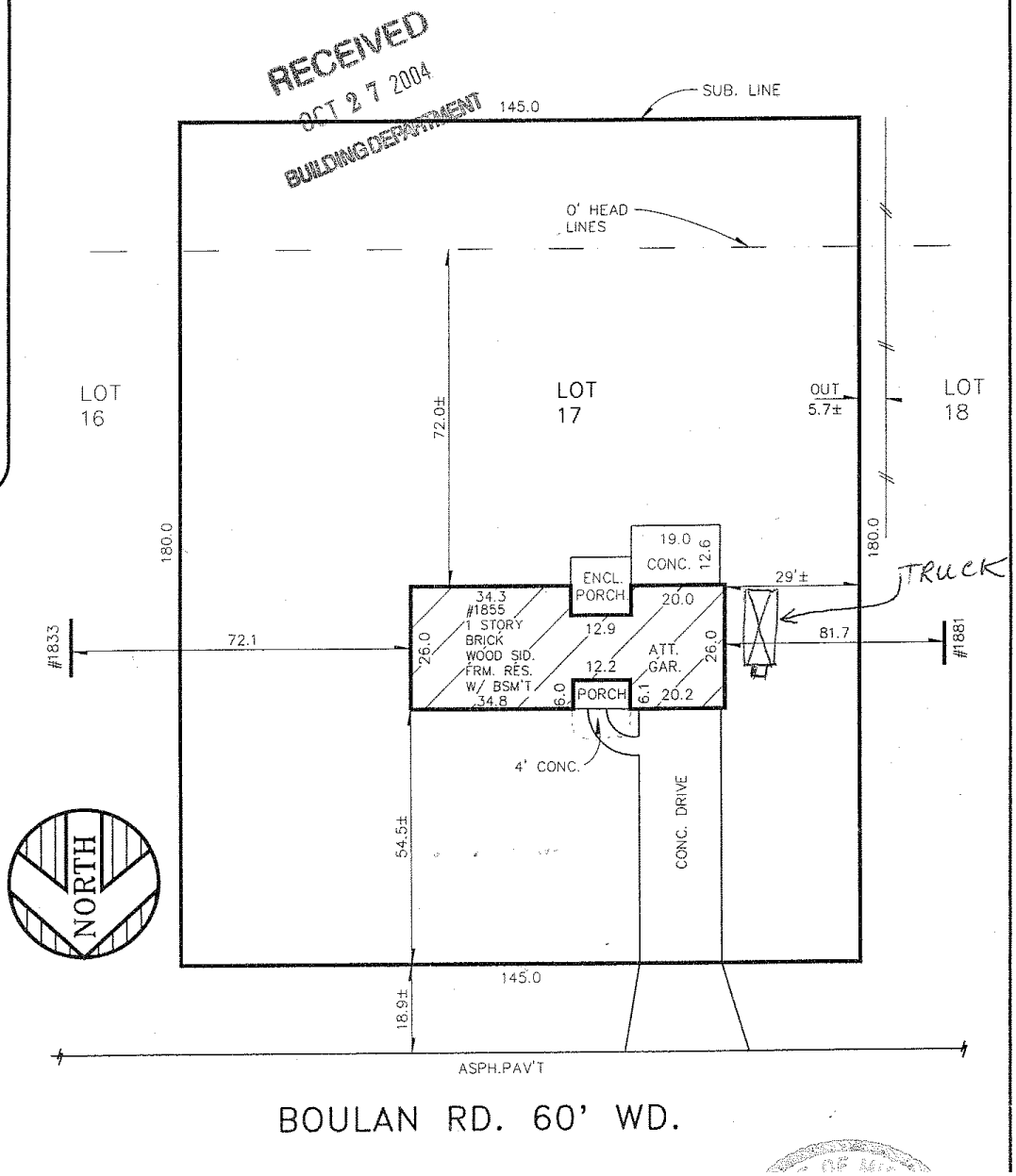
BARBARA A. HOLMES
Notary Public, Oakland County, MI
My Commission Expires December 16, 2004

MORTGAGE SURVEY

Certified to: TOWNE MORTGAGE COMPANY

Applicant: SEVER AND MARIA V. BOTEZAN

Property Description:
Lot 17; TROY HIGHLANDS, a subdivision of part of the N.E. 1/4 of Section 20, T.2 N., R.11 E., Troy Twp. (now City of Troy), Oakland County, Michigan, as recorded in Liber 59 of Plats, Page 45 of Oakland County Records.



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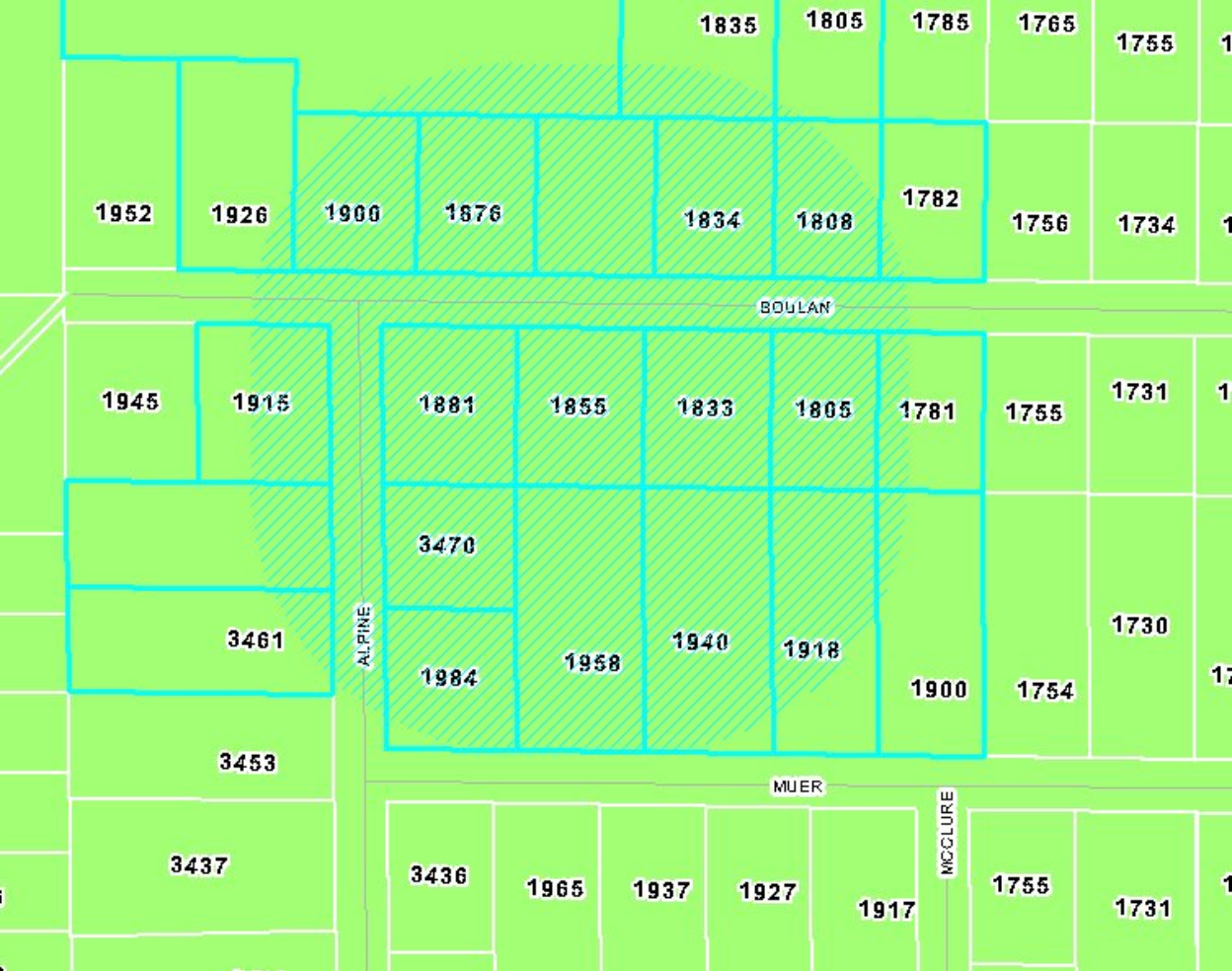
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3470
3461
ALPINE
1984
1958
1940
1918
1900
1754
1730
3453
MUER
3437
3436
1965
1937
1927
1917
MCCLURE
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1731

C-1 Appeal of Dangerous Building Determination – 612 Trombley, Parcel #22-401-006 – Continued

RESOLVED, That the resolution be amended subject to the following conditions: (1) Amend habitable or demolished date from May 28, 2001 to May 28, 2002; (2) Petitioner to install fence; (3) City Administration to provide a listing as to what work must be performed by the petitioner to remove the dangerous building status; (4) Petitioner to provide feedback to City Administration regarding completed work within 45 days; and (5) The 45 day requirement will be extended accordingly if a delay in work is caused due to restrictions set by a governmental agency.

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta
No: Schilling

Vote on Amended Resolution

Resolution #2001-05-229
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That if the structure at 612 Trombley is not made habitable or demolished on or before “May 28, 2002”, then the City of Troy is authorized to cause the structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged as a lien upon the property at 612 Trombley, Troy, MI subject to the following provisions “(1) Petitioner to install fence; (2) City Administration to provide a listing as to what work must be performed by the petitioner to remove the dangerous building status; (3) Petitioner to provide feedback to City Administration regarding completed work within 45 days; and (4) The 45 day requirement will be extended accordingly if a delay in work is caused due to restrictions set by a governmental agency.”

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta
No: Schilling

POSTPONED ITEMS

D-1 Request for Commercial Vehicle Appeal – 1855 Boulan

Resolution #2001-05-230
Moved by Pallotta
Seconded by Schilling

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

D-1 Request for Commercial Vehicle Appeal – 1855 Boulan – Continued

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Cipitan Botezan, 1855 Boulan, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby denied.

Yes: Beltramini, Kaszubski, Lambert, Pallotta, Schilling
No: Pryor, Howrylak

RECESS 9:03 PM – 9:23 PM

D-2 Standard Purchasing Resolution 1: Award to Low Bidder – Remote Camera System

Resolution #2001-05-231
Moved by Pallotta
Seconded by Schilling

RESOLVED, That a contract to furnish and install one (1) remote camera system for Council Chambers is hereby awarded to the low bidder, Thalner Electronic Lab at an estimated total cost of $66,430.88.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all

RECEIVED
NOV 17 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [X] **objection** [ ] is:

We live at 1876 Boulan, directly across from 1855 Boulan. No, it does not bother us to have this truck parked in their driveway. We hope they can continue to do so!

NAME: Mrs Clifford Tennenhouse

ADDRESS OR PROPERTY DESCRIPTION 1876 Boulan

RECEIVED
NOV 18 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

City ordinance are for a good reason, to keep neighborhoods from turning into industrial sites. Next he'll want to put up a 6,000 square ft garade. The owner of the truck dosn't even live there. I say NO!

NAME:

ADDRESS OR PROPERTY DESCRIPTION

John Glass
1900 Boulan
Troy MI 48084

ROYAL OAK MI 480
PM
17 NOV
2004

City of Troy
500 West Big Beaver
Troy, MI 48084
Building Dept.

48084-5254

RECEIVED
NOV 19 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on reverse side.

My reason for this **approval** [ ] **objection** [X] is:

WE ARE BECOMING LESS & LESS LIKE A RESIDENTIAL NEIGHBORHOOD AND MORE LIKE A COMMERCIAL GHETTO. TRUCKS DON'T BELONG IN A RESIDENTIAL AREA.

AS A FORMER TRUCKER, OWNING MY OWN EQUIPMENT, I WAS NOT ALLOWED, BY TROY CITY ORDINANCE TO PARK MY TRUCK IN MY OWN DRIVEWAY. AS A RESULT, IT WAS NECESSARY FOR ME TO PAY A FEE FOR PARKING IN AN INDUSTRIAL DISTRICT AND ARRANGING FOR TRANSPORTATION BACK AND FORTH FROM MY HOME TO MY TRUCK.

NAME: John F. Stine

ADDRESS OR PROPERTY DESCRIPTION 1915 Boulan
Troy 48084

RECEIVED
NOV 19 2004
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

Commercial vehicles do not belong in a residential area. If we continue to let people build monster garages and start parking commercial vehicles to run business's – the next step will be petitions to rezone our residential neighborhood to a business zone.

NAME: Lannis + Janice Sutherland

ADDRESS OR PROPERTY DESCRIPTION 1926 Boulan

A Regular Meeting of the Troy City Council was held Monday, December 6, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Mrs. Anne McCauslin, Central Woodward Christian Church, gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield (Left at 9:40 PM)
David Eisenbacher
David A. Lambert
Jeanne M. Stine
ABSENT: Martin F. Howrylak

Resolution to Excuse Council Member Howrylak

Resolution #2004-12-610
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Council Member Howrylak's absence at the Regular City Council of December 6, 2004 be **EXCUSED** due to his absence from the city.

Yes: All-6
No: None
Absent: Howrylak

CERTIFICATES OF RECOGNITION:

A-1 **Presentations: b)** Mayor Schilling presented a proclamation on behalf of the City of Troy to the individual students graduating from Citizens Academy VIII; **a)** An auditor's presentation was given by Larry Simon of Doeren Mayhew; John M. Lamerato, Assistant City Manager/Finance and Administration, presented the *Comprehensive Annual Financial Report for the Year Ended June 30, 2004* to City Council

CARRYOVER ITEMS:

B-1 No Carryover Items

The meeting **RECESSED** at 9:24 PM.

The meeting **RECONVENED** at 9:40

Council Member Broomfield left due to illness at 9:40 PM.

PUBLIC HEARINGS:

C-1 Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution #2004-12-611
Moved by Beltramini
Seconded by Stine

RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40-59.00, pertaining to Accessory Buildings Definitions and Provisions, be **REFERRED** to the Planning Commission for further discussions, with specific consideration given to the garage door height, foot print ratios, further rational of the number of detached buildings, and that staff make the changes as requested in regard to greenhouses.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2004-12-612
Moved by Lambert
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

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

E-2 Minutes: Special and Regular Meetings of November 29, 2004

Resolution #2004-12-612-E-2

RESOLVED, That the Minutes of the 6:00 PM Special Meeting and the Minutes of the 7:30 PM Regular Meeting of November 29, 2004 be **APPROVED** as submitted.

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

E-4 Acceptance of Sanitary Sewer Easements, Sidwell #88-20-12-100-004 & 005, Section 12, 2216 & 2238 E. Square Lake Rd.

Resolution #2004-12-612-E-4

RESOLVED, That City Council **ACCEPTS** the sanitary sewer easements from William L. Fletcher & Hester May Quarrella, owners of property having Sidwell #88-20-12-100-004, and from Akram Kthar & Moaeed Khedher, owners of property having Sidwell #88-20-12-100-005, and

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

E-5 Approval of Relocation Claim, Paul & Helen A. Kaleto, 2839 Thames, Sidwell #88-20-25-226-005, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

Resolution #2004-12-612-E-5

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Paul and Helen A. Kaleto pertaining to the City of Troy's acquisition of their property at 2839 Thames, having Sidwell #88-20-25-226-005, and **AUTHORIZES** payment in the amount of $19,781.50.

E-6 Acceptance of Regrading and Temporary Construction Permit & Authorization for Payment, South Boulevard and Rochester Intersection Improvements – CMAQ Project No. 01.103.5, Sidwells #88-20-02-101-001 & -003

Resolution #2004-12-612-E-6

RESOLVED, That the Regrading and Temporary Construction Permit from Joseph and Josephine Petruzzello, owners of the property having Sidwells #88-20-02-101-001 and -003, is hereby **ACCEPTED** for the Rochester and South Boulevard Intersection Improvement Project and payment is **AUTHORIZED** in the amount of $8,150.00.

E-7 Acceptance of a Permanent Easement from Troy Commons, LLC – Sidwells #88-20-22-477-047, 039, 038 & 043

Resolution #2004-12-612-E-7

RESOLVED, That the three attached easements for watermain, sidewalk and sanitary sewer from Troy Commons, LLC, owner of property having Sidwells #88-20-22-477-047, 039, 038 & 043 are hereby **ACCEPTED**; and

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

E-8 Standard Purchasing Resolution 2: Bid Award – Low Bidders Meeting Specifications – Traffic Control Signs

Resolution #2004-12-612-E-8

RESOLVED, That one-year contracts to provide Traffic Control Signs with an option to renew for one (1) additional year are hereby **AWARDED** to the lowest bidders meeting specifications, Vulcan Signs, Rocal, Inc., and Hall Signs at unit prices contained in the bid tabulation opened November 16, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and the contracts shall expire December 16, 2005.

E-9 Approval of Relocation Claim, Mahmoud and Nahla Abdallah, 2851 Thames, Sidwell #88-20-25-226-006, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

Resolution #2004-12-612-E-9

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Mahmoud and Nahla Abdallah pertaining to the City of Troy's acquisition of their property at 2851 Thames, having Sidwell #88-20-25-226-006, and **AUTHORIZES** payment in the amount of $15,476.94.

E-10 Acceptance of Sanitary Sewer Easements, Sidwells #88-20-24-451-058 & 059, Section 24, 2583 E. Big Beaver & Adjacent Lot

Resolution #2004-12-612-E-10

RESOLVED, That City Council **ACCEPTS** the sanitary sewer easements from Umberto and Venerina Basilisco owners of property having Sidwell #88-20-24-451-058, and from Stephan and Carole Gueccia, and Julius Ceasar and Michelle Spognardi, owners of property having Sidwell #88-20-24-451-059, and

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

E-11 Approval of Relocation Claim, Thien Van Le and Yen Lu, 2919 Thames, Sidwell #88-20-25-229-002, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

Resolution #2004-12-612-E-11

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Thien Van Le and Yen Lu

pertaining to the City of Troy's acquisition of their property at 2919 Thames, having Sidwell #88-20-25-229-002, and **AUTHORIZES** payment in the amount of $1,170.00.

E-12 2004-05 Budget Amendment No. 1

Resolution #2004-12-612-E-12

RESOLVED, That Budget Amendment No. 1 of the 2004-05 budget be **APPROVED** to provide funds for outstanding purchase orders at June 30, 2004, reconcile capital projects in various stages of completion at June 30, 2004; and

BE IT FURTHER RESOLVED, That a copy of the Budget Amendment No. 1 be **ATTACHED** to the original Minutes of this meeting.

E-13 Private Agreement for Jonna Retail, Project No. 03.920.3

Resolution #2004-12-612-E-13

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Jonna Management Group, is hereby **APPROVED** for the installation of water main, sanitary sewer, deceleration lane, approaches, sidewalks and soil erosion controls 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-14 Acceptance of a Permanent Easement for Watermain – Leonard Family Limited Partnership – 1095 Naughton, Sidwell #88-20-26-152-012

Resolution #2004-12-612-E-14

RESOLVED, That the watermain easement from Leonard Family Limited Partnership, owner of property at 1095 Naughton, having Sidwell #88-20-26-152-012 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.

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: Downtown Development Authority; Planning Commission and **(b) City Council Appointments:** Advisory Committee for Persons with Disabilities; Animal Control Appeal Board; Historic District Commission; Troy Daze Committee

Resolution #2004-12-613

Moved by Schilling
Seconded by Beltramini

(a) Mayoral Appointments

Planning Commission
Mayor, Council Approval (9) – 3 years

Larry Littman	**Term expires 12-31-07**
Mark J. Vleck	**Term expires 12-31-07**
Wayne C. Wright	**Term expires 12-31-07**

Yes: All-5
No: None
Absent: Broomfield, Howrylak

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for Monday, December 20, 2004:

(a) Mayoral Appointments

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

Term expires 07-01-2005 (Student)

(b) City Council Appointments

Advisory Committee for Persons with Disabilities
Appointed by Council (9) – 3 years

Term expires 11/01/2007

Animal Control Appeal Board
Appointed by Council (5) – 3 years

Term expires 09/30/2007

Historic District Commission
Appointed by Council (7) – 3 years

Unexpired term expires 05/15/2006

Troy Daze Committee

Appointed by Council (9) – 3 years

	Term expires 11/30/07
	Term expires 11/30/07
	Term expires 11/30/07

F-2 Appointment of Master of Ceremonies and Official Host - Annual Banquets

Resolution #2004-12-614
Moved by Beltramini
Seconded by Stine

RESOLVED, That Council Member David Eisenbacher **WILL ACT** as Master of Ceremonies and Official Host that evening and work with the Community Affairs Department for the Annual 2005 Boards & Committees Appreciation Banquet (February 12, 2005); and

BE IT FURTHER RESOLVED, That Council Member Broomfield **WILL ACT** as Master of Ceremonies and Official Host that evening and work with the Community Affairs Department for the Annual 2005 Fire Fighters Appreciation Banquet (May 21, 2005).

Yes: All-5
No: None
Absent: Broomfield, Howrylak

F-3 Approval of Subdivision Entrance Signs/Agreements, Sylvan Glen Subdivision

Resolution #2004-12-615
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That the sign applications submitted by the Sylvan Glen Homeowners Association for the placement of a sign in the median of Falmouth at the intersection of Long Lake Road, as well as the median of Hampshire at the intersection of Livernois, are hereby **APPROVED** as to the design and materials proposed; and

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

Yes: All-5
No: None
Absent: Broomfield, Howrylak

F-4 Troy v. Switlicki et. al

Resolution #2004-12-616
Moved by Lambert
Seconded by Stine

RESOLVED, That the Consent Judgment in the matter of City of Troy v Michael Switlicki, et al is hereby **APPROVED** by the City of Troy, the City Attorney is **AUTHORIZED** to execute the document on behalf of the City of Troy, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Commercial Vehicle Appeal – 1263 Wrenwood – **Scheduled for December 20, 2004**
b) Commercial Vehicle Appeal – 2875 Bywater – **Scheduled for December 20, 2004**
c) Commercial Vehicle Appeal – 6903 John R – **Scheduled for December 20, 2004**
d) Rezoning Application – South Side of South Boulevard, West Side of Rochester Road, Section 3 – R-1C to R-1T (Z 698) – **Scheduled for December 20, 2004**
e) Street Vacation Application (SV 179) – The Eastern Half of Alger Street, Between Birchwood and Vermont, Located West of John R Road, North of Maple Road, Section 26 – **Scheduled for December 20, 2004**

Noted and Filed

G-2 Agenda Items for Future Consideration

a) Update on Proposed Minor League Baseball Facility

Noted and Filed

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

H-1 No Council Referrals advanced

COUNCIL COMMENTS:

I-1 No Council Comments advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Employees' Retirement System Board of Trustees/Final – October 13, 2004
b) Library Board/Final – October 14, 2004
c) Board of Zoning Appeals/Final – October 19, 2004
d) Troy Daze Advisory Committee/Draft – October 25, 2004
e) Troy Daze Advisory Committee/Final – October 25, 2004
f) Planning Commission Special/Study/Final – October 26, 2004
g) Youth Council/Final – October 27, 2004
h) Planning Commission Special/Study/Draft – November 2, 2004
i) Building Code Board of Appeals/Draft – November 3, 2004
j) Planning Commission/Draft – November 9, 2004
k) Employees' Retirement System Board of Trustees/Draft – November 10, 2004
l) Library Board/Draft – November 11, 2004
m) Youth Council/Draft – November 17, 2004
n) Troy Daze Advisory Committee/Draft – November 23, 2004

Noted and Filed

J-2 Department Reports:

a) Concession Stand Operations Report

Noted and Filed

J-3 Letters of Appreciation:

a) Letter from Larson Middle School PTO to Detective Jim Mork, Thanking Him for Speaking to the Organization About Internet Safety
b) Letter from Alliance Mobile Health to Lt. Tom Houghton, Thanking Officers Harrison, Coombs, Novak, and Villerot for Their Assistance During an Ambulance Request
c) Letter from Troy Families for Safe Homes to Chief Craft, Thanking Him for Speaking at Their November 3, 2004 Luncheon
d) Letter from Troy Community Coalition to Chief Craft, Thanking Sergeant Robert Redmond for His Presentation at Their November 4, 2004 Meeting
e) Letter from COTHA to Sergeant Ostrowski, Thanking Him for His Presentation at Their November Meeting and Thanking Lieutenant Scherlinck for His Continued Support of COTHA
f) Letter from Clackamas County to Chief Craft, Thanking His Participation in the 2nd Annual National Family Violence Appreciation Detail
g) Letter from Schroeder Elementary Cub Scout Den 2, Pack 1010 to Alliance Mobil Health, Thanking Them for Their Presentation on November 8, 2004
h) Letter from Paul DeGregorio, Commissioner – U.S. Election Assistance Commission to Tonni Bartholomew Thanking Her for Meeting with Him During His Visit to Michigan and for Serving on the Board of Advisors of the U.S. Election Assistance Commission
i) Letter from Jeffrey D. Werner, Bloomfield Township Chief of Police in Appreciation for the Troy Police Department's Assistance During the 35th Ryder Cup Matches
j) Letter from Ken Aud, Area Manager for the Department of Corrections for Oakland County Circuit Court Probation to Lt. David Livingston in Appreciation of His Participation with Their Operation Nighthawk Training
k) Thank You Note from Vivian Brokenshire to MaryAnn Hays in Appreciation of Her Assistance in Locating Deceased Members of Her Family in City of Troy Cemeteries

l) Letter from Richard G. Patterson, Chief of Police for the Birmingham Police Department to Chief Craft Thanking Officer Meinzinger for His Assistance in Apprehending a Suspect Involved in an Unarmed Robbery

m) Letter from JoJo Cosman, Manager of Corporate Training Services for Kelly Services to Chief Craft in Thanking Officer N. Kaptur for Her Presentation Regarding General Safety

Noted and Filed

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

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J-5 Calendar

Noted and Filed

J-6 Comprehensive Annual Financial Report for the Year Ended June 30, 2004 - Copy of Report Available for Public Viewing at the Troy City Clerk's Office

Noted and Filed

J-7 Correspondence: Michael W. Reaves, President – Michigan Association of Public Employee Retirement Systems (MAPERS), Re: MAPERS Achievement Program – John M. Lamerato's Successful Completion of the Intermediate Fiduciary Examination

Noted and Filed

J-8 Memorandum, Re: Class C "Quota" Licenses

Noted and Filed

J-9 Correspondence: Tom Krent – 3184 Alpine, Re: Suggested Zoning Ordinance Revisions to Prevent Another Industrial Warehouse from Being Built in Residential Districts (This pertains to Item C-1 – Zoning Ordinance Text Amendment [ZOTA 215A])

Noted and Filed

STUDY ITEMS:

K-1 No Study Items submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 10:47 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

CITY COUNCIL MINUTES – Special Meeting - DRAFT December 10, 2004

A Special Meeting of the Troy City Council was held Friday, December 10, 2004, in The Board Room of Doeren Mayhew on Floor 22 of the Top of Troy Building 775 West Big Beaver Road. Mayor Schilling called the meeting to order at 6:00 P.M.

PRESENT: Mayor Louise Schilling
Mayor Pro Tem Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
David A. Lambert
Jeanne M. Stine

ABSENT: Martin F. Howrylak

ALSO PRESENT: John Szerlag, City Manager
Lori Grigg-Bluhm, City Attorney
Lewis G. Bender, Ph.D. Consultant

Dr. Lew Bender facilitated a session re: City Council/Staff Discussion Re: the Role of City Council/City Manager Partnership

Discussion Questions:

1) What should City Council expect of the City Manager and City Attorney?
2) What should the City Manager and City Attorney expect of City Council?
3) What should City Council Members expect of each other?
4) What are the ground rules for being a member of this City Council?
5) What can be done differently to be more effective?

PUBLIC COMMENT

The meeting adjourned at 9:57 P.M.

_____
Louise Schilling, Mayor

_____
John Szerlag, City Manager

A Special Meeting of the Troy City Council was held Saturday, December 11, 2004, in The Board Room of Doeren Mayhew on Floor 22 of the Top of Troy Building 775 West Big Beaver Road. Mayor Schilling called the meeting to order at 8:04 A.M.

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

ALSO PRESENT: John Szerlag, City Manager
Lori Grigg-Bluhm, City Attorney
John M. Lamerato, Assistant City Manager/Finance & Administration
Brian P. Murphy, Assistant City Manager/Services
Charlie Craft, Police Chief
Bill Nelson, Fire Chief
Doug Smith, Director of Real Estate and Development
Laura Fitzpatrick, Assistant to the City Manager
Cindy Stewart, Director of Community Affairs
Tonni Bartholomew, City Clerk
Lewis G. Bender, Ph.D. Consultant

Dr. Lew Bender facilitated a session re: City Council/Staff Discussion Re: the Role of City Council/City Manager Partnership

Discussion Questions:

1) What should City Council expect of the City Manager and City Attorney?
2) What should the City Manager and City Attorney expect of City Council?
3) What should City Council Members expect of each other?
4) What are the ground rules for being a member of this City Council?
5) What can be done differently to be more effective?

Recess 9:20 to 9:45 A.M.

Recess 10:45 to 11:00 A.M.

Resolution to Excuse Council Member Howrylak

Resolution #2004-12-617
Moved by Schilling
Seconded by Eisenbacher

RESOLVED, That Council Member Howrylak's absence at the Special City Council meeting of Friday, December 10, 2004 **BE EXCUSED** due to being out of the City.

Yes: All - 6
No: None
Abstain: Howrylak
Absent: None

PUBLIC COMMENT

The meeting adjourned at 1:21 P.M.

_____
Louise Schilling, Mayor

_____
Laura Fitzpatrick, Assistant to the City Manager

December 3, 2004

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
John M. Lamerato, Assistant City Manager/Finance & Administration
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Troy Golf – Final Contract Reconciliation and Payment

RECOMMENDATION

City management recommends City Council approve final contract reconciliation and payment to Troy Golf, LLC at an estimated cost of $220,000.

BACKGROUND

On June 18, 2001 Troy City Council approved a contract for construction of an 18-hole golf course (resolution #2001-06-317).

The resolution approving the golf course construction includes authorization for construction, contract execution and unforeseen additional services. When the contract was executed, insurance and bond costs were undetermined, however, were to be paid as part of the contract.

The insurance and bond costs are final and the balance required to reconcile the contract is estimated to be $220,000.

Total bonds/insurance costs are estimated at $602,000.

BUDGET

Bond revenues include funds for this expense.

Prepared by: Carol K. Anderson, Parks and Recreation Director

December 3, 2004

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Brian Stoutenburg, Library Director

Subject: **Agenda Item** – Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications - Brick Paver Project

RECOMMENDATION

On November 10, 2004, bids were opened to install brick pavers at the Museum to connect the current walkway to the relocated Historic Church, Parsonage and Troy Hall; as well as connections to the new accessibility ramps at the Caswell House and Poppleton School. City management recommends that an award be made to the lowest bidder meeting specifications, Mueller's Sunrise Nursery, Inc. of Shelby Township, Michigan at an estimated cost of $50,290.00. This is contingent upon vendor submission of proper contract and bid documents, including insurance certificates, bonds, and all specified requirements.

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

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

Michigan Brickscape submitted an alternate bid that did not meet specifications. In lieu of the requested 6"x12" reinforced concrete curbing, to sit on a 12" base of crushed gravel, Michigan Brickscape proposed using an L-shaped piece of steel, sitting on an 8" crushed gravel base, pinned down with nails. While $10,000.00 cheaper, City management does not feel this would provide the same long-term stability as the City's specifications.

SUMMARY

When the Historic Village Green was expanded to accommodate the Church and Parsonage, the Troy Hall needed to be relocated. The brick paver walkway needs to be extended to the steps and accessibility ramps of these structures. In addition, we have installed new accessibility ramps at the Caswell House and Poppleton School and new walkways need to be installed to them. A brick paver walkway did not exist to the original ramps. Excess brick pavers from the Big Beaver Road Projects will be used. The method for installing them is the same as that used on the Big Beaver Projects and by the Architects that designed Troy's new Community Center.

BUDGET

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

113 Vendors Notified on the MITN System
7 Bid Proposals Rec'd
1 Bid did not meet specifications

BS/bs

Opening Date -- 11-10-04
Date Prepared -- 12/3/04

CITY OF TROY
BID TABULATION
BRICK PAVER PROJECT - MUSEUM

VENDOR NAME:	*	**Mueller's Sunrise Nursery Inc**	Michigan Brickscape Company Inc	Rolar Property Services Inc
Amount (10%)		$ 5,028.93	$ 5,165.10	$ 5,470.00
Check #		389095990	800383424	201114539
PROPOSAL DESCRIPTION		PRICE	PRICE	PRICE
Complete the Brick Paver Project at the Troy Museum & Historic Village in accordance with the specifications:				
COMPLETE FOR THE SUM OF:	*	**$ 50,289.38**	$ 50,846.75	$ 54,700.00
SCHEDULE OF VALUES: Marked		Unit Prices	Addendum A	N/A
COMPLETION DATE:				
# of Working Days		14	14	Spring of 2005
INSURANCE: Can Meet		XX	XX	XX
Cannot Meet				
SITE INSPECTION: Y or N		Yes	Yes	Yes
Date		11/5/04	10/26/04	11/4/04
PROGRESS PAYMENTS:		Net 30 Days	1/3 Base 2/3 Balance	Net 30
TERMS:		Net 30 Days	1/3 Base 2/3 Balance	Net 30
WARRANTY:		1-Yr Concrete 2Yrs- Wall	2 Years Labor	Blank
COMPLETION DATE:		Spring 2005	2 Weeks	90 Days
EXCEPTIONS:		Blank	Blank	None
ACKNOWLEDGEMENT: Yes or No		Yes	Yes	Yes
AMENDMENT #1 Yes or No		Yes	No	Yes

ATTEST:
Loraine Campbell
Brian Stoutenburg
Ron Hynd
Cheryl Morrell
Linda Bockstanz

*** Denotes Lowest Acceptable Bidder**

Jeanette Bennett
Purchasing Director

DMS:
Michigan Brickscape Company - Alternate Proposal - ($41,077.00)
Reason: Metal edging vs. Concrete curb as specified

G:\ITB-COT 04-22 Brick Paver Project - Museum

Opening Date -- 11-10-04
Date Prepared -- 12/3/04

CITY OF TROY
BID TABULATION
BRICK PAVER PROJECT - MUSEUM

VENDOR NAME:	Soulliere Decorative Stone	WCI Contractors Inc	Excell Landscaping LLC
Amount (10%)	$ 5,668.14	$ 7,000.00	$ 7,692.80
Check #	4434453734	419945509	84000212
PROPOSAL DESCRIPTION	PRICE	PRICE	PRICE
Complete the Brick Paver Project at the Troy Museum & Historic Village in accordance with the specifications: **COMPLETE FOR THE SUM OF:**	$ 56,681.40	$ 64,200.00	$ 76,928.00
SCHEDULE OF VALUES: Marked	Estimate	SV-1	Attachment #1
COMPLETION DATE: # of Working Days	14	10	4
INSURANCE: Can Meet	XX	XX	XX
Cannot Meet			
SITE INSPECTION: Y or N	Yes	Yes	Yes
Date	10/26/04	11/4/04	11/9/04
PROGRESS PAYMENTS:	1/3 Deposit 2/3 Completion	30 Days	1/3 Wall 1/3 Curb 1/3 Base
TERMS:	Blank	30 Days	Blank
WARRANTY:	One Year	One Year	Blank
COMPLETION DATE:	Spring 2005	Spring 2005	Blank
EXCEPTIONS:	Blank	Listed in Bid	Blank
		+$1100.00 Option	
ACKNOWLEDGEMENT: Yes or No	Yes	Yes	Yes
AMENDMENT 1: Yes or No	Yes	Yes	Yes

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 04-22PaverMuseum

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 **12/3/2004.**

Document Title:	Brick Paver Project at the Troy Museum & Historic Village
Date Issued:	10/20/2004
Close Date:	11/10/2004
Date Amendment #1 was Issued:	11/2/2004

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
18133	3.L.K. CONSTRUCTION L.L.C.	E-mail		
16124	A Land Construction Inc.	Fax		#1 11/2/2004
14942	A.F.Bellisario.,Inc.	E-mail		
18057	advanced air services,inc.	E-mail		
19215	Advanced Construction	E-mail	11/5/2004	#1 11/5/2004
10239	Advanced Irrigation Systems, Inc.	Fax		#1 11/2/2004
12133	Allied Building Service Company of Detroit, Inc.	E-mail		
10542	american lawn corp.	E-mail		
14581	American Sprinkler	E-mail		
13539	Anderson's Construction Inc	E-mail		
13777	Applied Cleaning Technology, Inc	E-mail	11/3/2004	
12114	B & B Lawn Service	Fax		#1 11/2/2004
10927	B & L Landscaping	Fax	10/27/2004	#1 11/2/2004
10709	B & W Landscape Supply	Fax		#1 11/2/2004
16399	Barthel Contacting Company	E-mail	10/21/2004	
10851	BEI Associates Inc.	E-mail		
19145	Belden Brick Sales Company	Free	10/29/2004	
17272	Ben & Dan's Landscaping, Inc.	E-mail		
10231	Bernco, Inc.	E-mail		
11631				

	Bowman Construction LLC	Free	10/27/2004	#1 11/3/2004
10682	C & R Maintenance d/b/a Rizzo Services	E-mail		
19172	C-Mark Services, Inc.	Free	11/2/2004	
13895	Cal Fleming Landscaping and Tree Service, Inc.	Free	10/22/2004	
12856	CCH Incorporated	Free	10/20/2004	
15673	Central Contractors Inc	E-mail		
16371	Century Cement Co Inc	Fax		#1 11/2/2004
15864	Choice Windows & Siding INC	Fax		#1 11/2/2004
18528	CKD Outdoor Maintenance, Inc.	E-mail		
17560	D1 Services	Free	11/5/2004	#1 11/5/2004
13953	Davey Commercial Grounds Management	Fax	10/22/2004	#1 11/2/2004
18754	De La Cruz Electric L.L.C.	E-mail		
18455	DeConti/Jernigan and Associates,Inc.	Free	10/27/2004	
19030	Decra-Scape, Inc.	Free	10/20/2004	
19130	Distinctive Landscapes	E-mail	11/2/2004	
19136	Dodaj Enterprises	E-mail	10/29/2004	
18292	Elite Crete of Michigan	E-mail		
10657	Envision Enterprises	E-mail		
13905	Excell Landscaping	Free	11/9/2004	#1 11/9/2004
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
13500	Flora Construction Inc	E-mail		
11201	Fosmore Trucking and Maintenance	E-mail		
16228	Goers Landscaping, Inc.	E-mail		
13448	Great Lakes Executive Services, LLC	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax	10/21/2004	#1 11/2/2004
10438	Hamilton's of Ortonville Inc.	Free	11/1/2004	
15916	Heritage Irrigation & Landscape LLC	Fax		#1 11/2/2004
18645	HTA Companies, Inc.	Fax		#1 11/2/2004
17231	Irish Construction Company, Inc.	E-mail		
17880	J. C. Walker & Sons Corp.	E-mail		
17522	Jack B. Anglin Company, Inc	E-mail	11/3/2004	
14945	John Deere Landscapes	E-mail	10/26/2004	
15760	K & K Construction and Landscapin g LLC	E-mail		
13283	Kelcris Corporation	E-mail		
13922	Kezco & Associates Landscaping Inc	E-mail		
16835	Kirtland Landscape Inc.	E-mail	10/21/2004	
16067	Landscape Services, Inc.	E-mail	10/20/2004	
19079	LNJ Construction	Fax	11/9/2004	#1 11/9/2004
18437	LUNA Construction Services, LLC	E-mail		
15609	M & D Lawn Service, Inc.	Free	11/1/2004	
10884	Maged Contracting, Inc.	Fax	10/21/2004	#1 11/2/2004

18159	mago construction	E-mail		
19149	Metro Building Services	Free	10/29/2004	
16288	Miller Company LTD	E-mail		
14001	Mueller's sunrise Nursery, Inc.	Free	10/22/2004	#1 11/8/2004
10604	nationwide fence & Supply	E-mail		
15487	Nihranz Landscaping Inc.	E-mail		
14529	Northwood Contracting Incorporated	Fax		#1 11/2/2004
15606	O'Neal Father & Sons	Free	10/20/2004	
18380	OccuMed3	E-mail		
11293	Ohio Building Restoration, Inc.	E-mail	10/28/2004	
10065	Payne Landscaping, Inc.	E-mail		
15672	Perfect Irrigation & Landscape	E-mail		
18156	Performance Creative Resources, Inc.	E-mail	11/8/2004	
19208	Platinum Landscape	Free	11/8/2004	#1 11/8/2004
16120	PlaySmart Recreational Construction Inc.	Free	10/21/2004	
16071	Pro Commercial Services, Inc.	E-mail	10/27/2004	
19077	Pro-Soil Landscape Inc.	E-mail	10/26/2004	
11361	Quickie Carpet Cleaning	Free	10/26/2004	
17970	QUINN EVANS | ARCHITECTS	Free	11/5/2004	
13691	R & E Trucking Inc.	Fax		#1 11/2/2004
11720	Rolar Property Services Inc.	E-mail	11/15/2004	#1 11/4/2004
16166	Rule & Associates, Inc.	Free	10/21/2004	
10401	Rumptz Landscape & Design	E-mail	11/8/2004	
12265	scodeller construction, inc.	E-mail		
16190	shades of green	Fax		#1 11/2/2004
12936	SHERMAN NURSERY FARMS	E-mail	10/21/2004	
15992	Sinacori Landscaping, Inc.	E-mail	10/21/2004	
19222	SLI.LLC	E-mail	11/6/2004	
13684	soil and materials engineers, inc	E-mail		
19197	Soulliere Decorative Stone, Inc.	E-mail	11/5/2004	#1 11/4/2004
19191	Soulliere Yard Care and Landscaping	Free	11/3/2004	#1 11/3/2004
13340	SPECIAL EVENTS PARTY RENTAL	Free	11/8/2004	
19073	Standard Landscape Supply & Stone	Free	10/25/2004	
16027	STAY GREEN SPRINKLERS	E-mail		
13914	Steele's Service's LLC	E-mail		
10984	Sunset Excavating, Inc.	E-mail		
18800	Superior Insulation	E-mail		
18412	Tallman Contracting Inc.	Free	11/3/2004	
12369	The Art Department	Free	11/3/2004	
12535	The Stansley Group	E-mail		
15269	Tiede Landscaping	E-mail		
13915	Tom's Landscaping & Nursery, Inc.	Fax	10/25/2004	#1 11/2/2004
11814	Tony Anthony Inc	E-mail		

18541	Turner Construction Company	E-mail		
15301	Tyger Excavating Inc.	E-mail		
16126	ULTRA Professional Outdoor Services	Free	11/2/2004	#1 11/2/2004
10285	United Lawnscape, Inc.	Fax		#1 11/2/2004
13207	Walbridge Aldinger Company	E-mail		
13921	WALKER LANDSCAPING, INC.	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail	10/25/2004	#1 11/10/2004
11873	WCI Contractors,Inc.	Free	10/25/2004	#1 11/9/2004
11965	Western Waterproofing Company	E-mail	11/2/2004	
14016	WH Canon, Inc.	E-mail	10/22/2004	

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November 30, 2004

TO: Mr. John Szerlag, City Manager

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

SUBJECT: Agenda Item: Application to Transfer Ownership of a Class C Liquor License - Brinker Michigan, Inc. (Chili's Restaurant)

Brinker Michigan (a Delaware corporation) requests to transfer ownership of a 2004 Class C licensed business located at 402 W. Fourteen Mile, Troy, Michigan 48083, in Oakland County, from Brinker Restaurant Corporation (Chili's Restaurant).

Brinker Restaurant Corporation, a wholly owned subsidiary of Brinker International, Inc., a publicly held corporation, has created state-by-state operating subsidiaries to own and operate the Brinker restaurants in each state. In Michigan, Brinker Michigan, Inc., a Delaware corporation, was created as a wholly owned subsidiary of Brinker Restaurant Corporation, the current licensee. As a result of this, the official licensee information on each Brinker held liquor license in Michigan must be changed.

The Michigan Liquor Control Commission has waived the police investigation, as there is no real change in ownership (the new licensee is a wholly owned subsidiary of the current licensee). However, a resolution is still required from Council, as this is required by statute in any license "transfer".

The attorney for Brinker, John Carlin, attended the November meeting of the Liquor Advisory Committee and explained the process to the committee members. The Michigan Liquor Control Commission has confirmed that they do not want a local police department investigation, but that they do require a resolution from Council.

The police department has no objection to this request.

TJG/tjg

PLUNKETT & COONEY

Attorneys and Counsellors

38505 Woodward
Suite 2000
Bloomfield Hills, MI 48304

(248) 901-4000
Fax (248) 901-4040
www.plunkettcooney.com

September 9, 2004

9/19/04 TL

Ms. Tonni L. Bartholomew
Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Re: Chili's Grill & Bar
402 W. Fourteen Mile Road
Troy, MI 48083

Dear Clerk Bartholomew:

You will shortly be receiving paper work from the Michigan Liquor Control Commission regarding our application to the Commission for a transfer of ownership of the Brinker Restaurant Corporation restaurants located throughout the State of Michigan. Brinker Restaurant Corporation, a wholly-owned subsidiary of Brinker International, Inc., a publicly-traded company, created a Michigan subsidiary, Brinker Michigan, Inc., and is desirous of transferring ownership of all of its restaurants to that subsidiary. The sole stockholder of Brinker Michigan, Inc. is Brinker Restaurant Corporation, the current licensee, which is a wholly-owned subsidiary of Brinker International, Inc.

When we made application to the Commission, we advised the Commission that there would be no change in the operation of the restaurants and, for all practical purposes, no change in ownership since the ultimate owner remains Brinker International, Inc. This transaction has already occurred, and the Michigan Liquor Control Commission accepted our application and our request to waive investigation by its own investigators, as well as by the local police departments since there really is no change of ownership and no new persons are involved.

However, the Commission cannot waive the recommendation of the local governing body. Therefore, the Commission will be forwarding to your office a resolution concerning this transfer for your consideration. To assist you in evaluating same, we are enclosing herewith the following:

1. A copy of our original cover letter directed to the Michigan Liquor Control Commission;
2. Application by Brinker Michigan, Inc. for a transfer of ownership, with a list of all of the Brinker Restaurants in Michigan;
3. An Ownership Chart showing the chain of ownership and showing Brinker Michigan, Inc. as the proposed license, with its stockholder as the current licensee;
4. Transfer of Sunday Sales Permit application;
5. Application for a Permit for Difference in Hours of Operation for Sundays between the hours of 10:00 a.m. and 12:00 noon for the service of food;
6. Corporate Stockholder Questionnaire for Brinker Restaurant Corporation, the current licensee;

7. Corporate Stockholder Questionnaire for Brinker International, Inc.;
8. Report of Officers, Directors and Stockholders for the applicant;
9. The same form for Brinker Restaurant Corporation;
10. The same form for Brinker International, Inc., with an attached list of the officers and directors;
11. A copy of the Articles of Incorporation of Brinker Michigan, Inc.;
12. A copy of the Certificate of Authority for Brinker Michigan, Inc. to do business in the State of Michigan;
13. A copy of the Articles of Incorporation of Brinker Restaurant Corporation;
14. Certificate of Authority for Brinker Restaurant Corporation to do business in Michigan;
15. Articles of Incorporation for Brinker International, Inc.;
16. A copy of the Purchase Agreement between Brinker Restaurant Corporation and Brinker Michigan, Inc.;
17. A copy of the Bill of Sale for the assets of all of the restaurants;
18. A copy of the most recent Securities and Exchange Commission 10-Q filing for Brinker International, Inc.;
19. A copy of the most recent Securities and Exchange Commission 10-K filing for Brinker International, Inc.

We would appreciate your processing this request as soon as possible, and if you have any questions or need anything further, please advise. In addition, we hope that you can waive any need for additional forms and/or fees since there is no real change in ownership taking place.

We will await your response.

Very truly yours,

John B. Carlin, Jr.
PH: (248) 901-4003
E-mail: jcarlin@plunkettcooney.com

JBCJR/kj
Enclosures
cc: Leslie Jones
Blmfield.03744.41919.584699-1

OWNERSHIP CHART

BRINKER MICHIGAN INC.,
a Delaware corporation
(Proposed Licensee)

100%

BRINKER RESTAURANT CORPORATION,
a Delaware corporation
(Current Licensee)

100%

BRINKER INTERNATIONAL, INC.,
a Delaware public corporation

Dated: July 14, 2004

Blmfield.03744.41919.571779-1

A regular meeting of the Liquor Advisory Committee was held on Monday, November 8, 2004 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:02 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Alex Bennett
W. Stan Godlewski
Patrick F. Hall
James R. Peard
Emily Polet, Student Representative
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: Anita Elenbaum

Resolution to Excuse Committee Member Elenbaum

Resolution #LC2004-11-128
Moved by Godlewski
Seconded by Bennett

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

Yes: 6
No: 0
Absent: Elenbaum

Resolution to Approve Minutes of October 11, 2004 Meeting

Resolution #LC2004-11-129
Moved by Peard
Seconded by Hall

RESOLVED, that the Minutes of the October 11, 2004 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: 0
Absent: Elenbaum

Agenda Items:

1. **TROY ROBIN, INC.,** requests a **new full year (quota) Class C** license with Official Permit (Food), Sunday Sales, Entertainment Permit, and **new SDM**, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County. Proposed Red Robin restaurant at old Cooker's site.

Present to answer questions from the Committee were John Carlin and Lew Ansara.

Red Robin is a full-service, family restaurant with approximate seating capacity of 230 patrons. The entertainment permit is required because of holiday events that will be geared to children. This will be the 13th Red Robin restaurant in Michigan. The management is planning a major renovation to the existing building that should begin in approximately one month. They hope to open in March 2005.

Resolution #LC2004-11-130
Moved by Allemon
Seconded by Godlewski

RESOLVED, that TROY ROBIN, INC., be granted a new full year (quota) Class C license with Official Permit (Food), Sunday Sales, Entertainment Permit, and new SDM, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County.

Yes: 6
No: 0
Absent: Elenbaum

---

2. **BRAVO DEVELOPMENT INC., d/b/a CUCINA DEVELOPMENT INC.,** requests a **new full year (quota) Class C** license with Official Permit (Food), Sunday Sales, and **new SDM**, to be located at 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County. Proposed new restaurant at Somerset South.

Present to answer questions from the Committee was John Carlin.

After renovations to an existing 6,800 square foot retail store, Brio Tuscan Grille will open at Somerset Collection South. An outside entrance will be added. This is a high-end, upscale Italian restaurant with capacity for approximately 250 patrons. The parent company currently has family-type restaurants located in Lansing, Rochester Hills, and Livonia, as well as nationwide. They have never received a liquor violation.

Resolution #LC2004-11-131
Moved by Allemon
Seconded by Peard

RESOLVED, that BRAVO DEVELOPMENT INC., d/b/a CUCINA DEVELOPMENT INC., be granted a new full year (quota) Class C license with Official Permit (Food), Sunday Sales, and new SDM, to be located at 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County.

Yes: 6
No: 0
Absent: Elenbaum

Informational Items:

4. Discussion of new Michigan subsidiary of Brinker Restaurant Corporation, specifically the MLCC requirement for a local government resolution approving "paper" transfers.

There was a presentation by John Carlin followed by a brief discussion regarding this Informational Item. There was no objection by the Committee, so the paperwork relating to this name change will proceed.

The meeting adjourned at 7:49 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Office Assistant II

December 13, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director

RE: **<u>AGENDA ITEM</u> - REQUEST FOR APPROVAL A PRICE DIFFERENTIAL PAYMENT AND MOVING COST, EMAD AND NIRAN YOUNO, 2955 THAMES, SIDWELL #88-20-25-229-005, 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 Emad and Niran Youno, to purchase property at 2955 Thames, having Sidwell #88-20-25-229-005.

In accordance with Michigan Laws and Federal Regulations, the property owners are eligible for a Price Differential Payment. This amount has been calculated and is not to exceed $19,500.00, the amount necessary to acquire a comparable replacement dwelling.

The Younos have submitted 3 estimates to move, with the overall lower estimate being $3,997.15.

The property owners are eligible for additional relocation costs, including such expenses as mortgage differential payments, storage, and closing costs connected to the replacement dwelling. Submission of these claims will be made at a later date.

In order for the City to proceed with the acquisition of this parcel, staff requests that City Council, approve a replacement housing payment not to exceed $19,500.00 and a moving payment of $3,997.15. Funds will come from the Big Beaver Road–Rochester to Dequindre project.

Prepared by: Dennis C. Stephens, Right of Way Representative

Michigan Department
Of Transportation
0626 (05/03)

RELOCATION ELIGIBILITY NOTICE

TO: Emad Youno and Niran Youno

Based on information available as of August 4,2004, you are eligible for the following benefits. You will **NOT** be required to move before November 4, 2004. The Department will issue a written notification giving you not less than 90 days notice of your required move date.

NON-RESIDENTIAL

BUSINESS, FARM, NON PROFIT

- [x] Ineligible
- [ ] Eligible $ Estimated/ actual cost move (with inventory) plus re-establishment or Fixed (In Lieu of) Payment, **to be determined**

RESIDENTIAL

HOUSING PAYMENT

- [ ] Ineligible
- [x] Eligible to claim up to:

$209,500.00 D.S & S. Comparable Housing
$190,000.00 Value of House Being Acquired & Typical Lot
$19,500.00

RENTAL PAYMENT

- [ ] Ineligible
- [ ] Eligible to claim up to:

$ Comparable Monthly Rent + Utilities
$ Less Actual/Market Rent + Utilities or 30% of Monthly Income
$ Monthly Difference
$ Monthly Difference x 42 Months

DOWN PAYMENT

- [x] Ineligible
- [ ] Eligible to claim up-to: $

MOVING PAYMENT

- [ ] Ineligible
- [x] Eligible to claim up to:

$1,800.00 Fixed Schedule
$ or Actual Cost of Move (Commercial Mover)

REPLACEMENT HOUSING OFFERED FOR SALE OR RENT

SALE ADDRESS	BDRMS	RENTAL ADDRESS	BDRMS
6485 Provost Drive, Sterling Heights	3+		
2224 Atlas Drive, Troy	3		
2870 Downey, Troy	3		

YOUR REPLACEMENT PROPERTY FOR 5 PERSONS IN THE FAMILY WILL NEED TO MEET ALL REQUIREMENTS NOTED ON THE BACK OF THIS FORM.

Claim must be filed within the prescribed time limits as noted on claim forms. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to six months after you have received a written determination of the relocation payments which you are entitled to receive. You should normally receive the payments within sixty days from the date of filing a claim. Relocation payments are mailed to your new address.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM.

REAL ESTATE AGENT (Signature)	DATE
REGION AGENT Patricia A. Petitto	PHONE (248) 524-3498

ADDRESS
2955 Thames Drive

CONTROL SECTION	PARCEL	NAME
STU 63459 25-229-005	14	Emad Youno & Niran Youno

JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
49878	HH 2855	STP 0163 (039) 01.105.5

December 14, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director

RE: **AGENDA ITEM - REQUEST FOR APPROVAL A PRICE DIFFERENTIAL PAYMENT AND MOVING COSTS, SAOUD JAMO AND NIDHAL JAMO, 2907 THAMES, SIDWELL #88-20-25-229-001, 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 Saoud Jamo and Nidhal Jamo, to purchase property at 2907 Thames, having Sidwell #88-20-25-229-001. Unfortunately, due to some mortgage complications, the property owners were not in a position to provide clear title to the City and City Council authorized us to initiate a condemnation action to resolve the title problems. A lawsuit has been filed and we anticipate that we will be awarded possession in early January of 2005. In order to avoid moving delays we are requesting authorization of part of the relocation costs.

In accordance with Michigan Laws and Federal Regulations, the property owners are eligible for a Price Differential Payment. This amount has been calculated and is not to exceed $18,900.00, the amount necessary to acquire a comparable replacement dwelling.

The Jamos are eligible to claim up to $1,800.00 as a fixed moving cost, or the lower of three estimates for a commercial move.

The property owners are eligible for additional relocation costs, including such expenses as mortgage differential payments, storage, and closing costs connected to the replacement dwelling. Submission of these claims will be made at a later date.

In order for the City to proceed with the acquisition of this parcel, staff requests that City Council, approve a replacement housing payment not to exceed $18,900.00 and a fixed moving payment not to exceed $1,800.00, or not to exceed the lowest of 3 estimates for a commercial move

Funds will come from the Big Beaver Road– Rochester to Dequindre project.

Prepared by: Dennis C. Stephens, Right of Way Representative

Michigan Department
Of Transportation
0626 (05/03)

RELOCATION ELIGIBILITY NOTICE

TO: Saoud Jamo and Nidhal Jamo

Based on information available as of August 19, 2004, you are eligible for the following benefits. You will NOT be required to move before November 17, 2004. The Department will issue a written notification giving you not less than 90 days notice of your required move date.

NON-RESIDENTIAL

BUSINESS, FARM, NON PROFIT

- [x] Ineligible
- [ ] Eligible $ — Estimated/ actual cost move (with inventory) plus re-establishment or Fixed (In Lieu of) Payment, **to be determined**

RESIDENTIAL

HOUSING PAYMENT

	$198,900.00	D.S & S. Comparable Housing
[ ] Ineligible	$180,000.00	Value of House Being Acquired & Typical Lot
[x] Eligible to claim up to:	$18,900.00	

RENTAL PAYMENT

	$	Comparable Monthly Rent + Utilities
	$	Less Actual/Market Rent + Utilities or 30% of Monthly Income
[ ] Ineligible	$	Monthly Difference
[ ] Eligible to claim up to:	$	Monthly Difference x 42 Months

DOWN PAYMENT

- [x] Ineligible
- [ ] Eligible to claim up to: $

MOVING PAYMENT

[ ] Ineligible	$1,800.00	Fixed Schedule
[x] Eligible to claim up to:	$1,800.00	or Actual Cost of Move (Commercial Mover)

REPLACEMENT HOUSING OFFERED FOR SALE OR RENT

SALE ADDRESS	BDRMS	RENTAL ADDRESS	BDRMS
3233 Franklin Park, Sterling Heights	3		
2594 Athena Drive, Troy	3		
33732 Colfax, Sterling Heights	3		

YOUR REPLACEMENT PROPERTY FOR 2 PERSONS IN THE FAMILY WILL NEED TO MEET ALL REQUIREMENTS NOTED ON THE BACK OF THIS FORM.

Claim must be filed within the prescribed time limits as noted on claim forms. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to six months after you have received a written determination of the relocation payments which you are entitled to receive. You should normally receive the payments within sixty days from the date of filing a claim. Relocation payments are mailed to your new address.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM.

REAL ESTATE AGENT (Signature)	DATE

REGION AGENT	PHONE
Patricia A. Petitto,	(248) 524-3498

ADDRESS
2907 Thames

CONTROL SECTION	PARCEL	NAME
STU 63459 25-229-001	10	Saoud Jamo and Nidhal Jamo

JOB NUMBER	FEDERAL ITEM NUMBER	FEDERAL PROJECT NUMBER
49878	HH 2855	STP 0163 (039) 01.105.5

December 10, 2004

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Brian Murphy, Assistant City Manager/Services
Steve Vandette, City Engineer

SUBJECT: **Agenda Item - Allocation of 2005 Tri-Party Program Funds Big Beaver, Rochester to Dequindre**

RECOMMENDATION

Staff recommends allocating the FY 2005 Tri-Party program funds to the Big Beaver, Rochester to Dequindre construction phase.

BACKGROUND

The City of Troy allotment for the 2005 Tri-Party Program is $406,638 with one-third (1/3) or $135,546 of the allotment being the City's share. The Board of Road Commissioners for the County of Oakland and the Oakland County Board of Commissioners accounts for the remaining two-thirds (2/3) or $271,092 equally.

The Big Beaver, Rochester to Dequindre widening project is anticipated to start construction in the summer of 2005. The project will widen the existing boulevard to provide three (3) lanes in each direction between Rochester and Dequindre. Right turn lanes will be constructed for eastbound Big Beaver to southbound Dequindre and westbound Big Beaver to northbound Rochester. Concrete pavement, street approaches and concrete curb and gutter in poor condition will be removed and replaced. A new wall and landscaping will be constructed in the area of the homes to be demolished along Thames and Sparta. The estimated cost for the construction phase of the project is $3,200,000. The City's share, or local cost, is estimated at $1,000,000.

A cost participation agreement with the Road Commission for Oakland County will be presented for consideration at a later date for the purposes of fixing the rights and obligations of each party relative to the 2005 Tri-Party program.

Prepared by: William J. Huotari, Deputy City Engineer
G:\Funding Issues\TRIPARTY\2005\FY 2005 Tri-Party Program_R1.doc

ROAD COMMISSION OF OAKLAND COUNTY

QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Board of Road Commissioners

Richard G. Skarritt
Chairman

Rudy D. Lozano
Vice-Chairman

Larry P. Crake
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

Programming Division
Engineering Department

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX
248-645-0618

TDD
248-645-9923

www.rcocweb.org

RECEIVED
NOV 24 2004
ENGINEERING

November 19, 2004

Mr. John Szerlag, Manager
City of Troy
500 West Big Beaver
Troy, MI 48084-5285

Re: FY 2005 Tri-Party Program

Dear Mr. Szerlag:

Your participation is requested in the FY 2005 Tri-Party Program for road improvements. The fiscal year governing this program is October 1, 2004 through September 30, 2005. The Oakland County Board of Commissioners has approved a Tri-Party budget of $1,500,000 to create a $4,500,000 program for FY 2005. $2,250,000 will be designated for townships and $2,250,000 for cities and villages.

The distribution formula and method of calculation of Tri-Party allocations have remained the same. For cities and villages, it includes RCOC Road Miles and three-year average annual accidents. For townships, the most recent census population figures are combined with RCOC Road Miles and three-year average annual accidents. The figures for these three factors (population, miles and accidents) are calculated as the individual community's percentage of the total of each factor in each type of community. For example, county road accidents in a city or village are divided by the total of all county road accidents in all cities and villages. The distribution formulas have been used for years in an attempt to most equitably distribute the Tri-Party dollars.

Separate formulas are used because population in the city/village equation would skew the results toward more densely populated cities with fewer RCOC road miles. In Townships on the other hand, population has been used as a determining factor to prevent the distribution from being skewed toward townships with high road miles but small populations.

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"WE CARE"

City / Village Formula:

$$\text{Community Allocation} = Ad_{CV} \frac{(Ca + Rm)}{2}$$

Where: Ad_{CV} = Total Amount for distribution to cities and villages
Ca = Community % of total accidents on county roads in cities and villages
Rm = Community % of total county road miles in cities and villages

(Note that accidents are an annual average for a three year period)

Township Formula:

$$\text{Community Allocation} = Ad_{T} \frac{(Ca + Pc + Rm)}{3}$$

Where: Ad_{T} = Total Amount for distribution to townships
Ca = Community % of total accidents on county roads in all townships
Pc = Community % of total population in all townships
Rm = Community % of total county road miles in all townships

(Note that accidents are an annual average for a three-year period)

Although the method of calculation and the factors involved have remained the same, the data on which those calculations are based has changed.

Population data is changed only after a decennial census or if the Census Bureau issues revised numbers. The new data includes the most recent counts from the 2000 Census.

As in the past, RCOC road miles change only to reflect abandonments, transfers of jurisdiction, or the addition of new roads.

The most recent traffic accident data available from the Traffic Improvement Association of Oakland County is used. Currently, the average annual crash data from 2000 to 2002 is being used.

Your program allotment for this year is $406,638 of which your share will be $135,546. Any funds remaining from previous years or earlier projects may be added to this amount for use in 2005. You may use these funds to select a new project, continue funding a previous project, or save them to fund a future project. If you do not wish to participate in this program, please contact me as soon as possible, so your program allotment can be distributed as necessary.

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The program operates as follows:

1. Projects intended for 2005 construction must be selected and submitted with a local board or council resolution by February, 2005.
2. Project locations and concepts must be approved by the County Board and the Road Commission.
3. Projects that cost more than the allocation may be selected if the community provides the additional funding.
4. Funding agreements must be executed before bids are accepted. On larger projects, a separate agreement for preliminary engineering or right of way may be executed prior to initiation of these phases.
5. Projects that improve road safety take precedence over other project types, i. e. congestion or drainage.
6. Due to the Road Commission's current road project commitments, preliminary and construction engineering may need to be provided by community engineers at a maximum rate of 10% and 15 %, respectively, of estimated construction costs.

A schedule of events has been established as detailed below. If you are unable to meet any of the dates below, please inform me as soon as possible.

DEADLINE	ACTIVITY
January, 2005	Potential project locations submitted to Programming Division for review.
February, 2005	Local council resolutions and project commitments submitted for projects to be constructed in 2005.
March, 2005	Project approval by Road Commission and County Board.
April – November, 2005	Design, bidding and/or construction period.

I urge you to consider your options for projects now and involve your council members early in the process. Please contact me as soon as possible for cost estimates. The closer we follow the above schedule, the more successful our 2005 Tri-Party construction season will be.

ROAD COMMISSION for OAKLAND COUNTY

QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

A list of suggested project locations is attached. The list indicates some project possibilities collected from local officials, citizens, police reports, accident locations, Department of Citizen Services, and Road Commission staff. The list is not in priority order and most do not yet have cost estimates. Also shown are some typical costs for comparison purposes.

In addition, a historical report of your community's Tri-Party Program participation is also attached. The report lists the projects that have been completed with their associated costs. The report also shows the allocations that have been reserved for future Tri-Party projects.

Please contact me at (248) 645-2000 extension 2266 for further discussion or assistance.

Sincerely,

Thomas G. Noechel

Thomas G. Noechel
Programming Supervisor

TGN/cmd

2005 TRI-PARTY PROGRAM

CITY: TROY

ALLOCATION FOR 2005: $406,638

The following list contains typical safety projects with general costs for your information. Actual project costs will vary depending on location and a preliminary concept and estimate should be requested. Below is the list of potential project sites recommended over the past year or so by citizens and officials; many of these have not been field checked.

SAFETY PROJECTS	GENERAL COSTS
Additional right turn lane at intersection	$100,000 per approach
Approach paving - Sub Street	$ 50,000
Approach paving - Major Road	$ 75,000
Passing lane	$ 60,000
Widen for 150-200' center left turn lane per approach	$200,000
Shoulder paving per mile one side	$ 45,000 per mile

POTENTIAL PROJECT LOCATIONS

✓Crooks Road, Homestead to South Blvd.	Widen
Big Beaver Road, Rochester to Dequindre	Widen to six lane boulevard
Livernois Road, Big Beaver to Maple	Resurface
John R Road, 14 Mile to Maple Road	Resurface
John R Road, Long Lake Road to South Boulevard	Widen to five lanes
Livernois Road, Long Lake Road to South Boulevard	Widen to five lanes
Livernois, I-75 to Town Center Dr.	Widen to six lane boulevard
South Boulevard, Adams Road to Dequindre Road	Widen to five lanes
Square Lake Road at Livernois Rd.	Improve intersection
Long Lake Road, Adams to east of Coolidge Hwy.	Widen
Dequindre Road, Long Lake Rd. to South Boulevard	Widen to five lanes

ROAD COMMISSION FOR OAKLAND COUNTY

TRI-PARTY PROGRAM

1980-2005

ROJECT DESCRIPTION	C	Date of Agrmt	PROJ. NO.	1980-84 Tri-Party	1985 Tri-Party	1986 Tri-Party	1987-88 Tri-Party	1989-91 Tri-Party	1992-93 Tri-Party	1994-95 Tri-Party	1996-97 Tri-Party	1998-99 Tri-Party	2000-01 Tri-Party	2002-03 Tri-Party	2004 Tri-Party	2005 Tri-Party	PROJ TOTAL
ROY (13-Martin J. Knollenberg, 19-Charles E. Palmer, 20-Chuch Moss, 24-George W. Suarez)																	
4 Mile @ I-75*	C		32990	11,306													11,306
ohn R-overlay*	C	7/22/85	35291		108,183												108,183
rooks & Livernois-overlays*	C		36161			132,117											132,117
rooks, B Beaver to Wattles-widen to 5 lns!*	C	7/21/86	36641			70,759											70,759
rooks@B Beaver/John R@Maple-add right turn ln!*	C	8/26/87	37501				153,934										153,934
4 Mile, John R-Dequindre*	C	8/10/89	38591				63,218										63,218
ohn R @ Cumberland & Wattles!*	C	10/6/88	38611				260,212										260,212
ohn R @ Wattles!*	C	8/10/89	39591					263,927									263,927
Maple @ John R & Chicago!*	C	6/21/90	40201					128,739									128,739
4 Mile, John R to Dequindre-resurface*	C	4/26/91	39601					179,458									179,458
ong Lk, I-75 to Livernois-widen to 5 lns!*	C	12/1/93	40931				15,948	78,019	488,401								582,368
ohn R n 14 Mile-reconst median turnarounds*	C	5/7/92	41271						21,692								21,692
ivernois, 16 Mile-Town Ctr-widen to 5 ln!*	C	8/2/95	42831							251,187							251,187
ong Lk @ Beach!		CANCEL	45211							0							0
ohn R n of Long Lake!		CANCEL	45221							0							0
ivernois, Wattles-Braemer-widen 2 to 5 ln!*	C	11/20/01	45101					128,738		211,137	347,802	635,617	635,618				1,958,912
4 Mile @ I-75-add dual left turn lanes*	C	7/16/97	43811					0		38,050	152,500						190,550
)equindre, Long Lk to Auburn-PE		4/25/02	46901											42,500			42,500
)equindre, Long Lk to Wattles-CONST		8/23/03	44431							991				344,717			345,708
rooks, Square Lk to S Blvd-CONST		No agrmt	42271											532,747	406,638		939,385
uture project														0	0	406,638	406,638
OTAL				11,306	108,183	202,876	493,312	778,881	510,093	501,365	500,302	635,617	635,618	919,964	406,638	406,638	6,110,793
																	6,110,793

C*means project is complete and/or has used all the available tri-party
!means the project is being administered by the community

December 14, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas Smith, Real Estate & Development Director

RE: AGENDA ITEM - REQUEST FOR ACCEPTANCE OF COVENANT DEED WITH ATTACHED CONSERVATION EASEMENT & APPROVAL OF HOLD HARMLESS AGREEMENT, ELGIN CORNERS, LLC – SIDWELL #88-20-04-226-015 & 016

As part of the development of Elgin Corners Subdivision located in the Northeast quarter of Section 4, the Real Estate & Development department has received a Covenant Deed for a detention basin with a Conservation Easement for this development. All engineering and construction conditions have now been met. The consideration amount for this document is $1.00.

In addition to acceptance of the above document, Management requests that City Council approve the attached Hold Harmless Agreement in accordance with the subdivision agreement. This agreement holds harmless the City of Troy against any liability in connection with the entire property.

Management recommends that City Council accept the attached Covenant Deed with Conservation Easement and approve the Hold Harmless Agreement.

Prepared by: Larysa Figol, Right of Way Representative

COVENANT DEED

Parts of 88-20-04-226-015 & 016

THIS INDENTURE WITHNESSETH, That **ELGIN CORNERS LLC**, a Michigan Limited Liability Company, whose address is 2025 West Long Lake Road, Suite 104, Troy, Michigan 48098 ("Grantor"), CONVEYS AND GRANTS to the **CITY OF TROY**, a Michigan Municipal Corporation ("Grantee"), whose address is 500 West Big Beaver Road, Troy, Michigan, 48084-5254, for the sum of ONE DOLLAR ($1.00), the receipt and sufficiency of which is hereby acknowledged, the real estate in the City of Troy, Oakland County, Michigan, which is described on Exhibit A attached hereto and made a part hereof (the "Real Estate").

Subject to (i) zoning and other municipal, health and police regulations and ordinances of the state, county and city, town or village in which the Real Estate lies, (ii) the existing covenants, easements, restrictions and reservations of record as may be in force and affect said Real Estate, (iii) any statements of fact that a current accurate survey or an inspection of the Real Estate, might disclose, (iv) taxes not yet due and payable, (v) the Conservation Easement attached as Exhibit B which is to be recorded in the Oakland County Register of Deeds, and (vi) that certain Declaration of Easements attached as Exhibit C (which is subject to the Hold Harmless Agreement between Grantor and Grantee) which is to be recorded in the Oakland County Register of Deeds, which is for the benefit of Lots 1 through 21, inclusive, of the adjacent Elgin Corners Subdivision, a subdivision according to the plat thereof recorded in Liber 263, Pages 9-12, Oakland County Records.

Grantor hereby binds itself, its successors, and assigns, to warrant and forever defend, with the exceptions stated above, all and singular, the Real Estate unto said Grantee and to the heirs and assigns of said Grantee, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

Grantor conveys to Grantee the right to make zero division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967 without warranty.

If the land being conveyed is unplatted, the following is deemed to be included: "this property may be located within the vicinity of farmland, or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

IN WITNESS WHEREOF, Grantor has executed this deed this 3rd day of May, 1999.

GRANTOR:
ELGIN CORNERS LLC,
A Michigan Limited Liability Company

By: BILTMORE PROPERTIES CORPORATION
Its: Managing Member

By: _____
David J. Stollman
Its: Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

Before me, a Notary Public in and for said County and State, personally appeared DAVID J. STOLLMAN, the Vice President of **BILTMORE PROPERTIES CORPORATION**, which is the managing member of **ELGIN CORNERS LLC**, a Michigan Limited Liability Company, who acknowledged the execution of the foregoing Covenant Deed for and on behalf of **BILTMORE PROPERTIES CORPORATION** on behalf of **ELGIN CORNERS LLC**.

Witness my hand and Notary Seal this 3rd day of May, 1999.

My Commission Expires:

June 23, 2001

Joyce E. Kelly
Notary Public

Oakland, County

Joyce E. Kelly
Printed Name

Send tax bills to: Grantee at the above address.

This instrument prepared by and when recorded return to:

Alicia T. Worthley
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT "A"

LEGAL DESCRIPTION:

PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SOUTH 00 DEGREES 53 MINUTES 40 SECONDS WEST (SOUTH RECORD) 914.39 FEET ALONG THE EAST LINE OF SAID SECTION 4 FROM THE NORTHEAST CORNER OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST; THENCE CONTINUING SOUTH 00 DEGREES 53 MINUTES 40 SECONDS WEST (SOUTH RECORD) 141.62 FEET ALONG SAID EAST LINE OF SECTION 4; THENCE NORTH 89 DEGREES 08 MINUTES 58 SECONDS WEST (WEST RECORD) 456 .14 FEET; THENCE NORTH 00 DEGREES 51 MINUTES 02 SECONDS EAST 141.62 FEET; THENCE SOUTH 89 DEGREES 08 MINUTES 58 SECONDS EAST 456.25 FEET TO THE POINT OF BEGINNING, THE EASTERLY 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES.
CONTAINING 64,605 SQUARE FEET —1.483 ACRES
SUBJECT TO AND TOGETHER WITH ALL EASEMENTS AND RESTRICTIONS OF RECORD.

EXHIBIT B
TO
COVENANT DEED

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT, made this 3rd day of May, 1999, by an between ELGIN CORNERS LLC, a Michigan limited liability company, whose address 2025 West Long Lake Road, Suite 104, Troy, Michigan 48098 ("Grantor") and the MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, whose address is Steven T. Mason Building, 520 West Allegan Street, Lansing, Michigan 48909 ("Grantee").

WITNESSETH, For and in consideration of the sum of One and 00/100 ($1.00) Dollar, the receipt of which is acknowledged, and other good and valuable consideration, Grantor hereby GRANTS AND CONVEYS TO GRANTEE a Conservation Easement pursuant to the Conservation and Historic Preservation Easement Act, 1980 PA 197, MCL 399.251 et seq., on the terms and conditions stated below.

1. Attached as Exhibit A is a legal description of a parcel of real estate in the City of Troy, Oakland County, Michigan. The premises subject to this Conservation Easement (the "Easement Premises"), is included in the property described on Exhibit A and designated as a "Proposed Conservation Easement to DEQ for Mitigation" on Exhibit A.

2. Except as authorized under MDEQ Permit No. ~~95~~ 97-10 - 1044, Grantor shall refrain from altering the topography of, placing fill material in, dredging, removing or excavating any soil or minerals from, draining surface water from, constructing or placing any structure on, plowing, tilling, cultivating or otherwise altering or developing the Easement Premises without the approval of Grantee or except as otherwise lawful and in compliance with the Goermare-Anderson Wetland Protection Act, 1979 PA 203, MCL 281.701 et seq.

3. The purpose of this Easement is to maintain the Easement Premises in their natural and undeveloped condition. Grantor shall maintain the Easement Premises in their natural and undeveloped condition. The following restrictions shall apply in perpetuity: (a) No vegetation shall be trimmed or cut within the Easement Premises; and (b) No fertilizer, herbicide, insecticide, algicide, rodenticide or other toxic chemicals shall be applied in the Easement Premises, except as necessary to control, and to prevent the introduction and establishment of, Purple Loosestrife (lythrum salicaria) and Giant Reed Grass (phragmites australis).

4. This Easement does not grant or convey to Grantee or members of the general public any right of ownership, possession or use of the Easement Premises.

5. Upon reasonable notice to Grantor, Grantee and its authorized employees and agents may enter upon and inspect the Easement Premises to determine whether they are being maintained in compliance with the terms of this Easement.

6. This Easement may be enforced by either an action at law or in equity and shall be enforceable against the owner of the Easement Premises or any other person despite a privity of estate or contract.

7. This Easement shall run with the land in perpetuity unless modified or terminated by written agreement of the parties.

8. Grantor shall indicate the existence of this Easement on all deeds, mortgages, land contracts, plats, and any other legal instrument used to convey an interest in the Easement Premises.

9. This Easement is created solely for the protection of the designated wetlands upon the Easement Premises. Any actual use of the Easement Premises by any person or entity, including Grantee, other than those who are given or acquire such rights from Grantor by separate agreement, shall constitute and be deemed to be a trespass or other violation under the common law or statutes of the State of Michigan, subject only to the provisions of this Conservation Easement.

10. The prohibition set forth in paragraph 2 above shall not apply with respect to passive recreational uses. It is the intent and purpose of Grantor to retain all ownership of the Easement Premises, but to subject the same to this Conservation Easement in order that the designated wetlands shall remain substantially in their natural condition upon completion of the work contemplated under the Wetlands Permit referred to above forever or until the designation of the wetlands area is altered through the decision of Grantee or otherwise by law.

11. If, for any reason, Grantor and Grantee find it in their mutual interests to alter or extinguish this Conservation Easement, they may do so only by written agreement, provided, however, that the alteration of extinguishment of any designated wetlands area upon the Easement Premises shall occur only upon the approval of (i) Grantee or its successor agency and upon obtaining any applicable wetlands permit; or (ii) the approval of the Michigan Natural Resources Commission or its successor commission; or (iii) the approval of a court of competent jurisdiction.

12. This Easement shall be binding upon the successors and assigns of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

WITNESS:

Carol E. Misner

Carol E. Misner

Joyce E. Kelly

Joyce E. Kelly

GRANTOR:

ELGIN CORNERS LLC,
a Michigan limited liability company

By: BILTMORE PROPERTIES CORPORATION, a Michigan corporation
Its: Managing Member

By: _____
David J. Stollman
Its: Vice President

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

Before me, a Notary Public in and for said County and State, personally appeared DAVID J. STOLLMAN, the Vice President of BILTMORE PROPERTIES CORPORATION, which is the managing member of ELGIN CORNERS LLC, a Michigan limited liability company, who acknowledged the execution of the foregoing Easement for and on behalf of BILTMORE PROPERTIES CORPORATION on behalf of ELGIN CORNERS L.L.C.

Witness my hand and Notarial Seal this 3rd - day of May -, 1999.

Joyce E. Kelly

Notary Public Joyce E. Kelly
My Commission Expires: June 23, 2001

DRAFTED AND WHEN RECORDED RETURN TO:
Jorge Beltrán, Esq.
Wasinger Kickham and Kohls
26862 Woodward Avenue
Suite 100
Royal Oak, MI 48067

WK000303

Exhibit A

LEGAL DESCRIPTION: PARCEL

Part of the Northeast 1/4 of Section 4, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is S00°53'40"W (South Record) 914.39 ft. along the East line of said Section 4 and the centerline of Livernois Road from the Northeast corner of Section 4, T.2N., R11E.; thence continuing S00°53'40"W (South Record) 141.62 ft. along said East line of Section 4 and the centerline of Livernois Road; thence N89°08'58"W (West Record) 456.14 ft.; thence N00°51'02"E 141.62 ft.; thence S89°08'58"E 456.25 ft. to the point of beginning.
Containing 64,605 Square Feet --- 1.483 Acres (Gross)
56,109 Square Feet --- 1.288 Acres (Net)
Subject to the rights of the public over the Easterly 33 ft. (60 ft. proposed) in Livernois Road, also subject to and together with all easements and restrictions of record, or otherwise.

LEGAL DESCRIPTION: CONSERVATION EASEMENT TO M.D.EQ. FOR MITIGATION

Part of the Northeast 1/4 of Section 4, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is S00°53'40"W (South Record) 914.39 ft. along the East line of said Section 4 and the centerline of Livernois Road and N89°08'58"W 80.00 ft. from the Northeast corner of Section 4, T.2N., R.11E.; theence S00°53'40"W 141.62 ft.; thence N89°08'58"W (West Record) 168.00 ft.; thence N04°56'01"E 141.98 ft.; thence S89°08'58"E 158.00 ft. to the point of beginning.
Containing 23,086 Square Feet --- 0.53 Acres (Gross)

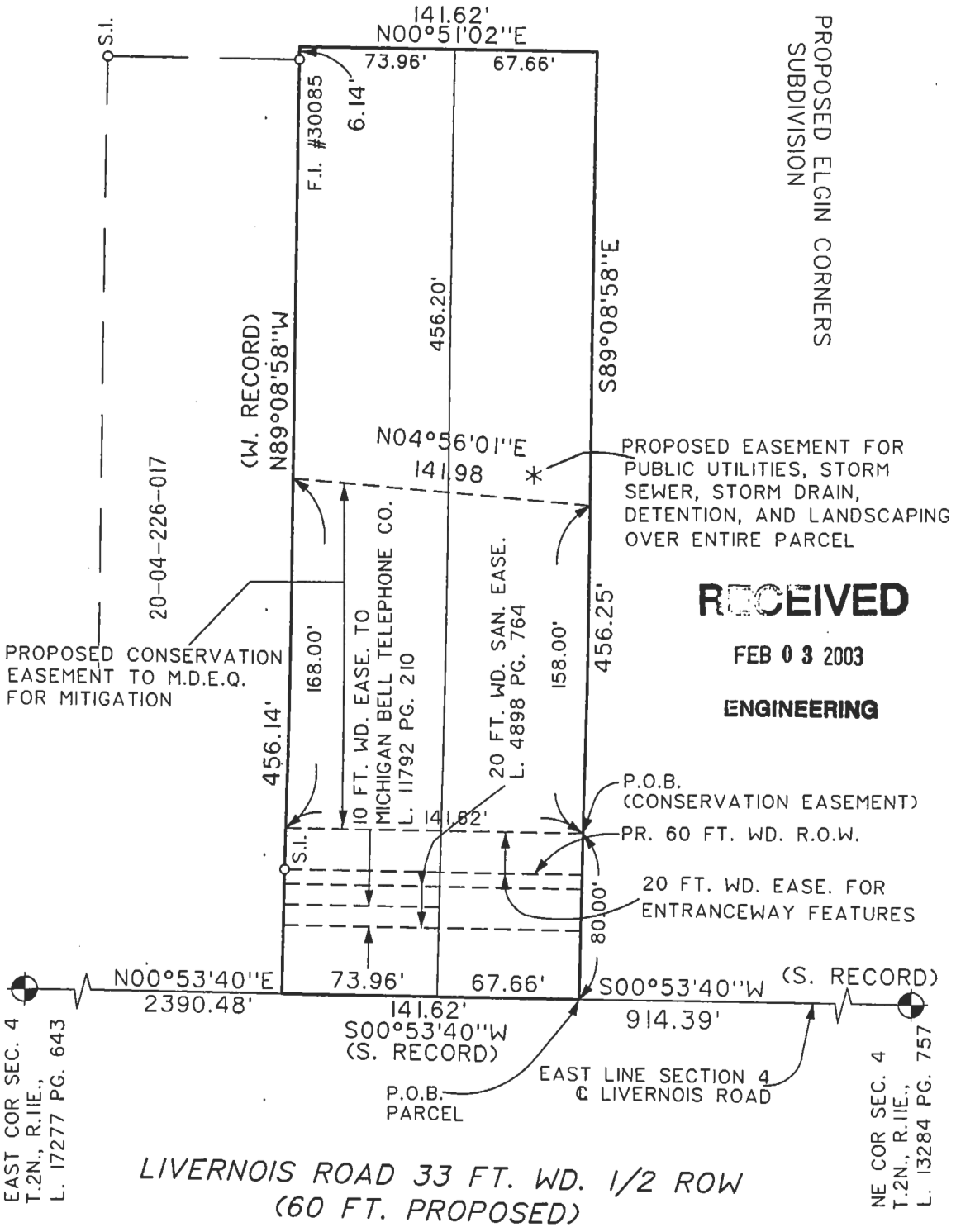
08-98-5474

CLIENT: ELGIN CORNERS L.L.C.
DATE: JULY-31-1998 REV: 1-30-03

MCS ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
41150 TECHNOLOGY PARK DR., SUITE 102
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE 726-6310 FAX 726-0042

SKETCH OF SURVEY

SCALE: 1"=60'



CLIENT: ELGIN CORNERS L.L.C.

DATE: JULY-31-1998 REV. 1-30-03

MCS ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
41150 TECHNOLOGY PARK DR., SUITE 102
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE 726-6310 FAX 726-0042

EXHIBIT C
TO
COVENANT DEED

DECLARATION OF EASEMENTS

THIS DECLARATION OF EASEMENTS (this "Agreement") made this 3rd day of May, 1999 by Elgin Corners LLC, a Michigan limited liability company ("Elgin"), whose address is 2025 West Long Lake Road, Suite 104, Troy, Michigan 48098.

RECITALS

WHEREAS, Elgin is the owner in fee simple of a parcel of land situated in the City of Troy, Oakland County, Michigan, and located on Livernois Road, as more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

WHEREAS, Elgin also owns a parcel of land adjacent to the Property, consisting of 21 lots in a developed subdivision known as "Elgin Corners", according to the plat thereof recorded in Liber 263, Pages 9-12, Oakland County Records, and Elgin has further established that the portion of such platted property that Elgin owns, consisting of Lots 1 through 21, inclusive, is subject to a certain Declaration of Covenants, Conditions and Restrictions recorded in Liber 19213, Pages 671-687, Oakland County Records. Lots 1 through 21, inclusive, of Elgin Corners Subdivision are referred to in this Declaration of Easements as the "Subdivision".

WHEREAS, contemporaneous with execution of this Declaration of Easements, Elgin has conveyed the Property to the City of Troy for use for storm drain detention and for other public purposes, including public utilities.

WHEREAS, in connection with the development of the Subdivision, Elgin desires to impose, establish and declare easements encumbering the Property for the benefit of the Subdivision, and future owners thereof for the construction, use and maintenance of utilities, lighting, landscaping and drainage facilities, and to provide for the construction and maintenance of a monument wall and landscaping on the entranceway to the Subdivision.

NOW, THEREFORE, easements are hereby established, imposed and declared upon the Property as follows:

1. **Temporary Easement; Construction of Improvements**. Elgin shall have a temporary non-exclusive easement ("Construction Easement") over the Property to construct and install public and private utilities, storm sewer, detention, monument wall and landscaping improvements, as well as the wetland mitigation improvements pursuant to Michigan Department of Environmental Quality Permit No. ~~98-~~ 97-10-1044 (collectively, the "Improvements"). The Construction Easement shall be for the benefit of the Subdivision and Elgin, its contractors, subcontractors, agents and employees for the use, construction, installation, maintenance, repair and replacement of the Improvements. The construction of the

Improvements shall be performed in accordance with all applicable laws, ordinances and regulations. The Construction Easement shall terminate upon completion of the Improvements and the receipt of final governmental approval of same.

2. **Maintenance of Improvements and Property**. There is hereby granted and declared in favor of the present and future owners and mortgagees of the Subdivision, and their successors and assigns, for the benefit of the Subdivision and all or any part thereof, an irrevocable, non-exclusive common easement and right to maintain, repair and replace the Improvements and the landscaping (including the grass or lawn) on the Property. The easement for use and maintenance of the Improvements and the landscaping of the Property described in this paragraph shall be exercised by Elgin or any transferees, successors or assignees of Elgin's interest in the Subdivision (i.e., the Elgin Corners Homeowners Association).

3. **Maintenance of the Entranceway Features and Landscaping**. The owner of the Subdivision, or any transferees, successors or assignees of Elgin's interest in the Subdivision (i.e., the Elgin Corners Homeowners Association) shall maintain all lighting, landscaping (including grass and lawn), water sprinklers, electrical wiring for the monument wall lighting and the monument wall built in the twenty (20) foot wide portion of the Property labeled as "Easement for Entranceway Features" on the attached Exhibit A.

4. **Failure to Maintain: Liability**. This Agreement shall be binding upon Elgin and its successors and assigns (i.e., the Elgin Corners Homeowners Association) and upon any owners of lots in the Subdivision. In the event that Elgin or the Elgin Corners Homeowners Association fails to maintain the Improvements, entranceway features and landscaping within the Property, the City of Troy shall have the right, but not the obligation, to perform such maintenance and to assess the owners of any lots in the Subdivision for the cost of performing such maintenance. Any charge imposed by the City of Troy upon Elgin for failure of the Elgin Corners Homeowners Association to maintain the same, may be charged by Elgin to the Elgin Corners Homeowners Association and shall be payable as an additional assessment by the owners of lots in the subdivision. Elgin, and, upon the establishment of the Elgin Corners Homeowners Association, the Elgin Corners Homeowners Association shall defend and hold harmless the City of Troy from liability in connection with the maintenance and construction rights contained herein, by entering into an Agreement substantially in the form attached hereto as Exhibit B and incorporated herein.

5. **Provisions Run with the Land**. All easements and covenants contained in this Agreement are imposed on the Property and shall run with and against the land so described and shall be a charge and burden thereon for the benefit of Elgin, and the owners of the Subdivision.

6. **No Gift or Dedication**. Nothing contained in this Agreement shall be deemed to be a gift or a dedication of any portion of the Subdivision to the general public or for any public use or purpose whatsoever, it being the intention of the parties hereto that this Agreement be for the exclusive benefit of the parties hereto and their respective successors and assigns.

7. **Miscellaneous**. This Agreement shall be construed and enforced in accordance with the substantive and procedural laws of the State of Michigan. If any provision of this Agreement or portion thereof, or application thereof to any person or circumstance shall be invalid or unenforceable, the remainder of this Agreement shall not be affected and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. Captions hereunder are for convenience of reference only and do not impart any binding, legal meaning. This Agreement may be executed in any number of counterparts, each of which when taken together, shall constitute one Agreement. All amendments or modifications to this Agreement shall be in writing and shall be executed by the owners of the Property and the Subdivision.

IN WITNESS WHEREOF, Elgin has executed this Agreement effective as of the date set forth above.

WITNESS:

Carol E. Misner

Carol E. Misner

Joyce E. Kelly

Joyce E. Kelly

ELGIN CORNERS LLC,
a Michigan limited liability company

By: Biltmore Properties Corporation,
a Michigan corporation
Its: Managing Member

By: _____
David J. Stollman
Its: Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

Before me, a Notary Public in and for said County and State, personally appeared DAVID J. STOLLMAN, the Vice President of **BILTMORE PROPERTIES CORPORATION**, which is the managing member of **ELGIN CORNERS LLC**, a Michigan limited liability company, who acknowledged the execution of the foregoing Agreement for and on behalf of **BILTMORE PROPERTIES CORPORATION** on behalf of **ELGIN CORNERS LLC**.

Witness my hand and Notarial Seal this 3rd day of May, 1999.

My Commission Expires:
June 23, 2001

Oakland, County

Notary Public Joyce E. Kelly

Printed Name

wk000304

Exhibit A

Section 4, 20' Wide Easement for Entranceway Features
Parcel: 88-20-04-230-004
Owner: Unknown

Description of Easement:

Part of the Northeast ¼ of Section 4, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows: Beginning at a point distant South 00 degrees 53 minutes 40 seconds West 914.39 feet along the East line of said Section 4 and the centerline of Livernois Road and North 89 degrees 08 minutes 58 seconds West 60.00 feet from the Northeast Corner of said Section 4 to the Point of Beginning; thence South 00 degrees 53 minutes 40 seconds West 141.62 feet; thence North 89 degrees 08 minutes 58 seconds West 20.00 feet; thence North 00 degrees 53 minutes 40 seconds East 141.62 feet; thence South 89 degrees 08 minutes 58 seconds East 20.00 feet to the Point of Beginning. Said easement contains 2,832 Square Feet or 0.065 Acres more or less.

Exhibit B

HOLD HARMLESS AGREEMENT

This agreement is made and entered into this 3rd day of May, 1999, by and between the City of Troy, a Michigan Municipal Corporation, hereinafter referred to as TROY, whose address is 500 W. Big Beaver Road, Troy, Michigan 48084, and ELGIN CORNERS, LLC., referred to as ELGIN CORNERS, whose address is c/o Susan A. Arnold, Biltmore Properties Corporation, 2025 West Long Lake Road, Suite 104, Troy, Michigan 48098.

RECITALS:

1. ELGIN CORNERS is proposing to construct an Improvements (as such term is defined in the Declaration of Easements (the "Declaration") recorded in Liber ____, Page ____, Oakland County Records) and to maintain the Improvements in accordance with the declaration.

2. ELGIN CORNERS is also proposing to construct Entrance Features (as such term is defined in the Declaration) and to maintain the Entrance Features in accordance with the Declaration.

3. This Agreement is intended only to benefit ELGIN CORNERS (and its successors and assigns (i.e., the Elgin Corners Homeowners Association) and TROY, and their representatives, employees, volunteers, trainees, and agents. The Agreement is not intended to benefit any person or entity not a party to this Agreement.

4. This Agreement constitutes the entire agreement between the parties and shall supersede and cancel any other agreement between the parties relating to the subject matter of this Agreement. This Agreement may be amended only by a written instrument executed by the authorized representatives of both ELGIN CORNERS and TROY.

5. The persons signing on behalf of the parties hereto certify by their signatures that they are authorized to sign this Agreement on behalf of said parties and that this Agreement has been authorized by said parties.

6. Each of the parties to this Agreement acknowledge reviewing the Agreement, and participating in negotiations for the Agreement, and agree that the provisions contained in this Agreement shall construed without prejudice to the party who actually memoralized this Agreement in final form.

NOW THEREFORE, in consideration of the foregoing, and of the following mutual promises, the parties agree as follows:

1. ELGIN CORNERS agrees to indemnify and hold harmless TROY, and TROY's agents, officers, directors, employees, and affiliated entities from any losses, damages, judgments, claims, expenses, costs and liabilities, including attorney fees and legal expenses, which may arise from or be caused directly or indirectly, by any act or omission of ELGIN

CORNERS or ELGIN CORNERS' partners, shareholders, officers, directors, trustees, employees, trainees, volunteers, agents and affiliated entities.

2. ELGIN CORNERS shall maintain General Liability Insurance with limits of liability of not less than One Million Dollars ($1,000,000.00) per occurrence, and/or aggregate, combined single limit for personal injury, bodily injury and property damage. TROY shall be named as an additional insured on ELGIN COERNS' General Liability Insurance policy, and also shall be named on ELGIN CORNERS' automobile policies if any vehicles will be used in any of the training exercises at the facility.

3. ELGIN CORNERS agree to abide by all the terms and conditions, as set forth on the incorporated Declaration.

WITNESSED BY:

Carol E. Misner

Carol E. Misner

Joyce E. Kelly

Joyce E. Kelly

ELGIN CORNERS, LLC
a Michigan limited liability company

By: BILTMORE PROPERTIES CORPORATION
a Michigan corporation

Its: Manager

By: _____
David J. Stollman

Its: Vice President

WITNESSED BY:

_____

_____

_____

_____

_____

_____

TROY

By: _____
, Mayor

By: _____
, Clerk

By: _____

Its: _____

RECEIVED
DEC 14 2004
CITY OF TROY
CITY MANAGER'S OFFICE

December 9, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police CTC

SUBJECT: Agenda Item - Resolution to Permit Use of Shell Crackers to Disperse Migratory Waterfowl - Emerald Lakes Subdivision

The Emerald Lakes Village Home Owners Associations requests they be allowed to continue the use of shell crackers to disperse migratory waterfowl that congregate on the lakes within the subdivision. On November 15, 1999, City Council approved an identical request (resolution 99-521-E-4) that expires on December 31, 2004.

The Police Department recommends approval with the following restrictions and requirements:

1. Shell crackers shall not be discharged before 7:00 a.m. and not after dusk.
2. The permitee(s) shall notify the Police Communications Section prior to discharging the shell crackers and shall provide the police with his/her name(s) and phone number(s).
3. A violation of either of the above limitations shall be cause for immediate revocation of the City authorization.
4. Authorization shall expire December 31, 2009.

Prepared By: Captain Edward Murphy

James Wehler
Lakes Manager
Emerald Lakes Village
6361 Emerald Lake Dr.
Troy, Mi 48085

EMERALD LAKES VILLAGE
HOME OWNERS ASSOCIATION
P.O. BOX 113
TROY, MI 48099

December 7, 2004

Charles T. Craft
Troy City Police Chief
500 West Big Beaver
Troy, Mi. 48084

Dear Chief Craft:

The Emerald Lake Village sub division requests that we be allowed to continue the use of Goose Crackers to chase away the geese that congregate on our lakes during the year. They are especially bad at this time of the year and in the spring when they are migrating. We sometimes have as many as 100 to 200 geese stopping here. If we chase them they do not stay in the area. The three men in the sub with DNR permits to use these Goose Crackers would be the only people doing so. Thank you for your attention to this matter.

Sincerely,

James Wehler
Lakes Manager
Emerald Lakes Village
[Click **here** and type job title]

RECEIVED
Chief of Police
12/9/04 CT

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: December 13, 2004
SUBJECT: RWT Building LLC v. City of Troy- Partial Plat Vacation Action

Enclosed please find a new lawsuit that was filed on behalf of RWT Building LLC. RWT Building is the developer of the Crestwood Site Condominiums, which is located off Wattles Road, east of Livernois Road. The City of Troy has already approved this proposed development.

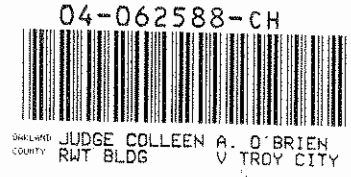
The original plat for the property was the Crestfield Subdivision, which was recorded in 1924. RWT alleges that the property could not be developed in accordance with this original plat, since it would not meet current City standards. Under state statute, any modification to an originally recorded plat requires the initiation of a new lawsuit against the City, State Treasurer, utility companies, easement holders, and all property owners within 300 feet of the property.

The lawsuit seeks to amend this original plat to allow the Crestwood Site Condominium development, as recently approved by City Council. Our office will represent the City of Troy's interests in this matter, absent objections from the City Council.

As always, if you have any questions concerning the above, please let me know.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND



RWT BUILDING L.L.C., a Michigan Limited Liability Company,

Plaintiff,

v

Case No.
Honorable

CITY OF TROY, a Michigan Municipal Corporation, **JAY B. RISING,** Treasurer of the State of Michigan, **JOHN P. McCULLOCH,** Oakland County Drain Commissioner, **LARRY P. CRAKE,** Chairperson of the Oakland County Road Commission, **CONSUMERS ENERGY**, a Michigan Corporation, **DTE ENERGY,** a Michigan Corporation, **SBC**, a Texas Corporation, **COMCAST, INC.**, a Pennsylvania Corporation, **WOW CABLE CO.**, a Colorado Corporation, and **ALL OWNERS OF RECORD TITLE** and persons claiming under those owners whose property lies within 300 feet of the real property identified and described in this Complaint,

Defendants.

ROMAS & ASSOCIATES, P.C.
Attorneys for RWT Building L.L.C.
BY: GEORGE G. ROMAS (P 29328)
5917 Independence Lane
West Bloomfield, MI 48322-1854
(248) 626-8847

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
2004 NOV 24 P 12:46
BY: DEPUTY COUNTY CLERK

There is no other pending or resolved civil action arising
out of the transactions or occurrences alleged in this Complaint.

COMPLAINT TO VACATE A PORTION OF THE RECORDED PLAT OF CRESTFIELD SUBDIVISION

NOW COMES Plaintiff, RWT BUILDING L.L.C., a Michigan Limited Liability Company by and through its attorneys, ROMAS & ASSOCIATES, P.C., and pursuant to the provisions of the Subdivision Control Act of 1967, files this Complaint to vacate a portion of the Crestfield Subdivision

ROMAS & ASSOCIATES, P.C. 5917 INDEPENDENCE LANE WEST BLOOMFIELD, MICHIGAN 48322-1854 (248) 626-8847

Plat and the included utility easements and streets. In support thereof, RWT BUILDING L.L.C. states and alleges as follows:

GENERAL ALLEGATIONS

1. RWT Building L.L.C., is a Michigan Limited Liability Company doing business in Oakland County, Michigan with its principal place of business located at 2065 Livernois, Troy, Michigan 48083 (hereinafter sometimes referred to as "RWT").

2. Defendants, Owners of Record Title of each lot or parcel of land included in or located within 300 feet of the portion of Crestfield Subdivision sought to be vacated, and those persons of record claiming under those owners are listed on the attached **Exhibit A** are required Defendants pursuant to the provisions of MCL 560.224 (a).

3. Defendant, City of Troy, is a Michigan municipal corporation wherein Crestfield Subdivision is located and is a party to this action in accordance with the requirements of MCL 560.224 (b).

4. Defendant Jay B. Rising, Treasurer of the State of Michigan, is a party to this action in accordance with the requirements of MCL 560.224 (c).

5. John P. McCulloch, Oakland County Drain Commissioner, is a party to this action in accordance with the requirements of MCL 560.224 (d).

6. Larry P. Crake, Chairperson of the Oakland County Road Commission, is a party to this action in accordance with the requirements of MCL 560.224 (d).

7. Defendants, Consumers Energy, DTE Energy, SBC, Comcast, Inc., WOW Cable Co. are each public or private utilities which provide services to Crestfield Subdivision or have installations or equipment in Crestfield Subdivision and are made parties to this action in accordance with the requirements of MCL 560.224 (e).

ROMAS & ASSOCIATES, P.C. 5917 INDEPENDENCE LANE WEST BLOOMFIELD, MICHIGAN 48322-1854 (248) 626-8847

ROMAS & ASSOCIATES, P.C. 5917 INDEPENDENCE LANE WEST BLOOMFIELD, MICHIGAN 48322-1854 (248) 626-8847

COUNT I

VACATION OF A PORTION OF THE PLAT OF CRESTFIELD SUBDIVISION

8. RWT herein realleges the above paragraphs as if stated word for word and paragraph for paragraph.

9. RWT is the record title holder of the vacant real property described in the attached **Exhibit B** which encompasses a portion of the Crestfield Subdivision Plat.

10. The Crestfield Subdivision is located within the southwest quarter of Section 15, town 2 north, range 11 east, City of Troy, Oakland County Michigan as recorded in Liber 34 Page 38 of the Oakland County Records. A copy of the Plat is attached hereto and incorporated herein by reference as **Exhibit C**.

11. The portion of Crestfield Subdivision Plat which RWT seeks to vacate is attached hereto and incorporated herein by reference as **Exhibit D** and is described as:

> Lots 31 through 97 inclusive and that portion of Crestfield Ave. abutting these Lots lying to the east of Hudson Ave. (k/n/a Hannover Ave); and
>
> Lots 159 through 192 inclusive and that portion of the public easement or right of way over the rear six (6) feet of these Lots; and
>
> All of Taylor Ave. as depicted on the Plat

(hereinafter sometimes referred to as the "Subject Property").

12. The original Plat of Crestfield Subdivision was prepared and recorded in 1924. The Plat no longer satisfies the building and zoning requirement of the City of Troy. That portion of the Plat lying to the west of Hudson Ave (k/n/a Hannover Ave.) was substantially amended in 1996 by Order of this Court to permit a residential development that would meet the current building codes and zoning ordinances of the City of Troy. The present action is filed to correct and update the

remaining portion of this old and obsolete Plat for the land lying to the east of Hudson Ave. (k/n/a Hannover Ave). This action is filed with the approval and support of the City of Troy.

13. The Subject Property was never developed and the streets and easements lying within the Subject Property were never constructed, nor do they provided ingress or egress to any other public roadway.

14. The offer of dedication of the streets sought to be vacated has not been accepted by the City of Troy or the Oakland County Road Commission.

15. The City of Troy and applicable county offices have approved RWT's plans to develop the Subject Property as "Crestwood Site Condominiums" and with the approval of all necessary governmental agencies a Master Deed for this new site condominium project has been recorded with the Oakland County Register of Deeds. RWT has already granted and dedicated to the City of Troy new streets and required public easements necessary to obtain approval of its new development. Likewise, new utility easements have been granted to the applicable utility companies serving the new development.

16. All of the Subject Property is owned by RWT except the south 41.60 feet of Lots 94 and 95 and the east 5 feet of Lot 96 and the east 5 feet of Lot 161 and all of Lots 162-163 (commonly known as 215 E. Wattles, tax identification number: 88-20-15-379-052)which is owned by William Cook who has consented to the relief requested herein to include his lots. His consent and approval is attached hereto as **Exhibit E**.

17. Vacation of the Subject Property will not adversely affect nor impact neighboring property owners because there is ingress and egress to any and all other properties in or around RWT's lands which will not be adversely impacted by granting the prayer for relief sought by RWT.

WHEREFORE, RWT prays that this Honorable Court enter judgment as follows:

ROMAS & ASSOCIATES, P.C. 5917 INDEPENDENCE LANE WEST BLOOMFIELD, MICHIGAN 48322-1854 (248) 626-8847

ROMAS & ASSOCIATES, P.C. 5917 INDEPENDENCE LANE WEST BLOOMFIELD, MICHIGAN 48322-1854 (248) 626-8847

A. That this Court issue an Order to Show Cause requiring the Defendants to appear at a time and date stated in the Order to Show Cause why RWT's Complaint should not be granted;.

B. That on the date of the scheduled hearing, an Order of Judgment be entered by this Honorable Court vacating that portion of the Crestfield Subdivision Plat described herein and covering the Subject Property, vesting the same in RWT as the fee title holder as to the lands it owns and in William Cook as to the lands he owns;

C. That RWT have such other and further relief as shall be just and equitable.

COUNT II

ALTERNATIVELY, AMEND PLAT TO VACATE PORTION OF THE PUBLIC EASEMENT OR RIGHT OF WAY

18. RWT herein realleges the above paragraphs as if stated word for word and paragraph for paragraph.

19. Plead in the alternative only, should the Court deny RWT's request to vacate that portion of the Crestfield Subdivision Plat encompassed by the Subject Property then RWT respectfully requests that this Honorable Court enter its order vacating the following public easement or right of way contained in this Plat:

> That portion of the public easement or right of way over the rear six (6) feet of Lots 159 through 192 inclusive.

WHEREFORE, RWT prays that this Honorable Court enter judgment as follows:

A. That this Court issue an Order to Show Cause requiring the Defendants to appear at a time and date stated in the Order to Show Cause why the relief requested in RWT's Complaint should not be granted;.

B. That on the date of the scheduled hearing, an Order of Judgment be entered by this Honorable Court vacating that portion of the public easement or right of way described herein, vesting the same in RWT as the fee title holder;

C. That RWT have such other and further relief as shall be just and equitable.

RWT BUILDING, L.L.C., a Michigan Limited Liability Co.

By: _____
MURRAY D. DEAGLE, Member

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

On this 23rd day of November, 2004, before me personally appeared Murray D. Deagle, Member of RWT Building L.L.C., a Michigan Limited Liability Company, Plaintiff herein, being first duly sworn saying that he has read the foregoing Complaint by him subscribed, and that the same is true of his own personal knowledge except as to matters which are therein stated to be upon information and belief, and as to those matters he believes them to be true.

_____
George G. Romas, Notary Public,
Oakland County, Michigan
My commission expires July 26, 2005

Respectfully submitted,

ROMAS & ASSOCIATES, P.C.

By: _____
GEORGE G. ROMAS (P 29328)
Attorneys for RWT Building, L.L.C.
5917 Independence Lane
West Bloomfield, Michigan 48322-1854
(248) 626-8847

Dated: November 23, 2004

ROMAS & ASSOCIATES, P.C. 5917 INDEPENDENCE LANE WEST BLOOMFIELD, MICHIGAN 48322-1854 (248) 626-8847

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
2004 NOV 24 P 2: 16
DEPUTY COUNTY CLERK

04-062588-CH
JUDGE COLLEEN A. O'BRIEN
RWT BLDG V TROY CITY

RWT BUILDING L.L.C., a Michigan Limited Liability Company,

Plaintiff,

v

Case No.
Honorable

CITY OF TROY, a Michigan Municipal Corporation, **JAY B. RISING,** Treasurer of the State of Michigan, **JOHN P. McCULLOCH,** Oakland County Drain Commissioner, **LARRY P. CRAKE,** Chairperson of the Oakland County Road Commission, **CONSUMERS ENERGY**, a Michigan Corporation, **DTE ENERGY,** a Michigan Corporation, **SBC**, a Texas Corporation, **COMCAST, INC.**, a Pennsylvania Corporation, **WOW CABLE CO.**, a Colorado Corporation, and **ALL OWNERS OF RECORD TITLE** and persons claiming under those owners whose property lies within 300 feet of the real property identified and described in this Complaint,

Defendants.

/

ROMAS & ASSOCIATES, P.C.
Attorneys for RWT Building L.L.C.
BY: GEORGE G. ROMAS (P 29328)
5917 Independence Lane
West Bloomfield, MI 48322-1854
(248) 626-8847

/

ROMAS & ASSOCIATES, P.C. 5917 INDEPENDENCE LANE WEST BLOOMFIELD, MICHIGAN 48322-1854 (248) 626-8847

ORDER TO SHOW CAUSE

At a session of said Court held in
the Courthouse, Pontiac, Michigan

on NOV 24 2004

PRESENT: COLLEEN A. O'BRIEN
Circuit Court Judge

Upon reading and filing of the verified Complaint of Plaintiff, RWT BUILDING L.L.C., a Michigan Limited Liability Company in the above captioned matter seeking to vacate a portion of the Crestfield Subdivision Plat as described in Plaintiff's Complaint,

IT IS HEREBY ORDERED AND ADJUDGED that the Defendants named in Plaintiff's Complaint shall appear before this Honorable Court on the 19th day of January, 2005 at 8:30 o'clock in the _____ noon and show cause, if any, why the prayer for relief in the Plaintiff's Complaint to vacate a portion of the Crestfield Subdivision Plat as described in Plaintiff's Complaint should not be granted.

IT IS FURTHER ORDERED AND ADJUDGED that a copy of this Order shall be served upon all Defendants as provided by the Subdivision Control Act of 1967, as amended, not less than ten (10) days prior to said hearing.

COLLEEN A. O'BRIEN

COLLEEN A. O'BRIEN
Circuit Court Judge

A TRUE COPY
G. WILLIAM CADDELL
Oakland County Clerk Register of Deeds

Deputy

ROMAS & ASSOCIATES, P.C. 5917 INDEPENDENCE LANE WEST BLOOMFIELD, MICHIGAN 48322-1654 (248) 626-8847

EXHIBIT A

OWNERS OF RECORD LYING WITHIN 300 FEET OF THE PORTION OF THE CRESTFIELD SUBDIVISION PLAT TO BE VACATED

88-20-22-101-037
MC CULLOCH DRAIN
OAKLAND COUNTY DRAIN COM
ONE PUBLIC WORKS DRIVE
WATERFORD, MI 48328-1907

88-20-15-353-046
SHUKLA, RAMESH & URMIL
155 CRESTFIELD
TROY, MI 48085

88-20-15-355-077
HANNA, LAITH & ZINAH
156 CRESTFIELD
TROY, MI 48085

88-20-15-353-047
ROSSETER KIMBERLY A
RANSDELL, STEVEN T
159 CRESTFIELD
TROY, MI 48085

88-20-15-355-078
RAMACHANDRAPRABHU, TYAKAL
SARMA, BHARGAVI
170 CRESTFIELD
TROY, MI 48085

88-20-15-378-037
HAGE, KAM
188 LEETONIA
TROY, MI 48085-5512

88-20-15-353-048
WEBBER, ROBERT
3048 BRIDLEWOOD
OAKLAND TWP, MI 48306

88-20-15-355-079
PHILIPOSE, JOHN
JOHN, DIANA
184 CRESTFIELD
TROY, MI 48085

88-20-15-451-030
SCHULTZ, EDWARD M
4237 CYPRESS
TROY, MI 48085-4872

88-20-15-451-029
MC CLEAN, PATRICK
OCONNOR, MARY E
4251 CYPRESS
TROY, MI 48085-4872

88-20-15-451-028
MORAN, JAMES R
4265 CYPRESS
TROY, MI 48085-4872

88-20-15-451-027
RANKIN, TODD
4279 CYPRESS
TROY, MI 48085-4872

88-20-22-201-023
CINADER, CARY W
3947 JENNINGS
TROOY, MI 48083

88-20-15-451-042
GEE, TONY G & TEARG
PO BOX 356
BLOOMFIELD HILLS, MI 48303-0356

88-20-22-201-022
MCINTYRE, DOUGLAS A
500 E WATTLES
TROY, MI 48085-4840

88-20-15-352-049
MOORE, LISA ANN
151 LEETONIA
TROY, MI 48085-5513

88-20-15-353-033
STIFF, PAUL C
152 LEETONIA
TROY, MI 48085-5512

88-20-15-378-040
WELBY, RICHARD & ROSE
170 LEETONIA
TROY, MI 48085-5512

88-20-15-377-044
TROY BAPTIST CHILDRENS HOME
4410 W 13 MILE
ROYAL OAK, MI 48072

88-20-15-378-029
LAW, JAMES
204 LEETONIA
TROY, MI 48085-4731

88-20-15-378-025
BLOOMINGDALE, BRUCE & MARIE
4264 TALLMAN
TROY, MI 48085-4823

88-20-15-379-052
COOK, WILLIAM
215 E WATTLES
TROY, MI 48085-4737

88-20-22-101-019
ADDINGTON, JAMES & AVA
300 E WATTLES
TROY, MI 48085-5534

88-20-15-451-014
CARBONE, DONALD & CYNTHIA
4250 TALLMAN
TROY, MI 48085-4823

88-20-22-101-023
HIDDEN DEVELOPMENT LLC
2617 BEACON HILL DR
AUBURN HILLS, MI 48326

88-20-22-101-026
MOLNAR, MARK J
462 E WATTLES
TROY, MI 48085-4840

88-20-22-101-003
HADDAD, NADHIM Y & BEATRIS H
6507 JOHN R
TROY, MI 48085

88-20-15-377-045
STADELBAUER, RAYMOND J
207 LEETONIA
TROY, MI 48085-4730

88-20-15-377-046
BAIRO, JEFFREY
MILLER, PAULA
249 LEETONIA
TROY, MI 48085-4730

88-20-15-378-028
LACKEY, BERNARD & JOY
298 LEETONIA
TROY, MI 48085-4731

88-20-15-378-041
VALENTI, MARK & ALANE
336 LEETONIA
TROY, MI 48085-5514

88-20-15-377-053
MOLNAR, SUSAN M
339 LEETONIA
TROY, MI 48085-5517

88-20-15-377-049
ROBACZYNSKI, GRZEGORZ
351 LEETONIA
TROY, MI 48085-5517

88-20-15-377-050
HYDER, MOHAMMAD RAFIQ G
RAFIQ, NASSEM
375 LEETONIA
TROY, MI 48085-5517

88-20-15-378-038
BALLARD, DALE & LESLIE
378 LEETONIA
TROY, MI 48085-5514

88-20-15-378-039
LAFAVE, DAVID & JULIEJO
392 LEETONIA
TROY, MI 48085-5514

88-20-15-377-051
FISHER, ROBERT C
399 LEETONIA
TROY, MI 48085-5517

88-20-15-377-059
SZEFER, RICHARD H
411 LEETONIA
TROY, MI 48085

88-20-15-377-060
NAGENGAST, DAVID & DIANE
423 LEETONIA
TROY, MI 48085-5518

88-20-15-378-035
GROOMS, DEBORAH
424 LEETONIA
TROY, MI 48085-5515

88-20-15-378-033
ALLEVATO, GAIL A & TONY JR
458 LEETONIA
TROY, MI 48085-5515

88-20-15-377-041
DOWEN, GARY A
459 LEETONIA
TROY, MI 48085-5518

88-20-15-378-034
LUCAS, PAUL S
472 LEETONIA,
TROY, MI 48085-5515

88-20-15-378-023
JOHNSON, CLYDE W
486 LEETONIA
TROY, MI 48085-5515

88-20-15-377-036
WONG, JAMES H
491 LEETONIA
TROY, MI 48085-5518

88-20-15-377-037
ROUSSEAU, MICHAEL & MARY
505 LEETONIA
TROY, MI 48085-5519

88-20-15-378-024
SMOLINSKI, MARVIN
506 LEETONIA
TROY, MI 48085-5518

88-20-22-101-038
WALSH COLLEGE
3838 LIVERNOIS
TROY, MI 48083-5048

88-20-22-201-021
HODGER, RANDY SCOTT
9299 APPLEVIEW CT
BRIGHTON, MI 48116

88-20-22-101-027
HANNA, WILLIAM & MARGARET
364 E WATTLES
TROY, MI 48085-5534

88-20-22-101-028
BAKER, BRUCE
380 E WATTLES
TROY, MI 48085-5534

88-20-15-353-013
NIEDZWIECKI, ROBERT & KATHLEEN
144 LEETONIA
TROY, MI 48085-5512

88-20-15-353-032
YOUNGMAN, TERRILL L
148 LEETONIA
TROY, MI 48085-5512

88-20-15-451-015
BOVEY, VICTOR
4236 TALLMAN
TROY, MI 48085-4823

88-20-15-451-012
IRBY, CONNIE S
4278 TALLMAN
TROY, MI 48085-4823

88-20-22-101-004
ST LUCY CROATIAN CATHOLIC CHURCH
200 E WATTLES
TROY, MI 48085-4736

EXHIBIT B

Nowak & Fraus, PLLC
Crestwood Site Condominium
Project #9-C311
July 14, 2004

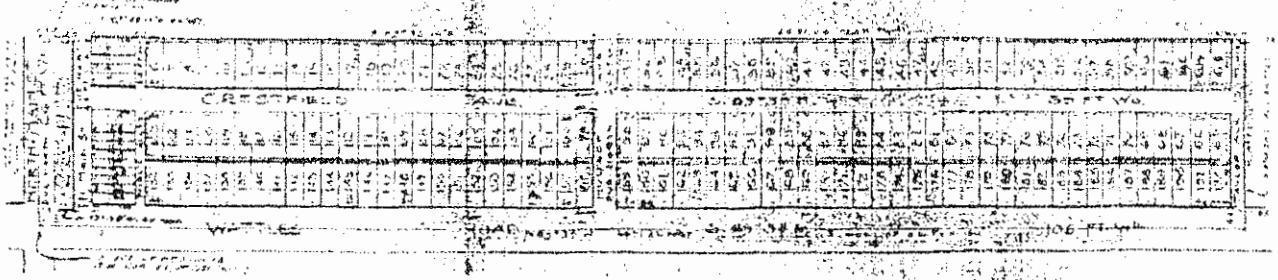
LEGAL DESCRIPTION – Overall Development

A parcel of land described as lots 31-93 inclusive, part of lots 94-96 inclusive, lots 97 and 98, part of lots 159-161 inclusive, and part of lots 164-192 inclusive, of the Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S00°34'40"W, 346.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 1197.40 feet along the North line of said Wattles Road to a point on the East line of Lot 163 of said "Crestfield Subdivision"; thence Due North, 135.64 feet along the East line of Lots 163 and 94 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet; thence Due South, 135.64 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 11.985 acres or 522,050 square feet and subject to easements & restrictions of record.

EXHIBIT C

TROY TOWNSHIP OAKLAND COUNTY MICHIGAN

Note:- All dimensions shown in feet and decimals thereof.



I hereby certify that the plat hereon delineated is a correct one and that permanent monuments consisting of 1/2" X 14" iron stakes have been planted at points marked thereon such at all angles in the boundaries of the land platted and at all intersections of streets.

Registered Surveyor

Know all men by these presents, that we Thomas J. Bickley a single man, Fred W. Fields and Wanda Fields his wife as proprietor have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as Crestfield Subdivision of part of the S.W. 1/4 of Section 15, T.2,N.R.11,E. Troy Township, Oakland County, Michigan and that the streets as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in presence.

State of Michigan
County of Wayne

On this 24th day of October 1924, before me a Notary Public in and for said county, personally came the above named, Thomas J. Bickley a single man, Fred W. Fields and Wanda Fields his wife, known to me to be the persons who executed the above dedication and acknowledged the same to be their free act and deed.

Notary Public, Wayne Co. Michigan

Description of land platted, The land embraced in the annexed plat of Crestfield Subdivision of part of S.W. 1/4 of Section 15 T.2,N.R.11,E. Troy Township, Oakland County, Michigan is described as follows; Beginning at the S.W. corner of section 15, thence due North along the West line of Section 15 [illegible] feet, to a point, thence S.89°35'10"E. [illegible] to a point, thence S.00°13'0"E. [illegible] feet to a point on the South line of Section 15, thence N.89°35'W. 2651.[illegible] feet to the place of beginning. Excepting the following described property, Beginning at a point on the North line of the above described [illegible] feet on a course S.89°35'10"E. from the [illegible] with the West line of Section 15, thence S.89°35'10"E. [illegible] feet to a point, thence due South 373.09 feet to a point, thence N.89°35'W. 40.00 feet to a point, thence due North [illegible] the place of beginning.

FILED IN REGISTER OF DEEDS OFFICE

The premises described in the within plat and subdivision are hereby subjected to the following agreement and covenants, which shall be observed by the proprietors herein described and by their grantees and assigns and by the heirs, executors, administrators and assigns of this to-wit.

1st. Said proprietors hereby grant to and for the use of the public an easement or right of way over the rear six (6) feet of lots 1 to 12 inclusive and lots 13 to 132 inclusive as indicated by red lines shown on the above plat for the purpose of installing, maintaining, repairing, removing or replacing sewers, conduits, telephone, telegraph, electric light or other poles or things usually placed in a public alley, with the right of ingress and egress at any and all times to and over said strips of land for the purposes above set forth.

2nd. Said proprietors for themselves their heirs and assigns further agree that no buildings or structures of any kind whatsoever (except the necessary fences on the lines dividing said lots) shall ever be built or placed upon said strips or any part thereof, so that said strips of land shall be forever kept open for the above purposes.

3rd. It being the intention of said proprietors that said strips of land shall be used for the same purposes for which public alleys are generally used, excepting that the same shall not be open for the passage of vehicles therein.

4th. Said proprietors in signing this plat agree to the above easement and enforce the same upon the face of the record of this plat for the purpose of giving public notice to all subsequent purchasers of the existance of the same.

Signed and sealed in presence of.

This plat was approved by the Township Board of the Township of Troy, Oakland County, Michigan at a meeting held on the [illegible] day of [illegible] 1924.

Township Clerk.

Register of Deeds
Oakland County

Oakland County Treasurer's Certificate

Nov 1924

Date, Nov. [illegible] 1924

EXHIBIT D

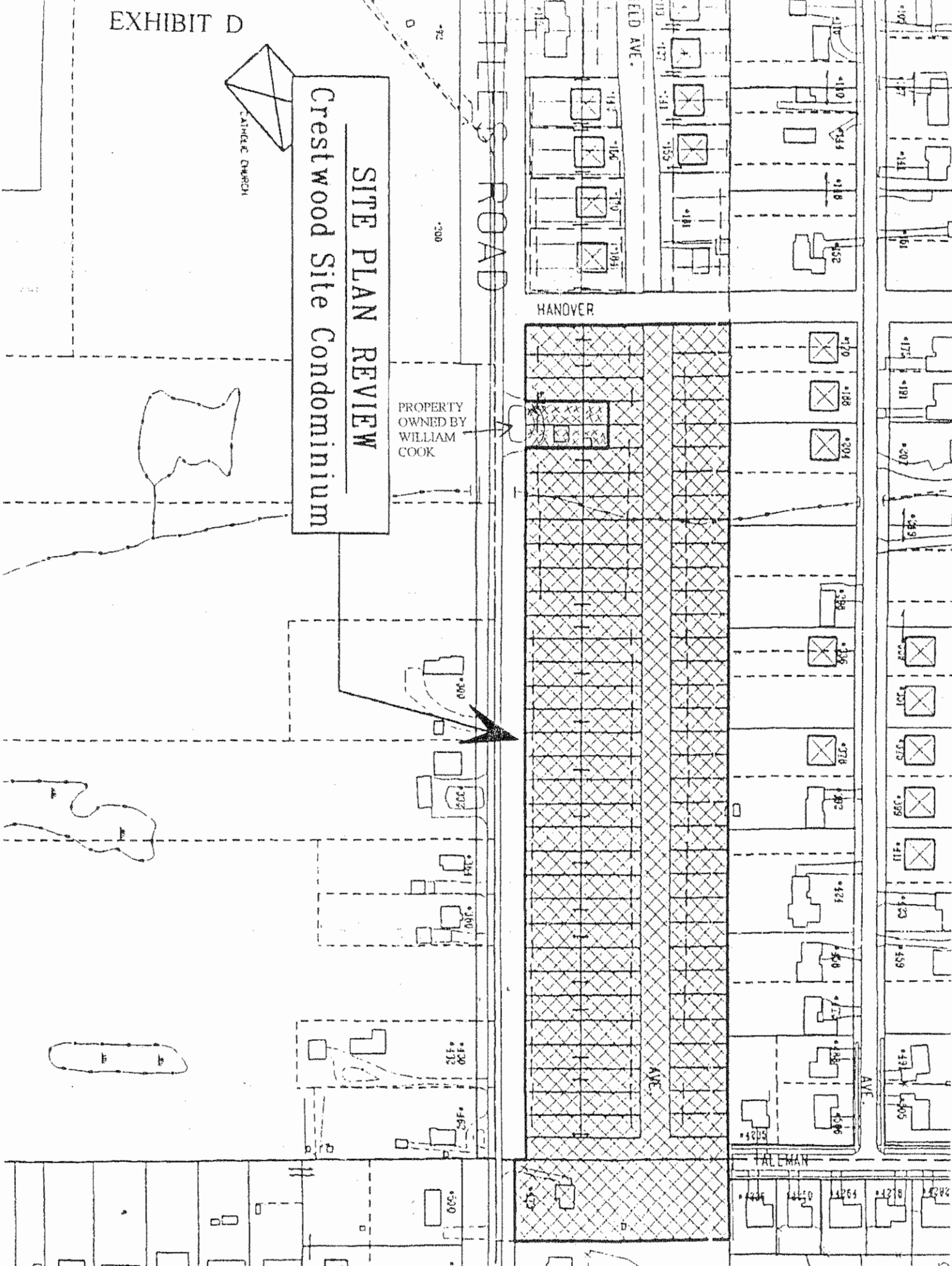

SITE PLAN REVIEW
Crestwood Site Condominium
CATHOLIC CHURCH
PROPERTY OWNED BY WILLIAM COOK
HANOVER
AVE.
TALLMAN
AVE.

EXHIBIT E

**CONSENT OF WILLIAM COOK,
ADJOINING PROPERTY OWNER,
TO THE RELIEF REQUESTED BY RWT
AND REQUEST THAT THE PORTION OF THE
CRESTFIELD SUBDIVISION PLAT
COVERING HIS LAND ALSO BE VACATED**

The undersigned is the record owner of the south 41.60 feet of Lots 94 and 95 and the east 5 feet of Lot 96 and the east 5 feet of Lot 161 and all of Lots 162-163 of Crestfield Subdivision (commonly known as 215 E. Wattles, tax identification number: 88-20-15-379-052). RWT Building, L.L.C., Plaintiff herein seeks to vacate the Crestfield Subdivision Plat as it pertains to my property and other lands owned by RWT. The undersigned acknowledges service and has read the foregoing Complaint, consents and approves of the same and requests that the Court grant RWT the relief requested therein. The undersigned consents and requests that the portion of the Crestfield Subdivision Plat covering his land also be vacated all as more fully detailed in the attached Complaint.

William Cook

William Cook
215 E. Wattles
Troy, MI 48083

Dated: 11-19-07

12/10/04
Approval J Szerlag
Place on 12/20 Agenda to ratify ACTION.

December 9, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police CC
Gary Mayer, Captain GM

E-13

RE: Change Order to Standard Purchasing Resolution 1: Award To Sole Bidder – Duct Cleaning, and Testing, Adjusting and Balancing Services on the Lead Contaminated Gun Range Ventilation System

SUMMARY

On Monday, November 8, the Troy City Council approved Resolution #2004-11-576-E-26, granting a contingent award to Asbestos Control Environmental, Inc. for the gun range ventilation system duct cleaning, and testing, adjusting and balancing services at an estimated total cost of $42,265.00.

The bid proposal required the contractor to conduct pre and post cleaning video inspections of the HVAC system. The contractor identified damaged insulation in lined sections of the ductwork during, both, pre and post inspections. One section of return ductwork, inside the basement mechanical room, had significant post cleaning damage to the insulation. The contractor recommended that the insulation from that particular section of ductwork be removed, as it could have a negative impact on the overall performance of the ventilation system. Director of Building Operations Steve Pallotta reviewed the recommendation and concurs with the contractor. Purchasing Director Jeanette Bennett has reviewed this proposal and given her verbal approval.

RECOMMENDATION

The Police Department has already authorized additional work at a cost equal to 10% of the total project cost, due to other unforeseen circumstances identified by the contractor after work began on the project. The Police Department seeks emergency authorization for the contractor to remove the significantly damaged insulation at a cost not to exceed $2000. The cost will be substantially greater, if the contractor must suspend operations pending City Council approval, due to costs associated with the setup of a containment system and other necessary safety precautions to protect building occupants and the environment.

Due to the nature of this project, and the likelihood of other yet unidentified repairs, the Police Department also seeks authorization to increase the amount of available funding for additional unforeseen expenses from an amount not to exceed 10% of the total project cost, to an amount not to exceed 25% of the total project cost.

BUDGET

Funds are available in the City Hall/Emergency Repairs account #401265.7975.050 and Uniform Patrol Equipment General account #401315.7978.010

Prepared by: Lieutenant Michael Lyczkowski

December 13, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director

SUBJECT: **<u>AGENDA ITEM</u> - SALE OF ROCHESTER ROAD REMNANT PARCEL, PIN# 20-22-426-057, SECTION 22, PART OF LOTS 42, 43, AND 45 OF SUPERVISORS PLAT # 17**

The City of Troy presently owns a parcel of land located on the southwest corner of Vanderpool Street and Rochester Road, which is a remnant left from the Rochester Road re-construction project. This Parcel contains 20,063 square feet and is a unbuildable remnant parcel as presently zoned. The parcel is described as:

Lots 42, 43 and 45 of ”Supervisors Plat# 17, of part of the southeast ¼ of section 22, T.2.N. R.11.E. City of Troy, Oakland County, Michigan, as recorded on Liber 28, page 36, of plats, Oakland County Records. Except the east 42 feet of lots 43 and 45, also reserving an easement for sidewalk, drainage and public utilities over the west 10 feet of the east 52 feet of lots 43 and 45, including a 25 foot triangle at the northeast corner of the described parcel. Sidwell# 88-20-22-426-057

Cueter Investment Company would like to purchase this parcel, combine it with the abutting parcel on the west and develop a commercial project. This would require the rezoning of the abutting parcel to B-1, which is now zoned R-1E.

The City owned parcel has been appraised to have a value of $200,000.00, by a state licensed appraiser, and reviewed by another state licensed appraiser. Cueter Investment Company has submitted an Offer to Purchase this parcel, at the appraised value with the conditions that the abutting parcel on the west is rezoned to B-1 and that the city will furnish the environmental report that was done at the time the City acquired the property for the Rochester Road project.

Cueter Investment Company would need to go through the normal rezoning process for the abutting parcel as well as going through the same site plan review process as any other development.

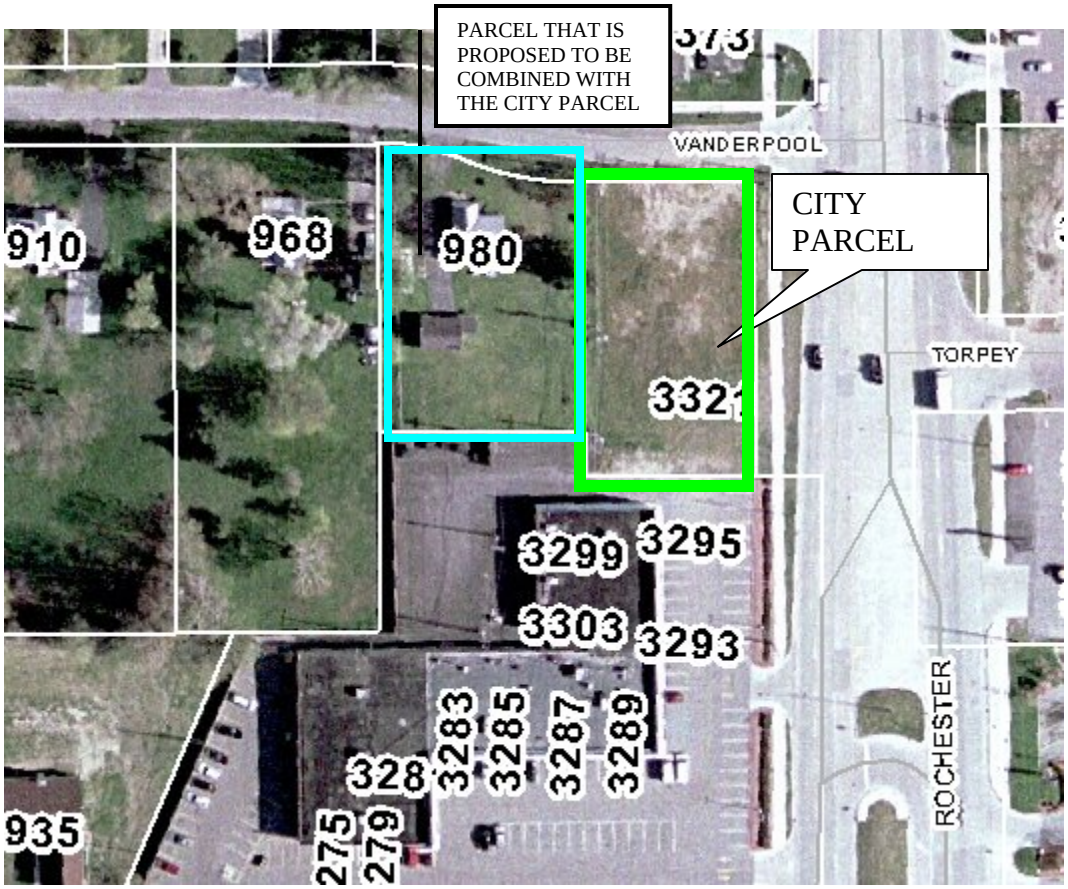
The City parcel cannot be developed as a stand-alone parcel as zoned, and a re-zoning could make it a buildable parcel but would result in a small undesirable commercial building site. It is in combination with a rezoned adjacent parcel that a much more desirable building site is achieved. It is recommended by City

management that City Council approve the sale to Cueter Investment Company for the appraised value according to the attached Offer to Purchase.

City Council Res. #85-254, which is attached, authorizes remnant parcel sales to abutting property owners, or to persons with a controlling interest in the abutting property, at appraised value.

Attachments

Prepared by: Dennis C. Stephens, Right of Way Representative


PARCEL THAT IS PROPOSED TO BE COMBINED WITH THE CITY PARCEL
CITY PARCEL
VANDERPOOL
TORPEY
ROCHESTER
910
968
980
3321
3299
3295
3303
3293
3283
3285
3287
3289
328
275
279
935

OFFER TO PURCHASE
CITY OF TROY
REAL ESTATE

1. THE UNDERSIGNED, Cueter Investment Company hereby offers and agrees to purchase from the City of Troy the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

See Exhibit "A" Attached Hereto And By Reference Made A Part Hereof

Sidwell # 88-20-22-426-057

and to pay therefore the sum of ($200,000.00) Two Hundred ThousandDollars subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

THE SALE TO BE CONSUMMATED BY:

The delivery of a Warranty Deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check made payable to the City of Troy

2. As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance for information purposes. Purchase of Title Insurance shall be the option of the Purchaser at Purchaser's expense.

3. When this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within 30 days after delivery of the commitment of title insurance.

4. If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney after examination of the Abstract that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed either (1) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (2) to refund the deposit in full termination of this agreement or if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within 10 days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.

5. Purchaser understands and agrees that although the property being conveyed may at the time of conveyance be tax exempt, and that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.

6. The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.

7. By the execution of this instrument the Purchaser acknowledges THAT HE HAS EXAMINED THE ABOVE DESCRIBED PREMISES and is satisfied with the physical condition of structures and/or land thereon.

8. The closing of this sale shall take place at the offices of the City of Troy unless otherwise agreed.

9. Purchaser agrees to comply with Troy City Council Resolution #85-254, a copy of which is attached, and understands that this sale is contingent upon City Council approval.

10. Deed Restrictions and Subsequent Conditions: The sale of this property is conditioned upon the following deed restrictions which shall be recorded at the time of sale and shall be binding upon the Purchaser, their heirs, executors, administrators, successors and assigns: See Attachment "A"

11 Additional Conditions:

1. Sale is contingent upon the rezoning of the adjacent property owned or controlled by purchaser to B-2, Parcel I.D. # 88-20-22-426-045, before closing.
2. City of Troy shall furnish purchaser with the Phase 1 environmental report dated 8/28/1993 prepared prior to the City's purchase of the property.

IN THE PRESENCE OF:

George Cueter

Purchaser

CUETER INVESTMENT CO. L.S.

Antonino Cueter L.S.

Date 2-20-04 Phone 313-886-8803 Address 19802 Mack Ave Grosse Pointe Woods, MI 48236

313-886-8803

IN THE PRESENCE OF:

Seller

L.S.

L.S.

Date _____ Phone: _____ Address. 500 W. Big Beaver, Troy, 48084

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing offer to purchase.

Purchaser

George Cueter

Cueter Investment Co. L.S.

Antonino Cueter L.S.

Date 2-20-2004

ATTACHMENT "A"

CITY OF TROY PROPERTY SALE

DEED RESTRICTION

A. Construction shall take place only as indicated on the site plan including the number of Units, as submitted to and approved by the Building Department and Planning Department of the City of Troy and all construction shall conform to all codes of the City of Troy. Purchaser shall complete the fee purchase of other parcels, which comprise the full site, if any.

B. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy

C. All buildings shall be constructed as indicated on the architectural rendering as submitted to and approved by the Troy Planning Department and Building Department; no other alteration, addition or deletion shall occur.

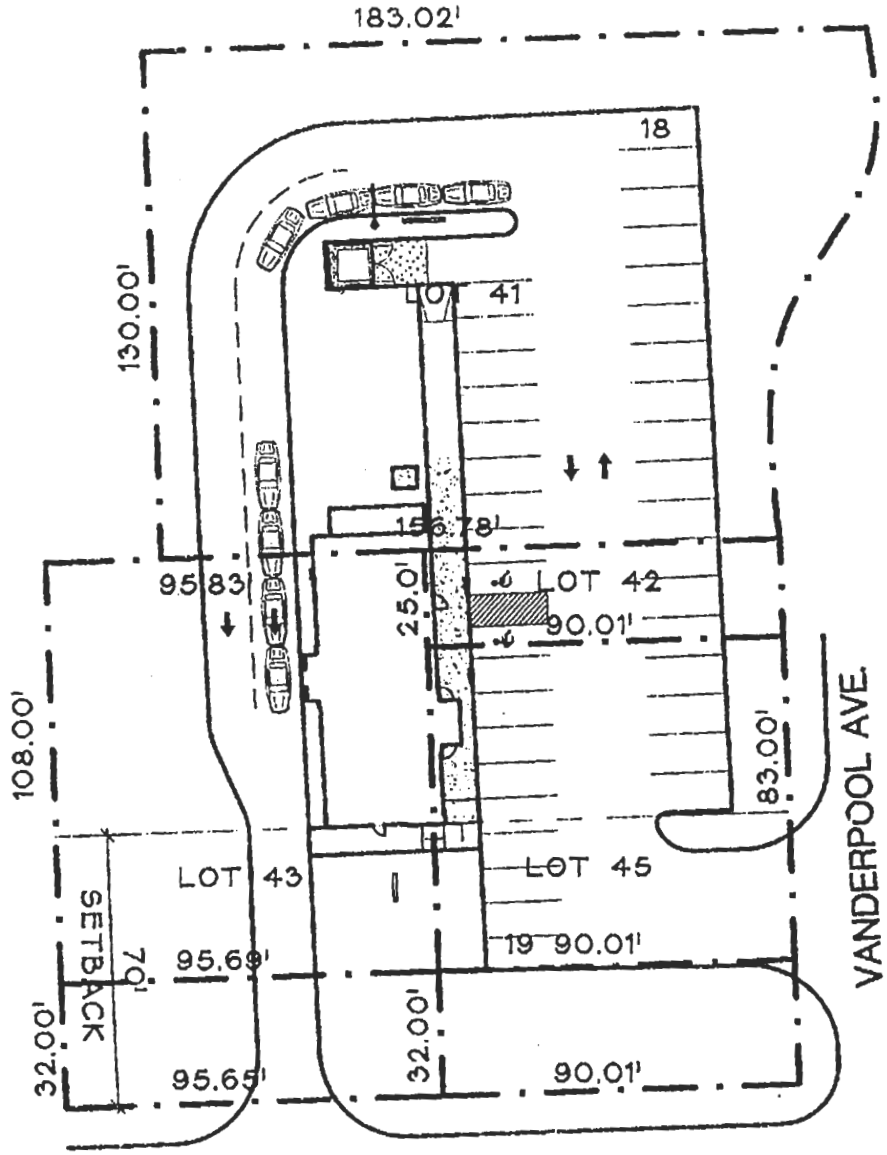
D. The Purchaser shall combine this parcel description with adjacent properties owned or controlled by Purchaser on City tax records.

E. These deed restrictions and the full purchase agreement shall be recorded with and as part of the deed at the Oakland County Register of Deeds.

F. The Purchaser agrees upon closing this transaction that all restrictions and conditions shall bind and inure to Purchaser, heirs, executors, administrators, successors and assigns, and that they will reimburse to the City all costs incurred by the City in the future, including court and attorney fees, in order for the City to gain compliance with this agreement and the stated restrictions.

EXHIBIT “A”

Lot 42, 43,and 45 of “Supervisor’s Plat No. 17”, of part of the Southeast ¼ of Section 22, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as Recorded in Liber 28, Page 36, of Plats, Oakland County Records. Except the East 42 feet of lots 43 and 45; also reserving an Easement for Sidewalk, Drainage, and Public Utilities over the West 10 feet of the East 52 feet of Lots 43 and 45, including a 25-foot tri-angle at the Northeast corner of the described parcel.



ROCHESTER ROAD

2,375 SQ.FT. BUILDING
37 PARKING SPACES
PROVIDED

N

SITE PLAN

SCALE: 1"=50'

9/25/03

DUNKIN' DONUTS

Baskin 31 Robbins

ROCHESTER ROAD
TROY, MI
SITE PLAN

jeffery a. scott architects p.c.

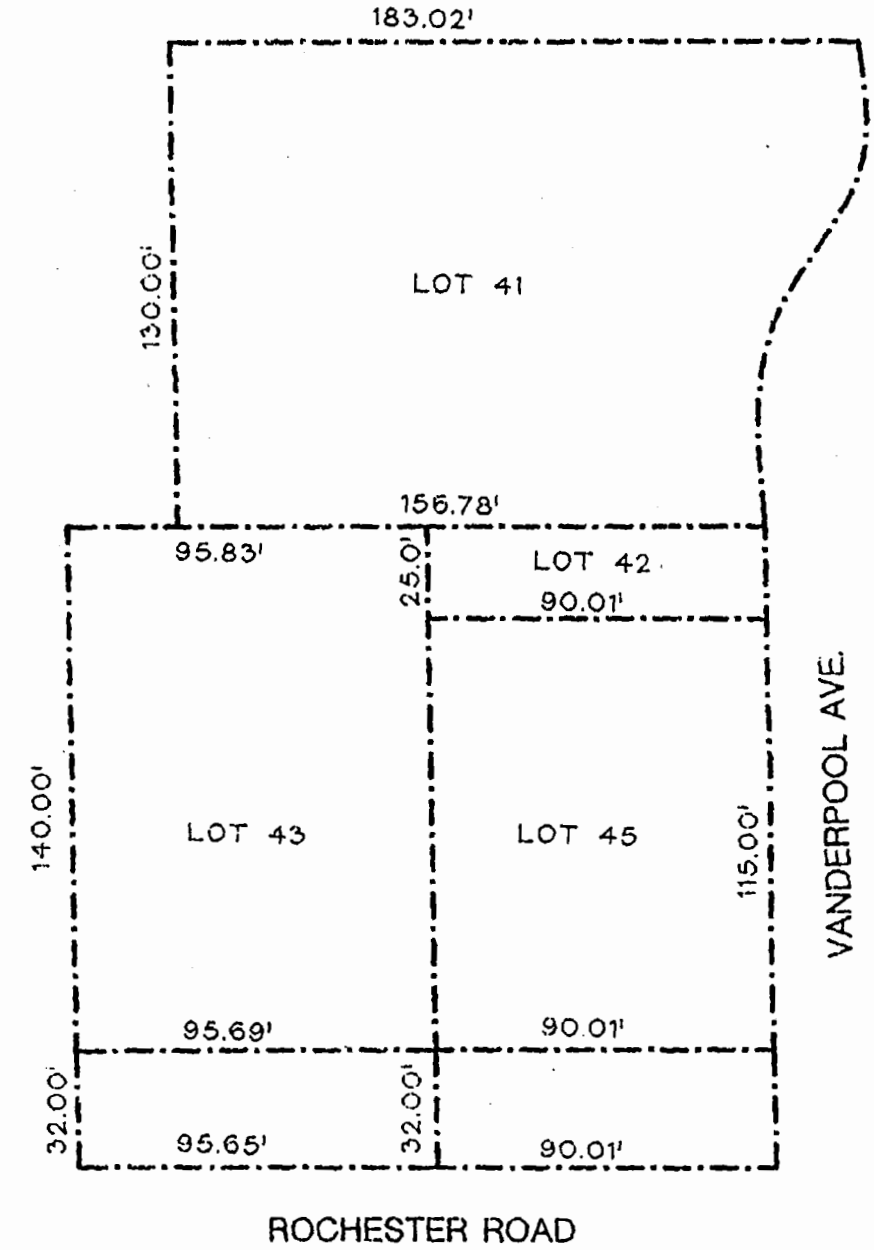
project no. 0305.28

sheet no. SK-1A

copyright © 2003

EXHIBIT "B"

11 03 10:31a



SITE PLAN

SCALE: 1"=50'

TABLED ITEMS

RESOLUTION TO ESTABLISH POLICY GOVERNING DISPOSAL (SALE) OF EXCESS RIGHT-OF-WAY

Resolution #85-254
Moved by Liebrecht
Supported by Stine

WHEREAS, the City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that . . . "in all sales or purchases in excess of $3,000 (1) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids. . .";

NOW, THEREFORE, BE IT RESOLVED, That the City Council may from time to time determine that the sale of certain parcels of land will best serve the public interest; and

BE IT FURTHER RESOLVED, That the City Council of the City of Troy may determine that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager

2. Has submitted a site plan which has been drawn to sufficient detail to indicate any and all features which are governed by codes of the City of Troy, said site plan shall not include variances from any code of the City of Troy.

3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy or as may be determined by the City Council of the City of Troy as being the most appropriate land use; and

4. Commits the buyer to construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy; and

5. Commits the buyer to construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy; and

6. Is accompanied by architectural renderings of all building indicated on the site plan along with a description of building materials and methods to permit evaluation of building quality;

7. Is accompanied by a draft of proposed deed restrictions which will be imposed upon the owner of the purchaser of the City-owned property, the adjoining land included in the site plan and their assigns and successors which embodies all of the aforementioned requirements and conditions; and

BE IT FINALLY RESOLVED, That the City Council retains discretionary authority to determine the applicability of this policy.

Yeas: All-7

Memorandum

To: John Szerlag, City Manager
From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: December 15, 2004
Subject: State of Michigan Election Equipment Grant Application Authorization

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The City of Troy is slated to receive new Optical Scan voting equipment and Election Management equipment in 2005. As part of the implementation process, the City is required to submit a grant application to Oakland County for forwarding to the State of Michigan, prior to the end of January 2005.

The attached resolution has been forwarded by Oakland County for adoption.

The M100, Election Systems and Software, Inc., Election Voting Equipment and Election Management System was selected by a majority of the Clerks of Oakland County and was formally declared by the Oakland County Clerk as the countywide system. I had the opportunity to be involved with the State of Michigan JEC committee for voting equipment selection for the State of Michigan as the local clerk representative. As a member of that committee I was able to participate in the very detailed equipment presentations and had hands on contact with each of the three voting systems. It is my belief that the ES&S M100 Optical Scan Voting Equipment and Election Management System would best service the City of Troy. Based on my experience, I recommended the M100 and selected it as my first choice for election equipment for the City of Troy and Oakland County.

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

RESOLUTION

ELECTION EQUIPMENT GRANT APPLICATION AUTHORIZATION

At a Regular meeting of the Troy City Council held on Monday, December 20, 2004, the following Resolution was passed:

Resolution #2004-12-
Moved by
Seconded by

WHEREAS, The Troy City Council wishes to apply to the Secretary of State for a grant to purchase an optical scan voting system and related Election Management System (EMS) software to comply with the Help America Vote Act (HAVA);

WHEREAS, The Troy City Council has chosen to submit a grant application for a new optical scan voting system in 2005; and

WHEREAS, That the County Clerk must have this resolution as Proof of Authority for entering into upcoming Grant Agreements with the State by the end of January 2005 in order to meet the wishes of the majority of the local clerks in this county that Oakland County qualify for ordering the new voting system in the 05-1 order period in early February 2005.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Clerk is hereby **AUTHORIZED** to submit this grant application on behalf of the City of Troy, Oakland County, Michigan, on this 20th day of December, 2004.

Yes:
No:
Absent:

I, Tonni L. Bartholomew, duly appointed 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 Twentieth day of December, 2004.

_____
Tonni L. Bartholomew, MMC
City Clerk

December 16, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Proposed Minor League Baseball Multi-Use Facility

In accordance with your direction to continue discussions with General Sports and Entertainment, L.L.C regarding the placement of a minor league baseball stadium at the Civic Center site, enclosed you'll find additional information compiled by City staff as well as General Sports. This information addresses concerns previously identified by City Council as having salience.

The corresponding resolution for this item contains two outcomes. Resolution A authorizes City Administration to negotiate a contract with General Sports and Entertainment, L.L.C. for placement of a multi-use minor league baseball stadium in the southeast area of the Civic Center site. This resolution contains elements that would frame the contract document. It also indicates that City Administration be authorized to obtain outside assistance should Council decide to have staff engage in the negotiation process.

Resolution B indicates that the City of Troy is not interested in locating a multi-use minor league baseball stadium on Civic Center property.

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

c: Civic Center Priority Task Force
Downtown Development Authority
General Sports
Parks & Recreation Advisory Board
Planning Commission

Issues Cited at the November 15, 2004 Special Meeting of City Council
(Listed on dry erase board)
Topic: Proposed Minor League Baseball Stadium

- Location: Southern end of civic center site
- Retirement Board Property
- Financing Structure
    - Ownership
    - Bonding capacity
    - Full faith and credit
    - Fee simple by City of Troy
    - Infrastructure costs/DDA?
        - Structured parking & financing
- Parking
    - Use by contiguous properties
        - Control/enforcement
    - Adequate parking
- Environmental Issues
    - Lighting
    - Traffic
    - Noise
    - Drain/MDEQ/Wetlands
- Timelines – compatibility
- Public Input
    - CCPTF (Civic Center Priority Task Force)
    - Adjacent residents
    - Interested parties
    - Downtown Development Authority, Planning Commission, Parks and Recreation Board
- Impact on other Civic Center uses
- Site Plan
    - "Low Impact Green"
    - Traffic network
    - Campus-like setting
- Project Budget – time frame
- Alcohol
    - Liability
    - Overall policy
- Facility management/uses
- Legal Issues
- Advertising
- Benefit to community
- Fixed time frame for management of team/use of facility
- Property investment
    - % allocated: baseball vs. community use (low cost)

December 15, 2004

TO: John Szerlag, City Manager

FROM: John Lamerato, Assistant City Manager/Finances
Brian Murphy, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director

RE: **Agenda item** – Minor League Baseball Facility

At the November 15, 2004 Council meeting, City Council members identified a series of contingencies and elements considered to have salience relative to the proposed minor league baseball facility. Attached is a copy of the list developed at the November 15, 2004 Study Session, as amended.

General Sports has prepared a report and supporting documentation regarding the contingencies and elements, and of the proposed minor league baseball field. The report is attached to this document for Council review and consideration.

Also included is a copy of a report dated December 9, 2004 regarding the results of the joint meeting with the Planning Commission, Downtown Development Authority, Parks and Recreation Advisory Board, and Civic Center Priority Task Force. The DDA met subsequently, and modified its resolution to read:

> *"RESOLVED, that the DDA recommends to City Council that Council seek an agreement with General Sports to construct a multi-purpose stadium, but has ~~serious~~ reservations about DDA funding of infrastructure without demonstrated benefit to the business community and finalization of parking agreements with Liberty Property Trust and any contribution to this project requires a formula of reimbursement for infrastructure costs and analysis of the economic impact on the DDA budget."*

Lastly, please find a report from Carol Anderson, Parks and Recreation Director, on the key components of the agreement between the City of Troy and the Troy Racquet Club, as requested by Council members Beltramini and Lambert.

As a reminder, General Sports is asking City Council for a decision at the December 20, 2004 City Council meeting whether it wishes to direct city management to enter into negotiations with General Sports for the financing and construction of a minor league baseball facility on the Civic Center site.

Issues Cited at the November 15, 2004 Special Meeting of City Council
(Listed on dry erase board)
Topic: Proposed Minor League Baseball Stadium

- Location: Southern end of civic center site
- Retirement Board Property
- Financing Structure
    - Ownership
    - Bonding capacity
    - Full faith and credit
    - Fee simple by City of Troy
    - Infrastructure costs/DDA?
        - Structured parking & financing
- Parking
    - Use by contiguous properties
        - Control/enforcement
    - Adequate parking
- Environmental Issues
    - Lighting
    - Traffic
    - Noise
    - Drain/MDEQ/Wetlands
- Timelines – compatibility
- Public Input
    - CCPTF (Civic Center Priority Task Force)
    - Adjacent residents
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    - Downtown Development Authority, Planning Commission, Parks and Recreation Board
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- Advertising
- Benefit to community
- Fixed time frame for management of team/use of facility
- Property investment
    - % allocated: baseball vs. community use (low cost)

GENERAL SPORTS AND ENTERTAINMENT
UPDATE REPORT TO TROY CITY COUNCIL ON PROPOSED MULTI-PURPOSE STADIUM FACILITY FOR DECEMBER 20, 2004 MEETING

I. Introduction

The following paragraphs contain an update report from General Sports and Entertainment to the Troy City Council on developments on the proposed multi-purpose stadium project since the November 29, 2004 City Council meeting. Since that time, General Sports has been hard at work trying to address questions that were raised at the November 29th meeting, making presentations to several city boards/committees, and receiving public comment at such meetings. This report will provide the Troy City Council with an update on input received from the various boards/committees; with General Sports responses to questions raised at the last City Council meeting on financing, alcohol, and parking; and, with a summary of issues that have been raised and answered previously by General Sports with respect to this project.

We also note that since the time of the November 29th City Council meeting, there have been letters, flyers, emails and newspaper columns circulating in the Troy community that contain inaccurate information about the General Sports proposal. This report contains the facts of our proposal.

II. Board/Committee Input & Public Comment

A. December 7, 2004 Meeting with Boards/Committees

On Tuesday, December 7, 2004, Andy Appleby and Dana Schmitt of General Sports and Entertainment made a presentation on the stadium proposal to the Civic Center Priority Task Force, the Troy Downtown Development Authority, the Parks and Recreation Advisory Board, and the Planning Commission. After the presentation, board members were given an opportunity to ask questions, which were answered by Mr. Appleby and Ms. Schmitt, and the question and answer session was followed by public comment. After the public comment segment, the four boards conducted their own breakout sessions to discuss the General Sports proposal, and all four boards passed resolutions in favor of the City of Troy continuing to move forward with General Sports on this proposal.

B. Follow Up Items

Two of the boards, the Parks and Recreation Advisory Board and the Downtown Development Authority, passed resolutions that asked General Sports for some follow up information and consideration.

1. Parks and Recreation Advisory Board

The Parks and Recreation Advisory Board passed a resolution asking that, in the negotiation of a contract on the stadium, General Sports consider assisting with the development of new parkland area and providing at least one day of Parks & Recreation usage of the stadium facility where General Sports would bear the burden of any direct costs. As a result, General Sports proposes to establish a display area within the stadium to promote a specific parkland project that Parks and Recreation may be seeking to develop, and to assist in providing a mechanism for donations to be made to go toward such parkland project from patrons. In addition, General Sports will

offer to host and conduct an annual baseball clinic each year for the Parks & Recreation Department with all costs covered by General Sports.

2. Downtown Development Authority

The Downtown Development Authority ("DDA") passed a resolution indicating that with respect to providing infrastructure funding, it would like General Sports to demonstrate the benefit to the business community and to provide assurances with respect to the parking agreement with Liberty Property Trust. General Sports was scheduled to address these issues with the DDA at its regularly scheduled meeting on Wednesday, December 15, 2004, and General Sports will provide an update to Council on developments at this meeting at the December 20th City Council meeting.

III. Issues Raised at November 29, 2004 City Council Meeting

A. Financing Structure

We want to make it clear that we have never proposed to finance the stadium through means that would use resident tax dollars or impact the City's AAA bond rating. From the beginning of our discussions with the city, we expressed an interest in exploring the use of a municipal financing structure that would provide a lower interest rate, but would have required General Sports to take responsibility for all payments and provide a credit enhancement to guarantee all payments and protect the City from liability. As it became clear that an effort was underway to confuse residents about the facts, and as Council expressed concern at the November 29th meeting about the city being involved in the financing mechanism in any way, we decided on December 6th to remove any possible confusion by agreeing to privately fund stadium construction without city involvement in the financing mechanism. The stadium construction will be financed through a combination of equity and debt, with approximately 45% equity and 55% debt. We have been working with Citizens Bank on the financing structure, and Tom Shafer, Regional President, Southeast Michigan, and Jim Madaus, Senior Vice President, Commercial Banking, will be in attendance with us at the City Council meeting on December 20th. Both Tom Shafer and Jim Madaus work out of the Citizens Bank office in Troy.

B. DDA Assistance with Infrastructure Costs

The proposal does include a request for the DDA to consider assisting with infrastructure (i.e., sidewalks, drains) needed to prepare the site for construction, but General Sports has not asked the DDA to contribute a specific dollar amount. General Sports has presented a list of possible infrastructure items to the DDA for consideration, and city management has estimated the cost of each of those items. Most of the infrastructure items we have asked the DDA to consider are items that would need to be undertaken on the proposed Civic Center site if any development were to be undertaken on the site. All issues with respect to the request for DDA assistance with infrastructure were scheduled to be discussed at the DDA meeting on Wednesday, December 15th. We plan to provide Council with an update on the DDA's feedback on the potential infrastructure items at the Council meeting on December 20th.

C. Alcohol

At the last City Council meeting on November 29th, the issue of alcohol sales at the stadium was raised, and we were asked to work on a set of polices and guidelines with respect to that issue. We immediately scheduled and met with Ann Comiskey and JoAnn Everson of the Troy Community Coalition the very next day to discuss a set of policies and procedures that would be acceptable to the Coalition, and we were able to come to an agreement on a set of policies and procedures that have been attached to this report as **Exhibit A**. Both General Sports and the Troy Community Coalition share a common goal of working together to create a safe, healthy, family-friendly environment at the stadium facility. (We note that the allegation that alcohol is not allowed in Troy parks is not correct; the city issued 150 permits for alcohol use in city parks last year.)

Furthermore, we would like to note that in five years of operating the Fort Wayne Wizards minor league baseball team in Fort Wayne, Indiana, we have never had any alcohol-related incidents. There are two primary reasons for this. First, we are a good operator with strict alcohol policies. Second, minor league baseball is a family-oriented event and, although alcohol is sold at minor league baseball games across the country, people do not go to minor league baseball games for the purpose of drinking. That's one of the reasons why we love minor league baseball so much. We will work very hard to create the best family entertainment experience in the entire region.

D. Parking & Parking Control

We have been hard at work on the parking situation. As stated previously, the plan we have come up with would only require us to use one lot on the Civic Center site for patron parking, which is the North lot just south of Town Center Drive. This lot has 348 spaces.

Over the past two weeks we have met with representatives of Liberty Property Trust and the Troy Marriott to discuss shared parking agreements. We have come to an agreement in principal with Liberty Property Trust on a shared parking arrangement for the Liberty Center parking structure that will allow for a long-term agreement that will be compatible with the long-term stadium management and use agreement that the city would negotiate with General Sports. In general, the agreement will allow for use of the parking structure in the evenings and on weekends for events at the stadium, and for the city to use the parking structure for its events at the stadium through coordination with General Sports. Over the next several weeks we will be working on finalizing the terms of the agreement and putting them into a formal contract. Liberty Property Trust is a very civic-minded company, and they view their participation in this project as a positive contribution to the Troy community, as well as a benefit to the surrounding business community. The Liberty Center parking structure has 1200 parking spaces.

We also have received a verbal agreement from the Troy Marriott to use up to 150 parking spaces at the Marriott for overflow parking for our stadium events. We also note that both the Liberty Center and the Troy Marriott have indicated that we can use approximately 30 parking spaces for our regular full-time staff working at the stadium facility.

The parking available from the North lot on the Civic Center site, the Liberty Center, and the overflow parking at the Troy Marriott should accommodate our parking needs, as our maximum capacity would be approximately 5500 fans and we averaged 3.8 people per car this year with our team in Fort Wayne. (We note that, according to the city's own independent research and the calculation of the city's engineers in their report dated November 18, 2004, the city estimated we would need approximately 1,690 parking spaces for a capacity crowd. The lots we currently plan to use will accommodate this number of spaces.) However, we plan to secure agreements for up to another 500 spaces to be available for overflow parking, and we have approached several other commercial properties in the area, including Modern Engineering (344 spaces), Zion Church, and Ford & Earl Associates. In the event that any of the parking secured is located across Livernois or Big Beaver, we will plan to run a shuttle service to those lots.

We note that shared parking agreements have been approved and are used by other businesses in the city. Furthermore, the city's engineers conducted their own analysis of the parking situation and indicated in their report dated November 18th, which was submitted for the November 29th City Council meeting, that the parking infrastructure that we are planning to use is sufficient, and that no parking variance would be necessary.

As far as parking control, we have agreed to staff each lot on the Civic Center site with 2 attendants for each of our events at the stadium to monitor the lots and ensure that people are not using those lots for stadium parking. These staff members will be trained to be very courteous and friendly, and to act in a manner only to ensure that no stadium patrons use inappropriate Civic Center lots for parking, and not to interfere with residents seeking to use other facilities on the Civic Center site. Furthermore, whenever we send tickets out to stadium patrons, we will include parking directions with a map directing patrons to the appropriate parking lots in order to further minimize traffic on the Civic Center site.

IV. Issues Addressed Previously

A. Stadium Description & Site

Although the facility design has not been completed, the basic facility concept provides for a maximum capacity of approximately 5,500 people, with approximately 4,300 permanent seats, suites with seating for approximately 340, and some lawn seating. The facility concept also includes picnic areas, a club/restaurant, concession stands, restrooms, two locker rooms, a team store, a children's play area, and offices for team and management staff. It will be lit for nighttime use, and will include a state-of-the-art scoreboard and sound system (specifically designed to direct sound away from area neighborhoods). The facility will be designed with full access for disabled persons (compliant with the Americans with Disabilities Act). Finally, it will be designed in a style reminiscent of a miniature Fenway Park or Wrigley Field, and it will include one or more adjacent plazas, with a fountain and potentially other water features with benches. The facility will be designed to serve as part of an overall Civic Center campus, so that it will become a part of the landscape of the entire Civic Center area and flow easily into the surrounding green spaces.

At the City Council meeting on November 15, we were directed to focus on the southern portion of the Civic Center site between Civic Center Drive and the Community Center, and to see if we could develop a site for the stadium that would not touch the Retirement Board property, and we have done that. Our architects at HOK came up with a conceptual site plan that positions the stadium just north of the Marriott, and with the stadium directed to the southeast toward Big Beaver and Livernois. See conceptual site plan attached as Exhibit B.

B. Environmental Issues

We were asked to address environmental concerns on noise, lights, vehicular and pedestrian traffic, and the drain that runs north and south near the proposed stadium site. The city conducted its own analysis of the issues surrounding traffic and the drain. Here is what was determined with respect to these environmental issues.

1. **Noise:** With respect to noise, we worked with WJHW, one of the premier firms in the area of sound design and planning for sports facilities. We obtained the opinion of Jack Wrightson of WJHW who issued a Stadium Noise Impact Report that indicated that by using a distributed sound system, and positioning the stadium with the seating bowl facing toward the southeast, the decibel level of sound at the closest residential area to the north would be 57-59 decibels, and at the closest residential area to the east would be 59-61 decibels. (This report is attached to our update report for the November 29th City Council meeting.) This is lower than the city ordinance of 65 decibels, which is the standard used for the noise level inside a luxury vehicle when driving on the highway. This opinion letter has been provided without conducting measurements of the ambient noise from I-75, Big Beaver and Livernois traffic, which will only serve to further reduce the sound that will carry from the stadium to residential areas. With respect to nearby commercial properties, two of the closest commercial properties, the Troy Marriott and the Liberty Center, are fully supportive of this proposal and have either written supportive letters to City Council or will be in attendance to support this project in person at the December 20th City Council meeting.

At the November 29th City Council meeting, a question was raised regarding the impact of crowd noise. Therefore, we conducted some follow up conversations with Mr. Wrightson on this issue. Mr. Wrightson confirmed that the stadium's sound system would be designed to operate above crowd noise, and that while crowd noise can peak slightly higher than the sound system, that would occur only during the most intense cheering and only for brief periods (we know this to be true based upon our experience in with our team in Fort Wayne as well). He also expressed that crowd noise generally is not something that negatively impacts residential areas as crowd noise does not carry any "information" (i.e., the stadium would be too far away for the homes to hear any distinct words from a single fan), nor does it have the same qualities of rhythmic or melodic content and frequency of sound as what would be coming through the stadium sound system. Therefore, in his experience, there are very few complaints about crowd noise from outdoor sports or music facilities. He reiterated his thought that it is much more important to focus on the proper design of a good distributed sound system at the stadium, as was indicated in his Stadium Noise Impact Report (submitted for the November 29th City Council meeting).

Furthermore, since the time of the November 29th meeting, we have had a second sound engineering firm, Kolano & Saha Engineers, Inc. based in Waterford, Michigan, review the WJHW report, and they were able to verify that the report from WJHW looks to be reasonable in light of the present site plan. We have attached a letter from Mr. Richard A. Kolano, P.E. as Exhibit C and Mr. Kolano's resume is attached as Exhibit D.

As we have indicated previously, we will work diligently to design a stadium sound system that will provide a great experience at the stadium, but will minimize any potential impact to areas outside the stadium, and particularly the impact on nearby residential areas. We also will actively manage the sound system for each of our games to help ensure that we are a good neighbor in the community.

2. **Lighting:** As stated previously, General Sports has conferred with several lighting companies that offer lighting systems and options that can provide great controls on the amount of light that escapes from the immediate stadium area. One lighting company that we have conferred with, Musco Lighting, offers a lighting system called the SportsCluster-2, which is a modular lighting system developed to meet the specific lighting requirements of sports fields by providing relatively high levels of smooth lighting over large areas while also providing maximum energy efficiency. The SportsCluster-2 system is environmentally sensitive in that it is designed to redirect wasted spill light back on to the field, it uses up to 25% less energy than other similar systems, and it offers an option called Level-8™ that achieves up to 95% reduction in spill light and glare. In our report for the November 29, 2004 City Council meeting, we attached a letter from Mark Knoblauch of Musco Lighting detailing the SportsCluster-2 with Level-8™ light control product, as well as several charts that showed the level of spill light from outside the stadium from this lighting system. The information showed that even at the brightest lighting on the field (70 foot candles), when you moved just 150 feet away from the field area, the light level decreased to 2.19 foot candles. Given the lighting technology available, this information showed that there would not be any spill light reaching anywhere close to any residential areas.

All of the major lighting companies have systems and options similar to those offered by Musco Lighting. We will work diligently with the lighting company to ensure that we achieve the least environmental impact from the stadium lights as possible. Fortunately, technology with lighting systems is so advanced today that we will be able to light the stadium with very little impact on surrounding areas.

3. **Vehicular and Pedestrian Traffic:** The city's engineers conducted a traffic analysis showing that the current roadways can handle the traffic for the stadium (see report dated November 18, 2004, which was presented to City Council for the November 29th meeting). As patron parking on the Civic Center property for the minor league games and other events at the stadium will be limited to the lot north of the stadium off of Town Center Drive and to commercial lots adjacent to the Civic Center, with the Liberty Center being the primary lot and other lots including the Troy Marriott and possibly Modern Engineering, Zion Church, and several other commercial properties, the traffic flow pattern will be fairly simple, as most cars will not even enter the Civic Center property to park for the game. The majority of vehicular traffic will be contained to Big Beaver and Livernois. In order to assist in traffic flow and

control, General Sports will make arrangements for traffic control at each ingress and egress location, the cost of which will be paid for by General Sports.

Furthermore, because minor league baseball games are attended largely by families, minor league games generally do not have the same type of traffic concerns as the major league sports. First, the number of people per car averages 3-4 people per car. So, even for sold-out games, parking should be sufficient, as indicated in Section III.D. above. In addition, because the fan base is mostly families, the fans tend to leave the games in a gradual flow as opposed to a rush at the end of the game. The operator also will allow children to run the bases after each game, which generally results in a further staggering of the departures from the stadium after each game.

As far as pedestrian traffic and ingress and egress patterns, the stadium will be designed with entry gates in the outfield area to accommodate the majority of fans who will be walking to the stadium from the Liberty Center. We also will need to develop a walking path for fans parking in the lot to the north, which will be a smaller number of fans, as the north lot has only 348 spaces.

4. **Drain/MDEQ:** There do not appear to be any issues with respect to conducting work in and around the drain that runs north and south (and to the east of Civic Center Drive) in the vicinity of the proposed stadium site. It appears that the drain is a man-made drainage basin that does not constitute a wetland, therefore there should not be a need for any significant involvement or approval by MDEQ (see the November 18th reports prepared by city engineers and the city's environmental coordinator, which were provided to City Council for the November 29th meeting). However, in developing an overall site plan for the stadium, both the developer and the city will take into account the desire to try to retain the drain as an enhancement to the site, and we have discussed potentially enlarging the drainage basin in the area directly to the north of the proposed stadium site to perhaps allow for a more natural, pond-like setting.

C. Facility Ownership, Management & Operation

The city will own the stadium, and will continue to own the land upon which the stadium facility will be built. The city will enter into a Development and Operation and Management Agreement with General Sports, which will be a long-term agreement (probable initial term of between 30 and 40 years, with options for extensions of the term being possible). Under the Agreement, General Sports will manage and operate the stadium year-round. This will require General Sports to hire a full-time facility manager at its sole expense. General Sports will pay for all regular maintenance and repair to the stadium year-round, so the City will not have to bear the burden for such expenses. This maintenance will include clean up of parking lots used for games at the stadium (including the North Lot, Liberty Center, and Troy Marriott). General Sports/minor league team will manage the box office at the stadium, and will handle all sales of tickets, suites, sponsorships/advertising, concessions, and merchandise/novelties, and will retain all revenues therefrom. General Sports/minor league team will manage all concessions.

General Sports will be able to use the stadium for its events on 100 days, and the City will be able to use the stadium for 265 days. The parties will work together to schedule events at the

stadium throughout the year. We have attached for your reference a sample calendar of events as Exhibit E. We note that General Sports has agreed that with respect to any non-baseball public events it desires to hold at the stadium, it will seek the city's prior approval.

Furthermore, when the City or groups affiliated with the City desire to use the stadium for City programming or events, General Sports will ensure that the stadium is open and ready for use, and General Sports will not charge any rental or use fee to the City or its affiliated groups. The City and its affiliated groups will staff their own programs at the facility. The only costs that would be incurred by the City or its affiliated groups for use of the stadium would be the actual out-of-pocket expenses that would be incurred by General Sports for any such programs (such as utilities, maintenance and repair, housekeeping, etc.).

D. Taxes

As the City will own the stadium, the developer, General Sports, and/or the minor league baseball team will be assessed real property tax on those portions of the stadium facility that are exclusively controlled by General Sports and/or the minor league team. General Sports and/or the minor league team will also be assessed personal property taxes on any personal property, such as office equipment, baseball equipment, etc.

E. Insurance

General Sports and the minor league baseball team will carry all required comprehensive general liability insurance, liquor liability insurance, business property insurance on its personal property, and all required employer's liability and workers' compensation insurance. The insurance policies will cover the use of all parking lots for stadium events, including the Liberty Center and the Civic Center's north lot.

F. Impact on Community

The positive impact on the community if this project is approved will be tremendous. This ballpark and the minor league team will both be great community assets that will bring people together and make the Civic Center a true gathering place for the Troy community.

1. Benefits to Community

a. Residents & Community Groups

(1) Minor League Baseball Team: The minor league baseball team will be a huge community asset and the best new family entertainment option to come to the entire metropolitan Detroit region in many years.

- Minor league baseball has been extremely successful over the past decade, with more than 40 million fans attending games in 2004
- General Sports has been one of the best minor league baseball operators in the country over the past five years with its team in Fort Wayne, Indiana, and the team was awarded the Midwest League President's Trophy the past two years for the best franchise. (See Exhibit F)

- The biggest reason that minor league baseball has become so popular is that it is about more than just baseball, it's about creating an affordable and wholesome entertainment experience that is fun for the entire family
- General Sports and the minor league baseball team will initiate many programs specifically to connect with the community, including instituting a Reading Club Program with local schools (in Fort Wayne, there are 85,000 kids participating in our minor league team's Reading Club), youth and disabled person baseball and softball clinics and camps, youth group outings (such as Boy Scout and Girl Scout sleep-overs on the field), charity fundraising programs for community groups (like Little League Baseball and Softball, Troy High School Athletics, and Troy Cowboys), and special nights where Troy residents receive discounted tickets to the minor league games.
- General Sports and the minor league team will be bringing anywhere from 15-35 full-time jobs to the City of Troy, between 60 and 100 seasonal jobs for game-day positions between May and September, and internships for college and high school students.
- In communities all across the country, minor league baseball teams have been very successful and have become the center of activity and serve as a gathering place for communities from Schaumburg, Illinois to Fort Wayne, Indiana to Jupiter, Florida to Frisco, Texas to Durham, North Carolina to Brooklyn, New York to Dayton, Ohio and Lansing, Michigan.

(2) Possible City & Community Use of Stadium: Similar to how the City of Lansing has utilized their ballpark, the City of Troy will have the opportunity to create year-round programming at the stadium that will attract all members of the Troy community, from families to youth to seniors of all ethnicities and backgrounds. Some of the possible community uses include:

- **Amphitheater for concerts or theatrical performances**
- **Outdoor Summer Movie Venue**
- **Fall Festival/Haunted House**
- **Venue for Use by Troy Little League Baseball & Softball**
- **Venue for Use by Troy School District** (high school baseball and softball games or tournaments, high school marching band competitions, senior night celebrations and graduation ceremonies)
- **Venue for Use by Other Troy Community Organizations such as Troy Cowboys, Troy Baseball Boosters, Troy Youth Soccer League**
- **Venue for Troy Sports Camps**
- **Venue for Festivals and Outdoor Exhibits**
- **Base Area for 5K Runs**
- **Venue for Senior Programs** (morning walking program, health fairs, and Senior Olympics)
- **Outdoor Ice Skating Venue or Venue for Warming Area and Restrooms for Adjacent Skating Area**
- **Venue for Troy Fourth of July Celebration**

- **Stadium Fountain Plaza Will Serve as Community Gathering Place**
- **Fountain Funds to be Used for Future Civic Center Development in Line with CCPTF:** The fountain also could be used as a fundraising mechanism, with the change collected from the fountain being put into a fund to help pay for the future development of the gardens, pathways and other green spaces on the Civic Center site as contemplated by the Civic Center Priority Task Force report.
- **Stadium Will Serve as Cornerstone for Beautiful Campus Setting on Civic Center Site**

b. Impact on Business Community & Economic Impact

The development of this ballpark and the new minor league team will have a very positive impact on the Troy business community as well as an overall positive economic impact on the Troy community. Here are some of the positive impacts to the business community and local economy:

- At a time when companies are laying off workers or moving operations out of Troy, General Sports is proposing to inject between $15 and $17.5 million of private financing into the Troy economy. The construction project alone will bring significant revenue into the local economy.
- The stadium and baseball operations will bring 15 to 30 full-time jobs to Troy, 60 to 100 or more seasonal jobs.
- The minor league baseball team will draw more people to come to the Civic Center site, and consequently, area restaurants, hotels, shopping and gas stations should see increased patronage and sales.
- The minor league baseball team will be another entertainment option that will help Troy to attract corporate meetings to its hotels and meeting rooms.
- The minor league stadium will increase property values of nearby properties. For example, Lansing and Dayton saw property values around their stadiums increase significantly, and they saw increased occupancy in all their commercial properties around the stadium, which should lead to increased business travelers using area hotels.
- The minor league team and stadium will help to make Troy commercial properties even more attractive locations for businesses, as it will present a local entertainment option for businesses to entertain customers. This should help Troy's commercial properties to retain high occupancy and rental values.
- The minor league baseball stadium and team will be another attraction to add to our area's tourism attractions.
- The increased use of area restaurants, hotels, shopping, gas stations and commercial properties should lead to some indirect job creation.

We are not trying to overstate the potential economic impact and benefit to the business community, but we know that it will certainly help bring some additional energy and activity to the area, which can't hurt local businesses and the local economy. We have attached for your reference some excerpts from articles about the economic impact of other minor league baseball stadiums and teams around the country (see Exhibit G).

V. Conclusion

In summary, this report confirms that all issues cited at the November 15, 2004 Special Meeting of City Council on the proposed stadium have been addressed by General Sports or city management, and that all salient issues have either been resolved or appear to be capable of resolution in a satisfactory manner through the continued cooperation of General Sports and city management. It also reiterates that the proposed multi-use facility and minor league baseball team will be great community assets that will bring the community together and help to create a true gathering place on the Civic Center site for the Troy community.

MEMORANDUM

To: Ann Comiskey; JoAnn Everson

Cc: John Szerlag; Staff, City of Troy

From: Andrew D. Appleby, Dana L. Schmitt, Matthew Felton

Dated: December 1, 2004

Re: Alcohol Guidelines and Procedures at Proposed Multi-Purpose Stadium Facility at Troy Civic Center Site

---

On November 30, 2004, Andrew D. Appleby, Dana L. Schmitt and Matthew Felton of General Sports and Entertainment, LLC ("GSE") met with Ann M. Comiskey and JoAnn Everson of the Troy Community Coalition For the Prevention of Drug and Alcohol Abuse to address issues related to alcohol and, in general, the creation of a family-friendly atmosphere at the proposed stadium. As a result of this meeting, we have developed the following guidelines and procedures that we will abide by in our operation of the proposed stadium facility.

Signage – GSE will not sell signage locations on the main scoreboard and outfield walls in sponsorships to beer companies, for example Budweiser and Miller. This does not prohibit GSE from using small signs at concession stands or from developing a garden, club or other special area within the stadium that could be sponsored by a beer company.

Alcohol Awareness Training – All concession staff and baseball team employees will undergo a complete and detailed "TIPS" training course that addresses all aspects of serving alcohol to fans at sporting events. Staff will be thoroughly trained to notice the signs of a person who is over served. Staff will be empowered to refuse service to an individual that is deemed to have had too much to drink. All of this training will be maintained, repeated and updated throughout the year so that all new employees as well as long-term employees are educated and trained on a regular basis with the most current alcohol-related policies and procedures.

Alcohol Containment – GSE will work with the alcohol/liquor commission to address the size and quantity of servings that can be served to a fan. An individual serving size will not be greater than 16 ounces. A limit of two alcoholic beverages sold to a person per visit to the concession stand will also be established.

Identification – All staff will be trained to correctly ID each person seeking to purchase an alcoholic beverage regardless of their age. For those under the age of 30, a system will be established that will require a bracelet to be worn. Bracelets will be available at one location and proper ID must be given to obtain a bracelet. If needed, a uniformed police officer will be on site to check Ids along with team staff members.

7th Inning Cut-off – There will be no alcohol sales after the start of the 7th inning.

Family Fun Zone – GSE will develop a designated family area within the stadium where alcohol will be prohibited.

Security – GSE will have uniformed and plain clothed security personnel in the ballpark during all games.

Zero Tolerance – GSE will not accept bad behavior from any fan – whether they have been drinking or not. Any fan participating in a manner that interferes with the enjoyment of the game by others will be asked to leave and will be escorted off the property by security personnel. This ballpark and organization will set an example of outstanding family entertainment and sportsmanship for others to emulate.

Fan Code of Conduct – In line with our Zero Tolerance policy, GSE will develop and post a "Fan Code of Conduct" to let all fans know that we expect good behavior at our games, and that we will not tolerate actions such as public intoxication, heckling that disturbs other fans, the use of profanity, throwing of any items on the field (other than team organized promotions that may request fans to throw a specific item onto the field, such as teddy bears or a post-game contest we sometimes use in Fort Wayne involving tennis balls), entering the field of play immediately prior to, during, or immediately after the minor league team's games unless authorized or requested to do so by the team, and general unruly or reckless behavior. Any violation of this Fan Code of Conduct and the Zero Tolerance policy will be grounds for security to escort the violator from the premises.

Public Service Announcements – GSE and the minor league baseball team also will work proactively with the Troy Community Coalition to develop a series of public service announcements and a public service campaign targeted at preventing drug and alcohol use and abuse, particularly with respect to community youth.

In summary, GSE will work diligently to ensure the safety and enjoyment of all fans at the multi-purpose stadium facility at the Troy Civic Center site. We are aware of the issues that are associated with sporting events and will implement the correct procedures to limit the negative occurrences that can be associated with alcohol consumption. Minor League Baseball continues to be focused on the family and affordable entertainment. General Sports will focus on creating a fun and safe environment for everyone to enjoy.

Kolano and Saha Engineers, Inc.
Consultants in Acoustics, Noise and Vibration

2004-258
December 14, 2004

Ms. Dana L. Schmitt
General Sports and Entertainment, LLC
400 Water Street, Suite 250
Rochester, MI 48307

Subject: **Review of Stadium Noise Impact Study**

re: Proposed Troy, Stadium

Dear Ms. Schmitt:

At your request, Kolano & Saha Engineers, Inc. reviewed a report dated November 22nd, 2004 from Wrightson, Johnson, Haddon & Williams, Inc. (WJHW) concerning the probable noise impact of the proposed Troy Baseball Stadium on nearby residential neighborhoods. In addition, we had an opportunity to review site plans for the proposed stadium and an aerial photograph of the proposed site including residential areas to the north and east of the site. This review was limited to our reviewing the assumptions and conclusions of the WJHW report, and making some of our own preliminary predictions on neighborhood noise levels. We were not able to conduct detailed modeling, or other predictive routines, since that would require more complete information which generally is available only once the facility is designed.

The WJHW assumptions of the distance of the stadium to residential dwellings to the east and north of the site appear to be reasonable, according to our estimates made from the aerial photograph. Furthermore, their assumption that a maximum sound level of 85 to 90 dB(A) throughout the seating area produced by the stadium sound system level is also reasonable, based upon our experience. Finally, the noise levels that WJHW expects may be produced in the neighborhoods by the sound system also appear to be reasonable, given the distances involved and simple spherical spreading of sound outdoors. These levels do not appear to include any shielding of stadium noise by the stadium structure, or other sound barriers between the stadium and the homes.

Actual sound levels produced in the community will depend upon the design of the sound system and stadium, such that lower than predicted noise levels in the neighborhoods may be obtainable by the judicious selection, placement, and orientation of the sound system loudspeakers. Toward that, the use of a distributed loudspeaker system which employs multiple lower power/lower sound level sources (as opposed to a single higher power/higher sound level source) lends itself to a design which minimizes the community noise impact of the system. In addition, the sound barrier performance of the stadium structure can also be optimized to further reduce any noise impact on the community. Based upon our review, we believe that that proposed stadium can readily be designed to meet the City of Troy property line noise limit as defined in the City Ordinance.

3559 Sashabaw Road · Waterford, MI 48329-2656 · (248) 674-4100 · Fax (248) 674-3755

Call if you have questions or if we can be of additional assistance on this matter.

Sincerely,

KOLANO AND SAHA ENGINEERS, INC.

Richard A. Kolano, P.E.
INCE - Board Certified Noise Control Engineer
Principal Consultant

RICHARD A. KOLANO, P.E.
INCE BOARD CERTIFIED

President/ Principal Consultant
Co-Founder of Kolano and Saha Engineers, Inc.

EDUCATION:

M.S. in Engineering Acoustics
Pennsylvania State University, Awarded November 1978

B.S. in Electrical Engineering
Rochester Institute of Technology, Awarded June 1976

PROFESSIONAL LICENSING AND CERTIFICATION:

Licensed Professional Engineer –State of Michigan
Board Certified Noise Control Engineer - Institute of Noise Control Engineering (INCE)

CURRENT RESPONSIBILITIES:

President/ Principal Consultant 1986 - Present
Co-Founder of Kolano and Saha Engineers, Inc.
Waterford, MI
Responsibilities include both administrative and technical.
Mr. Kolano is in charge of architectural acoustics and community noise related programs and serves as the direct link between the client and company's staff/resources. He is continuously involved on projects for diagnosing and finding corrective measures for acoustics and noise/vibration related problems within and around buildings, and for designing new facilities to properly address room acoustics, sound isolation, sound systems and mechanical equipment noise control.

PREVIOUS EMPLOYMENT:

Consultant 1982 - 1986
Blachford Engineers, PC
Pontiac, MI
Developed and directed all architecture acoustics and community noise related projects within a noise control consulting engineering practice.

Project Engineer; Senior Project Engineer
H.L. Blachford, Inc. 1978 - 1982
Troy, MI
Conducted several studies involving community and building mechanical equipment related noise in commercial, healthcare, and school/university facilities; also consulted on projects in architectural acoustics for architects and owners.
Assisted on several heavy industrial noise control studies including a comprehensive, 5-year study of 22 different steel making and processing operations for the American Iron and Steel Institute.

PROFESSIONAL MEMBERSHIP:

Acoustical Society of America (ASA)
Audio Engineering Society (AEC)
American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE)
INCE – Currently Vice President – Board Certification
National Society of Professional Engineers (NSPE)

PROFESSIONAL PUBLICATIONS:

Mr. Kolano has published and presented numerous technical papers in the publications and conferences of SAE (Society of Automotive Engineers), Sound and Vibration Magazine, Construction Association of Michigan, ASHRAE, INCE, and ASA.

EXPERT TESTIMONY:

Provided in U.S. Federal Courts (Detroit and Port Huron) and State of Michigan Circuit Courts (Counties of Berrien, Lapeer, Oakland, Ottawa, Otsego, St. Clair, and Wayne)

3559 Sashabaw Road • Waterford, MI 48329-2656 • (248) 674-4100 • FAX (248) 674-3755

RICHARD A. KOLANO, P.E.
INCE BOARD CERTIFIED

Technical Papers & Presentations In Acoustics and Noise Control

A Compelling Case for the Use of the C-Weighted Noise Metric for Outdoor Amphitheater Noise Measurements Darren J. Brown and Richard A. Kolano	**2004 National Conference on Noise Control Engineering** Baltimore, Maryland, July, 2004
Acoustics and the Built Environment	Presented to **DiClemente-Siegel Design Inc. Architects** Southfield, Michigan, June, 2004
Property Line Noise: What You Need to Know	**Michigan Association of Code Enforcement Officers** Novi, Michigan, September, 2003
Audio Engineering Principles for Reverberation Room Sound Systems Richard A. Kolano and Jeff A. Kleckner	**Society of Automotive Engineers (SAE)** **2003 Noise and Vibration Conference** Traverse City, Michigan
Design of a World-Class Vehicle Acoustical Laboratory Facility Richard A. Kolano, Michael F. Cooper, and Allen L. Johnson	**Society of Automotive Engineers (SAE)** **2001 Noise and Vibration Conference** Traverse City, Michigan
Construction of a World-Class Vehicle Acoustical Laboratory Facility Michael F. Cooper, Richard A. Kolano, Carl J. Volk, Jr.	**SAE 2001 Noise and Vibration Conference** Traverse City, Michigan
Pitfalls in the Design and Construction of Vehicle Acoustical Laboratories Richard A. Kolano and Kurt Traub	**SAE 1999 Noise and Vibration Conference** Traverse City, Michigan, May, 1999
Noise and Vibration Control of Building HVAC Systems	Seminar presented February 1999 at the **1999 Technical Development Program** Sponsored by Carrier Corporation
Indoor and Outdoor Noise Criteria for HVAC and Mechanical Equipment	Presented at the September 22, 1998 Technical Session of the **Detroit Chapter of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)**
Verification of a Miniature Reverberation Room for Sound Absorption Measurements Using Corner Microphone Technique Richard A. Kolano and Jeff A. Kleckner	**SAE 1997 Noise and Vibration Conference** Traverse City, Michigan, May 1997
Corner Mounted Boundary Microphones for Measuring Decay Rate in a Reverberation Room	**1994 National Conference on Noise Control Engineering** Fort Lauderdale, Florida, May 1994
Environmental Noise Considerations in the Design of New and Renovated Hospital Facilities:	**International Conference and Exhibition on Health Facility Planning Design & Construction** Tampa, Florida, May 6, 1994

Technical Papers & Presentations In Acoustics and Noise Control (cont'd)

Automotive Testing Requirements in the Design of a Reverberation Chamber Richard A. Kolano, William S. Beggs, and Pranab Saha	**SAE 1993 Noise and Vibration Conference** Traverse City, Michigan, May 1993
Acoustical Performance Testing of Automotive Weatherseals Richard A. Kolano and Pranab Saha	**SAE 1993 Noise and Vibration Conference** Traverse City, Michigan, May 1993
Design and Construction of a Reverberation Chamber for Automotive Testing Richard A. Kolano and Pranab Saha	**1992 International Conference on Noise Control Engineering** Toronto, Ontario, July 1992
Property Line Noise and Cooling Towers	**Detroit Chapter of ASHRAE** May 19, 1992
Sound and Vibration Control of Rooftop Air-Handlers	**Michigan Four Chapter ASHRAE Seminar** Lansing, Michigan, March 1990
Construction Impact/Precautions/Phasing on Existing Pediatric/Neonatal Intensive Care Units Samuel D. Popkin, Richard A. Kolano, David W. Salisbury	**23rd Annual Health Facilities Planning Seminar** Bellaire, Michigan, March 22, 1990
Four Seminars: o *Fundamental of Acoustics* o *Office Acoustics and Privacy* o *HVAC Noise Control* o *Outdoor Noise Control*	Presented to the **Building Design & Construction Group of Michigan Bell Telephone Co.** February – March 1990
Silencing HVAC Systems: Selection Options	Presented to the **Detroit Chapter/ASHRAE** September 1988
Speech Privacy & Acoustics in an Open Office	Presented to the **Detroit Chapter of the American Institute of Interior Designers** April 1988
Sound Isolation of Jazzercise Studios	**1987 National Conference on Noise Control Engineering** University Park, Pennsylvania, April 1987
Doppler Shift in Layered Media	**Presented at the Acoustical Society of America Meeting** December 1977, Miami, Florida

December 14, 2004

TO: John Szerlag

FROM: Doug Smith

SUBJECT: Representative from the Department of Labor and Economic Growth for December 20, 2004 City Council Meeting

David Hollister will be sending Jim Smiertka as a representative and resource for discussions regarding the baseball stadium. Jim Smiertka was the City Attorney during the implementation of the Lansing Lugnuts and Oldsmobile Park.

RECEIVED
DEC 13 2004
CITY OF TROY
CITY MANAGER'S OFFICE

December 10, 2004

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steve Vandette, City Engineer
Mark Stimac, Building and Zoning Director
Carol Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item -** Responses to Troy Citizens United Letter Regarding Proposed Minor League Baseball Stadium

City staff was asked to provide a response to certain "key issues" raised in the recent mailing from Troy Citizens United regarding the proposed minor league baseball stadium. Two of the issues were: Insufficient Parking and Alcohol Sales.

Insufficient Parking
The proposed major parking facilities are the Liberty Center parking structure (1,200 spaces) and the parking lot north of the Community Center by the skate park (348 parking spaces). The north court parking area, located north of the court and police buildings (108 spaces), is being considered for busses and employee parking and the owner of the Modern Engineering site on the north side of Town Center (344 spaces) has been approached, providing a total count of 2,000 spaces.

If the baseball stadium is filled to capacity, assuming around 8% of the people came by charter busses (10 busses), approximately 1,690 vehicles can be expected. Approximately 22% of these vehicles (around 350 trips) will enter through Town Center drive to the north parking lot.

General Sports will need to and intends to staff people in each of the City parking lots (City Hall, Library, Aquatic Center, Police) to prevent game related parking in these lots.

The Planned Unit Development (PUD) ordinance permits shared parking of multiple uses within the PUD. An ordinance change likely is required to permit shared parking with off-site facilities.

Alcohol Sales
The City of Troy does permit the consumption of, and in some cases the purchase of, alcohol in City parks. Last year, the City issued 150 permits authorizing alcohol consumption as part of a pavilion rental permit. There were a total of 609 pavilion rental permits issued last year.

Alcohol is also available for purchase at Sylvan Glen golf course, and at Camp Ticonderoga, which is located in a City-owned facility. A liquor license application is currently under consideration for use at the Sanctuary Lake golf course. While the licenses are not held in the City's name, the City provided assistance with the application and acquisition of the licenses serving the City owned facilities.

Please let us know if we can be of further assistance.

December 9, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Update on Proposed Minor League Baseball Facility; Boards and Committees Input, Scheduled Meeting with Downtown Development Authority (DDA)

At the November 29, 2004 City Council meeting the following resolution was passed:

> "RESOLVED, That the Troy City Council **DIRECTS** City Staff to **CONTINUE** discussions with General Sports regarding the placement of a minor league baseball stadium at the Civic Center site with additional consideration given to financial arrangements, alcohol use and before this issue is brought back before City Council, additional public input is solicited from City of Troy boards and committees."

Within the context of your direction, I moderated a special meeting between the Planning Commission, DDA, Parks and Recreation Advisory Board, and Civic Center Priority Task Force. The meeting format was a presentation by General Sports, question and answer period from boards and committees, and comments from persons in the audience. Then, breakout sessions were held for the committees to provide input to Council on the proposed stadium. We then reassembled as a group and the following resolutions were advanced:

I. Planning Commission Resolution # PC-2004-12-145

Moved by: Waller
Seconded by: Vleck

WHEREAS, The proposed minor league ballpark will be an asset for the City of Troy; and

WHEREAS, It will serve as a catalyst to increase Troy's non-residential tax base; and

WHEREAS, The ballpark will be privately financed as a $15,000,000 gift to the City of Troy.; and

WHEREAS, The facility will be available for use year-round by Troy citizens; and

WHEREAS, The facility will further the improvement of the Civic Center site and will serve as a catalyst for additional community activities throughout the entire property; and

WHEREAS, Alcohol will be managed in a similar manner as the two City of Troy golf courses and all City parks;

BE IT RESOLVED, That the Troy Planning Commission recommends that City Council move forward to facilitate the construction of a ballpark on the Civic Center site as proposed by General Sports.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

II. Downtown Development Resolution #DD-04-16

Moved by Kiriluk
Seconded by Kennis

RESOLVED, that the DDA recommends to City Council that Council seek an agreement with General Sports to construct a multi-purpose stadium, but has serious reservations about DDA funding of infrastructure without demonstrated benefit to the business community and finalization of parking agreements with Liberty Property Trust.

Yes: 9 (Hodges, Kennis, Kiriluk, MacLeish, Price, Reschke, Schilling, Weiss, York)
No: Culpepper
Absent: Frankel, Hay, Schroeder

MOTION CARRIED

III. Parks and Recreation Advisory Board Resolution # PR-2004-12-024

Moved by Edmunds
Seconded by Gazetti

RESOLVED, That the Parks and Recreation Advisory Board supports the concept of the proposed minor league baseball stadium and encourages City Council to pursue negotiation of a contract; and

FURTHER, That in negotiation of the contract, consideration be made that in exchange for the use of the Civic Center land, the developer contribute towards development of one of the two largest undeveloped City park sites;

AND FURTHER, That negotiations include consideration that the operational costs be waived for uses by the Parks and Recreation Department.

Yes: 7 (Dixon, Edmunds, Fejes, Gazetti, Kaltsounis, Kovacs, Redpath)
No: 2 (Zikakis, Krent)

MOTION CARRIED

Note: Student representative, Brad Henson, though not a voting member, opposed the resolution.

IV. Civic Center Priority Task Force Resolution # CCPTF-2004-12-009

Moved by Maxwell
Seconded by Bertin

RESOLVED, That the Civic Center Priority Task Force supports/endorses going forward with the proposed minor league baseball stadium project.

Yes: 8 (Bertin, Biegler, Herzog, Hodges, Maxwell, Price, Schulz, Solis)
No: 5 (Bernardi, Krent, Ogg, Partlan, Wattles)

MOTON CARRIED

A video of the special meeting is included with this memorandum.

In terms of your direction to also obtain further financing information, General Sports will be on the December 15, 2004 DDA agenda where the DDA will be asked to provide a recommendation on whether they wish to contribute toward the infrastructure costs to accommodate the proposed stadium.

In accordance with your directive, staff will continue discussion with General Sports and assemble information, which you may find useful in your decision making process.

In closing, I wish to personally thank members of the above committees for taking time out of their schedules to give you input on this matter.

JS/mr\AGENDA ITEMS\2004\12.09.04 FYI Item – Update on Minor League Baseball Facility

c: Lori Grigg Bluhm, City Attorney
John M. Lamerato, Assistant City Manager/Finance & Administration
Brian P. Murphy, Assistant City Manager/Services
Douglas Smith, Real Estate & Development Director
Civic Center Priority Task Force
Downtown Development Authority
Parks and Recreation Advisory Board
Planning Commission

Subj: Plan B
Date: Tuesday, December 7, 2004 4:35:16 PM
To: www.ci.troy.mi.

Mayor Schilling

Dear Mayor Schilling and Council Members,

I am not in favor of the baseball stadium. Here are a couple of my reasons.

If the proposed parking plan does not work, and there are not enough parking spaces, what is your Plan B? In other words, how would you create more parking?

If the noise level is too high, and the neighbors are irritated by it 100 days a year, what is Plan B?

If the noise level is so high that the folks in the library are disturbed by it, what is your Plan B?

If the project is not a success and goes under, what is your Plan B?

Also, why should the taxpayers of Troy pay for a commercial endeavor that a private organization will profit from?

Do you want to be left with a failed project?

I truly believe that each one of you makes decisions based on what is best for Troy. Please make the best decision on this, too.

Thank you.

Respectfully,
E. Pence

E. Pence
106 Milracle Dr.
Troy

Robert H. Bickmeyer
2138 Jeffrey
Troy, Michigan 48085
(248) 879-0207

December 7, 2004

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

Dear Council Members:

An article in the Troy-Somerset Gazette reported that residents' e-mail supports the minor league ball park.

The topic was discussed among a group of 12 in the Community Center. All seemed to favor it, just about unanimous. Then we read the article wherein it looks like the City of Troy will pay for it on city property. Jaws dropped and opinions changed. "No dice," said they.

I suggest the e-mails supporting the ball park be ignored as, probably, they were sent with the belief that private funds were to build it. Citizens' opinions should not be sought until the mode of financing is established.

Very truly yours,

Robert H. Bickmeyer

Robert H. Bickmeyer

248-524-0085

BUSINESS BEAT

COMPILED BY J.J. COOPER

Modesto finds fans unhappy with proposed new names

MODESTO, Calif.—Modesto doesn't feel like a Nut.

Or a Cropduster, Strike, Steel or Derailer, for that matter.

After 30 years of affiliated bliss with the Athletics suddenly ended, the management of the California League team formerly known as the A's knew the town's loyal fans would have trouble accepting any nickname not inked to green and gold.

But no one expected the utter disdain the five finalists evoked when they were unveiled during the team's annual World Series party for season-ticket holders.

General manager Mike Gorrasi stood on a chair in the middle of a local sports bar to make the announcement. Groans were heard after each offering, and then no one spoke up. He had to ask. "So, what do you think?"

A voice from the back of the room spoke up: "Can we stay with the A's?"

Well, if it had been within Modesto's power, there would have been no need for a name change. The city spent $2.2 million in 1997 to refurbish John Thurman Field and made it the most modern and comfortable facility in the California League's Northern Division for fans and players alike.

But it was only a refurbishment, and continues to fall short of Minor League Baseball's requirements for new stadiums. And from the day the ballpark opened, it was only a matter of time before some city in the North built a better ballpark—thus having an edge in wooing one of Northern California's major league teams as a parent.

That city was Stockton, 28 miles north of Modesto, which plans to open 4,500-seat Banner Island Ballpark next April on its downtown waterfront. Oakland, with the opportunity to have all of its minor league teams housed in ballparks built since 1999, jumped in to be the park's first resident.

Stockton will keep the name Ports, but Modesto—which has signed a two-year player-development contract with Rockies—decided it could not retain its nickname, color scheme and logo ties with Oakland.

So the search began, and fans flooded the team with nickname ideas. Some tried to link the team to Modesto's most famous native son, George Lucas, and suggested names like Vaders, Jedi and Skywalkers—going as far as to claim the team's MVP could be Wookie of the Year.

Others tried to mine Modesto's infamous record run through the nation's headlines and nominated the Scotties, Fertilizer Salesmen, even the Condits.

But ownership stood firm in its desire to mine Modesto's history and choose a name keeping with the city's ties to railroads and agriculture. Thus, the final five and the groans.

"I don't think this is an easy process," said Tim Marting, vice president of American Sports Entertainment, the team's parent company. "But I think any name we end up choosing will grow on people over time."

On its way out? Ray Winder Field could be replaced by a new stadium

The team is taking votes on its Website and has until Nov. 22 to submit its new nickname and logo to Minor League Baseball. In a newspaper poll conducted by The Modesto Bee, "None of the Above" was winning in a landslide, garnering 79 percent of the vote.

In the meantime, fans are accepting the notion that the A's are gone and it's time to move ahead.

"Whatever they decide is OK with me," said longtime season-ticket holder Tony Zupo. "I just want to watch the baseball."

—BRIAN VANDERBEEK
The Modesto Bee

Travelers May Make Short Move

The city of North Little Rock and the Arkansas Travelers (Texas) are working together to bring a new $25 million stadium to the city, allowing the Travelers to replace 72-year old Ray Winder Field.

The new ballpark would be built on land donated by Little Rock businessman Warren Stephens. Like many recent ballpark proposals, the stadium would be part of a project that would include additional development. Stephens would donate the seven acres of land for the stadium, and in return would receive naming rights. He also would own land around the stadium, as would the city of North Little Rock, which lies across the Arkansas river from Little Rock.

"To say we are thrilled about this would be an understatement," said Travelers executive vice president and general manager Bill Valentine.

The proposed stadium does face hurdles. The biggest appears to be what else? money.

"We will be exploring various alternatives for funding construction, including public and private sources of capital," North Little Rock mayor Patrick Hays said. "This is something we have been working on for months and now that all parties involved have agreed to participate in this economic development project, we can proceed."

If the money is available, officials hope to begin on the stadium in 2005. Ray Winder Field would eventually be used as a multi-sport facility for baseball and other sports. But the Travelers said they will be patient while North Little Rock tries to work out the details.

"We have a ballpark to play in. It's not like moving to a new city. If it takes a little while to get the financing together, and if it takes a little while to get it together, another year won't kill us," Valentine said. "We've been here 72 years."

New Name, Same Teams

The independent Northeast League is no more, having been replaced by the Canadian-American League, but the new league has a familiar feel.

The league is composed of the seven remaining teams from the Northeast League. An eighth team, likely in Utica, N.Y., should be named this fall. But the new league will operate under a new constitution that ties the teams closer together. Just this season, the Allentown Ambassadors dropped out weeks before the season began. In the new league, such moves would be less likely.

"The old structure of the Northeast League wasn't good," Can-Am commissioner Miles Wolff said. "It was flawed on a lot of things. So we decided, let's start from scratch. It commits everybody to each other more."

The original Can-Am League ran from 1936-42, stopped for World War II, and then returned from 1946-52 before folding. Quebec is the only city from the original league that is in the new league, but the new name does signify where the league may see its future.

While Quebec is the only current Canadian team, the league has shown interest in Ottawa if the city loses its Triple-A club. Montreal is also a potential site, but with our big issue: it lacks a stable stadium, and the likelihood of a publicly financed stadium being built in the area is slim.

QUICKHITS

■ The sale of the Battle Creek Yankees was approved by the Midwest League, but it didn't happen without tweaks. The Battle Creek Enquirer reported that Fun For Michigan principal owner Bill Shea had to submit an ownership plan that did not include David Hersh as the team's chief executive. "That made it more palatable for them," Shea told the Enquirer. "I made the decision to terminate the business relationship with David Hersh."

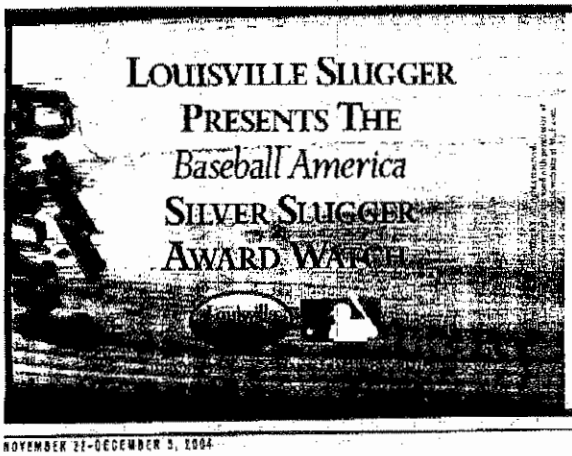
■ The Frederick Keys hired Dave Zirofsky as their new general manager. Zirofsky came to Frederick (Carolina) from Quad Cities (Midwest), where he had been the team's vice president and GM.

■ The Kinston Indians (Carolina) named Marty Wheeler as their new GM. Wheeler comes from Savannah (South Atlantic), where he was the assistant GM, and replaces Clay Battin, who resigned in late August. Battin had been the team's GM for a year.

■ New Jersey Jackals (Can-Am) GM Clyde Smoll resigned after one year in the job. The team said Smoll and his wife Charlene are getting out of the sports business because of family concerns.

■ The Salem Avalanche (Carolina) have a new logo for 2005, scrapping the old script Salem showing an avalanche of baseballs and replacing it with a simpler logo based on the "A" in Avalanche.

■ The Vero Beach Dodgers (Florida State) also announced a new main logo, and a 25th anniversary logo to celebrate the team's run in the Florida State League. The new logo is a minor tweak on the old logo with a darker look but a cleaner powerful



JIM EDMONDS has the rare combination of high on-base percentage and slugging percentage attained by only a few elite hitters. And few left handed batters have better power to the opposite field than Edmonds. This season, he only got better with age. At 34, the Cardinals slugger was among the NL leaders in homers (42), RBIs (111) and on base-plus-slugging (1.061). He also ranked ninth in the league in walks with 101. Edmonds combined with first baseman Albert Pujols and third baseman Scott Rolen to lead St. Louis to their first World Series berth since 1987.

SILVER SLUGGER

AS YOU CAN SEE FROM THE ABOVE ARTICLE THIS IS NOT ALWAYS A HOME RUN!!!

CONTACT THE BATTLE CREEK CITY COUNCIL TO SEE HOW WELL THEY DID.

PLEASE FORWARD TO COUNCILL STAFF

THX.

FROM SOMERSET

Stop the Civic Center Stadium

Keep Troy a Safe and Financially Sound City

Please call or email Council Today (see reverse side)
Attend the Council Meeting on December 20 at 7:30 p.m.

You will **not** get to vote this time. Just last April, 80% of Troy citizens voted **against** commercializing the Civic Center and saved our parkland. Now, the City Administration is pushing City Council to approve a 4,300-seat minor league baseball stadium for use by *General Sports* across from the Troy Library. Beer and alcohol will be sold.

Key Issues:

Insufficient Parking. All Troy businesses must provide adequate parking, but no new parking is planned for the stadium. The off-hours parking spaces to be *borrowed* from the Liberty Center, other lots south of Big Beaver and lots north of the Community Center may not be available for the 30-year life of the stadium. Users of the Troy Library, Aquatic Center, Community Center, and City Hall will have to compete for parking with stadium users.

Taxpayer Financing. The current proposal requests $2 million from the DDA for infrastructure improvements. The City would issue $17-20 million of revenue bonds to pay for the construction of the stadium. Although General Sports says they will "guarantee" the debt repayment, the ultimate financial liability will rest on Troy taxpayers. Most minor league baseball teams struggle to make a profit, even without the burden of bond debt repayments.

No Independent Evaluation. No independent study has been conducted to assess the financial viability and the community impact of a minor league baseball facility. Council and City Management are relying entirely upon the developer's statements.

Alcohol Sales. We do not allow alcohol in our parks for a reason. Permitting alcohol sales in this park would set a dangerous precedent. Another concern is traffic safety and public disturbances following events where alcohol has been consumed.

Questionable Community Use. The stadium cannot be used before 7:00 p.m. on weekdays because of a lack of parking. It cannot be used for softball and youth teams that require a smaller baseball diamond. Unlike all other City parks, use of the stadium for other activities will not be free.

Aggressive Promotion by General Sports. The CEO, Mr. Appleby, has been meeting privately with Troy groups and key individuals to try to win their support. The proposal is being pushed along at an accelerated pace due to Mr. Appleby's desire to have a stadium built and operating by May 2006. As a result, public input is being cut off.

A No-Win Proposition. If attendance exceeds expectations, Troy will be compelled to pave over the remaining green space and traffic congestion will increase. On the other hand, low attendance will result in the team moving elsewhere, leaving Troy taxpayers with debt and another empty facility.

Paid for by Troy Citizens United

Why you need to act now:

Mayor Schilling has been relying, unbelievably, on emails and the showing of hands at meetings to determine if Troy residents are for or against the stadium. It is vital to email or call your Council members because Mr. Appleby is succeeding in getting his supporters to do so. It is also critical to attend the December 20th Council meeting to show your opposition. There is no need to speak.

❶ Please call or send an email to:

Louise E. Schilling, Mayor
(248) 879-0342
000schilling@ameritech.net

Robin E. Beltramini, Mayor Pro Tem
(248) 879-8898
rbeltram@wideopenwest.com

Cristina Broomfield, Councilwoman
(248) 879-2175
talk2cristina@aol.com

David Eisenbacher, Councilman
(248) 619-7119
david@eisenbacher.org

Martin Howrylak, Councilman
(248) 643-6653
mfhowryl@umich.edu

David A. Lambert, Councilman
(248) 879-5596
dave@lambert.net

Jeanne M. Stine, Councilwoman
(248) 643-6215
stinejm@wwnet.net

A copy of your email would be appreciated:
troycitizensunited@yahoo.com

❷ Tell your friends and neighbors!

❸ Please attend Council Meeting:

Monday, December 20 at 7:30 p.m.
Troy City Hall, 2nd Floor

This is the critical meeting at which the Council will be asked to approve the stadium proposal.

Seating is limited — come early.

Sign up in the lobby if you wish to speak.

Paid for by Troy Citizens United, P.O. Box 911, Troy, MI 48099-0911
troycitizensunited@yahoo.com

December 15, 2004

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager- Services BPM.
Carol K. Anderson, Director of Parks and Recreation

Subject: Troy Racquet Club Lease Terms

Staff was asked to identify areas of the Troy Racquet Club lease which may be compared with the baseball stadium proposal. The agreement is identified as a tennis ground lease between the City of Troy as Lessor and Troy Racquet Club as Lessee.

1. Rents: City rents real property

2. Terms: Options to renew are in two year increments with the final option to expire in May 2014

3. Rental: for privilege of operating the operation, Lessee pays to the City of Troy, $25,000 rent in 1997, 1998
   Beginning 1999-2000 $25,781.25 plus CPI

4. Rates: approved for court time/membership by City Council or City Manager

5. Teaching program, instructors and other employees:
   Instructors hired or contracted by lessee
   Other employees hired by lessee

6. Utilities paid by Lessee during operation

7. Lessee makes all repairs and improvements

8. All personal property can be removed by lessee upon termination or end of lease

9. City use for 19 weeks, lease is to operate 33 weeks annually

10. No interest in land by lessee

11. City and Troy Racquet Club owner have no relationship other than lessee/lessor

November 11, 2004

TO: Mr. John Szerlag, City Manager

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

SUBJECT: Agenda Item - Application for New Class C (quota) License for Red Robin Restaurant

TROY ROBIN, INC., requests a **new full year (quota) Class C** license with Official Permit (Food), Entertainment Permit, and **new SDM**, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County.

At its November 8th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was Mr. John Carlin, Attorney for Troy Robin, Inc., and Lew Ansara, a shareholder in the proposed restaurant. Red Robin is a full-service, family restaurant. An Entertainment Permit is being requested because of planned holiday events that will be geared towards children. Seating capacity for the restaurant will be approximately 230.

This will be the 13th Red Robin restaurant in Michigan. There is an alcohol service policy in place, and all servers will receive training. The Committee unanimously approved this request.

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

TJG/tc

PLUNKETT & COONEY

38505 Woodward
Suite 2000
Bloomfield Hills, MI 48304

(248) 901-4000
Fax (248) 901-4040
www.plunkettcooney.com

September 29, 2004

VIA OVERNIGHT MAIL
Ms. Tonni L. Bartholomew
City of Troy
City Clerk's Office
500 W. Big Beaver Road
Troy, MI 48084

RE: Applicant: Troy Robin, Inc.
Re: Quota Class C Liquor License
Location: 5460 Corporate Drive, Troy, MI

Dear Ms. Bartholomew:

This firm represents Troy Robin, Inc. in connection with its application for a liquor license at the above-referenced location. In connection with that application, enclosed please find the following documents:

1. Troy Police Department Liquor Licensee Questionnaire;
2. A copy of the letter to Julie A. Wendt, Director, Michigan Liquor Control Commission with application documents as submitted to the Liquor Commission; and
3. A check payable to the City of Troy in the amount of $1,000 in payment of the required fee.

Troy Robin, Inc. is a corporation formed by the Ansara family to develop a Red Robin restaurant. This restaurant will be taking the place of the Cooker restaurant at the same location. As you know, Cooker has closed its restaurant in Michigan and Red Robin is stepping in to renovate and operate a restaurant at this location.

Please have the matter set before the Liquor Advisory Board at your earliest opportunity. If you or your staff have any questions, please feel free to contact me.

Very truly yours,

PLUNKETT & COONEY, P.C.

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

Enclosure
cc: Sgt. Tom Gordon (w/encl.)
Victor Ansara (w/o encl.)
Bimfield.06183.43697.588452-1

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005 – Lansing, Michigan 48909-7505

FOR LCC USE ONLY

APPLICATION FOR NEW LICENSES, OR APPLICATION OF BUYERS FOR TRANSFER OF OWNERSHIP OR INTEREST IN LICENSE

Instructions: This application must be completed and returned with a $70.00 inspection fee for each license before it can be considered. All answers must be typed or printed. Sign the completed form in ink and return it to the Commission with the inspection fee. MAKE ALL CHECKS OR MONEY ORDERS PAYABLE TO "STATE OF MICHIGAN".

1. Applicant Identification – all applicants

Name of individual, partnership, corporation or limited liability company who will hold the license: Troy Robin, Inc.	Contact Person Name: Scott Edwards, Attorney
Business Street Address:	Street Address: 38505 Woodward, Ste. 2000
City/State/Zip Code:	City/State/Zip Code: Bloomfield Hills, MI 48304
Township: County:	Business Phone No. (248) 901-4045 / Home Phone No. ( )

2. Nature of Application – (Check all that apply)

[X] New License
[X] New Permit
[ ] Transfer of Ownership – NAME of current License:
] Transfer Location From ADDRESS:

[ ] Add Partner
[ ] Drop Partner
[ ] Add Space
[ ] Stock Transfer
[ ] Transfer Status from Individual or
[ ] Limited Partnership to a Corporation
[ ] Drop Space
[ ] Other: _____

[ ]Transfer Classification
[ ] Tavern to Class C
[ ] Class C to Tavern
[ ] B-Hotel to Class C
[ ] Class C to B-Hotel

3. Retail Applicants – (All existing permits will be included with a transferred license unless canceled in writing)

3a. Check Type of License

[X] SDM	[ ] SDD	[X] Sunday Sales
[X] Class C	[ ] Resort Class C	[ ] Add Bar
[ ] A- Hotel	[ ] Resort A-Hotel	[ ] Dance
[ ] B-Hotel	[ ] Resort B-Hotel	[ ] Dance/Entertainment
[ ] Tavern	[ ] Resort Tavern	[X] Entertainment
[ ] Club	[ ] Resort G-1	[ ] Direct Connection
[ ] G-1	[ ] Resort G-2	[ ] Living Quarters
[ ] G-2	[ ] Other	

3b. Check Type of Permits

[X] Before or After Hours For: Food 10:00 a.m. to Noon on Sundays
(Food, Bowling, Golf, Ski, Misc.)

[ ] Outdoor Service
[ ]Topless Activity

4. Manufacturer or Wholesale Applicants (Check one)

[ ] Wholesaler	[ ] Brewer	[ ] Manufacturer of Mixed Spirit Drinks
[ ] Winemaker	[ ] Manufacturer of Spirits	[ ] Outstate Seller of Mixed Spirit Drinks
[ ] Small Winemaker	[ ] Industrial Manufacturer	[ ] Outstate Seller of Wine
[ ] Winemaker Wine Tasting Room	[ ] Warehouse	[ ] Outstate Seller of Beer
[ ] Micro Brewer	[ ] Brewpub	[ ] Other:

5. Name of Current Licensees:

6. Current Licensed Address:

7. Proposed Licensed Address:
5460 Corporate Drive, Troy, MI

8. Briefly describe this business, for instance – Drug Store, Restaurant, Party Store, Wholesaler, Wine Make, Etc.
Full Service Restaurant

9. This proposed licensed business will be owned by: (check one)

[ ] Me as the individual owner [X] The named corporation [ ] The named Liability company

[ ] The following partners (indicate limited partners with an "L" before their name)

Partnership Information: (attach additional sheet if necessary)

Name of Partners	Home Address	Telephone Number

* All general partners must complete & submit an LC 621, "Individual, General Partner, Stockholder or Member Questionnaire. All limited partners must complete & submit an LC 38, "Limited Partner, Stockholder or Member Statement

10. Personal Information – Individual Applicants and Partnership Members only

Sex _____ Height _____ Weight _____ Hair Color _____ Eye Color _____

Date of Birth _____ Place of Birth _____ Social Security No. _____

If you are not a US Citizen – Are you a registered alien? ___ Yes ___ No Or, Do you have a Visa? ___ Yes ___ No

Full name of spouse: _____

Have you ever legally changed your name? ___ Yes ___ No If Yes, From _____ To _____

Have you ever been known by any other names? ___ Yes ___ No List names: _____

Have you ever been arrested? ___ Yes ___ No If yes, list all arrests, excluding Minor traffic offences (include alcohol related arrests):

DATE	PLACE	CHARGE	DISPOSITION

*attach additional sheet if necessary

List your former occupations for the past 3 years:

DATES (to/form)	OCCUPATION	EMPLOYER NAME AND ADDRESS

I or my spouse previously held, or now hold, interest in the following licenses for sale of alcoholic beverages as sole licensee, partner, or corporation:

NAME OF LICENSEE	TYPE OF LICENSE	LOCATION	DATE

Do you or your spouse hold any law enforcement powers including powers of arrest? Yes No

11. Limited partnerships – is the limited partnership authorized to do business under the laws of Michigan?

Yes No Date authorized:

12. Corporate & Limited Liability Company Applicants Only – stockholders members must complete separate survey

NOTE: Attach copy of filed or proposed Articles of Incorporation, last annual report / statement filed. & attach copy of stock options

Corporate/L.L.C. Name: Troy Robin, Inc.	Incorporation/Organization date: August 26, 2004
Incorporated/Organized in what State? Michigan	Michigan Authorization Date Same

Name, Address, Phone Number of Resident Agent:
Victor L. Ansara, 23925 Industrial Park Dr., Farmington Hills, MI 48335

(Check one of each) [X] Profit or [ ] Non-Profit Corporation [ ] Public or [X] Private Corporation

Date last annual report/statement filed with Michigan Corporation & Securities:

Corporate Officers:	Name	Address	Phone No.
President	Victor L. Ansara	23925 Industrial Park Dr. Farmington Hills, MI 48335	(248) 848-9099
Vice-President	Lewis Ansara	Same	
Secretary	Norman Ansara	Same	
Treasurer	Andrew E. Ansara, Jr.	Same	

13. Corporations and Limited Liability Companies – List all persons, companies and other entities who hold or will hold stock interest or membership interest in applicant entity.

	Name	Address	Phone Number	% Interest
1.	Ansara Restaurant Group, Inc. **	23925 Industrial Park Dr. Farmington Hills, MI 48335	(248) 848-9099	100%
2.	** list of shareholders of Ansara Restaurant Group, Inc. is attached			
3.				
4.				
5.				

*Note: All persons, companies and other entities holding 10% interest or more must complete and submit an "Individual, General Partner, Stockholder or Member Questionnaire" (LC-621). All persons, companies and other entities holding less than 10% interest, must complete and submit a "Limited Partners, Stockholders or Members Statement" (LC-38).

14. Financial Details – All Applicants

A) Source of funds used to establish business, or which will be used to purchase this business, list name address and amount of all money lenders. Money lenders to fill out special "Statement of Money Lender" form enclosed.

Bank or Money Lender	Address	Amount
To be determined		$
		$
		$

(B) Attorney or representative Scott Edwards	38505 Woodward, Ste. 2000 Bloomfield Hills, MI 48304	(248) 901-4045
Name	Address	Phone Number
(C) Real estate is owned by		
Name	Address	Phone Number
(D) Realtor/Broker N/A		
Name	Address	Phone Number
(E) Accountant or Bookkeeper N/A		
Name	Address	Phone Number

15. Transaction Details – All Applicants

Note:
- Any balance owed on the business selling price must be secured by a non-title retaining instrument such as a promissory note, security agreement, etc.
- Land contracts are not acceptable as security for any unpaid balance to be owed on the business portion of the sale.
- Business, fixtures and equipment cannot be listed on land contracts or real estate mortgages.
- All alcoholic beverage inventory must be paid for in cash at the time of transfer and not by installment payments.
- Acceptable lease agreements must be provided if ownership of real estate is not in the names applicants.

Business/Fixtures/Equipment	$	Land	$
Goodwill (if applicable)	$	Building(s)	$
Covenant not to complete (if applicable)	$	Other	$
		TOTAL REAL ESTATE COSTS	$
Alcoholic beverages (estimate)	$	Down Payment	$
Other inventory (estimate)	$	**BALANCE OWED**	$
TOTAL COST OF BUSINESS	$		
Down Payment	$	Secured By	$
BALANCE OWED	$	For balance owed – explain:	

For balance owed – explain:
Terms: See Cost Affidavit provided

- Collateral:

- Terms: Lease to be provided for investigation

- Collateral:

The Commission wishes to warn all applicants for licenses not to invest any money or to commit themselves by any binding agreements in the expectation of being issued a license for sale of alcoholic beverages until officially notified by the Commission that their application has been approved.

WARNING! Section 436.2003 of the Liquor Code Provides:
"A person who makes a false or fraudulent statement to the commission, orally or in writing, for the purpose of inducing the commission to act or refrain from taking action, or for the purpose of enabling or assisting a person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909. Further, the rules and regulations of the Commission entitled "General Rules" provide: "A licensee shall not obtain a license for the use or benefit of another person whose name does not appear on the license nor shall a licensee allow a person whose name does not appear on the license to use or benefit from the license," and, "A licensee shall not sell or transfer an interest in a business licensed by the Commission without the prior written approval of the Commission."
I hereby authorize investigators of the Michigan Liquor Control Commission to obtain all documents, accounts, books, records and tax returns pertaining to myself and this business. I hereby swear that I have read all of the above answers and that they are true and further that I have read and understand the warning.

9 / 2 /04
Date of Application

Signature of Applicant (if applicant is a corporation, include title of signor)
Victor Ansara, President

Name of person completing this form if not applicant

LC-587 (Rev. 10/02)
AUTHORITY: MAC R436.1103
COMPLETION: Mandatory
PENALTY: No license granted

The Department of Consumer & Industry Services will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with regarding, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Bimfield.06183.32234.580939-1

Michigan Department of Consumer & Industry Services
Michigan Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, MI 48909-7505

Commission Use Only

Business ID # _____

APPLICATION FOR SUNDAY SALES

(Authorized by MCL 436.2113, 436.2115)

INSTRUCTIONS: All questions must be answered before this request can be considered.
Forward completed signed application to he License Division at the address printed above or FAX to 517.322.6137.

The following statements and information are submitted to the Liquor Control Commission for the purpose of requesting that the Commission grant permission for sale of spirits from our licensed premises on Sunday after 12:00 noon, under the provisions of section 1113 and 1115 of the Liquor Control Code.

Name of Licensee(s) Troy Robin, Inc.

Address of licensed establishment 5460 Corporate Drive, Troy, MI

Governmental Unit Troy

County Oakland Type of License(s) Class C

OFF-PREMISES LICENSEES (SDD):

Has the legislative body of the county where your licensed establishment is located authorized the sale of spirits for consumption of the premises on Sunday? _____YES _____ NO

Does the governmental unit where your licensed establishment is located prohibit the sale of spirits off the premises on Sunday? _____YES _____ NO

ON-PREMISES LICENSEES (Clubs, Class C, B-Hotel):

The sale of food and other goods and services has or will exceed 50% of the total gross receipts. It is further understood that authorization of Sunday Sale of spirits will be invalidated if it is found that gross receipts derived from the sale of food and/or other goods and services (which can include beer and wine) do not exceed 50% of the total gross receipts (not including spirits), as required by section 1113 of the Liquor Control Code.

The books and records pertaining to this establishment are located at (address)

23925 Industrial Park Drive, Farmington Hills, MI 48335

and will be available to any authorized agent of the Michigan Liquor Control Commission at all reasonable times for examination.

CONTINUED

WARNING TO ALL LICENSEES:

MCL 436.2003 of the Liquor Control Code provides:

"A person who makes false or fraudulent statement to the commission, orally or in writing, for the purpose of inducing the commission to act or refrain from taking action or for the purpose of enabling or assisting a person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909."

By signing, the licensee states that the foregoing statements and information submitted are true and that section 1003 of the Liquor Control Code is understood.

To be signed by individual licensees, all members of a partnership, a Limited Liability Manager and/or member, an Authorized officer of a corporation (indicate office held).

TROY ROBIN, INC.

By: _____ 09/28/04

Licensee Signature Victor L. Ansara, President Date

_____

Licensee Signature Date

_____

Licensee Signature Date

_____

Licensee Signature Date

Bimfield.06183.43697.402785-1

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION
7150 Harris Dr.
P.O. Box 30005
Lansing, Michigan 48909

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

(Authorized by MAC Rule 436.1437)

APPLICANT OR LICENSEE:
Troy Robin, Inc.

ADDRESS:
5460 Corporate Drive, Troy, MI

TYPE OF LICENSE:
Class C

The Commission is requested to grant an after hours permit for: (Check boxes that apply)

- [x] Operating our restaurant for the sale of food
- [ ] Operating night league bowling, tournaments or Sunday morning bowling
- [ ] Registering golfers
- [ ] Registering Skiers
- [ ] Registering Tennis Players
- [ ] Other: (Not listed above)

During the Hours of:

Weekdays _____ A.M. to _____ A.M.

Sundays 10:00 A.M. to 12:00 noon

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:

Victor L. Ansara, President

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permits allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- [ ] Recommended: Comments: _____
- [ ] Recommended except for _____ permit
- [ ] Not Recommended

Signed: (Include title and date)

LC-1112 4/87 4880-0184

Bimfield.06183.26759.402778-1

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION
7150 Harris Dr.
P.O. Box 30005
Lansing, Michigan 48909

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

(Authorized by MAC Rule 436.1437)

APPLICANT OR LICENSEE:
Troy Robin, Inc.

ADDRESS:
5460 Corporate Drive, Troy, MI

TYPE OF LICENSE:
Class C

The Commission is requested to grant an after hours permit for: (Check boxes that apply)

- [x] Operating our restaurant for the sale of food
- [ ] Operating night league bowling, tournaments or Sunday morning bowling
- [ ] Registering golfers
- [ ] Registering Skiers
- [ ] Registering Tennis Players
- [ ] Other: (Not listed above)

During the Hours of:

Weekdays _____ A.M. to _____ A.M.

Sundays 10:00 A.M. to 12:00 noon

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:

Victor L. Ansara, President

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permits allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- [ ] Recommended: Comments: _____
- [ ] Recommended except for _____ permit
- [ ] Not Recommended

Signed: (Include title and date)

LC-1112 4/87 4880-0184

Birnfield.06183.26759.402778-1

ANSARA RESTAURANT GROUP

	ADDRESS/LICENSE(S) HELD	DATE OF LICENSURE
1.	Novi Robin, Inc. 43250 Crescent Boulevard Novi, MI 48375 Resort Class C-SDM-SS-D/E- 4 Direct Connections-OP(Food)	3/93 to Present
2.	Westland Robin, Inc. 36350 Warren Westland, MI 48185 Class C-SDM-SS-OP(Food)-ODS	10/95 to Present
3.	Southgate Robin, Inc. 15777 Eureka Road Southgate, MI 48195 Resort Class C-SS-OP(Food)-ODS	12/97 to Present
4.	Madison Heights Robin, Inc. 31805 John R Madison Heights, MI 48071 Class C-SS-OP(Food)	1/99 to Present
5.	Roseville Robin, Inc. 32051 Gratiot Avenue Roseville, MI 48066 Class C-SS-OP(Food)	10/99 to Present
6.	Detroit Robin, Inc. 18650 Ford Road Detroit, MI 48228 Class C-SS-OP(Food)	12/00 to present
7.	Pittsfield Robin, Inc. 3797 Carpenter Rd. Pittsfield Township, MI 48197 Class C-SS-OP (Food)	12/01 to present
8.	Brighton Robin, Inc. 8522 West Grand River Brighton, MI Class C-SS-OP(Food)	03/02 to present
9.	Clinton Robin, Inc. Hall Rd. Clinton Township, MI 48036 Class C-SS-OP (Food)	02/03 to present

10. Delta Robin, Inc. — 02/04 to present
Outlot Parcel 2, Brookside Center
Lansing (Delta Twp.), MI 48917
Class C-SS-OP (Food)

11. Livonia Robin, Inc. — 06/04 to present
37701 Six Mile Rod
Livonia, MI 48154
Class C-SS-OP Food

12. Grandville Robin, Inc. — Pending
Lot 2, Potomac Place, Rivertown Parkway
Grandville, MI
Resort Class C-OP Food-Ent

13. Flint Robin, Inc. — Pending
Flint (Flint Township)
Genesee County
Class C –SS-OP (Food) Ent

14. Portage Robin, Inc. — Pending
Portage, MI
Class C and SDM-SS-OP (Food) Ent

Ohio Restaurant

1. Toledo Robin, Inc. — 2001 – present
4850 Monroe St.
Toledo, OH 43623

Other Licenses Held:

ACK Restaurants, Inc. — 6/91 to Present
d/b/a Portofino
3455 Biddle
Wyandotte, Michigan
Class C-SDM-SS

Stockholders:
Victor L. Ansara
Andrew E. Ansara, Jr.
Norman Ansara

Dated: August 26, 2004

Blmfield.06183.42123.37691-1

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200___ by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and **TROY ROBIN, INC.**, the applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the APPLICANT "above all others" for a new full year (quota) Class C license with Sunday Sales, Official Permit (Food), Entertainment Permit, and new SDM, to be located at 5480 Corporate Dr., Troy, MI 48098, Oakland County.
2. In consideration of the City of Troy's recommendation for approval of the license, APPLICANT hereby agrees that:
   (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter Nos. 87, 88, 92, and Chapter No. 98 (effective 02/01/2001), and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
   (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS,TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. APPLICANT agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. APPLICANT agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. APPLICANT agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

Authorized Representative
Victor L. Ansara, President
TROY ROBIN, INC.

Witnesses:

Pamela Bierbower
Pamela Bierbower

Erika Smith
Erika Smith

Subscribed and sworn to before me
this 10 day of Nov, 2004

H.E. Rumley

Notary Public, Wayne
County, acting in Oakland Co.
My commission expires:

H.E. RUMLEY
Notary Public, Wayne County, MI
My Commission Expires 06-19-2007

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

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

_____

Notary Public, Oakland
County, Michigan
My commission expires:

Yes: 6
No: 0
Absent: Elenbaum

Agenda Items:

1. **TROY ROBIN, INC.,** requests a **new full year (quota) Class C** license with Official Permit (Food), Sunday Sales, Entertainment Permit, and **new SDM**, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County. Proposed Red Robin restaurant at old Cooker's site.

Present to answer questions from the Committee were John Carlin and Lew Ansara.

Red Robin is a full-service, family restaurant with approximate seating capacity of 230 patrons. The entertainment permit is required because of holiday events that will be geared to children. This will be the 13th Red Robin restaurant in Michigan. The management is planning a major renovation to the existing building that should begin in approximately one month. They hope to open in March 2005.

Resolution #LC2004-11-130
Moved by Allemon
Seconded by Godlewski

RESOLVED, that TROY ROBIN, INC., be granted a new full year (quota) Class C license with Official Permit (Food), Sunday Sales, Entertainment Permit, and new SDM, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County.

Yes: 6
No: 0
Absent: Elenbaum

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2. **BRAVO DEVELOPMENT INC., d/b/a CUCINA DEVELOPMENT INC.,** requests a **new full year (quota) Class C** license with Official Permit (Food), Sunday Sales, and **new SDM**, to be located at 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County. Proposed new restaurant at Somerset South.

Present to answer questions from the Committee was John Carlin.

TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
Carolyn F. Glosby, Assistant City Attorney
DATE: November 22, 2004
SUBJECT: Class C "quota" licenses

On November 8, 2004, two applicants for Class C "quota" liquor licenses appeared before the Liquor Advisory Committee. One applicant, Troy Robin, Inc. ("Troy Robin") seeks to open a Red Robin restaurant at 5460 Corporate Drive, the former site of the now-defunct Cooker's restaurant. A second applicant, Bravo Development, Inc., d/b/a Cucina Development, Inc. ("Bravo/Cucina") also requests a license in association with opening a new restaurant in the South Mall, Somerset, 2800 W. Big Beaver Road. The Committee recommended approval of both of these requests. In the past, some members of City Council have expressed concern about a complete elimination of the allocated quota licenses, and have inquired about the potential impacts and available alternatives for liquor license applicants once the quota licenses are depleted.

"Quota" Licenses

Approval of the Troy Robin and Bravo/Cucina requests would exhaust the City's current allotment of Class C licenses. As you may know, state law allows issuance of one on-premises consumption liquor license for each 1,500 of population or major fraction thereof; these are commonly known as "quota" licenses. A governmental unit's population is usually determined by the federal census occurring every ten years. If Troy's population grows at historically documented rates during the next six years, it is anticipated that under the next census (2010), the City will probably be granted some additional quota licenses by the state Liquor Control Commission ("Commission").

Escrowed Licenses

In the interim, there are other avenues by which subsequent applicants may secure licenses. An applicant may purchase an escrowed license from another licensee located in Oakland County. An escrowed license becomes available when a licensee goes out of business or otherwise ceases operations. The license remains the property of the original licensee, but is not in active use. For example, the Class C liquor license for Cookers is now in escrow, and has become an asset of Cooker's bankruptcy estate, which will likely be acquired by one of its creditors. As of this writing, the Commission advises that there are 67 escrowed licenses available in Oakland County. Potential future liquor license applicants in Troy could purchase an escrowed license from any Oakland County community. The acquisition of an

escrowed liquor license would require the payment of "market rate" to the original licensee.

Resort Licenses

In the event there are no escrowed licenses available for purchase, an applicant in Troy may seek a resort license. In order to qualify for a resort liquor license, the Commission must determine that the proposed licensee's business and operation is geared towards the attraction and accommodation of tourists and visitors to the resort area. Neither the statute nor the administrative rules geographically define what the Commission may consider to be a "resort area". However, it is clear that the resort licensee must have a primary purpose other than the sale of alcohol. In addition, a resort license applicant must make a capital investment of at least $75,000 in the associated real property, leasehold improvements, and fixtures. If the resort licensee goes out of business, the license then reverts to the Commission. No resort license will be granted if there are escrowed licenses readily available[1] for purchase by the applicant. There are currently 67 escrowed licenses in Oakland County that could likely be purchased at market rate.

Resort Economic Development Licenses

This license requires a finding by the Commission that the applicant's business and operation, in addition to being geared toward attraction of tourists, reflects a capital investment of at least $1,500,000, and forbids on-premises casino gambling. It is not transferable and must be returned to the Commission if the applicant ceases operations. This license will not be granted if escrow licenses are readily available to the applicant. There are currently 67 escrowed licenses in Oakland County that could likely be purchased at market rate. The original law allowed the Commission to grant 20 such licenses for the years 2001 and 2002, and the statute was amended to extend the period through 2003 and 2004. It is anticipated that continued revisions will ensue in similar two-year intervals.

Development District Licenses

Additionally, the Commission may issue a Development District Class C license for a full-service restaurant located in a development district with a population of 50,000 or less. Troy's Downtown Development Authority (DDA) may qualify as an eligible development district. The eligible licensee must be a restaurant, located within the district, that is open to the public at least ten hours daily, five days per week, seats at least 25 people, and has a minimum of 50% of its gross sales from food on premises. In order to be considered for this license, the DDA must hold a public

[1] The Liquor Control Act defines "readily available" to mean "available upon a standard of economic feasibility" applicable to the applicant's specific circumstances. Issues to consider include the fair market value of the license, the size and scope of the proposed operation, and the impact of mandatory contractual terms governing the sale of the license. MCLA 436.1531(18)(b).

hearing to establish that the issuance of the development district liquor license would prevent further deterioration with the district, and promote economic growth therein. City Council would also need to agree with the DDA determination. This license would only be transferable within the development district, and only one such license could be issued per applicant. If sales of food for on-premises consumption fell below 50% of the gross receipts in any licensing year, the license would be revocable by the Commission after due notice and proper hearing. As with the resort and resort economic development licenses, the development district license is not available unless there are no quota or escrowed licenses readily available. As previously stated, there are currently 67 escrowed licenses that could likely be purchased at market rate. The Commission would approve a maximum of two such licenses in a city with a population over 50,000 persons, such as Troy.

Other Licenses

State law also authorizes the Commission to grant on-premises licenses for use by, or upon the campuses of, public universities with enrollment of at least 10,000 students. It is unclear whether these provisions would have any application within the City of Troy. There are also licenses available for applicants meeting criteria inapplicable to the City, such as location in a rural area with poverty or unemployment rates exceeding the statewide average.

Conclusion

If Troy's supply of quota liquor licenses is depleted, then all future license applicants will need to purchase one of the escrowed Oakland County licenses at market rate. Given the vicissitudes of the current economic climate, it is unlikely that there will be a complete lack of readily available escrow licenses between now and the year 2010. We would be pleased to answer any questions you may have.

November 11, 2004

TO: Mr. John Szerlag, City Manager

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

SUBJECT: Agenda Item - Application for New Class C (quota) License for Brio Tuscan Grille Restaurant

BRAVO DEVELOPMENT INC., d/b/a CUCINA DEVELOPMENT INC., requests a **new full year (quota) Class C** license, a Sunday Sales permit, an SDM license, and an Official Permit for the Sale of Food on Sundays, to be located at Somerset Collection South, Suite E 150, 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County.

At its November 8th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was Mr. John Carlin, Attorney for Bravo Development, Inc. Brio Tuscan Grille will be a high-end, upscale Italian restaurant. It will be placed in a 6,800 square foot space, and an outside entrance will be added. The parent company currently has family type restaurants located in Lansing, Rochester Hills, and Livonia, as well as nationwide. Seating capacity for the restaurant will be approximately 250.

The company has never received a liquor violation at any of its locations. The Committee unanimously approved this request.

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

TJG/tc

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005 – Lansing, Michigan 48909-750

FOR LCC USE ONLY

APPLICATION FOR NEW LICENSES, OR APPLICATION OF BUYERS FOR TRANSFER OF OWNERSHIP OR INTEREST IN LICENSE

Instructions: This application must be completed and returned with a $70.00 inspection fee for each license before it can be considered. All answers must be typed or printed. Sign the completed form in ink and return it to the Commission with the inspection fee. MAKE ALL CHECKS OR MONEY ORDERS PAYABLE TO "STATE OF MICHIGAN".

1. Applicant Identification – all applicants

Name of individual, partnership, corporation or limited liability company who will hold the license: Bravo Development, Inc., d/b/a Cucina Development, Inc.	Contact Person Name: Robert G. Miles, Director of Real Estate
Business Street Address: Somerset Collection South, 2800 W. Big Beaver, Suite E 150	Street Address: 4644 Kenny Road
City/State/Zip Code: Troy, MI, 48084	City/State/Zip Code: Columbus, OH 43220
Township: County: Oakland	Business Phone No. (440) 247-2640 / Home Phone No. ( )

2. Nature of Application – (Check all that apply)

[X] New License
[X] New Permit
[ ] Transfer of Ownership – NAME of current License: _____
[ ] Transfer Location From ADDRESS: _____
TOWNSHIP and COUNTY: _____

[ ] Add Partner
[ ] Drop Partner
[ ] Add Space
[ ] Stock Transfer
[ ] Transfer Status from Individual or
[ ] Limited Partnership to a Corporation
[ ] Drop Space
[ ] Other: _____

[ ]Transfer Classification
[ ] Tavern to Class C
[ ] Class C to Tavern
[ ] B-Hotel to Class C
[ ] Class C to B-Hotel

3. Retail Applicants – (All existing permits will be included with a transferred license unless canceled in writing)

3a. Check Type of License

[X] SDM
[X] Class C
[ ] A- Hotel
[ ] B-Hotel
[ ] Tavern
[ ] Club
[ ] G-1
[ ] G-2
[ ] SDD
[ ] Resort Class C
[ ] Resort A-Hotel
[ ] Resort B-Hotel
[ ] Resort Tavern
[ ] Resort G-1
[ ] Resort G-2
[ ] Other
[X] Sunday Sales
[ ] Add Bar
[ ] Dance
[ ] Dance/Entertainment
[ ] Entertainment
[ ] Direct Connection
[ ] Living Quarters

3b. Check Type of Permits

[X] Before or After Hours For: Food
(Food, Bowling, Golf, Ski, Misc.)

[ ] Outdoor Service
[ ] Topless Activity

4. Manufacturer or Wholesale Applicants (Check one)

[ ] Wholesaler
[ ] Winemaker
[ ] Small Winemaker
[ ] Winemaker Wine Tasting Room
[ ] Micro Brewer
[ ] Brewer
[ ] Manufacturer of Spirits
[ ] Industrial Manufacturer
[ ] Warehouse
[ ] Brewpub
[ ] Manufacturer of Mixed Spirit Drinks
[ ] Outstate Seller of Mixed Spirit Drinks
[ ] Outstate Seller of Wine
[ ] Outstate Seller of Beer
[ ] Other: _____

5. Name of Current Licensees:

N/A

6. Current Licensed Address:

N/A

7. Proposed Licensed Address:

Somerset Collection South, Suite E 150, 2800 W. Big Beaver, Troy

8. Briefly describe this business, for instance – Drug Store, Restaurant, Party Store, Wholesaler, Wine Make, Etc.

Full-service restaurant

9. This proposed licensed business will be owned by: (check one)

[ ] Me as the individual owner [X] The named corporation [ ] The named Liability company
[ ] The following partners (indicate limited partners with an "L" before their name)

Partnership Information: (attach additional sheet if necessary)

Name of Partners	Home Address	Telephone Number

* All general partners must complete & submit an LC 621, "Individual, General Partner, Stockholder or Member Questionnaire. All limited partners must complete & submit an LC 38, "Limited Partner, Stockholder or Member Statement

10. Personal Information – Individual Applicants and Partnership Members:

Sex _____ Height _____ Weight _____ Hair Color _____ Eye Color _____

Date of Birth _____ Place of Birth _____ Social Security No. _____

If you are not a US Citizen – Are you a registered alien? ___ Yes ___ No Or, do you have a Visa? ___ Yes ___ No

Full name of spouse: _____

Have you ever legally changed your name? ___ Yes ___ No If Yes, From _____ To _____

Have you ever been known by any other names? ___ Yes ___ No List names: _____

Have you ever been arrested? ___ Yes ___ No If yes, list all arrests, excluding Minor traffic offences (include alcohol related arrests):

DATE	PLACE	CHARGE	DISPOSITION

*attach additional sheet if necessary

List your former occupations for the past 3 years:

DATES (to/from)	OCCUPATION	EMPLOYER NAME AND ADDRESS

I or my spouse previously held, or now hold, interest in the following licenses for sale of alcoholic beverages as sole licensee, partner, or corporation:

NAME OF LICENSEE	TYPE OF LICENSE	LOCATION	DATE

Do you or your spouse hold any law enforcement powers including powers of arrest? ___ Yes ___ No

11. Limited partnerships – is the limited partnership authorized to do business under the laws of Michigan?
___ Yes ___ No Date authorized:

12. Corporate & Limited Liability Company Applicants Only – stockholders members must complete separate survey

NOTE: Attach copy of filed or proposed Articles of Incorporation, last annual report / statement filed. & attach copy of stock options

Corporate/L.L.C. Name:	Incorporation/Organization date:
Bravo Development, Inc., d/b/a Cucina Development, Inc.	7/7/87
Incorporated/Organized in what State?	Michigan Authorization Date
Ohio	8/31/01

Name, Address, Phone Number of Resident Agent:

(Check one of each) [X] Profit or [ ] Non-Profit Corporation [ ] Public or [X] Private Corporation

Date last annual report/statement filed with Michigan Corporation & Securities:

Corporate Officers:	Name	Address	Phone No.
President	See attached list of officers and directors		
Vice-President			
Secretary			
Treasurer			

13. Corporations and Limited Liability Companies – List all persons, companies and other entities who hold or will hold stock interest or membership interest in applicant entity.

	Name	Address	Phone Number	% Interest
1.				
2.	See enclosed list of owners			
3.				
4.				
5.				

*Note: All persons, companies and other entities holding 10% interest or more must complete and submit an "Individual, General Partner, Stockholder or Member Questionnaire" (LC-621). All persons, companies and other entities holding less than 10% interest, must complete and submit a "Limited Partners, Stockholders or Members Statement" (LC-38).

14. Financial Details – All Applicants

A) Source of funds used to establish business, or which will be used to purchase this business, list name address and amount of all money lenders. Money lenders to fill out special "Statement of Money Lender" form enclosed.

Bank or Money Lender	Address	Amount
N/A		$
		$
		$

(B) Attorney or representative

Name	Address	Phone Number
John B. Carlin, Jr.	38505 Woodward Avenue, Ste. 2000 Bloomfield Hills, MI 48304	(248) 901-4003

(C) Real estate is owned by

Name	Address	Phone Number

(D) Realtor/Broker

Name	Address	Phone Number

(E) Accountant or Bookkeeper

Name	Address	Phone Number

15. Transaction Details – All Applicants

Note:
- Any balance owed on the business selling price must be secured by a non-title retaining instrument such as a promissory note, security agreement, etc.
- Land contracts are not acceptable as security for any unpaid balance to be owed on the business portion of the sale.
- Business, fixtures and equipment cannot be listed on land contracts or real estate mortgages.
- All alcoholic beverage inventory must be paid for in cash at the time of transfer and not by installment payments.
- Acceptable lease agreements must be provided if ownership of real estate is not in the names applicants.

Business/Fixtures/Equipment	$	Land	$
Goodwill (if applicable)	$	Building(s)	$
Covenant not to complete (if applicable)	$	Other	$
		TOTAL REAL ESTATE COSTS	$
Alcoholic beverages (estimate)	$	Down Payment	$
Other inventory (estimate)	$	**BALANCE OWED**	$
TOTAL COST OF BUSINESS	$		
Down Payment	$	Secured By	$
BALANCE OWED	$	For balance owed – explain:	
For balance owed – explain:		• Terms: See enclosed Affidavit	
• Terms: See enclosed Affidavit			
• Collateral:		• Collateral:	

The Commission wishes to warn all applicants for licenses not to invest any money or to commit themselves by any binding agreements in the expectation of being issued a license for sale of alcoholic beverages until officially notified by the Commission that their application has been approved.

WARNING! Section 436.2003 of the Liquor Code Provides:
"A person who makes a false or fraudulent statement to the Commission, orally or in writing, for the purpose of inducing the commission to act or refrain from taking action, or for the purpose of enabling or assisting a person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909. Further, the rules and regulations of the Commission entitled "General Rules" provide: "A licensee shall not obtain a license for the use or benefit of another person whose name does not appear on the license nor shall a licensee allow a person whose name does not appear on the license to use or benefit from the license," and, "A licensee shall not sell or transfer an interest in a business licensed by the Commission without the prior written approval of the Commission."

I hereby authorize investigators of the Michigan Liquor Control Commission to obtain all documents, accounts, books, records and tax returns pertaining to myself and this business. I hereby swear that I have read all of the above answers and that they are true and further that I have read and understand the warning.

July 20, 2004
Date of Application

John C. Doody, President
Signature of Applicant (if applicant is a corporation, include title of signor)

Name of person completing this form if not applicant

LC-687 (Rev. 10/02)
AUTHORITY: MAC R436.1103
COMPLETION: Mandatory
PENALTY: No license granted

The Department of Consumer & Industry Services will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with regarding, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Blmfield.14368.13812.575114-1

Michigan Department of Consumer & Industry Services
Michigan Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, MI 48909-7505

Commission Use Only

Business ID # _____

APPLICATION FOR SUNDAY SALES

(Authorized by MCL 436.2113, 436.2115)

INSTRUCTIONS: All questions must be answered before this request can be considered.
Forward completed signed application to he License Division at the address printed above or FAX to 517.322.6137.

The following statements and information are submitted to the Liquor Control Commission for the purpose of requesting that the Commission grant permission for sale of spirits from our licensed premises on Sunday after 12:00 noon, under the provisions of section 1113 and 1115 of the Liquor Control Code.

Name of Licensee(s) Bravo Development, Inc., d/b/a Cucina Development, Inc.

Address of licensed establishment Somerset Collection South, 2800 W. Big Beaver, Suite E150

Governmental Unit Troy County Oakland

D/B/A Brio Tuscan Grille Type of License(s) Class C

OFF-PREMISES LICENSEES (SDD):

Has the legislative body of the county where your licensed establishment is located authorized the sale of spirits for consumption of the premises on Sunday? _____ YES _____ NO

Does the governmental unit where your licensed establishment is located prohibit the sale of spirits off the premises on Sunday? _____ YES _____ NO

ON-PREMISES LICENSEES (Clubs, Class C, B-Hotel):

The sale of food and other goods and services has or will exceed 50% of the total gross receipts. It is further understood that authorization of Sunday Sale of spirits will be invalidated if it is found that gross receipts derived from the sale of food and/or other goods and services (which can include beer and wine) do not exceed 50% of the total gross receipts (not including spirits), as required by section 1113 of the Liquor Control Code.

The books and records pertaining to this establishment are located at (address)

18 N. Main Street, 3rd Floor, Chagrin Falls, MI 44022

and will be available to any authorized agent of the Michigan Liquor Control Commission at all reasonable times for examination.

CONTINUED

WARNING TO ALL LICENSEES:

MCL 436.2003 of the Liquor Control Code provides:

"A person who makes false or fraudulent statement to the commission, orally or in writing, for the purpose of inducing the commission to act or refrain from taking action or for the purpose of enabling or assisting a person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909."

By signing, the licensee states that the foregoing statements and information submitted are true and that section 1003 of the Liquor Control Code is understood.

To be signed by individual licensees, all members of a partnership, a Limited Liability Manager and/or member, an Authorized officer of a corporation (indicate office held).

John C. Doody, President and C.O.O. — 7/2/04
(Licensee Signature) — Date

Bimfield.14368.13812.575110-1

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION
7150 Harris Dr.
P.O. Box 30005
Lansing, Michigan 48909

APPLICANT OR LICENSEE:
Cucina Development, Inc.

ADDRESS:
Somerset Collection South, 2800 W. Big Beaver, Troy

TYPE OF LICENSE:
Class C

The Commission is requested to grant an after hours permit for: (Check boxes that apply)

- [X] Operating our restaurant for the sale of food
- [ ] Operating night league bowling, tournaments or Sunday morning bowling
- [ ] Registering golfers
- [ ] Registering Skiers
- [ ] Registering Tennis Players
- [ ] Other: (Not listed above)

During the Hours of:

Weekdays ---------- A.M. to ---------- A.M.

Sundays 11:00 A.M. to 12:00 NOON

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:

John C. Doody, President and COO

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permits allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- [ ] Recommended: Comments: _____
- [ ] Recommended except for _____ permit
- [ ] Not Recommended

Signed: (include title and date)

LC-1112 4/87 4880-0184

Blmfield.14368.13812.575099-1

BRAVO DEVELOPMENT, INC.
d/b/a CUCINA DEVELOPMENT, INC.

Michigan Locations

1.	2970 Town Center Lansing, MI 48912 (Lansing Township) Business I.D. #142784 Resort Class C (N/T)-SDM-SS-OP(Food)-Two (2) ODS	9/02 to Present
2.	286 N. Adams Space F Rochester Hills, MI 48309 Business I.D. #143411 Class C-SDM-SS-OP(Food)-ODS	11/02 to Present
3.	17700 Haggerty Rd Livonia, MI, 48154 Class C-SS-OP(Food)-ODS(2)	Pending
4.	Somerset Collection South 2800 W. Big Beaver Troy, MI 48084 Class C-SDM-SS-OP (Food)	Pending

Dated: July 26, 2004

Blmfield.14368.13810.393107-1

AGREEMENT REGARDING
LIQUOR LICENSE REQUEST

COPY

This Agreement, made and entered into this _____ day of July, 2004, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter known as THE CITY, and BRAVO DEVELOPMENT, INC., d/b/a CUCINA DEVELOPMENT, INC., an Ohio corporation, with offices located at 4644 Kenney Road, Columbus, OH, 43220, hereinafter known as APPLICANT.

1. The City Council of the City of Troy for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission approval of a new Class C liquor license with Sunday Sales permit, an SDM license, and an Official Permit (Food) for APPLICANT to be used by APPLICANT in it's restaurant to be located at 2800 West Big Beaver, Suite E150, Somerset Collection South, in the City of Troy.

2. In consideration of the City of Troy's recommendation for approval of the request for a Class C liquor license, APPLICANT hereby agrees that:

(a) It has read and is aware of the provisions of the City of Troy Ordinances, Chapter No. 67, 68, 92 and Chapter No. 98 (effective 02/01/2001), and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this Agreement.

(b) It has read and is in receipt of copies of the provisions of the City of Troy City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this Agreement.

(c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a Class C liquor licensed business in the City of Troy.

(d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAM), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.

3. APPLICANT agrees that the recommendation for approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in Paragraph 2 of this Agreement shall occur.

4. APPLICANT agrees that the recommendation for approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including, but not limited to, the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted, remain virtually the same.

5. APPLICANT agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in Paragraph 2 of this Agreement has occurred, the City Council shall have just cause for a revocation of said recommendation for approval.

BRAVO DEVELOPMENT, INC., d/b/a CUCINA DEVELOPMENT, INC.

By: _____

It's: President

Witnesses:

_____

_____

Subscribed and sworn to before me
this 30 day of July, 2004

_____

Notary Public
Franklin County, Ohio.
My commission expires:

NOTARIAL SEAL STATE OF OHIO

SANDRA K. CASHELL
Notary Public, State of Ohio
My Commission Expires 06-10-08

CITY OF TROY

By: _____
Louise E. Schilling, Mayor

By: _____
Tonni L. Bartholomew, City Clerk

Witnesses:

_____

_____

Subscribed and sworn to before me
this _____ day of _____, 2004.

_____

Notary Public
Oakland County, Michigan.
My commission expires:

Bimfield.14368.13812.574985-1

Yes: 6
No: 0
Absent: Elenbaum

Agenda Items:

1. **TROY ROBIN, INC.,** requests a **new full year (quota) Class C** license with Official Permit (Food), Sunday Sales, Entertainment Permit, and **new SDM**, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County. Proposed Red Robin restaurant at old Cooker's site.

Present to answer questions from the Committee were John Carlin and Lew Ansara.

Red Robin is a full-service, family restaurant with approximate seating capacity of 230 patrons. The entertainment permit is required because of holiday events that will be geared to children. This will be the 13th Red Robin restaurant in Michigan. The management is planning a major renovation to the existing building that should begin in approximately one month. They hope to open in March 2005.

Resolution #LC2004-11-130
Moved by Allemon
Seconded by Godlewski

RESOLVED, that TROY ROBIN, INC., be granted a new full year (quota) Class C license with Official Permit (Food), Sunday Sales, Entertainment Permit, and new SDM, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County.

Yes: 6
No: 0
Absent: Elenbaum

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2. **BRAVO DEVELOPMENT INC., d/b/a CUCINA DEVELOPMENT INC.,** requests a **new full year (quota) Class C** license with Official Permit (Food), Sunday Sales, and **new SDM**, to be located at 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County. Proposed new restaurant at Somerset South.

Present to answer questions from the Committee was John Carlin.

After renovations to an existing 6,800 square foot retail store, Brio Tuscan Grille will open at Somerset Collection South. An outside entrance will be added. This is a high-end, upscale Italian restaurant with capacity for approximately 250 patrons. The parent company currently has family-type restaurants located in Lansing, Rochester Hills, and Livonia, as well as nationwide. They have never received a liquor violation.

Resolution #LC2004-11-131
Moved by Allemon
Seconded by Peard

RESOLVED, that BRAVO DEVELOPMENT INC., d/b/a CUCINA DEVELOPMENT INC., be granted a new full year (quota) Class C license with Official Permit (Food), Sunday Sales, and new SDM, to be located at 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County.

Yes:	6
No:	0
Absent:	Elenbaum

Informational Items:

4. Discussion of new Michigan subsidiary of Brinker Restaurant Corporation, specifically the MLCC requirement for a local government resolution approving "paper" transfers.

There was a presentation by John Carlin followed by a brief discussion regarding this Informational Item. There was no objection by the Committee, so the paperwork relating to this name change will proceed.

The meeting adjourned at 7:49 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Office Assistant II

TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
Carolyn F. Glosby, Assistant City Attorney
DATE: November 22, 2004
SUBJECT: Class C "quota" licenses

On November 8, 2004, two applicants for Class C "quota" liquor licenses appeared before the Liquor Advisory Committee. One applicant, Troy Robin, Inc. ("Troy Robin") seeks to open a Red Robin restaurant at 5460 Corporate Drive, the former site of the now-defunct Cooker's restaurant. A second applicant, Bravo Development, Inc., d/b/a Cucina Development, Inc. ("Bravo/Cucina") also requests a license in association with opening a new restaurant in the South Mall, Somerset, 2800 W. Big Beaver Road. The Committee recommended approval of both of these requests. In the past, some members of City Council have expressed concern about a complete elimination of the allocated quota licenses, and have inquired about the potential impacts and available alternatives for liquor license applicants once the quota licenses are depleted.

"Quota" Licenses

Approval of the Troy Robin and Bravo/Cucina requests would exhaust the City's current allotment of Class C licenses. As you may know, state law allows issuance of one on-premises consumption liquor license for each 1,500 of population or major fraction thereof; these are commonly known as "quota" licenses. A governmental unit's population is usually determined by the federal census occurring every ten years. If Troy's population grows at historically documented rates during the next six years, it is anticipated that under the next census (2010), the City will probably be granted some additional quota licenses by the state Liquor Control Commission ("Commission").

Escrowed Licenses

In the interim, there are other avenues by which subsequent applicants may secure licenses. An applicant may purchase an escrowed license from another licensee located in Oakland County. An escrowed license becomes available when a licensee goes out of business or otherwise ceases operations. The license remains the property of the original licensee, but is not in active use. For example, the Class C liquor license for Cookers is now in escrow, and has become an asset of Cooker's bankruptcy estate, which will likely be acquired by one of its creditors. As of this writing, the Commission advises that there are 67 escrowed licenses available in Oakland County. Potential future liquor license applicants in Troy could purchase an escrowed license from any Oakland County community. The acquisition of an

escrowed liquor license would require the payment of "market rate" to the original licensee.

Resort Licenses

In the event there are no escrowed licenses available for purchase, an applicant in Troy may seek a resort license. In order to qualify for a resort liquor license, the Commission must determine that the proposed licensee's business and operation is geared towards the attraction and accommodation of tourists and visitors to the resort area. Neither the statute nor the administrative rules geographically define what the Commission may consider to be a "resort area". However, it is clear that the resort licensee must have a primary purpose other than the sale of alcohol. In addition, a resort license applicant must make a capital investment of at least $75,000 in the associated real property, leasehold improvements, and fixtures. If the resort licensee goes out of business, the license then reverts to the Commission. No resort license will be granted if there are escrowed licenses readily available[1] for purchase by the applicant. There are currently 67 escrowed licenses in Oakland County that could likely be purchased at market rate.

Resort Economic Development Licenses

This license requires a finding by the Commission that the applicant's business and operation, in addition to being geared toward attraction of tourists, reflects a capital investment of at least $1,500,000, and forbids on-premises casino gambling. It is not transferable and must be returned to the Commission if the applicant ceases operations. This license will not be granted if escrow licenses are readily available to the applicant. There are currently 67 escrowed licenses in Oakland County that could likely be purchased at market rate. The original law allowed the Commission to grant 20 such licenses for the years 2001 and 2002, and the statute was amended to extend the period through 2003 and 2004. It is anticipated that continued revisions will ensue in similar two-year intervals.

Development District Licenses

Additionally, the Commission may issue a Development District Class C license for a full-service restaurant located in a development district with a population of 50,000 or less. Troy's Downtown Development Authority (DDA) may qualify as an eligible development district. The eligible licensee must be a restaurant, located within the district, that is open to the public at least ten hours daily, five days per week, seats at least 25 people, and has a minimum of 50% of its gross sales from food on premises. In order to be considered for this license, the DDA must hold a public

[1] The Liquor Control Act defines "readily available" to mean "available upon a standard of economic feasibility" applicable to the applicant's specific circumstances. Issues to consider include the fair market value of the license, the size and scope of the proposed operation, and the impact of mandatory contractual terms governing the sale of the license. MCLA 436.1531(18)(b).

hearing to establish that the issuance of the development district liquor license would prevent further deterioration with the district, and promote economic growth therein. City Council would also need to agree with the DDA determination. This license would only be transferable within the development district, and only one such license could be issued per applicant. If sales of food for on-premises consumption fell below 50% of the gross receipts in any licensing year, the license would be revocable by the Commission after due notice and proper hearing. As with the resort and resort economic development licenses, the development district license is not available unless there are no quota or escrowed licenses readily available. As previously stated, there are currently 67 escrowed licenses that could likely be purchased at market rate. The Commission would approve a maximum of two such licenses in a city with a population over 50,000 persons, such as Troy.

Other Licenses

State law also authorizes the Commission to grant on-premises licenses for use by, or upon the campuses of, public universities with enrollment of at least 10,000 students. It is unclear whether these provisions would have any application within the City of Troy. There are also licenses available for applicants meeting criteria inapplicable to the City, such as location in a rural area with poverty or unemployment rates exceeding the statewide average.

Conclusion

If Troy's supply of quota liquor licenses is depleted, then all future license applicants will need to purchase one of the escrowed Oakland County licenses at market rate. Given the vicissitudes of the current economic climate, it is unlikely that there will be a complete lack of readily available escrow licenses between now and the year 2010. We would be pleased to answer any questions you may have.

November 29, 2004

TO: John Szerlag, City Manager

FROM: Brian Murphy, Asst. City Manager/Services
Steve Vandette, City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Agenda Item – Traffic Committee Recommendations - November 17, 2004

At the Traffic Committee meeting of November 17, 2004, the following recommendations were made for City Council approval:

1. Recommend no changes at Donaldson and Square Lake (Item 3).

2. Recommend installing all-way STOP signs at the intersection of Larchwood and Bellingham, and striping the intersection to designate the separate lanes, if deemed necessary by the Traffic Engineer (Item 4).

3. Recommend that the City request the Road Commission for Oakland County to change operation of the traffic signal on westbound Maple at Chicago Road to make add a flashing red phase (Item 6, Visitors' Time).

JKA/ln

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 November 17, 2004 by Charles Solis, Chairperson.

1. Roll Call

PRESENT: John Diefenbaker
Jan Hubbell
Richard Minnick
Charles Solis
Peter Ziegenfelder
Grace Yau, Student Representative

ABSENT: Ted Halsey
Richard Kilmer

Also present: John Abraham, Traffic Engineer
Lt. Scott McWilliams, Police Department
Lt. Bob Matlick, Fire Department

And Item 3 Barbara Fowler, Troy Schools, 4400 Livernois
Gerald Behl, 67 Hart

Item 4 Richard Kandarian, Metro Drill Corp., 1863 Larchwood

Motion to Excuse

RESOLUTION #TC-2004-11-74
Motion by Hubbell
Seconded by Minnick

To excuse Mr. Kilmer and Mr. Halsey.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

2. Minutes – October 20, 2004

RESOLUTION #TC-2004-11-75
Motion by Diefenbaker
Seconded by Hubbell

To approve the October 20, 2004 minutes as printed.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

REGULAR BUSINESS

3. Install Traffic Signal at Square Lake and Donaldson

(This item was tabled at the October meeting to obtain input from the Troy School District)

Mrs. Bela Shah, 123 Millstone Street, indicated that it is very difficult to make turns onto Square Lake from Donaldson. She also mentioned that this is a dangerous intersection and that she has seen near crashes many times. The morning peak hour between 7:00 am and 8:00 am is particularly busy due to the traffic from Smith Middle School at the south end of Donaldson, and she feels that a traffic signal will help make the intersection safer.

This is a 3-way intersection with Donaldson terminating into Square Lake road. The intersection is also around 1,350 feet from the signalized intersection of Square Lake and Livernois. Traffic signals are installed at locations that satisfy some thresholds of traffic volumes, traffic crashes traffic delays as stated in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD). Traffic volume and traffic crash studies were performed for this intersection to see if the "thresholds," also called "warrants," are met for the intersection.

The intersection is controlled by a STOP sign on Donaldson at Square Lake, and sight distance studies show that there are no major sight obstructions at this intersection. Donaldson is a residential street and the approaches to Donaldson on Square Lake provide for a passing lane and a right turn lane to make left and right turns onto Donaldson safely.

Traffic volume studies show that around 7,600 vehicles enter the intersection from and east and west while around 1500 vehicles enter the intersection northbound from Donaldson in a day. There is heavy use of the intersection between 7:00 am and 8:00 am. During this one hour there were around 340 vehicles going east and west on Square Lake and around 250 vehicles going northbound onto Square Lake. However, none of the traffic volume warrants stated in the MMUTCD are met for this intersection. Adding traffic signals normally increases congestion on the major road; in this case on Square Lake Road.

A crash analysis revealed the following reported crashes in the vicinity of the intersection (200 feet radius):

Type of crash	2003	2002	2001
Angle (broad side)	1	1	1
Sideswipe	1	1	1
Rear end		1	

The MMUTCD traffic crash warrant states that a traffic signal is warranted if the installation of the signal will prevent at least 5 "correctible" crashes in a year. Traffic signals normally correct the angle-type crash concerns and as seen, the average crash experience at this intersection has been one per year. Therefore, the traffic crash warrant also is not met for the intersection. National studies also show that installation of traffic signals that are not "warranted" as per the MMUTCD can result in higher traffic crash experience. Unwarranted signals have been documented to increase number of crashes, particularly of the rear-end type.

Traffic signals are located preferably at half-mile points for effective traffic flow. When the distance between signals is less than a half mile, progressive traffic flow may be adversely affected and may result in higher congestion, and backing up of traffic from one intersection to the other, creating gridlock. A signal at Donaldson would be around 1400 feet from the one at Livernois and Square Lake, which is around a quarter of a mile.

Traffic volumes and traffic crash history indicate that a traffic signal installation is not warranted for this intersection. However, Mr. Kilmer thinks that there should be a signal at this location that would be operational only during school times for the safety of the children walking the way to school.

This item was first considered at the October meeting. No one, including the petitioner, attended the meeting to address the committee. However, Mr. Kilmer suggested that there could be a signal at this location that would be operational only during school times for the safety of the children walking to school. At that time, the committee tabled the item to give the Traffic Engineer an opportunity to consult with the Troy School District and Smith Middle School staff.

Dr. Abraham stated that if a traffic signal were installed solely for the purpose of enhancing safety of school traffic, cost participation from the school board would be required. Traffic signals cost around $100,000 to $120,000 installed, and it may be hard to justify public funds to pay for the signal when the major benefit is only to school traffic.

Barbara Fowler addressed the committee as a representative of Troy Schools. She said that she, Dr. Jopke, Superintendent of Schools, and Stu Redpath, principal of Smith Middle School, see no need for a traffic signal at this location. There are no students who have to cross Square Lake Road, as all students are bussed to school.

RESOLUTION #TC-2004-11-76
Motion by Hubbell
Seconded by Minnick

To recommend no changes.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

4. Install All-Way STOP Signs at Larchwood and Bellingham

John Marion of 1863 Larchwood and Carol Marshall of Executone Telecommunications have requested all-way STOP signs at the intersection of Larchwood and Bellingham. Mr. Marion contacted Lt. McWilliams regarding speeding concerns on Larchwood and in response the radar trailer was deployed on the street in addition to selective enforcement. Mr. Marion reported that he was in a near miss traffic crash at the intersection. The intersection has a small jog and since Bellingham has opened up to both Big Beaver and Maple, there is a marked increase in Bellingham traffic. Ms. Marshall wrote a letter to the Michigan Department of Transportation regarding this intersection, but since MDOT does not have jurisdiction over this intersection the matter was referred back to us.

The intersection of Larchwood and Bellingham is in the predominantly industrial area of Troy. Larchwood runs west off John R road and intersects Bellingham around quarter of a mile from John R. Bellingham today runs from Maple to Big Beaver. Previously Bellingham ended north of Larchwood, but with the development of the Big Beaver Airport into an industrial/office area, the road was extended all the way to Big Beaver. The intersection is controlled by 2 STOP signs on Bellingham at Larchwood, installed many years ago. The north and south legs of the intersection are offset by a few feet and the west leg of the intersection has a curve just west of the intersection. Field observations show that there were many STOP sign violations at the intersections and some confusion at the intersection due t the geometrics.

All-way STOP signs are meant to assign right-of-way at high volume intersections, and have been demonstrated not to be an effective speed control device. These are installed in accordance with the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) that stipulates thresholds for traffic volumes and traffic crashes that have to be met. The MMUTCD 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 studies indicate that Bellingham carries around 4800 vehicles in a day while Larchwood carries around 3100 vehicles in a day. The minimum traffic volume warrant is met for 5 hours of the day when 500 vehicles or more enter the intersection. For another five hours of the day the intersection had 400 or more entering vehicles.

Traffic crash records show that there were 4 broadside-type reported crashes at this intersection during the last 3 years.

Considering the high volume of traffic and intersection geometrics, four way STOP signs may help decrease confusion and increase safety at the intersection.

Richard Kandarian, owner of Michigan Drill Corp, addressed the committee on his own behalf and at the request of John Marion, the petitioner.

Mr. Kandarian said at times oncoming traffic is facing each other because there is a jog in the road and he has seen many close calls at this intersection. There is a high traffic volume throughout the day, mostly heavy trucks, which can cause a sight obstruction. Motorists unfamiliar with the area cannot see the dogleg in the road until it is too late.

James D. Burg, President of James Burg Trucking Company, 1743 Larchwood, sent a letter (attached) to the committee supporting the proposal for four-way STOP signs at this intersection.

Mr. Marion has been in touch with Lt. McWilliams about speeding in the area, the Traffic Safety Unit had been very helpful in putting out the speed trailer stepping up enforcement. The Lieutenant agrees that all-way STOP signs would increase safety in the area.

<u>RESOLUTION #TC-2004-11-77</u>
Motion by Hubbell
Seconded by Ziegenfelder

To recommend installing all-way STOP signs at the intersection of Larchwood and Bellingham, and to recommend striping the intersection to guide motorists through the dogleg, if deemed necessary by the Traffic Engineer.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

5. Visitors' Time

Gerald Behl, 67 Hart, appeared to address the committee on items not on the agenda. He identified a possible hazard at Long Lake Road just west of Livernois, near Trevarrow Hardware. There are three small trees in the median which obscure vision. The Traffic Engineer will look at the area.

Mr. Behl also feels the crisscrossing traffic at the turnaround and Trevarrow's driveway is confusing and dangerous. He suggested having the westernmost driveway be "in" only and the one closer to Livernois be "out" only. This is something over which the City has no jurisdiction. The private property owner would have to do this.

The Committee members feel that the left turn traffic signal on westbound Maple at Chicago stays red much too long. Lt. McWilliams agreed that it needs a flashing red phase.

RESOLUTION #TC-2004-11-78
Motion by Hubbell
Seconded by Ziegenfelder

To request the Oakland County Road Commission to change the configuration of the traffic signal on westbound Maple at Chicago to add a flashing red phase.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

6. Other Business

Dr. Abraham asked Ms. Yau how the traffic situation has been at Troy High School. She said it is always congested, due in large part to the parents who drive their students to school. Dr. Abraham said the school is constructing a new parking lot to help ease congestion.

John Diefenbaker informed the committee that he would be out of the state for the January and February meetings.

Lt. Matlick related his experiences test-driving a fire truck over the new speed humps on Randall and Leetonia Streets. He found it a very jarring experience, and the glove box door fell completely off when the truck bounced. Even though the volunteer firemen are warned about the humps, in the excitement of a fire run they might be likely to forget. He recommends that warning signs be installed.

RESOLUTION #TC-2004-11-79
Motion by Hubbell
Seconded by Diefenbaker

To cancel the December meeting.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

The meeting was adjourned at 8:08 p.m. The next meeting is scheduled for January 19, 2005.

_____
Charles Solis

ITEM 3

E SQUARE LAKE
CUTTING
DONALDSON
TARA
LIVERNOIS
FOLKSTONE
COTSWOLD
MARTELL
N
0
105
210
420
630
840
Feet

Square Lake and Donaldson

Warrant Summary

Urban values apply.
Warrant 1 - Minimum Vehicular Volumes
NOT SATISFIED. Required values reached for 0 hours.
Criteria--Main St.: 500; Side St.: See Volume Summary.
Warrant 2 - Interruption of Continuous Traffic
NOT SATISFIED. Required values reached for 0 hours.
Criteria--Main St.: 750; Side St.: See Volume Summary.
Warrant 3 - Minimum Pedestrian Volumes
NOT SATISFIED. Ped volume too low.
Criteria--Peak Hour: 190, 4th high Hour: 100
Warrant 4 - School Crossing
NOT APPLICABLE. Gap data has not been defined.
Warrant 5 - Progressive Movement
NOT SATISFIED for approach(es): Eastbound Westbound
Warrant 6 - Accident Experience
NOT SATISFIED. 1 correctable accidents is fewer than required 5.
Corr. Accidents: 1; RA Acc.: 1; LT Acc.: 0; Other Acc.: 1.
Warrant 7 - Systems Warrant
NOT SATISFIED. Peak hour total entering volume 989 < 800
- Approaches which are part of principal through traffic network.
E- Approaches which are highways outside, entering or crossing a city.
E- Approaches which appear as a major route in an official plan.
Warrant 8 - Combination of Warrants
NOT SATISFIED. Required values reached for 0 hours.
Criteria--Main: 600; Side: See Volume Summary.
Warrant 9 - Four Hour Volumes
NOT SATISFIED. Required values reached for 0 hours.
Warrant 10 - Peak Hour Delay
NOT SATISFIED. Peak hour (17) volume too low.
Warrant 11 - Peak Hour Volume
NOT SATISFIED.
Press any key to see other warrants, or <esc> to return.

Square Lake and Donaldson

Hour	Main	Side	--Dir.	Warrant 1	Warrant 2	Warrant 8
0	27	9	N			
1	20	3	N			
2	16	3	N			
3	13	1	N			
4	19	3	N			
5	32	8	N			
6	113	10	N			
7	316	40	N			
8	337	247	N	SIDE	SIDE	SIDE
9	296	117	N		SIDE	
10	315	51	N			
11	423	65	N			
12	524	57	N			
13	387	49	N			
14	473	70	N			
15	642	65	N	MAIN		
16	805	168	N	--BOTH--	SIDE	--BOTH--
17	834	155	N	--BOTH--	SIDE	--BOTH--
18	629	116	N	MAIN	SIDE	
19	462	78	N		SIDE	
20	314	43	N			
21	223	74	N			
22	115	24	N			
23	40	10	N			

ITEM 4

JAMES BURG TRUCKING COMPANY
1743 LARCHWOOD • TROY, MICHIGAN 48083

DISPATCH (800) 841-1289
OFFICE (248) 526-1433
FAX (248) 526-1436

November 15, 2004

City of Troy
Traffic Committee
500 W. Big Beaver Road
Troy, MI 48084

Re: Larchwood and Bellingham Intersection

Dear Traffic Committee Chair:

I am in receipt of the agenda for the November 17, 2004 Traffic Committee Meeting. My company is located at 1743 Larchwood, about 500' West of the subject intersection. I am in favor of this intersection becoming a four way stop.

My company has been at this location for six years and I have witnessed, and have been involved in, many close calls at this location. My observation is that many cars avoid the Maple and John R intersection by using Austin (North/South Road to the West) to Larchwood. Since Bellingham has opened up North from Larchwood to Big Beaver, I have noticed increased traffic on Larchwood by motorists navigating to Big Beaver.

The U.S. Postal Service has operations on Bellingham North of Larchwood. These trucks use Bellingham to ingress/egress from and to Maple. Cars traveling East from Austin easily reach 45 mph before the intersection. Cars traveling West from John R have the danger of Larchwood jogging to the North at the intersection. It takes almost the same time for a 70' tractor/trailer to clear the intersection from a dead stop as it does for a car to reach the intersection from Austin.

My business is trucking. My drivers use Bellingham as ingress to my facility. I hear constant complaints from my drivers of near accidents at this intersection. I have driven a truck through this intersection during peak times and acknowledge their legitimate concerns.

While am not available for the November 17th meeting, I ask that you accept this letter as my statement that I am in favor of a four way stop at the intersection of Bellingham and Larchwood.

Best regards,

James D. Burg
President

ITEM 4

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

October 13, 2004

Ms. Carol A. Marshall
Operations Director
Executone Telecommunications
30927 Schoolcraft Road
Livonia, Michigan 48150

Dear Ms. Marshall:

This is in response to your letter of September 28, 2004, regarding the intersection of Bellingame and Larchwood in the City of Troy. The Michigan Department of Transportation (MDOT) takes great pride in our transportation system. However, the intersection of Bellingame and Larchwood is not a state trunkline and is under the jurisdiction of the City of Troy. By copy of this letter, we will forward your correspondence to Mr. John Abraham, the city's Traffic and Safety Engineer for consideration. Mr. Abraham can be reached at 248-524-3300.

If you have any questions, please feel free to contact me, at 248-451-0001.

Sincerely,

Lori Swanson for
Randy McKinney, P.E.
Manager
Oakland Transportation Service Center

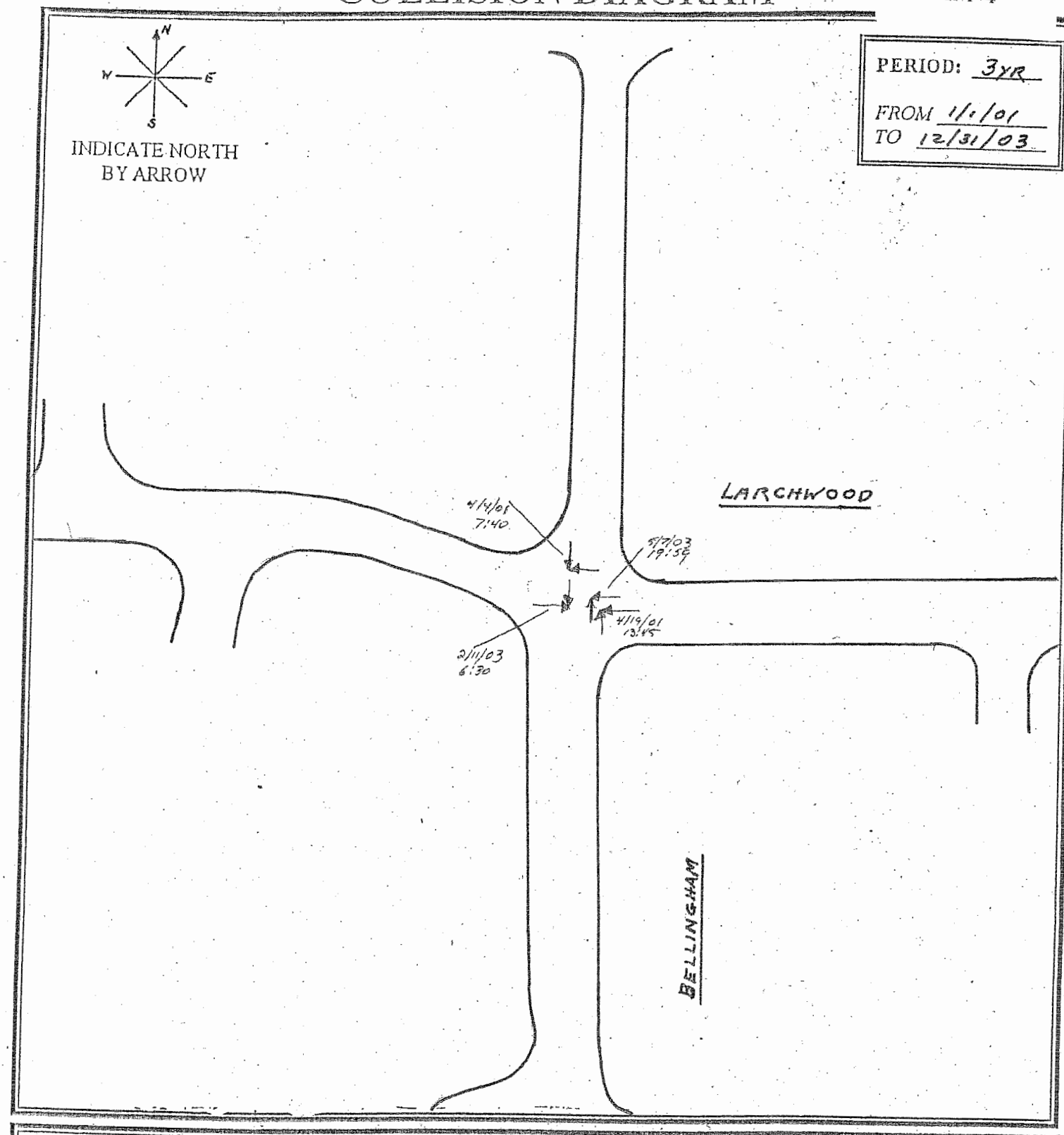
cc: J. Abraham
L. Tibbits
G. Johnson

COLLISION DIAGRAM

ITEM 4

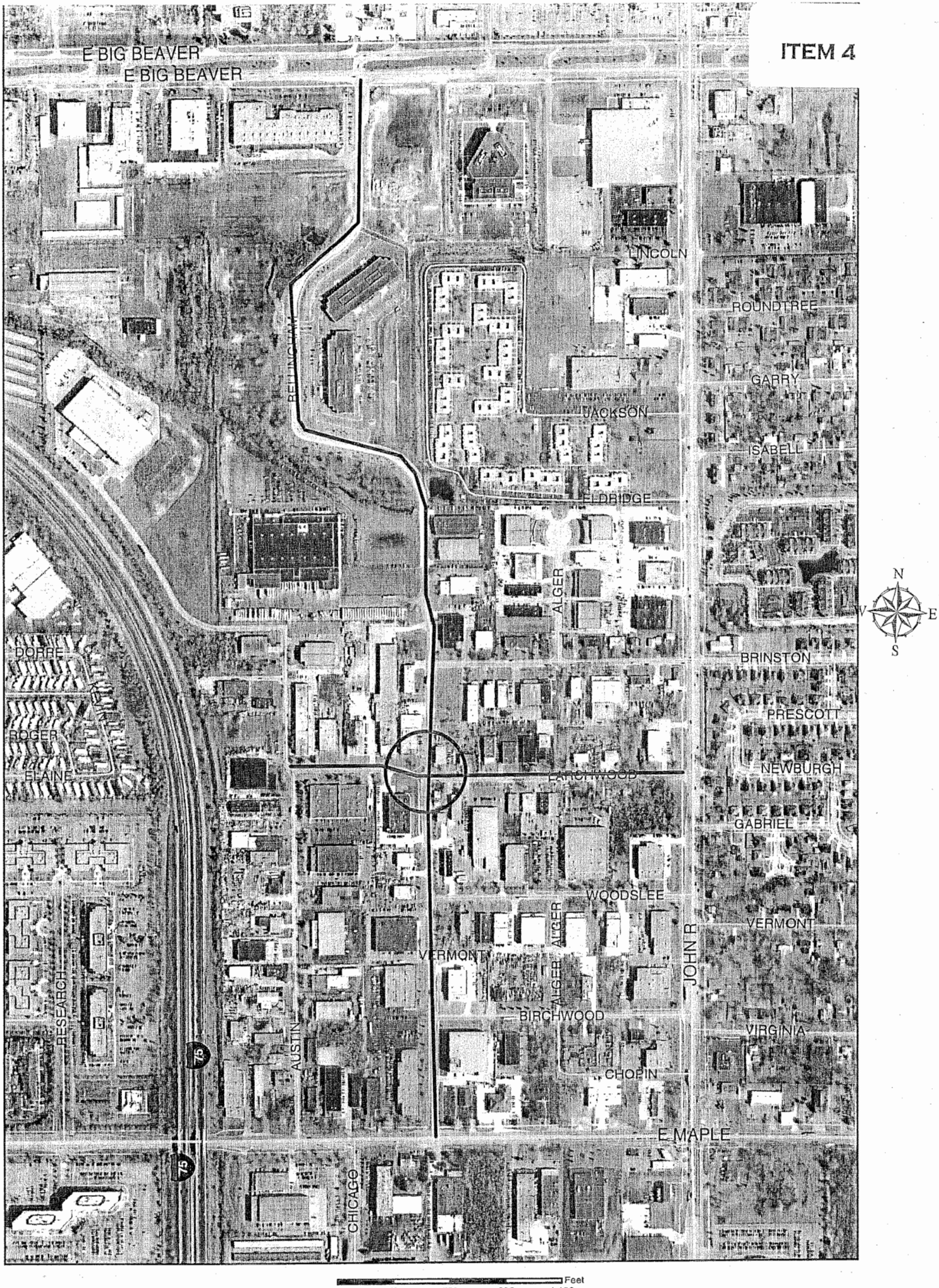
PERIOD: 3YR

FROM 1/1/01
TO 12/31/03



SYMBOLS	TYPES OF COLLISIONS	FOR EACH ACCIDENT SHOW:
MOVING VEHICLE	REAR END	1. Date & Time
BACKING VEHICLE	HEAD ON	2. Weather & Road Surface Conditions
PEDESTRIAN	SIDE SWIPE	
PARKED VEHICLE	RIGHT ANGLE	BELLINGHAM &
FIXED OBJECT	LEFT TURN HEAD ON	LARCHWOOD
INJURY ACCIDENT	OUT OF CONTROL	BY: HH DATE: 11/8/04
FATAL ACCIDENT		

ITEM 4


E BIG BEAVER
E BIG BEAVER
LINCOLN
ROUNDTREE
GARRY
JACKSON
ISABELL
ELDRIDGE
BETHINGHAM
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DORRE
BRINSTON
PRESCOTT
ROGER
ELAINE
PARCHWOOD
NEWBURGH
GABRIEL
WOODSLEE
VERMONT
ALGER
JOHN R
VERMONT
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RESEARCH
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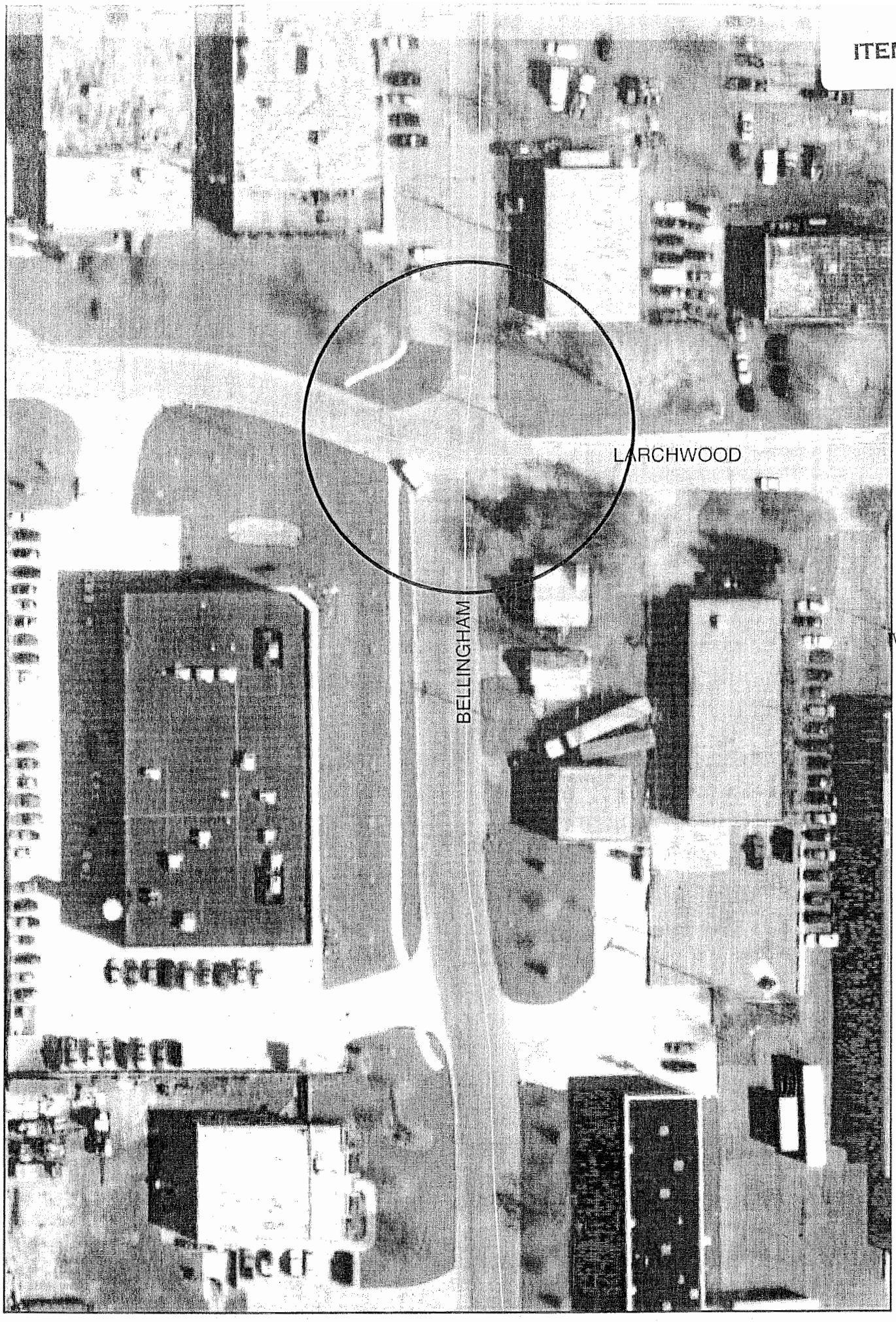
ITEM 4



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City of Troy

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Brian Murphy, Assistant City Manager/ Services
Steve Vandette, City Engineer
Tim Ricknak, Public Works Director
Lori Grigg Bluhm, City Attorney
DATE: December 13, 2004
SUBJECT: Administrative Consent Order for Evergreen Farmington SDS

RECOMMENDATION

City Administration recommends approval of the attached Administrative Consent Order for the Evergreen Farmington Sewage Disposal System (EFSDS), as negotiated on our behalf by Oakland County Drain Commissioner John McCulloch.

BACKGROUND

The MDEQ has initiated enforcement actions against the EFSDS communities on the basis of sewer system overflows (SSOs) that have occurred during significant rain events. Although a SSO is a grave concern to the City, the allowance of a SSO is the lesser of two evils, as opposed to allowing basements to flood with sewage. The City of Troy has experienced seven SSOs since 2000, all of which are subject to substantial penalties on an occurrence basis. All other EFSDS communities have also experienced some difficulties with SSOs.

The attached Administrative Consent Order represents a year and a half of aggressive negotiation by Oakland County Drain Commissioner John McCulloch, on behalf of all communities in the Evergreen Farmington Sewerage District. The negotiations addressed significant technical and legal issues of SSOs. Attached is a summary of these issues that has been prepared by the Drain Commissioner.

In a nutshell, the proposed Administrative Consent Order is designed to eliminate SSOs quickly and cost effectively. Under the proposed order, all Evergreen Farmington communities with SSOs or town outlet capacity problems must submit a short- term corrective action plan in January 2005. Troy's short-term corrective action plan proposal will utilize $525,000 in a recently awarded grant to the DPW, with a City match (60/40 split) to implement a program to reduce sewer infiltration and inflow in 2005/2006. While this is a good start, we won't know until the program evaluation is complete whether this program can satisfactorily eliminate our SSOs. However, since the proposed order requires the short-term program completion on or before December 1, 2009, Troy should have sufficient time to implement these initial steps and evaluate the effectiveness of the program, without incurring substantial infrastructure costs that may not be necessary.

If the short-term corrective action plan does not satisfactorily eliminate our SSOs, then a long-term corrective action plan may be necessary. Under the proposed order, the communities have until December 1, 2013 to implement any necessary long-term corrective action plans. Any long-term corrective action plan may require additional infrastructure investment, but it is difficult to predict whether a long-term plan would even be required at this time.

On behalf of the MDEQ, the State Attorney General has reviewed and approved the proposed Administrative Consent Order. As such, any requested modifications are likely to pull the proposed settlement off the table. The MDEQ has requested immediate review and approval by all of the Evergreen Farmington Communities, which should occur prior to December 31, 2004.

It is our recommendation that Troy accept the terms of this proposed Administrative Consent Order. It results in a settlement that is favorable to the City, and sets forth a reasonable schedule for addressing our SSO concerns. If you have any questions concerning the above, please let us know.

December 8, 2004

Ms. Jodie N. Taylor, Enforcement Specialist
Field Operations Section, Water Division
Department of Environmental Quality
525 West Allegan Street
PO Box 30273
Lansing, MI 48909-7773

Re: City of Troy
Administrative Consent Order
(ADC-SW05-009)

Dear Ms. Taylor:

Our review of the ACO has resulted in this request for two minor revisions to Section 3.2 so as to be consistent with the ACO for Oakland County.

On Page 5, Section 3.2, the due date for the modeling study to compare the 10-year, 1-hour design standard should be December 1, 2006, not 2005 as shown in Troy's ACO.

The second revision is to add "to allow for its use during lesser events" to the last sentence of the first paragraph of Section 3.2, right after "…SSO requirements are changed." This revision is consistent with the county's ACO.

I trust there will be no problem with these revisions. If you would call me and acknowledge this we can do these revisions ourselves, or you may send written confirmation with a revised ACO for our execution and return.

Finally, we request that an extension of time to January 15, 2005 be granted for execution of the ACO and an extension of time for the submission of the short term corrective action plan be approved from January 1, 2005 to February 1, 2005. We understand that these extensions, if approved, will not change any other dates in Troy's ACO.

Thank you for your consideration. Please call me at 248-524-3383 should you have any questions.

Sincerely,

Steven J. Vandette, P.E.
City Engineer

SJV/ln

cc: Brian Murphy, Asst. City Engineer/Services
Tim Richnak, Public Works Director
Michael Karloff, Supt. of Water & Sewer
Dana Calhoun, Stormwater Engineer

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December 8, 2004

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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU

In the matter of:

ACO-SW05- 009
Date Entered: _____

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285
_____/

SECOND AMENDED ADMINISTRATIVE CONSENT ORDER

This proceeding results from the need to amend Final Order of Abatement Number 2113 in order to meet the statutory requirements of state and federal law. The Water Bureau (WB) of the Department of Environmental Quality (DEQ) has determined that the City of Troy (City), which owns and operates a separate and combined sanitary sewer collection system discharges its sanitary wastewater to the Evergreen-Farmington Sewage Disposal System (EFSDS), which is tributary to the Detroit Water and Sewerage Department Interceptor System (DWSDIS) and Wastewater Treatment Plant (WWTP) needs to perform further corrective actions to the sewerage system in order to fully comply with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (NREPA) MCL 324.3101 et seq.; and the rules promulgated under Part 31. The City and the DEQ agree to resolve the discharges set forth in the Findings section of this Second Amended Consent Order and to terminate this proceeding by entry of this Second Amended Consent Order.

I. STIPULATIONS

The City and the DEQ stipulate as follows:

1.1 The NREPA MCL 324.101 et seq. is an act that controls pollution to protect the environment and natural resources in the state.

1.2 Article II, Pollution Control, Part 31, Water Resources Protection, of the NREPA (Part 31), MCL 324.3101 et seq., and rules promulgated pursuant thereto, provides for the protection, conservation, and the control of pollution of the water resources of the State.

1.3 The DEQ is authorized by Section 3112(2) of Part 31 of the NREPA to enter orders requiring persons to abate pollution and, therefore, the Director has authority to enter this Second Amended Consent Order with the City.

1.4 The City stipulates to the issuance and entry of this Second Amended Consent Order to comply by consent and stipulates that the termination of this matter by a final order to be entered as a Second Amended Consent Order is proper and acceptable. The City further agrees not to contest the issuance of this Second Amended Consent Order. This Second Amended Consent Order, thus, shall be considered a final order of the DEQ and shall become effective on the date it is signed by the Chief of the WB, delegee of the Director, pursuant to Section 301(b) of the NREPA.

1.5 The City and the DEQ agree that the signing of this Second Amended Consent Order is for settlement purposes only and does not constitute an admission by the City that the law has been violated.

1.6 The City shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section III, Compliance Program, of this Second Amended Consent Order.

II. FINDINGS

2.1 On September 13, 1988, the City and the Michigan Department of Natural Resources (now known as the DEQ), entered into a Final Order of Abatement Number 2113 requiring the City to complete construction to the local sewer collection system as part of the regional EFSDS Project.

2.2 On May 8, 1992, the City and the Michigan Department of Natural Resources (now known as the DEQ), entered into a First Amended Final Order of Abatement Number 2113A modifying the construction schedule for the local municipality sewer projects to coincide with the completion of the regional EFSDS Project.

2.3 On May 10, 2000, the DEQ issued its "Strategy for the Regulatory Control and Correction of Illegal Overflows from Separate Sanitary Sewer Systems in Michigan." Under the Strategy, the DEQ required Michigan municipalities to report all known Sanitary Sewer Overflows (SSOs) that have occurred in the past five years, and requested that the communities promptly report all future SSOs.

2.4 The following chart lists the dates and estimated discharge volumes of SSOs that have occurred from the City's sanitary sewer collection system since July 2000, which the DEQ maintains are violation of Part 31 of NREPA. The parties agree that these alleged violations are resolved pursuant to this Second Amended Consent Order and that the DEQ will not take any further enforcement action with regard to the following alleged violations.

List of Dates and Estimated Volume of Discharges from the City of Troy Sanitary Sewer Collection System:

DATE	ESTIMATED VOLUME (gallons)	RECEIVING WATER	REASON FOR DISCHARGE
7/30/00	250,000	Rouge River	Overflow @ Beach Road @ Tarragona Kent @ Binbrooke
2/9/01	450,000	Rouge River	Overflow @ Beach Road @ Tarragona Kent @ Binbrooke Adam @ Waddles
5/21/01	219,000	Rouge River	Overflow @ Beach Road @ Tarragona Kent @ Binbrooke due to heavy rainfall (2.5")
10/16/01	14,400	Rouge River	Overflow @ Beach Road @ Tarragona Kent @ Binbrooke due to heavy rainfall
5/23/04	76,500	Rouge River	Overflow @ Binbrook Road & Kent due to heavy rainfall
5/23/04	133,900	Rouge River	Overflow @ Beach Road @ Tarragona Way due to heavy rainfall

5/23/04	70,800	Rouge River	Overflow @ Adams Road due to heavy rainfall
TOTAL ESTIMATED VOLUME DISCHARGED > 1,214,600 GALLONS			

III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT the City will take the following actions to prevent further violations of Part 31 of NREPA:

3.1 The City shall complete an evaluation of the feasibility of sanitary sewer projects that will remove excess wastewater flow from their sanitary sewer system, and submit an approvable **short term corrective action plan** and schedule to the DEQ on or before **January 1, 2005. The short term corrective action plan** shall include a detailed description of the projects, and a schedule for each project to; 1) submit the basis of design, 2) submit complete plans and specifications, 3) start construction, and 4) complete construction. Construction of the projects shall be completed in sufficient time to support submittal of an approvable **long term corrective action plan** by December 1, 2009. The approved short term corrective action plan and schedule will become part of this modified order by reference.

3.2 The City shall collect and evaluate flow monitoring data for a period of 12 consecutive months, following completion of construction of the projects specified in the approved short term corrective action plan. Based on these results, if the City has not certified the TOC (as defined below) or has had SSOs due to capacity issues during events less than the remedial design standard (as defined below), the City shall submit an approvable **long term corrective action plan** to the DEQ for review and approval no later than **December 1, 2009.** The long term corrective action plan shall include; a) projects and schedules that will ensure that TOC as previously established and defined in the Final Order of Abatement Number 2105, and b) appropriate engineering and structural improvements to the sewer system with corresponding schedules, to meet applicable state and federal law regulating SSOs using as guidance the remedial design standard as defined below.

The remedial design standard as defined in the DEQ SSO Policy Guidance dated December 27, 2002, is a 25 year, 24 hour storm using growth conditions and normal soil moisture. This remedial design standard will remain the goal of all projects described in this Consent Order. A ten year, one hour storm under dormant and growth conditions will be considered a comparable alternative remedial design standard as defined in the MDEQ SSO Clarification Statement dated October 23, 2003. All SSO events that result from events that exceed this "comparable alternative remedial design standard" will be considered for enforcement discretion. To document the appropriateness of the use of the "comparable alternative remedial design standard", the County is completing by December 1, 2005, a hydrologic and hydraulic modeling analysis comparing the system response (at the EFSDS outlet and agreed to representative system locations) to both the ten year, one hour storm under dormant and growth conditions and the 25 year, 24 hour storm using growth conditions and normal soil moisture. Any revised remedial design standard that is effective on December 1, 2009, shall take precedence if current state and federal SSO requirements are changed.

Such "projects" and "appropriate engineering and structural improvements" may include storage (or participation with County regional storage), and/or additional removal of I/I as realistically documented during the short term corrective action plan (by City, the County and member communities).

3.3 Following review and approval of the **long term corrective action plan** and schedules by the DEQ, the approved schedules will become part of this modified order by reference. However final compliance with paragraph 3.2 shall be completed by no later than **December 1, 2013.**

3.4 On or before **May 1, 2013**, the City shall submit to the DEQ for review and approval, a work plan for conducting a year long Project Performance Certification Program (PPC) to certify that the **long term corrective action plan** meets TOC as previously established and defined in the Final Order of Abatement Number 2105, and all applicable state and federal law regulating SSOs using as guidance the remedial design standard as defined in the DEQ SSO Policy Statement dated December 27, 2002, or a comparable alternative

remedial design standard as defined in the DEQ SSO Clarification Statement dated October 23, 2003 (or a revised remedial design standard as effective on December 1, 2009).

3.5 On or before **January 1, 2015**, the City shall submit to the DEQ for review and approval, the PPC Program report. If the City does not certify that the **long term corrective action plan** meets TOC as previously established and defined in the Final Order of Abatement Number 2105, and all applicable state and federal law regulating SSOs using as guidance the remedial design standard as defined in the DEQ SSO Policy Statement dated December 27, 2002, or a comparable alternative remedial design standard as defined in the DEQ SSO Clarification Statement dated October 23, 2003 (or a revised remedial design standard as effective on December 1, 2009), then the City shall submit an approvable Corrective Action Program work plan to the DEQ on or before **May 1, 2015.**

3.6 Progress reports shall be submitted to the DEQ beginning upon the entry date of this amended order on an annual basis, and shall be due on or before January 15 of each calendar year. The submittal of progress reports shall cease upon termination of this order.

3.7 The City shall submit all reports, work plans, specifications, schedules, or any other writing required by this Section to the District Supervisor, WB, DEQ, 38980 West Seven Mile Road, Livonia, Michigan 48152 or other relevant address as determined by the DEQ. The cover letter with each submittal shall identify the specific paragraph and requirement of this Second Amended Consent Order that the submittal is intended to satisfy.

IV. DEQ APPROVAL OF SUBMITTALS

4.1 For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Second Amended Consent Order to be submitted to the DEQ by the City, the following process and terms of approval shall apply.

4.2 All work plans, proposals, and other documents required to be submitted by this Second Amended Consent Order shall include all of the information required by the applicable statute and/or rule, and all of the information required by the applicable paragraph(s) of this Second Amended Consent Order.

4.3 In the event the DEQ disapproves a work plan, proposal, or other document, it will notify the City, in writing, specifying the reasons for such disapproval. The City shall submit, within thirty (30) days of receipt of such disapproval, a revised work plan, proposal, or other document which adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the City of this disapproval.

4.4 In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the City, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require the City to submit, prior to implementation and within thirty (30) days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document which adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the City of this disapproval.

4.5 Upon DEQ approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Second Amended Consent Order and shall be enforceable in accordance with the provisions of this Second Amended Consent Order.

4.6 Failure by the City to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Second Amended Consent Order and shall subject the City to the enforcement provisions of this Second Amended Consent Order, including the stipulated penalty provisions specified in paragraph 9.3.

4.7 Any delays caused by the City's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the City's responsibility to comply with any other deadline(s) specified in this Second Amended Consent Order.

4.8 No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by the City will be construed as relieving the City of its obligation to obtain written approval, if and when required by this Second Amended Consent Order.

V. EXTENSIONS

5.1 The City and the DEQ agree that the DEQ may grant the City a reasonable extension of the specified deadlines set forth in this Second Amended Consent Order. Any extension shall be preceded by a written request in duplicate to the DEQ, WB Enforcement Unit Chief, Constitution Hall, 525 W. Allegan, P.O. Box 30273, Lansing, Michigan, 48909-7773, and the Southeast Michigan District Supervisor at the address in paragraph 3.7, no later than ten (10) business days prior to the pertinent deadline, and shall include:

a. Identification of the specific deadline(s) of this Second Amended Consent Order that will not be met.

b. A detailed description of the circumstances which will prevent the City from meeting the deadline(s).

c. A description of the measures the City has taken and/or intends to take to meet the required deadline.

d. The length of the extension requested and the specific date on which the obligation will be met.

The District Supervisor, in consultation with the Enforcement Unit Chief, shall respond in writing to such requests. No change or modification to this Second Amended Consent

Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

VI. REPORTING

6.1 The City shall verbally report any violation(s) of the terms and conditions of this Second Amended Consent Order to the Southeast Michigan District Supervisor by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five (5) business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The City shall report any anticipated violation(s) of this Second Amended Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

VII. RETENTION OF RECORDS

7.1 Upon request by an authorized representative of the DEQ, the City shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Second Amended Consent Order or pursuant to Part 31 of the NREPA or its rules. All such documents shall be retained by the City for at least a period of three (3) years from the date of generation of the record unless a longer period of record retention is required by Part 31 of the NREPA, or its rules.

VIII. RIGHT OF ENTRY

8.1 The City shall allow any authorized representative or contractor of the DEQ, upon presentation of proper credentials, to enter upon the premises of the Facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Second Amended Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to the NREPA and the rules promulgated there under, or any other applicable statutory provision.

IX. PENALTIES

9.1 The City agrees to pay to the State of Michigan (State) **TWENTY-FIVE HUNDRED ($2,500) DOLLARS** as compensation for the cost of investigations and enforcement activities arising from the violations specified in Section II of this Second Amended Consent Order. Payment shall be made within 30 days of the effective date of this Second Amended Consent Order in accordance with paragraph 9.7.

9.2 The civil fine of $4,000 associated with this Second Amended Consent Order is contained in Second Amended Consent Order ACO-SW05-001 for Oakland County. Payment shall be paid within 30 days of the effective date of Second Amended Consent Order ACO-SW05-001 in accordance with Section IX of that Second Amended Consent Order. The City agrees that a civil fine of $4,000 is appropriate and further agrees that in the event that Oakland County fails to make payment in full pursuant to paragraph 9.2 of Second Amended Consent Order ACO-SW05-001, entered into by Oakland County, that the City shall make payment of $4,000 to the DEQ within 30 days from receiving a demand for payment from the DEQ. The DEQ agrees to only issue a demand for payment in the event that Oakland County fails to make payment in full under paragraph 9.2 of ACO-SW05-001. The City's failure to make payment within the deadline specified herein constitutes a violation of the Second Amended Consent Order and subjects the City to stipulated penalties as set forth under paragraphs 9.4 and 9.5 of this Second Amended Consent Order.

9.3 For each failure to comply with the provisions of Section III and IV of this Second Amended Consent Order, The City shall pay stipulated penalties of **$500** per violation per day for one (1) to seven (7) days of violation, **$1,500** per violation per day for eight (8) to fourteen (14) days of violation, and **$2,500** per violation per day for each day of violation thereafter. Failure to perform any of the following requirements shall be considered separate violations of this Second Amended Consent Order and are subject to stipulated penalties under this paragraph:

a. Failure to submit an approvable work plan, proposal or other document by the

required dates in accordance with Section III.

b. Failure to implement, complete or comply with any activity or condition required by Section III, including those contained in any approved work plan or other document required to be implemented and completed by Section III.

c. Failure to submit approvable revised work plans, proposals or other documents addressing a DEQ disapproval or approval with modifications by the required dates in accordance with paragraphs 4.3 or 4.4.

9.4 For each failure to comply with any other provision of this Second Amended Consent Order not specified in paragraph 9.3, the City shall pay stipulated penalties of **$1,500** per violation per day for each day of violation. Failure to perform any of the following requirements shall be considered separate violations of this Second Amended Consent Order and are subject to stipulated penalties under this paragraph:

a. Failure to verbally report violations and submit written reports by the required dates in accordance with paragraph 6.1.

b. Failure to retain records on site in accordance with paragraph 7.1.

c. Failure to pay civil fines, costs, or stipulated or interest penalties by the required dates in accordance with this Section.

d. Any other requirement of this Second Amended Consent Order.

9.5 Stipulated penalties accruing under paragraphs 9.3 or 9.4 shall be paid within thirty (30) days after written demand by the DEQ in accordance with paragraph 9.7.

9.6 To ensure timely payment of the above civil fine, costs, and stipulated penalties, the City shall pay an interest penalty to the General Fund of the State of Michigan each time it fails to make a complete or timely payment. This interest penalty shall be based on the rate set forth at MCL 600.6013(6), using the full increment of amount due as principal,

and calculated from the due date for the payment until the delinquent payment is finally made in full.

9.7 The City agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and delivered to the Michigan Department of Environmental Quality, Revenue Control Unit, P.O. Box 30657, 525 West Allegan Street, 5th floor south, Lansing, Michigan 48909-8157. To ensure proper credit, all payments made pursuant to this Second Amended Consent Order must include the **Payment Identification Number WTR2007**.

9.8 The City agrees not to contest the legal basis of the civil fine or costs paid pursuant to Paragraphs 9.1, and 9.2, above. The City further agrees not to contest the legal basis of any stipulated penalties or interest penalties assessed pursuant to Paragraphs 9.3 and 9.4, above, but reserves the right to dispute the factual basis upon which a demand by the DEQ for stipulated penalties or interest penalties is made.

X. DISPUTE RESOLUTION

10.1 Unless otherwise provided in this Second Amended Consent Order, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Second Amended Consent Order. However, the procedures set forth in this Section shall not apply to actions by the State to enforce obligations of the City that are not disputed in accordance with this Section. Initiation of dispute resolution shall not be cause for the City to delay the performance of any compliance requirements or response activity.

10.2 Any dispute that arises under this Second Amended Consent Order shall in the first instance be the subject of informal negotiations between the City and the DEQ ("Parties"). The period of negotiations shall not exceed twenty (20) days from the date of written notice by any Party that a dispute has arisen, unless the time period for negotiations is modified by written agreement between the Parties. A dispute under this section shall occur when one party sends the other party a written notice of dispute. If

agreement cannot be reached on any issue within this twenty (20)-day period, the DEQ shall provide a written statement of its decision to the City and, in the absence of initiation of formal dispute resolution by the City under Paragraph 10.3, the DEQ's position as outlined in its written informal decision, shall be binding on the Parties.

10.3 If the City and the DEQ cannot informally resolve a dispute under Paragraph 10.2, the City may initiate formal dispute resolution by requesting review of the disputed issues by the DEQ, WB Chief. This written request must be filed with the DEQ, WB Chief within fifteen (15) days of the City's receipt of the DEQ's informal decision that is issued at the conclusion of the informal dispute resolution procedure set forth in Paragraph 10.2. The City's request shall state the issues in dispute; the relevant facts upon which the dispute is based; any factual data, analysis, or opinion supporting its position; and all supporting documentation upon which the City bases its position. Within twenty-one (21) days of the WB Chief's receipt of the City's request for a review of disputed issues, the WB Chief will provide a written statement of decision to the City, which will include a statement of his/her understanding of the issues in dispute; the relevant facts upon which the dispute is based; any factual data, analysis, or opinion supporting her/his position; and all supporting documentation relied upon by the WB Chief's review of the disputed issues. The WB Chief's time period for review of the disputed issues may be extended by written agreement of the Parties.

10.4 The written statement of the WB Chief issued under paragraph 10.3 shall be a final decision and is binding on the parties unless, in accordance with applicable law, after receipt of DEQ's written statement of decision, the County files a petition for judicial review in a court of competent jurisdiction that shall set forth a description of the matter in dispute, the efforts made by the Parties to resolve it, the relief requested, and the schedule, if any, within which the dispute must be resolved to ensure orderly implementation of this Second Amended Consent Order.

10.5 An administrative record of the dispute shall be maintained by DEQ. The administrative record shall include all of the information provided by the County pursuant to paragraph

10.3, as well as any other documents relied upon by DEQ in making its final decision pursuant to paragraph 10.3. DEQ shall allow submission of supplemental statements of position by the parties to the dispute that are timely submitted and do not unreasonably prejudice the DEQ.

10.6 A final decision of DEQ issued pursuant to paragraph 10.3 may be challenged by the County pursuant to applicable law.

10.7 Notwithstanding the invocation of dispute resolution procedures under this Section, stipulated penalties shall accrue from the first day of any failure or refusal to comply with any term or condition of this Second Amended Consent Order, but payment shall be stayed pending resolution of the dispute. Stipulated penalties shall be paid within 30 days after resolution of the dispute. The City shall pay that portion of a demand for payment of stipulated penalties that is not subject to dispute resolution procedures in accordance with and in the manner provided in Section IX (Penalties).

XI. FORCE MAJEURE

11.1 The City shall perform the requirements of this Second Amended Consent Order within the time limits established herein, unless performance is prevented or delayed by events that constitute a "Force Majeure." Any delay in the performance attributable to a "Force Majeure" shall not be deemed a violation of the City's obligations under this Second Amended Consent Order in accordance with this Section.

11.2 For the purpose of this Second Amended Consent Order, "Force Majeure" means an occurrence or non-occurrence arising from causes not foreseeable, beyond the control of, and without the fault of the City, such as: an Act of God, untimely review of permit applications or submissions by the DEQ or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by the City's diligence and that delay the performance of an obligation under this Second Amended Consent Order. "Force Majeure" does not include, among other things, unanticipated or

increased costs, changed financial circumstances, or failure to obtain a permit or license as a result of the City's actions or omissions.

11.3 The City shall notify the DEQ, by telephone, within forty-eight (48) hours of discovering any event which causes a delay in its compliance with any provision of this Second Amended Consent Order. Verbal notice shall be followed by written notice within ten (10) calendar days and shall describe, in detail, the anticipated length of delay, the precise cause or causes of delay, the measures taken by the City to prevent or minimize the delay, and the timetable by which those measures shall be implemented. The City shall adopt all reasonable measures to avoid or minimize any such delay.

11.4 Failure of the City to comply with the notice requirements and time provisions under Paragraph 11.3, shall render this Section XI void and of no force and effect as to the particular incident involved. The DEQ may, at its sole discretion and in appropriate circumstances, waive in writing the notice requirements of Paragraph 11.3, above.

11.5 If the parties agree that the delay or anticipated delay was beyond the control of the City, this may be so stipulated, and the parties to this Second Amended Consent Order may agree upon an appropriate modification of this Second Amended Consent Order. If the parties to this Second Amended Consent Order are unable to reach such agreement, the dispute shall be resolved in accordance with Section X (Dispute Resolution) of this Second Amended Consent Order. The burden of proving that any delay was beyond the reasonable control of the City, and that all the requirements of this Section XI have been met by the City, rests with the City.

11.6 An extension of one compliance date based upon a particular incident does not necessarily mean that the City qualifies for an extension of a subsequent compliance date without providing proof regarding each incremental step or other requirement for which an extension is sought.

XII. GENERAL PROVISIONS

12.1 With respect to any violations not specifically addressed and resolved by this Second Amended Consent Order, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the City to comply with the requirements of the NREPA and its rules.

12.2 The DEQ and the City consent to enforcement of this Second Amended Consent Order in the same manner and by the same procedures for all final orders entered pursuant to Part 31, MCL 324.3101 et seq.; and enforcement pursuant to Part 17, Michigan Environmental Protection Act, of the NREPA, MCL 324.1701 et seq.

12.3 This Second Amended Consent Order in no way affects the City's responsibility to comply with any other applicable state, federal, or local laws or regulations.

12.4 The WB, at its discretion, may seek stipulated fines or statutory fines for any violation of this Second Amended Consent Order. However, the WB is precluded from seeking both a stipulated fine under this Second Amended Consent Order and a statutory fine for the same violation.

12.5 Nothing in this Second Amended Consent Order is or shall be considered to affect any liability the City may have for natural resource damages caused by the City's ownership and/or operation of the Facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.

12.6 In the event the City sells or transfers the facility, it shall advise any purchaser or transferee of the existence of this Second Amended Consent Order in connection with such sale or transfer. Within 30 calendar days, the City shall also notify the WB Southeast Michigan District Supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Second Amended Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Second Amended Consent Order must agree, in

writing, to assume all of the obligations of this Second Amended Consent Order. A copy of that agreement shall be forwarded to the WB Southeast Michigan District Supervisor within 30 days of assuming the obligations of this Second Amended Consent Order.

12.7 The provisions of this Second Amended Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.

XIII. TERMINATION

13.1 This Second Amended Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, The City shall submit a request consisting of a written certification that the City has fully complied with the requirements of this Second Amended Consent Order and has made payment of any fines, including stipulated penalties, required in this Second Amended Consent Order. Specifically, this certification shall include:

a. The date of compliance with each provision of the compliance program in Section, and the date any fines or penalties were paid;

b. A statement that all required information has been reported to the District Supervisor;

c. Confirmation that all records required to be maintained pursuant to this Second Amended Consent Order are being maintained at the Facility.

The DEQ may also request additional relevant information. The DEQ shall not unreasonably withhold issuance of a TN.

Signatories

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Second Amended Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

DEPARTMENT OF ENVIRONMENTAL QUALITY

_____
Richard A. Powers, Chief
Water Bureau

_____
Date

CITY OF TROY

_____
By: John Szerlag
Title: City Manager

_____
Date

APPROVED AS TO FORM:

_____
By: Alan Hoffman, Assistant Attorney General
For: Mark Matus
Assistant Attorney General in Charge
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

OCDC
OAKLAND COUNTY DRAIN COMMISSIONER
John P. McCulloch

John P. McCulloch
DRAIN COMMISSIONER
OAKLAND COUNTY

Kevin R. Larsen
CHIEF DEPUTY
DRAIN COMMISSIONER

Summary of Evergreen-Farmington Negotiated Amended Consent Order

John P. McCulloch
Oakland County Drain Commissioner
October 28, 2004

General

Sanitary sewers are designed to carry sewage (and only sewage) to the wastewater treatment plant (WWTP). In practice, however, storm water enters the collect system during rain events causing the system to exceed the design capacity. To prevent basement flooding, this excess water is discharged to the nearby waterways. These overflows (know as sanitary sewer overflows or SSOs) violate the Clean Water Act and must be prevented. The Evergreen Farmington (E-F) SSO control project is being initiated to keep sewage out of our rivers and to avoid litigation.

The Oakland County Drain Commissioner (OCDC) and the communities we serve are required to comply with the federal and state Sanitary Sewer Overflows policies. Unfortunately, compliance is very costly and care must be taken to assure that the funding committed to SSO control is sufficient to fulfill the requirements of the law while minimizing the costs to our rate payers.

The OCDC has worked diligently with the E-F public works officials as well as the Michigan Department of Environmental Quality (MDEQ) to craft an agreement that eliminates SSOs quickly and cost effectively. This document was prepared to summarize the negotiated Amended Consent Order (ACO). A great deal of additional detail can be provided if requested by the elected officials representing the citizens of the E-F area. A map depicting the E-F collection area is attached.

The standards and compliance schedule defined in the ACO provides sufficient time for the communities to implement an innovative program that will save the E-F communities millions of dollars without jeopardizing water quality. To implement the program the MDEQ revisited four policy decisions and several legal details of their "standard" ACO. The resulting document allows a project that maximizes the use of existing facilities during wet-weather periods when storage/treatment is most valuable at the same time providing the communities assurances that unavoidable SSOs occurring during the project period are protected from further legal proceedings. The MDEQ has agreed that this program is consistent with all federal policies and will achieve water quality standards.

One Public Works Drive
Building 95 West,
Waterford, MI 48329
www.co.oakland.mi.us/drain
P 248.858.0958
F 248.858.1066

Protection from Further Enforcement

The original order listed flows through April 2003 with no clear effect of what the order intends to do with the SSOs listed; the Final Order clarifies the point that "alleged violations" are resolved and that DEQ will not take any further enforcement action.

Dispute Resolution

The original order specified the procedure, standard of review, burden of proof and gave discretion to DEQ as to whether it would accept submission of supplemental statements of position by the parties. The Final Order does not specify judicial review procedure, but allows the parties to assert this issue at time of dispute in accordance with applicable law; DEQ has to accept submission of supplemental statements of position by the parties. This is significant because as proposed this could allow the parties to proceed in federal court (which has asserted jurisdiction over the Rouge basin) – but also allow the State to dispute the jurisdiction of the federal court – something the State had previously been unwilling to concede in negotiations.

Grant Availability

The cost of the reduced project is high. For that reason, the OCDC has continued to seek grant funds to offset the cost of implementation of the E-F SSO control program. Fortunately we have been quite successful. OCDC was able to obtain $4.5 million from the Rouge Program Office for the restoration of the Walnut Lake Pump Station, construction of the force main, and the regulator modifications. These projects have been designed and are under construction at a total cost of $12.45 million. Additionally, the OCDC has obtained two grants totaling $2.6 million to aid the local communities in "drying out" their collection systems. OCDC continues to seek federal funding and is likely to continue to receive this type of support to address these challenges.

For more information please contact:

John P. McCulloch
Oakland County Drain Commissioner
One Public Works Drive
Building 95 West
Waterford, MI 48329
Phone: 248-858-0958

To aid the community representative, I have summarized the overall project requirements, the four key policy matters, and the legal changes that provide further protection to OCDC and the communities.

Requirements	Original Project	Negotiated Project	Original Cost	Negotiated Cost
Storage Basins for 25 yr/24 hr storm control	Required	Not required	$180 million	n/a
System Interceptor improvement	Required		Unknown but high	n/a
Regulator Modifications		Proposed as alternative		$78,500
Use of CSO facility for storage		Proposed as alternative		$11 million (not required)
Siphon Removal	Required	Required	$800,000	$800,000
Walnut Pump Station Replacement	Required	Required	$5.5 million	$ 5.6 million
Force Main from Farmington to Evergreen		Proposed as alternative		$ 6.80 Million
TOTAL COST			**$186 million +**	**$13.3 million +**

The cost savings were the result of over three years of negotiations. The MDEQ and the OCDC are pleased that this innovative approach can fully address the concerns of both parties. The key elements of this ACO are highlighted below.

Preferential Treatment of Sanitary Sewage

The MDEQ has long advocated preferential treatment of sanitary sewage in lieu of combined sewage treatment. In Southeast Michigan, this has lead to construction of the North Intercept/East Arm and Pump Station 2 at the Detroit Wastewater Treatment Plant (WWTP) at the cost of hundreds of millions of dollars. As a result of these massive projects, most of the sanitary sewage leaving Oakland County will bypass the Detroit combined sewer collection system (and therefore will not contribute to CSOs and make it all of the way to the WWTP for treatment). The OCDC continues to support this position.

MDEQ had traditionally required CSO Retention Treatment Basins (RTBs) to continuously discharge their "peak dry weather flow" whenever they are in use. This has the practical result of using valuable interceptor capacity for combined sewage rather than sanitary sewage.

In the ACO, both the MDEQ and the OCDC agreed to eliminate the discharge of combined sewage flow from an RTB during wet weather periods and thereby allow those communities to use this precious capacity for sanitary sewage that would otherwise contribute to SSOs. This simple **regulator modification** will provide valuable capacity reduces the number and frequency of SSOs while saving precious resources that could be better used to rehabilitate existing infrastructure and therefore eliminate the excess flows that are the root cause of SSOs.

This change in operating procedures will provide sufficient additional capacity during wet weather events to eliminate SSOs below the **10-year, 1-hour design storm** (once the **flow transfers** are completed.)

Commingling Sanitary Sewage with Combined Sewage

While the **regulator modifications** should provide sufficient additional wet weather capacity to preclude SSOs, the OCDC advocate using the **existing CSO RTBs to store sanitary sewage** for subsequent treatment. At the conclusion of smaller storms the sanitary sewage stored in these RTBs would be transported to the Detroit WWTP for treatment. During larger storms, a small amount of the sanitary flow (less than 2% of the CSO volume) would be allowed to overflow with the combined sewage but only after settling, screening and disinfection.

Using existing CSO RTB capacity would allow communities to quickly eliminate SSOs (because the capacity is already in the ground) and would serve as "emergency capacity" when events that exceed the design standards occur. While the ACO allows for "**commingling**" over the near term, this construction will not be started unless it becomes clear that the other aspect of the demonstration project can not eliminate SSO to the **MDEQ Design Standard.**

Design Standards for SSO Control

The "**design storm**" determines how large of a storm must be controlled (i.e. how much water must be stored), how large the facilities must be constructed, and therefore how much will it all cost. The MDEQ has traditionally that the communities eliminate all SSOs that would occur in any event equal to or less than the 25-year/24-hour storm. During negotiations it was noted that the collection systems have been designed (and approved by the MDEQ) for the 10-year, one-hour storm. This means that even if the storage capacity was in place, it is unlikely that the pipes in the ground are sufficiently sized to get the excess flow to the storage capacity.

While nearly everyone agrees that SSO should be eliminated over the long-term, we also agree that regardless of the design criteria, there will always be a larger storm that exceeds our ability to control the overflows. In these large events, the system must be relieved by discharging to the river or basements will flood. This is why our Evergreen-Farmington SSO control program planned to eliminate three gallons of excess flow for every gallon of potential SSO. This was done by re-routing flows; using preferential treatment; using commingling all the while the communities continue to "dry-out" the collection system. We are fairly sure we can eliminate much of the excess flows from the system. This, of course, would eliminate the need for the commingling and preferential treatment.

OCDC argued that the 25-year, 24-hour storm is too high of a standard and it is too costly to implement. In the end, the MDEQ and the OCDC agreed to use the 10-year, 1-hour storm as the "alternative" design standard.

Legal Issues: Penalties/Dispute Resolution

In the course of negotiating the ACO, the MDEQ demanded $90,000 penalty from the Evergreen-Farmington System and an additional $35,000 penalty from a few E-F communities. This penalty was for past SSOs from the system. The OCDC disagreed with the necessity of a penalty. In the end, however, it was agreed to allocate $26,000 and a supplemental environmental program (SEP) to satisfy the penalty requirements of the department. In addition, the stipulated penalties (these are penalties related to compliance of the conditions within the order itself, e.g. meeting timelines, reporting information etc.) for violations under the order were reduced. The proposed order originally set stipulated penalties at $1,500, $2,500 and $5,000 per day depending on the violation; the final proposed ACO order reduced these stipulated penalties to $500, $1,000 and $2,500.

December 13, 2004

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (JANUARY 10, 2005) – REZONING APPLICATION – Northeast corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-B)

RECOMMENDATION

The application is consistent with the Future Land Use Plan and compatible with the existing zoning districts and land uses.

The site is 21,000 square feet in area and meets the minimum site area standard for service stations of 15,000 square feet. The applicant is proposing to redevelop the existing service station and improve the site. Considering the uses permitted in the H-S district, service stations are one of the least demanding in terms of land area. Because of the small size of the subject property, the development potential is limited in terms of potential land uses.

The site is an appropriate location for a service station given its location on a major thoroughfare, and further given its proximity to other service stations and other automobile-oriented uses.

Prudent site planning suggests that consolidation of adjacent properties is desirable. A larger site would allow for the development of a service station that can meet all of the Zoning Ordinance requirements. However, the property to the east is a residential neighborhood and expansion of commercial zoning district into this neighborhood is undesirable and unlikely.

It must be noted that the architectural site plan indicated that the proposed development requires a number of variances, including rear yard building setback and canopy setback. All of the potential variances cannot be determined based on the submitted site plan. These non-use variances will require action by the Board of Zoning Appeals prior to preliminary site plan approval.

The Planning Commission recommended approval of the rezoning request at the November 9, 2004 Regular meeting. City Management concurs with the Planning Commission recommendation.

BACKGROUND

The Planning Commission recommended approval of this rezoning request following a Public Hearing at the August 10, 2004 Planning Commission Regular Meeting. A resident abutting the subject parcel submitted a protest petition and a resident petition to the Clerk's office on August 5, 2004. The resident intended that copies of the resident petition would be given to the Planning Commission for the August 10, 2004 meeting. Copies of the resident petition were inadvertently left out of the Planning Commission agenda packets. Therefore, the Planning Commission did not consider the resident petition when formulating its recommendation to City Council.

City Council considered this item on September 27, 2004 and referred the item back to the Planning Commission, giving the Planning Commission the opportunity to consider the resident petition prior to making a recommendation. The Planning Commission considered the resident petition prior to recommending approval of the rezoning request at the November 9, 2004 Regular meeting.

GENERAL INFORMATION

Name of Owner / Applicant:
The application lists the owner of the property as Anddraos Kattouah. City records indicate that the owner of the property is Fast Track Acquisitions. The applicant is Anddraos Kattouah.

Location of Subject Property:
The property is located on the northeast corner of Rochester Road and Charrington Road, in Section 23.

Size of Subject Parcel:
The parcel is approximately 21,000 square feet in area.

Current Use of Subject Property:
The property is currently used as a Clark gas station that received site plan approval and was constructed in 1966, and is a legal non-conforming use. The abutting houses to the east were constructed in 1968.

Current Zoning Classification:
B-1 Local Business.

Proposed Zoning of Subject Parcel:
H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to expand the convenience store. The gasoline pump islands and overhead canopy are to remain as is.

Current Use of Adjacent Parcels:
North: Tax accountant and single-family residence.

South: Restaurant.

East: Single-family residence.

West: Fast food restaurant and tire sales.

Zoning Classification of Adjacent Parcels:
North: B-1 Local Business and R-1C One Family Residential.

South: B-2 General Business.

East: R-1C One Family Residential.

West: B-3 General Business.

ANALYSIS

Range of Uses Permitted in the Proposed H-S Highway Service Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Retail establishments to service the needs of the highway traveler including such facilities as: drug stores, convenience food stores, gift shops, and restaurants other than those of the drive-in or open front store type.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities.
Parking garages and off-street parking areas.

New and used automobile salesroom, showroom or office.

Sales, showrooms, and incidental repairs of recreational vehicles.

Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.

Public utility buildings and sub-stations.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.
Drive-up service facilities, as accessory to principal permitted uses within H-S districts, apart from restaurants.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Automobile service stations for the sale of engine fuels, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam cleaning, undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work and other such activities whose external effects could adversely extend beyond the property lines.

Auto washes where engine fuels are sold as a significant part of the operation.

Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure.

Uses, other than those specified in Section 23.20.06, wherein drive-up service facilities are the sole use of the property.

Business in the character of a drive-in restaurant.

Motel or hotel.

Outdoor sales space for exclusive sale or lease of new or second hand automobiles, trucks, mobile homes, trailers, or recreational vehicles.

Automobile repair garages, provided all activities are conducted within a completely enclosed building.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Vehicular and Non-motorized Access:
The parcel fronts both Rochester Road and Charrington Road.

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

Environmental and Brownfield Issues

According to the Michigan Department of Environmental Quality's Leaking Underground Storage Tank Sites List, two gasoline storage tanks that were installed in 1966 were removed. In 1992 two gasoline storage tanks were installed. In 1992 there was a gasoline leak reported for the site. The MDEQ file related to this leak remains open.

Natural Features and Floodplains:

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

Compliance with Future Land Use Plan:

The parcel is classified on the Future Land Use Plan as Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The rezoning application is therefore consistent with the City of Troy Future Land Use Plan.

Compliance with Location Standards

The Location Standards for the H-S District in Article 23.40.01 of the Zoning Ordinance provides the following:

> The H-S (Highway Service) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use plan and policies related thereto, or with other land use policies of the City of Troy, and therefore, on a limited basis, may involve the following types of areas:
>
> 23.40.02 Areas indicated on the Master Land Use Plan for non-center commercial use.
>
> 23.40.3 Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

The application is consistent with the Location Standards for the H-S District.

Attachments:

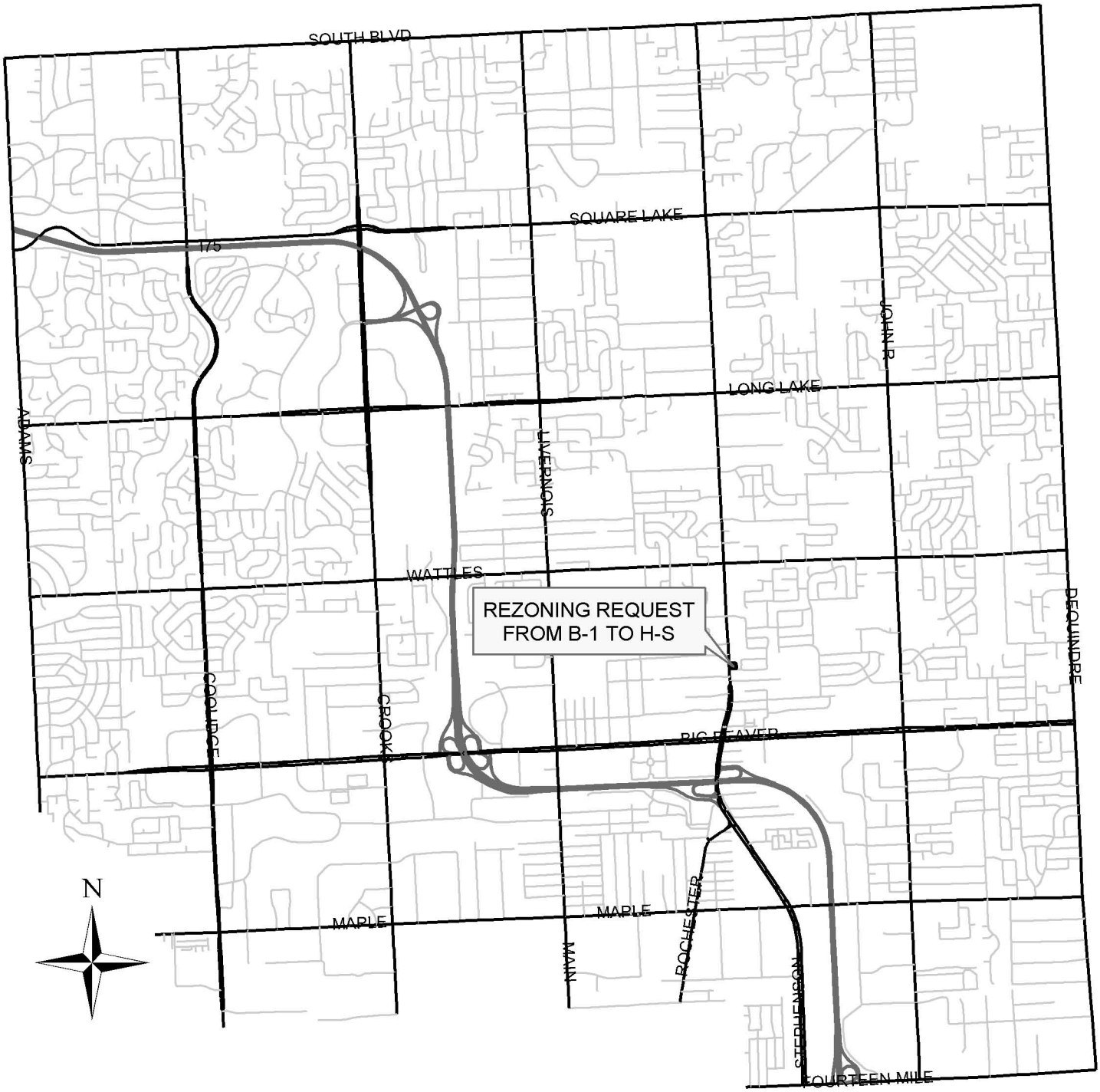
1. Maps.
2. Petitioners letter dated June 19, 2004.
3. Minutes from August 10, 2004 Planning Commission Regular Meeting.
4. Minutes from September 27, 2004 City Council Meeting.
5. Minutes from November 9, 2004 Planning Commission Regular Meeting.
6. Valis Protest Petition and Resident Petition, submitted August 5, 2004.
7. Letters opposed to rezoning.
8. Leaking Underground Storage Tank Sites List, from Michigan Department of Environmental Quality web site.

cc: Applicant
File (Z 479-B)

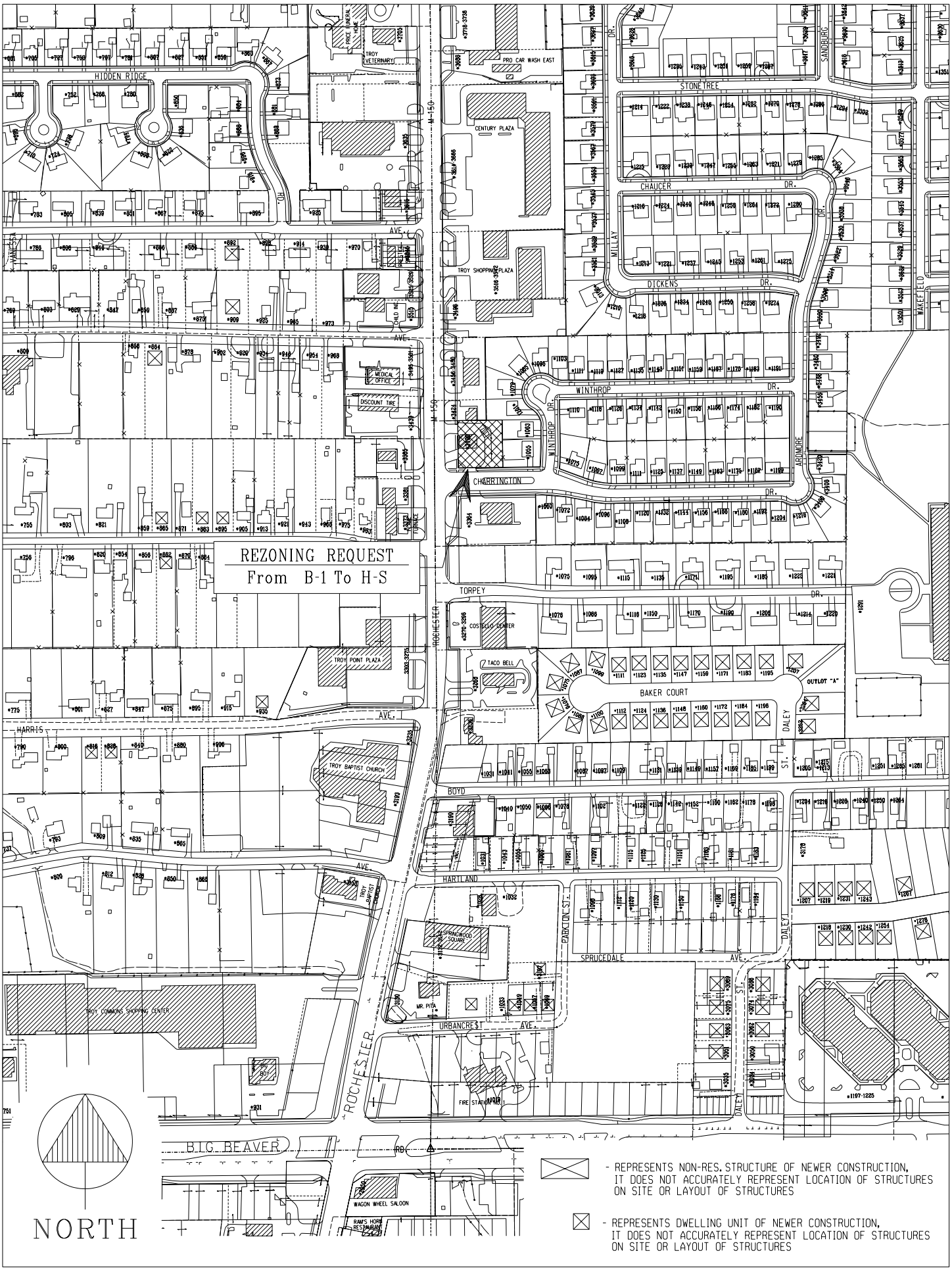
Prepared by RBS/MFM/PPB

G:\REZONING REQUESTS\Z-479 B Charrington Clark Station Sec 23\CC Announcement of Public Hearing Charrington Clark 12 20 04.doc

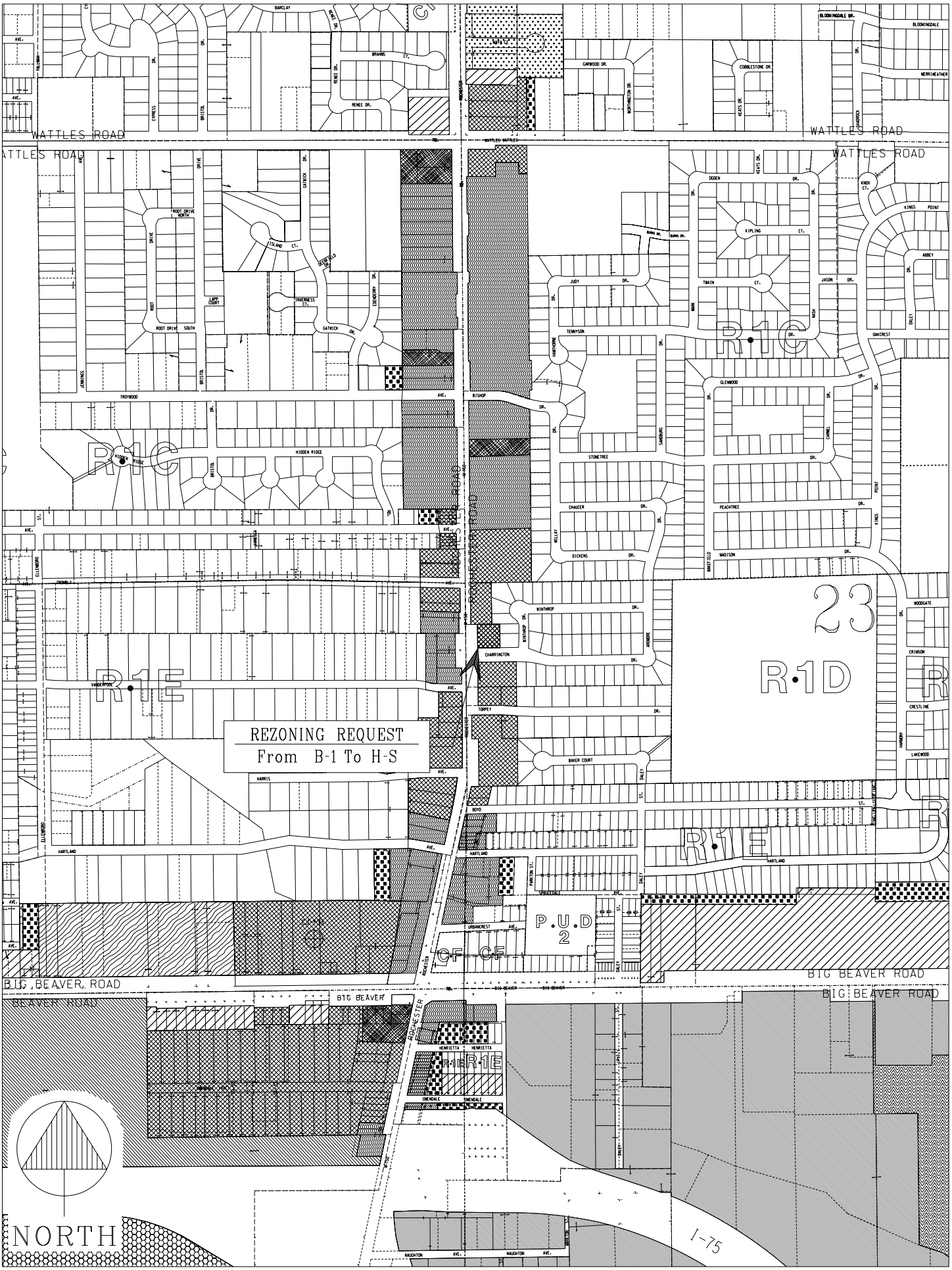
CITY OF TROY

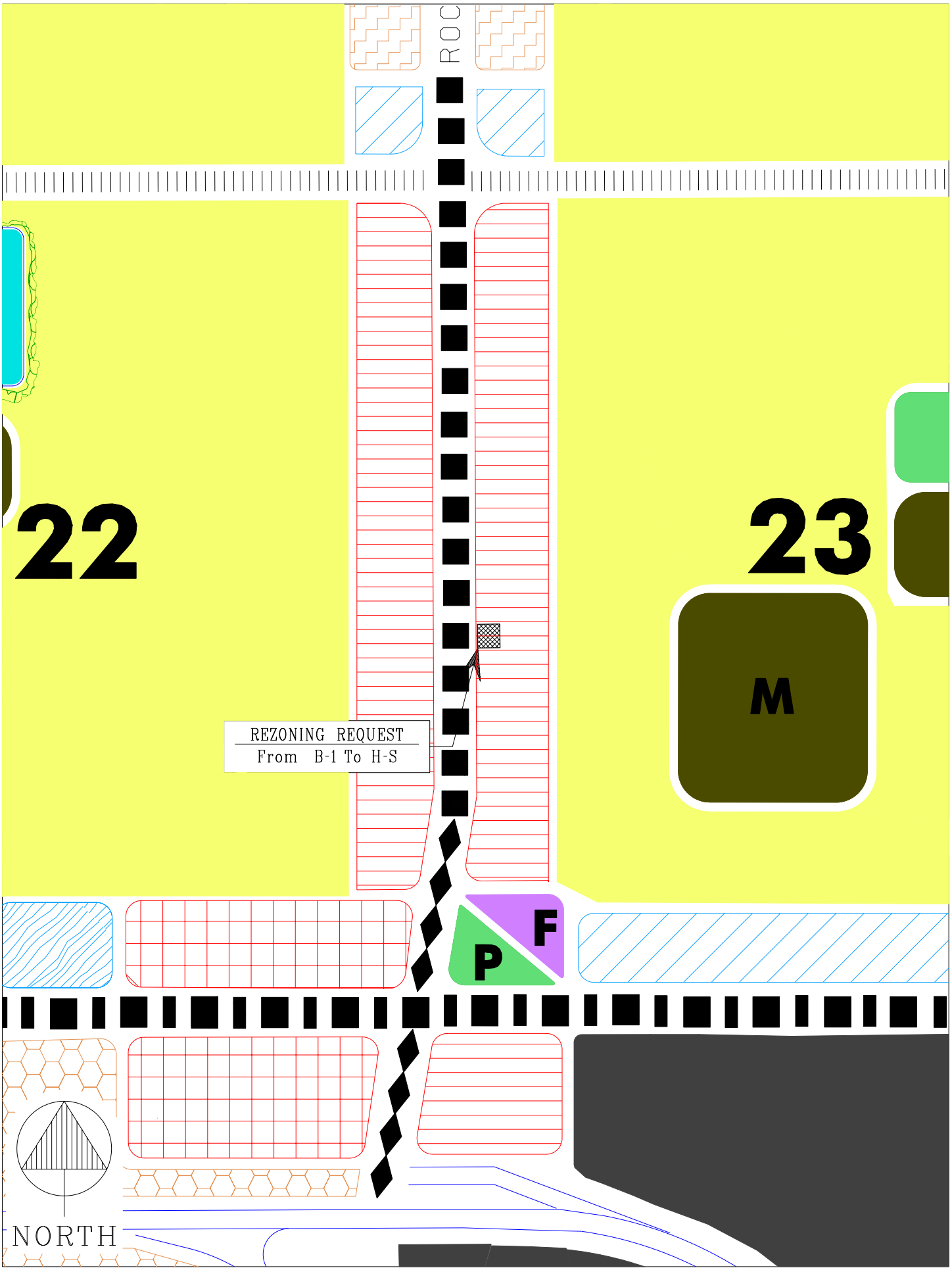


PREPARED BY CITY OF TROY PLANNING DEPT.



Z-479 B / SEC. 23 / 06-30-04


REZONING REQUEST
From B-1 To H-S
WATTLES ROAD
BIG BEAVER ROAD
ROCHESTER ROAD
R-1C
R-1E
R-1D
P.U.D 2
23
I-75
NORTH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REZONING REQUEST
From B-1 To H-S
F
P
NORTH

REZONING REQUEST
EXISTING CLARK STATION
FROM B-1 TO H-S
E SIDE OF ROCHESTER RD., N SIDE OF CHARRINGTON
SEC. 23 (Z-479 B)
REZONING REQUEST
FROM B-1 TO H-S
HIDDENRIDGE
COLEBROOK
TROMBLEY
ROCHESTER
MILLAY
CH
DICKENS
WAKEFIELD
MADISON
WINTHROP
ARDMORE
CHARRINGTON
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SPACE STATION OF TROY
3400 Rochester Road
Troy, MI 48084
248-689-7806

June 19, 2004

City of Troy Planning Department
500 W. Big Beaver
Troy, MI 48084

RE: Proposed Rezoning of 3400 Rochester Road, Troy, Michigan

Dear Commissioners:

We are respectfully requesting that the subject property at 3400 Rochester Road be rezoned from B-1 to H-S. As you are aware, the current property use is an automotive service station with a small sales building. Because the current use is a non-conforming use in a B-1 zoning district, it cannot be expanded. The purpose of the rezoning request would change the property to H-S (which is the correct zoning for the current use) and allow the existing sales building to be expanded. The existing fuel pumps, islands and canopy would remain as-is.

Because of the very competitive nature of automotive fuel sales, the current trends are to provide generous amounts of merchandise and goods similar to a neighborhood style convenience store (7-11 style) which allows for the sales of these types of items to support the fuel sales portion of the business. The existing location is extremely small and only a very small inventory can be maintained. If the rezoning cannot be accomplished and the sales area not expanded, it is almost impossible to maintain the fuel-sales only business. It is very difficult and costly to redevelop old automotive service station properties into other uses and if the current business were to close, it would potentially create an eyesore in the neighborhood.

The proposed expansion would not be detrimental to the existing neighborhood because it will provide a convenience store in close proximity to residential subdivisions in the area. The closest convenience store is over one mile from the current location. The expansion of the existing location would allow the residents nearby to have a convenient place to obtain small items. The expanded building and upgraded landscaping would also provide a better buffer between the fuel pumps and the residences to the east. Because of this, the proposed expansion would be beneficial to the owner and the community.

We are requesting that you understand our position and consider the benefits to everyone involved. Thank you in advance for your consideration and time.

Sincerely,

ANDDRAOS G. KATTOUAH
President

RE
JUN 28 2004
PLANN

7. PUBLIC HEARING – PROPOSED REZONING (Z 479-B) – Existing Clark Gas Station, Northeast corner of Rochester Road and Charrington Drive (3400 Rochester Road), Section 23 – From B-1 to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning of the existing Clark Gas Station. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning application. He noted the petitioner would be required to obtain a number of variances from the Board of Zoning Appeals prior to meeting zoning ordinance requirements for preliminary site plan approval. Mr. Savidant also noted that the Planning Department has one written objection to the proposed rezoning on file.

Mr. Savidant clarified that a site plan for the development has not been distributed to the Commission, and that the Commission's consideration at tonight's meeting is the proposed rezoning only.

Mr. Schultz asked what the rear yard setback requirement would be for the development, in relation to the residential property to the east.

Mr. Savidant replied the rear yard setback requirement in the H-S zoning district is 30 feet except when the development abuts a residential district, in which case the setback requirement is 75 feet.

Mr. Miller stated that recently the Planning Department has received rezoning applications from a number of service stations. The service stations are requesting the H-S zoning classification in order to eliminate their non-conforming use status. Mr. Miller said that many of the City's service stations are old developments, and noted that the subject service station for rezoning consideration tonight has been in existence prior to the residential neighborhood to the east. Mr. Miller related that in the early 1980's, the intent of the City was to discourage the development of service stations. Because the service stations are not going away and because they cannot redevelop as non-conforming uses, the current thinking of City Management is that it would be better to rezone the properties and work with the petitioners to create safe, efficient and modern facilities.

John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present. Mr. DeBruyne said the petitioner is going through the proper channels to eliminate the non-conforming use, and noted the ultimate goal is to expand the retail portion of the establishment. Mr. DeBruyne confirmed that the service station would continue to service its customers with gasoline.

PUBLIC HEARING OPENED

Nels Bejleri was present to speak on behalf of his father, Arben Bejleri of 1055 Winthrop Drive, Troy. Mr. Bejleri expressed objection to the proposed rezoning. He cited concerns with the proposed development should the proposed rezoning be approved. The major concerns are the elevation of the development in relation to the residential homes to the east and the increase in parking and traffic with the expansion of the service station.

Chair Waller stated that concerns related to elevation, water flow and traffic are very valid, and the Commission would take into consideration all those concerns at the time the preliminary site plan is before the Commission for review and approval. He encouraged residents who are in opposition to the proposed rezoning and potential expansion of the service station to voice their concerns with the Planning Department, the Board of Zoning Appeals and the City Council.

Don Mencke of 1151 Winthrop Drive, Troy, was present. Mr. Mencke said he and some neighbors are concerned about the potential increase in traffic, traffic safety when crossing Rochester Road, elevation, property devaluation and the facility operating 24 hours. Mr. Mencke said the facility has not been taken care of by the owner until recently, and suggested that the rezoning be tabled for a couple of years to see how the owner takes care of the property. Mr. Mencke asked why the property must be rezoned to the H-S district.

Mr. Chamberlain briefly explained that the service station is required to be zoned in the H-S zoning district before any improvements can be made to the property.

John Mulligan of 1087 Charrington, Troy, was present. Mr. Mulligan said he and the neighbors are concerned that should the rezoning be approved, it leaves the property wide open for development. He also expressed concerns with the larger building and the potential of increased traffic, especially for cross traffic at Rochester Road.

The petitioner and property owner, Anddraos Kattouah of 3400 Rochester Road, Troy, was present. Mr. Kattouah said he understands the concerns expressed by the residents. He stated that it is not his desire to run a 24-hour operation, to sell alcohol, or to own a gas station. Mr. Kattouah said he purchased the gas station for his wife because everybody in her family has a gas station, and the business is not his main source of income. Mr. Kattouah said he has had the service station for the past nine months, and it has taken some time to become familiar with the property and business. He said he is requesting to have the property rezoned to eliminate the non-conforming use and to improve on the only eyesore in the entire block. He would like to add an additional 1,400 square feet to the facility and provide retail of essential items to the nearby residents. Mr. Kattouah said the closest convenience store is over one mile from the service station. Mr. Kattouah, a State-licensed residential appraiser, said the expansion

of the service station would have no negative effect on the value of the nearby residential homes.

PUBLIC HEARING CLOSED

Mr. Miller gave a brief explanation of the requirements placed on a non-conforming use in relation to site improvements. Mr. Miller noted that the subject parcel has a history of minor violations (i.e., litter, tall grass), which have all been resolved at this time. Mr. Miller stated that the charge of the Commission tonight is to look at the appropriateness of the proposed rezoning district at this location. He explained the procedure of a Special Use Approval that would be required for improvements to the service station, and the Planning Commission's discretionary control over the site as a Special Use.

Resolution # PC-2004-08-089

Moved by: Chamberlain
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Drive, within Section 23, being 21,000 square feet in size, be granted.

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

MOTION CARRIED

Mr. Vleck said he agrees that the site needs to be redeveloped and understands it cannot make major improvements because of its non-conformity. He said he wished there was a way to be more flexible with different options.

7. RECONSIDERATION OF REZONING REQUEST – Northeast corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-B)

Mr. Miller reviewed the rezoning request that was considered and recommended for approval at the August 10, 2004 Planning Commission Regular Meeting. Mr. Miller reported that subsequent to the regular meeting, a resident brought to the City's attention that he had submitted an official protest petition and a resident petition in opposition to the proposed rezoning to the City Clerk's Office. The resident said the resident petition of opposition was specifically addressed to both the Planning Commission and City Clerk. Mr. Miller explained that the protest petition is a matter for City Council, but the intent of the resident was to get the resident petition of opposition in front of the Planning Commission at their August 10, 2004 meeting. He asked that the Planning Commission consider the reconsideration of the rezoning request based upon the information that was not presented to the Commissioners at the August 10 Regular Meeting.

Mr. Miller provided an explanation of the official protest petition. Mr. Miller said the Planning Department's recommendation for approval of the proposed rezoning as submitted would not change should there be a reconsideration of the matter.

Mr. Motzny reported there is no provision for reconsideration of matters in the Planning Commission Bylaws or Zoning Ordinance. Mr. Motzny said his previous opinion has not changed; that is that Robert's Rules of Order for reconsideration would have to take place at the very same meeting in which the initial vote was taken. Mr. Motzny does not believe a reconsideration of the matter is appropriate. He noted that the only time it may be appropriate is if the Commission thought the initial Public Hearing or procedure was defective and not a valid Public Hearing. Mr. Motzny said another way a matter could be reconsidered is that the Commission decides to suspend Robert's Rules of Orders to allow the reconsideration. Mr. Motzny said the residents who signed the petition have an opportunity to voice their objections to the City Council, and City Council has an option to remand the matter back to the Planning Commission.

It was noted that the petitioner of the rezoning request was not present at tonight's meeting.

Mr. Vleck said the Commission could be opening up a can of worms and cautioned that careful consideration is given to the reconsideration of the matter.

Mr. Khan believes the Commission should not reconsider the rezoning request. He said the residents had an opportunity to speak at the scheduled Public Hearing.

Mr. Schultz said the rezoning request should not be reconsidered based on the advice given by legal counsel. He said a precedent would be set.

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek's property is adjacent to the service station. Mr. Dudek stated the Planning Department was helpful in providing information on the rezoning request and the process to follow if residents are in opposition to a proposed rezoning. Mr. Dudek created his own petition of opposition and collected 28 signatures from residents on August 4, 2004. On August 5, Mr. Dudek submitted to the City Clerk the official protest petition obtained from the City's website and the petition of opposition he created signed by 28 residents. He said the City Clerk's office had no idea how to handle a protest petition, that it was the first time they had ever received one. Mr. Dudek said he gave the Clerk's Office both petitions, which were date stamped. The Clerk's Office inadvertently stapled his created resident petition under the official protest petition. He said the Clerk's Office informed him they would take care of it, but it was never presented to the Planning Commission at their August 10, 2004 Regular Meeting. Mr. Dudek said the 28 people who signed the petition would have been at the Public Hearing to voice their opposition, but they felt the signed petition was an adequate voice. Mr. Dudek said he understood the Commission's beliefs that a reconsideration of the rezoning would set a precedent and a can of worms might be opened, but he feels the circumstances in this matter are very unique. He said the matter was not handled appropriately; nor maliciously – it was an accident. Mr. Dudek said he believes that the rezoning should be reconsidered and he would like to voice his concerns relating to the rezoning. He was unable to attend the Public Hearing because he was out of town. Mr. Dudek said he did everything in his power to voice his concerns, and his voice was never heard because the Planning Commission never saw the petition he developed. Mr. Dudek referenced the proposed PUD previously discussed at tonight's meeting wherein it was stated that it is very important to get neighborhoods involved and voices heard on proposed developments. He said this situation is a clear example that the voices of citizens and neighborhood residents have not been heard.

Mr. Miller confirmed that the proposed rezoning has not gone before the City Council yet, and that there will be a Public Hearing at the September 27, 2004 City Council meeting.

Chair Waller said mix-ups similar to what happened in the City Clerk's office just happen. He cited the three options of City Council: approve the rezoning, deny the rezoning, or remand the matter back to the Planning Commission.

Mr. Miller confirmed that the City Council would be provided a report similar to the one provided to the Planning Commission, along with the recommendation of the Planning Commission and City Management.

Mr. Schultz said he would like to see a communication sent to the City Council advising them that the petitions were not a part of the Planning Commission package, so that City Council will give the matter more weight. Mr. Schultz does not support reconsideration of the entire item at this point. He thinks it would be

fair to the residents who signed the petition that a complete disclosure be provided to the City Council why the Planning Commission did not see the petitions relating to the proposed rezoning prior to its review and recommendation.

It was confirmed that notices would be sent to property owners adjacent to the proposed rezoning notifying them of the Public Hearing before the City Council.

Mr. Vleck said the City Council should also be advised of its option to remand the matter back to the Planning Commission.

Mr. Strat stated that the opinion of legal counsel should be incorporated in the City Council report and recommendation.

Mr. Motzny suggested the appropriate motion might be to insure that the correspondence from citizens and the action taken at tonight's meeting is delivered to the City Council.

Resolution # PC-2004-08-099
Moved by: Vleck
Seconded by: Strat

RESOLVED, That the City Council be informed that the petition originally sent to the Planning Commission was inadvertently misplaced and the Planning Commission never received it, and that information was not taken into consideration in the motion; and also that the City Council be informed that one of their options is to remand the item back to the Planning Commission.

Discussion on the motion on the floor.

Mr. Schultz requested that the motion be amended to include the recommendation of legal counsel and that the Planning Commission Bylaws do not afford the Commission the opportunity for a reconsideration other than on the exact night of the action, and based upon that, the Planning Commission asks that the City Council be thoroughly informed of the situation and the recommendation of legal counsel.

All members were in favor.

Vote on the motion as amended.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

Mr. Dudek asked that the 28 citizens who signed the petition be informed as to why the petition was not presented at the August 10, 2004 Regular Planning Commission Meeting.

Chair Waller replied to Mr. Dudek that he had no answer to his request tonight, but the request would be taken into consideration.

Mr. Dudek said he would stay in contact with Mr. Miller.

C-2 Zoning Ordinance Text Amendment (ZOTA 479-B) Northeast Corner of Rochester Road and Charrington Road – Section 23 – B-1 to H-S

Resolution #2004-09-504
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Road, Section 23, being 21,000 square feet in size, is hereby **REFERRED BACK** to the Planning Commission.

Yes: All-6
No: None
Absent: Schilling

REZONING REQUESTS

7. PUBLIC HEARING – PROPOSED REZONING (Z 479-B) – Existing Clark Station, Northeast Corner of Rochester Road and Charrington, Section 23 – From B-1 (Local Business) to H-S (Highway Service)

Mr. Savidant provided a brief history of the rezoning request and reviewed the Planning Department's recommendation to approve the rezoning application as submitted.

Mr. Miller announced that one item of public input was distributed to the members prior to the meeting.

The petitioner, John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren, was present.

The owner, Anddraos Kattouah of 3400 Rochester Road, Troy, was also present. Mr. Kattouah said he would like to expand the size of the retail space that is presently only 200 square feet. Mr. Kattouah said the service station was built in 1966 and is like a "hole in the wall" in comparison to the surrounding development. He said the rezoning approval would allow him the opportunity to enhance the appearance and provide more services to the surrounding people.

Mr. Schultz asked the owner if he is aware of the 75-foot setback requirement to the abutting residential property, should the rezoning request be approved.

Mr. Kattouah said a variance must be granted to meet the 75-foot setback requirement. He said the property is 140 feet x 150 feet. Mr. Kattouah said the tanks and canopy would not be moved. Mr. Kattouah said he is trying to find a solution not only for his benefit but also for the benefit of serving the community. He said there are no nearby convenience stores for residents to buy milk, bread, etc.

PUBLIC HEARING OPENED

John Dudek of 1071 Winthrop, Troy, was present. Mr. Dudek is an adjacent property owner to the Clark service station. He submitted the protest petition on August 10, 2004, and attended the September City Council meeting in which the matter was referred back to the Planning Commission. Mr. Dudek asked the status of the request by City Council to look into the environmental concerns associated with the gas station. He said there was a leak and contamination within the last year. Mr. Dudek said there are several permanent monitoring wells throughout the property, and a receiving well that is located 5 to 10 feet from his property. Mr. Dudek said the gas station has been going strong for 38 years and it will be there for the next 38 years, contrary to the owner's claim that the business will falter should there be no expansion. Mr. Dudek cited several

places in the area to shop for everyday groceries. Mr. Dudek said he has had numerous problems with the Clark gas station and believes the expansion would create more problems. Mr. Dudek said there is only one direction that the owner can go with the expansion, and that is closer to his property and the other two residential properties.

Vice Chair Chamberlain said the environmental concerns should be addressed with the Michigan Department of Environmental Quality (MDEQ). Vice Chair Chamberlain explained the rezoning procedure that the service station must follow in order to make improvements on the property. He further explained the Site Plan Approval process and the Board of Zoning Appeals process should variances be required. Vice Chair Chamberlain cited the criteria that the Commission considers in its approval of rezoning requests. He said the future improvement to the site could be a plus for the neighbors on the east side of Rochester Road.

Mr. Dudek said he is the neighbor on the east side of Rochester Road and he does not believe the proposed expansion would benefit him or his neighbors. Mr. Dudek further expressed concerns with potential cut-through traffic for drivers seeking to avoid the Big Beaver and Rochester Road intersection. Mr. Dudek personally thanked Members Wright and Chamberlain for their attention during his presentation.

Roy Gantt of Atlas Oil Company, 7731 Gary, Westland, was present. Mr. Gantt addressed the environmental issues associated with the service station recently purchased from Atlas Oil Company. Mr. Gantt reported that Phase 1 and Phase 2 tests were performed on the site. He said there is historical contamination but it has been remediated. Mr. Gantt said monitoring wells are on-site and no contamination is migrating off-site. Mr. Gantt said it is the owner's responsibility to meet the MDEQ requirements and forward reports to Atlas Oil Company. Mr. Gantt reported that the service station is in compliance and meets environmental objectives.

Vice Chair Chamberlain asked if the tanks and lines on the subject property meet Federal guidelines.

Mr. Gantt responded that the tanks and lines are not the latest, but they have been upgraded to the current State of Michigan standards. He said they are inspected on a regular basis.

PUBLIC HEARING CLOSED

Mr. Miller said the City Manager committed to City Council that (1) research would be done on contamination at this site; (2) the resident petition would be provided to the Planning Commission; and (3) the notice of Public Hearing would be mailed to each resident who signed the petition. Mr. Miller confirmed that the

Planning Department has met all three commitments. Mr. Miller reported the Planning Department's resources on contamination is limited to the MDEQ's website, and provided information obtained from the Leaking Underground Storage Tank (LUST) list.

Mr. Khan explained that there is no site plan to review because the matter being considered tonight is only the proposed rezoning. Mr. Khan further explained that the Commission has no authority on environmental contamination and it cannot regulate nor enforce any environmental issues.

Resolution # PC-2004-11-129
Moved by: Vleck
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located on the northeast corner of Rochester Road and Charrington Drive, within Section 23, being 21,000 square feet in size, be granted.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

Rezoning Protest Petition

RECEIVED
CITY OF TROY
2004 AUG -5 PM 4:09
REC'D
AUG 11 2004
PLANNING DEPT.

Submit this form to: **City Clerk's Office**
City of Troy
500 W. Big Beaver
Troy, MI 48084

Date: August, 2004

Contact Person: MR. JOHN DUSEK
Address: 1071 WINTHROP
City: TROY State: MI Zip: 48083
Telephone: 248-619-0362

Rezoning case being protested:
Case #: Z-479B Applicant Name: Andros G. Kattouah

What is a valid rezoning protest petition?

If a valid rezoning protest petition is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of two-thirds of all Council members. A simple majority can approve all other rezoning requests. To be considered valid, the protest petition must:

(1) Be signed by the owner(s) of twenty percent (20%) or more of the area of land included in the proposed change ***or*** be signed by the owner(s) of twenty percent (20%) or more of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. **Publicly owned land shall be excluded in the calculating the twenty percent (20%) land area requirement.**

(2) Be signed by all persons having an ownership interest in the property as represented on the property deed - i.e., both spouses, the managing partner of a partnership, etc.

(3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.

(4) Be submitted to the office of the City Clerk, 500 W. Big Beaver, at or before 12:00 p.m. on the date the Rezoning is scheduled for action by the City Council.

Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.

100 Ft BUFFER EXCL. PUBLIC PROP = 42272.50 S.F
20% OF 100' BUFFER = 8454.50 S.F.
4 VALID SIGNERS = 27450.49 S.F. (65% of BUFFER)

City of Troy

Rezoning Protest Petition
Case #: Z-479B

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the B-1 zoning district(s) to the H-S zoning district(s) Rezoning case identified above, applicant name Andros G. Kattouah

The Rezoning is scheduled for action by the City Council on _____ (date)

The reason(s) for this protest is/are: increasing safety concerns, noise, traffic, congestion, and our neighborhood will become a short cut for through traffic.

Print Name (clearly): JOHN DUDEK Date: August 4, 2004
Description or Parcel # of Parcel(s) Owned:
Signature: John Dudek
Address: 1071 WINTROP
Win 100 ft. ✓

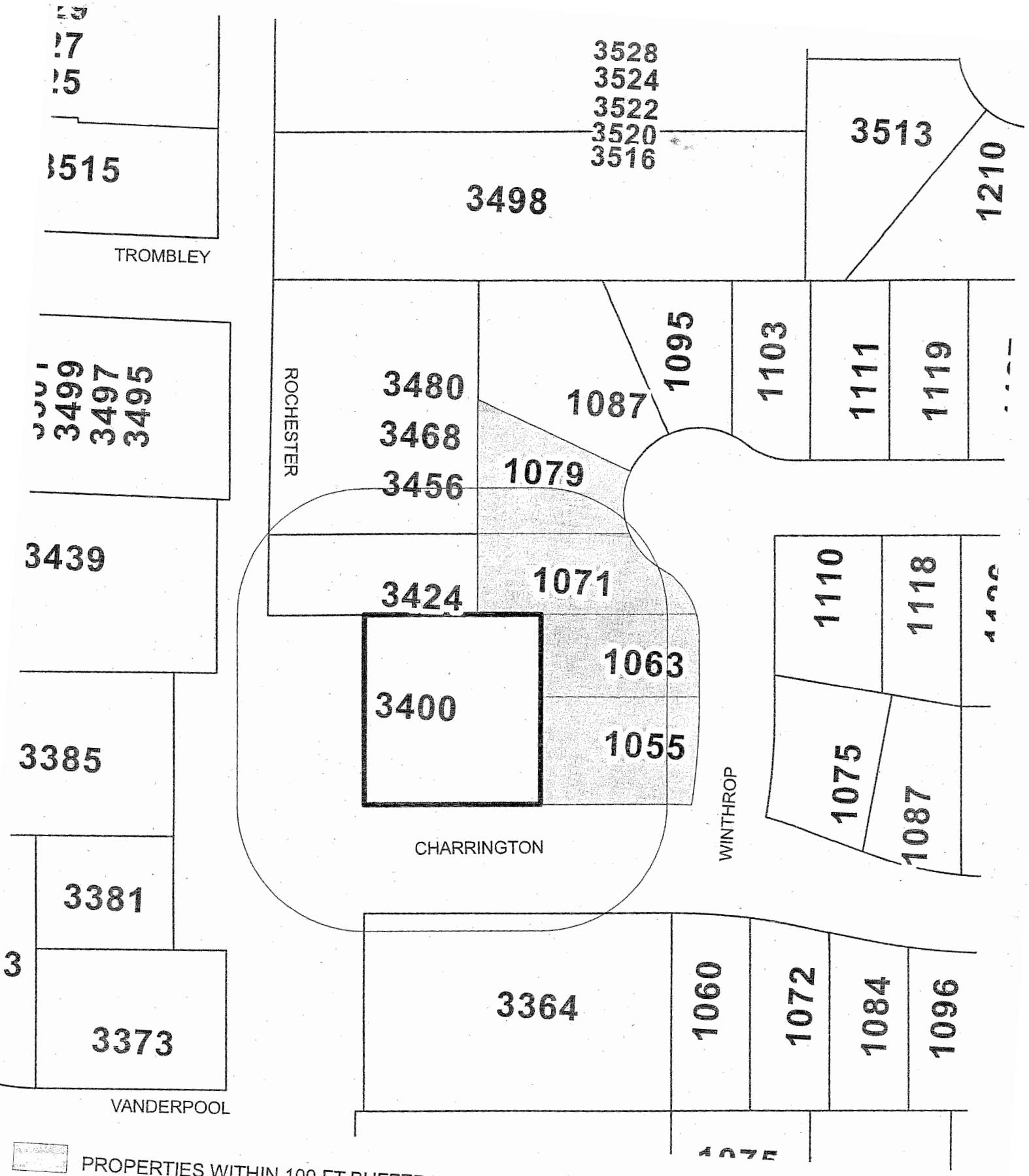
Print Name (clearly): MARJAN JESIH Date: AUGUST 4, 2004
Description or Parcel # of Parcel(s) Owned:
Signature: Marjan Jesih
Address: 1079 WINTHROP
Win 100 ft. ✓

Print Name (clearly): EDITH P. CONNELLY Date: 8-4-04
Description or Parcel # of Parcel(s) Owned:
Signature: Edith P. Connelly
Address: 1087 W. Winthrop

Print Name (clearly): TROMBLY INVESTMENT CO Date: 8-5-04
Description or Parcel # of Parcel(s) Owned: 3495-3503 ROCHESTER, TROY, MI
Signature: James Jablonski mgr
Address: 3503 Rochester RD, TROY, MI 48083

Print Name (clearly): PELLUMB GEGA Date: 8/5/04
Description or Parcel # of Parcel(s) Owned:
Signature: Pellumb Gega
Address: 1063 Winthrop Troy MI 48083
Win 100 ft. ✓

Print Name (clearly): ARBEN BEJLERI Date: 8.5.04
Description or Parcel # of Parcel(s) Owned:
Signature: Arben Bejleri
Address: 1055 WINTHROP TROY MI 48083
Win 100 ft. ✓



PROPERTIES WITHIN 100 FT BUFFER WHICH HAVE SIGNED PROTEST PETITION

Feet
50 100

N

We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 JOHN DUDEK	1071 WINTHROP	248 619 0362	John Dudek
2 MARJAN JESIH	1079 WINTHROP	248-689-6653	Marjan Jesih
3 EDITH P. BONNELL	1087 WINTHROP	248 528-9107	Edith P. Bonnell
4 SHIRLEY FRAZIER	1119 WINTHROP	248-689-4772	Shirley Frazier
5 WILLIAM DENNIS	1111 WINTHROP	248-528-1777	William Dennis
6 RICHARD W PETRIE	1110 WINTHROP	248-689-3923	Richard W Petrie
7 PATRILIA DUDEK	1071 WINTHROP	248-619-0362	Patricia Dudek
8 Carrie Keifer	1099 Charrington	248-689-6922	Carrie L Keifer
9 MARIAN MULLIGAN	1087 CHARRINGTON	248-680-1844	Marian Mulligan
10 Donna Merby	1144 Charrington	(248) 524-3875	Donna Merby
11 JIM MERBY	1144 CHARRINGTON	248 524 3875	[illegible]

We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 Mark R. McCullen	1156 Charrington	248 6894050	Mark R. McCullen
2 ROBERT McCULLEN	1156 CHARRINGTON	248 689 4050	Robert McCullen
3 JEFF BONTSAS	1216 CHARRINGTON DR.	248-528-2342	Jeffrey N. Bontsas
4 Marie Weber	1191 Winthrop Dr.	248-680-0810	Marie J. Weber
5 John Morrison	1166 Winthop Dr		[illegible]
6 Mark Smith	1127 Winthrop Dr	248-457-1968	Mark Smith
7 PELLUMB. GEGA	1063 WINTHROP DR	248-680-0124	Pellumb Gega
8 ARBEN BEJLERI	1055 WINTHROP	248 457-0176	Arben Bejleri
9 RICHARD STACHO	1096 CHARRINGTON	248-528-2015	Richard Stacho
10 FRANK LUCKEN	3456 ARDMORE		Frank Lucken
11 CAROL LUCKEN	1453 BOYD		Carol Lucken

We, the under signed residents of Charrington Place subdivision, ask the Planning Commission and the City Council of Troy, MI to deny the The Clark Gas Station, at 3400 Rochester Rd., request to rezone from a B-1(Local Business) to H-S (Highway Service). Case # Z-479B

Name (Print)	Address	Phone number	Signature
1 JEANIE KRAUSS	3468 Ardmore Dr.	248-689-9735	
2 DEBORAH SWAIN	1190 WINTHROP	248-689-8491	
3 Devon Mencke	1151 Winthrop Drive	248.619.0355	Devon Mencke
4 Don Mencke	1151 Winthrop Drive	248.619.0355	Donald B. Mencke
5 Cleora J. Dekay	1134 Winthrop	248.689-2728	Cleora J. DeKay
6 TIMOTHY J. GOHR	1126 WINTHROP	248.740.3250	
7			
8			
9			
10			
11			

Paula P Bratto

From: jjboling [jjboling@wideopenwest.com]
Sent: Monday, August 09, 2004 10:09 PM
To: planning@ci.troy.mi.us
Subject: Opposition to request of rezoning of Clark Gas Station on Rochester Road

Dear Planning Commissioners:

We are writing to express our opposition to the proposed rezoning the Clark Gas Station at the corner of Rochester Road and Charrington Drive . We have lived on Charrington Drive for 36 years and know the area well.

We oppose the change in zoning for the following reasons:

1. There is enough traffic at that corner already and by allowing the station to expand will just create even more.
2. The gas station has been the site of robberies and crimes.By expanding the station, the potential of increase crimes exist.
3. Another food mart is not needed there. There is Buscemi's Party Store and Hungry Howies within one block of this gas station.
4. If the owners want to enlarge their business, they should sell and look for another site. They knew what the zoning was when they purchased the gas station.

As a resident, living just a few houses away from the gas station, we are opposed to any zoning changes at the Clark Gas Station.

Sincerely,
James

and Jeanette Boling

REC'D
AUG 10 2004
PLANNING DEPT

Kathy Czarnecki

From: Mark F Miller
Sent: Wednesday, September 22, 2004 3:08 PM
To: Kathy Czarnecki; Brent Savidant
Subject: FW:

September 22, 2004

Dear Mayor,

We are writing this letter to voice our opposition with Mr. Andros G. Kattouah's request, on behalf of Space Station of Troy, Inc, to rezone the property located at the northeast corner of Rochester Rd. and Charrington Dr. (3400 Rochester Rd.) from a B-1 (local business) to H-S (highway service). This rezoning file/case number Z-479B. We urge you not to grant this request.

We are one of three home owners whose property is adjacent to the Clark Gas Station. During the past twelve years we have experienced numerous problems with this Station. We attempted to resolve the problems with the station and the management directly. Unfortunately to get anything addressed we were often required to contact the city in-order to get a response. These issues include, but are not limited to the maintenance of the grounds; garbage and debris from their dumpster spilling onto our property; fumes and other environmental concerns; a sewer drain that was covered with a least a decade of garbage and dirt causing our yard to flood during the winter thaw and rainy weather; and the replacement of the four (4) foot chain link fence that currently separates our properties with a quality six (6) foot wooded fence.

This pass year the station was robbed, and the thief(s) cut through our property on their way to their vehicle. We have

two young daughters, and since this event we have been concerned for their safety. We feel the rezoning will only attract similar problems. Furthermore, we are concerned with the increased traffic which will be the likely result of this expansion. This traffic will cut through our subdivision to avoid Big Beaver and Rochester Rd. To those of us who live in Charrington Place this is already an on going problem. The rezoning will only make a bad situation worse.

We respect Mr. Andros G. Kattouah's right to apply and request that his property be rezoned, so he can maximize his investment, however, we think that this residential corner can not accommodate this expansion. We thank the city for this process which gives the citizens the opportunity to voice their concerns regarding these matters.

You may be aware that a petition, signed by twenty-six citizens opposing the rezoning, was submitted on Thursday, August 5th for the Planning Commission meeting that was held on August 10th. The commission never saw the petition at their August 10th meeting. We sincerely hope that you, the city council handle this matter with more consideration for the concerns of the community then the Planning Department, City Clerk's office, and the Planning Commission have thus far.

Sincerely,

Mr. & Mrs. John Dudek
1071 Winthrop
Troy, MI 48083

Z 479-B

Paula P Bratto

From: Ed Swain [eswain@comcast.net]

Sent: Sunday, November 07, 2004 2:44 AM

To: planning@ci.troy.mi.us

Subject: hearing on T2N,R11E,SW 1/4 of Section 23...3400 Rochester Rd.

Greetings, As past president of the Charrington homeowners association, my neighbors and I are certain that the proposed expansion of the gas station at Charrington and Rochester will cause the property values of our homes to decline in proportion to the homes that directly adjoin this proposed expansion, therefore Impacting the 60 homeowners negatively in the pocket book and in the quality of life in this subdivision. The criminal element targets these types of locations, because of easy access to the freeway. If you check with the Troy police department you will find the history of the crimes already committed at this location, it is certain to increase with a much larger retail operation. The owners may suggest to putting up bullet proof cages of thick clear plexiglass , this would not be a desirable addition to our neighborhood , as you certainly know.
The Torpey family just built a new retail strip store at Torpey Drive and Rochester Rd.and I believe this location should be the Last in this area. Please consider the endangerment of our neighbors by increasing their chance of coming in contact with a weapon wielding criminal while paying for gasoline.
And please consider that our property values declining, may not balance out the additional revenues the city will receive from this new construction, but you will impact the pocket books of over 60 citizens in favor of something they do not need or desire.
Respectfully yours...Ed.E.Swain 1190 Winthrop Drive Troy Mi 48083

NOV - 8 2004
PLANNING DEPT.

Department of Environmental Quality

Leaking Underground Storage Tank Sites List

List updated daily

Tank and Release details

Close this window

Facility Address:

Facility ID: 00012275
Clark Gas Station
3400 Rochester Rd
Troy, MI 48084
Phone#: (248) 689-7806

Owner Address:

Space Station of Troy
3400 Rochester Rd
Troy, MI 48084
Phone#: (248) 689-7806

Tank Information

Tank ID	Tank Status	Capacity (in gallons)	Installation Date	Substance Stored	Tank Release Detection	Piping Release Detection	Piping Material	Piping Type	Construction Material	Impressed Device
1	Removed from Ground	10000	5/2/1966	Gasoline			Galvanized Steel		Asphalt Coated or Bare Steel,Lined Interier	No
2	Removed from Ground	10000	5/2/1966	Gasoline			Galvanized Steel		Asphalt Coated or Bare Steel,Lined Interier	No
3	Currently In Use	12000	9/24/1992	Gasoline	Automatic Tank Gauging, Inventory Control	Automatic Line Leak Detectors, ELECTRONIC LD	Double Walled, Fiberglass reinforced plastic	Pressure	Composite(Steel w/Fiberglass)	No
4	Currently In Use	12000	9/24/1992	Gasoline	Automatic Tank Gauging, Inventory Control	Automatic Line Leak Detectors, ELECTRONIC LD	Double Walled, Fiberglass reinforced plastic	Pressure	Composite(Steel w/Fiberglass)	No

Release Information

Leak ID	Release Date	Release Status	Release Closed Date	Closure Subject To Audit	Substance Released
C-1899-92	10/26/1992	Open		No	Gasoline

Tonni L Bartholomew

From: John Szerlag
Sent: Friday, December 10, 2004 11:47 AM
To: 'Dave Lambert'
Cc: Lori G Bluhm; Douglas J Smith; Tonni L Bartholomew; Brian P Murphy; John M Lamerato; Mary F Redden; Cristina Broomfield (E-mail); Dave Lambert; David Eisenbacher (E-mail); Jeanne M. Stine; Louise Schilling; Martin Howrylak (E-mail); Robin Beltramini (E-mail)
Subject: RE: December 20 Council Comments

Dave:

It will be on the agenda.

John

-----Original Message-----
From: Dave Lambert [mailto:dave@lambert.net]
Sent: Friday, December 10, 2004 11:17 AM
To: John Szerlag
Cc: Lori G Bluhm
Subject: December 20 Council Comments

John and Lori:

At our December 20th Council meeting, I would like the following to be on
the agenda under Council Comments/Referrals:

"Resolved that the City of Troy will halt expenditures for the I-75/Long

Lake Road Exit project except for any work required by the
Federally-mandated Environmental Assessment. This moratorium will continue
until the Environmental Assessment is completed."

If you would prefer, I would be willing to support a budget amendment that
would accomplish the same objective.

Dave Lambert
Web address: www.dave.lambert.net

RESOLVED, That Traffic Control Order 2004-_____ be **ISSUED** for installation of all-way STOP signs the intersection of Larchwood and Bellingham, and that the intersection be striped to designate the separate lanes, if deemed necessary by the Traffic Engineer.

RESOLVED, That the City **REQUEST** the Road Commission for Oakland County to change operation of the traffic signal on westbound Maple at Chicago Road to add a flashing red phase.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Rezoning Application – Northeast Corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-B) – January 10, 2005

G-2 Green Memorandums:

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

H-1 No Council Referrals advanced.

COUNCIL COMMENTS:

I-1 Moratorium on Expenditures for the I-75/Long Lake Road Exit Project – Proposed by Council Member Lambert

RESOLVED, That the City of Troy will halt expenditures for the I-75/Long Lake Road Exit project except for any work required by the Federally-mandated Environmental Assessment. This moratorium will continue until the Environmental Assessment is completed.

REPORTS:

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, October 21, 2004 at the Troy Community Center, staff conference room. Chairwoman, Kathleen Fejes called the meeting to order at 7:32 p.m.

Present:	Stu Redpath, member	Jeff Stewart, member
	Tom Krent, member	Tod Gazetti, member
	Rusty Kaltsounis, member	Jan Zikakis, member
	Kathleen Fejes, member	Brad Henson, student representative
	Jeff Biegler, staff	Stuart Alderman, staff
	Carol K. Anderson, staff	

Absent: Merrill Dixon, Ida Edmunds, Meaghan Kovacs

Visitors: Lauren Sharer, Bill Weisgerber

Resolution # PR - 2004 - 10 - 019
Moved by Krent
Seconded by Redpath

RESOLVED, that absent members be excused.

Yeas: All
Nays: None
MOTION CARRIED

Resolution # PR - 2004 - 10 - 020
Moved by Zikakis
Seconded by Kaltsounis

RESOLVED, that the minutes from September 9, 2004 be approved as submitted.

Yeas: All
Nays: None
MOTION CARRIED

Introduction of New Members:
1) Brad Henson is the new student representative. He is currently attending Troy High School and likes to snowboard. He is applying for membership into the National Honor Society.

2) Tod Gazetti is the newest member on the board. He was just appointed by council on Monday evening. He is the Superintendent of Recreation in Royal Oak.

Visitor - Lauren Sharer is the intern in the department. She will graduate in December from Central Michigan University. She has worked in Parks and Recreation since high school where she worked in Roseville.

NEW BUSINESS

A. Organizational Positives - A list of accomplishments for 2003 was highlighted. Troy was named #1 Sportstown in Michigan by Sports Illustrated, opened a new golf course, began online registration, added more programs and pursued additional money thru grants just to name a few.

B. Public Display Policy - City Council has approved two sites for public displays. These sites are located behind the library. This department will take the applications and have the lottery. Each approved application will get either 12 or 19 days, depending on the time of year, for their display.

OLD BUSINESS

A. Rotary Park - Negotiations continue with the Rotary Club for development of the remnant parcel on Long Lake. The City Attorney's office is reviewing terms of the agreement including park naming stipulation, financial contribution and length of the agreement.

B. Cricket - The practice pitch at Garry Street has been removed. A new site has not been identified at this time. Staff will continue evaluating different locations for Cricket.

Member Comments:

Tom Krent asked about the fence at Sylvan Glen Golf Course along Rochester Road. Carol Anderson mentioned that we are looking at options including ornamental fencing.

Jeff Stewart congratulated Stu Redpath on being named "Principal of the Year."

Staff Reports

Directors Report - Carol Anderson thanked the Park Board for adjusting their schedules in order to make the meeting this week.

Recreation Report - The winter brochure will be sent to the printer soon and then mailed to residents and businesses.

A video telephone has been installed in the senior reading room of the Community Center. This telephone is available to the deaf for free.

The Senior Coordinator, Melissa Humbyrd, is leaving in two weeks as she has accepted a full time position with another agency.

The fitness room is expanding and ten additional ellipticals will be purchased. Bids will be taken soon for eight additional treadmills.

Parks Report - It is the end of the season and the irrigation system is currently being winterized and the flowerbeds are being removed.

J. H. Hart, the contractor working on Ash tree removal, is currently working in section 25 removing Ash trees. Approximately 1200 trees have been removed thus far.

The state of Michigan is proposing a program for private property owners to take advantage of standardized prices for tree removal.

The meeting adjourned at 8:12 p.m.

_____
Kathleen Fejes, Chairwoman

_____
Mary Williams, Recording Secretary

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, November 3, 2004, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:06 P.M.

Present:	L Bertin, member	S. Burt, member
	A. Done, member	A. Fuhrman, alternate
	T. House, member	P. Manetta
	D. Pietron, member	M. Pritzlaff, alternate
	A. Wiqar, student	
Present:	M. Grusnick, staff	
	K. Jearls, staff	
Absent:	C. Buchanan, member, EA	K. Gauri, member, EA
	N. Johnson, alternate, UA	

ITEM B – APPROVAL OF MINUTES OF MEETING OF OCTOBER 6, 2004
Burt made a motion that the minutes of October 6, 2004, as amended, be approved. Supported by House. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

ITEM D – NEW BUSINESS
The November meeting will focus on this Committee's agenda goals for next year.

ITEM E – REGULAR BUSINESS
House will attend the 11/8 City Council meeting and Bertin will check agenda for 11/22 to determine necessity for attending. Pietron will attend 11/15.

ITEM F – OLD BUSINESS
Grusnick provided the inspection reports of all Troy polling locations. These reports were briefly reviewed by the Committee and delegated to House for further organization and review.

Bertin attended the Troy Daze meeting and informed the Troy Daze Committee of dissatisfaction with the shuttle drivers and Ability Expo's location. He will check into sharing a tent with Beaumont at their senior citizen health screening. Jeff Stewart also is checking into an activity to be created for disabled children. The Ability Expo mailing list also needs to be updated and a letter sent to previous participants regarding positive changes for next year, such as location and better advertising.

Still no response on the joint meeting with City Council.

Grusnick will check with the Michigan Municipal League for availability of disability awareness seminars.

ITEM G – INFORMATIONAL ITEMS
The City of Warren is currently compiling a visitability ordinance similar to the one in Escanaba. Westland is in the final stages of organizing a disability committee.

Grusnick was asked to invite Brian Murphy, Assistant City Manager for Services, to next month's meeting.

ITEM H – ADJOURN
House made a motion to adjourn at 8:22, Pietron seconded.

_____
Leonard Bertin, Chairperson

_____
Kathy Jearls, Recording Secretary

J-01c

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House made a motion to adjourn at 8:22, Pietron seconded.

Leonard Bertin, Chairperson

Kathy Jearls, Recording Secretary

Advisory Committee for Senior Citizens

A Regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, November 4 2004 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 10:01 AM.

Present: JoAnn Thompson, Chair
David Ogg, Member
Bud Black, Member
Merrill Dixon, Member
Pauline Noce, Member
Bill Weisgerber, Vice-Chair
Marie Hoag, Member
Jo Rhoads – Member
Carla Vaughan, Staff

Absent: None

Visitors: Jo-Anne Stein

Approval of Minutes

Resolution # SC-2004-11-001
Moved by Bud Black
Seconded by Jo Rhoads

RESOLVED, That the Minutes of October 7, 2004 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

Jo-Anne Stein commented on the Senior Council name change – see below.

Old Business

Troy Senior Council Name Change: JoAnn Thompson reported that she will meet with the City Attorney next week who said it would be a simple process to change the Senior Council's name. Jo-Anne Stein is agreeable to changing it to something that better reflects the social theme of the organization if they have help with the paperwork.

New Member Information: Bill Wiesgerber led a discussion on what should be included in a new advisory committee member packet. Items will include 2000 census information, a list of members and when their terms expire, the senior program annual report, Advisory Committee minutes for the past six months, Committee bylaws, the council memo describing the Committee's purpose, and a sheet of business cards.

Senior Centers in Neighboring Cities/Shuffleboard: JoAnn Thompson reported that she has a list of cities that offer shuffleboard. Carla will draft a form that committee members can use to gather information when they visit other senior centers to find out how they operate.

New Business

Catering Service at the Community Center: JoAnn Thompson lead a discussion about the dissatisfaction that many groups feel about having to use a caterer at the Community Center. Either they do not have a budget for this, or they would just prefer to bring special refreshments prepared at home. The current policy does not serve the needs of the community. Carla was asked to draft the memo for City Council based on today's discussion suggesting that the policy be changed for review at the December meeting.

Reports

Park Board: Bill Weisgerber reported that they discussed ash tree removal and replacement, the new video telephone at the Community Center and Melissa's resignation.

Medi-Go: Jo Rhoads circulated a report showing ridership statistics and said that there are still a lot of people who don't know about the service.

Nutrition: No report.

Senior Program: Carla reported that the Parks and Recreation Department took a bus to the flu shot clinic at the health department in Pontiac on October 29. 18 people participated (we had only two days to advertise it). Interviews are being held for Melissa's position. Troy is organizing a new women's 50 Plus softball league, and nine other cities in Oakland County have agreed to sponsor a team. JoAnn reported that the spelling duel is coming up and that people can participate in the practices even if they don't go to the competition.

OLHSA: Jo Rhoads reported that they had a presentation by Blue Dolphin, an agency that offers water therapy for those with a doctor's referral. OLHSA offers energy conservation programs for low income seniors. OLHSA is merging with Community Services of Oakland.

Suggestion Box: None.

Comments

JoAnn Thompson reported that she worked at the election and it is very well run in Troy. She was home by 9 p.m.

JoAnn Thompson led a discussion about the newspaper article that Bill Weisgerber distributed related to lunch program donations.

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

JoAnn Thompson, Chair Carla Vaughan, Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – FINAL November 8, 2004

A regular meeting of the Liquor Advisory Committee was held on Monday, November 8, 2004 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:02 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Alex Bennett
W. Stan Godlewski
Patrick C. Hall
James R. Peard
Emily Polet, Student Representative
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: Anita Elenbaum

Resolution to Excuse Committee Member Elenbaum

Resolution #LC2004-11-128
Moved by Godlewski
Seconded by Bennett

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

Yes: 6
No: 0
Absent: Elenbaum

Resolution to Approve Minutes of October 11, 2004 Meeting

Resolution #LC2004-11-129
Moved by Peard
Seconded by Hall

RESOLVED, that the Minutes of the October 11, 2004 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: 0

Absent: Elenbaum

Agenda Items:

1. **TROY ROBIN, INC.,** requests a **new full year (quota) Class C** license with Official Permit (Food), Sunday Sales, Entertainment Permit, and **new SDM**, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County. Proposed Red Robin restaurant at old Cooker's site.

Present to answer questions from the Committee were John Carlin and Lew Ansara.

Red Robin is a full-service, family restaurant with approximate seating capacity of 230 patrons. The entertainment permit is required because of holiday events that will be geared to children. This will be the 13th Red Robin restaurant in Michigan. The management is planning a major renovation to the existing building that should begin in approximately one month. They hope to open in March 2005.

Resolution #LC2004-11-130
Moved by Allemon
Seconded by Godlewski

RESOLVED, that TROY ROBIN, INC., be granted a new full year (quota) Class C license with Official Permit (Food), Sunday Sales, Entertainment Permit, and new SDM, to be located at 5460 Corporate Dr., Troy, MI 48098, Oakland County.

Yes: 6
No: 0
Absent: Elenbaum

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2. **BRAVO DEVELOPMENT INC., d/b/a CUCINA DEVELOPMENT INC.,** requests a **new full year (quota) Class C** license with Official Permit (Food), Sunday Sales, and **new SDM**, to be located at 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County. Proposed new restaurant at Somerset South.

Present to answer questions from the Committee was John Carlin.

After renovations to an existing 6,800 square foot retail store, Brio Tuscan Grille will open at Somerset Collection South. An outside entrance will be added. This is a high-end, upscale Italian restaurant with capacity for approximately 250 patrons. The parent

company currently has family-type restaurants located in Lansing, Rochester Hills, and Livonia, as well as nationwide. They have never received a liquor violation.

Resolution #LC2004-11-131
Moved by Allemon
Seconded by Peard

RESOLVED, that BRAVO DEVELOPMENT INC., d/b/a CUCINA DEVELOPMENT INC., be granted a new full year (quota) Class C license with Official Permit (Food), Sunday Sales, and new SDM, to be located at 2800 W. Big Beaver Rd., Troy, MI 48084, Oakland County.

Yes: 6
No: 0
Absent: Elenbaum

Informational Items:

4. Discussion of new Michigan subsidiary of Brinker Restaurant Corporation, specifically the MLCC requirement for a local government resolution approving "paper" transfers.

There was a presentation by John Carlin followed by a brief discussion regarding this Informational Item. There was no objection by the Committee, so the paperwork relating to this name change will proceed.

The meeting adjourned at 7:49 p.m.

_____
James R. Peard, Member

_____
Patricia A. Gladysz, Office Assistant II

J-01f

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, November 10, 2004, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:05 p.m.

TRUSTEES PRESENT:
Mark Calice
Robert Crawford
Thomas Houghton, Chair
David A. Lambert (Arrived at 12:20)
John M. Lamerato
William R. Need
Steven A. Pallotta
John Szerlag (Arrived at 12:22)

ALSO PRESENT:
Laura Fitzpatrick
Steve Gasper, UBS

MINUTES

Resolution # ER – 2004 – 11 - 042
Moved by Crawford
Seconded by Pallotta

RESOLVED, That the minutes of the October 13, 2004 meeting be approved.

Yeas: All 5
Absent: Lambert, Szerlag

OTHER BUSINESS - DEFERRED RETIREMENT REQUEST

Resolution # ER – 2004 – 11 - 043
Moved by Lamerato
Seconded by Calice

RESOLVED, That the Board Approve the deferred retirement request of Ludmila Messer, 10/10/04, 20 years, 10 months of service.

Yeas: All 5
Absent: Lambert, Szerlag

OTHER BUSINESS - PRIOR GOVERNMENTAL SERVICE

The Board Received and filed the request of Timothy J Daniels.

INVESTMENT PERFORMANCE REPORT – JUNE 30, 2004

Steve Gasper of UBS reviewed the June 30, 2004 investment performance results with the Board. The Board will review the investment composition of portfolio positions and make necessary adjustments.

INVESTMENT POLICY REVIEW

The Board reviewed our current statement of investment objectives and investment policy guidelines. The amended statement will be placed on the December 8, 2004 Agenda for review and adoption.

INVESTMENTS

Resolution # ER – 2004 – 11- 044
Moved by Szerlag
Seconded by Crawford

RESOLVED, That the following investments be sold:

Cardinal Health; Conagra; Conexant Systems and CTS Corp.

Yeas: All 7
Absent:

The next meeting is December 8, 2004 at 1:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:55 p.m.

Thomas Houghton, Chairman

John M. Lamerato, Secretary

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, November 16, 2004 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Thomas Strat

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES - MEETING OF OCTOBER 19, 2004

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of October 19, 2004 as written.

Yeas: All – 7

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. FRANK ZIMMER, OF THE HONEY BAKED HAM COMPANY, 1081 E. LONG LAKE ROAD, for approval under Section 43.80.00 of the Zoning Ordinance to place two temporary storage containers outside for a period from December 10, 2004 through December 31, 2004.

Mr. Stimac explained that the Petitioner is requesting approval under the Zoning Ordinance to place two temporary storage containers outside at 1081 E. Long Lake from December 10th through December 31, 2004. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses for a time frame not to exceed two years.

Mr. Frank Zimmer was present and stated that they have been coming to this Board with the same request for approximately six (6) years. Mr. Zimmer apologized for not attending the meeting last year and thanked the Board for approval of this request. Mr. Zimmer stated that these containers are used for the storage of containers and plastic bags. Honey Baked Ham would rent additional space in the shopping center if it became available, as there is no storage in their space but there are no spaces currently vacant. Mr. Zimmer also asked if the Board could approve this request for two (2) years.

ITEM #2 – con't.

Mr. Strat asked if this Board could grant the variance for a period of two years. Mr. Stimac stated that the Zoning Ordinance does allow for the Board of Zoning Appeals to approve this request for up to two (2) years.

Mr. Courtney asked about the length of time these storage containers would be out and Mr. Zimmer explained that they would actually be removed on the 29th of December.

The Chairman opened the Public Hearing.

John Ungvarsky, 5063 Abington was present and stated that his property backs up to this site and both he and his wife totally support this request. Mr. Ungvarsky stated that he thinks this is a wonderful product and would like to see the Board support this request and keep this business in the location it is in.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Hutson stated that although he is in favor of this request, he is not comfortable with granting the variance for two (2) years. Mr. Hutson said that he likes to review this file on a yearly basis as the storage containers are placed in an alleyway.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Frank Zimmer, of the Honey Baked Ham Company, 1081 E. Long Lake Road, approval under Section 43.80.00 of the Zoning Ordinance to place two temporary storage containers outside for a period from December 10, 2004 to December 31, 2004.

- Variance is not contrary to public interest.
- Abutting neighbor has indicated approval of this request.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. MR. & MRS. ROBERT ARKING, 4705 STODDARD, for relief of Section 30.10.04 of the Ordinance to construct a 10' addition to the front of their attached garage, which will result in a 26' front yard setback where 30' is required by Section 30.10.04.

ITEM #3 – con't.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an attached garage addition. The plans submitted indicate a 10' addition to the front of the attached garage, which will result in a proposed 26' front yard setback. Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning Districts.

Mr. and Mrs. Arking were present. Mr. Arking stated that his wife has a back condition, which is progressive and this extra space would allow them to bring up the washer and dryer. The extra space will also allow for the storage of their lawn equipment.

Mr. Kovacs asked about the size of the space and Mr. Arking indicated that they wish to enlarge this area to be approximately 26' deep and 19' wide. Mr. Arking also stated that they could not do this alteration in another area because of the location of the kitchen.

Mr. Courtney asked if this addition would comply with the requirements of the Ordinance if the road was not curved into the corner of the lot. Mr. Stimac stated that this 10' addition would comply with the Zoning Ordinance.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are thirteen (13) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Gies

MOVED, to grant Mr. & Mrs. Robert Arking, 4705 Stoddard, relief of Section 30.10.04 of the Ordinance to construct a 10' addition to the front of their attached garage, which will result in a 26' front yard setback where 30' is required by Section 30.10.04.

- Irregular shape of lot creates a hardship.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. MR. THOMAS QUAKENBUSH, 2544 HOMEWOOD, for relief of Section 40.57.03 and Section 40.57.05 to maintain a shed installed in the side yard, 6' from the north wall of the existing home.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to maintain a shed installed without first obtaining a Building Permit. The site plan submitted indicates that the shed has been placed in a side yard, 6' from the north wall

ITEM #4 – con't.

of the home. Section 40.57.03 prohibits the placement of a shed in a side yard and Section 40.57.05 requires a 10' minimum setback from the house.

Mr. & Mrs. Quakenbush were present. Mr. Quakenbush stated that his property has two (2) front yards, and also has a 15' easement at the back of the property, which creates a hardship for them.

Mr. Kovacs asked about the location of the shed. Mr. Stimac explained that this accessory building would have to be set back behind the rear line of the house and at least 40' from the property line along Beach Road. In order to comply the shed would have to be moved back approximately 10 or 15 feet.

Mr. Kovacs asked about the height of the fence on this property. Mr. Quakenbush stated that this is a 6' high privacy fence and the peak of the shed is approximately 8' high.

Mr. Hutson asked how long Mr. Quakenbush owned this property and Mr. Quakenbush stated that it has been approximately 2 years. Mr. Hutson then asked if they had reviewed the deed restrictions pertaining to this property. Mr. Quakenbush stated that he had not. Mr. Hutson informed Mr. Quakenbush that the deed restrictions prohibited a stockade fence. Mr. Quakenbush indicated that all he had done was replace an existing stockade fence. Mr. Hutson then asked what incidents led up to Mr. Quakenbush appearing before this Board. Mr. Quakenbush stated that someone had complained and a Building Inspector came out and informed him that a permit was required to put up a shed. At the time the permit application was submitted, he was informed that a variance would be required to put the shed in this location. Mr. Hutson also stated that Mr. Stimac had indicated that a variance would not be necessary if the shed was moved back 10 – 15'. Mr. Quakenbush said that he thought there would be a spot the shed would fit.

Mr. Courtney asked if he had spoken to the neighbors to the north of his property. Mr. Quakenbush stated that they had signed the affidavit for the permit. Mr. Courtney questioned the affidavit required for the Building Permit. Mr. Stimac clarified that the affidavit is a affidavit of notification, which acknowledges that at least 50% of the neighbors are notified of the construction of the shed and does not indicate approval or disapproval.

Mr. Kovacs asked if the Building Department had determined another location for this shed. Mr. Stimac said that based upon the plans submitted, the back wall of the house is located about 63' from the rear property line and the shed could be placed 10' from the corner of the house and as much as 12' from the back of the house. Mr. Kovacs asked if the shed would be more visible if it was placed farther back on the lot. Mr. Stimac stated that he could not offer an opinion on this.

ITEM #4 – con't.

Mrs. Quakenbush stated that if they moved the shed back, it would make their back yard much smaller. Mrs. Quakenbush also said that she did not think it would change the appearance to the neighbors on the north side of their property.

Mr. Strat stated that the Planning Commission is looking at the placement of sheds and accessory structures and they want to make sure that these structures are not seen from the front yard and placed only in the back yard area. Mr. Strat said that there is a 6' concrete walk next to the shed and also stated that he has some difficulty in approving this request. Mr. Quakenbush said that the concrete pad was in place for his pool equipment and that was one of the reasons that he put the shed in this area.

The Chairman opened the Public Hearing.

Steven Stelmach, 2624 Homewood was present and indicated that he objects to the request for this shed. Mr. Stelmach said this is a relatively small subdivision and he knows that there are a number of his neighbors that also object to this request. Mr. Stelmach said that there are deed restrictions that prohibit the 6' high fence. Mr. Stelmach believes that Mr. Quakenbush has disregarded these deed restrictions and does not respect his contractual obligations to obey the deed restrictions. Approval by the Architectural Committee is required for even a 4' high fence. Mr. Stelmach drove by this site the other and the fence blocks out most of the shed, although there is a gable that is 2' – 3' above the fence line. Mr. Stelmach believes that the neighbors' rights , and deed restrictions should be respected and Ordinances should be followed. Mr. Stelmach indicated that Mr. Quakenbush has done a number of improvements to the home, but does not think he should be able to come to this Board as an afterthought. Mr. Stelmach also indicated that the Homeowners Association has the right to enter this property and "abate" this condition and could in fact remove this shed.

Mr. Kovacs asked if sheds in this subdivision were prohibited by the deed restrictions. Mr. Stelmach said that his understanding is that approval by the Architectural Committee is required and does not believe Mr. Quakenbush received approval from this Committee before putting up the shed. Mr. Kovacs also said that this Board does not have control over the deed restrictions regarding the fence or the shed. Mr. Kovacs asked if there were any other sheds in this subdivision and Mr. Stelmach said he could not say for sure whether there were other sheds or not.

Bonnie Katschanow, 2704 Homewood was present. Ms. Katschanow said that the Subdivision deed restrictions, Section 2, paragraphs A & D, were written with the Zoning laws and City Ordinances in mind, and sheds are prohibited by these restrictions. Even if the City allows him to move the shed, it is possible that the rest of the residents would not accept this variance. There is a lot of openness between the homes in this subdivision and this is the way she would like the area to remain. Ms. Katschanow believes this variance would set a precedent and she objects to this request.

ITEM #4 – con't.

Wayne Wright, 2525 Homewood was present and stated that Mr. & Mrs. Quakenbush have done a lot to improve the appearance of this home. Mr. Wright cannot see the shed from his home, but knows that the neighbors to the north were adamantly opposed to this shed. Mr. Wright also said that he has a problem with something being constructed without the required permits. Mr. Wright objects to this variance.

Felimar Latif, 2513 Homewood was present and stated that she agrees with the neighbors and is opposed to this variance request. Ms. Latif was one of the first homeowners in this subdivision and has not seen any sheds being constructed in this area.

John Zawislak, 4582 Odette Ct. was present and although he does not live in this subdivision, he is opposed to this request. There are deed restrictions against sheds, and thinks that one of the reasons Troy is an outstanding City is because the Zoning Ordinances are strictly enforced. Mr. Zawislak also stated that he felt this would set a very bad precedent.

Martin and Linda Vittands, 2528 Homewood were present and stated that the Quakenbush's have done a lot of improvements to this property, but they are against this variance. Mr. Vittands also said that the deed restrictions do allow a 4' fence and the Quakenbush property now has a 4' chain link fence and a 6' high privacy fence. Mr. & Mrs. Vittands feel that this area is a very upscale area and believes that sheds will drop the property values. Mrs. Vittands also thinks this shed would open the door to other property owners putting up sheds.

Nancy Gross, 2656 Homewood was present and stated that she objects to this variance. Ms. Gross said that she feels this would set a bad precedent for the area and it does go against the deed restrictions.

Mr. Quakenbush stated that he wanted to clear up some inaccuracies. Mr. Quakenbush is a licensed builder but does not build homes. The stockade fence was existing and he replaced the fence with a cedar dog-eared fence. Mr. Quakenbush also said that he contacted the president of the homeowners association, Mary Strowbridge, and she gave him approval and told him to also contact the neighbor next to him.

Mr. Quakenbush also said that he had gone on line to see what the requirements were for sheds in the City of Troy, but went to the wrong web site and admits he did make an error but did not blatantly ignore the City Ordinance.

No one else wished to be heard and the Public Hearing was closed.

There are nine (9) written approvals on file. There were eight (8) verbal objections.

ITEM #4 – con't.

Ms. Latif questioned the number of objections and approvals. Mr. Courtney explained that the views expressed by the neighbors were a part of the record, but are not considered to be a vote deciding the variance request.

Mr. Kovacs asked for clarification regarding the area that Public Hearing notices are sent to. Mr. Stimac stated that Public Hearing notices are sent to property owners and residents within 300' of the subject property.

Mr. Fejes asked what would happen if this Board approved the variance. Ms. Lancaster stated that the deed restrictions over rule any decision of this Board. If the homeowners association wants to file a lawsuit, they can and make Mr. Quakenbush take the shed down. Mr. Fejes then stated that he did not believe that the actions of this Board would mean anything. Ms. Lancaster said that from these deed restrictions, the homeowner could go to the architectural committee and ask for permission to put up this shed, but that decision would have nothing to do with this Board. Ms. Lancaster also indicated that if this Board were to grant the variance because of a hardship with the land, and the court decided in favor of the homeowners association, the homeowners deed restrictions would supercede any decision made by this Board.

Mr. Fejes asked Mr. Quakenbush if he wanted this item postponed. Mr. Quakenbush said that a number of his neighbors had come over and told him they were sorry he had to go through all of this and did in fact support his request for the shed. Mr. Quakenbush also stated that before putting up the shed, he contacted the president of the Homeowners Association and was given approval. Mr. Quakenbush said that this shed helps him keep his property neat.

Mr. Courtney said that he would like to approve this request, but cannot find a hardship that runs with the land.

Motion by Courtney
Supported by Strat

MOVED, to deny the request of Mr. Thomas Quakenbush, 2544 Homewood, for relief of Section 40.57.03 and Section 40.57.05 to maintain a shed installed in the side yard, 6' from the north wall of the existing home.

- Petitioner did not demonstrate a hardship.
- Variance would be contrary to public interest.
- Variance would have an adverse effect to surrounding property.
- Location of shed could be changed to comply with the requirements of the Ordinance.
- Petitioner's difficulties are not the result of any unusual characteristics of the property.

ITEM #4 – con't.

Yeas: 6 – Maxwell, Strat, Courtney, Fejes, Gies, Hutson
Nays: 1 – Kovacs

MOTION TO DENY VARIANCE CARRIED

Mr. Strat said that there are other alternatives available to this petitioner that would not cause an adverse effect to surrounding property. Mr. Strat also said that he has a great deal of difficulty in that the shed is visible from the street. Mr. Strat further stated that the Planning Commission is looking into these types of structures and is in the process of modifying the Ordinance regarding the location of sheds and accessory structures.

ITEM #5 – VARIANCE REQUEST. STEVEN CERRONE, 2103 PIPPIN, for relief of Section 30.10.02 of the Ordinance to maintain a covered front porch, which has a 34'-11" front setback where 40' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a covered front porch that was constructed without first obtaining a Building Permit. The site plan submitted indicates this construction has resulted in a 34'-11" front yard setback. Section 30.10.02 requires a 40' minimum front setback in R-1B Zoning Districts.

Laura from AZD Architects, and Mr. Cerrone were present. Laura indicated that this had started as a maintenance project in 1994 due to problems with water backing up on the porch. Mr. Cerrone had hired a contractor and found the problem was more extensive than originally thought. AZD Architects worked with him to not only fix the original problem, but also to provide shelter for his elderly mother-in-law and medical personnel going in and out of the house. This new covered entry does not project any further into the setback than the original porch. The porch is not enclosed but just creates a covered area. A number of the neighbors have indicated approval of this covered porch.

Mr. Courtney asked how a wheel chair gets in and out of this door. Mr. Cerrone indicated that they are able to get his mother-in-law right to the edge of the porch, and into the cars. The way the garage is configured makes it impossible to get her in and out of that door. Mr. Courtney also stated that he feels the porch looks much better with the roof. Mr. Cerrone also stated that the roof over the porch helps protect medical supplies that are delivered to him.

Mr. Hutson asked what the setbacks were based on the site plan. Mr. Stimac said that he thought this was a somewhat unusual shaped lot, and thought that it was approximately 70' to the rear property line. Mr. Hutson said that he thought that the placement of this house on the lot creates a hardship in dealing with the front yard setback.

ITEM #5 – con't.

Mr. Strat stated that Mr. Cerrone has been his personal dentist for a number of years, and if the Board felt that this was a conflict of interest, he would abstain from the vote. The Board did not make any motion indicating that this would be a conflict of interest.

There are twenty-four (24) written approvals on file. There are no written objections on file.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Courtney
Supported by Hutson

MOVED, to grant Steven Cerrone, 2103 Pippin, relief of Section 30.10.02 of the Ordinance to maintain a covered front porch, which has a 34'-11" front setback where 40' is required.

- Variance is not contrary to public interest.
- Roof over porch is aesthetically pleasing.
- Variance would not have an adverse effect to surrounding property.
- Irregularly shaped lot creates a hardship.

Yeas: 6 – Maxwell, Strat, Courtney, Fejes, Hutson, Kovacs
Nays: 1 – Gies

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. SAM ASKAR, 2970 E. LONG LAKE, for relief of Section 40.50.04 of the Ordinance to construct an addition to an existing legal non-conforming structure.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition on an existing service station. The property is located in the H-S (Highway Service) Zoning District, and Section 30.20.07 requires a minimum rear yard setback of 30'. The site plan submitted indicates that the setback to the existing rear building line is only 19'-7". The proposed addition will continue this existing wall line out to the east with the addition. Because this building existed before the zoning of the property was changed to H-S, it is classified as a legal non-conforming structure. Section 40.50.04 of the Zoning Ordinance prohibits the expansion of a non-conforming structure in any way that increases the non-conformity.

ITEM #6 – con't.

Mr. Art Kalasian, Sam Askar and Maan Askar were present. Mr. Kalasian stated that the structure they are talking about adding onto is part of the original building. This addition would give the owner the opportunity to expand his display area. Right now he has about 300 square feet and this addition would expand this area to about 750 square feet. They would not add any footings, but would continue the existing structure. This addition would also make the area more usable and would update the look of the building. The hardship would be the existing condition that is already there and this would enable him to make the best use of this property.

Mr. Sam Askar stated that he has managed this gas station since 1993 and recently had the opportunity to purchase it. Mr. Askar stated that this gas station supports seven (7) families and they have a lot of plans to improve their image and update this property.

Mr. Strat asked if he owned the property and Mr. Askar said that he now owns the property.

Mr. Strat then asked if this was going to go before the Planning Commission. Mr. Stimac stated that he had met with Mark Miller, but could not remember if a determination had been made to take this item to the Planning Commission. Mr. Strat said that he was concerned about the wall that is going in right next to the sidewalk. Mr. Strat stated that if a truck hit this wall it would be possible that people walking by could be injured. Mr. Strat also asked if the wall would be repaired if it was damaged. Mr. Askar said that he plans to put in a brick wall and would keep it in good condition.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Maxwell
Supported by Fejes

MOVED, to grant Sam Askar, 2970 E. Long Lake, relief of Section 40.50.04 of the Ordinance to construct an addition to an existing legal non-conforming structure.

- Variance is for an area that is already covered by a roof.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in question.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. BRUCE HUDALLA OF THE HEARTLAND GROUP, INC., 2003 BRIARGROVE, for relief of the Ordinance to construct a sunroom addition that will result in a 34' rear yard setback, where a 45' minimum rear yard setback is required by Section 30.10.02.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a sunroom addition that would result in a proposed 34' rear yard setback. Section 30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1B Zoning District.

Mr. Bruce Hudalla of the Heartland Group, and Mr. Bernardo Duller were present. Mr. Hudalla explained that originally they had planned to make this sunroom much larger because Mr. Duller and his wife have four (4) children and the extra space is very much needed. Mr. Hudalla stated that after discussion it was determined that the room needed to be made smaller. They had looked at an alternative location to the east, but if the sunroom was put there it would diminish the light coming in from the windows in the basement and would also block an egress door. This home is located on a corner lot and Mr. Hudalla believes that this creates a hardship for the homeowner.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Fejes

MOVED, to grant Bruce Hudalla of the Heartland Group, Inc., 2003 Briargrove, for relief of the Ordinance to construct a sunroom addition that will result in a 34' rear yard setback where a 45' minimum rear yard setback is required by Section 30.10.02.

- Shallower lot creates a hardship for the petitioner.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 5 – Fejes, Gies, Kovacs, Maxwell, Strat
Nays: 2 – Courtney, Hutson

MOTION TO GRANT VARIANCE CARRIED

Mr. Kovacs stated that he would like the record to reflect that the reason he voted No on Item #4, was because he felt that the shed could be moved farther back on the property, which would then comply with the Zoning Ordinance. Mr. Stimac said that if the shed was moved behind the rear line of the house and was setback 6' from the side property line, 10' from the house and 40' from the rear property line it would comply with the Ordinance.

Mr. Strat asked how the new ZOTA going before Council would affect this type of request. Mr. Stimac stated that the changes as proposed would not have any changes on this request. The only way it would affect this building was if it was a cabana, which sole purpose and use was to house pool equipment and supplies. Under the new Zoning regulations it could be located in a side yard, but would have to comply with the side yard requirements. Mr. Courtney asked if a cabana would have to be put near the pool and Mr. Stimac said it would not.

Mr. Strat also commented on the very large signs, one of which is on Long Lake and Crooks and other that is on Crooks and Big Beaver. Mr. Stimac explained that both of these signs were granted variances by the Building Code Board of Appeals. Mr. Stimac stated that one of the reasons these variances were granted was because of the distance of the building from the road, and the percentage of the sign area compared to the area of the building. Mr. Strat said that he felt these signs were huge.

Ms. Lancaster said that she wished to be the first to wish everyone a happy Thanksgiving.

Ms. Gies asked what the occupancy rate was now in Troy. Mr. Stimac said he did not know, but stated that there are members of staff that are working on these statistics. Ms. Gies also said that the company she is employed by would also like more signs.

The Board of Zoning Appeals meeting adjourned at 9:15 P.M.

Matthew Kovacs – Chairman

Pamela Pasternak

Pamela Pasternak, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals meeting to order at 8:32 A.M., on Wednesday, December 1, 2004, in the Lower Level Conference Room of the City of Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo (8:45 A.M.)

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Ginny Norvell, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 3, 2004

Motion by Nelson
Supported by Richnak

MOVED, to approve the minutes of the meeting of November 3, 2004 as written.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 – Zuazo

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. SAFET STAFA, 3455 JOHN R., for relief of Chapter 83 to maintain a 6' high privacy fence installed without first obtaining a Fence Permit, along the front property line of 3455 John R.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to maintain a 6' high privacy fence installed without first obtaining a Fence Permit along the front property line of his home. The Fence Permit application submitted indicates 100 linear feet of fence, 6' high, located in the front yard. Chapter 83 limits the height of fences in front yards to not more than 30" in height.

Mr. Stafa was present and stated that he did not realize a fence permit was required before the fence was installed. Mr. Stafa indicated that his home was built in approximately 1908 and he has done a lot of improvements in order to make the home livable. He had three (3) incidents of minor mischief done to his home and the reason he wanted this 6' high privacy fence was to provide security for his three (3) children, and also to provide a buffer from the traffic along John R. Mr. Stafa indicated that he would not be able to stay in this home if he was not allowed to keep the fence.

The Chairman opened the Public Hearing.

ITEM #2 – con't.

Ms. Samel of 3405 John R. was present and stated that she approves of Mr. Stafa's request. Ms. Samel indicated that when this home was first built, John R. was a two-lane road and now that it is five (5) lanes, she believes the fence will not only provide safety, but also act as a buffer to the traffic noise along John R. Ms. Samel also said that there are a number of properties along John R. that have 6' high privacy fences and does not think this fence would be an eyesore. Ms. Samel did express concern that the fence comes very close to the driveway and thought that it could be sloped down to increase visibility.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There is one (1) written objection on file.

Mr. Kessler stated that in order for this Board to grant a variance, the petitioner needs to demonstrate a hardship that runs with the land. Mr. Kessler also said that this is a large piece of property and the petitioner could enclose the rear yard, which would provide safety for his children. Mr. Kessler also said that the petitioner could plant shrubbery along John R. that would act as a buffer to the traffic. Mr. Kessler stated that this is a self-imposed hardship as the fence was put up without obtaining the necessary permit.

Mr. Stafa said that his house is closer to John R. than other houses in this area and the south side of his property would be completely open. Mr. Stafa also said that this fence is not totally closed. Mr. Kessler stated that the existing fence is a "shadow-box" style and is not a non-obscuring fence. Mr. Stafa also said that he had cleaned up the area where he put the fence and had taken down an existing fence.

Mr. Nelson asked if a variance had been granted for the previous fence. Mr. Stimac stated that Building Department records did not indicate that either a variance or a permit had been obtained for that fence. Mr. Stimac also said that it was possible that the original fence proceeded the Ordinance.

Mr. Richnak indicated that he agreed with Mr. Kessler and felt this was a self-imposed hardship and was not in favor of granting this request.

Motion by Richnak
Supported by Kessler

MOVED, to deny the request of Safet Stafa, 3455 John R., for relief of Chapter 83 to maintain a 6' high privacy fence installed without first obtaining a Fence Permit along the front property line.

- Petitioner did not demonstrate a hardship.
- There are other options available to the petitioner.

ITEM #2 – con't.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

Mr. Stafa once again asked the Board to reconsider this request. Mr. Stimac indicated that the vote was unanimous and Mr. Stafa could work with the Building Permit to put up a fence that would comply with the Ordinance and provide Mr. Stafa the security he is seeking.

ITEM #3 – VARIANCE REQUEST. CHARLES FOLKERT, 4290 WASHINGTON CRESCENT, for relief of Chapter 83 to install a 6' high privacy fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. Based upon the configuration of this corner lot and that of the homes around it, any fencing behind the front line of the house, located in the yard adjacent to Forest Trail, is limited to a non-obscuring fence not more than 48" in height. This limitation is found in Section 2A of Chapter 83 of the Troy City Code. The site plan submitted indicates a 6' high privacy fence along the rear property line extending out to the property line along Forest Trail.

Mr. Folkert and Ms. Browning were present. Mr. Dziurman asked about the fence along Forest Trail. Ms. Browning indicated that this is an existing split rail fence, which has to be replaced and this is where they would like to put the 6' high fence. Ms. Browning said that the neighbor adjacent to their property has three (3) dogs, one of which is a dachshund that barks at her whenever she is out in the yard.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Nelson asked for clarification regarding the location of the fence and the shape of this property. Mr. Stimac explained that it could not be any closer to the property line along Forest Trail than 26.6' of the existing home and cannot be in the front yard along Forest Trail.

Mr. Folkert said that the fence is 67' from the neighbor's driveway and 75' from his driveway and does not feel that it would hinder visibility from either driveway.

Mr. Kessler asked why a 6' high fence was required instead of a 4' high fence. Ms. Browning stated that she wanted as much privacy as possible. Ms. Browning went on to say that they have had problems with this neighbor in the past and feels the best solution is a 6' high fence. Mr. Folkert said that the neighbor is unapproachable when it

ITEM #3 – con't.

comes to the dog barking issue. Mr. Kessler then asked which side of the fence would be facing the neighbor. Mr. Folkert said that it did not matter to him which side of the fence was facing the neighbor and felt that a privacy fence would also be an advantage to this neighbor. Mr. Kessler then asked what would happen to the existing fence. Ms. Browning said that it would be taken down and replaced with this privacy fence.

Mr. Richnak asked if the deteriorating fence was on their property. Ms. Browning said that she thought it was along the property line. Mr. Folkert said that he would not want to replace the split rail fence with anything other than a privacy fence.

Mr. Zuazo asked if the area they were talking about was a 15' gap in the fence line. Ms. Browning said that the dog can see her all along the existing fence. Mr. Zuazo then asked if they had thought of putting in heavy shrubbery. Ms. Browning said there is already existing shrubbery and the dog can see under the shrubs. Ms. Browning also said that they don't get along with the neighbor. Mr. Zuazo then asked if they want the fence because of the dog or the neighbor and Ms. Browning said that the 6' high fence would be for the neighbor.

Mr. Richnak stated that they could put up a 6' fence 26.6' from the point of the sidewalk to the north and they could up a 4' high non-obscuring fence. Ms. Browning said that there was no point in putting up a 4' high non-obscuring fence.

Mr. Richnak then said that they could put of a 6' high privacy fence on part of the property and then drop it down to a 4' high fence. Mr. Stimac indicated that the Ordinance would allow a 4' high fence but it would be required to be 50% open. This Board would have to grant a variance that would allow a privacy fence.

Mr. Folkert asked what the intent of the Ordinance was regarding this rule on the fence. Mr. Stimac stated that the basic intent of the Ordinance is to find equitable treatment of all neighbors in the area. In general, the Ordinance does not allow anything more that a 30" high fence in the front yard of the homes across the street on the north side of Forest Trail. Ms. Browning said that she does not feel this fence is in the front yard but along the back of the property.

Mr. Nelson asked if they were planning to remove the shrubbery in this location. Ms. Browning said that they have to take out one of the shrubs, but the other shrubs would be staying.

Motion by Nelson
Supported by Richnak

ITEM #3 – con't.

MOVED, to grant Charles Folkert, 4290 Washington Crescent, relief of Chapter 83 to install a 48" high obscuring fence behind the front line of the house, located in the yard adjacent to Forest Trail where the Ordinance allows a non-obscuring fence not more than 48" in height.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

ITEM #4 – VARIANCE REQUEST. WILLIAM BETZ, OF WILD BILL & ASSOCIATES, REPRESENTING THE EAST LONG LAKE SUBDIVISION ASSOCIATION, for relief of Chapter 78 to maintain a subdivision identification sign in the median of Carnaby, 42" in height, located 19' from the right of way line of Long Lake Road.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to maintain a subdivision identification sign in the median of Carnaby, 42" in height, located 19' from the right of way line of Long Lake Road. Paragraph C of Section 7.01.01 limits the height of signs in medians to not taller than 30" when located within 25' of the right of way of the intersecting street. The approved sign permit indicated that the sign would be 29' from the city right of way. The sign was incorrectly installed at the 19' setback.

Mr. John Ungvarsky, 5063 Abington and Mr. William Betz were present. Mr. Betz indicated that Mr. Ungvarsky would be the spokesperson as he was part of the Homeowners Association and had dealt with the City in the past.

Mr. Ungvarsky stated that they had received approval from City Council to put up this subdivision identification sign, located 29' from the right of way line of Long Lake Road. When Mr. Betz came out to put up this sign and began digging they ran into a concrete pipe. They attempted to move to two other locations, but again hit this piece of concrete pipe. Mr. Ungvarsky contacted the City and drawings were not available which indicated that this was an active line. The only determination made was that this was a line put in at a much earlier time and was no longer used. Mr. Ungvarsky said that he contacted Mr. Betz who was willing to rent whatever machinery was required to go through this concrete pipe and set the sign up. Mr. Ungvarsky went on vacation and when he came back the sign was installed. Mr. Ungvarsky called for a final inspection, which was disapproved as it was installed in the wrong location.

Mr. Betz indicated that at this time he had written a letter to the City requesting a variance.

ITEM #4 – con't.

Mr. Ungvarsky said that a chain link fence around an existing detention pond and a very large pine tree located east of this sign create a greater hazard to traffic than this sign does. Mr. Ungvarsky indicated that the fence is rusty, which makes visibility very difficult.

Mr. Betz stated that he had spent approximately one-half of a day trying to put the sign in the proper location, but was unable to do so. Mr. Betz also said that most subdivision signs are perpendicular to the main street and this sign runs parallel to the main street.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are sixteen (16) written approvals on file. There are no written objections on file.

Mr. Kessler stated that the petitioner had obtained a Sign Permit with an approved location, and ignored this site plan and placed the sign in the wrong location. Mr. Kessler stated that he feels this is a self-imposed hardship and the petitioner cannot disregard policies and procedures. Mr. Kessler also said that a hardship did exist and the petitioner had the opportunity to come to the City for a variance before the sign was installed.

Mr. Betz said that he did not obtain the Sign Permit and was not aware of the stipulation. Mr. Ungvarsky said that he did not inform Mr. Betz of the 25' setback stipulation for this sign.

Mr. Richnak stated that he felt the way the sign was installed is totally inappropriate and does not believe there was a rush to install the sign. Mr. Richnak also said that they could have gone to the Building Department or the Public Works Department and informed them of the problem before installing the sign. Mr. Richnak agreed with Mr. Kessler that this was a self-imposed hardship.

Motion by Richnak
Supported by Nelson

MOVED, to grant William Betz, of Wild Bill & Associates, representing the East Long Lake Subdivision Association, relief of Chapter 78 to maintain a subdivision identification sign in the median of Carnaby, 42" in height, located 19' from the right of way line of Long Lake Road.

- Concrete pipe under ground creates a hardship.
- Sign does not create a hazard for traffic leaving the subdivision.

Yeas: All – 5

ITEM #4 – con't.

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. GREGORY AERTS, 366. W MAPLE, for relief of Chapter 78 to install wall signage at a new building, which is under construction.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install wall signage at the new building under construction at 366 W. Maple Road. The Sign Permit application submitted indicates a proposal to install 22 automobile manufacturer's logos, each no larger that 1.6 square feet, totaling 35 square feet and 12 graphics depicting vehicles, each one 37.33 square feet in size, totaling 444 square feet. Although these graphics are designed to look like they are located inside windows, they are in fact located on the outside of the building wall and are subject to the area limitation of the Sign Ordinance. These proposed wall signs will result in a total wall signage of 479 square feet. Paragraph B of Section 9.02.04 of the Troy Sign Ordinance limits the area of wall signs on a building of this size to 36 square feet.

Mr. Gregory Aerts and Mr. Cordell Craig were present. Mr. Aerts stated that they had brought in an approval letter from Thunderbird Lanes, which is right next door to this car wash. Mr. Aerts explained that they wanted to do something different other than just depicting a car wash. The proposed pictures are of classic cars and a number of these pictures were taken at the Woodward Dream Cruise. Mr. Aerts further explained that the reason for this request is because of the maintenance involved if the signs were on the inside of the building. This building is very long and narrow, and the chemicals, water and soil could damage the signs if the space is not sealed. Mr. Aerts also said that Meteor Photo has a similar situation, although they do change their signage from the inside of the building.

Mr. Aerts also said that the pictures would be illuminated from the back and they felt that this proposal offered the best solution for the maintenance and look of these signs. Mr. Aerts said that this is a self-imposed hardship because of the design of the building, but did not think there were other options available, unless they altered the building.

Mr. Cordell Craig stated that this is the second business he owns in the City, that he has been a long time resident and is trying to create a very clean, high-end car wash. The chemicals used on the cars could harm open sign panels, and also harm the electrical connections involved in illuminating these panels. Mr. Craig also said that the proposed cement walls will help to provide additional security for the building.

Mr. Aerts said that this property is only 60' wide and most of these "windows" are on the east side of the building. Mr. Aerts said that he believes only one or two of the panels would be visible to traffic along Maple.

ITEM #5 – con't.

Mr. Craig indicated that Meteor Photo was not required to obtain permits and the car wash is not planning on changing the pictures, but will always keep them as classic cars.

Mr. Kessler stated that he did not believe an interpretation was necessary, as these panels would not be considered windows. Mr. Kessler said that he did not see a hardship that runs with this land and believes this request is excessive.

Mr. Dziurman asked Mr. Stimac about the interpretation of the Ordinance. Mr. Stimac stated that under provisions of the Sign Ordinance, signs located in the interior of a building are not subject to the restrictions of the Sign Ordinance. Meteor Photo appeared before this Board in 1979, and, in part, because the signs are accessed on the inside of the building, this Board determined that they were not subject to the requirements of the Sign Ordinance. Mr. Stimac also said that in this case there is no way to change or access these signs from the inside of the building.

The Chairman opened the Public Hearing.

Ms. Susan Thompson, representing the owner of 264 W. Maple was present. Ms. Thompson indicated that although they think the concept of these panels would look wonderful, she believes that they will create a safety hazard as traffic will be looking at these pictures and not paying attention to where they are going. Ms. Thompson said that this is already a very congested area, and although she realizes that Thunderbird Lanes approves of this request, their building is the one that will be facing these panels. Ms. Thompson further stated that Mr. Craig indicated that these signs will go up whether this variance is granted or not.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There is one (1) written objection on file.

Mr. Craig stated that he feels the hardship he has is the fact that because this building is so narrow and access would be next to impossible from the inside of the building. He further stated that the water, chemicals and soil from the cars would also create a hardship. Mr. Aerts indicated that they would not be in front of this Board if this were any other type of building.

Mr. Zuazo said that he is having a hard time with this request and asked if this was considered to be art or signage. Mr. Stimac explained that if this was a Bowling Alley, and a bowling pin and ball was painted on the outside of the building – it would be considered signage. These panels are considered signage because they are on the outside of the building and depict messages related to the business. Mr. Zuazo asked if these signs would comply if they were on windows. Mr. Stimac explained that if the signs were on the interior of the building, they would not be subject to the limits of the

ITEM #5 – con't.

Sign Ordinance. Mr. Zuazo asked what it would take to carry this into a window and Mr. Stimac stated that they have to be accessed from the inside of the building.

Mr. Zuazo asked if they could put in sliding doors on the inside and then put the pictures of the cars inside of that. Mr. Stimac indicated that the Board determined that Meteor Photo's signs were not subject to the limitations of the Sign Ordinance because they are accessible from the inside of the building.

Mr. Dziurman asked if they had thought of putting in windows and Mr. Aerts stated that they had, but decided to put in concrete instead.

Mr. Aerts explained that the images would always be of classic cars. Their goal is to make it look like a real window with a car behind it. Because they have a control room on the west side of the building, their only option was to put these panels on the east side of the building.

Mr. Craig stated that the panels are on this side of the building because of the traffic flow of cars from Maple to the car wash. Mr. Craig also said that even though these panels will be accessed from the outside of the building, he would still consider them windows. Mr. Dziurman asked if the cars enter the car wash at the back of the building and Mr. Craig indicated that this was correct. Mr. Craig said that he does not believe that more than two (2) windows would be visible to traffic.

Ms. Thompson said that they can see the entire wall from their building, and thinks that cars going into this location will create a traffic hazard. Ms. Thompson said that although she thinks it will look very nice, she is more concerned about the safety factor.

Mr. Dziurman asked why they did not put these panels inside the building. Mr. Craig said that they are going to have fluorescent lighting and maintenance would be difficult from the inside.

Mr. Nelson asked if this building was considered a windowless story by the building code. Mr. Stimac stated that as long as there were opening on each end of the building it did meet building code standards.

Mr. Zuazo asked if this request was a question of aesthetics versus hardship. Mr. Stimac said that he would have a deep concern if an interpretation was granted to say these signs were inside the building and felt that such a decision would set a precedent regarding other locations.

Mr. Zuazo then asked if this request would impose a hardship to 264 W. Maple. Ms. Thompson stated that this was not really a hardship, but there are concerns regarding egress and ingress because of the traffic congestion. Ms. Thompson said that their business has always complied with the Ordinance and felt that this business could also.

ITEM #5 – con't.

Mr. Kessler said that he feels this request is very similar to a "sign box". Mr. Kessler also said that this site allows 36 square feet of signage and feels this request, which would bring the total to 479 square feet, is excessive.

Mr. Craig then asked if signs are permitted that are not visible to traffic. Mr. Stimac stated that the Ordinance allows signs that are not visible to traffic along the public road, up to 36 square feet in size. These types of signs are not subject to the limitations of the Sign Ordinance.

Mr. Aerts stated that from the outside he thinks these panels will look like windows. Mr. Kessler said that he did not agree as they were very similar to a sign box regarding the depth, lighting and framing.

Mr. Nelson stated that in his opinion these panels would not be considered windows. From the Fire Department's standpoint a window is something that they could break into in case of an emergency. Because these panels have cement behind them access would be difficult for the Fire Department. Mr. Nelson said that if the interpretation was made that these would be considered windows, they would need to operate as windows.

Motion by Richnak
Supported by Kessler

MOVED, to deny the request of Gregory Aerts, 366 W. Maple, for relief of Chapter 78 to install wall signage at a new building, which is under construction.

- Petitioner did not demonstrate a hardship.
- Access to these panels is from the outside.
- Variance would have an adverse effect to surrounding property.
- Variance request is excessive.

Yeas: 4 – Nelson, Kessler, Richnak, Zuazo
Nays: 1 – Dziurman

MOTION TO DENY REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 10:20 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A Regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, December 2 2004 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 10:01 AM.

Present: JoAnn Thompson, Chair; Bill Weisgerber, Vice-Chair; David Ogg, Member; Pauline Noce, Member; Bud Black, Member; James Berar, Member; Merrill Dixon, Member; Carla Vaughan, Staff

Absent: Marie Hoag, Jo Rhoades-excused

Visitors: David Keats, Stu Alderman, Kraig Schmottlach, Mary Beth Halushka

Approval of Minutes

Resolution # SC-2004-12-001
Moved by Bud Black
Seconded by Pauline Noce

RESOLVED, That the Minutes of November 4, 2004 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

Stu Alderman stated that he and Kraig were there to answer questions the Committee might have about the catering contract.

Old Business

Troy Senior Council Name Change: JoAnn Thompson reported that she talked to the assistant City Attorney who is willing to help Jo-Anne Stein with the name change.

Senior Centers in Neighboring Cities/Shuffleboard: JoAnn Thompson visited the shuffleboard and bocce courts in St. Clair Shores and talked to someone there about them. They are well used. Warren has indoor and outdoor shuffleboard courts. Carla drafted a form that committee members can use to gather information when visiting other senior centers. Committee members will review the form and revise it at the next meeting.

Catering Service at the Community Center: Stu Alderman explained the catering contract and discussed concerns that the committee has about the cost of refreshments for non-profit groups. JoAnn Thompson would like to know how much revenue the cater gets from non-profit groups, and what profit Parks and Recreation gets from this revenue. Bud Black would like to see a copy of the catering contract. JoAnn read a letter from the Troy American Association of University Women stating that they and other groups no longer meet at the Community Center due to the high cost of refreshments. The committee reviewed and approved a memo for City Council recommending changes in the catering contract (copy attached).

Resolution # SC-2004-12-002
Moved by Pauline Noce
Seconded by Bud Black

RESOLVED, That the memo reviewed at today's meeting be sent to City Council.

Yes: 6
No: 0

MOTION CARRIED

New Business

Minor League Baseball Stadium: David Ogg led a discussion about the minor league baseball stadium and handed out information from Troy Citizens United.

Reports

Park Board: Merrill Dixon reported that the Park Board will attend a special meeting to discuss the baseball stadium.

Medi-Go: No report.

Nutrition: No report.

Senior Program: No report

OLHSA: No report

Suggestion Box: There were two suggestions in favor of shuffleboard and bocce courts, one requesting that they be in the shade.

The meeting was adjourned at noon.

Respectfully submitted,

JoAnn Thompson, Chair Carla Vaughan, Secretary

Advisory Committee for Senior Citizens
3179 Livernois, Troy, MI 48083
seniorac@ci.troy.mi.us

JoAnn Thompson
Chair
248-879-2637

Bill Weisgerber
Vice Chair
248-828-7072

Bud Black
248-641-7745

James Berar
248-689-3408

Merrill Dixon
248-879-2887

Marie Hoag
248-879-6433

Pauline Noce
248-540-1606

David Ogg
248-689-2210

Jo Rhoads
248-689-2741

The Advisory Committee for Senior Citizens is appointed by City Council to study and consider the welfare and concerns of senior citizens in Troy. The Committee offers recommendations to City Council as to programs and services that would benefit senior citizens in our community.

December 2, 2004

To: Honorable Mayor and City Council

From: Troy Senior Citizen Advisory Committee

Re: Community Center Catering Contract

The catering contract at the Community Center is up for renewal soon, and we recommend a change that will allow non-profit groups to bring refreshments into any room at the Community Center. Many groups that use the Community Center do not have a budget for catered food and would like to bring refreshments from home. This is currently allowed in two meeting rooms and two conference rooms at the Community Center, but if these rooms are in use or if your group is too large for one of those rooms, you are out of luck.

The cost of one dozen cookies from the Community Center caterer is $13.42 ($11 plus 22% tax and tip). Many non-profit groups do not have the money for this PLUS the cost of the beverage, especially groups that meet every week. In addition, for some food items there are minimum numbers and advanced reservations required, so groups end up paying even more because they order more food than needed.

Also, with the senior programs, businesses often want to donate refreshments, and under the current contract, we are not allowed to accept these donations.

We do not object to requiring the use of a caterer for banquet meals, but a caterer is cost prohibitive for many groups for weekly refreshments.

Some groups have stopped meeting at the Community Center because of this policy, and other groups are going without refreshments at their meetings. We do not think that the current policy serves the needs of the community.

Sincerely,

JoAnn Thompson
Chair

SPECIAL JOINT MEETING MINOR LEAGUE BASEBALL STADIUM PROPOSAL – CCPTF - MINUTES - December 7, 2004

A special joint meeting of the **CIVIC CENTER PRIORITY TASK FORCE (CCPTF), DOWNTOWN DEVELOPMENT AUTHORITY, PARKS AND RECREATION ADVISORY BOARD AND THE PLANNING COMMISSION** was held on December 7, 2004 at 7:00 PM at the Community Center in Banquet Room 304-05, 3179 Livernois Road. John Szerlag called the meeting to order at 7:04 p.m.

Present: Quorums were present on all four boards. (See board minutes for roll call results. A copy of which shall be attached to the original version of these minutes.)

CCPTF Members Present:

Mary Ann Bernardi (Troy Citizens United)
Leonard Bertin (Advisory Committee for Persons with Disabilities)
Ann Partlan (Historic District Commission)
Charles Solis (Traffic Committee)
Catherine Herzog (Troy Youth Council)
Michele Hodges (Troy Shareholders)
Jeff Biegler, Superintendent of Parks
Tom Krent (Parks and Recreation Advisory Board)
Mark Maxwell (Board of Zoning Appeals)
David Ogg (Advisory Committee for Senior Citizens)
Carol Price (Downtown Development Authority)
Robert Schulz (Planning Commission)
Brian Wattles (Historical Commission)

Also present:
John Szerlag, City Manager
Lori Grigg-Bluhm, City Attorney
John Lamerato, Assistant City Manager/Finance & Administration
Brian Murphy, Assistant City Manager/Services
Laura Fitzpatrick, Assistant to the City Manager
Carol Anderson, Director of Parks & Recreation
Stu Alderman, Superintendent of Recreation
Doug Smith, Director of Real Estate and Development
Steve Vandette, City Engineer

Andy Appleby, President & CEO General Sports and Entertainment
Dana Schmitt, Executive Vice President & General Counsel General Sports and Entertainment

1. **Call to Order and Roll Calls:** Each board recorded their attendance.
2. **Introduction** by John Szerlag, City Manager
3. **Presentation** by Andy Appleby, President & CEO; Dana Schmitt, Executive Vice President & General Counsel: General Sports & Entertainment
4. **Question and Answer** Period for Board Members
5. **Break** (sign-up sheet for public comment available)

6. **Public Comment:** 11 members of the audience spoke

7. **Breakout sessions**: each board discussed proposal amongst themselves and make recommendation (vote)

   All CCPTF members put forth their opinions, which led to some brief discussion before a resolution was offered. (See page 2 for resolution.)

8. **Boards share recommendations with entire group**

Resolutions submitted from each board:

CIVIC CENTER PRIORITY TASK FORCE

Resolution #CCPTF-2004-12-009
Moved by Maxwell
Seconded by Bertin

RESOLVED, That the Civic Center Priority Task Force endorses going forward with the proposed minor league baseball stadium project.

Yes: 8 – Bertin, Biegler, Herzog, Hodges, Maxwell, Price, Schulz, Solis
No: 5 – Bernardi, Krent, Ogg, Partlan, Wattles
Absent: None
MOTON CARRIED

DOWNTOWN DEVELOPMENT AUTHORITY

Resolution #DD-04-16
Moved by: Kiriluk
Seconded by: Kennis

RESOLVED, that the DDA recommends to City Council that Council seek an agreement with General Sports to construct a multi-purpose stadium, but has serious reservations about DDA funding of infrastructure without demonstrated benefit to the business community and finalization of parking agreements with Liberty Property Trust.

Yes: Hodges, Kennis, Kiriluk, MacLeish, Price, Reschke, Schilling, Weiss, York
No: Culpepper
Absent: Frankel, Hay, Schroeder

MOTION CARRIED

PARKS AND RECREATION ADVISORY BOARD

Resolution # PR- 2004 - 12 - 024
Motion by Edmunds
Seconded by Gazetti

RESOLVED, that the Parks and Recreation Advisory Board supports the concept of the proposed minor league baseball stadium and encourages City Council to pursue negotiation of a contract.

Further, that in negotiation of the contract, consideration be made that in exchange for the use of the Civic Center land, the developer contribute towards development of one of the two largest undeveloped City park sites.

And further, that negotiations include consideration that the operational costs be waived for uses by the Parks and Recreation department.

Yeas: 7 (Dixon, Edmunds, Fejes, Gazetti, Kaltsounis, Kovacs, Redpath)
Nays: 2 (Zikakis, Krent)
MOTION CARRIED

Note: Student representative, Brad Henson, though not a voting member, opposed the resolution.

PLANNING COMMISSION

Resolution # PC-2004-12-145
Moved by: Waller
Seconded by: Vleck

WHEREAS, The proposed Minor League Ballpark will be an asset for the City of Troy.

WHEREAS, It will serve as a catalyst to increase Troy's non-residential tax base.

WHEREAS, The Ballpark will be privately financed as a $15,000,000 gift to the City of Troy.

WHEREAS, The facility will be available for use year-round by Troy citizens.

WHEREAS, The facility will further the improvement of the Civic Center site and will serve as a catalyst for additional community activities throughout the entire property.

WHEREAS, Alcohol will be managed in a similar manner as the two City of Troy golf courses and all City parks.

BE IT RESOLVED, That the Troy Planning Commission recommends that City Council move forward to facilitate the construction of a Ballpark on the Civic Center site as proposed by General Sports.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

The meeting adjourned at 10:15 P.M.

_____
Brian Wattles, Chair CCPTF

_____
Brian Murphy, Assistant City Manager/Services

A special joint meeting of the **CIVIC CENTER PRIORITY TASK FORCE, DOWNTOWN DEVELOPMENT AUTHORITY, PARKS AND RECREATION ADVISORY BOARD AND THE PLANNING COMMISSION** was held on December 7, 2004 at 7:00 PM at the Community Center in Banquet Room 304-05, 3179 Livernois Road. John Szerlag called the meeting to order at 7:04 p.m.

Present: Quorums were present on all four boards. (See board minutes for roll call results. A copy of which shall be attached to the original version of these minutes.)

Also present:
John Szerlag, City Manager
Lori Grigg-Bluhm, City Attorney
John Lamerato, Assistant City Manager/Finance & Administration
Brian Murphy, Assistant City Manager/Services
Laura Fitzpatrick, Assistant to the City Manager
Carol Anderson, Director of Parks & Recreation
Stu Alderman, Superintendent of Recreation
Doug Smith, Director of Real Estate and Development
Steve Vandette, City Engineer

Andy Appleby, President & CEO General Sports and Entertainment
Dana Schmitt, Executive Vice President & General Counsel General Sports and Entertainment

1. **Call to Order and Roll Calls:** Each board recorded their attendance.
2. **Introduction** by John Szerlag, City Manager
3. **Presentation** by Andy Appleby, President & CEO; Dana Schmitt, Executive Vice President & General Counsel: General Sports & Entertainment
4. **Question and Answer** Period for Board Members
5. **Break** (sign-up sheet for public comment available)
6. **Public Comment:** 11 members of the audience spoke
7. **Breakout sessions**: each board discussed proposal amongst themselves and make recommendation (vote)
8. **Boards share recommendations with entire group**

Resolutions submitted from each board:

CIVIC CENTER PRIORITY TASK FORCE

Resolution #CCPTF-2004-12-009
Moved by Maxwell
Seconded by Bertin

RESOLVED, That the Civic Center Priority Task Force endorses going forward with the proposed minor league baseball stadium project.

Yes: 8 – Bertin, Biegler, Herzog, Hodges, Maxwell, Price, Schultz, Solis
No: 5 – Bernardi, Krent, Ogg, Partlan, Wattles
Absent: None
MOTON CARRIED

DOWNTOWN DEVELOPMENT AUTHORITY

Resolution #DD-04-16
Moved by: Kiriluk
Seconded by: Kennis

RESOLVED, that the DDA recommends to City Council that Council seek an agreement with General Sports to construct a multi-purpose stadium, but has serious reservations about DDA funding of infrastructure without demonstrated benefit to the business community and finalization of parking agreements with Liberty Property Trust.

Yes: Hodges, Kennis, Kiriluk, MacLeish, Price, Reschke, Schilling, Weiss, York
No: Culpepper
Absent: Frankel, Hay, Schroeder

MOTION CARRIED

PARKS AND RECREATION ADVISORY BOARD

Resolution # PR- 2004 - 12 - 024
Motion by Edmunds
Seconded by Gazetti

RESOLVED, that the Parks and Recreation Advisory Board supports the concept of the proposed minor league baseball stadium and encourages City Council to pursue negotiation of a contract.

Further, that in negotiation of the contract, consideration be made that in exchange for the use of the Civic Center land, the developer contribute towards development of one of the two largest undeveloped City park sites.

And further, that negotiations include consideration that the operational costs be waived for uses by the Parks and Recreation department.

Yeas: 7 (Dixon, Edmunds, Fejes, Gazetti, Kaltsounis, Kovacs, Redpath)
Nays: 2 (Zikakis, Krent)
MOTION CARRIED

Note: Student representative, Brad Henson, though not a voting member, opposed the resolution.

PLANNING COMMISSION

Resolution # PC-2004-12-145
Moved by: Waller
Seconded by: Vleck

WHEREAS, The proposed Minor League Ballpark will be an asset for the City of Troy.

WHEREAS, It will serve as a catalyst to increase Troy's non-residential tax base.

WHEREAS, The Ballpark will be privately financed as a $15,000,000 gift to the City of Troy.

WHEREAS, The facility will be available for use year-round by Troy citizens.

WHEREAS, The facility will further the improvement of the Civic Center site and will serve as a catalyst for additional community activities throughout the entire property.

WHEREAS, Alcohol will be managed in a similar manner as the two City of Troy golf courses and all City parks.

BE IT RESOLVED, That the Troy Planning Commission recommends that City Council move forward to facilitate the construction of a Ballpark on the Civic Center site as proposed by General Sports.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

The meeting adjourned at 10:15 P.M.

_____
John Szerlag, City Manager (Moderator)

_____
Laura Fitzpatrick, Assistant to the City Manager

A joint special meeting of the Troy Parks and Recreation Advisory Board, Planning Commission, Civic Center Task Force and the Downtown Development Authority was held Tuesday, December 7, 2004 at the Troy Community Center, room 304. The meeting was called to order at 7:05 p.m. by John Szerlag.

The following minutes cover the Parks and Recreation Advisory Board breakout session.

Present:
Merrill Dixon, member
Kathleen Fejes, member
Orestes Kaltsounis, member
Tom Krent, member
Stuart Redpath, member
Stuart Alderman, staff
Carol K. Anderson, staff
Ida Edmunds, member
Tod Gazetti, member
Brad Henson, student representative
Meaghan Kovacs, member
Jan Zikakis, member
Jeff Biegler, staff

Absent: Jeff Stewart (excused)

Proposed Minor League Baseball Stadium
Board discussion of the proposed stadium included:

- Traffic implications
- That project would encourage community spirit.
- Use restrictions - what will residency policy be?
- If General Sports uses the facility more days than agreed upon, a lease payment should be paid to the City.
- Amenities of the Civic Center Task Force will be enhanced by this development.

Resolution # PR - 2004 - 12 - 024
Motion by Edmunds
Seconded by Gazetti

RESOLVED, that the Parks and Recreation Advisory Board supports the concept of the proposed minor league baseball stadium and encourages City Council to pursue negotiation of a contract.

Further, that in negotiation of the contract, consideration be made that in exchange for use of the Civic Center land, the developer contribute towards development of one of the two largest undeveloped City park sites.

And further, that negotiations include consideration that operational costs be waived for uses by the Parks and Recreation department.

Yeas: 7 (Dixon, Edmunds, Fejes, Gazetti, Kaltsounis, Kovacs, Redpath)
Nays: 2 (Zikakis, Krent)*
Absent: Jeff Stewart
MOTION CARRIED

*Note: Student representative, Brad Henson, though not a voting member, opposed the resolution.

_____ _____
Kathleen Fejes, Chairwoman Carol K. Anderson, Recording Secretary

The Joint Special Meeting of the Downtown Development Authority, Civic Center Priority Task Force, Parks and Recreation Advisory Board and Planning Commission was called to order by John Szerlag at 7:00 p.m. on December 7, 2004, in Room 304-305 of the Troy Community Center.

The following minutes cover the Planning Commission breakout session.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Thomas Strat
Mark. J. Vleck
David T. Waller
Wayne Wright

Absent:
Fazal Khan

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney

Resolution # PC-2004-12-144
Moved by: Waller
Seconded by: Vleck

RESOLVED, That Member Khan is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

2. PROPOSED MINOR LEAGUE BASEBALL STADIUM

Resolution # PC-2004-12-145
Moved by: Waller
Seconded by: Vleck

WHEREAS, The proposed Minor League Ballpark will be an asset for the City of Troy.

WHEREAS, It will serve as a catalyst to increase Troy's non-residential tax base.

WHEREAS, The Ballpark will be privately financed as a $15,000,000 gift to the City of Troy.

WHEREAS, The facility will be available for use year-round by Troy citizens.

WHEREAS, The facility will further the improvement of the Civic Center site and will serve as a catalyst for additional community activities throughout the entire property.

WHEREAS, Alcohol will be managed in a similar manner as the two City of Troy golf courses and all City parks.

BE IT RESOLVED, That the Troy Planning Commission recommends that City Council move forward to facilitate the construction of a Ballpark on the Civic Center site as proposed by General Sports.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

_____
David T. Waller, Chair

_____
Mark F. Miller, Planning Director

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PARKS AND RECREATION ADVISORY BOARD

A special meeting of the Troy Parks and Recreation Advisory Board was held Tuesday, December 7, 2004 at the Troy Community Center, staff conference room. Chairwoman, Kathleen Fejes called the meeting to order at 6:33 p.m.

Present:
Merrill Dixon, member
Kathleen Fejes, member
Orestes Kaltsounis, member
Meaghan Kovacs, member
Stuart Alderman, staff
Carol K. Anderson, staff
Ida Edmunds, member
Tod Gazetti, member
Tom Krent, member
Jan Zikakis, member
Jeff Biegler, staff

Absent: Stuart Redpath, Jeff Stewart, Brad Henson

Resolution # PR - 2004 - 12 - 021
Moved by Kaltsounis
Seconded by Zikakis

RESOLVED, that the minutes from October 21, 2004 are approved as submitted.

Yeas: All
Nays: None
MOTION CARRIED

Resolution # PR - 2004 - 12 - 022
Moved by Zikakis
Seconded by Krent

RESOLVED, that absent member are excused.

Yeas: All
Nays: None
MOTION CARRIED

OLD BUSINESS

A. Rotary Park - Staff presented a concept drawing of the park. Discussion of the concept, draft agreement and terms, and park naming policy took place.

Resolution # PR - 2004 - 12 - 022
Moved by Krent
Seconded by Edmunds

RESOLVED, that the Parks and Recreation Advisory Board recommends to City Council that the agreement for the Rotary Club of Troy for development and maintenance of the park on Long Lake Road at Somerton be pursued.

Yeas: All
Nays: None
MOTION CARRIED

The meeting adjourned at 6:55 p.m.

Kathleen Fejes, Chairwoman

Carol K. Anderson, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 6:30 p.m. on December 7, 2004, in Room 304-305 of the Troy Community Center.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Thomas Strat
Mark. J. Vleck
David T. Waller
Wayne Wright

Absent:
Fazal Khan

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney

Resolution # PC-2004-12-140
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Member Khan is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. SITE PLAN REVIEW (SP 910-A) – Dr. Sklar Medical Office Building, North side of Maple, between Kirkton and Eastport, Section 27 – O-1 (Office Low Rise) District *(tabled from November 9, 2004 Regular Planning Commission Meeting)*

Mr. Savidant presented a summary of the Planning Department report for the proposed medical office building. Mr. Savidant addressed the five concerns discussed at the November 9, 2004 Regular Meeting, at which time the Planning Commission tabled the matter. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Vleck questioned the residence to the west with respect to the requirement of additional screening.

Mr. Miller confirmed that there would be no additional screening required because the residence is in the same zoning classification.

The petitioner, Tom Moss of 1893 Birchwood Drive, Troy, was present. Mr. Moss emphasized the importance of keeping all the parking spaces that are designated on the site plan because the majority of patients who would visit the medical building are elderly.

Also present was John DeBruyne of SDA Architects, 2201 Twelve Mile Road, Warren.

Mr. Chamberlain asked if the petitioner had any problem with the future cross access easement as noted on the site plan.

Mr. Moss said no.

Mr. Strat asked the petitioner to address the 4-foot high chain link fence to the north of the subject property in relation to the required 6-foot high screen wall.

Mr. Moss said he would discuss the matter with the adjacent property owner to the north.

Mr. Strat addressed the 1-inch to 3-inch PVC sleeve at the screen wall with respect to leaves clogging the pipe. He also addressed the parking calculations as relates to the basement and the installation of an elevator.

Mr. DeBruyne said further research would be necessary to determine if there is a requirement to install an elevator. He confirmed that it is the petitioner's intent to use the basement for storage.

Mr. Miller clarified that parking is not required should a building owner dedicate the basement to storage only. He noted that the Building Department would insure that the parking requirements would be met at that time, should the basement be used as usable space in the future.

Mr. Schultz said it is his opinion that the 5-foot sidewalk on the west side of the property that runs adjacent to the 4-foot chain link fence on the existing home is an eyesore. He said his first reaction upon reviewing the site plan was to request the petitioner to eliminate 3 parking spaces and put in a landscaped greenbelt behind the sidewalk.

Mr. Schultz asked if a stipulation should be made in the resolution of the site plan approval that the surface detention would remain 100% underground, thus eliminating any possibility of it changing during final engineering.

Mr. Miller confirmed that the Engineering Department agrees the storm water can be underground. He noted the Planning Commission could identify that as a condition in its site plan approval.

Resolution # PC-2004-12-141
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the Dr. Sklar Medical Office Building, located on the north side of Maple Road, between Kirkton and Eastport, located in section 27, within the O-1 zoning district, is hereby granted subject to the following conditions:

1. That the cross access easement as noted on the drawing be filed with the County.
2. That there be an island put in immediately south of the cross access easement.
3. That the storm water detention is not allowed to be detained or retained on the surface of the parking lot.

Discussion on the motion on the floor.

Mr. Littman questioned the requirement of an island.

Mr. Savidant cited the advantages of an island. He explained the island would define the cross access drive and create a safer vehicular connection between the two sites.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

4. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions *(tabled from November 9, 2004 Regular Planning Commission Meeting)*

Resolution # PC-2004-12-142
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Accessory Buildings Definitions and Provisions, be postponed to the January 25, 2005 Special/Study Meeting.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

5. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals *(tabled from November 9, 2004 Regular Planning Commission Meeting)*

Resolution # PC-2004-12-143
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals, be postponed to the January 25, 2005 Special/Study Meeting.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

6. PUBLIC COMMENTS

There was no one present who wished to speak.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 6:50 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Mark F. Miller, Planning Director

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SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY

J-02a

QUARTERLY REPORT

VOL. XXXXII | OCTOBER 2004 | NO. 1

BOARD OF TRUSTEES	
Representative	**Municipality**
J. Bais-DiSessa	City of Berkley
R. Spallasso	Village of Beverly Hills
T. M. Markus	City of Birmingham
J. Merucci	City of Clawson
B. A. Photiades	City of Ferndale
A. LeCureaux	City of Hazel Park
A. R. Allie	City of Huntington Woods
J. A. Bremer	City of Lathrup Village
M. L. McReynolds	City of Oak Park
S. W. Ball	City of Pleasant Ridge
M. O. Liss	City of Royal Oak
M. Howrylak	City of Troy

OFFICERS	
Chairman:	A. LeCureaux
Vice Chairman:	M. L. McReynolds
Secretary:	M. O. Liss
Advisory Committee:	A. LeCureaux A. R. Allie M. O. Liss J. Merucci

J. A. McKeen	General Manager
M. A. Czuprenski	Operations Director
J. Schandevel	Authority Engineer

October 2004

Board of Trustees
Southeastern Oakland County Resource Recovery Authority

Subject: Quarterly Report - October 2004

Board Members:

Attached is a copy of the Southeastern Oakland County Resource Recovery Authority's Quarterly Report covering the first three months operation of the fiscal year 2004/2005. The report contains a financial statement of the Authority's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of this Authority.

BOARD OF TRUSTEES

The governing body of the Authority is a Board of Trustees, consisting of one representative from each constituent municipality. The Board held its Organization Meeting on July 14, 2004, and the following members were elected to serve as Officers for the fiscal year, beginning July 2004:

Chairman:	A. LeCureaux
Vice Chairman:	M. L. McReynolds
Secretary:	M. O. Liss

Representatives on the Board are entitled to one vote for each 3,000 tons, or fraction thereof, of refuse delivered to the Authority during the preceding fiscal year. The number of votes of each constituent member for the fiscal year, beginning July 2004, is as follows:

Municipality	Votes
Berkley	4
Beverly Hills	3
Birmingham	7
Clawson	4
Ferndale	6
Hazel Park	5
Huntington Woods	2
Lathrup Village	2
Oak Park	6
Pleasant Ridge	1
Royal Oak	16
Troy	17
Total:	73

The Board meets in regular session once each month for the purpose of conducting all business coming before the Board.

The Authority is charged with the responsibility of disposing, recycling or composting all solid waste material delivered to designated locations by the member municipalities. The Authority has entered into contracts with the individual members for a period extending to July 1, 2007. These contracts obligate the Authority to handle this material, charging rates sufficient to pay the operating costs and capital improvements.

FINANCIAL STATEMENT

The total net income for the first 3 months of 2004/2005 was $478,904.50, before depreciation.

	Actual	Compared to Budget
Revenue	$2,063,844.26	+ $153,226.76
Expenses	$1,584,939.76	+ $ 34,833.76
Net Income	$ 478,904.50	+ $118,393.00

The increase in revenue was due primarily to receiving higher than budgeted prices for the sale of recyclable materials (+$170,000) and receiving higher than budgeted waste from others (+$53,000), partially offset by receiving less tonnage than budgeted from the member communities (-$70,000). Expenses are above budget primarily due to higher than planned maintenance expenses (+30,000). Additional financial detail is attached.

MAJOR PROJECTS

RATES TO MEMBERS

The rates charged to member communities for disposal of Municipal Solid Waste were increased by $1.00 per ton to $34.50 per ton effective July 1, 2004. The primary reason for this change was an increase in the contractual cost paid to Waste Management for disposal services of $0.68 per ton. The credit to the member communities for sale of recyclable material remained at $25 per ton.

EXPANSION OF CURBSIDE RECYCLING PROGRAM

On August 1, 2004, the curbside recycling program for the SOCRRA communities was expanded to include junk mail and office paper. This expansion was the result of a new contract with our paper broker that allowed the inclusion of this type of material in our newspaper stream. A publicity campaign was developed to communicate this message to the residents of the SOCRRA communities. The results of the campaign are being reviewed and evaluated to help us develop a better publicity campaign the next time one is required. We seem to have had an increase in the amount of paper delivered to the MRF. The progress of this effort is being reviewed with the Recycling Committee at their monthly meetings. We are continuing to encourage all the residents of the SOCRRA communities to place office paper and junk mail in brown paper grocery bags in their recycling bins. Shredded paper, placed in see-through bags, can also be added to the recycling bins. Removing this material from the trash and adding it to the recycling

bin reduces the cost of trash disposal by both reducing the amount of trash to be disposed of and increasing the amount of credit paid to each community for their recycled material. Each ton of this material removed from the trash and placed into recycling bins saves $59.50 for the member community.

ROCHESTER HILLS v. SOCRRA

The two golf course development proposals were revised by the developers to address issues raised by the SOCRRA Board and by Rochester Hills. However, both proposals still require the use of property beyond that originally envisioned for the golf course. Based on this, the SOCRRA Board referred both development proposals back to the Rochester Hills/SOCRRA Standing Committee for further discussion. The Rochester Hills City Council agreed with this recommendation. A meeting of the Standing Committee is being scheduled for late October.

CLOSING OF THE ROCHESTER HILLS LANDFILL

Significant progress was made in completing the closure of the landfill during this quarter. Placement of the protective fill layer over the clay cap was completed. This fill layer was also seeded and mulched; grass has begun growing over the majority of the landfill. A survey was completed to obtain final grade information that will be used to verify that we have contoured the final grades in order to meet the MDEQ specifications. The construction of six storm water control structures was also completed. These structures are required in order to prevent erosion of the landfill cap during major storm events. Work has begun on the landfill closure documentation. We plan to file the required documentation with the MDEQ by December 31, 2004. We have decided to designate the end-use of the landfill as a fallow field in order to complete the closure documentation in the absence of a definitive plan for a golf course for this property. If the end-use is changed at a later date to anything other than a fallow field (a golf course as an example), the MDEQ does allow the end use plan to be revised to incorporate the alternate end-use.

MADISON HEIGHTS v. SOCRRA

This lawsuit is continuing. Interrogatories and requests for admissions have been filed by both parties. Both parties did hold a negotiation session with Judge Mester in early August, but were unable to reach a settlement. At the moment, this lawsuit appears headed toward a trial in early 2005.

CONVERSION OF MRF TO DUAL STREAM OPERATION

At the August meeting, the Board approved the hiring of a consultant to implement dual stream operation at the Material Recovery Facility. In dual stream, the recycled material is delivered to the MRF in two streams: paper and containers. The MRF then sorts the material into our typical product streams. This type of processing allows each community to replace the existing curb sort process used to collect material with the less expensive dual sort collection. As a result, each community should save money by having lower collection costs for recyclables. However, the MRF container processing system must be redesigned to allow for the processing of commingled containers. This redesign of the MRF will also allow us to handle recyclable material from other communities.

We have issued a Request For Qualifications to a number of vendors asking them to submit design concepts as well as their qualifications. A short list of qualified contractors will then be issued an RFP for detailed design and costs. We plan for a July 1, 2005 implementation date.

ELECTRONICS RECYCLING FOR MUNICIPALITIES AND SCHOOLS

We have worked with our current electronics recycling vendor to extend service to the member communities and the school districts of the member communities. The agreement calls for the vendor, Great Lakes Electronics Corporation, located at 12600 Greenfield in Detroit, to accept used electronic material from our communities or their school districts and process the material for $0.145 per pound plus a nominal additional fee for pick-up. This rate was obtained through competitive bid and is good through December 2004. Great Lakes will then bill the organization that supplied the used electronics. Great Lakes will also provide a certificate at no additional charge showing the ultimate disposition of the electronics in each shipment. If your community or school district desires to use this service, please call Mike Czuprenski at 248-288-5150 for the contact information for Great Lakes Electronics.

SELECTION OF AUDITOR

A Request for Proposals for Audit Services was sent out in mid-June to nine audit firms. Only one response, from our current auditor, Rehmann Robson, was received. The Board approved the award of a contract for audit services for Rehmann Robson for the fiscal years ending June 30, 2004 to June 30, 2006. There is also a possible two year extension, at the sole discretion of the Authority. The new contract includes an expansion of the scope of the audit to meet several new GASB requirements. Rehmann Robson is currently completing the audit for the fiscal year ending June 30, 2004. The audit should be presented to the Board in November.

Respectfully submitted,

Jeffrey A. McKeen, P.E.
General Manager

JAM/ksh

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
STATEMENT OF INCOME JULY 1,2004 THROUGH SEPTEMBER 30,2004

REVENUES	ESTIMATED	ACTUAL	VARIANCES
MUNICIPAL SOLID WASTE			
MEMBERS	1,387,935.00	1,298,536.63	(89,398.37)
OTHERS	134,937.50	186,878.62	51,941.12
	1,522,872.50	1,485,415.25	(37,457.25)
COMPOST			
MEMBERS	136,000.00	155,577.05	19,577.05
OTHERS	4,729.00	5,817.05	1,088.05
	140,729.00	161,394.10	20,665.10
RECYCLABLES			
MEMBERS CREDIT	(100,453.00)	(108,007.79)	(7,554.79)
OTHER INCOME			
REVENUES - CARDBOARD	5,400.00	25,944.14	20,544.14
REVENUES - PLASTICS	10,800.00	40,082.68	29,282.68
REVENUES - SCRAP METAL	0.00	76,663.99	76,663.99
REVENUES - NEWSPAPERS	213,300.00	270,850.15	57,550.15
REVENUES - GLASS	24,300.00	4,101.30	(20,198.70)
REVENUES HOUSEHOLD WASTE	21,120.00	38,804.00	17,684.00
REVENUES - BATTERIES	0.00	52.50	52.50
REVENUES - TIN CANS	16,200.00	21,693.25	5,493.25
REVENUES - ALUMINUM	0.00	0.00	0.00
REVENUES-COMPOST	21,000.00	17,530.00	(3,470.00)
INTEREST ON INVESTMENTS	6,960.00	4,340.12	(2,619.88)
GRANT FUNDS	0.00	0.00	0.00
RENTAL INCOME	26,889.00	24,300.00	(2,589.00)
MISC. INCOME	1,500.00	680.57	(819.43)
	347,469.00	525,042.70	177,573.70
TOTAL REVENUES	1,910,617.50	2,063,844.26	153,226.76

EXPENSES	BUDGET APPROPRIATIONS	ACTUAL EXPENDITURES	VARIANCES
MADISON HTS TRANS.OPERATION	484,640.00	403,185.86	(81,454.14)
BATTERY/HOUSEHOLD WASTE	31,055.00	34,030.94	2,975.94
TROY TS OPERATION	463,374.00	513,624.74	50,250.74
MATERIAL RECOVERY FACILITY	144,341.00	170,839.74	26,498.74
LANDFILL OPERATION	75,343.00	119,875.01	44,532.01
ADMINISTRATIVE & GENERAL	351,353.00	343,383.47	(7,969.53)
	1,550,106.00	1,584,939.76	34,833.76
REVENUES OVER EXPENSES	360,511.50	478,904.50	118,393.00
NET INCOME	360,511.50	478,904.50	118,393.00

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
STATEMENT OF INCOME JULY 1,2004 THROUGH SEPTEMBER 30,2004

REVENUES			2004/05
MUNICIPAL SOLID WASTE	TOTAL TONS	AMOUNT	AVERAGE PER TON
MEMBERS	37,534.39	$1,298,536.63	
OTHERS	2,898.15	186,878.62	
COMPOST			
MEMBERS	5,409.85	155,577.05	
OTHERS	86.44	5,817.05	
RECYCLABLES			
MEMBERS	4,310.78	(108,007.79)	
DROP OFF CENTERS	12.99	0.00	
	50,252.60	$1,538,801.56	$30.62
OTHER INCOME			
REVENUES - CARDBOARD		$25,944.14	
REVENUES - PLASTICS		40,082.68	
REVENUES - SCRAP METAL		76,663.99	
REVENUES - NEWSPAPERS		270,850.15	
REVENUES - GLASS		4,101.30	
REVENUES-HOUSEHOLD WASTE		38,804.00	
REVENUES BATTERIES		52.50	
REVENUES - TIN CANS		21,693.25	
REVENUES - COMPOST		17,530.00	
INTEREST ON INVESTMENTS		4,340.12	
GRANT FUNDS		0.00	
RENTAL INCOME		24,300.00	
MISC. INCOME		680.57	
		$525,042.70	10.45
TOTAL REVENUES		$2,063,844.26	$41.07
EXPENSES			
MADISON HEIGHTS TRANSFER STATION		$403,185.86	
BATTERY RECYCLING/HOUSEHOLD WASTE		34,030.94	
TROY TS OPERATION		513,624.74	
MATERIAL RECOVERY FACILITY		170,839.74	
LANDFILL OPERATION		119,875.01	
ADMINISTRATIVE & GENERAL		343,383.47	
		$1,584,939.76	$31.54
NET INCOME BEFORE DEPRECIATION and CITY REBATES		$478,904.50	$9.53
DEPRECIATION		106,627.02	$2.12
NET INCOME		$372,277.48	$7.41

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
STATEMENT OF REVENUES & EXPENDITURES
COMPARED WITH TOTAL BUDGET
JULY 1,2004 THROUGH SEPTEMBER 30,2004

REVENUES	TOTAL BUDGET 2004/05	ACTUAL 3 MONTHS	BALANCE
MUNICIPAL SOLID WASTE			
MEMBERS	$5,140,500.00	$1,298,536.63	$3,841,963.37
OTHERS	539,750.00	186,878.62	352,871.38
	$5,680,250.00	$1,485,415.25	$4,194,834.75
COMPOST			
MEMBERS-GRASS	$971,430.00	$150,424.25	$821,005.75
MEMBERS-LEAVES	0.00	0.00	0.00
MEMBERS-WOODCHIPS	0.00	5,152.80	(5,152.80)
OTHERS-GRASS	39,410.00	5,582.50	33,827.50
OTHERS-LEAVES	0.00	0.00	0.00
OTHERS-WOODCHIPS	0.00	235.00	(235.00)
	$1,010,840.00	$161,394.55	$849,445.45
RECYCLABLES			
MEMBERS CREDIT	($436,750.00)	($108,007.79)	(328,742.21)
OTHER INCOME			
REVENUES - CARDBOARD	$27,000.00	$34,379.70	($7,379.70)
REVENUES - PLASTICS	54,000.00	57,506.75	(3,506.75)
REVENUES - SCRAP METAL	0.00	76,663.99	(76,663.99)
REVENUES - NEWSPAPERS	1,066,500.00	396,472.67	670,027.33
REVENUES - GLASS	121,500.00	4,866.30	116,633.70
REVENUES-HOUSEHOLD WASTE	88,000.00	38,804.00	49,196.00
REVENUES - BATTERIES	0.00	77.50	(77.50)
REVENUES - TIN CANS	81,000.00	21,693.25	59,306.75
REVENUES - COMPOST	60,000.00	18,760.00	41,240.00
INTEREST ON INVESTMENTS	24,000.00	5,176.60	18,823.40
RENTAL INCOME	107,556.00	30,125.00	77,431.00
MISC. INCOME	25,000.00	944.48	24,055.52
	$1,654,556.00	$685,470.24	$969,085.76
TOTAL REVENUES	$7,908,896.00	$2,224,272.25	$5,684,623.75

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
STATEMENT OF REVENUES & EXPENDITURES
COMPARED WITH TOTAL BUDGET
JULY 1,2004 THROUGH SEPTEMBER 30,2004

EXPENSES	TOTAL BUDGET 2004/05	ACTUAL 3 MONTHS	BALANCE
MADISON HEIGHTS OPERATION	$2,698,276.00	$403,185.86	$2,295,090.14
BATTERY/HOUSEHOLD WASTE	146,055.00	34,030.94	112,024.06
TROY TS OPERATION	2,345,180.00	513,624.74	1,831,555.26
MATERIAL RECOVERY FACILITY	647,280.00	170,839.74	476,440.26
LANDFILL OPERATION	334,575.00	119,875.01	214,699.99
ADMINISTRATIVE & GENERAL	1,144,150.00	343,383.47	800,766.53
	$7,315,516.00	$1,584,939.76	$5,730,576.24
TOTAL EXPENDITURES	$7,315,516.00	$1,584,939.76	$5,730,576.24
NET INCOME	$593,380.00	$639,332.49	($45,952.49)

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
COMPARATIVE STATEMENT
JULY 1,2004 THROUGH SEPTEMBER 30,2004

	2004/05	2003/04	VARIANCES
REVENUES			
MUNICIPAL SOLID WASTE			
MEMBERS	$1,298,536.63	$1,336,274.43	($37,737.80)
OTHERS	186,878.62	151,029.58	35,849.04
	$1,485,415.25	$1,487,304.01	($1,888.76)
COMPOST			
MEMBERS	$155,577.05	$134,530.40	$21,046.65
OTHERS	5,817.05	6,071.09	(254.04)
	$161,394.10	$140,601.49	$20,792.61
RECYCLABLES			
MEMBERS CREDIT	(108,007.79)	(72,221.38)	(35,786.41)
OTHER INCOME			
REVENUES - CARDBOARD	$25,944.14	$11,410.15	$14,533.99
REVENUES - PLASTICS	40,082.68	36,839.27	3,243.41
REVENUES - SCRAP METAL	76,663.99	14,821.81	61,842.18
REVENUES - NEWSPAPERS	270,850.15	210,013.92	60,836.23
REVENUES - GLASS	4,101.30	5,872.86	(1,771.56)
REVENUES-HOUSEHOLD WASTE	38,804.00	29,880.00	8,924.00
REVENUES-BATTERIES	52.50	0.00	52.50
REVENUES - TIN CANS	21,693.25	4,552.63	17,140.62
REVENUES - ALUMINUM	0.00	0.00	0.00
REVENUES - COMPOST	17,530.00	26,214.40	(8,684.40)
INTEREST ON INVESTMENTS	4,340.12	5,540.91	(1,200.79)
GRANT FUNDS	0.00	0.00	0.00
RENTAL INCOME	24,300.00	20,825.00	3,475.00
MISC. INCOME	680.57	3,443.00	(2,762.43)
	$525,042.70	$369,413.95	$155,628.75
TOTAL REVENUES	$2,063,844.26	$1,925,098.07	$138,746.19
OPERATING EXPENSES	$1,584,939.76	$1,466,942.48	$117,997.28
EXCESS	$478,904.50	$458,155.59	$20,748.91
REBATES TO CITIES	0.00	990,400.00	(990,400.00)
EXCESS AFTER REBATES	$478,904.50	($532,244.41)	$1,011,148.91

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
TOTAL DISPOSAL CHARGES
JULY 1,2004 THROUGH SEPTEMBER 30,2004

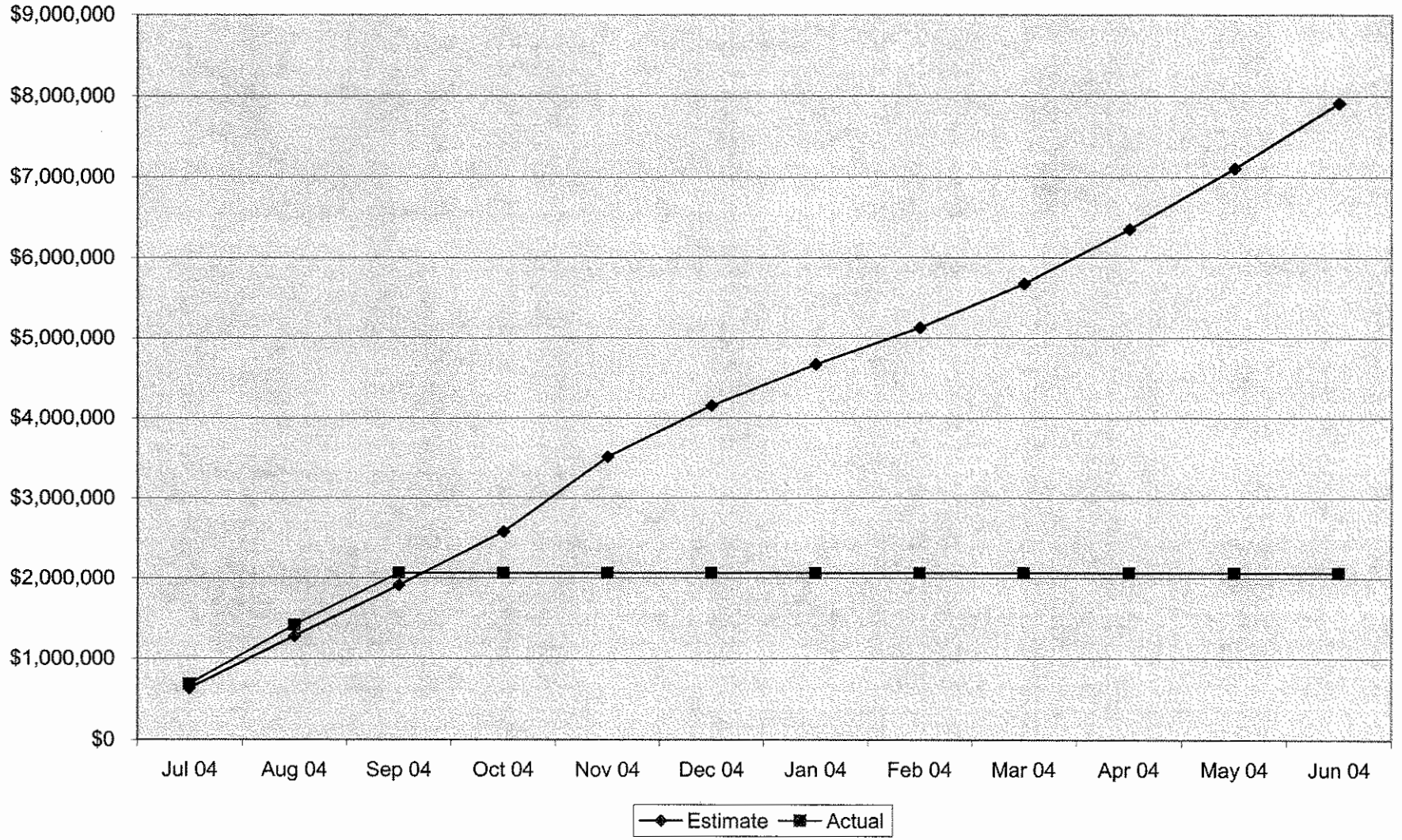
MUNICIPALITY	TOTAL TONS	DISPOSAL CHARGES	AVERAGE COST PER TON
BERKLEY	2,301	$64,152.08	$27.88
BEVERLY HILLS	1,476	42,465.75	$28.77
BIRMINGHAM	4,207	114,558.85	$27.23
CLAWSON	2,423	68,526.41	$28.28
FERNDALE	4,727	144,298.23	$30.53
HAZEL PARK	2,944	90,537.61	$30.75
HUNTINGTON WOODS	992	24,895.53	$25.10
LATHRUP VILLAGE	816	24,235.03	$29.70
OAK PARK	4,075	120,252.11	$29.51
PLEASANT RIDGE	634	18,228.06	$28.73
ROYAL OAK - CITY	9,851	272,259.48	$27.64
TROY	12,808	361,696.75	$28.24
SUB-TOTAL	47,255	$1,346,105.89	$28.49
OTHER CUSTOMERS	2,985	192,695.67	64.56
DROP OFF CENTERS	13	0.00	0.00
TOTAL	50,253	$1,538,801.56	30.62

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY IMPROVEMENT FUND
JULY 1,2004 THROUGH SEPTEMBER 30,2004

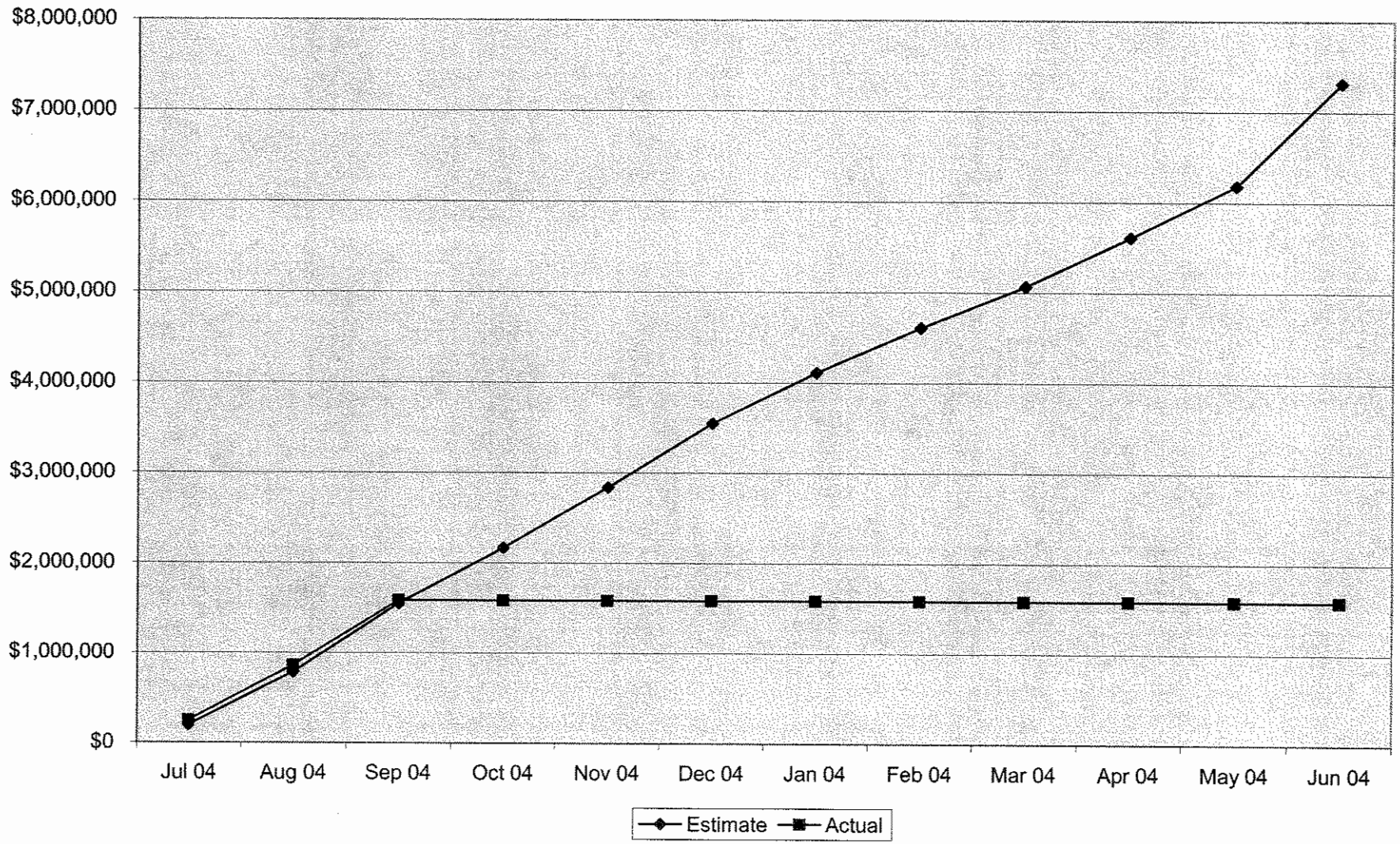
EXPENDITURES

TS Driveway Expansion	27,751.80
TOTAL	27,751.80

SOCRRA REVENUES 2004/05



SOCRRA EXPENSES 2004/05



December 6, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Agenda Item – Notification of LLEBG Change

On February 23, 2004, City Council approved acceptance of an $18,984.00 Local Law Enforcement Block Grant for the purchase of Web-EOC. Acceptance of the grant required a City of Troy match of $2,109.00. At that time, Oakland County Emergency Response and Preparedness (OC-ERP) planned on utilizing Web-EOC (emergency mitigation software) in their Emergency Operation Center, and in the interest of establishing inter-operability recommended that we purchase identical software.

During the purchase process, OC-ERP learned that the State of Michigan purchased and began utilizing E-Team, another comprehensive emergency mitigation software program. OC-ERP determined that public safety would be enhanced if State, County, and local emergency operations programs all utilized the same software program. Therefore, OC-ERP switched from Web-EOC to E-Team. Because the City of Troy's emergency operations center was recently approved as an alternate Oakland County emergency operations center, OC-ERP provided the E-Team software to us free of charge. Our status as an alternate Oakland County emergency operations center allows us full access to the E-Team program.

The funds provided by the LLEBG for the purchase of Web-EOC are being redirected to the purchase of a satellite communications system for emergency operations plan use. The system will allow the City of Troy emergency operations center to communicate with the on-scene commanders, the OC-ERP, and the State of Michigan. In the event of an emergency the system will provide for real-time updates from the field, and provide a communication link between the emergency operations center and field operations if radio or telecommunications are disrupted.

The Bureau of Justice Assistance (BJA), the agency that oversees LLEBG's, has reviewed our request and approved the change. Because we are still using the grant to improve the emergency capabilities of the EOC, they advise that neither the Advisory Committee nor City Council need to revise their initial grant acceptance approval.

Unless otherwise directed, we will proceed with the purchase of the satellite communications system.

Prepared by: Sergeant Donald Ostrowski

December 1, 2004

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager \ Services
Timothy L. Richnak, Public Works Director
Jeanette Bennett, Purchasing Director

SUBJECT: Agenda Item – Report - Auction – Vehicle Sale
On October 30, 2004 in Rochester Hills

SUMMARY

In compliance with Resolution #2002-12-644-E-9 which requires that final auction reporting be submitted to City Council, miscellaneous Motor Pool vehicles and equipment were taken by the awarded City auctioneer, Mid-Thumb Auctioneering Service, LLC, to an auction held in Rochester Hills, Michigan. The auction was held on Saturday, October 30, 2004. A list of the vehicles and equipment auctioned and the amount received is attached. The contract contains a provision that the auctioneer produces final accounting and the funds settlement within 30 days after the auction takes place. He has met the criteria.

The income from the sale is as follows:

Motor Pool Vehicles (6% auction fee)		$14,400.00
Miscellaneous Equipment (15% auction fee)		254.00
Total gross sales		$14,654.00
Costs:	Auction Fee (6% for cleaned Motor Pool vehicles;	(-) 864.00
	15% for miscellaneous equipment taken to auction site by the auctioneer)	(-) 38.10
Net Income		**$13,751.90**

BACKGROUND

Included in the specifications for the auction contract is the ability of our auctioneer to take the City's auction items to other auction locations. Mid-Thumb Auctioneering, LLC suggested using the Rochester Hills site. All transportation, reporting, and advertising is included in the auction fee.

JB/jb

MID-THUMB AUCTIONEERING SERVICE, L.L.C.
8769 MORRIS RD.
GOODELLS, MI 48027

AUCTION FINAL SETTLEMENT

AUCTION HELD FOR: Rochester School District

PROPRIETOR OF SALE: City of TROY - Fleet

LOCATION OF AUCTION: 6841 N. Rochester Rd. Rochester Hills

DATE AUCTION WAS HELD: Saturday October 30, 04

TOTAL PROCEEDS OF VEHICLES SOLD ********** $ 14,400.00

TOTAL PROCEEDS OF ALL OTHER ITEMS SOLD********** $ 254.00

TOTAL SOLD — 14,654.00

EXPENSES:

AUCTION FEE ON VEHICLES: 6 %********** $ 864.00

AUCTION FEE ON ALL OTHER ITEMS: 15 %********** $ 38.10

TOTAL EXPENSES $ 902.10

NET PROCEEDS********** $ 13,751.90

ADVERTISING BREAKDOWN:

Staples	$ 189.00	Postage	$ 222.00
SHOPPER	$ 100.00	Oakland Press	$ 422.60
Penny Pincher	$ 100.00	Detroit Newspapers	$ 428.50
Auction Exchange	$ 282.90		

PROPRIETOR APPROVAL & RELEASE SIGNATURE: X

X

AUCTIONEERS SIGNATURE

DATE NOV 18, 04 CHECK#

MID-THUMB AUCTIONEERING SERVICE, L.L.C.
AUCTION PROCEEDS TRUST ACCOUNT
8769 MORRIS RD.
GOODELLS, MI 48027
PHONE: (810) 325-9595

EXPLANATION	AMOUNT
Items sold	
At Oct 30 04	
Auction	

74-497/724

8091

CHECK AMOUNT

PAY Thirteen Thousand Seven Hundred Fifty One & 90/100 DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.
11-18-04	City of TROY - Fleet	Net Auction Proceeds	8091

$ 13,751.90

JOHN TOMASCHKO

020005892149001

VEHICLE AUCTION REPORT

NUMBER	*MAKE*	*MODEL*	*YEAR*	*AUCTION FEE*	*AUCTION PRICE*
269	G.M.C.	PICKUP 2WD	92	$117.00	$1,950.00
284	G.M.C.	1500/PICKUP	94	$144.00	$2,400.00
324	CRONKHITE	TRAILER	85	$48.00	$800.00
802	G.M.C.	4X4 PICK UP	92	$108.00	$1,800.00
865	PONTIAC	GRANDPRIX	96	$162.00	$2,700.00
925	FORD/C-VIC/4DR/	FORD CROWN VIC	00	$285.00	$4,750.00
			TOTALS	$864.00	$14,400.00

FINANCE: PLEASE CREDIT ACCOUNT #6610.4693 GAIN/SALE OF DEPRECIATED FIXED ASSETS

VEHICLES SOLD	14,400.00
MISC SOLD	+254.00
	14,654.00
VEH AUCTION FEE	-864.00
MISC AUCTION FEE	- 38.10
	$13,751.90

Prepared by: Samuel P. Lamerato, Superintendent of Fleet Maintenance

City of Troy

SALE NOTICE

To: **All Interested Parties**

From: **City of Troy Purchasing Department**

Date: **October 19, 2004**

Re: **Sale of Out of Service Vehicles and Miscellaneous Equipment**

Mid-Thumb Auctioneering Service, LLC is the designated auction company authorized to dispose of well-used City of Troy vehicles and miscellaneous items on **Saturday, October 30, 2004, at 10:00 a.m.**

You are invited to participate in the sale. If you have any questions, please call the City of Troy Purchasing Department at (248) 524-3576 or the auctioneer at (810) 325-9595.

AUCTIONEER: **Mid-Thumb Auctioneering Service, LLC**

AUCTION ADDRESS: **City of Rochester Hills – 6841 Rochester Road, Rochester Hills, Michigan –**

(Just North of Tienken Rd. - North side of old Twist Drill Bldg.)

PHONE: **(810) 325-9595**

DATE AND TIME: **Saturday, October 30, 2004 @10:00 a.m.**

The vehicles from the City of Troy to be auctioned include but are not limited to the following:

QUANTITY	YEAR	DESCRIPTION	CITY #
1	1992	GMC Pickup Truck – Blue – 2WD	269
1	1994	GMC Pickup Truck – Blue – 2WD	284
1	1985	Cronkhite Single Axle Tilt Trailer	324
1	1992	GMC Pickup Truck – Blue – 4x4	802
1	1996	Pontiac Grand Prix – Black	865
2	2000	Ford Crown Victoria – Blue	925; 927
		Miscellaneous Garage Equipment such as:	
		Tool box, tires, etc.	

NOTES: (1) There is an auction reserve on these vehicles; (2) The City of Troy reserves the right to withdraw vehicles from the auction at their discretion; (3) Synthetic oils were used exclusively on all patrol vehicles, and in transmissions and rear axles on all other vehicles.

PUBLIC NOTICE
CITY OF TROY

PUBLIC AUCTION

On Saturday, October 30, 2004, the City of Troy Motor Pool in conjunction with the City of Rochester Hills will be auctioning miscellaneous vehicles and equipment through Mid-Thumb Auctioneering Service, LLC including but not limited to (2) 1992 GMC Pickup, (1) 1994 GMC Pickup, (1) 1985 Cronkhite Single Axle Tilt Trailer, (1) 1996 Pontiac Grand Prix, (2) Ford Crown Victoria, and miscellaneous garage equipment (tires, tool box. etc.) at 10:00 a.m. at 6841 N. Rochester Rd. For more information, call the auction company at (810) 325-9595 or the City of Troy Purchasing Dept. (248) 524-3576.

Tonni L. Bartholomew
City Clerk

Publish: Before October 30, 2004

Date: 10-30-2004

MID-THUMB AUCTIONEERING SERVICE L.L.C.

8769 MORRIS ROAD
GOODELLS, MI 48027
810-325-9595

Settlement CITY OF TROY Page:
Seller: 14

	Item	Description	Price	Qty	Total
	-	TOOLBOX SET	70.00	2	140.00
	-	JUMP N CARRY JUMP STARTER		1	30.00
	-	BOX GASKETS 2BOXES		1	2.00
	-	SPOT LIGHT	7.00	2	14.00
	-	2 SPOT LIGHTS		1	6.00
	-	BARREL RACK	21.00	2	42.00
	-	CARBORATOR AND KITS		1	1.00
	-	HEAD LAMP		1	1.00
	-	YELLOW BEACON BOX		1	5.00
	-	BRAKE SHOES HUB CAPS BLUE METAL	*** Not sold ***		
	-	FORD HUB CAPS		1	10.00
	-	WAGNER RACK		1	1.00
#284		94 BLUE GMC 2WD		1	2,400.00
#925		2000 CROWN VICTORIA DARK BLUE		1	4,750.00
	-	2000 CROWN VICTORIA 4DR DARK BLUE	*** Not sold ***		
#865		96 PONTIAC GRAND PRIX BLACK		1	2,700.00
#269		92 GMC SIERRA PICKUP LT. BLUE 2WD		1	1,950.00
#802		92 GMC 4X4 BLUE 15S65EML		1	1,300.00
#324		85 CRONKNITE SINGLE AXLE TILT TRAILER SURGE BRAKES		1	800.00
	-	TIRES	*** Not sold ***		

Items: 20 Amount: 14,654.00

THANK-YOU !!
MID-THUMB AUCTION

PUBLIC AUCTION

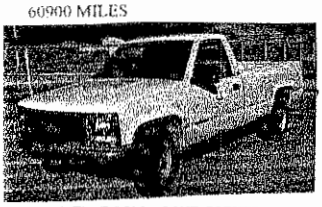
SATURDAY
OCTOBER 30, 2004
SALE COMMENCING AT 10:00 A.M.

AUCTION LOCATED FROM M-59 TAKE ROCHESTER RD 5 ½ MILES JUST NORTH OF TIENKEN RD TO 6841 N ROCHESTER RD NORTH SIDE OF OLD TWIST DRILL BUILDING ROCHESTER HILLS MI

ROCHESTER SCHOOL DISTRICT:
STUDENT CHAIRS, DESKS, METAL BOOKCASES, OLD TEACHERS DESK, 4 DRAWER VERTICAL FILE, 40) PLASTIC STACKING CHAIRS, 6) ROUND & 3) RECTANGULAR CAFETERIA TABLES, 250) BUCKET CHAIRS, 24) STUDENT & 1) TEACHER DRAFTING TABLES, 42) 6 SETS/BOX HANGING FOLDER FRAMES LETTER SIZE, COMPUTER CART, COMPUTER DESK, 5) SMALL & 4) LARGE TEACHERS DESKS, 2) OLD 2-DRAWER FILE CABINETS, 7) BLUE UPHOLSTERED CHAIRS, 4-DRAWER FIRE PROOF CABINET, 2) BASKETBALL HOOPS FREE STAND, WOOD SLID OUT BLEACHERS, FORMICA L SHAPE DESK W/2 LATERAL FILE CABINETS, BOOK CART, OFFICE PARTITIONS, 12) 4x8 STAGE SECTIONS W/2 SET STEPS, 7) RISERS, STACKING CHAIRS, CREDENZA, BOOK SHELF 2 SIDED, 4) CAFETERIA TABLES.

CITY OF ROCHESTER HILLS:

1996 GMC 2500 4WD PICKUP W/WESTERN SNOW PLOW 60900 MILES



1995 GMC 2500 - 2 WD PICKUP TAN 40950 MILES

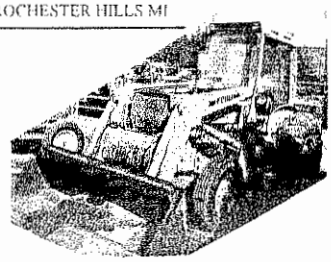
1997 GMC 2500 - 2WD PICKUP GREEN 32454 MILES

1989 PIERCE DASH D-8000 CUSTOM, CLASS A PUMPER FIRE TRUCK, LIME GREEN CAT 3208-250 Hp V-8 DIESEL, ALLISON MT643 AUTOMATIC, 5 PERSON OPEN JUMP SEAT CAB 500 GAL. WATER TANK 1250 GPM PUMP, TOP MOUNT MIDSHIP PUMP 21455 MILES ENGINE HAS 1985 HRS

1986 MACK PUMPER/TANKER FIRE TRUCK LIME GREEN MACK DIESEL MDL EM6-285 ALLISON AUTOMATIC 1250 GAL TANK 1250 gpm TRIPLE COMBO W/TOP MTD MIDSHIP PUMP 19850 MILES ENGINE HAS 1867 HRS

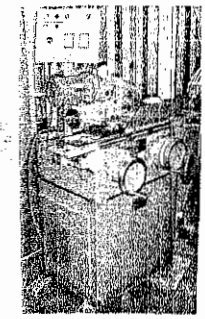
FOR MORE INFORMATION CONTACT ROCHESTER HILLS FIRE DEPARTMENT Assistant FIRE CHIEF RON CROWELL PHONE (248) 841-

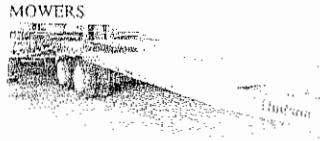
2) JACOBSEN HR-15 PERKINS 4 CYL DSL WING LAWN MOWER W/ 18' MOWERS



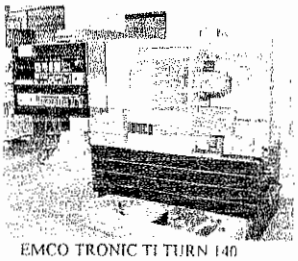
FORD 445 IND LOADER TRACTOR GAS 9' FISHER SNOW PLOW

OAKLAND SCHOOLS:
KBC MACHINERY OD GRINDER





2000 HUDSON BROS 18' W/5' DOVE-TAIL TATUM DULLY TRAILER W/FOLD DOWN RAMPS 10 TON



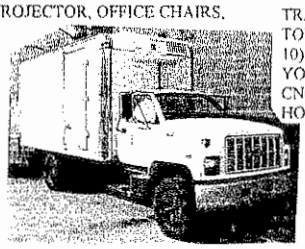
EMCO TRONIC TI TURN 140 CNC LATHE

SUPER MAX MILL CRUSADER II

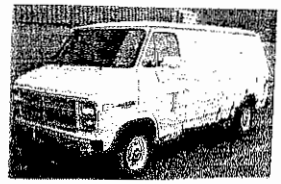
SUN SCOPE MDL 55400 EXHAUST ANALYZER SCOPE

TROY SCHOOL DISTRICT:

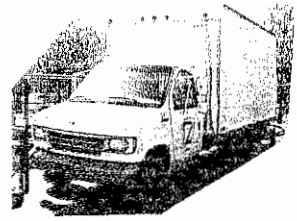
QTY OF COMPAQ MV500, DELL CPUS, APPLE LASER WRITTER PRINTER, GATEWAY MONITORS 1024 & 2000 4Dx2-66, HP DESK JET 820 & OTHER PRINTERS, CANNON LASER CLASS 8500 FAX, 2) ZENITH 19" TV, SVRL CHROME LEG MAUVE UPHOL CHAIRS, KIDS TOYS, WOOD & PLASTIC PLAY CENTER, OVERHEAD PROJECTOR, OFFICE CHAIRS, TRAPEZOID & 48" ROUND FORMICA TOP TABLES, 2) DRAFTING STATIONS, 10) CAFETERIA TABLES, BUNN YOGURT SMOOTHIE MACHINE, EMCO CNC COMPACT 5 LATHE UNIT, HOBART DISHWASHER,



1992 KODIAK CAB & CHASSIE TRUCK V-8 366 GAS ALLISON AUTO THERMO KING STB C12 REFRIGERATION UNIT 125143 MILES, 16' HBC BOX MODEL VG1 6090 ROLL UP DOOR LIFT GATE



1991 CHEVY G20 CARGO VAN



1996 FORD E350 CAB DSL 15' CUBE BOX 113000 MILES

2) HIP ROOF SHEDS 8'x12' & 10'x12' BUYER TO REMOVE LOCATED AT BALDWIN ELEMENTARY SCHOOL OFF OF COLLINS ROAD

AUBURN HILLS POLICE DEPT STOLEN-RECOVERED-UNCLAIMED:
BRACELET, RING, TI-83 CALCULATOR, 3) WATCH, SCALE, BREAKER BAR 14" LONG, NEXUS NS-610 SCALE, WILSON BLACK LEATHER ¾ LENGTH COAT, CRAIG AM-FM TAPE PLAYER, KENWOOD 1) CD PLAYER 1) POWER AMP & 1) AM-FM STEREO CD, PUNCH SPEAKER, 1) PIONEER & 1) SONY CAR STEREO AM-FM CASSETTE, PIONEER 160W AMP, UNIDEN POLICE/FIRE SCANNER, DESERT STORM SILVER COIN, CAMERAS, AM-FM RADIO, 4 WAY LUG WRENCH, PLIERS, B & D SAW, WEN SANDER/POLISHER, DEWALT DRILL, DREMER DRILL & BITS BOTH IN CASE, SKILL SAW, SCREWDRIVER, KNIFE, CRAFTSMAN HAMMER, TIRE IRON, TOOL BOX, CAR JACK, CHANNEL LOCKS, RATCHET, RATCHET CUTTERS, METRIC WEIGH SCALE, PELLE PELLE GRAY LEATHER COAT SIZE 56, DOWN JACKET, PURSE, SANDALS, T-SHIRTS, PANTS, HAIR TIES, HAT, SWEAT SHIRT, NINE PLANET BLUE JEANS, DADA TENNIS SHOES SIZE 11, 2) TOE RINGS, NIKE BACKPACK, BIEFFE HELMET SML BLACK, SNELL HELMET BLACK, SEVERAL PEDAL BIKES, SATELLITE DISH, NECKLACE, HAIR PIECE, CD'S, DVD'S, PANASONIC PERSONAL CD PLAYER, 200) BASEBALL CARDS, RED/WHITE/ BLUE PISTON STUFFED MONKEY, RWB PISTON BASKETBALL, BLUE PISTONS HAT, WHITE PISTONS SHIRT, PISTON THUMPER STICKS.

AUBURN HILLS LIBRARY:
MICROFICHE READER, UMAX ASTRA 600s SCANNER, 5) GATEWAY COMPUTERS W/MOUSE & KEYBOARD & MONITORS, BROTHER INTELFAX 1250 W/CARTRIDGES, 2) EPSON COLOR PRINTERS, PUPPET TREE, LISTENING POST (TAPE PLAYER W/ MULTIPLE HEADPHONE JACKS) PROXIMA MULTIMEDIA PROJECTOR

WAREHOUSEMAN'S LIEN ITEMS:
APPOX 6 PALLETS NEW STAINLESS STEAL RUNNING BOARDS AND STEPS FOR PICKUPS, SUV, VARIOUS MAKES, MODELS AND YEARS, NEW PICKUP BED TOOL BOXES, 8 PALLET BOXES FULL OF PLASTIC CD COVER UNITS, LG QTY OF NEW BABY POTTY TRAINING ITEMS, 60) WOOD PALLET BOXES 7'x3'x2'DEEP

TERMS OF SALE: are CASH DAY OF SALE. CASHIER'S OR TRAVELER'S CHECKS, BANK MONEY ORDER, MICHIGAN PERSONAL OR COMPANY CHECKS **ONLY WITH** BANK LETTER OF AUTHORIZATION PAYMENT IS REQUIRED IN FULL ON DAY OF SALE NOTHING IS TO BE REMOVED UNTIL SETTLED FOR. NOTE 2% BUYERS PREMIUM

PLEASE SHOW THIS EXAMPLE OF AUTHORIZATION TO YOUR BANKER.

TO: MID-THUMB AUCTIONEERING SERVICE, L.L.C.
MR/MRS (CUSTOMER NAME) OF (COMPANY NAME) IS A CUSTOMER OF THIS BANK. THIS BANK WILL GUARANTEE UNQUALIFIED PAYMENT TO MID-THUMB AUCTIONEERING FOR CHECKS DRAWN ON (ACCOUNT NUMBER) FOR AN AMOUNT UP TO $_____ 00 FOR THE PUBLIC AUCTION ON SATURDAY, OCTOBER 30, 2004 (SIGNED BY BANKER) (AUCTION CO. WILL KEEP LETTERS)

OR: A $200.00 NON-REFUNDABLE CASH DEPOSIT AT THE TIME OF AUCTION ON VEHICLES AND EQUIPMENT, BUYER TO HAVE UNTIL MONDAY, NOVEMBER 1, 2004 FROM 2 PM TO 5 PM TO PAY BALANCE IN CERTIFIED FUNDS OR DEPOSIT WILL BE FORFEITED AT AUCTION SITE.

(NO PERSONAL OR COMPANY CHECKS WILL BE ACCEPTED ON VEHICLE OR EQUIPMENT)"NO EXCEPTIONS'.

SALE PRINCIPLES, AUCTIONEERS, CLERKS AND OWNERS OF PROPERTY ARE NOT RESPONSIBLE OR LIABLE FOR ACCIDENTS, OR LOST OR STOLEN GOODS AFTER SOLD. AUCTIONEERS AND CLERKS ARE ACTING SALES AGENTS ONLY AND ASSUME NO GUARANTEES OR LIABILITIES. STATEMENTS MADE DAY OF SALE TAKE PRECEDENCE OVER PRINTED MATTER HEREIN. ALL ITEMS SOLD "AS IS" "WHERE IS". ALL SALES ARE FINAL. SALES ARE SUBJECT TO A 6% SALES TAX

MID-THUMB AUCTIONEERING SERVICE, L.L.C.
(810) 325-9595
Goodells • Port Huron, Michigan
For the Professional & Complete Auction Service
LET US HELP PLAN YOUR AUCTION

CITY OF TROY

MONTHLY FINANCIAL REPORT

30-Nov-04

For the Period Ending November 30, 2004

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	30,985,388	31,996,690	55,890	32,365,182	101.15
BUSINESS LICENSES & PERMITS	39,557	37,000	1,366	8,329	22.51
NON-BUS. LICENSES & PERMITS	1,610,428	1,480,000	91,245	677,936	45.81
FEDERAL GRANTS	100,354	22,000	1,401	1,401	6.37
STATE AGENCIES	7,295,363	6,645,000	1,272,535	2,584,680	38.90
CONTRIBUTIONS-LOCAL	162,365	135,000	2,027	43,201	32.00
CHARGES FOR SERVICES - FEES	1,209,542	1,156,600	109,601	304,913	26.36
CHARGES FOR SERVICES - REND.	1,600,633	1,677,500	20,560	459,963	27.42
CHARGES FOR SERVICES - SALES	305,582	147,000	12,055	58,240	39.62
CHARGES FOR SERVICES - REC	2,857,298	2,742,500	164,052	1,087,426	39.65
FINES & FORFEITS	960,250	975,000	105,849	286,052	29.34
INTEREST AND RENTS	865,998	954,000	64,061	326,661	34.24
OTHER REVENUE	439,460	450,110	468	138,670	30.81
OTHER FINANCING SOURCES	9,434,778	10,654,450	4,983,935	4,983,935	46.78
TOTAL GENERAL FUND REVENUE	57,866,996	59,072,850	6,885,045	43,326,589	73.34
EXPENDITURES					
LEGISLATIVE	1,926,046	2,025,620	247,023	787,794	38.89
FINANCE	4,331,477	4,840,690	427,145	1,731,798	35.78
OTHER GEN GOVERNMENT	2,471,227	2,619,120	188,061	919,355	35.10
POLICE	20,543,113	22,059,220	2,083,028	8,338,892	37.80
FIRE	3,732,506	3,899,000	406,314	2,019,571	51.80
BUILDING INSPECTION	1,926,514	2,075,770	184,713	771,380	37.16
STREETS	4,678,297	5,412,320	409,338	1,749,225	32.32
ENGINEERING	2,766,755	3,013,880	234,240	1,073,170	35.61
RECREATION	7,797,872	8,208,820	802,360	3,412,595	41.57
LIBRARY	4,547,589	4,908,410	392,482	1,715,808	34.96
TRANSFERS OUT	678,000	10,000	10,000	10,000	100.00
TOTAL GEN FUND EXPENDITURES	55,399,396	59,072,850	5,384,704	22,529,588	38.14

For the Period Ending November 30, 2004

REFUSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,886,715	3,967,000	0	4,057,657	102.29
CHARGES FOR SERVICES - REND.	152,700	0	0	0	.00
CHARGES FOR SERVICES - SALES	1,348	1,000	120	544	54.40
INTEREST AND RENTS	38,942	40,000	4,586	26,336	65.84
OTHER FINANCING SOURCES	455,230	451,180	451,180	451,180	100.00
TOTAL REVENUE	4,534,935	4,459,180	455,886	4,535,717	101.72
EXPENDITURES					
CONTRACTORS SERVICE	4,300,686	4,280,000	462,529	1,577,044	36.85
OTHER REFUSE EXPENSE	34,903	51,180	190	7,697	15.04
RECYCLING	96,612	128,000	12,743	52,773	41.23
TOTAL EXPENDITURES	4,432,201	4,459,180	475,462	1,637,514	36.72

For the Period Ending November 30, 2004

CAPITAL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	7,586,118	8,938,000	0	9,141,951	102.28
FEDERAL GRANTS	1,965	0	863	1,725	.00
STATE AGENCIES	3,016,325	4,267,750	0	0	.00
CHARGES FOR SERVICES - REND.	1,611,639	140,000	7,828	32,899	23.50
INTEREST AND RENTS	339,025	325,000	33,843	198,190	60.98
OTHER REVENUE	680,280	0	0	11,376	.00
OTHER FINANCING SOURCES	14,608,910	14,738,780	13,026,280	13,026,280	88.38
TOTAL REVENUE	27,844,262	28,409,530	13,068,814	22,412,421	78.89
EXPENDITURES					
FINANCE	9,827	55,000	0	2,463	4.48
OTHER GEN GOVERNMENT	4,830,407	3,714,000	696,832	1,058,399	28.50
POLICE	184,126	487,120	8,962	55,456	11.38
FIRE	50,298	447,500	19,482	20,897	4.67
BUILDING INSPECTION	56,212	20,000	0	1,462	7.31
STREETS	9,396,123	17,132,000	433,517	4,073,332	23.78
ENGINEERING	21,604	17,000	0	0	.00
RECREATION	2,403,981	3,971,000	319,238	630,908	15.89
LIBRARY	213,622	0	0	0	.00
MUSEUM	1,460,743	247,000	845	121,481	49.18
STORM DRAINS & RET PONDS	644,502	1,512,890	120,299	456,220	30.16
INFORMATION TECHNOLOGY	93,214	806,020	4,161	13,550	1.68
TOTAL EXPENDITURES	19,364,659	28,409,530	1,603,336	6,434,168	22.65

For the Period Ending November 30, 2004

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	2,164	50,000	2,163	20,102	40.20
CHARGES FOR SERVICES - REC	78,976	1,675,400	27,797	516,088	30.80
INTEREST AND RENTS	79	61,000	28	300	.49
OTHER REVENUE	51	0	3-	25-	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	81,270	1,786,400	29,985	536,465	30.03
EXPENDITURES					
SANCTUARY LAKE GREENS	2,501	752,160	61,980	450,359	59.88
SANCTUARY LAKE PRO SHOP	44,575	876,260	298,137	421,537	48.11
SANCTUARY LAKE CAPITAL	0	88,500	0	0	.00
TOTAL EXPENDITURES	47,076	1,716,920	360,117	871,896	50.78

For the Period Ending November 30, 2004

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	44,907	50,000	692	19,833	39.67
CHARGES FOR SERVICES - REC	1,102,938	1,214,410	26,968	596,555	49.12
INTEREST AND RENTS	117,318	85,000	8,843	62,059	73.01
OTHER REVENUE	292	0	24	371-	.00
OTHER FINANCING SOURCES	11,530	185,520	0	0	.00
TOTAL REVENUE	1,276,985	1,534,930	36,527	678,076	44.18
EXPENDITURES					
SYLVAN GLEN GREENS	822,466	899,600	58,534	316,349	35.17
SYLVAN GLEN PRO SHOP	364,887	316,330	16,836	127,821	40.41
SYLVAN GLEN CAPITAL	146,550	319,000	39,439	57,963	18.17
TOTAL EXPENDITURES	1,333,903	1,534,930	114,809	502,133	32.71

For the Period Ending November 30, 2004

AQUATIC CENTER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	344,233	420,000	661-	136,280	32.45
INTEREST AND RENTS	26,053	28,300	0	12,123	42.84
OTHER REVENUE	30-	0	0	40-	.00
TOTAL REVENUE	370,256	448,300	661-	148,363	33.09
EXPENDITURES					
AQUATIC CENTER	541,886	595,460	19,681	260,074	43.68
CAPITAL	17,399	50,000	0	0	.00
TOTAL EXPENDITURES	559,285	645,460	19,681	260,074	40.29

For the Period Ending November 30, 2004

SEWER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	202,124	200,000	33,772	112,817	56.41
CHARGES FOR SERVICES - REND	9,710,263	9,870,000	1,043,963	2,443,702	24.76
INTEREST AND RENTS	208,707	210,000	22,283	114,353	54.45
OTHER REVENUE	0	0	0	0	.00
TOTAL REVENUE	10,121,094	10,280,000	1,100,018	2,670,872	25.98
EXPENDITURES					
ADMINISTRATION	8,640,930	8,324,640	553,760	3,347,314	40.21
MAINTENANCE	1,527,109	1,484,540	261,516	514,798	34.68
CAPITAL	507,522	2,294,600	0	0	.00
TOTAL EXPENDITURES	10,675,561	12,103,780	815,276	3,862,112	31.91

CITY OF TROY
Monthly Financial Report
Water Fund
For the Period Ending November 30, 2004

WATER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	1,068,683	850,000	89,869	460,699	54.20
CHARGES FOR SERVICES - SALES	9,967,814	12,301,000	1,322,914	3,412,245	27.74
INTEREST AND RENTS	314,382	296,000	15,206	84,038	28.39
OTHER REVENUE	0	0	0	0	.00
TOTAL REVENUE	11,350,879	13,447,000	1,427,989	3,956,982	29.43
EXPENDITURES					
ADMINISTRATION	8,818,627	11,083,430	938,149	4,729,204	42.67
TRANS AND DISTRIBUTION	210,016	206,340	6,645	23,717	11.49
CUSTOMER INSTALLATION	32,750	108,570	5,885	27,268	25.12
CONTRACTORS SERVICE	172,722	210,650	14,685	85,382	40.53
MAIN TESTING	69,635	196,130	6,681	24,673	12.58
MAINTENANCE OF MAINS	298,021	354,570	15,848	161,680	45.60
MAINTENANCE OF SERVICES	203,269	201,510	26,035	80,133	39.77
MAINTENANCE OF METERS	231,710	220,410	22,146	84,580	38.37
MAINTENANCE OF HYDRANTS	250,020	339,420	34,824	108,419	31.94
METERS AND TAP-INS	263,186	339,560	24,694	97,535	28.72
WATER METER READING	79,236	86,630	15,133	74,967	86.54
ACCOUNTING AND COLLECTING	53,133	54,030	8,652	56,131	103.89
CAPITAL	2,042,382	5,534,400	231,392	930,898	16.82
TOTAL EXPENDITURES	12,724,707	18,935,650	1,350,769	6,484,587	34.25

For the Period Ending November 30, 2004

MOTOR POOL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	0	0	.00
INTEREST AND RENTS	3,537,634	3,635,000	246,938	1,540,446	42.38
OTHER REVENUE	330,513	142,800	56,195	147,859	103.54
OTHER FINANCING SOURCES	1,422,810	1,573,410	0	0	.00
TOTAL REVENUE	5,290,957	5,356,210	303,133	1,688,305	31.52
EXPENDITURES					
ADMINISTRATION	468,897	519,080	48,641	188,346	36.28
OPERATION AND MAINTENANCE	2,874,935	3,095,630	265,274	1,157,309	37.39
DPW FACILITY MAINTENANCE	318,617	365,200	15,633	88,585	24.26
CAPITAL	630,232	1,376,300	208,284	212,931	15.47
TOTAL EXPENDITURES	4,292,681	5,356,210	537,832	1,647,171	30.75

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2004	12	3	7	FLAGSTAR	2004	8	26	1.910	CD	2,000,000		2,000,000.00
	2004	12	3	7	FLAGSTAR	2004	10	1	2.050	CD	2,029,890		2,029,890.37
	2004	12	9	9	ML	2004	9	10	1.620	TBILL	2,527,000		2,516,892.00
	2004	12	10	7	FLAGSTAR	2004	9	3	1.950	CD	2,007,840		2,007,840.00
	2004	12	10	7	FLAGSTAR	2004	9	10	2.010	CD	2,000,000		2,000,000.00
	2004	12	16	9	ML	2004	9	16	1.650	TBILL	3,699,000		3,683,759.09
	2004	12	17	7	FLAGSTAR	2004	9	3	1.950	CD	2,026,341		2,026,340.74
	2004	12	17	7	FLAGSTAR	2004	9	10	2.010	CD	2,000,000		2,000,000.00
	2004	12	23	7	FLAGSTAR	2004	9	10	2.010	CD	2,000,000		2,000,000.00
	2004	12	23	7	INDEP BANK	2004	10	22	2.100	CD	1,016,617		1,016,616.66
	2004	12	30	8	NATL CITY	2003	6	30	1.050	FHLB	1,000,000		1,000,000.00
	2004	12	30	7	FLAGSTAR	2004	9	10	2.010	CD	2,000,000		2,000,000.00
	2004	12	30	7	FITB	2004	10	15	1.760	CD	6,014,333		6,014,333.33
	2005	1	6	9	ML	2004	9	23	1.720	TBILL	2,113,000		2,102,584.66
	2005	1	7	7	FLAGSTAR	2004	9	10	2.010	CD	2,039,126		2,039,126.44
	2005	1	7	7	HUNT BANK	2004	10	1	2.040	CD	2,039,543		2,039,542.94
	2005	1	13	9	ML	2004	9	30	1.740	TBILL	2,986,000		2,971,107.33
	2005	1	14	7	FLAGSTAR	2004	9	15	2.030	CD	2,028,476		2,028,476.45
	2005	1	20	9	ML	2004	10	7		TBILL	2,514,000		2,501,534.76
	2005	1	21	7	FLAGSTAR	2004	10	8	2.190	CD	3,041,233		3,041,232.81
	2005	1	21	7	FLAGSTAR	2004	10	15	2.210	CD	2,000,000		2,000,000.00
	2005	1	24	7	STAND FED	2004	10	25	1.900	CD	4,713,148		4,713,147.70
	2005	1	27	9	ML	2004	10	14	1.750	TBILL	2,253,000		2,241,697.44
	2005	1	28	7	FLAGSTAR	2004	10	15	2.210	CD	2,000,000		2,000,000.00
	2005	2	3	9	ML	2004	10	21	1.830	TBILL	2,021,000		2,010,490.80
	2005	2	4	7	FLAGSTAR	2004	10	15	2.210	CD	2,000,000		2,000,000.00
	2005	2	10	9	ML	2004	10	28	1.940	TBILL	3,117,000		3,099,635.72
	2005	2	11	7	FLAGSTAR	2004	10	15	2.210	CD	2,000,000		2,000,000.00
	2005	2	17	9	ML	2004	11	4	1.980	TBILL	2,151,000		2,138,766.19
	2005	2	17	7	IND BANK	2004	11	19	2.300	CD	2,035,159		2,035,159.41
	2005	2	18	7	FLAGSTAR	2004	10	15	2.210	CD	2,016,083		2,016,083.33
	2005	2	18	7	FLAGSTAR	2004	10	22	2.230	CD	2,065,561		2,065,560.94
	2005	2	18	7	REPUBLIC	2004	11	24	2.350	CD	1,046,724		1,046,723.61
	2005	2	18	7	HUNT BANK	2004	11	24	2.380	CD	2,007,667		2,007,666.66
	2005	2	24	9	ML	2004	11	12	2.000	TBILL	2,196,000		2,183,216.84
	2005	2	25	7	FITB	2004	10	15	1.950	CD	2,000,000		2,000,000.00
	2005	3	1	8	FITB	2002	10	9		KENT DTAN	209,000		209,000.00
	2005	3	4	7	FITB	2004	10	15	1.950	CD	2,000,000		2,000,000.00
	2005	3	4	7	REPUBLIC	2004	10	22	2.000	CD	2,029,526		2,029,525.87
	2005	3	11	7	FLAGSTAR	2004	11	5	2.340	CD	3,059,780		3,059,780.01
	2005	3	18	7	HUNT BANK	2004	11	23	2.440	CD	2,014,852		2,014,851.92
	2005	6	30	8	FITB	2003	2	27	1.200	MAX SAVER	6,563,745		6,563,744.97
	2005	6	30	8	FITB	2003	5	19	5.000	FHLMC95237	1,000,000		756,770.60
	2005	6	30	8	FITB	2003	7	30	3.600	FHR03 2640	900,000		817,608.34
	2005	6	30	8	FITB	2003	7	30	5.000	FNR03 79WE	1,500,000		317,999.30
	2005	6	30	8	FITB	2004	1	1	1.000	MONEY FUND	925,047		925,046.49
	2005	6	30	8	FITB	2004	1	27	5.500	FNR 55YA	500,000		354,744.36

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2005	6	30	8	FITB	2004	1	30	4.250	FHR 2537LA	2,000,000		740,803.25
	2005	6	30	8	FITB	2004	1	30	4.000	FHR 2535LK	3,500,000		3,500,000.00
	2005	6	30	8	FITB	2004	3	25	4.500	FHR 2669DT	700,000		701,500.00
	2005	6	30	8	FITB	2004	7	26	1.200	FNR03 24GA	550,000		442,998.05
	2005	6	30	8	HUNT BANK	2004	8	27	2.630	MM	520,806		520,806.42
	2005	6	30	8	FITB	2004	9	13	2.500	FHR03 2589	693,000		693,000.00
	2005	6	30	8	FITB	2004	10	7	2.250	FHR 2625QX	800,125		800,125.38
	2005	6	30	8	FITB	2004	10	8	3.000	FHR 2564CN	1,841,000		1,840,944.02
	2005	6	30	8	FITB	2004	10	12	4.000	FHR 2617BG	1,930,000		1,929,805.11
	2005	9	29	8	NATL CITY	2004	3	29	1.500	FHLB	1,000,000		1,000,000.00
	2005	12	22	8	NATL CITY	2004	3	22	2.030	FHLB	1,025,000		1,025,000.00
	2005	12	31	8	FITB	2004	11	16	3.500	FHLM 2586	500,000		502,447.92
	2005	12	31	8	FITB	2004	11	16	3.500	GNMA 58	670,000		655,064.58
	2009	4	23	8	FITB	2003	7	23	2.140	FHLB	1,700,000		1,700,000.00
											TOTAL		117,678,992.81
591	2005	1	3	7	HUNT BANK	2004	8	27	1.850	CD	150,847		150,847.08
	2005	1	31	7	REPUBLIC	2004	11	29	2.350	CD	139,112		139,111.65
	2005	3	4	8	NATL CITY	2004	3	25	1.200	FNMA	1,500,000		1,483,803.33
	2005	6	30	7	COMERICA	1997	7	1	1.490	GOV'T POOL	1,846,846		1,846,846.35
	2005	6	30	8	STAND FED	2003	2	20	.980	M MKT	2,693,294		2,693,293.72
	2005	6	30	8	FITB	2004	3	25	1.000	MM	37,157		37,156.86
	2005	6	30	8	FITB	2004	4	14		FHLB	1,000,000		994,062.50
	2027	1	25	8	FITB	2004	2	2	3.750	FNR03 24MN	1,015,000		1,015,000.00
											TOTAL		8,360,121.49
688	2005	6	30	7	BANK ONE	1997	7	1	1.390	GOV'T POOL	1,305,617		1,305,617.00
											TOTAL		1,305,617.00
											TOTAL		127,344,731.30

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

Fifth Third Securities, Inc.
38 Fountain Square • MD1 COM13 • Cincinnati, OH 45202
888-889-1025 • 513-534-8820
Internet Address "www.53.com"

YOUR BROKERAGE ACCOUNT STATEMENT
October 29, 2004 to November 30, 2004

>23303 0161655 001 008137 AGS
CITY OF TROY - GENERAL ACCOUNT
ATTN: JOHN LAMERATO
500 W BIG BEAVER
TROY MI 48084

YOUR ACCOUNT
30707214
CITY OF TROY - GENERAL ACCOUNT

YOUR REPRESENTATIVE
WILLIAM J. KIELCZEWSKI
(248) 603 0494
REP ID: F928

All your assets have been transferred to NFS, Fifth Third Securities' new broker-dealer. This statement is to show you the final account activity and to provide you with transactions in your account. Your NFS statement will show your assets. This statement is for your records only.

Please note New Incoming Wire Instructions Effective November 1, 2004
Bank ABA #: 021000021 **Bank Name:** JP Morgan Chase
Bank Address: 270 Park Avenue, New York, New York
Bank Acct #: 066911524
Bank Acct Name: Fiserv Securities, Inc. Main Operations Account
For Further Credit Information: (Client Account Number and name should be noted here)

Total value of your account on Nov 30, 2004 — $117,364.75

Cash account	$117,364.75

Asset allocation

		October 29, 2004			November 30, 2004	
Cash and equivalents		$1,753,621.73	10.43%		$117,364.75	100.00%
Fixed income		$15,056,420.49	89.57%		$0.00	
Taxable fixed income	$15,056,420.49			$0.00		
Total assets		**$16,810,042.22**	**100.00%**		**$117,364.75**	**100.00%**
Total value of your account		**$16,810,042.22**			**$117,364.75**	

Summary of your income

Taxable income	This period	Year-to-date
Interest from investments	$42,651.49	$796,400.35
Money market dividends	$1,010.63	$9,503.32
Accrued interest on sales		$12,101.31
Total taxable income	**$43,662.12**	**$818,004.98**
Total income your investments have earned	**$43,662.12**	**$818,004.98**

Charges and other deductions	
Accrued interest on purchases	$202,984.21
Total charges and other deductions	**$202,984.21**

Net total	**$615,020.77**

Fifth Third Securities is not a bank and securities offered by it are not insured by the FDIC or any other governmental agency, are not deposits or obligations of any bank, are not endorsed or guaranteed by any bank, and are subject to investment risks, including the possible loss of principal.

23303 0161655 036460 061055 00001/00003

Fifth Third Securities, Inc.
38 Fountain Square • MD1 COM13 • Cincinnati, OH 45202
888-889-1025 • 513-534-8820
Internet Address "www.53.com"

YOUR ACCOUNT
30707214
CITY OF TROY - GENERAL ACCOUNT

Your investments — cash account

	Quantity	Price on 11/30/04 ($)	Value on 11/30/04 ($)	Est. annual income ($)	Est. yield (%)
Cash and equivalents					
CASH			117,364.75		
Total cash and equivalents			**117,364.75**		
Value of your cash account			**117,364.75**		
Total value of your account			**$117,364.75**		

only interest left in account.

Activities in your account — cash account

Date	Activity	Details	Quantity	Price ($)	Amount added to (deducted from) your account($)
11/02/04	TAXABLE BND INT	KENT CNTY MICH VAR RATE TAXABL TAX NTS BOOK ENTRY ONLY OPT PU P/D 11/1/04 DIV5 **CPN/MATY 0% 03/01/05**			332.46
11/03/04	SWEEP	SWEPT TO 5/3 INSTL GOV'T MM PR AUTOMATIC PURCHASE			(332.46)
11/12/04	TAXABLE BND INT	KENT CNTY MICH VAR RATE TAXABL TAX NTS BOOK ENTRY ONLY OPT PU ADJ 4/1/04 INT RATE ADJ DIV5 **CPN/MATY 0% 03/01/05**			(35.67)
11/15/04	DELIVERED	FHLMC PARTN CTF POOL E95237 5TH/3RD DCNV TO NFSC **CPN/MATY 5% 03/01/13**	(1,000,000)		
11/15/04	DELIVERED	FEDERAL HOME LOAN BANK CONS BD CPN RATE 21/4% TO 7/05;THEREAF 5TH/3RD DCNV TO NFSC **CPN/MATY 2.25% 07/23/09**	(1,700,000)		
11/15/04	DELIVERED	FEDERAL NATL MTG ASSN GTD PASS THRU CTF REMIC 2003 CL 24 GA 5TH/3RD DCNV TO NFSC **CPN/MATY 3.5% 01/25/27**	(750,000)		
11/15/04	DELIVERED	FEDERAL NATL MTG ASSN GTD PASS THRU CTF REMIC 2003 CL 55 YA 5TH/3RD DCNV TO NFSC **CPN/MATY 5.5% 11/25/31**	(500,000)		
11/15/04	DELIVERED	FEDERAL NATL MTG ASSN MULTICLA MTG PARTN CTF REMIC 2003 CL 79 5TH/3RD DCNV TO NFSC **CPN/MATY 5% 11/25/32**	(1,500,000)		
11/15/04	DELIVERED	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2002 CL 2537 5TH/3RD DCNV TO NFSC **CPN/MATY 4.25% 05/15/30**	(2,000,000)		
11/15/04	DELIVERED	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2002 CL 2535 5TH/3RD DCNV TO NFSC **CPN/MATY 4% 08/15/26**	(3,500,000)		
11/15/04	DELIVERED	FEDERAL HOME LN MTG CORP MULTI MTG PARTN CTF REMIC 2003 CL 25 5TH/3RD DCNV TO NFSC **CPN/MATY 3% 07/15/14**	(3,000,000)		
11/15/04	DELIVERED	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2003 CL 2589 5TH/3RD DCNV TO NFSC **CPN/MATY 4% 03/15/26**	(700,000)		
11/15/04	DELIVERED	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2003 CL 2617 5TH/3RD DCNV TO NFSC **CPN/MATY 4% 11/15/30**	(2,500,000)		

Activities in your account — cash account cont'd

Date	Activity	Details	Quantity	Price ($)	Amount added to (deducted from) your account($)
11/15/04	DELIVERED	FEDERAL HOME LN MTG CORP MULTI MTG PARTN CTF REMIC 2003 CL 26 5TH/3RD DCNV TO NFSC **CPN/MATY 2.25% 03/15/22**	(1,000,000)		
11/15/04	DELIVERED	FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 26 5TH/3RD DCNV TO NFSC **CPN/MATY 3.5% 03/15/33**	(1,300,000)		
11/15/04	DELIVERED	FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 26 5TH/3RD DCNV TO NFSC **CPN/MATY 4.5% 11/15/32**	(700,000)		
11/15/04	DELIVERED	KENT CNTY MICH VAR RATE TAXABL TAX NTS BOOK ENTRY ONLY OPT PU 5TH/3RD DCNV TO NFSC **CPN/MATY 0% 03/01/05**	(209,000)		
11/15/04	TAXABLE BND INT	FEDERAL HOME LN MTG CORP MULTI MTG PARTN CTF REMIC 2003 CL 25 ON 3000000 **CPN/MATY 3% 07/15/14**			4,851.81
11/15/04	TAXABLE BND INT	FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 26 ON 700000 **CPN/MATY 4.5% 11/15/32**			2,625.00
11/15/04	TAXABLE BND INT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2003 CL 2617 ON 2500000 **CPN/MATY 4% 11/15/30**			6,619.30
11/15/04	TAXABLE MNY DIV	5/3 INSTL GOV'T MM PREF CLASS MTD EARNINGS, FULL LIQUIDATION			1,010.63
11/15/04	TAXABLE BND INT	FEDERAL HOME LN MTG CORP MULTI MTG PARTN CTF REMIC 2003 CL 26 ON 1000000 **CPN/MATY 2.25% 03/15/22**			1,547.40
11/15/04	TAXABLE BND INT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2002 CL 2537 ON 2000000 **CPN/MATY 4.25% 05/15/30**			2,457.20
11/15/04	TAXABLE BND INT	FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 26 ON 1300000 **CPN/MATY 3.5% 03/15/33**			2,486.74
11/15/04	TAXABLE BND INT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2002 CL 2535 ON 3500000 **CPN/MATY 4% 08/15/26**			11,666.66
11/15/04	TAXABLE BND INT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2003 CL 2589 ON 700000 **CPN/MATY 4% 03/15/26**			2,333.33
11/15/04	TAXABLE MNY DIV	EARNINGS REINVESTED			(1,010.63)
11/15/04	TAXABLE BND INT	FEDERAL HOME LN MTG CORP MULTI MTG PARTN CTF REMIC 2003 CL 25 ADJ 11/15/04 INT FCTOR ADJ DV5 **CPN/MATY 3% 07/15/14**			(102.72)
11/15/04	SWEEP	SWEPT FR 5/3 INSTL GOV'T MM PR			1,754,964.82
11/15/04	PRINCIPAL PYMNT	FEDERAL HOME LN MTG CORP MULTI MTG PARTN CTF REMIC 2003 CL 25 PRINCIPAL DISTRIBUTION **CPN/MATY 3% 07/15/14**			99,709.50
11/15/04	PRINCIPAL PYMNT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF SER 2003 CL 2617 PRINCIPAL DISTRIBUTION **CPN/MATY 4% 11/15/30**			34,216.75
11/15/04	PRINCIPAL PYMNT	FEDERAL HOME LN MTG CORP MULTI MTG PARTN CTF REMIC 2003 CL 26 PRINCIPAL DISTRIBUTION **CPN/MATY 2.25% 03/15/22**			16,182.85

Current Portfolio

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
Total Cash and Money Accounts				643		643			6	1.08

A change in tier assignment will automatically convert the class of WCMA money fund shares held in your account. The WCMA Agreement and Program Description and the WCMA Fund Prospectus contain more details.

Government and Agency Securities [1]

2,527,000	U.S. TREASURY BILL ZERO% DEC 09 2004	09/09/04	99.60	2,516,892	99.95	2,525,938	N/A			
3,699,000	U.S. TREASURY BILL ZERO% DEC 16 2004	09/16/04	99.58	3,683,759	99.91	3,696,003	N/A			
2,113,000	U.S. TREASURY BILL ZERO% JAN 06 2005	09/23/04	99.50	2,102,584	99.81	2,109,006	N/A			
2,986,000	U.S. TREASURY BILL ZERO% JAN 13 2005	09/30/04	99.50	2,971,107	99.77	2,979,221	N/A			
2,514,000	U.S. TREASURY BILL ZERO% JAN 20 2005	10/07/04	99.50	2,501,534	99.73	2,507,337	N/A			
2,253,000	U.S. TREASURY BILL ZERO% JAN 27 2005	10/14/04	99.49	2,241,697	99.68	2,245,880	N/A			
2,021,000	US TREASURY BILL ZERO% FEB 03 2005	10/21/04	99.48	2,010,490	99.63	2,013,643	N/A			
3,117,000	U.S. TREASURY BILL ZERO% FEB 10 2005	10/28/04	99.44	3,099,635	99.58	3,104,064	N/A			
2,151,000	U.S. TREASURY BILL ZERO% FEB 17 2005	11/04/04	99.43	2,138,766	99.53	2,141,019	N/A			
2,196,000	U.S. TREASURY BILL ZERO% FEB 24 2005	11/12/04	99.41	2,183,216	99.49	2,184,822	N/A			
Total Government and Agency Securities [1]				25,449,684		25,506,938				
Total of Long Portfolio				25,450,328		25,507,582	*		6	1.08

[1] Some agency securities are not backed by the full faith and credit of the United States government.
* - Excludes N/A Items

Fifth Third Securities, Inc.

CASH AND CASH EQUIVALENTS 4.86%

Description	Symbol/Cusip Account Type	Quantity	Price on 11/30/04	Current Market Value	Prior Market Value	Estimated Annual Income
Money Markets						
FIFTH THIRD INSTL GOVT MMKT PREF CLASS 7 DAY AVG NET YIELD 1.61% Estimated Yield 0.87% Dividend Option Reinvest Capital Gain Option Reinvest	KGPXX CASH	807,681.74	$1.00	$807,681.74	unavailable	$7,092.09
Total Cash and Cash Equivalents				**$807,681.74**		**$7,092.09**

FIXED INCOME 95.14%

For an explanation of fixed income pricing, please see the last page. Redemption schedule(s), bond rating(s), and other information are provided where available. If information does not appear regarding a particular investment, it is not available. The ratings on this statement are provided by Standard & Poor's and/or Moody's to rate the quality based on the respective rating agency's assessment.

Description	Symbol/Cusip Account Type	Quantity	Estimated Price on 11/30/04	Estimated Current Market Value	Estimated Prior Market Value	Estimated Annual Income
Asset Backed Securities						
FEDL HOME LN MTG CRP POOL #E95237 5.000% 03/01/2013 B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 0.73095845 Current face $730,958.45	3128H2ZA4 CASH	1,000,000	$102.704	$750,723.57	unavailable	$36,547.92
FEDL HOME LN MTG CRP SER 2564 CL CN 3.000% 07/15/2014 MULTICLASS MTG PARTN CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 0.61367439 Current face $1,841,023.17	31393LH89 CASH	3,000,000	$99.078	$1,824,048.94	unavailable	$55,230.70
FEDL HOME LN MTG CRP SER 2625 CL QX 2.25% 03/15/2022 MULTICLASS MTG PARTN CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 0.80910034 Current face $809,100.34	31393RKA7 CASH	1,000,000	$98.027	$793,136.79	unavailable	$18,204.76

Fifth Third Securities, Inc.

FIXED INCOME 95.14%

For an explanation of fixed income pricing, please see the last page. Redemption schedule(s), bond rating(s), and other information are provided where available. If information does not appear regarding a particular investment, it is not available. The ratings on this statement are provided by Standard & Poor's and/or Moody's to rate the quality based on the respective rating agency's assessment.

Description	Symbol/Cusip Account Type	Quantity	Estimated Price on 11/30/04	Estimated Current Market Value	Estimated Prior Market Value	Estimated Annual Income
FEDL HOME LN MTG CRP SER 2586 CL PS 3.500% 01/15/2023 MULTICLASS MTG PARTN CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 1.00 Current face $500,000.00	31393MUG4 CASH	500,000	$99.378	$496,890.00	unavailable	$17,500.00
FEDL HOME LN MTG CRP SER 2589 CL GH 4.000% 03/15/2026 MULTICLASS MTG PARTN CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 1.00 Current face $700,000.00	31393N3V9 CASH	700,000	$98.86	$692,020.00	unavailable	$28,000.00
FEDL HOME LN MTG CRP SER 2535 CL LK 4.000% 08/15/2026 MULTICLASS MTG PARTN CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 1.00 Current face $3,500,000.00	31393GQG2 CASH	3,500,000	$100.071	$3,502,485.00	unavailable	$140,000.00
FEDL NATL MTG ASSN SER 2003-24 CL GA 3.500% 01/25/2027 REMIC PASS THRU CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/25/04 Factor 0.58897137 Current face $441,728.53	31393AM46 CASH	750,000	$99.401	$439,082.58	unavailable	$15,460.50

Fifth Third Securities, Inc.

FIXED INCOME 95.14%

For an explanation of fixed income pricing, please see the last page. Redemption schedule(s), bond rating(s), and other information are provided where available. If information does not appear regarding a particular investment, it is not available. The ratings on this statement are provided by Standard & Poor's and/or Moody's to rate the quality based on the respective rating agency's assessment.

Description	Symbol/Cusip Account Type	Quantity	Estimated Price on 11/30/04	Estimated Current Market Value	Estimated Prior Market Value	Estimated Annual Income
GOVT NATL MTG ASSN SER 2003-58 CL BW 3.500% 01/17/2028 REMIC PASS THRU CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/17/04 Factor 1.00 Current face $670,000.00	38374BNF6 CASH	670,000	$95.326	$638,684.20	unavailable	$23,450.00
FEDL HOME LN MTG CRP SER 2537 CL LA 4.250% 05/15/2030 B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 0.33150843 Current face $663,016.86	31393FYS9 CASH	2,000,000	$100.321	$665,145.14	unavailable	$28,178.22
FEDL HOME LN MTG CRP SER 2617 CL BG 4.000% 11/15/2030 MULTICLASS MTG PARTN CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 0.78063197 Current face $1,951,579.93	31393R4P2 CASH	2,500,000	$98.534	$1,922,969.77	unavailable	$78,063.20
FEDL NATL MTG ASSN SER 2003-55 CL YA 5.500% 11/25/2031 REMIC PASS THRU CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/25/04 Factor 0.70948875 Current face $354,744.38	31393CNL3 CASH	500,000	$100.004	$354,758.57	unavailable	$19,510.94

Fifth Third Securities, Inc.

FIXED INCOME 95.14%

For an explanation of fixed income pricing, please see the last page. Redemption schedule(s), bond rating(s), and other information are provided where available. If information does not appear regarding a particular investment, it is not available. The ratings on this statement are provided by Standard & Poor's and/or Moody's to rate the quality based on the respective rating agency's assessment.

Description	Symbol/Cusip Account Type	Quantity	Estimated Price on 11/30/04	Estimated Current Market Value	Estimated Prior Market Value	Estimated Annual Income
FEDL HOME LN MTG CRP SER 2669 CL DT 4.500% 11/15/2032 MULTICLASS MTG PARTN CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 1.00 Current face $700,000.00	31394HBA8 CASH	700,000	$99.128	$693,896.00	unavailable	$31,500.00
FEDL NATL MTG ASSN SER 2003-79 CL WE 5.00% 11/25/2032 REMIC PASS THRU CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/25/04 Factor 0.22940729 Current face $344,110.94	31393EFF1 CASH	1,500,000	$98.536	$339,073.16	unavailable	$17,205.55
FEDL HOME LN MTG CRP SER 2640 CL WA 3.50% 03/15/2033 MULTICLASS MTG PARTN CTFS GTD B/E CPN PMT MONTHLY Next Interest Payable: 12/15/04 Factor 0.63600025 Current face $826,800.33	31393WCT4 CASH	1,300,000	$98.038	$810,578.51	unavailable	$28,938.01
Total Asset Backed Securities		**19,620,000**		**$13,923,492.23**		**$537,789.80**
Municipal Bonds						
KENT CNTY MICH VAR TAXABLE LTD TAX NTS 00.000% 03/01/2005 MOODY'S MIG1 /S&P SP-1+G/O B/E CPN PMT MONTHLY NEXT CALLABLE 12/03/2004 @ 100.0000 CALLABLE 10/03/2004 @ 100.0000 Next Interest Payable: 12/01/04	490278P93 CASH	209,000	$100.00	$209,000.00	unavailable	
U.S. Treasury / Agency Securities						

Fifth Third Securities, Inc.

Account carried with National Financial Services LLC, Member NYSE, SIPC

Fifth Third Securities, Inc.

FIXED INCOME 95.14%

For an explanation of fixed income pricing, please see the last page. Redemption schedule(s), bond rating(s), and other information are provided where available. If information does not appear regarding a particular investment, it is not available. The ratings on this statement are provided by Standard & Poor's and/or Moody's to rate the quality based on the respective rating agency's assessment.

Description	Symbol/Cusip Account Type	Quantity	Estimated Price on 11/30/04	Estimated Current Market Value	Estimated Prior Market Value	Estimated Annual Income
FEDERAL HOME LN BKS CALL STEP 2.250% 07/23/2009 MOODY'S Aaa /S&P AAA B/E CPN PMT SEMI-ANNUAL ON JAN 23, JUL 23 NEXT CALLABLE 01/23/2005 @ 100.0000 CALLABLE 01/23/2004 @ 100.0000 Next Interest Payable: 01/23/05	31339YJ52 CASH	1,700,000	$99.688	$1,694,696.00	unavailable	$38,250.00
Total Fixed Income		21,529,000		$15,827,188.23		$576,039.80
Total Securities				$15,827,188.23		$576,039.80
TOTAL PORTFOLIO VALUE				$16,634,869.97		$583,131.89

ACCOUNT ACTIVITY

TRADING

Securities Purchased

Settlement Date	Account Type	Transaction	Description	Quantity	Amount
11/16/04	CASH	YOU BOUGHT	FEDL HOME LN MTG CRP SER 2586 CL PS 3.500% 01/15/2023 MULTICLASS MTG PARTN CTFS GTD @ 100.34375	500,000	($502,447.92)
11/16/04	CASH	YOU BOUGHT	GOVT NATL MTG ASSN SER 2003-58 CL BW 3.500% 01/17/2028 REMIC PASS THRU CTFS GTD @ 97.625	670,000	($655,064.58)
Net Securities Purchased					**($1,157,512.50)**

Fifth Third Securities, Inc. Account carried with National Financial Services LLC, Member NYSE, SIPC

J-03a

RECEIVED
Chief of Police
12/1/04 CC

CC: City Mgr
Capt. Murphy
Officer's Files
BB

11/29/04

Dear Troy Police -

Our thank you for responding to our alarm 11/27. Our special thanks to Officers Korenda and Langbeer for checking our home. We acknowledge them and the department for their professionalism. Thanks for keeping us and our home safe.

Warmly
Ann & Gary Renard

J-03b

RECEIVED
Chief of Police
12/9/04

Mrs. Angela Schroeder

Chief of Police
Charles T. Craft
500 W. Big Beaver Road
Troy, MI. 48084

Dear Mr. Craft,

This is a letter of appreciation from our Troy Estates neighborhood playgroup. On November 9th, your colleague Officer Kaptur gave the children and parents of our group a very informative presentation on "Stranger Safety". The Children thoroughly enjoyed Officer Kaptur's visit. The mothers also found the presentation an excellent idea and wanted to thank the Troy police for taking the time to come and talk with the children.

Thank you!!!!!!!

Sincerely,

Mrs. Angela Schroeder

Mrs. Angela Schroeder

Cc: City Mgr.
Capt. Walsh
Off. Kaptur
Files

SGT. DON OSTROWSKI

J-03c

Cc: City Mgr.
Sgt. Ostrowski's File
File

The completion of the Oakland County Vulnerability Assessment could not have happened without you!
Your contributions and willingness to participate on short notice made it possible for us to deliver a quality product to Oakland County.
If SDA can assist you in any way, please do not hesitate to call.
Thanks again for being such a great resource.

Thanks!

Sincerely,

David J. Delia

J-04a

REPORT (MISC. #04316) **November 18, 2004**

BY: General Government Committee, William R. Patterson, Chairperson

IN RE: MR #04316 – COUNTY EXECUTIVE – EMERGENCY RESPONSE AND PREPAREDNESS – REPRESENTATION CONCERNS ON THE URBAN AREA SECURITY INITIATIVE (UASI) FUNDING FORMULAS AND GEOGRAPHIC URBAN AREA DETERMINIATION

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The General Government Committee, having reviewed Miscellaneous Resolution #04316 on November 8, 2004, reports with a recommendation that the resolution be amended, as follows:

1. Amend the title of the resolution, as follows: COUNTY EXECUTIVE – EMERGENCY RESPONSE AND PREPAREDNESS – REPRESENTATION CONCERNS ON THE URBAN AREA SECURITY INITIATIVE (UASI) FUNDING FORMULAS AND GEOGRAPHIC URBAN AREA DETERMINIATION

Chairperson, on behalf of the General Government Committee, I move acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

William R Patterson

General Government Committee Vote:
Motion carried on a roll call vote with Hatchett absent.

REPORT (MISC. #04316) **November 18, 2004**

BY: Public Services Committee, Hugh D. Crawford, Chairperson

IN RE: MR #04316 – COUNTY EXECUTIVE – EMERGENCY RESPONSE AND PREPAREDNESS – REPRESENTATION CONCERNS ON THE URBAN AREA SECURITY INITIATIVE (UASI) FUNDING FORMULAS AND GEOGRAPHIC URBAN AREA DETERMINIATION

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The Public Services Committee, having reviewed Miscellaneous Resolution #04316 on November 9, 2004, reports with a recommendation that the resolution be amended, as follows:

1. Amend the last BE IT FURTHER RESOLVED paragraph, as follows:

   BE IT FURTHER RESOLVED that this resolution be submitted to Michigan's United States Senators, ***United States Congressmen,*** all members of the Michigan Legislature, Oakland County's cities, villages and townships ~~and~~ **,** the Governor's office***, appropriate Federal Government committees, and the President of the United States of America.***

Chairperson, on behalf of the Public Services Committee, I move acceptance of the foregoing report.

PUBLIC SERVICES COMMITTEE

_____

Public Services Committee Vote:
Motion carried unanimously on a roll call vote.

MISCELLANEOUS RESOLUTION # 04316
By: Commissioner Eileen Kowall, District #6
IN RE: **COUNTY EXECUTIVE – EMERGENCY RESPONSE AND PREPAREDNESS – REPRESENTATION CONCERNS ON THE URBAN AREA SECURITY INITIATIVE (UASI) FUNDING FORMULAS AND GEOGRAPHIC URBAN AREA DETERMINIATION**

To the Oakland County Board of Commissioners
Chairperson, Ladies and Gentlemen:

WHEREAS the Urban Area Security Initiative (UASI) grant for FY 2004 provided a direct grant to certain urban areas, specifically to the County of Wayne and the City of Detroit in Michigan, for an amount approximating $13.8 million; and

WHEREAS the cities, villages and townships (CVTs) and Oakland County were excluded in the decision making process at the state level when the definitions of an 'urban area' were made as part of the State grant application process; and

WHEREAS Oakland County is aware of forthcoming UASI grant funds for homeland security which may expand the current 'urban area' from the original geographic boundaries of jurisdictions eligible to receive such funding; and

WHEREAS the federal government has increased the allocation of the UASI at the expense of the Office of Domestic Preparedness grants enjoyed by the County and its cities, villages and townships; and

WHEREAS the Oakland County Board of Commissioners have expressed concerns in Miscellaneous Resolutions #04026 and #04066 involving representation and other issues on State committees determining allocation formulas, as well as defining a realistic and accurate 'urban area' for counties and CVTs; and

WHEREAS the true Urban Area of Michigan is much more inclusive of other Urban Areas including Oakland County; and

WHEREAS Oakland County represents roughly 11% of the State's population, roughly 19% of the State's taxable value, significant critical infrastructure, and much of the economic development and related support to the entire State of Michigan; and

WHEREAS the exclusion of Oakland County and other contiguous counties has adversely impacted the police, fire, emergency medical services, public health, public works and other first responders responsible for ensuring our citizens are properly covered in the event of a weapons of mass destruction or other devastating emergency.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners objects to the current definition of Urban Area which is only inclusive of Wayne County and the City of Detroit.

BE IT FURTHER RESOLVED that Oakland County, as well as other contiguous counties of Southeast Michigan, be included in the determination of the Urban Area.

BE IT FURTHER RESOLVED that Oakland County receive appropriate and proportionate UASI funding in accordance with their respective populations, critical infrastructure and identified threats, risks and vulnerability assessments.

BE IT FURTHER RESOLVED that this resolution be submitted to Michigan's United States Senators, all members of the Michigan Legislature, Oakland County's cities, villages and townships and the Governor's office.

Chairperson, we move adoption of the foregoing resolution.

Eileen T. Kowall

[illegible] #5

Thomas F Muddleton #4

Bill Bullard Jr #2

Greg Jamian

Jo McMill

Sue Ann Douglas #12

S A Ae #3

Jo. T. [illegible] #8

Charlie Palmer

Hugh D. Crawford DIST # 9

Thomas A Law #17

CARL MASS #20

Helaine Zach #22

Mattie M. Hatchett #10

Vincent Gregory #21

Bill Carter #25

George W. Suarez #24

William R Patterson #1

Christine A. Lay #7

#13

18

14

#23

#15

The Chairperson referred the resolution to the General Government Committee and the Public Services Committee. There were no objections.

Resolution #04316 November 18, 2004

Moved by Patterson supported by Rogers the resolution be adopted.

Moved by Patterson supported by Kowall the General Government Committee Report be accepted.

A sufficient majority having voted therefore, the report was accepted.

Moved by Patterson supported by McMillin the Public Services Report be accepted.

A sufficient majority having voted therefore, the report was accepted.

Moved by Patterson supported by Long the resolution be amended to coincide with the recommendation in the General Government Committee Report and the Public Services Committee Report.

A sufficient majority having voted therefore, the amendments carried.

Moved by Patterson supported by Kowall the resolution as amended, be adopted.

Vote on resolution, as amended:
AYES: Kowall, Law, Long, McMillin, Middleton, Moffitt, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Webster, Wilson, Zack, Bullard, Coleman, Crawford, Douglas, Gregory, Hatchett, Jamian, Knollenberg. (24)
NAYS: None. (0)

A sufficient majority having voted therefore, the resolution, as amended, was adopted.

DOES NOT REQUIRE COUNTY EXECUTIVE ACTION

STATE OF MICHIGAN)
COUNTY OF OAKLAND)
I, G. William Caddell, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on November 18th, 2004 with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 18th day of November, 2004.

G. William Caddell, County Clerk

J-05

December 2004

December 2004

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

January 2005

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

Monday	Tuesday	Wednesday	Thursday	Fr day	Sat/Sun
		December 1 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm Persons w/Dis (Conference Room Lower Level)	2	3	4 5
6 7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	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	14 2:00pm Board of Review (Conference Room D) 7:30pm Planning Commission - Reg (Council Chambers)	15 7:30am DDA Meeting (Conference Room Lower Level) 7:00pm Troy Youth (Community Center)	16	17	18 19
20 7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	21 7:30pm BZA (Chambers) 7:30pm Historic District (Conference Room C) 7:30pm BOARD OF ZONING APPEALS (Council Chambers)	22	23	24	25 26
27	28	29	30	31	

PH Jan 10 Rezon. App. Roch & Charr. Rds. Sec 23-B-1 to H-S (Z479-B)
P.P. PH Jan 10 ZOTA 200 Art.34.70.00

January 2005

January 2005

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

February 2005

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					January 1, 05
					2
3	4	5	6	7	8
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			9
10	11	12	13	14	15
7:30pm City Council-Regular (Council Chambers)					16
17	18	19	20	21	22
	7:30pm BZA (Chambers) 7:30pm BOARD OF ZONING APPEALS (Council Chambers)	7:30am DDA Meeting (Conference Room Lower Level)			23
24	25	26	27	28	29
7:30pm City Council-Regular (Council Chambers)					30
31					

February 2005

February 2005

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

March 2005

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	February 1	2	3	4	5
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			6
7	8	9	10	11	12
7:30pm City Council-Regular (Council Chambers)					13
14	15	16	17	18	19
	7:30pm BZA (Chambers) 7:30pm BOARD OF ZONING APPEALS (Council Chambers)	7:30am DDA Meeting (Conference Room Lower Level)			20
21	22	23	24	25	26
7:30pm City Council-Regular (Council Chambers)					27
28					
7:30pm City Council-Regular (Council Chambers)					

December 10, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Agenda Item – Cat Leash Ordinance

In response to your directive I have researched the request from a citizen asking that the City Council enact a cat leash ordinance. Based on the following information, provided me by our Animal Control Officers, it is my recommendation that such an ordinance not be adopted.

For a cat leash requirement to be effective, there must be an ordinance requiring cats be licensed. Unlike dogs, cat owners typically do not walk cats. Cats that run at large are either simply let outside by their owners, or are wild. Without licensing, Animal Control Officers would be unable to locate the owners of cats that are running at large and then hold them responsible for not leashing the animal. That's assuming that cat owners comply with the licensing law. Only two Oakland County communities have cat leash and/or license ordinances. Those cities, Southfield and Clawson, report that enforcement of the ordinance only occurs in direct response to a complaint.

The citizen expressed concern about the health problems associated with cat bites, scratches, and feces. Animal control personnel report no such problems occurring in Troy and indicate that we receive very few calls for service involving problems with cats. When complaints are received, the cats are trapped and turned over to the county animal control facilities.

On December 3, 2004, Animal Control Officer Don Cochran contacted the citizen who requested consideration of a leashing ordinance and discussed the matter with her. He advised her that he knows of no cases of cats transmitting diseases to humans. A trap was placed at the citizen's home to capture cats that are apparently utilizing her garden area as a litter box.

CTC/cc