AGENDA

Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

JUNE 15, 2009
CONVENING AT 7:30 P.M.

Submitted By
The Acting City Manager

***NOTICE**: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@troymi.gov at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, Acting 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 outcome statements for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Outcome Statements

I. Troy enhances the health and safety of the community

II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues

III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world

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

Respectfully submitted,

John Szerlag, Acting City Manager

CITY COUNCIL

AGENDA

June 15, 2009 – 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 Cliff Lambert – Woodside Bible Church 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1

a) Proclamation in Recognition of Fred and Muriel Rounds on the Occasion of their 50th Anniversary 1
b) On behalf of the City of Troy Employees' *Casual for a Cause* Program (March/April), Community Affairs Director Cindy Stewart will present a check in the amount of $1163.00 to *Autism Speaks* 1
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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: **Pastor Cliff Lambert – Woodside Bible Church**

ROLL CALL

(a) Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin

(b) Excuse Absent Council Members

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Proclamation in Recognition of Fred and Muriel Rounds on the Occasion of their 50th Anniversary

b) On behalf of the City of Troy Employees' *Casual for a Cause* Program (March/April), Community Affairs Director Cindy Stewart will present a check in the amount of $1163.00 to *Autism Speaks*

c) Presentation by Chief Gary Mayer and Community Affairs Director Cindy Stewart on Troy Police and Fire Benevolent Association and Race for the Badge

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Preliminary Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10

Suggested Resolution
Resolution #2009-06-
Moved by
Seconded by

WHEREAS, The petitioner Landus Development has requested Preliminary Development Plan approval, pursuant to article 35.50.02, for BBK Mixed-Use Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size;

WHEREAS, City Council granted approval of the Concept Development Plan on December 15, 2008;

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan approval of BBK Mixed-Use Planned Unit Development;

WHEREAS, On March 10, 2009, the Planning Commission recommended to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds; and

WHEREAS, The applicant addressed the six items required by the Planning Commission;

WHEREAS, The abutting residents to the north of the subject property reviewed the Preliminary Development Plan and requested that the screening treatment along the northern property line be revised;

WHEREAS, The petitioner revised the Preliminary Development Plan, as requested by the abutting neighbors to the north of the subject property and based on input from the Planning Commission;

WHEREAS, On May 12, 2009, the Planning Commission held a public hearing and recommended to City Council that the screening treatment along the northern property line be revised as submitted;

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated May 7, 2009, that recommends approval of the screening treatment and furthermore recommended Preliminary Development Plan approval of BBK Mixed-Use Planned Unit Development;

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

WHEREAS, The proposed Planned Unit Development, parcels 88-20-22-383-001, -002, -003 & -006 and 88-20-22-382-012, is described in the following legal description and illustrated on the attached boundary survey drawing:

T2N, R11E, SW 1/4 of Section 22

Commencing at the South ¼ corner of said Section 22; thence along the South line of said Section 22, N 88°40'00" W 165.42 ft.; thence N 01° 32' 14" E, 102.00 ft. to the

North line of Big Beaver Rd. (102 ft. half width) and the point of beginning; thence along said North line, N 88°40'00" W, 272.73 ft. to the West line of "Replat of Out Lot A of Big Beaver Subdivision" (Liber 26, pg. 17, of Oakland County Records); thence along said West line and the West line of "Burgess Bungalow Subdivision" (Liber 46, pg. 34, of Oakland County Records), said line also being the East line of Kilmer Rd. (50 ft. width), N 01° 32' 14" E, 368.37 ft. to the North line of Lot 17 of Burgess Bungalow Subdivision; thence along said North line S 88°40'00" E, 122.88 ft. to the East line of said Lot 17; thence along said East line S 01°32'14" W, 22.50 ft. to the North line of Lot 20 of Burgess Bungalow Subdivision; thence along said North lines of Lots 20, 21 and 22 of Burgess Bungalow Subdivision, S 88°40'00" E, 149.85 ft. to the East line of the aforementioned subdivision, said line also being the West line of "Willow Centre" O. C. C. P. No. 1272, as recorded in Liber 21524, pg. 591 of Oakland County Records; thence along said lines S 01°32'14" W, 162.50 ft. to the South line of said condominium; thence along said South line S 88°40'00" E, 75.20 ft. to the West line of said condominium; thence along said West line, S 01°32'14" W, 183.37 ft. to the aforementioned North line of Big Beaver Rd.; thence along said North line, N 88°40'00" W, 75.20 ft. to the Point of Beginning. Containing 2.546 acres more or less, subject to all easements and restrictions of record;

BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached Preliminary Development Plan for BBK Mixed-Use Planned Unit Development; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the corrected PUD Agreement and hereby **AUTHORIZES** the Mayor and City Clerk to execute the corrected Planned Unit Development Agreement for BBK Mixed-Use Planned Unit Development on behalf of the City, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the executed BBK Mixed-Use Planned Unit Development Agreement with the Oakland County Register of Deeds; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the petitioner to submit a Final Development Plan as per Section 35.50.03 of Chapter 39.

Yes:
No:

C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1

Suggested Resolution
Resolution #2009-06-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Article XXVIII (M-1 Light Industrial District) of the City of Troy Zoning Ordinance, pertaining to permitting Social Service Agencies in the M-1 District subject to Special Use Approval, to read as written in the proposed Zoning Ordinance

Text Amendment (ZOTA 238), City Council Public Hearing Draft, as recommended by the Planning Commission.

Yes:
No:

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment limited to items not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

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 in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10"E" 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. 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. 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.

NOTE: Any item selected by the public for comment from the Regular Business Agenda shall be moved forward before other items on the regular business portion of the agenda have been heard. Public comment on Regular Agenda Items will be permitted under Agenda Item 10 "E".

E-1 Appointments to Boards and Committees: None Scheduled

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Planning Commission (b) City Council Nominations: Advisory Committee for Persons with Disabilities; Cable Advisory Committee; Ethnic Issues Advisory Board; Historic District Commission; Historical Commission; Library Advisory Board; Parks & Recreation Board; Traffic Committee; Troy Daze Committee; and Youth Council

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The nomination of applicants to the following listed Board and Committee vacancies will be moved forward to the next Regular City Council Meeting for consideration of appointment.

a) Mayoral Nominations

Suggested Resolution
Resolution #2009-06-
Moved by
Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Planning Commission
Appointed by Mayor - Student 1-Year Term

Term Expires 07/31/2010

Yes:
No:

b) City Council Nominations

Suggested Resolution
Resolution #2009-06-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Advisory Committee for Persons with Disabilities
Appointed by Council – Student 1-Year Term

Term Expires 07/01/2010

Cable Advisory Committee
Appointed by Council – Student 1-Year Term

Term Expires 07/01/2010

Ethnic Issues Advisory Board
Appointed by Council – Student 1-Year Term

Term Expires 07/01/2010

Term Expires 07/01/2010

Historic District Commission
Appointed by Council (7-Regular) - 3-Year Terms; Student – 1-Year Term

Term Expires 07/01/2010

Historical Commission
Appointed by Council (7 Regular) – 3-Year Terms; Student 1-Year Term

Term Expires 07/31/2012

Term Expires 07/31/2012

Term Expires 07/31/2010

Library Advisory Board
Appointed by Council – Student 1 Year Term

Term Expires 07/01/2010

Parks & Recreation Board
Appointed by Council – Troy School District Rep. 1-Year Term; Student 1-Year Term

Term Expires 07/31/2010*

Term Expires 07/31/2010

***NOTE: Troy School District notified regarding recommendation**

Traffic Committee
Appointed by Council – Student 1-Year Term

Term Expires 07/31/2010

Troy Daze Committee
Appointed by Council – Student 1-Year Term

Term Expires 07/31/2010

Youth Council
Appointed by Council (13 Regular) – Student 1-Year Term

Term Expires 06/01/2010

Term Expires 06/01/2010

Term Expires 06/01/2010

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	Term Expires 06/01/2010

Yes:
No:

E-3 MDOT Resolution for Big Beaver/I-75 Interchange Enhancements

Suggested Resolution
Resolution #2009-06-
Moved by
Seconded by

WHEREAS, The I-75/Big Beaver interchange lies in the MDOT Right-of-Way (ROW) and within the boundaries of the City of Troy and the City of Troy's Downtown Development Authority (DDA);

WHEREAS, The City of Troy has plans and specifications being prepared for an interchange enhancement project at I-75 and Big Beaver Road and permit application under the Michigan Department of Transportation (MDOT) Permit No. 63174-0019-09;

WHEREAS, The City of Troy will authorize a contract and provide all funds for the proposed construction of the improvements;

WHEREAS, The City of Troy will enter into a separate Maintenance Contract with MDOT for the maintenance of all improvements constructed within the interchange at no cost to MDOT;

WHEREAS, MDOT has a future widening project along I-75 in Oakland County that will impact the I-75/Big Beaver Road interchange; and

WHEREAS, When MDOT widens I-75 at Big Beaver Road, the interchange will be reconstructed and any proposed landscaping, monuments, decorative in-fill panels, detention ponds, sidewalk, pedestrian signals, etc. placed under MDOT Permit No. 63174-0019-09 impacted by the future I-75 widening will be removed to facilitate the work by MDOT;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AFFIRMS** that the City of Troy will be required to remove, at their cost and with their resources, all landscaping, monuments, decorative in-fill panels, etc. constructed under MDOT Permit No. 63174-0019-09 that are impacted by the I-75 widening project, a minimum of 2 (two) months prior to the start of construction of the I-75 widening project and that MDOT will not be responsible or liable for replacing any landscaping, monuments, decorative in-fill panels, detention ponds, sidewalk, pedestrian signals, etc. constructed under MDOT Permit No. 63174-0019-09 and impacted by any future reconstruction of the I-75/Big Beaver interchange and/or future widening of I-75.

Yes:
No:

E-4 Ratification of Contract Extension – Troy Fire Staff Officers Association (TFSOA) 2009-2011

Suggested Resolution
Resolution #2009-06-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **RATIFIES** a two-year extension of the 2006-2009 collective bargaining agreement between the City of Troy and Troy Fire Staff Officers Association (TFSOA) for the period July 1, 2009 through June 30, 2011, as recommended by City Administration, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the final agreement.

Yes:
No:

E-5 Standard Purchasing Resolution 1: Award to Low Bidder – Contract 09-4 – Park and Combermere Water Main Replacement

Suggested Resolution
Resolution #2009-06-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-4, Park and Combermere Roads Water Main Replacement to DiPonio Contracting, Inc., 51173 Simone Industrial Dr., Shelby Twp., MI 48316 at an estimated total cost of $1,536,759.68; and

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

requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost.

Yes:
No:

E-6 Amendments to the Troy City Code: Update of Chapter 82 – Property Maintenance Code; Amendments to Chapter 48 – Litter; Chapter 82-B – Dangerous Buildings; Chapter 88 – Nuisance; and Deletion of Chapter 89 – Weed Control

Suggested Resolution
Resolution #2009-06-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 82, Property Maintenance Code, of the Troy City Code, by **DELETING** the existing text in its entirety and **ADOPTING** new text in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** Chapter 48, Litter, of the Troy City Code in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DELETES** Chapter 82-B, Dangerous Buildings, of the Troy City Code, in its entirety in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** Chapter 88, Nuisances, of the Troy City Code, by **DELETING** certain sections in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DELETES** Chapter 89, Weed Control, of the Troy City Code, in its entirety in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **ESTABLISHES** an effective date of July 1, 2009.

Yes:
No:

CONSENT AGENDA:

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 12 "F".

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

Suggested Resolution
Resolution #2009-06-
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 (F) items, as printed.

Yes:
No:

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

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F-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2009-06-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of June 1, 2009 as submitted.

F-3 Proposed City of Troy Proclamations:

Suggested Resolution
Resolution #2009-06-

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamation:

a) Fred and Muriel Rounds – 50th Anniversary

F-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 3: Exercise Second Year Renewal Option – Sidewalk Replacement and Installation Program

Suggested Resolution
Resolution #2009-06-

WHEREAS, On August 20, 2007, a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods was awarded to the low total bidder, Viking Construction, Inc. of Warren, Michigan (Resolution #2007-08-250-E-4e);

WHEREAS, On August 11, 2008, Troy City Council exercised the first option to renew for the 2008/2009 construction season with Viking Construction under the same prices, terms, and conditions (Resolution #2008-08-254-F4c); and

WHEREAS, Viking Construction has agreed to exercise the second one-year option to renew the contract under the same pricing, terms and conditions as the original contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the second one-year option to renew the contract with Viking Construction to provide sidewalk replacement and installation for the 2009/10 construction season under the same prices, terms, and conditions as contained in the bid tabulation opened July 19, 2007, not to exceed budgetary limitations to expire June 30, 2010.

b) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – 111th Michigan Municipal League Convention

Suggested Resolution
Resolution #2009-06-

RESOLVED, That Troy City Council **AUTHORIZES** Council Members to attend the 111th Michigan Municipal Convention on September 22 – 25, 2009 at the Radisson Plaza Hotel in Kalamazoo, MI, in accordance with accounting procedures of the City of Troy.

c) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Utility Vehicle

Suggested Resolution
Resolution #2009-06-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) new Kubota Model RTV900W6-H utility vehicle to the lowest bidder meeting specifications, Weingartz Supply Company of Utica, MI, at an estimated total cost of $16,364.00, including all necessary set-up, preparation, and delivery.

F-5 Request from DDC Hotels, Inc. for Transfer of Ownership of 2008 B-Hotel and SDM Licensed Business, Located at 575 West Big Beaver from Drury Hotels Company, LLC, and Request for New Official Permit (Food)

a) License

Suggested Resolution
Resolution #2009-06-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from DDC Hotels, Inc. (A Missouri Corporation), to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, MI 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and the request for new official permit (food); and

BE IT FURTHER RESOLVED, That Troy City Council hereby **RECOMMENDS** issuance of this license.

(b) Agreement

Suggested Resolution
Resolution #2009-06-

WHEREAS, The Troy City Council 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;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with DDC Hotels, Inc. (A Missouri Corporation), to transfer Ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, MI 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and a new official permit (food), and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-6 Request for Recognition as a Nonprofit Organization Status from Mary Lou DiSessa, Board Member of Springhill Housing Corporation

Suggested Resolution
Resolution #2009-06-

RESOLVED, That Troy City Council hereby **APPROVES** the request from Springhill Housing Corporation, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

F-7 Appointment of SOCRRA Representative and Alternate Representative

Suggested Resolution
Resolution #2009-06-

RESOLVED, That Troy City Council hereby **DESIGNATES** Brian P. Murphy as the SOCRRA Representative and Timothy L. Richnak as the Alternate SOCRRA Representative for the term beginning July 1, 2009 and expiring on June 30, 2010.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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) Animal Control Appeal Board/Final – September 3, 2008
b) Animal Control Appeal Board/Final – March 4, 2009
c) Youth Council/Final – March 25, 2009
d) Parks and Recreation Advisory Board/Final – April 8, 2009
e) Ethnic Issues Advisory Board/Final – April 14, 2009
f) Building Code Board of Appeals/Final – May 6, 2009
g) Advisory Committee for Senior Citizens/Final – May 7, 2009
h) Planning Commission/Draft – May 12, 2009
i) Planning Commission/Final – May 12, 2009
j) Board of Zoning Appeals/Draft – May 19, 2009
k) Animal Control Appeal Board/Draft – May 27, 2009
l) Youth Council/Draft – May 27, 2009
m) Ethnic Issues Advisory Board/Draft – June 2, 2009
n) Advisory Committee for Senior Citizens/Draft – June 4, 2009
o) Liquor Advisory Committee Minutes/Draft – June 8, 2009

J-2 Department Reports:

a) Building Department – Permits Issued May 2009

J-3 Letters of Appreciation:

a) Letter of Thanks to Chief Nelson from Troy Resident Florence Ewald Regarding Assistance Received from Lt. Bovensiep

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Oakland County Board of Commissioners Resolution #09097 – Encouraging Voluntary Boat Disinfection Stations

b) Board of Road Commissioners for Oakland County Resolution Calling on the State Legislature to Fund Michigan's Crumbling Road Systems by Enacting the Bills Proposed by the Bi-Partisan Members of the Transportation Funding Task Force

J-5 Communication from City Attorney Lori Grigg Bluhm Regarding Kocenda v. Troy et. al.

J-6 Communication from Parks and Recreation Director Carol Anderson Regarding Solar House Update

J-7 Communication from Planning Director Mark Miller Regarding Update of Comprehensive Zoning Ordinance Rewrite (File Number: ZOTA 236)

J-8 Communication from Assistant City Manager/Economic Development Services Brian Murphy Regarding Automation Alley Audit Report

STUDY ITEMS:

K-1 Potential Charter Revision Referrals

PUBLIC COMMENT: Address of "K" Items

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 in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 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. 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. 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 No Closed Session Requested

ADJOURNMENT

Respectfully submitted,

John Szerlag, Acting City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, June 22, 2009 ..... 5:00 PM – 7:00 PM Closed Session
Monday, July 6, 2009 ..... 5:00 PM – 7:00 PM Closed Session
Monday, July 6, 2009 ..... Regular City Council
Tuesday, July 7, 2009 ..... 5:30 PM – 7:30 PM Special City Council
Wednesday, July 8, 2009.....9:00 AM Special City Council
Thursday, July 9, 2009.....7:00 PM Special City Council
Monday, July 20, 2009 ..... Regular City Council
Monday, August 3, 2009 ..... Regular City Council
Monday, August 17, 2009 ..... Regular City Council
Monday, August 31, 2009 ..... Regular City Council
Monday, September 14, 2009..... Regular City Council
Monday, September 28, 2009..... Regular City Council
Monday, October 5, 2009..... Regular City Council
Monday, October 19, 2009..... Regular City Council
Monday, November 9, 2009..... Regular City Council
Monday, November 23, 2009..... Regular City Council
Monday, December 7, 2009..... Regular City Council
Monday, December 21, 2009..... Regular City Council

PROCLAMATION
IN RECOGNITION OF FRED AND MURIEL ROUNDS
ON THE OCCASION OF THEIR 50TH ANNIVERSARY

WHEREAS, **Fred and Muriel (Waltz) Rounds** were united in marriage on **June 6, 1959** in Detroit after meeting at the "Young 20s Group" at Bushnell Congregational Church and are now celebrating their **50th Wedding Anniversary** surrounded by family and friends; and

WHEREAS, This marriage has been blessed with two sons: Richard Grafton and David Ernest who received from their parents the kind of loving and happy life that develops good citizens and worthy adults; and

WHEREAS, Son Richard and daughter-in-law Daunn reside in Chicago, Illinois with their daughter Catelyn; son David and daughter-in-law Jenny reside in Portland, Oregon; and

WHEREAS, **Fred** worked as a chemical engineer at GM and **Muriel** served as the Executive Director of the Oakland Branch of the YWCA from 1952-1959; and

WHEREAS, In 1960, **Fred** and **Muriel** moved to Troy and purchased the third house constructed in Glenmoor Estates; and

WHEREAS, In addition to providing for their family a legacy of wit, wisdom, and love throughout the years, **Fred and Muriel** devoted quality time and energy to the Troy Historical Society for 30 years including volunteering as instructors for the education programs at the Troy Historical Museum. **Fred** has also served as Treasurer of the Troy Historical Society and a member of the Troy Heritage Campaign Committee and **Muriel** has served as a member of the Historical Commission and Historical District Commission; and

WHEREAS, **Fred and Muriel** are outstanding examples of incredible volunteers providing consistent generous support, creative ideas, dedication and hard work to the Troy Community;

NOW, THEREFORE BE IT RESOLVED, That **Fred and Muriel Rounds** are worthy of this expression of our sincere congratulations on this happy occasion of their **50th wedding anniversary**; and

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy's residents extend best wishes to **Fred and Muriel** for many more years of good health and happiness together.

Presented this 15th day of June 2009

A-01b

From: Cynthia A Stewart
To: agenda; Beth L Tashnick
Subject: Casual for a Cause
Date: Thursday, June 11, 2009 8:58:01 AM

Presentation of check in the amount of $1,163 to Autism Speaks – organization helping to fund research to find a cure and therapy for autistic children.

Cindy Stewart

on?

CITY COUNCIL ACTION REPORT

DATE: June 8, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Public Hearing – Preliminary Development Plan Approval – BBK Mixed Use Project – Northeast corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10

The applicant proposes a mixed-use Planned Unit Development (PUD) on the 2.553-acre parcel. The project includes 14 residential units and 19,226 gross square feet of retail. The applicant proposes sustainable elements such as a green roof system on the retail component.

At the December 15, 2008 Regular meeting, City Council granted Concept Development Plan (CDP) Approval of PUD 10. This approval had the effect of rezoning the property to PUD, approving the Concept Development Plan and PUD Agreement, and permitted the applicant to submit a Preliminary Development Plan (PDP).

The applicant submitted a Preliminary Development Plan as per Section 35.50.02. Richard Carlisle of Carlisle/Wortman Associates, Inc., the City's Planning Consultant, prepared the attached memorandum and report which summarize the project and recommends Preliminary Development Plan Approval. The report finds that the proposed PUD meets the Standards for Approval of Section 35.30.00 of the City of Troy Zoning Ordinance.

The Planning Commission recommended Preliminary Development Plan Approval of PUD 10 at the March 10, 2009 Regular meeting, provided six issues are resolved prior to submission to the Troy City Council. These six issues are as follows: (1) the six on-street parking spaces must be replaced on Kilmer Drive; (2) Tree Preservation Plan must be included in the site plan package; (3) landscape calculations must be provided on Sheet L-1; (4) executed landscaping easements must be submitted; (5) the drafting error in the PUD Agreement must be corrected (a mutual mistake incorrectly describing the square footage of the retail buildings); and (6) the applicant must meet with the residents concerning the use of their driveways as turnarounds. Subsequent to these meetings, the concerns of the residents are greatly reduced. The applicant addressed the six items required by the Planning Commission.

As noted, one of the recommendations made by the Planning Commission was for the applicant to submit executed easements for landscaping on the residential properties to the north of the project. While acquiring these landscape easements, one of the abutting residential neighbors to the north indicated that they preferred a fence instead of the proposed wall along the northern property line of the PUD. The applicant worked with the neighbor and the Planning Commission to design a

combination wall and fence with common design elements as the buffer between the residents to the north and the project. The Planning Commission held a public hearing on this item and approved the revision at the May 12, 2009 Regular meeting.

City Management recommends approval of the Preliminary Development Plan for PUD 10 as submitted.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

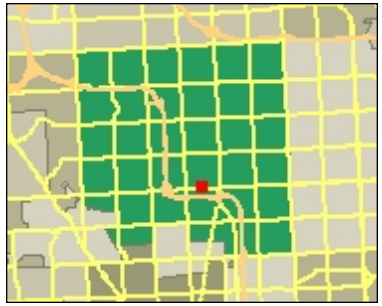
Attachments:

1. Maps.
2. Memorandum prepared by Carlisle/Wortman Associates, Inc., dated May 7, 2009.
3. Report prepared by Carlisle/Wortman Associates, Inc., dated March 5, 2009.
4. City Council minutes from the December 15, 2008 Regular meeting.
5. Planning Commission Minutes from the March 10, 2009 Regular meeting.
6. Planning Commission Minutes (draft) from the May 12, 2009 Regular meeting.
7. Amendment to PUD Development Agreement Correcting Typographical Error
8. Public comment.

Prepared by RBS/MFM

cc: Applicant
Richard Carlisle, Carlisle/Wortman Associates
File /PUD 10

G:\PUD's\PUD 010 Big Beaver Kilmer\CC Public Hearing 06 15 09.doc



Legend

- I-75
- Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
- Hydrography Poly
- Hydrography Arc
- Parcels
- Aerial Photos - 2008
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3

1: 1,115

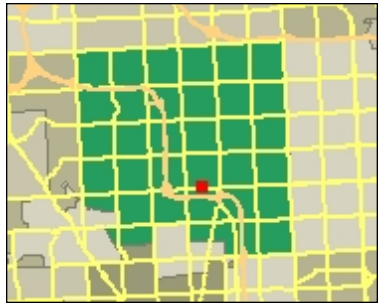
186 0 93 186 Feet

NAD_1983_StatePlane_Michigan_South_FIPS_2113_IntlFeet
City of Troy Geographical Information Systems - Department of Information Technology

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

Notes

PUD 10 BIG BEAVER KILMER PLANNED UNIT DEVELOPMENT, SECTION 22, ZONED PUD 10



Legend

- I-75
- Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
- Zoning
  - (B-1) Local Business District
  - (B-2) Community Business District
  - (B-3) General Business District
  - (R-C) Research Center District
  - (C-F) Community Facilities District
  - (C-J) Consent Judgment
  - (E-P) Environmental Protection Dis
  - (R-EC) Residential Elder Care
  - (P-1) Vehicular Parking District
  - (H-S) Highway Service District
  - (M-1) Light Industrial District
  - (O-1) Office Building District
  - (O-M) Office Mid-Rise District
  - (OSC) Office Service Commercial D
  - (PUD) Planned Unit Development
  - (CR-1) One Family Residential Clus
  - (R-1A) One Family Residential Dist
  - (R-1B) One Family Residential Dist
  - (R-1C) One Family Residential Dist
  - (R-1D) One Family Residential Dist
  - (R-1E) One Family Residential Dist
  - (R-1T) One Family Attached Reside
  - (R-2) Two Family Residential Distri
  - (R-M) Multiple Family Residential M
  - (RM-1) Multiple Family Residential
  - (RM-2) Multiple Family Residential
  - (RM-3) Multiple Family Residential
- Hydrography Poly
- Hydrography Arc

1: 1,115

186 0 93 186 Feet

NAD_1983_StatePlane_Michigan_South_FIPS_2113_IntlFeet
City of Troy Geographical Information Systems - Department of Information Technology

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

Notes

PUD 10 BIG BEAVER KILMER PLANNED UNIT DEVELOPMENT, SECTION 22, ZONED PUD 10

CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

MEMORANDUM

TO: Mark Miller

FROM: Zachary Branigan

DATE: May 7, 2009

RE: BBK PUD PDP Amendment

We are in receipt of a revised set of plans for a proposed amendment to the approved BBK Mixed-Use Development Planned Unit Development (PUD) Preliminary Development Plan (PDP). During the course of securing requires easements for off-site screening landscaping to the north, as required by a condition of the Planning Commission's recommendation of approval for the PDP, the applicant received a request from an adjacent homeowner that the proposed wall be replaced by a decorative fence.

As a result of this request, the applicant submitted a request for a modification to the original PDP to change the screen wall to a combination wall and fence. The applicant appeared before the Planning Commission at a workshop on April 28, 2009 to discuss the option before being placed on a formal Planning Commission meeting agenda.

At the April 28 workshop, the Planning Commission made a series of recommendations about the screening treatment to the applicant, and the adjacent homeowner appeared before the Planning Commission to express their concerns. As a compromise, the Planning Commission suggested the applicant carry the fence treatment west to the end of the second adjacent lot to the north, where a return in the originally proposed screen wall occurs. This was done to allow for a full screen wall treatment adjacent the approved parking area at the northeast corner of the project and the westernmost adjacent home to the north, where that homeowner has young children and desires a full wall treatment.

The Planning Commission discussed the quality of materials, landscape treatment, and design of the potential fence and wall. The applicant agreed with the Planning Commission's recommendations that the wall and fence piers would be identical in materials and design, and that the piers would be located at a frequency of about 12 feet apart. The applicant also discussed landscaping treatment along the fence and agreed that a suitable treatment would be installed which would allow the fence to be seen while complementing the masonry piers. This treatment would be similar and complementary to the more comprehensive landscaping treatment to be found adjacent the proposed wall.

We believe the application demonstrates compliance with the full recommendations of the Planning Commission. The applicant has taken measures to illustrate that the high-quality materials of the fence piers and wall will be identical, and that no piers will be greater than 12 feet apart in the fence section. Landscaping is appropriate and well designed. We believe this proposal meets the intent of the original screening requirement and will serve as a suitable transition from the high-density residential area to the adjacent homes. Therefore, we recommend that Planning Commission approve the applicant's request and forward its recommendation to the City Council that the Preliminary Development Plan be approved.

CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

225-02-2704

CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

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Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: March 5, 2009

Preliminary Development Plan Review
For
City of Troy, Michigan

GENERAL INFORMATION

Applicant Landus Development

Project Name: BBK Mixed Use Development PUD

Plan Date: February 10, 2009

Location: Northeast corner of Kilmer Road and Big Beaver Road

Zoning: PUD

Action Requested: Planning Commission review and recommendation to the City Council for approval of the Preliminary Development Plan. The procedure for review and approval of a PUD is a three-step process:

- The first step is an application for and approval of a Concept Development Plan, along with a Development Agreement. The Concept Development Plan and Development Agreement are approved by the City Council following recommendation of the Planning Commission. The applicant was granted approval for the Concept Development Plan on December 15, 2008.

- The second step of the review and approval process is application for and approval of a Preliminary Development Plan (PDP) for the entire project, or for any one or more phases of the project. City Council shall have the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission. This application represents a request for PDP approval.

- The third step of the review and approval process is the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments are submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, has final authority for approval of such Final Development Plans.

Required Information: Provided.

PROJECT AND SITE DESCRIPTION

We are in receipt of an application for preliminary development plan approval for the BBK Mixed Use Planned Unit Development. The project includes a mix of retail space in 3 buildings and 14 residential units. The project received Concept Development Plan approval on December 15, 2008 and is subject to a development agreement adopted by the City Council. The PUD option allows for a mix of uses and a higher density residential component than would otherwise be permissible at this location. Highlights of the project include walkable design, convenient access for pedestrians and cars, and integrated public common areas.

The 2.553 acre site is currently occupied by a vacant duplex, which will be removed. The project is proposed in two "phases," although all underground and utilities work will be constructed in the first phase with the three commercial buildings. The residential buildings will be built as units are sold, through 2011.

In accordance with the development agreement, the retail component must include the following three structures: a 9,607 gross square feet retail building identified on the CDP plans as Building A, a 7,202 gross square feet building identified on the CDP plans as Building B, and a 1800 gross square feet stand alone drive thru fast food style restaurant, identified as Building C. The residential component shall consist of four 3-story buildings, comprised of up to fourteen total residential units on the north portion of the property. The PDP submittal is largely compliant with these requirements, although Building B is now 7,232 square feet, 20 square feet larger than what was approved, and Building C is 1860 square feet, 60 square feet larger than what was approved. The applicant does not have the option of increasing the size of these buildings beyond what was approved in the development agreement.

In addition to the enlarging of Buildings B and C, the applicant has also removed six of the approved on-street parking spaces on Kilmer Drive. These spaces are required by the development agreement and were shown on the approved CDP. The applicant does not have the option of removing these spaces without amending the CDP and development agreement.

The PDP includes additional sidewalks off-site, along the east side of Kilmer Drive, extending the existing sidewalks north to Hartland.

The narrative provided with the site plan mistakenly states that the current zoning of the property is O-1 and R1-E. This is incorrect. Given that the CDP has been approved, the current zoning is now PUD, and the development is now subject to all requirements of the development agreement approved as a part of the CDP approval granted in December of 2008. The narrative also continues to include language referring to the justification for the PUD request and the development concept. These elements are no longer necessary as the CDP request and PUD zoning has already been granted. The remaining elements of the review process deal with the site plan and its compliance with the approved development agreement and the zoning ordinance.

Items to be Addressed: *Reduce the square footage of Buildings B and C to comply with the development agreement and CDP, and replace the six on-street spaces Kilmer Drive.*

AREA, WIDTH, HEIGHT, SETBACKS

The site plan includes a small table titled "Zoning Information" on Sheet A-101. This table provides dimensional requirements for the original underlying zoning and the dimensions approved as part of the CDP. The dimensions shown on the PDP comply with those approved as part of the CDP. The table, however, does not identify the 0 foot setback along the east boundary for the residential component. This dimension was approved during the CDP process and should be reflected in the table.

	Required:	Provided:
Lot Area	N/A	2.553 acres
Setbacks		
Big Beaver Frontage	30 feet (O-1 District)	75 feet (retail building C), 76 feet (A and B)
Kilmer Frontage	20 feet (O-1 portion), 25 feet (R-1E portion)	Approximately 6 feet from residential porches in R-1E portion and 10 feet from retail building A in the O-1 portion
East Boundary	20 feet (O-1 portion), 25 feet (R-1E portion)	Approximately 10 feet for retail building C, 0 feet for residential unit 4
North Boundary	25 feet (side yard setback) for the R-1E district	10 feet for residential unit 1
Building Height	Minimum of 3 stories for 80 percent of the project; setback requirements are tiered for building higher than 30 feet.	36 feet for the residential portion and 31.0 feet for the retail portion

Items to be Addressed: *Identify the 0 foot setback along the east boundary for the residential component in the table on Sheet A-101.*

NATURAL RESOURCES

Topography: Existing topography is indicated on Sheet C-1. The site is nearly level, and slopes slightly toward the east.

Woodlands: There are no woodlands present on the site, although several large trees and several collections of smaller trees will be removed as part of the development. Please refer to the landscaping section of this report for more information about tree removal and preservation.

Wetlands: There are no wetlands on the site.

Items to be Addressed: *None.*

BUILDING LOCATION AND SITE ARRANGEMENT

The building location and overall site layout are consistent with the approved CDP plan.

Items to be Addressed: *None.*

PARKING, LOADING

The project is dependent upon a shared parking arrangement with the neighboring project and a series of on-street spaces on Kilmer Drive. For the retail portion of the project, 42 of the provided spaces are created through shared parking. Since the CDP approval, the applicant has reduced the number of provided spaces by removing six of the spaces on Kilmer Drive.

Although the applicant has now shown 18,699 square feet of retail, only 18,609 are permitted by the development agreement which limits the size of the three retail buildings to 9,607, 7,202, and 1,800 square feet respectively. The CDP and development agreement include the following parking requirements for the proposed project:

<u>Required by Development Agreement:</u>

- Retail: 74 spaces provided on-site and 42 spaces provided in shared parking
- Residential: 25 garage and 16 visitor spaces, provided on-site and on-street along Kilmer Road.

However, the applicant is now providing only 35 residential spaces by removing six on-street spaces along Kilmer. These spaces are required by the development agreement and also serve to create a more pedestrian-friendly, urban feel to the project's Kilmer frontage. In all other respects the proposed PDP complies with the approved parking shown on the CDP.

Items to be Addressed: *Restore the six spaces on Kilmer Drive.*

SITE ACCESS AND CIRCULATION

The proposed circulation plan remains the same as was approved during the CDP review process.

In order to reduce any potential conflicts associated with the southern-most driveway on Kilmer Road, an exit only driveway was selected. This approach will permit vehicles to exit the west portion of the lot if they are unable to find a parking space or leave the development when finished with their stay. The exit only design will restrict the ability of vehicles to enter the site from Kilmer while reducing concerns over safety and circulation on site. Emergency vehicles will be able to access to site via this driveway as well. The PDP includes an emergency vehicle circulation plan on Sheet C-5, demonstrating that a 43-foot ladder truck can be safely accommodated.

The north driveway on Kilmer is of a two-way design, to ensure that visitors to the site that live north of the project can access their neighborhood without travelling back to Big Beaver Road.

It is our understanding that the applicant will create restrictions on large vehicles to reduce the potential conflicts in this area of the site. We suggest that large delivery vehicles be restricted to the main east-west access drive on the north side of the retail buildings.

The applicant must also produce cross-access easements to allow for the use of the adjoining parking and circulation lanes to the east.

Items to be Addressed: *Provide documentation of cross access easements.*

LANDSCAPING

A detailed landscape plan has been submitted. We have noted the following with regard to landscaping, as reviewed against the City of Troy Landscape Design and Tree Preservation Standards.

Composition: A variety of materials have been provided including deciduous, evergreen, and ornamental trees, and a wide variety of shrubs and varietals. Minimum dimensional (DBH and height) requirements for all proposed materials have been met.

Greenbelt: Landscaping and street trees are provided along the frontage of both roadways. The minimum requirement of one tree per 30 lineal feet of frontage has been met in both instances.

Buffer/Screen: The applicant is required to provide a screen wall and landscaping along the north boundary of the site. The required wall has been provided and is further enhanced by landscaping on both sides.

Site Landscaping: The applicant indicates in Sheet L-1 that site landscaping requirements are met in that more than 10 percent of the site is landscaped area. Sheet L-1

indicates that pedestrian amenities, walks, plazas, planters, and decorative elements may be included in such landscaped area. However, no more than 20 percent of the required landscaped area can be made up of non-living material. The applicant must provide calculations indicating that no more than 20 percent of the required landscape area is made up of the landscape elements described on Sheet L-1.

Tree Preservation: It is unclear if any of the existing trees on site fall within the 4 to 10 inch DBH range. Trees within this range are to be preserved. A tree preservation plan has not been included within the PDP submittal (although the landscape plans do show several trees that will be saved, no calculations are provided).

It is also important to note that the development agreement requires that prior to PDP approval; the applicant shall deliver to the City perpetual easement agreements by and between themselves and the three adjoining residential property owners, which easements shall allow them to install and maintain the landscape amenities depicted in sheet L-2 on the adjoining residential properties. Documentation of these easements must be provided.

Items to be Addressed: *1.) Provide landscaped area calculations confirming that minimum landscaping area has been provided and that no more than 20 percent of the required area is made up of non-living elements. 2.) Provide detailed tree preservation information. 3.) Provide documentation of landscaping easements.*

GREEN BUILDING

The development agreement requires that the project include, at a minimum, that the developer designs the retail component incorporating sustainable design techniques, acceptable to the City. The development agreement also requires that a LEED Accredited Professional, on behalf of the City, reviews the project to determine if the proposed measures achieve the intent of those originally referred to in the CDP. This letter constitutes the required LEED AP review, conducted by Zachary Branigan, LEED AP, of Carlisle/Wortman Associates. Green building measures identified in the CDP and referenced in the development agreement include:

1) Energy star roofing membrane (or other technique to reduce heat island effect, such as, but not limited to, a vegetated roof or other roofing product with a Solar Reflectance Index [SRI] rating of 78 or higher if designed at less than a 2:12 grade);

2) Operable clerestory windows (designed as part of a natural ventilation and daylighting strategy, or other elements designed to use natural light and ventilation);

3) Sun shading overhangs (used to effectively reduce cooling load in summer months while allowing for an increase in solar gain to naturally partially heat indoor spaces when the sun's angle is lower. The use of light shelves is also permissible if they achieve the same effect);

4) "Green" paving in certain parking areas (to reduce stormwater runoff and reduce heat island effect, or other similar measures accomplishing the same effect)

These elements have been included in the PDP submittal. The narrative also indicates that the project may include a variety of other green features including geothermal energy, advanced insulation techniques, LED lighting, natural materials, and high efficiency climate controls. Further, the site plan shows that the project will include rain water collection, a rain garden, bioswales, and vegetated roof garden areas composed of a 2 foot by 4 foot by 8 inch deep grid assembly.

Items to be Addressed: *None.*

LIGHTING

A photometric plan has been provided. In no case does the light level exceed 0.1 footcandles at grade along the north boundary, adjacent the residential properties. Internally and at major access drives, light levels reach as high as 6.9 footcandles, but do not result in any nuisance light spill out of the parking areas or onto adjacent properties. Walkways and open spaces are adequately illuminated without excess light. Overall, light levels are relatively low for a project of this type, which should have a positive contribution in the form of energy savings and a reduction in potential nuisance light and glare.

Items to be Addressed: *None.*

FLOOR PLAN AND ELEVATIONS

Floor plans and building elevations have been provided. The development agreement states that the elevations for the retail buildings shall be consistent with the elevations approved in the CDP, and that the elevations shall be brought back to the Planning Commission and City Council for review prior to granting of building permits.

Items to be Addressed: *None.*

RECOMMENDATIONS

The Preliminary Development Plan is largely compliant with the approved Concept Development Plan and the development agreement, with several exceptions. We believe the compact, integrated design and complementary mix of uses included in this project will benefit the Big Beaver Corridor and the City of Troy. We also believe that after several minor changes addressing the concerns noted herein, and correcting the deviations from the development agreement, the project will be eligible for Preliminary Development Plan approval. However, given that the project as presented does not yet meet with terms of the development agreement and approved CDP, we recommend that the Planning Commission take no action on the request until such time as the applicant can revise the plans to restore the on-street parking spaces on Kilmer Drive, reduce the proposed square footage of Buildings B and C to comply with the development agreement, and address the minor additional comments noted herein

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

225-02-2902
RKC: zb

C-3 Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District

The Mayor closed the Public Hearing after receiving comment from the petitioner and the public:

Gerald Savel-Opposed Kristen Sonneville-Opposed Kevin Douglass-Opposed

Resolution #2008-12-366
Moved by Eisenbacher
Seconded by Kerwin

WHEREAS, The petitioner Landus Development has requested Concept Development Plan approval, pursuant to article 35.50.01, for BBK Mixed-Use Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size;

WHEREAS, The Planning Commission recommended approval of the Concept Development Plan on November 11, 2008;

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated November 6, 2008 that recommends Concept Development Plan approval of BBK Mixed-Use Planned Unit Development;

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

WHEREAS, The proposed Planned Unit Development, parcels 88-20-22-383-001, -002, -003 & -006 and 88-20-22-382-012, is described in the following legal description and illustrated on the attached boundary survey drawing:

T2N, R11E, SW 1/4 of Section 22

Commencing at the South ¼ corner of said Section 22; thence along the South line of said Section 22, N 88°40'00" W 165.42 ft.; thence N 01° 32' 14" E, 102.00 ft. to the North line of Big Beaver Rd. (102 ft. half width) and the point of beginning; thence along said North line, N 88°40'00" W, 272.73 ft. to the West line of "Replat of Out Lot A of Big Beaver Subdivision" (Liber 26, pg. 17, of Oakland County Records); thence along said West line and the West line of "Burgess Bungalow Subdivision" (Liber 46, pg. 34, of Oakland County Records), said line also being the East line of Kilmer Rd. (50 ft. width), N 01° 32' 14" E, 368.37 ft. to the North line of Lot 17 of Burgess Bungalow Subdivision; thence along said North line S 88°40'00" E, 122.88 ft. to the East line of said Lot 17; thence

along said East line S 01°32'14" W, 22.50 ft. to the North line of Lot 20 of Burgess Bungalow Subdivision; thence along said North lines of Lots 20, 21 and 22 of Burgess Bungalow Subdivision, S 88°40'00" E, 149.85 ft. to the East line of the aforementioned subdivision, said line also being the West line of "Willow Centre" O. C. C. P. No. 1272, as recorded in Liber 21524, pg. 591 of Oakland County Records; thence along said lines S 01°32'14" W, 162.50 ft. to the South line of said condominium; thence along said South line S 88°40'00" E, 75.20 ft. to the West line of said condominium; thence along said West line, S 01°32'14" W, 183.37 ft. to the aforementioned North line of Big Beaver Rd.; thence along said North line, N 88°40'00" W, 75.20 ft. to the Point of Beginning. Containing 2.546 acres more or less, subject to all easements and restrictions of record;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Planning Director and City Clerk to take whatever actions are necessary pursuant to the City Ordinance to effect the rezoning of the subject parcel to PUD; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map of the City of Troy Zoning Ordinance to delineate the subject parcel as PUD-010; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the attached Planned Unit Development Agreement and hereby **AUTHORIZES** the Mayor and City Clerk to execute the Planned Unit Development Agreement for BBK Mixed-Use Planned Unit Development on behalf of the City, a copy shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the executed BBK Mixed-Use Planned Unit Development Agreement with the Oakland County Register of Deeds; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Concept Development Plan for BBK Mixed-Use Planned Unit Development and the petitioner is hereby permitted to submit Preliminary Development Plans pursuant to Article 35.50.02 of Chapter 39.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher
No: Howrylak

MOTION CARRIED

PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 10) – Proposed Big Beaver and Kilmer Planned Unit Development Preliminary Development Plan Approval, Northeast Corner of Big Beaver and Kilmer, Section 22

Mr. Savidant gave a brief introduction.

Zak Branigan of Carlisle/Wortman Associates, Inc. briefly identified some issues addressed in the report prepared by Carlisle/Wortman. He addressed an administrative error in the PUD Development Agreement relating to the gross square footage of the three retail buildings. It is the recommendation of the Planning Consultant to recommend to City Council approval of the Preliminary Development Plan, with conditions that address the identified issues.

General discussion followed on:

- On-street parking.
- PUD Development Agreement.
- Executed easement for the three (3) residential parcels to the north.

The petitioner, Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh addressed the on-street parking spaces and related discussion that took place at the City Council meeting. He also addressed the cross access agreement and the easement for the three residential properties to the north for landscaping and maintenance purposes. Mr. Marsh said they have met with all the neighbors, inclusive of the three residential properties to the north.

David Hunter, Project Landscape/Civil Engineer, Professional Engineering Associates (PEA), 2430 Rochester Road, Troy, addressed rain gardens and sprinkling.

Andrew Donaher, Project Architect, Niagara Murano LLC, 470 N. Old Woodward, Birmingham, addressed roof gardens.

PUBLIC HEARING OPENED

Jerome Ivan of 3101 Kilmer, Troy, was present. Mr. Ivan addressed concerns with the proposed on-street parking in relation to the turning radius for vehicles pulling from the residential driveways opposite the on-street parking.

PUBLIC HEARING CLOSED

Discussion about the proposed on-street parking continued.

Mr. Forsyth called for a Point of Order and asked Mr. Ullmann to read the complete Resolution, which follows.

Resolution # PC-2009-03----
Moved by: Ullmann
Seconded by: Sanzica

WHEREAS, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds.

Discussion on the motion on the floor.

It was determined to revise Condition #4 to specify that the easement is for the three residential properties to the north. Both the maker and supporter of the motion were in favor of the revision.

Discussion continued on the proposed on-street parking spaces.

Members Hutson, Strat and Schultz expressed opposition to the Resolution as proposed.

(Resolution as amended on the floor.)

Resolution # PC-2009-03-027
Moved by: Ullmann
Seconded by: Sanzica

WHEREAS, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easements for the three (3) residential properties to the north.

5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds.

Yes: Sanzica, Ullmann
No: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle
Absent: Vleck

MOTION FAILED

There was general discussion about driveways being used as turnarounds. Mr. Branigan stated that every driveway in the City has the potential to be used for a turnaround.

Resolution # PC-2009-03-028
Moved by: Hutson
Seconded by: Strat

WHEREAS, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.

4. Submit executed easement for landscaping on residential properties to the north of the project.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

7. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 10) – Amendment to the Preliminary Development Plan for the Big Beaver Planned Unit Development (P.U.D. 10), Northeast Corner of Big Beaver and Kilmer, Section 22, Big Beaver Kilmer Planned Unit Development Zoning District

Mr. Miller reviewed the status of the proposed Amendment to the Preliminary Development Plan (PDP) as relates to the screening and buffering treatment for the residential properties to the north. Mr. Miller reported City Management recommends approval of the proposed Amendment to the PDP.

Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh stated that appropriate landscape easements have been executed and the neighbors are supportive of the new layout and design. He shared samples of the colored masonry proposed for the screening and buffering treatment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson commended the petitioner for being agreeable and malleable on this project.

Mr. Marsh said he appreciated the opportunity.

Resolution # PC-2009-05-046
Moved by: Edmunds
Seconded by: Vleck

RESOLVED, On March 10, 2009, the Planning Commission recommended to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds; and,

WHEREAS, The abutting residents to the north of the subject property reviewed the Preliminary Development Plan and requested that the screening treatment along the northern property line be revised; and

WHEREAS, The applicant revised the Preliminary Development Plan, as requested by the abutting neighbors to the north of the subject property and based on input from the Planning Commission; and,

WHEREAS, The revised Preliminary Development Plan drawings include only the following:

Sheet A-101 Architectural Composite Plan – Proposed New Work
Sheet C-2 Preliminary Site Plan
Sheet L-2 Preliminary Landscape Plan
Sheet L-3 Landscape Details

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that the screening treatment along the northern property line be revised as submitted.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

AMENDMENT NO. 1 TO
DEVELOPMENT AGREEMENT

THIS AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT ("Amendment") is made as of June ___, 2009, by and among Marsh BBK-Troy, LLC, a Michigan limited liability company ("Marsh"), Bostick Development L.C., a Michigan limited liability company ("Bostick") (Marsh and Bostick shall individually and collectively be referred to herein as, the "Developer"), and City of Troy, a municipal corporation (the "City").

RECITALS:

~~A.~~ WHEREAS, Marsh and Bostick, as successor to Dennis Bostick pursuant to a Quit Claim Deed dated January 28, 2009, and recorded on April 20, 2009 in Liber 41088, page 145, Oakland County Records, are the owners of certain real property situated in the City of Troy, County of Oakland and State of Michigan as more particularly described on the attached Exhibit A.

WHERAS, Developer and the City entered into a Development Agreement dated December 15, 2008, and recorded on January 14, 2008, in Liber 40821, page 46, Oakland County Records ("Development Agreement") regarding the planned unit development commonly referred to as the Kilmer Project.

~~B.~~ WHEREAS, Developer and City have agreed to amend the Development Agreement in accordance with the terms and conditions contained herein.

AGREEMENT:

NOW THEREFORE for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Capitalized terms not defined herein shall have the meaning ascribed to them in the Development Agreement.

2. The first full sentence on page 5 of the Development Agreement which begins "The retail component shall include" is hereby amended and restated in its entirety to read "The retail component shall include the following three (3) structures: a 9,607 gross square feet retail building identified on the submitted plans as Building A, a 7,232 gross square feet building identified on the

submitted plans as Building B, and a 1,860 gross square feet stand alone drive thru fast food style restaurant, identified on the submitted plans as Building C."

~~6.~~3. Except as specifically amended herein, all the terms and provisions of the Development Agreement are hereby ratified and affirmed to be in full force and effect as of the date hereof and City represents and warrants that, to the best of the City's knowledge, no default has occurred under the Development Agreement. To the extent of any conflict between the terms of the Development Agreement and the terms of this Amendment, the terms and provisions of this Amendment shall govern and control.

4. This Amendment may be executed in any number of counterpart originals, each of which, when taken together, shall be deemed to be one and the same instrument. Executed copies of this Amendment may be delivered between the parties via telecopy (facsimile) or electronic mail.

THIS AMENDMENT shall be deemed entered into and effective as of the date on the last date shown below.

DEVELOPER

MARSH BBK-TROY, LLC a Michigan limited liability company

By:_____
Ryan S. Marsh
Its: Manager

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Ryan S. Marsh the Manager of Marsh BBK-Troy, LLC, a Michigan limited liability company, on behalf of the company.

_____
Print Name:
Notary Public, _____County, Michigan
My Commission Expires:
Acting in the County of_____

Bostick Development L.C., a Michigan limited liability company

By:_____

Its:_____

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by _____ the _____ of Bostick Development L.C., a Michigan limited liability company, on behalf of the company.

_____
Print Name:
Notary Public, _____County, Michigan
My Commission Expires:
Acting in the County of_____

CITY:

CITY OF TROY, a Michigan municipal corporation

By:_____
Louise Schilling
Its: Mayor

By:_____
Tonni Bartholomew
Its: City Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Louise Schilling, Mayor, and Tonni Bartholomew, City Clerk, of the City of Troy, a Michigan municipal corporation, on behalf of the Corporation.

_____
Print Name:
Notary Public, _____County, Michigan
My Commission Expires:
Acting in the County of_____

DRAFTED BY:

Erik S. Prater
Bodman LLP
201 West Big Beaver; Suite 500
Troy, Michigan 48084

WHEN RECORDED RETU RN TO:

Tonni Bartholomew, City Clerk
City of Troy
500 West Big Beaver
Troy, Michigan 48084

POD #10
BBK

Kathy Czarnecki

From: Denise Moilanen [denise@moilanenhome.com]
Sent: Friday, April 24, 2009 9:59 PM
To: Kathy Czarnecki
Subject: Big Beaver Rd. & Kilmer site

City Council members:

As a homeowner in the subdivsion of this planned development, I wish to voice my concern if the plaza is to be retail stores.

Not only would the construction create issues with traffic on Kilmer, afterwards the constituents would use our side streets as a means to avoid the traffic on Big Beaver.

We have many young families living very near to this property. Additional traffic through our sub would create a hazard to our children who need to ride their bicycles in the street due to no sidewalks.

In addition, if this plaza would house retail space, there are already numerous vacancies of strip malls in the very near vicinity and how many of these would remain vacant?

Please reconsider the re-zoning of the Big Beaver/Kilmer property for the well being of our families.

Thank you.

Respectfully,
Denise Moilanen

CITY COUNCIL ACTION REPORT

DATE: June 8, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Public Hearing – Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1

The Planning Commission held a public hearing for this item at the April 28, 2009 Special/Study meeting and recommends approval of ZOTA 238.

City Management discussed this item with a person interested in utilizing a vacant industrial building for a social service agency. Presently social service agencies are considered assembly uses and therefore are permitted by right in the B-2 and B-3 zoning districts; they are not permitted in the M-1 Light Industrial District. Many vacant industrial buildings are suitable for reuse as social service facilities. Permitting social service agencies in M-1 improves marketability and potential reuse for industrial properties. The draft text amendment prohibits overnight stay in social service facilities in M-1.

City Management recommends approval of ZOTA 238.

Approved as to form and legality: _____
Lori Grigg Bluhm, City Attorney

Attachments:
1. ZOTA 238 City Council Public Hearing Draft.
2. Minutes from April 28, 2009 Planning Commission Special/Study meeting.

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT
ZOTA 238

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Article IV of Chapter 39

Article IV of Chapter 39 of the Code of the City of Troy is amended to add a definition for Social Service Agency, to read as follows:

04.20.131A SOCIAL SERVICE FACILITY: A facility operated by an organization which provides products and services for citizens, including but not limited to training, counseling, health, or the distribution of food or clothing.

Section 3. Amendment to Article XXVIII of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended to permit social service facilities by Special Use in the M-1 District, to read as follows:

28.00.00 ARTICLE XXVIII M-1 LIGHT INDUSTRIAL DISTRICT

28.30.12 Social service facilities, subject to the following:

A. Overnight stay is not permitted.

Section 4. Savings

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

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2009.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 238 Social Service Facilities in M-1\Draft ZOTA 238 04 20 09.doc

PUBLIC HEARINGS

8. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 238) - Social Service Agencies in M-1

Mr. Miller summarized the item.

Chairman Schultz opened the Public Hearing.

There was no one present who wished to speak.

Chairman Schultz closed the Public Hearing.

There was some general discussion on the item.

Resolution # PC-2009-04-039
Moved by: Vleck
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends approval of ZOTA 238 to City Council.

Yes: All present (6)
Absent: Edmunds, Sanzica, Strat

MOTION CARRIED

CITY COUNCIL ACTION REPORT

June 5, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer

SUBJECT: Agenda Item – MDOT Resolution for Big Beaver / I-75 Interchange Enhancements

Project Description:

The Big Beaver / I-75 Interchange Enhancement is one of the projects adopted by City Council and the Troy Downtown Development Authority (DDA) as part of the Big Beaver Corridor Study.

The project will add significant landscaping in and around the interchange of I-75 and Big Beaver. Enhancements under the I-75 bridge include new 8' wide sidewalks, new decorative fencing and panels, addition of lighting under the bridge and painting the remaining portions of the bridge from the beams down to the pavement. The improvements within the loop ramp areas include significant landscaping, construction of two ponds, irrigation and reestablishment of grass.

Along Big Beaver on each side of the bridge are two vertical iconic features with lights and landscaping around their bases. The project will have a major impact on aesthetics and walkability; enhancing pedestrian mobility within the Big Beaver corridor. The project will also improve pedestrian safety at all intersection crosswalks by upgrading the sidewalks and cross walks to comply with the latest American's with Disabilities Act (ADA) requirements and by adding a pedestrian signal at the off ramp at eastbound Big Beaver, west of the bridge.

Background:

- The Key Concepts of the Big Beaver Corridor Study were adopted by City Council, the Planning Commission and the DDA in 2006.
- In 2007 the Troy DDA and City Council approved the Troy Downtown Development Plan #6, which includes the I-75 Interchange Improvements as well as various public thoroughfares, intersections and service roads, park improvements and property acquisition.
- The Big Beaver / I-75 Interchange Enhancement project is scheduled to be out for bids this summer and construction to start late summer or fall. Project completion is spring of 2010.
- The Interchange Enhancement project involves work within the Michigan Department of Transportation (MDOT) right-of-way and requires a permit from MDOT. During the project design and permit review process, the potential future widening of I-75 was considered by the City and MDOT so that future conflicts could be minimized.

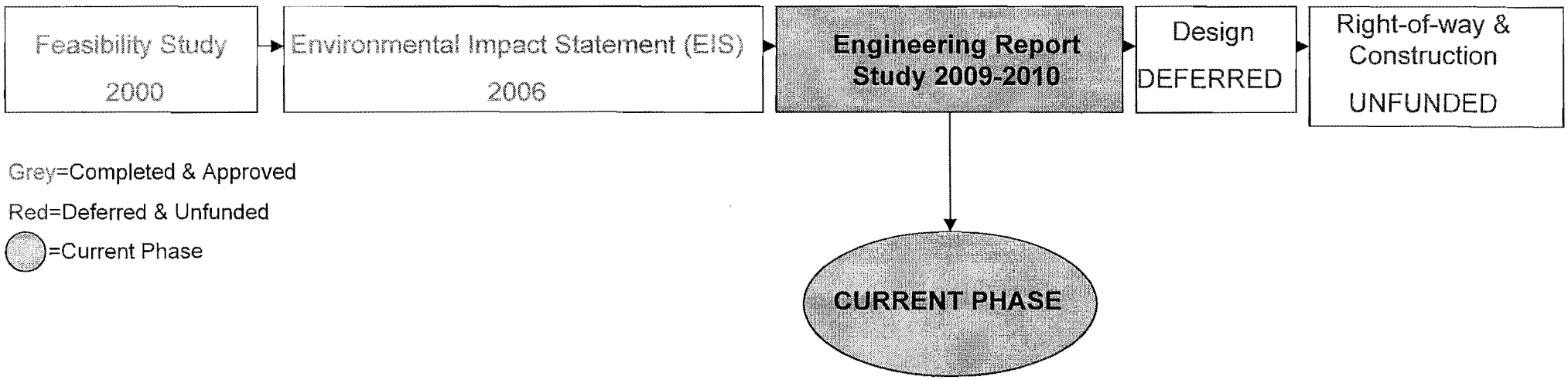
- The final I-75 Corridor Study adopted in 2000 recommended adding one lane in each direction within the median to provide four (4) lanes in each direction. This construction within the median would not impact the landscaping, grading and pond improvements constructed for the enhancement project, which are located within the loop ramp areas of the interchange.
- The final I-75 Corridor Study, completed in 2000, indicates no interchange reconfiguration for the Big Beaver / I-75 interchange. The loop ramps and the interior of the loop ramps are proposed to remain as they are.
- The schedule for the future widening is unknown, but the project is likely to be many years in the future given the current state of the economy, current poor conditions on state roads and significant road funding problems facing the state of Michigan.
- An Environmental Impact Statement (EIS) study for the I-75 widening was completed in January 2006.
- The next phase is the Engineering Report study phase, which has begun and will further examine complex, engineering elements in detail while trying to refine impacts to the local communities. The Engineering Report study is expected to take two years and be complete in 2010.
- The next phase, Design activities for the I-75 widening project, have been deferred. According to MDOT, there is no money available to move to this next phase of the project.
- The last phase, right-of-way acquisition and construction, are also unfunded.
- Given the plan for future widening project and in accordance with standard MDOT requirements for any local enhancement project within state highway right-of-way, MDOT is requiring that the City adopt a resolution that acknowledges that MDOT has this future widening project along I-75 in Oakland County and that despite current corridor study information to the contrary, acknowledge that the interchange enhancement project may be impacted by the future widening project. Therefore, MDOT requires that any improvements that may be impacted by the future I-75 widening project must be removed without cost to MDOT prior to the start of the I-75 widening project.
- The recommended resolution has been reviewed and approved by MDOT.
- Adoption of the recommended resolution is required by MDOT in order to receive a permit for the work.

Recommendation:

- Staff recommends that City Council approve the recommended resolution to acknowledge the future widening of I-75 and that any Big Beaver / I-75 Interchange improvements that may be impacted by the future widening project will be removed at city cost.

I-75 CORRIDOR, OAKLAND COUNTY

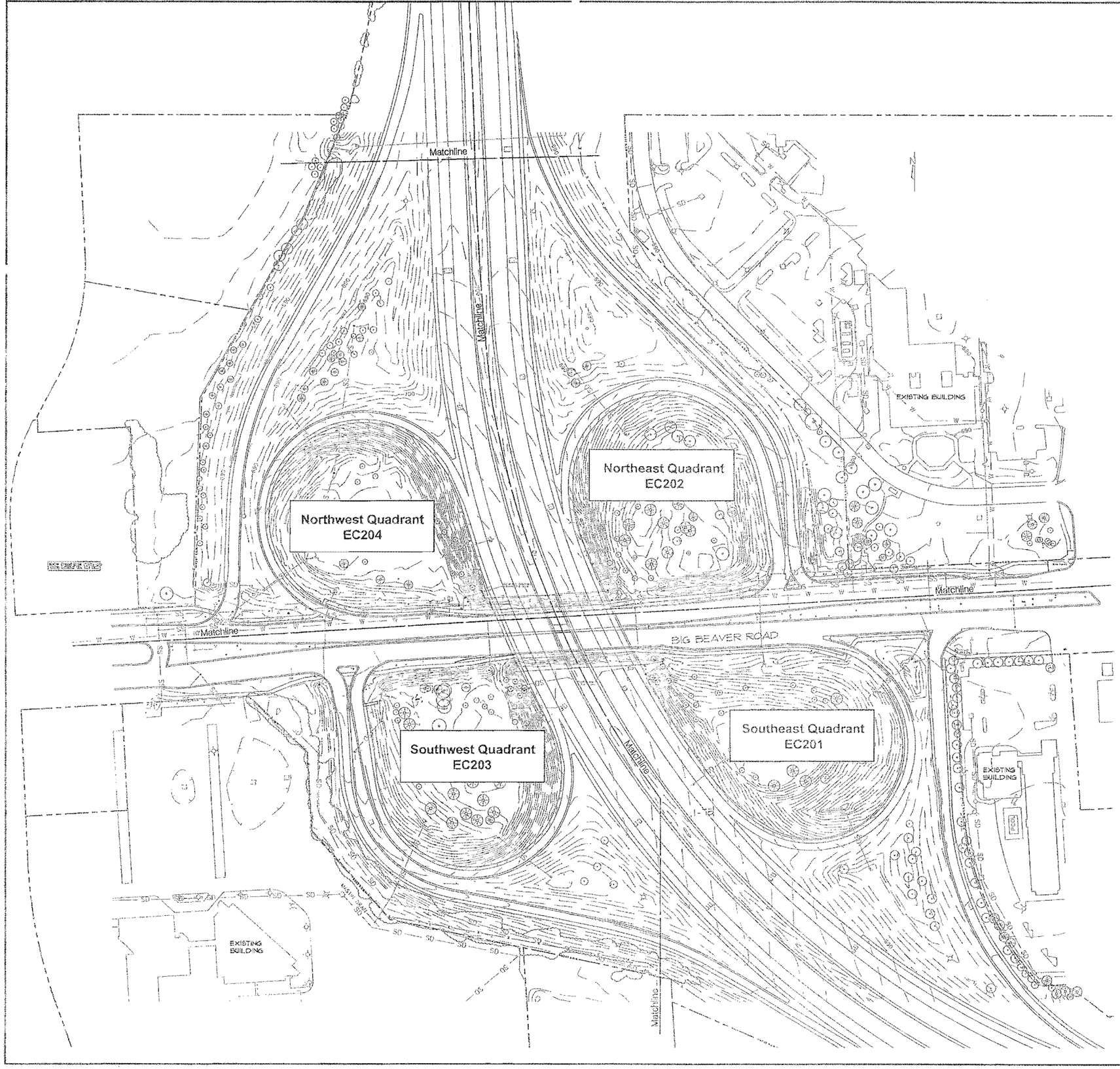
ENGINEERING REPORT STUDY



Grey=Completed & Approved

Red=Deferred & Unfunded

=Current Phase



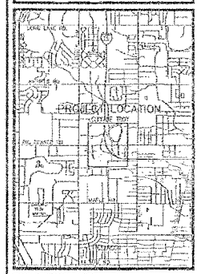
City of Troy

HRC
HUBBELL, ROTH & CLARK, INC
Consulting Engineers
555 HULET DRIVE
BLOOMFIELD HILLS, MICH.
P.O. BOX 824
48303-0824
PHONE: (248) 454-6300
FAX (Tel. Fleet): (248) 454-6312
FAX (Gen. Fleet): (248) 338-2392
WEB SITE: http://www.hrc-eng.com

GRISSIM MEIZ ANDRIESE
Surveying Affiliate
Mr. Jeff Bell
Fax No. 313-[illegible]
Mr. Jim Bell
by Telephone
Fax: [illegible]

DATE	ADDITIONS AND/OR REVISIONS
4-24-2009	ISSUED FOR FINAL ROD REVIEW
4-24-2009	ISSUED FOR FINAL CITY REVIEW
4-24-2009	ISSUED FOR ROD REVIEW

DESIGNED	GAM-RKW
DRAWN	GAM-MDF
CHECKED	GAM-RH
APPROVED	GAM-RKW



CITY OF TROY

BIG BEAVER ROAD
AND I-75
BRIDGE ENHANCEMENTS

OAKLAND COUNTY MICHIGAN

EXISTING CONDITIONS
COMPOSITE PLAN

HRC JOB NO. 20075831	SCALE 1" = 80'-0"
DATE FEBRUARY 2009	SHEET NO. EC101 of

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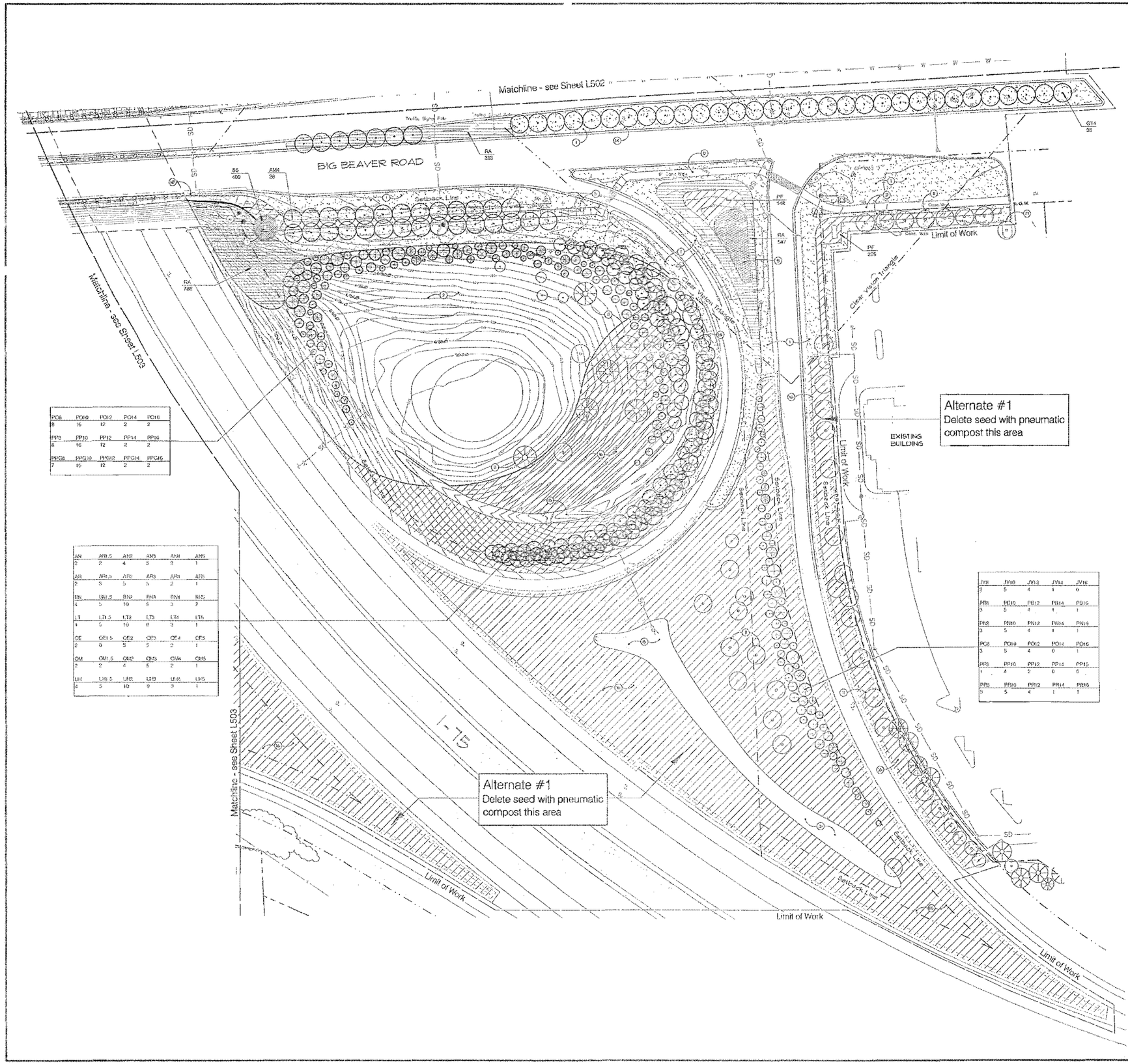
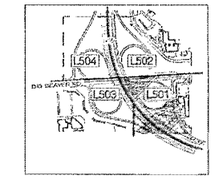


PO8	PO10	PO12	PO14	PO16
8	16	12	2	2
PP8	PP10	PP12	PP14	PP16
8	16	12	2	2
PPG8	PPG10	PPG12	PPG14	PPG16
7	16	12	2	2

AN	AN1.5	AN2	AN3	AN4	AN5
2	2	4	5	2	1
AR	AR1.5	AR2	AR3	AR4	AR5
2	3	5	5	2	1
BN	BN1.5	BN2	BN3	BN4	BN5
4	5	10	9	3	2
LT	LT1.5	LT2	LT3	LT4	LT5
4	5	10	8	3	1
OE	OE1.5	OE2	OE3	OE4	OE5
2	3	5	5	2	1
OM	OM1.5	OM2	OM3	OM4	OM5
2	2	4	5	2	1
UH	UH1.5	UH2	UH3	UH4	UH5
4	5	10	9	3	1

JV8	JV10	JV12	JV14	JV16
2	5	4	1	0
PB8	PB10	PB12	PB14	PB16
3	5	4	1	1
PN8	PN10	PN12	PN14	PN16
3	5	4	1	1
PO8	PO10	PO12	PO14	PO16
3	5	4	0	
PP8	PP10	PP12	PP14	PP16
1	4	2	0	0
PR8	PR10	PR12	PR14	PR16
3	5	4	1	1



Key Map
SCALE: NOT TO SCALE

Survey Legend

- Found Iron
- Set Iron
- Found Boat Iron
- Found Section Corner
- Found Remonumented Section Corner
- Found Trav. Pt.
- Set Trav. Pt.
- Water Valve Box
- Water Gate Well
- Water Sprinkler Head
- Post Indicator Valve
- Water Connection Valve
- Fire Hydrant
- Irrigation Well
- Storm M.H.
- Storm Outlet Pipe
- Storm Wall Pipe
- Storm Catch Basin
- Storm Wall
- Storm Outlet End Section
- Storm Wall End Section
- Sanitary M.H.
- Electric Utility Pole
- Electric Light Pole
- Telephone M.H.
- Decorative Road Light
- Guy Anchor
- Natural Gas Controlling
- Gas Valve
- Water Sprinkler Line
- Concrete Surface
- Asphalt Surface
- Gravel Surface
- Stone Surface
- Stump
- Dead Tree
- Deciduous Shrub
- Coniferous Shrub
- Deciduous Tree
- Coniferous Tree
- Sanitary Sewer
- Mail Box
- Wooded Area
- Centerline of Ditch
- Top of Bank
- Toe of Slope
- Centerline of Sign
- Centerline of Post
- Centerline of Fence
- Back Sidewalk
- Connection of Road
- Edge of Road
- Edge of Shoulder
- Edge of Drive
- Back of Curb
- Back of Walk
- Sanitary Sewer Line
- Storm Sewer Line
- Watermain Line
- Natural Gas Line
- Electric Line
- Cable TV Line
- Edge of Wooded Line
- Edge of Brush
- Chain Link Fence

Survey Was Completed by
City of Troy Survey Team
Field Crew: J.G., B.M., R.B. Date: 12/12/2008
Processing: B.P., D.H.M. Date: 12/12/2008
Drafted By: G.E. Bryant II, P.S. Date: 12/12/2008

NOTE KEY

1. PROPOSED IRRIGATED SEEDED LAWN
2. PROPOSED SEEDED NO MOW LAWN ON SCREENING AND REDISTRIBUTED AT TOPSOIL
3. PROPOSED GRAVEL CUT EDGE
4. PROPOSED SHREDDED BARK MULCH - REFER TO TYPICAL DETAILS FOR DEPTH
5. PROPOSED SIDEWALK
6. PROPOSED RETAINING WALL
7. PROPOSED FREESTANDING SIGN
8. PROPOSED POND LOCATION
9. 8"-9" DIA. NATURAL STONE OR FRACTURED ROCK RIP-RAP AT 17"-18" DEPTH ON FILTER FABRIC - REFER TO SPECS.
10. EXISTING RETAINING WALL
11. EXISTING TREES TO REMAIN
12. EXISTING SIDEWALK
13. EXISTING UTILITIES
14. EXISTING LIGHT POLE LOCATIONS
15. EXISTING SHRUB AND VEGETATION TO REMAIN
16. PROPOSED SEEDED NO MOW LAWN OVER HERBICIDE AFFLIED LAWN. APPLY 10" DEPTH PNEUMATIC COMPOST OVER EXISTING LAWN AREAS SPRAYED WITH HERBICIDE. AFTER 7-14 DAYS APPLY 10" DEPTH PNEUMATIC COMPOST WITH PROPOSED LAWN SEED MIX AND TAGGER'S - REFER TO SPECS.
17. LIST OF IRRIGATED SEEDED LAWN
18. PROPOSED EQUIPMENT PAD - REFER TO LAYOUT PLANS
19. PROPOSED FOUNTAIN LIGHT BOX - REFER TO ELEC. PLANS

NOTE

REFER TO SHEET L.001 FOR PLANT LIST AND PLANT DETAILS

REPAIRS: ALL AREAS DAMAGED BY TREE INSTALLATION WITH TOPSOIL AND SEED TO "SEED MIX"

REFER TO SHEET L.001 FOR ALL PLANTING SETBACK ZONE DIMENSIONS. CONTRACTOR SHALL LOCATE ALL SETBACK LINES AND STAKE TREE LOCATIONS FOR LANDSCAPE ARCHITECT REVIEW PRIOR TO PLANTING

Know what's below. Call before you dig.

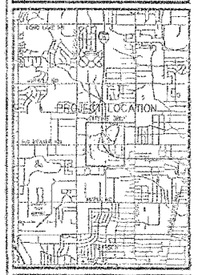
0' 20' 40' 80'
SCALE: 1"=40'

City of Troy

HRC
HUBBELL, ROTH & CLARK, INC
Consulting Engineers
555 HULET DRIVE
BLOOMFIELD HILLS, MICH.
P.O. BOX 824
48303 - 0824
PHONE: (248) 454-6300
FAX (ALL Email): (248) 454-6312
FAX (Dir. Email): (248) 258-3382
WEB SITE: http://www.hrc-engineers.com

GRISSIM MEIZ ANDRIESE ASSOCIATES
Design Affiliate
OF Agency
Bloomfield Hills, MICH.
A NEXGEN
SCORPIO
Architecture

4-24-2009	ISSUED FOR FINAL BOAT REVIEW
4-14-2009	ISSUED FOR FINAL CITY REVIEW
4-14-2009	ISSUED FOR BOAT REVIEW
2-20-2009	ISSUED FOR PRELIMINARY BOAT REVIEW
2-20-2009	ISSUED FOR PRELIMINARY CITY REVIEW
DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	GMA-MKW
DRAWN	GMA-MKW
CHECKED	GMA-RH
APPROVED	GMA-RHM



CITY OF TROY

BIG BEAVER ROAD
AND I-75
BRIDGE ENHANCEMENTS

OAKLAND COUNTY MICHIGAN

LANDSCAPE ENLARGEMENT
PLAN - SOUTHEAST
QUADRANT

HRC JOB NO. 20070231	SCALE 1" = 40'-0"
DATE FEBRUARY 2009	SHEET NO. L501 OF

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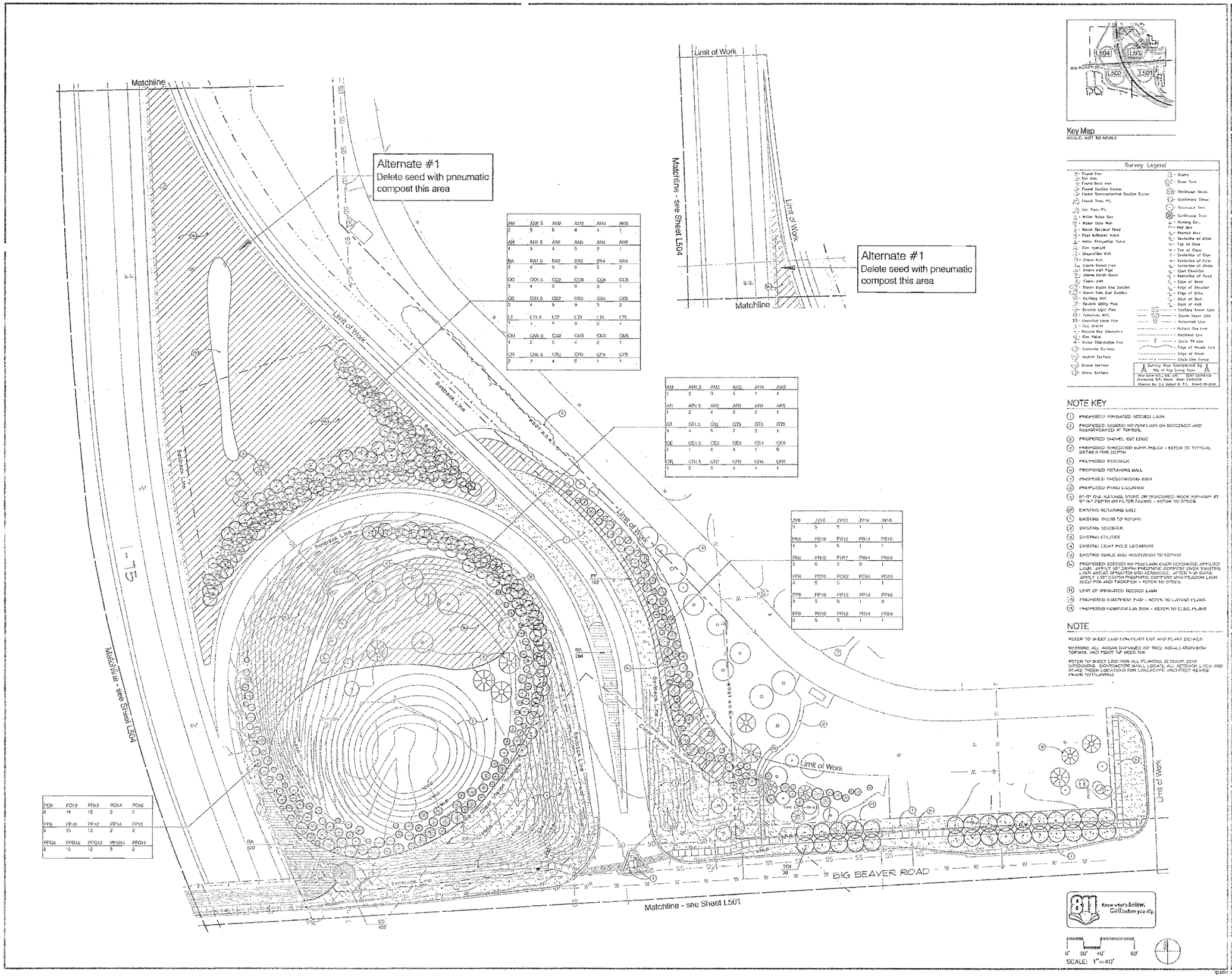

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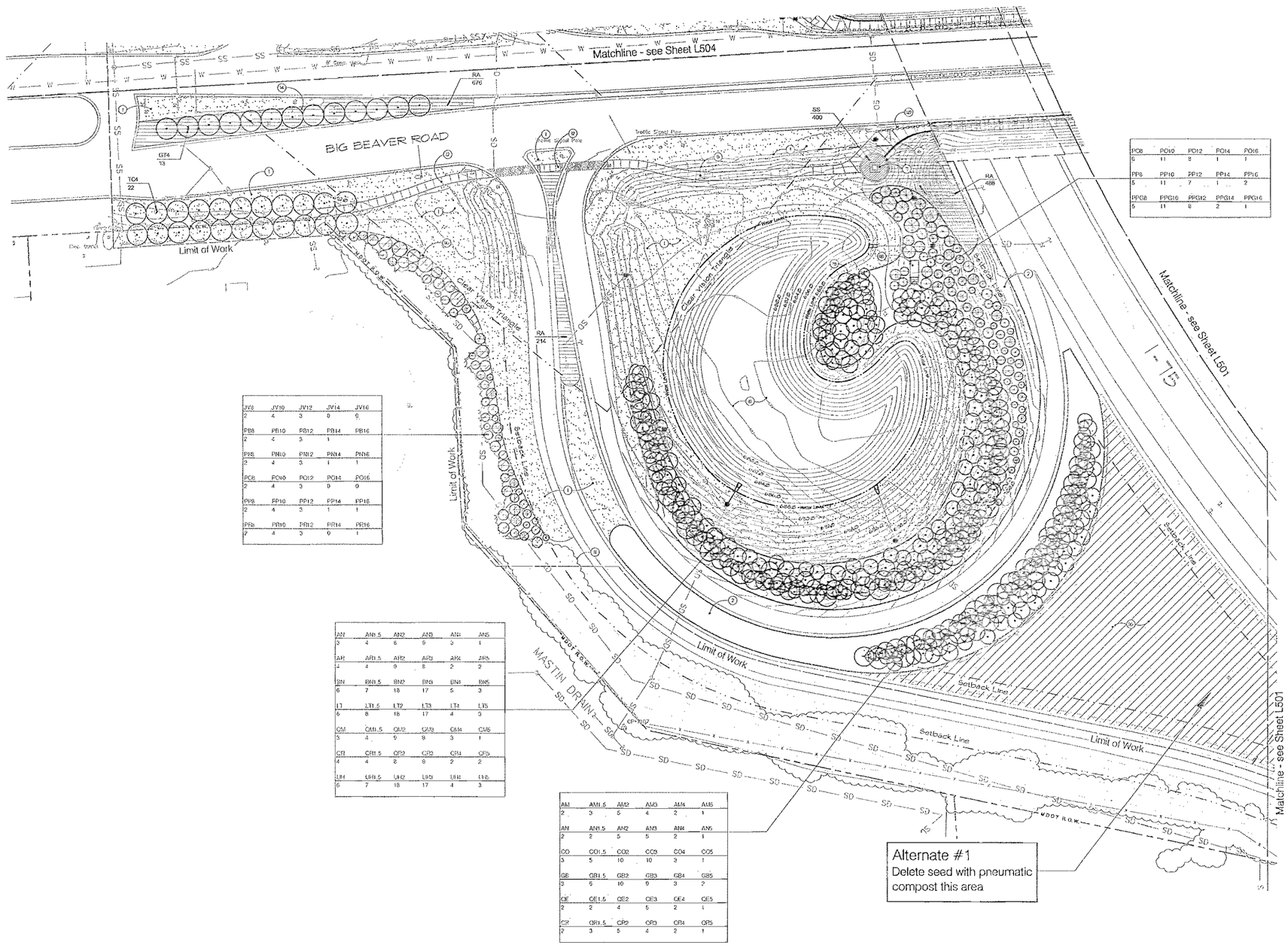
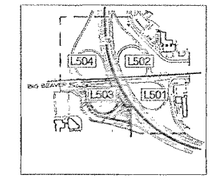


JV8	JV10	JV12	JV14	JV16
2	4	3	0	0
PB8	PB10	PB12	PB14	PB16
2	4	3	1	
PN8	PN10	PN12	PN14	PN16
2	4	3	1	1
PO8	PO10	PO12	PO14	PO16
2	4	3	0	0
PP8	PP10	PP12	PP14	PP16
2	4	3	1	1
PR8	PR10	PR12	PR14	PR16
2	4	3	0	1

PO8	PO10	PO12	PO14	PO16
6	11	8	1	1
PP8	PP10	PP12	PP14	PP16
5	11	7	1	2
PPG8	PPG10	PPG12	PPG14	PPG16
5	11	8	2	1

AM	AM1.5	AM2	AM3	AM4	AM5
3	4	6	9	3	1
AR	AR1.5	AR2	AR3	AR4	AR5
2	4	9	8	2	2
BN	BN1.5	BN2	BN3	BN4	BN5
6	7	18	17	5	3
LT	LT1.5	LT2	LT3	LT4	LT5
6	8	18	17	4	3
QM	QM1.5	QM2	QM3	QM4	QM5
3	4	9	9	3	1
QR	QR1.5	QR2	QR3	QR4	QR5
4	4	8	8	2	2
UH	UH1.5	UH2	UH3	UH4	UH5
6	7	18	17	4	3

AM	AM1.5	AM2	AM3	AM4	AM5
2	3	5	4	2	1
AN	AN1.5	AN2	AN3	AN4	AN5
2	2	5	5	2	1
CO	CO1.5	CO2	CO3	CO4	CO5
3	5	10	10	3	1
GB	GB1.5	GB2	GB3	GB4	GB5
3	6	10	9	3	2
OE	OE1.5	OE2	OE3	OE4	OE5
2	2	4	5	2	1
CP	CP1.5	CP2	CP3	CP4	CP5
2	3	5	4	2	1



Key Map
SCALE: NOT TO SCALE

Survey Legend

- Found Iron
- Set Iron
- Found Bent Iron
- Found Section Corner
- Found Reconstructed Section Corner
- Found Trav. Pt.
- Set Trav. Pt.
- Water Valve Box
- Water Gate well
- Water Sprinkler Head
- Post Indicator Valve
- Water Curbstop Valve
- Fire Hydrant
- Unspecified M.H.
- Storm M.H.
- Storm Outlet Pipe
- Storm Inlet Pipe
- Storm Catch Basin
- Storm Inlet
- Storm Outlet End Section
- Storm Inlet End Section
- Sanitary M.H.
- Electric Utility Pole
- Electric Light Pole
- Telephone M.H.
- Electrical Hand Hole
- Guy Anchor
- Natural Gas Centerline
- Gas Valve
- Water Distribution Box
- Concrete Surface
- Asphalt Surface
- Gravel Surface
- Stone Surface
- Stump
- Deciduous Shrub
- Coniferous Shrub
- Deciduous Tree
- Coniferous Tree
- Building Cor.
- Neat Line
- Planted Area
- Centerline of Ditch
- Top of Bank
- Toe of Slope
- Centerline of Sign
- Centerline of Post
- Centerline of Swale
- Spot Elevation
- Centerline of Road
- Edge of Road
- Edge of Shoulder
- Edge of Drive
- Back of Curb
- Back of Walk
- Sanitary Sewer Line
- Storm Sewer Line
- Watermain Line
- Natural Gas Line
- Electrical Line
- Cable TV Line
- Edge of Woods Line
- Edge of Brush
- Chain Link Fence

Survey Map Completed by City of Troy Survey Team
Field Crew: R.L., P.B., S.B. Date: 02/06/08
Processing: B.P. Check Date: 02/06/08
Checked By: E.J. Bond P. E. P.S. Date: 02-12-2008

NOTE KEY

1. PROPOSED IRRIGATED SEEDED LAWN
2. PROPOSED SEEDED NO MOW LAWN ON SCREENED AND REDISTRIBUTED 4" TOPSOIL
3. PROPOSED SHOVEL CUT EDGE
4. PROPOSED SHREDDED BARK MULCH - REFER TO TYPICAL DETAILS FOR DEPTH
5. PROPOSED SIDEWALK
6. PROPOSED RETAINING WALL
7. PROPOSED FREESTANDING SIGN
8. PROPOSED POND LOCATION
9. 8"-12" DIA. NATURAL STONE OR FRACTURED ROCK RIP-RAP AT 12"-18" DEPTH ON FILTER FABRIC - REFER TO SPECS.
10. EXISTING RETAINING WALL
11. EXISTING TREES TO REMAIN
12. EXISTING SIDEWALK
13. EXISTING UTILITIES
14. EXISTING LIGHT POLE LOCATIONS
15. EXISTING SWALE AND VEGETATION TO REMAIN
16. PROPOSED SEEDED NO MOW LAWN OVER HERBICIDE APPLIED LAWN. APPLY 1/2" DEPTH PNEUMATIC COMPOST OVER EXISTING LAWN AREAS SPRAYED WITH HERBICIDE. AFTER 7-10 DAYS APPLY 1/2" DEPTH PNEUMATIC COMPOST WITH PENNDOT LAWN SEED MIX AND TACKIFIER - REFER TO SPECS.
17. LIMIT OF IRRIGATED SEEDED LAWN
18. PROPOSED EQUIPMENT PAD - REFER TO LAYOUT PLANS
19. PROPOSED FOUNTAIN LIFE BOX - REFER TO ELEC. PLANS

NOTE

REFER TO SHEET L002 FOR PLANT LIST AND PLANT DETAILS

RESTORE ALL AREAS DAMAGED BY TREE INSTALLATION WITH TOPSOIL AND MDOT TUF SEED MIX

REFER TO SHEET L001 FOR ALL PLANTING SETBACK ZONE DIMENSIONS. CONTRACTOR SHALL LOCATE ALL SETBACK LINES AND STAKE TREES LOCATIONS FOR LANDSCAPE ARCHITECT REVIEW PRIOR TO PLANTING

Know what's below. Call before you dig.

0' 20' 40' 80'
SCALE: 1"=40'

City of Troy

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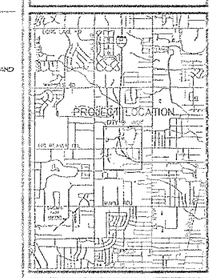
Consulting Engineers
555 HULET DRIVE, BLOOMFIELD HILLS, MICH.
P.O. BOX 824, 48303-0824
PHONE: (248) 454-6300
FAX (Det. Line): (248) 454-6312
FAX (Gen. Line): (248) 335-7267
WEB SITE: http:// www.hrc-eng.com

GRISSIM MEZ ANDRIESE ASSOCIATES
Landscape Architecture
Land Planning
30140 Stephenson Highway
Suite 200
Madison Heights, MI 48071
248.585.8080
248.585.8085 fax
info@gmaarchitects.com

4-24-2009	ISSUED FOR FINAL MDOT REVIEW
4-24-2009	ISSUED FOR FINAL CITY REVIEW
4-24-2009	ISSUED FOR BID REVIEW
2-20-2009	ISSUED FOR PRELIMINARY MDOT REVIEW
2-20-2009	ISSUED FOR PRELIMINARY CITY REVIEW
DATE	CONDITIONS AND/OR REVISIONS
DESIGNED	GMA-MDM
DRAWN	GMA-MDM
CHECKED	GMA-MN
APPROVED	GMA-MDM



CITY OF TROY

BIG BEAVER ROAD AND I-75 BRIDGE ENHANCEMENTS

OAKLAND COUNTY MICHIGAN

LANDSCAPE ENLARGEMENT PLAN - SOUTHWEST QUADRANT

HRC JOB NO. 20010831	SCALE 1" = 40'-0"
DATE FEBRUARY 2009	SHEET NO. L503

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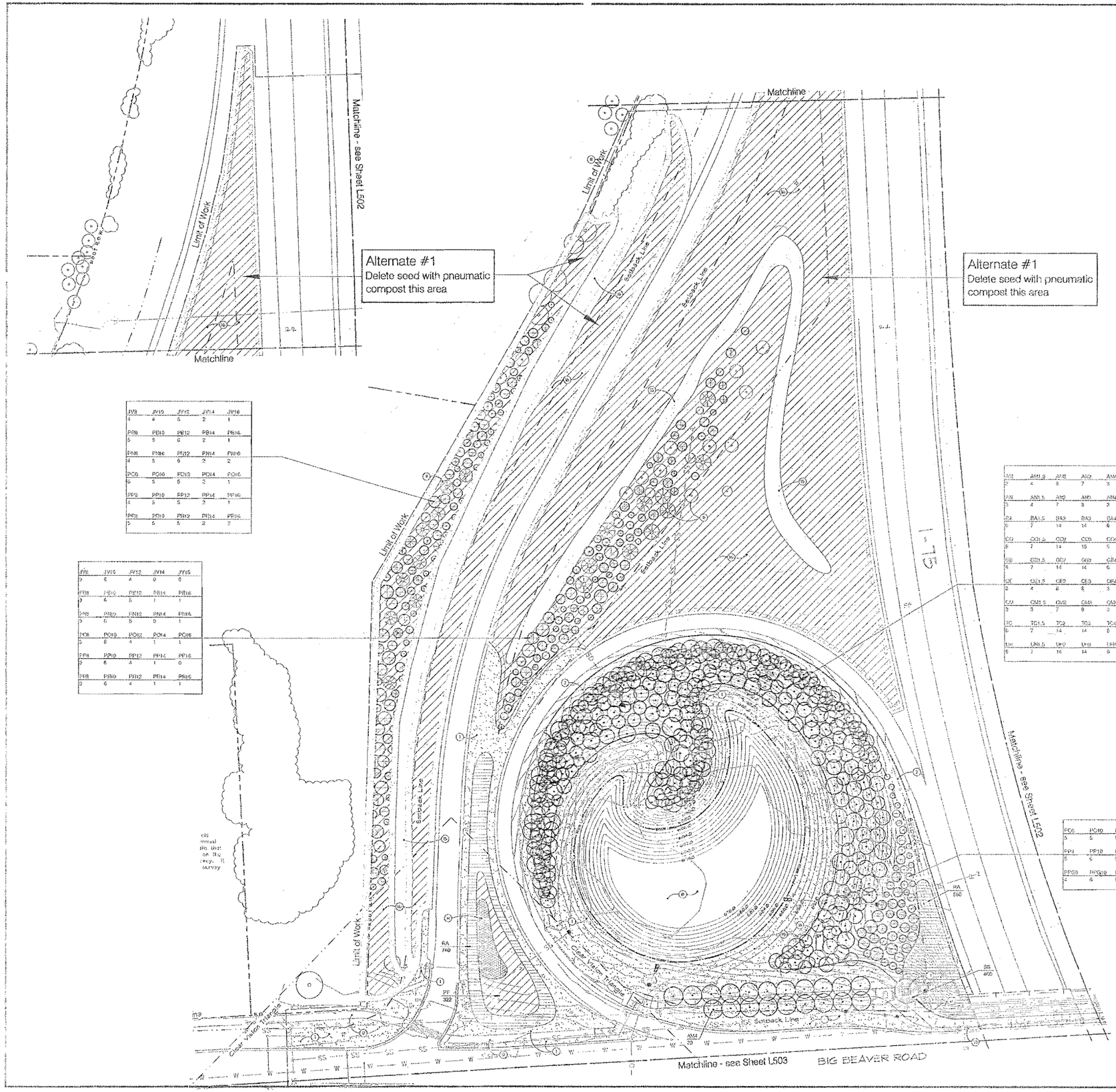
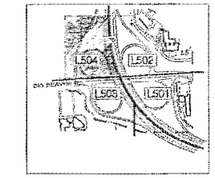


JV8	JV10	JV12	JV14	JV16
4	4	5	2	1
PB8	PB10	PB12	PB14	PB16
5	5	6	2	1
PN8	PN10	PN12	PN14	PN16
4	5	6	2	2
PO8	PO10	PO12	PO14	PO16
6	5	5	2	1
PP8	PP10	PP12	PP14	PP16
4	5	5	2	1
PR8	PR10	PR12	PR14	PR16
5	5	5	2	2

JV8	JV10	JV12	JV14	JV16
5	6	4	0	0
PB8	PB10	PB12	PB14	PB16
3	6	5	1	1
PN8	PN10	PN12	PN14	PN16
5	6	5	0	1
PO8	PO10	PO12	PO14	PO16
5	6	4	1	1
PP8	PP10	PP12	PP14	PP16
5	6	4	1	0
PR8	PR10	PR12	PR14	PR16
3	6	4	1	1

AM	AM1.5	AR2	AN2	AN4	AN6
5	4	8	7	3	2
AN	AN1.5	AN2	AN3	AN4	AN6
3	4	7	3	3	2
BA	BA1.5	BA2	BA3	BA4	BA6
6	7	14	14	6	3
CO	CO1.5	CO2	CO3	CO4	CO6
5	7	14	15	5	3
GB	GB1.5	GB2	GB3	GB4	GB6
5	7	14	14	6	3
OE	OE1.5	OE2	OE3	OE4	OE5
3	4	8	8	3	2
OM	OM1.5	OM2	OM3	OM4	OM5
3	3	7	8	3	1
TC	TC1.5	TC2	TC3	TC4	TC6
6	7	14	14	6	3
UH	UH1.5	UH2	UH3	UH4	UH6
6	7	14	14	6	2

PO8	PO10	PO12	PO14	PO16
5	5	5	1	0
PP8	PP10	PP12	PP14	PP16
5	6	5	1	1
PPG8	PPG10	PPG12	PPG14	PPG16
4	6	5	1	1



Key Map
SCALES NOT TO SCALE

Survey Legend

- Found Iron
- Set Iron
- Found Deep Iron
- Found Section Corner
- Found Remonumented Section Corner
- Found Trav. Pt.
- Set Trav. Pt.
- Water Valve Box
- Water Gate Well
- Water Sprinkler Head
- Post Indicator Valve
- Water Curbstop Valve
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- Storm Outlet Pipe
- Storm Inlet Pipe
- Storm Catch Basin
- Storm Inlet
- Storm Outlet End Section
- Storm Inlet End Section
- Sanitary M.H.
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- Electric Light Pole
- Telephone M.H.
- Electrical Hand Hole
- Guy Anchor
- Natural Gas Cleanout
- Gas Valve
- Water Distribution Box
- Concrete Surface
- Asphalt Surface
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- Stone Surface
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- Bend Tree
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- Deciduous Tree
- Coniferous Tree
- Building Cor.
- Mail Box
- Planted Area
- Centerline of Ditch
- Top of Bank
- Toe of Slope
- Centerline of Sign
- Centerline of Post
- Centerline of Swale
- Spot Elevation
- Centerline of Road
- Edge of Road
- Edge of Shoulder
- Edge of Drive
- Back of Curb
- Back of Walk
- Sanitary Sewer Line
- Storm Sewer Line
- Watermain Line
- Natural Gas Line
- Overhead Line
- Cable TV Line
- Edge of Woods Line
- Edge of Brush
- Chain Link Fence

Survey Map Completed by
City of Troy Survey Team
Field Crews: B.D., D.G., Walter Schneider
Processing: R.P., Crews: Robert Schneider
Checked By: G.A. Roland J. P.E. Date: 10-2003

NOTE KEY

1. PROPOSED IRRIGATED SEEDED LAWN
2. PROPOSED SEEDED NO MOW LAWN ON SCREENED AND REDISTRIBUTED 4" TOPSOIL
3. PROPOSED 6x6 VINYL CUT EDGE
4. PROPOSED SHREDDED BARK MULCH - REFER TO TYPICAL DETAILS FOR DEPTH
5. PROPOSED SIDEWALK
6. PROPOSED RETAINING WALL
7. PROPOSED FREESTANDING SIGN
8. PROPOSED POND LOCATION
9. 24"-36" DIA. NATURAL STONE OR FRACTURED ROCK RIPRAP AT 12"-18" DEPTH ON FILTER FABRIC - REFER TO SPECS.
10. EXISTING RETAINING WALL
11. EXISTING TREES TO REMAIN
12. EXISTING SIDEWALK
13. EXISTING UTILITIES
14. EXISTING LIGHT POLE LOCATIONS
15. EXISTING GRASS AND VEGETATION TO REMAIN
16. PROPOSED SEEDED NO MOW LAWN OVER INTERSIDE APPLIED LAWN. APPLY 3/4" DEPTH PNEUMATIC COMPOST OVER EXISTING LAWN AREAS REMAINING WITH HERBICIDE. WITHIN 7-10 DAYS APPLY 1/4" DEPTH PNEUMATIC COMPOST WITH FERTILIZER LAWN SEED MIX AND MULCHFILM - REFER TO SPECS.
17. LIMIT OF IRRIGATED SEEDED LAWN
18. PROPOSED EQUIPMENT PAD - REFER TO LAYOUT PLANS
19. PROPOSED FOUNTAIN LED BOX - REFER TO ELEC. PLANS

NOTE

REFER TO SHEET L503 FOR PLANT LIST AND PLANT DETAILS

RESTORE ALL AREAS DAMAGED BY TREE INSTALLATION WITH TOPSOIL AND FOOT TUF SEED MIX

REFER TO SHEET L500 FOR ALL PLANTING SETBACK ZONE DIMENSIONS. CONTRACTOR SHALL LOCATE ALL PATHLOC LINES AND STAKE TREE LOCATIONS FOR LANDSCAPE ARCHITECT REVIEW PRIOR TO PLANTING

Know what's below. Call before you dig.

0' 20' 40' 80'
SCALE: 1"=40'

City of Troy

HRC
HURBELL, ROTH & CLARK, INC
Consulting Engineers
555 HULET DRIVE
BLOOMFIELD HILLS, MICH. 48302-0024
P.O. BOX 824
48303-0824
PHONE: (248) 454-6300
FAX (Eng. Trans): (248) 454-6312
FAX (Bldg & Fiscal): (248) 338-7392
WEB SITE: http://www.hrc-engr.com

GRISSIM MITZ ANDRIESE
Landscape Architects
Site Planners
Consultants
2000 Bellaire Blvd.
Houston, Texas 77077
713/777-5161
Fax 713/777-5165
Sustainable Design

DATE	DESCRIPTION
4-24-2009	ISSUED FOR FINAL DOT REVIEW
4-24-2009	ISSUED FOR FINAL CITY REVIEW
4-24-2009	ISSUED FOR TCOC REVIEW
2-20-2009	ISSUED FOR PRELIMINARY DOT REVIEW
2-20-2009	ISSUED FOR PRELIMINARY CITY REVIEW
DATE	ADDITIONS AND/OR REVISIONS
DESIGNED	GAM-RDM
DRAWN	GAM-MDF
CHECKED	GAM-RM
APPROVED	GAM-RDM

CITY OF TROY

BIG BEAVER ROAD AND I-75 BRIDGE ENHANCEMENTS

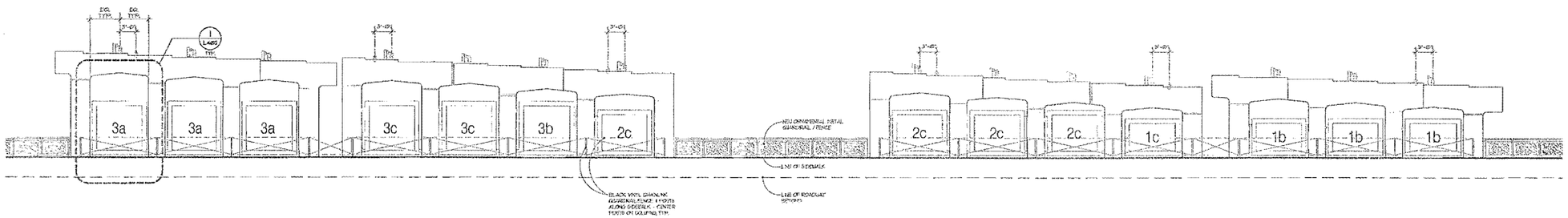
OAKLAND COUNTY MICHIGAN

LANDSCAPE ENLARGEMENT PLAN – NORTHWEST QUADRANT

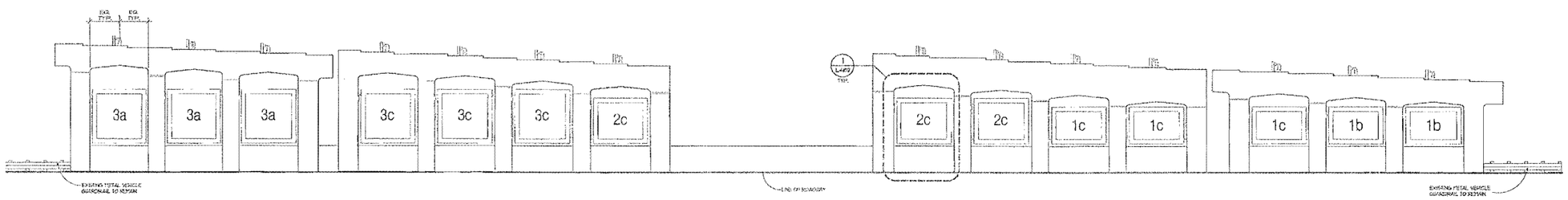
HRC JOB NO.	SCALE
20070631	1" = 40'-0"
DATE	SHEET NO.
FEBRUARY 2009	L504

Note:

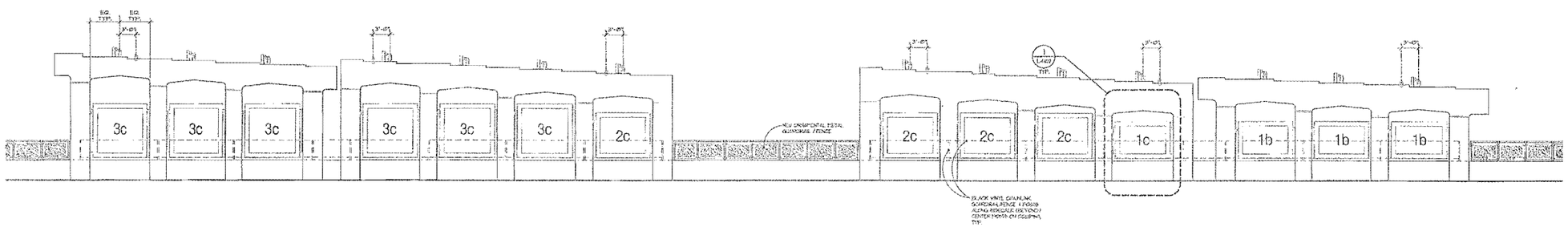
1b — NUMBER + LETTER DESIGNATIONS VARY PER OPENING
- LETTER DENOTES MOUNTING CONDITION PER DETAIL 1/L401
- NUMBER DENOTES WALL PANEL SIZE PER DETAIL 1/L401



3 / L205 Bosquet Elevation at Column Line 'C' looking North
SCALE: 1/8" = 1'-0"



2 / L205 Bosquet Elevation at Column Line 'B' looking North
SCALE: 1/8" = 1'-0"



1 / L205 Bosquet Elevation at Column Line 'A' looking North
SCALE: 1/8" = 1'-0"

City of Troy

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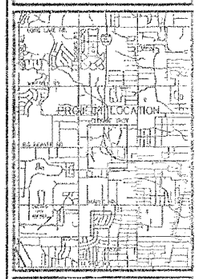
DATE	ADDITIONS AND/OR REVISIONS
4-24-2006	ISSUED FOR FINAL VDOT REVIEW
4-24-2006	ISSUED FOR FINAL CITY REVIEW
4-24-2006	ISSUED FOR MDOT REVIEW

DESIGNED	GMA-HRM
DRAWN	GMA-MDF/CLP
CHECKED	GMA-HRM
APPROVED	GMA-HRM



CITY OF TROY

BIG BEAVER ROAD AND I-75 BRIDGE ENHANCEMENTS

OAKLAND COUNTY MICHIGAN

BRIDGE ELEVATIONS

HRC JOB NO. 20070855	SCALE AS NOTED
DATE FEBRUARY 2006	SHEET NO. L401 OF

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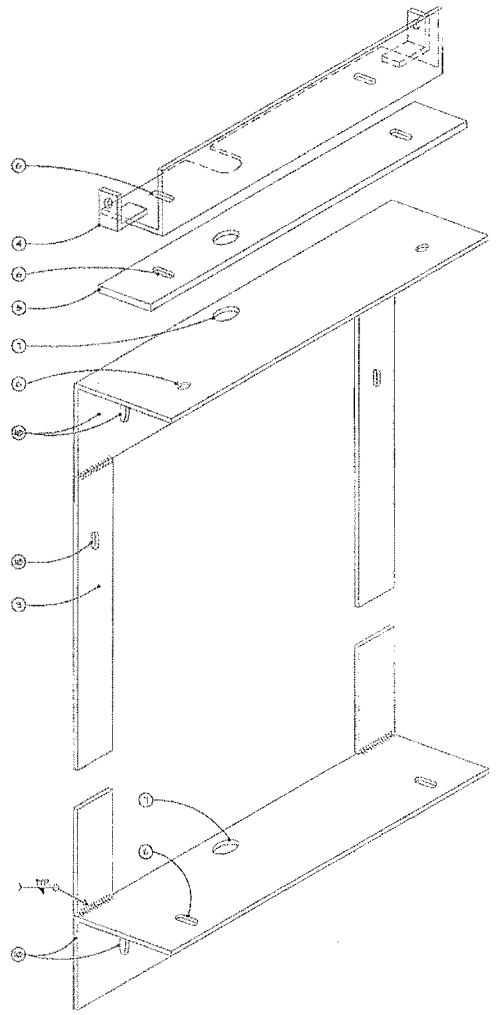
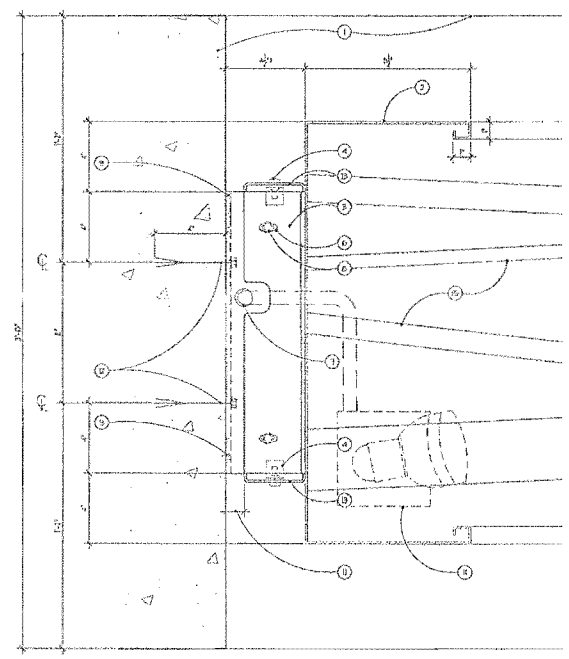
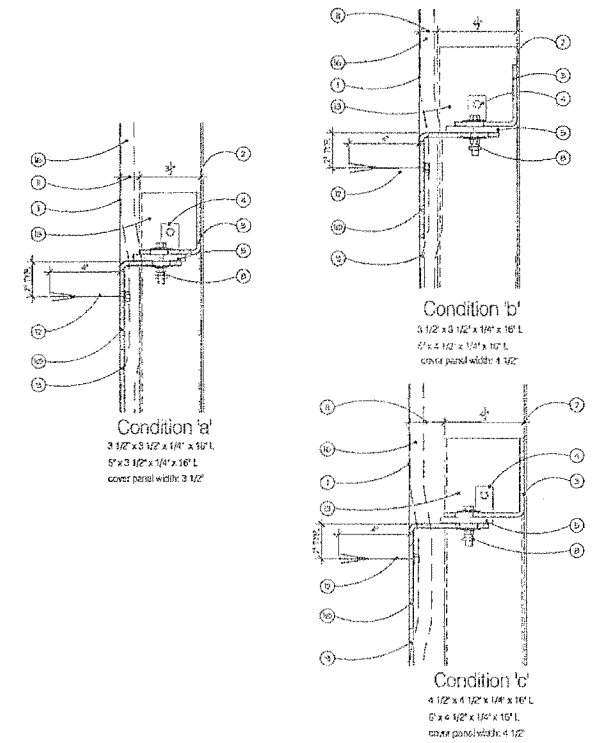


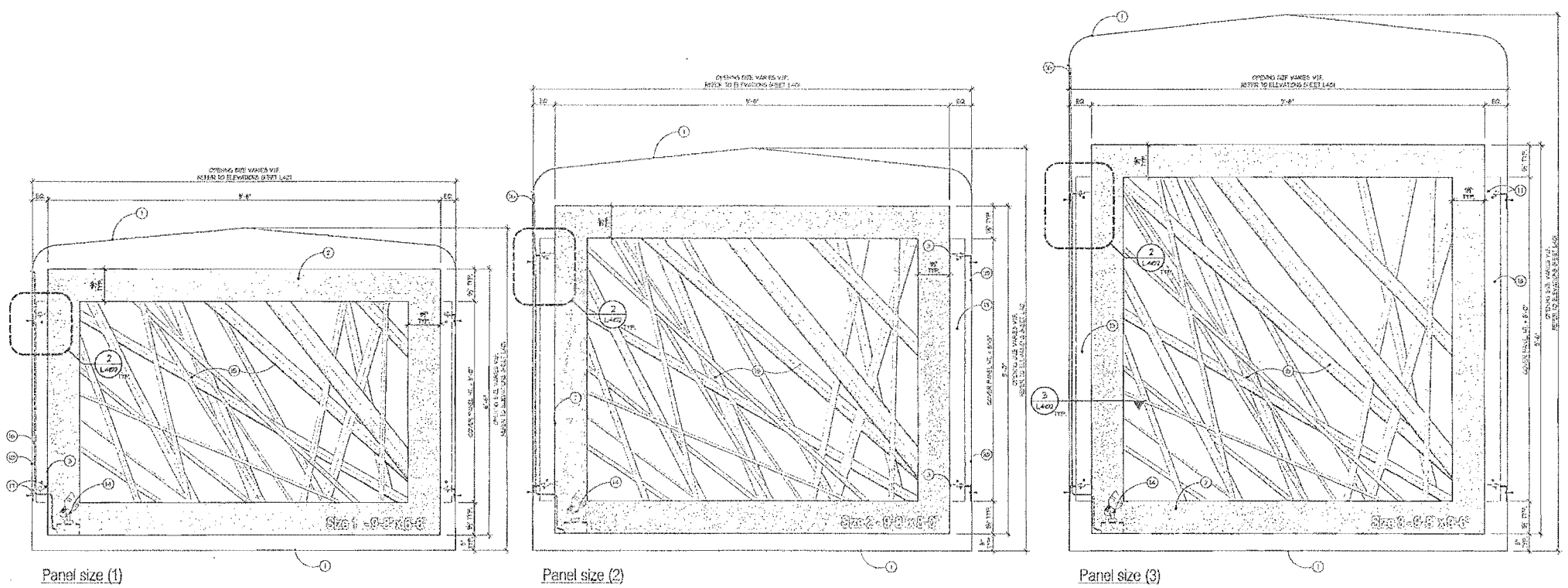
4 L402 Typical Bosquet Mounting Detail - Isometric View
SCALE: 3" = 1'-0"



3 L402 Typical Mounting Detail - Plan View
SCALE: 3" = 1'-0"



2 L402 Typical Mounting Conditions
SCALE: 1 1/2" = 1'-0"



1 L402 Typical Enlarged Bosquet Sculpture Panel Elevations
SCALE: 3/4" = 1'-0"

Note Key:

(1) EXISTING CONCRETE BRIDGE STRUCTURE

(2) 96" WIDE x 241 DEEP x 10 GAUGE TYPE 304 STAINLESS STEEL "BOSQUET" FRAME PANEL W/ SAND BLAST FINISH - MOUNT TO BRIDGE STRUCTURE W/ BRACKETS

(3) 3"x3"x3/8" OR 4"x4"x3/8" STAINLESS STEEL ANGLE (WELDED TO BOX FRAME PANEL) - REFER TO TYPICAL MOUNTING DETAIL FOR CONDITION TYPE

(4) TAB W/ NUT WELDED ON BACKSIDE FOR MOUNTING COVER PANEL

(5) ELASTOMERIC PAD BY EXISTING AUTOMATION & SUPPLY - REFER TO SPECS

(6) SLOTTED HOLES FOR 2" TRAVEL

(7) ELECTRICAL CONDUIT THRU-HOLE SIZED TO ACCOMMODATE 1" CONDUIT - COORDINATE W/ ELECTRICAL

(8) 3/8 LOCKNUT ON BOTTOM W/ LARGE OD HEAVY SQ. WASHER & JAM NUT TO INSURE AGAINST LOOSENING (ALL 3/8" - 8 THREAD)

(9) 3/4" X 2" SLOTTED SPACER STRAP (2 PER SIDE) WELDED TO TOP & BOTTOM ANGLES TO ALLOW INSTALLERS TO LEVEL MOUNTING ANGLES FROM ONE SIDE OF THE OPENING TO THE OTHER

(10) 3"x3"x3/8" OR 4"x4"x3/8" STAINLESS STEEL ANGLE W/ MOUNTING HOLES TO ALLOW INSTALLERS TO DRILL THRU ANGLES & MOUNT ANCHORS AFTER LEVELING - REFER TO TYPICAL MOUNTING DETAIL FOR CONDITION TYPE - NOTE: BRIDGE DECKING REINFORCEMENT IS TO BE LOCATED BY PENETRATING RADAR DEVICE TO BE PROVIDED BY THE ENGINEER. ADDITIONAL HOLES MAY BE DRILLED AS REQ'D TO ALLOW FOR ADJUSTMENT OF ANCHOR LOCATIONS - COORDINATE IN FIELD

(11) 1" MIN. GAP TO ACCOMMODATE TRAVEL, TYP.

(12) 5/8 ANCHOR (2 PER ANGLE) - TIE RED HEAD SELF-DRILL NUT X 3" OVERALL LENGTH - (1 3/8" DRILL HOLE & 4" EMBEDMENT)

(13) COVER PANEL, ATTACHED TO 5/8 TABS - SIZE PER KEY - VARIES PER OPENING CONDITION

(14) LIGHT FIXTURE, TYPE 124-64 W/ FRAME - ATTACH W/ 5/8 FASTENERS - LOCATE IN CORNER OF FRAME

(15) VARYING SIZE TYPE 304 STAINLESS STEEL PIPES WELDED TO FRAME PANEL

(16) 3/4" FIBERGLASS ELECTRICAL CONDUIT - PROVIDE WITH AS REQ'D - REFER TO ELECTRICAL DWGS

(17) MOUNTING ANGLE - REFER TO TYPICAL MOUNTING CONDITIONS FOR ANGLE TYPES (#1280)

(18) EXISTING STEEL BEAM - LOCATION VARIES (V.I.F.)

(19) EXISTING CONCRETE SLAB

(20) EXISTING STEEL BEAM BEYOND

(21) LIGHT FIXTURE, TYPE 124-64" W/ JUNCTION BOX

(22) 3/4-30 TEE (GALV.)

(23) 3/4-36 TEE OUTRIGGER (GALV.)

(24) CONDUIT ON "WALLS" OF TEE

(25) PLASTIC BUSHS

(26) 3/8" DIA. S/S BOLTS W/ LOCK NUTS

(27) JUNCTION BOX - REFER TO ELECTRICAL DWGS

(28) REMOTE BALLAST FOR LIGHT TYPE 124-64"

(29) LIGHT FIXTURE TYPE 124-65" W/ JUNCTION BOX - TO ILLUMINATE SIGNAGE - MOUNTED TO 6"x6" ANGLE (#17) - TIE RED HEAD SELF-DRILL 1/2" x 4" OVERALL LENGTH BOLTED TO BRIDGE STRUCTURE

(30) S/S ANCHOR (4 PER ARM) - TIE RED HEAD SELF-DRILL 1/2" X 6" OVERALL LENGTH BOLTED TO BRIDGE STRUCTURE

General Notes:

1. ALL STAINLESS STEEL COMPONENTS TO BE TYPE 304 OR 316 SS, AS NOTED - WITH SANDBLAST FINISH.
2. ALL GALVANIZED STEEL TO HAVE MIN G90 COATING.
3. SUBMIT COMPLETE SHOP DRAWINGS & SPECIFICATIONS FOR BOSQUET PANEL, INCLUDING BUT NOT LIMITED TO, MOUNTING COMPONENTS & ELECTRICAL DETAILS.
4. REFER TO LIGHTING FIXTURE SCHEDULE FOR QUANTITIES & SPECIFICATIONS.
5. CONTRACTOR SHALL BE REQUIRED TO CONTACT MOTT MELIND - DESIGN ENGINEER (MOTT MELIND@MOTT.COM) AT 248-463-5[illegible] AT LEAST (10) BUSINESS DAYS PRIOR TO THE INSTALLATION OF THE FIRST DECORATIVE INFILL PANEL SO HE CAN DRILL THE PENETRATING RADAR IMAGING AND INSTALLATION.

City of Troy

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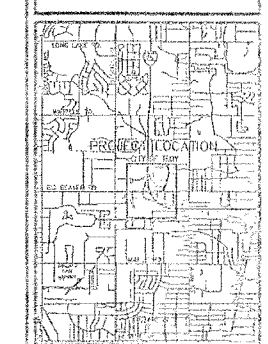
DATE	ADDITIONS AND/OR REVISIONS
4-24-2009	ISSUED FOR FINAL BOID REVIEW
4-24-2009	ISSUED FOR FINAL CITY REVIEW
4-24-2009	ISSUED FOR BOID REVIEW
2-20-2009	ISSUED FOR PRELIMINARY BOID REVIEW
2-20-2009	ISSUED FOR PRELIMINARY CITY REVIEW

DESIGNED GMA-RPM
DRAWN GMA-LP
CHECKED GMA-RM
APPROVED GMA-RPM



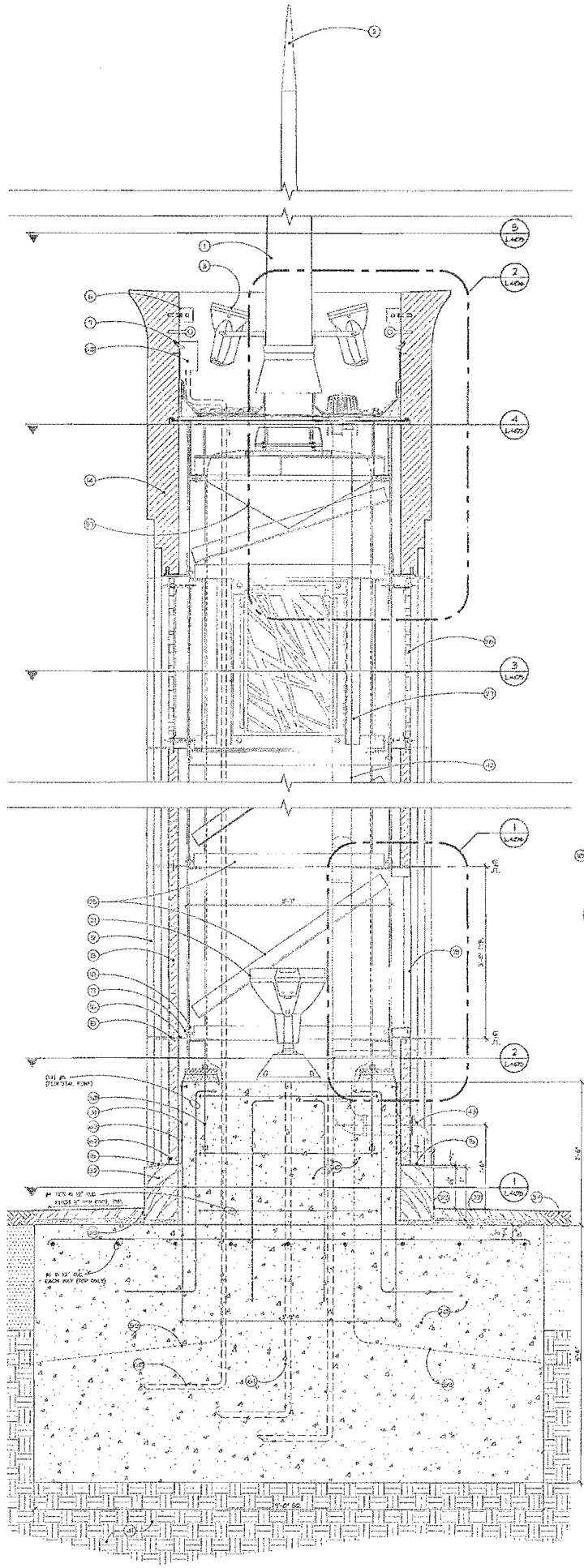
CITY OF TROY

BIG BEAVER ROAD
AND I-75
BRIDGE ENHANCEMENTS

OAKLAND COUNTY MICHIGAN

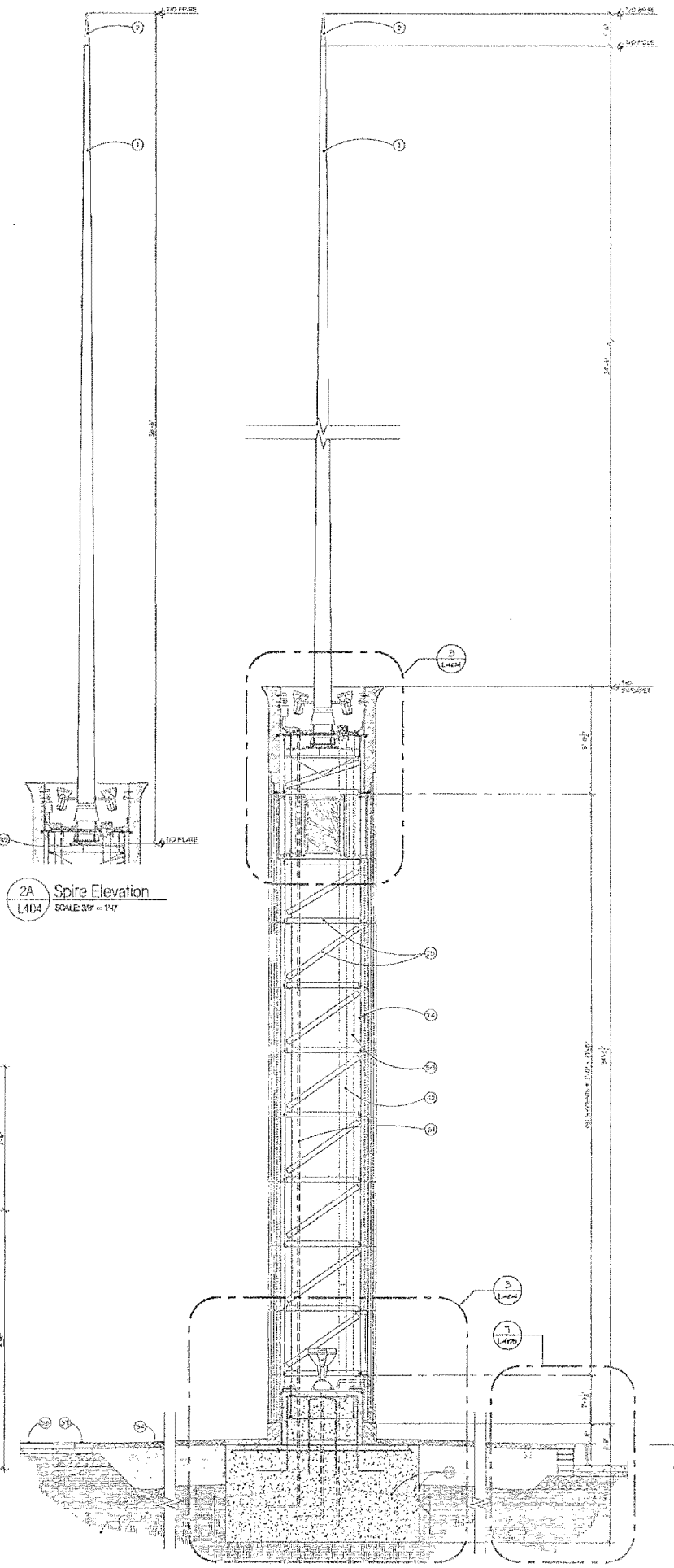
BRIDGE
DETAILS

HRC JOB NO. 20020831	SCALE AS NOTED
DATE FEBRUARY 2009	SHEET NO. L402

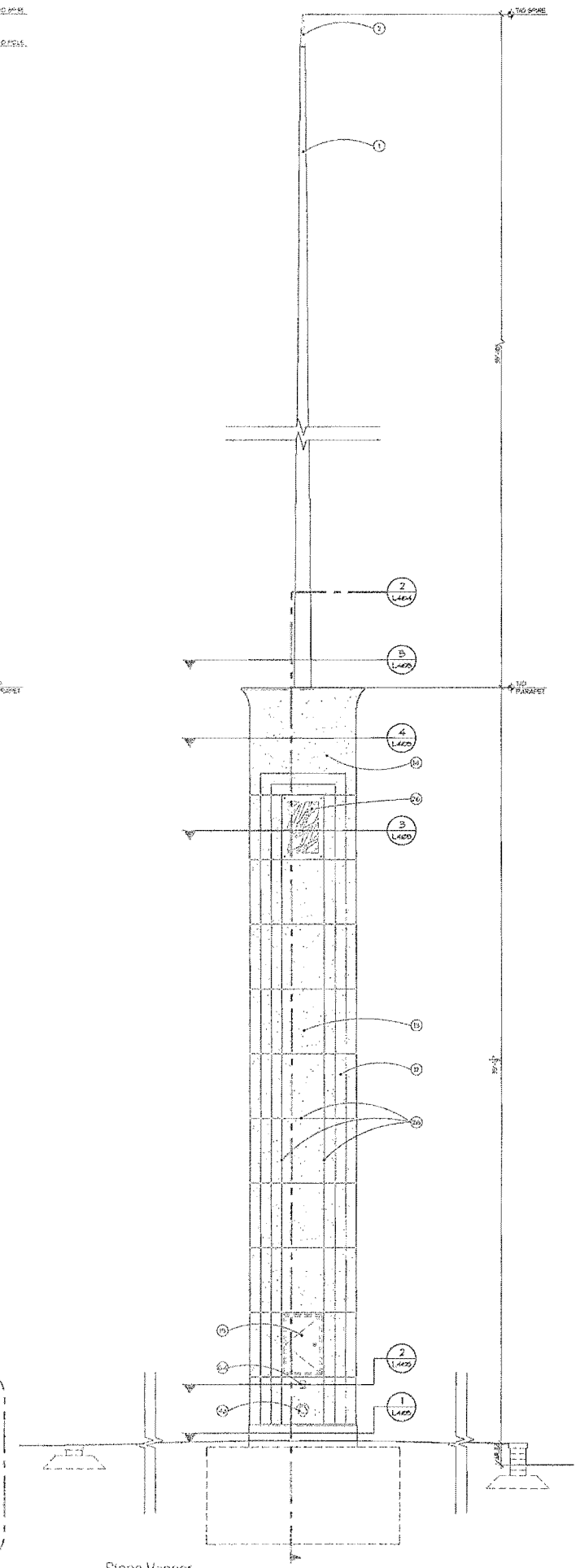


3 / L404 Freestanding Icon Detail Section
SCALE: 1" = 1'-0"

2A / L404 Spire Elevation
SCALE: 3/8" = 1'-0"



2 / L404 Stone Veneer Freestanding Icon Section
SCALE: 3/8" = 1'-0"



1 / L404 Stone Veneer Freestanding Icon Elevation
SCALE: 3/8" = 1'-0"

Note Key:

(FROM SHEETS L404 THRU L406)

1. TAPERED ALUM. SPIRE - PROVIDE COUNTER FLASHING BONNET REQUIRED TO TIE-IN BY CLAMPING RING & SEALANT. REFER TO SPECS
2. TAPERED CONE ATTACHED TO TOP OF ALUM. SPIRE
3. SPIRE SPOTLIGHTS, TYPE TD-07 EQUALLY SPACED @ 90° UNDERSIDE TO 3/8" COUPLING WELDED TO POLE BY POLE MFR.
4. ROOF DRAIN - ZURN Z-105-ANL - SUBMIT SHOP DWGS
5. NOT APPLIED RESERVED ON 3/16" EXT. GRADE SHEATHING ON 10 GA MTL. PL - PROVIDE FLASHING & BALLAST (SEE SPECS)
6. S.S. EXPANSION BOLT 5/8" DIA. S.S. IMPRINTED ROD EPOXY SET AND STONE (4 CORNERS)
7. MTL. & FLASHING (SEE SPECS) - FASTEN AT TERMINATION STRIP & INSTALL COPPER COVER FLASHING OF SEALANT AS NEEDED
8. SPIRE BASE: FOR 10" DIA. ALUM. SPIRE 12 3/4" ANCHOR BOLTS WELDED TO STEEL PLATE BELOW - REFER TO SPECS
9. HIGH IMPACT PLASTIC (HIPI) PLATE IN BETWEEN 10" WIDE PLATE & SPIRE BASE
10. 10" WIDE x 1 1/4" TH. GALV. PLATE
11. 12"x3"x 5/8" GALV. LINTEL
12. MANCATO STONE VENEER, STEPPED CORNER - 3'-0" TALL - STACKED W/ NYLON SHIMS
13. MANCATO STONE VENEER SLAB 2" TH. X 3'-0" TALL (SLOW) STACKED W/ NYLON SHIMS
14. MANCATO STONE VENEER PARAPET
15. 3/8" EXPANSION ROD + SEALANT (TRUSTED ASSEL) SEAL ALL EXP. JOINTS
16. S.S. SPLIT TAIL ANCHOR - PROVIDE HIGH IMPACT PLASTIC SHIMS AT ALL CONNECTIONS
17. 10" DIA. ANCHOR W/ HIGH IMPACT PLASTIC WASHER
18. STEEL FRAMING - GALVANIZED (G90 COATING, TYP.) - W/ PRE-DRILLED HOLES FOR STONE ANCHORS
19. ACCESS DOOR - CUSTOM SIZE - 14 GA. S.S. - W/ CYLINDER LOCK + KEY - PAINT TO MATCH MANCATO STONE - BY SPYCOMOCHI (810)293-8784 OR APPROVED EQUAL - REFER TO ICON KEY PLAN FOR LOCATION - SUBMIT MFR. CUT SHEETS & SHOP DWGS
20. REINF. CONC. FOUNDATION
21. INTERIOR FLOOD LIGHT, TYPE TD3-50
22. 1'x1'x 1/4" GALV. PLATE
23. 1 1/2" NON SHRINK GROUT
24. L4"x4"x 3/8" GALV. VERTICAL STRUCTURAL FRAMING
25. L3"x3"x 1/4" GALV. HORIZONTAL & CROSS BRACING STRUCTURAL FRAMING
26. 3/4" THICK DECORATIVE ALUM. GRILL W/ PATTERN CUT OUT (ALL 4 SIDES TYP.) - PROVIDE SHOP DWGS
27. L3"x3"x 1/4" GALV. FRAME AROUND GRILL OPENING
28. CIP + PERIMETER
29. 1/4" STIFFENER PLATE AT EACH CORNER
30. 1/2" D DIA. HEADED ANCHOR ROD W/ MIN. 7'-0" EMBED
31. MTL. & FLASH CONC. FOUNDATION BEHIND STONE - SUBMIT SHOP DWGS
32. 1" THICK GRANITE BASE (HONED FINISH)
33. 3" TH. GRANITE (SPONGED FINISH) ON 1" THICK LATICRETE MODIFIED MORTAR SETTING BED
34. PLANTING AREA - REFER TO LANDSCAPE PLAN
35. LAWN AREA - REFER TO LANDSCAPE PLAN
36. CONCRETE WALK - REFER TO LAYOUT PLAN
37. SEGMENTAL PRECAST CONCRETE PLANTER WALL
38. 21AA STONE (SAND COMPACTED TO 95% MOD. PROC.
39. 3/8" BEAD SEALANT JOINT - ALIGN W/ SMALL VERTICAL JOINTS OR AS SHOWN
40. 4" HDPE DRAIN TILE WRAPPED IN NON-WOVEN FILTER FABRIC
41. COMPACTED SUBGRADE TO 95% MOD PROCTOR BENEATH ICON FOUNDATION + PLANTER WALLS, 6IN. BENEATH LANDSCAPE
42. 4" DIA. PVC ROOF DRAIN PIPE
43. DOWNSPOUT (SUBJ TO NEC REQ'D) LARGE TONGUE, REFER TO ICON KEY PLAN FOR LOCATION
44. SEALANT (SILICONE) JOINT AROUND PIPE
45. STAINLESS STEEL SHARP ANCHORS CONTINUOUS
46. GALV. TOE ROD CONTINUOUS
47. 5/16" DIA. DRILL HOLE
48. 3 1/2" X 3 1/2" GALV. RELIEF ANGLE
49. (2) 1/4" THICK PANES OF LOW IRON ANNEALED GLASS W/ BURNED PVB (VANCEVA LAMINATED FILM) COLOR: OPACITY: BY: MONROE GLASS, MONTIAC MI (248) 332-2442
50. FLEXIBLE, EXT. GRADE CONDUIT + J.B. - MOUNT TO STONE WALL PER MFRS REC. + EPT. ALL PENETRATIONS
51. STAINLESS STEEL 'C' CHANNEL
52. RASTEN 'T' CHANNEL TO ALUM. DRILL 10/ 5/8" STAINLESS STEEL BOLTS
53. THIN 0.B. JAM NUT + CAP SCREW ANDERSON T
54. STAINLESS STEEL SPACER
55. 3/8" DIA. THREADED ROD + LOCK NUT ASSEMBLY
56. SILICONE SEAL
57. 10 GA. ALUM. L KNIT REFRACTOR PYRAMID (SLITTED TO UNDERSIDE OF CO CHANNEL (4 ARMS) - DRILL 1/2" A HOLE IN THE CENTER FOR DRAINAGE - PROVIDE CUT OUTS FOR DRAINAGE PIPE + ELECTRICAL CONDUIT
58. HIGH IMPACT PLASTIC SHIMS AT ALL STAINLESS STEEL CONNECTIONS
59. GROUND CONNECTION, TYP. IN (4) LOCATIONS - REFER TO ELEC. DWGS
60. EXTEND CONDUIT FROM J.B. THRU ROOF MEMBRANE TO POWER SOURCE - REFER TO ELEC. DWGS FOR SIZE + CIRCUITING
61. CONDUITS FROM UPLIGHT + GFI RECEPTACLE TO POWER SOURCE - REFER TO ELEC. DWGS
62. PVC WEEPS # 20MIB
63. APPLY COATING OF TAPES DARCL (PROP AC CONNECTIONS) BEGINNING TO BACK OF BOTTOM COURSE OF STONE, PER MFRS SPECS
64. EXT. GRADE GFI RECEPTACLE + CONDUIT - REFER TO ELEC. DWGS
65. UNIT PRECAST CONC. SEGMENTAL PLANTER WALL W/ CAP, SIZE SPECS FOR TYPE - RUNNING BOND PATTERN - INSTALL PER MANUF. REC. ADJUST TOGETHER W/ APPROVED CONSTRUCTION ADHESIVE - SUBMIT FOR (2) COURSE BELOW FINISH GRADE TOP OF WALL TO REFLECT LEVEL + ONE STEP IN 24" INCREMENTS PER GRADING PLAN
66. NON-WOVEN CLOTH FILTER FABRIC - LINE FABRIC ALONG INTERIOR OF PLANTER WALL - EXTEND 2" UNDER TOP WALL COPING UNIT, GLUE INTO PLACE PRIOR TO SETTING COPING UNIT
67. FLOOD LIGHT, TYPE TD3-50 ON CONCRETE FOOTING - MOUNTED PER MFRS RECOMMENDATION
68. 1" I.D. DIA. SAFETY TIE-OFF ANCHORS (SUBMIT SHOP DWGS)
69. APPLY COATING OF BIR SEALER (PER SPECS) TO EXPOSED TOP + INTERIOR WALLS OF PLANTER STONE FROM MFRS REC. (DO NOT APPLY TO OUTSIDE FACE OF STONE)

General Notes:

1. ALL S.S. COMPONENTS TO BE TYPE 304 OR 316 S.S. AS NOTED.
2. ALL GALVANIZED STEEL TO HAVE MIN G90 COATING
3. SUBMIT COMPLETE SHOP DRAWINGS + SAMPLES FOR ICON, INCLUDING UNIT NOT LISTED BELOW, SAIL, SIGNAGE, STONE CLADDING, GRILLS ETC. - REFER TO SPECS
4. REFER TO LIGHTING FIXTURE SCHEDULE FOR QUANTITIES + SPECIFICATIONS.

City of Troy

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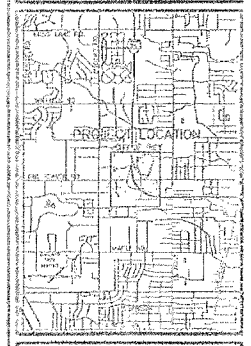
GRISSIM MATZ ANDRIESE
LANDSCAPE ARCHITECTS
Birmingham, Michigan
Bloomfield Hills
Ann Arbor
Grand Rapids
Saginaw
Traverse City
Toledo

DATE	ADDITIONS AND/OR REVISIONS
4-24-2009	ISSUED FOR FINAL BIDDING
4-24-2009	ISSUED FOR FINAL CITY REVIEW
4-24-2009	ISSUED FOR ICON REVIEW
2-20-2009	ISSUED FOR PRELIMINARY BIDDING REVIEW
2-20-2009	ISSUED FOR PRELIMINARY CITY REVIEW

DESIGNED	GAA-RDM
DRAWN	GAA-LP
CHECKED	GAA-RDI
APPROVED	GAA-RDM



CITY OF TROY

BIG BEAVER ROAD AND I-75 BRIDGE ENHANCEMENTS

OAKLAND COUNTY MICHIGAN

FREESTANDING ICON DETAILS

HRC JOB NO. 20010621	SCALE AS NOTED
DATE FEBRUARY 2009	SHEET NO. L404

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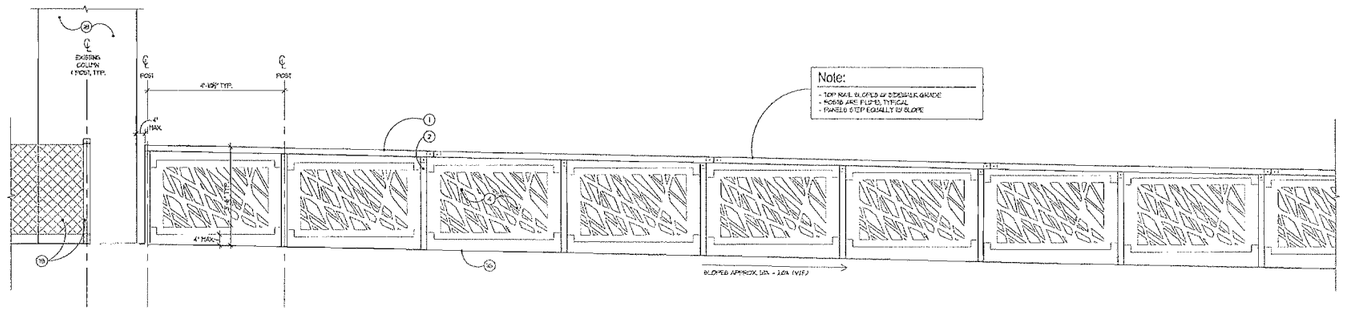
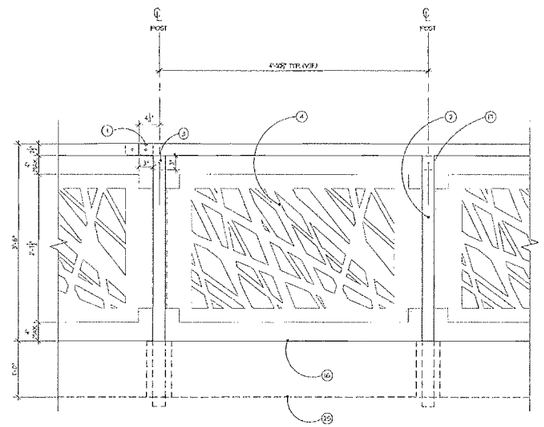
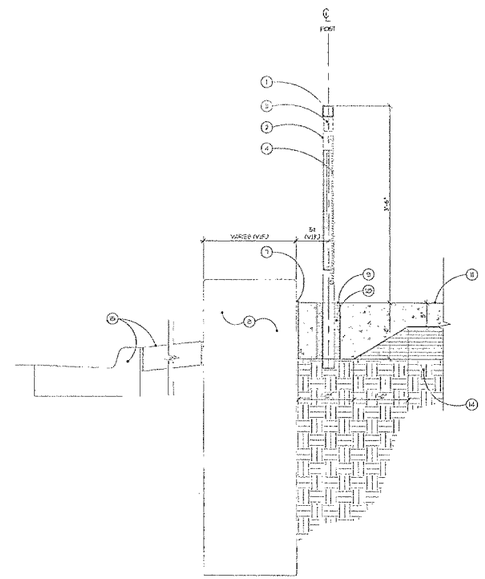


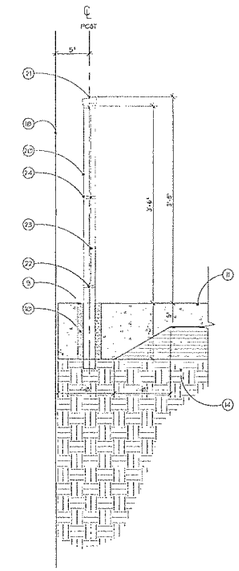
6 L205 Typical Guard Rail / Ornamental Fence Elevation @ Sloping Walks
SCALE: 1/2" = 1'-0"



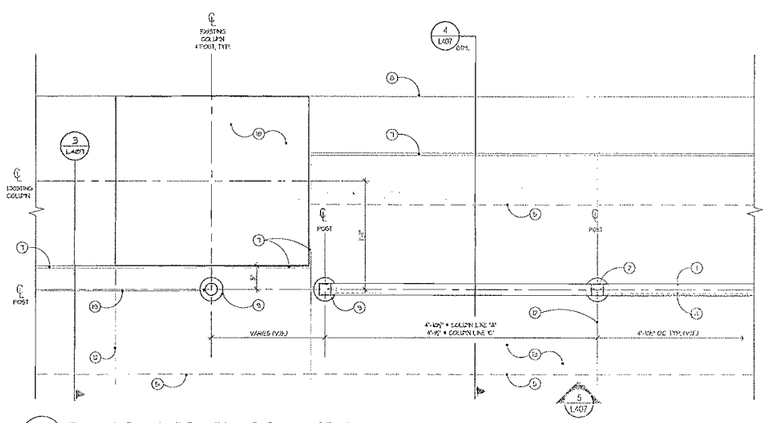
5 L407 Guard Rail / Ornamental Fence - Typical Elevation
SCALE: 1" = 1'-0"



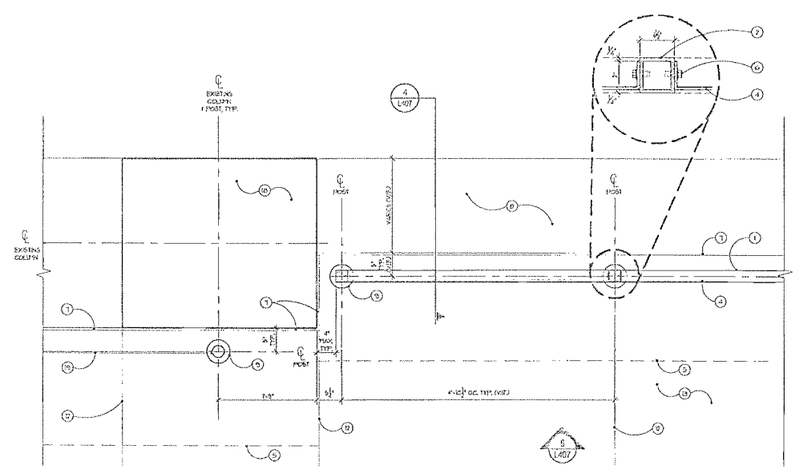
4 L407 Guardrail / Ornamental Fence Section Detail
SCALE: 1" = 1'-0"



3 L407 Vinyl Coated Chain Link Fence Section Detail
SCALE: 1" = 1'-0"



2 L205 Fence & Guardrail Condition @ Center of Bridge
SCALE: 1" = 1'-0"



1 L205 Fence & Guardrail Condition @ End of Bridge / Sloping Walks
SCALE: 1" = 1'-0"

Note Key:

1. 2½" SQ. SCH 40 G.I.V. TOP RAIL W/ 3" TEE EXTENSIONS & POST INSERTS - PAINTED FINISH
2. 2½" SQ. POST W/ PAINTED FINISH - EXTEND POST 3" PAST BOTTOM OF THICKENED CONCRETE
3. FASTEN TOP RAILS TOGETHER W/ INSERT SLEEVE & PLACED FINISHED SET SCREWS
4. 3/16" TH. G.I.V. PANEL W/ WATER JET CUT PATTERN & 3" BETWEEN EACH END - FASTEN TO POSTS W/ PAINTED FINISHED TAMPER PROOF SCREWS (PER SHOP DRAWINGS)
5. LINE OF THICKENED SLAB
6. TAMPER PROOF (PAINTED) SCREWS (PER SHOP DRAWINGS)
7. ½" EXPANSION JOINT W/ BACKER ROD & SEALANT
8. EXISTING CONCRETE RETAINING WALL
9. CORE DRILL 3" DIA. HOLE THROUGH THICKENED CONCRETE SIDEWALK SLAB
10. SIKAFLOXT GROUT / SIKA 15 IN PLACE W/ NON-SHRINK EPOXY GROUT
11. 5" CONCRETE SIDEWALK SLAB ON COMPACTED SAND BASE
12. CONTROL JOINT PER LAYOUT PLAN
13. NEW CONCRETE SIDEWALK
14. COMPACTED SUBGRADE TO 95% MOD PROCTOR
15. EXISTING CURB & GUTTER
16. LINE OF GRADE (VIF, SLOPE & WALK LOCATIONS)
17. INTERMEDIATE 3" SQUARE INSERT W/ RAIL - FASTEN TO POST W/ TAMPER PROOF PAINTED FINISHED SET SCREWS
18. EXISTING EXPOSE COLUMN
19. BLACK VINYL COATED FENCE - REFER TO DETAIL 1/L407
20. 2½" DIA. VINYL COATED FENCE POST
21. BLACK VINYL COATED POST CAP
22. 9 GA. W/ 6 GA. VINYL FINISH TENSION WIRE, TOP & BOTTOM OF FENCE
23. BLACK VINYL COATED WIRE MESH FABRIC
24. VINYL COATED HOG RINGS @ TENSION WIRES AS REQ'D

Note:

FENCE CONTRACTOR SHALL SUBMIT COMPLETE SHOP DRAWINGS & SAMPLES FOR REVIEW & APPROVAL. DRAWINGS SHALL INCLUDE BUT NOT BE LIMITED TO LAYOUT DIAGRAMS, SECTIONS, FASTENING DETAILS, MATERIAL SPECIFICATIONS, POWDER COAT PAINT SPECIFICATIONS & FITTINGS.

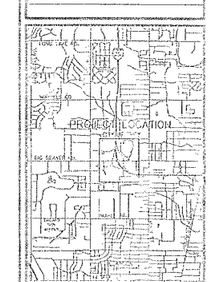
City of Troy

HRC
HUBBELL, ROTH & CLARK, INC
Consulting Engineers
555 HULET DRIVE, BLOOMFIELD HILLS, MICH. — P.O. BOX 824, 48303-0824
PHONE: (248) 454-6300
FAX (Tel. Exch): (248) 454-6312
FAX (Dir. Exch): (248) 338-2587
WEB SITE: http://www.hrc-eng.com

GRISSIM METZ ANDRIESE ASSOCIATES
Surveying Services
Civil Engineering
30 W. Gloria Street
Pontiac, MICHIGAN
N. ROBERT
M. ANDRIESE
Tel: 248-338-9411 Fax: 248-338-9412

DATE	ADDITIONS AND/OR REVISIONS
4-24-2009	ISSUED FOR FINAL MDOT REVIEW
4-24-2009	ISSUED FOR FINAL CITY REVIEW
4-24-2009	ISSUED FOR MDOT REVIEW

DESIGNED GAA-RGW
DRAWN GAA-MDF
CHECKED GAA-MSI
APPROVED GAA-RGW



CITY OF TROY
As Noted

BIG BEAVER ROAD AND I-75 BRIDGE ENHANCEMENTS

OAKLAND COUNTY MICHIGAN

SITE DETAILS

HRC JOB NO. 20010433 — SCALE AS NOTED
DATE FEBRUARY 2009 — SHEET NO. L407 OF

CITY COUNCIL ACTION REPORT

DATE: June 5, 2009

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, Acting City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Peggy E. Sears, Human Resources Director

SUBJECT: **AGENDA ITEM** – Ratification of Contract Extension– Troy Fire Staff Officers Association (TFSOA) 2009-2011

Background:

- The current collective bargaining agreement between the City of Troy and TFSOA expires June 30, 2009.
- Attached is a tentative agreement reached between the City of Troy and TFSOA that would extend the current collective bargaining agreement for two years with the following additional conditions:

  a) Step increases up to the maximum pay rate would continue pursuant to the provisions specified in the contract.
  b) Vacancies would continue to be filled during the first year of the contract (2009-2010).
  c) No layoffs would occur during the two-year extension.
  d) The $10/$20 prescription drug rider would be in place for employees hired on or after July 1, 2009.
  e) Wherever it appears in the collective bargaining agreement that a payment will be made by “check”, the City could choose to make the payment via direct deposit.

- The TFSOA union has expressed a desire to assist the City in addressing the current financial and budget situation, as evidenced by their offer to extend the contract without further negotiations.
- Administration is currently in negotiations with the Troy Police Officers Association (TPOA) for a contract that expired on June 30, 2008, and will soon commence negotiations with the Troy Communications Supervisors Association (TCSA), a new union representing the Civilian Communications Supervisors and Communications Manager.
- The City and TFSOA have successfully negotiated the last two contracts using the Interest-Based Bargaining approach.

Financial Considerations:

- The proposed agreement results in no general wage increase for fiscal year 2009 or fiscal years 2010, thus there is no financial impact on the 2009-2010 budget.
- Employees hired on or after 7/1/09 would be paying a higher deductible for prescription drugs; the premium cost for the higher deductible is $1260/year less per person for family coverage.
- The current collective bargaining agreement includes many of the cost saving measures that continue to be negotiated with other bargaining units, including a Retirement Health Savings (RHS) plan for new employees and a reduced employer contribution for new employees in the Defined Contribution Pension Plan.

Legal Considerations:

The TFSOA membership has ratified the tentative agreement and agreed to extend the contract without further negotiation proceedings.

Policy Considerations:

- Troy is rebuilding for a healthy economy in cooperating with employees and employee representatives on finding creative means to address financial issues. (Outcome III).

Options:

- City management supports and recommends approval of the tentative agreement for a two-year contract extension between the City of Troy and TFSOA for 2009-2011.

TENTATIVE AGREEMENT

2009 Contract Negotiations
City of Troy and TFSOA

The City of Troy and the Troy Fire Staff Officers Association (TFSOA), hereby agree that all terms and conditions of the 2008-2009 collective bargaining agreement shall be extended until June 30, 2011 but with the following conditions:

1. Step increases will continue pursuant to the contract provisions
2. Vacancies will continue to be filled during the first year of the contract
3. No layoffs will occur during the 2-year extension
4. Employees hired on or after July 1, 2009 will have the $10/$20 prescription drug rider
5. Wherever it appears in the contract that a payment will be made by "check", that shall be interpreted as meaning "by check or direct deposit" as determined by the employer

FOR THE UNION:	FOR THE CITY:
James Heffer (MAFF)	Jim A Nash
Rodney Bovensiep	Rodney E. Scarr
Daniel Robert	Jul Sgt
Date: 5/28/09	Date: 5/28/09

G: Negotiations\TFSOA\2009\TA – Contract Extension 2009-06-28

City of Troy

CITY COUNCIL ACTION REPORT

June 8, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer

SUBJECT: Agenda Item – Standard Purchasing Resolution #1: Award to Low Bidder Contract 09-4 – Park and Combermere Water Main Replacement

Recommendation:

- It is recommended that City Council award a contract for the Park and Combermere Water Main Replacement to DiPonio Contracting, Inc., 51173 Simone Industrial Dr., Shelby Twp., MI 48316 for their low total bid amount of $1,536,759.68. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

Background:

- Bids were received and publicly read on June 2, 2009. The low bid of $1,536,759.68, as submitted by DiPonio Contracting, Inc., can be seen in the attached tabulation of bids.
- The Engineer's estimate at the time of bidding was $2,002,333.00. The low bid is therefore $465,573.32 or 23% below the Engineer's estimate.
- Work will include replacing the existing water main with a 16" water main and mill and overlay of the pavement on Park and Combermere in Section 34. This work is scheduled to start in July of 2009 and be complete by November 2009.

Financial Considerations:

- Funds for work are included in the 2008/09 Water Fund, account numbers 591.537.555.7972.085025. The budgeted amount includes funds for construction, inspection and contingencies.

Legal Considerations:

- Work was competitively bid and publicly opened with ten (10) bidders responding.
- Award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

Policy Considerations:

- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Prepared by: G. Scott Finlay, PE
G:\Contracts\Contracts - 2009\09-4 - Park & Combermere WM Replacement\Correspondence\Bid Award.doc

Bid Tabulation Summary

1	DiPonio Contracting, Inc.	$1,536,759.68
2	Cadillac Asphalt LLC	$1,665,065.73
3	F.D.M. Contracting, Inc.	$1,845,018.70
4	V.I.L. Construction, Inc.	$1,861,468.16
5	Capital Contracting Co.	$1,870,693.26
6	Verdeterre Contracting, Inc.	$1,966,784.88
7	ADJ Excavating, Inc.	$1,976,532.30
8	Zito Construction Co.	$2,003,140.55
9	Troelsen Excavating Co.	$2,225,000.00
10	Adamo Group, Inc.	$2,261,983.95

CITY COUNCIL REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Update of Chapter 82 of the Troy City Code
Property Maintenance Code

Background:

- The current provisions of the Troy Property Maintenance Code adopts, by reference, the 1993 Edition of the BOCA Property Maintenance Code.
- This document is no longer in print and is not available to the public.
- In August of 2008 the 2006 editions of the Michigan Building Codes went into effect.
- We have prepared for adoption an updated Property Maintenance Code that is based upon the 2006 edition of the ICC Property Maintenance Code.
- We are also proposing changes to the base document to address and consolidate other provisions of the Troy Ordinances.
- Because the length of the document is not too large, we are proposing to include the entire text of the ordinance rather than adopting by reference and just printing the amendments to the base document. We believe that this will result in an Ordinance that is easier to read, more coordinated, and more user friendly.
- Some of the highlights of the proposed changes include:
  - Updating to the latest versions of the referenced code documents.
  - Better coordination with Troy Municipal Civil Infractions Ordinance.
  - Including Dangerous Building provisions allowing for the deletion of Chapter 82A.
  - Including Weed provisions allowing for the deletion of Chapter 89.
  - Requiring for weed maintenance for right of way adjacent to County and City right of way.
  - Including Litter provisions allowing for the deletion of portions of Chapter 48.
  - Include provisions for Junk Vehicles allowing deletion of portions of Chapter 88.
  - Including new language regarding providing containers for personal property for evictions (crafted after similar provisions of City of Detroit Ordinance Language).
  - Better language for requiring exterior painting and addressing graffiti.
- If this new code is adopted, then accompanying changes to other ordinances should be adopted at the same time.
- We have included a copy of the existing text of Chapter 82 showing the text that will be deleted.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to adopt a Property Maintenance Code under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- City Council can adopt the new Property Maintenance Code
- City Council can retain the existing Property Maintenance Code.
- City Council can revise the provisions and adopt those provisions as the new Property Maintenance Code.

Approved as to Form and Legality: _____
Lori Grigg Bluhm, City Attorney

mss/ Chapter 82 revision memo 6-15-09

Existing Text of Chapter 82 that is proposed to be deleted

~~1. Adoption of Code by Reference. Pursuant to the provisions of Section 3 (K) of Act 279 of 1909, State of Michigan as amended, the B.O.C.A. National Property Maintenance Code/1993 and published by the Building Officials and Code Administrators International, Inc., is hereby adopted by reference by the City of Troy as in this Chapter modified for the purpose of establishing minimum standards governing the condition and maintenance of all structures and dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of structures, and the condemnation of dwellings unfit for human habitation and the demolition of such dwellings and structures; and fixing penalties for violation.~~

~~(Rev. 01-29-96)~~

~~2. Code on File. Complete printed copies of the B.O.C.A. National Property Maintenance Code/1993, herein adopted, are available for public use and inspection at the office of the City Clerk.~~

~~(Rev. 1-29-96)~~

~~3. Change in Code. The following Sections and Subsections the B.O.C.A. National Property Maintenance Code/1993 are hereby amended or deleted and additional sections or subsections are added as indicated. Subsequent section numbers used in this Chapter shall refer to like numbered sections of the B.O.C.A. National Property Maintenance Code/1993.~~

~~(Rev. 01-29-96)~~

~~4. Penalties for Violations: Except as otherwise provided by other sections of this Chapter, a violation of any section of Chapter 82 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 82 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.~~

~~(03-01-06)~~

~~PM-100.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Troy hereinafter referred to as the Property Maintenance Code or "this code".~~

~~(Rev. 07-13-92)~~

~~PM-105.1 General: It shall be the duty and responsibility of the Building Department, through its Building Official, his authorized representative and employees, hereinafter referred to as the code official, to enforce the provisions of this code as herein provided.~~
~~(Rev. 01-29-96)~~

~~PM-105.7 Thru PM-105.10 - Sections deleted.~~

~~(01-29-96)~~

~~PM-106.2 Section deleted.~~

~~(Rev. 01-29-96)~~

~~PM-107.4 Section deleted.~~

~~(01-29-96)~~

~~PM-110.1.1 Emergency: The Fire Chief or Building Official shall have the power to abate any public nuisance from any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this section. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment hereof shall be enforced as a special assessment as provided in section PM-110.4.~~

~~(Rev. 7-13-92)~~

~~PM-110.2 Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any, and shall include notice of the rights and limitations as provided in Section PM-110.2.1. It shall be served on the owner of record or his agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three (3) successive weeks in a newspaper authorized to provide service by publication.~~

~~(Rev. 01-29-96)~~

~~PM-110.2.1 Right of Appeal: The owner of a building or structure may appeal any such order to the City Council. The appeal shall be filed within ten (10) days of the date the order is served and a hearing shall be scheduled within fifteen (15) days of the date the appeal is filed.~~

~~(Rev. 01-29-96)~~

~~PM-110.2.2 Restraining Actions: Anyone aggrieved by a decision of the City Council shall within twenty (20) days after notification of such decision apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the order of the code official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.~~

~~(Rev. 01-29-96)~~

~~PM-110.3 Failure to Comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed whether through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(Rev. 01-29-96)~~

~~PM-110.5 Unreasonable Repairs: Wherever the code official determines that the cost of such repairs would exceed one hundred (100) percent of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option~~

~~on the part of the owner to repair.~~

~~(Rev. 01-29-96)~~

~~PM-111 Section deleted.~~

~~(Rev. 07-13-92)~~

~~PM-202.0 Applied Meaning of Words and Terms: The following words and terms are amended to read:~~

~~(Dwellings)~~

~~Boarding House, Lodging House, Tourist Home: a building arranged or used for lodging with or without meals, for compensation, by more than two (2) and not more than twenty (20) individuals.~~

~~One Family Dwelling: a building designed exclusively for occupancy by one (1) family.~~

~~Two Family Dwelling: a building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.~~

~~Family: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.~~

~~Rooming House: any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than two (2) persons, who are not members of the family.~~

~~(Rev. 01-29-96)~~

~~PM-301.2 Maintenance Responsibility: Owners of structures and land that remain vacant for a period of more than 60 days shall register with the City of Troy, Building Department the name, address and telephone number of a responsible person. This person shall be responsible for the maintenance of the structure and land in compliance with the provisions of this code. Failure to comply with a request for repair or maintenance of structures and land within a prescribed time shall be cause for the Building Official to arrange for the repair and maintenance thereof through a public agency or private contract. The cost of such repair or maintenance shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(Rev. 01-29-96)~~

~~PM-306.3.1 Garbage Storage Facilities: Every dwelling unit shall be supplied with an approved garbage disposal facility, which shall be any adequate mechanical garbage disposal unit (mechanical in-sink grinder). In existing dwelling units, an approved outside garbage container or containers, as required in Section PM-306.3.2 shall be sufficient to meet the needs of the occupants.~~

~~(Rev. 01-29-96)~~

~~PM-306.3.2 Containers: The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide and at all times cause to be used, leakproof~~

~~approved containers, provided with close fitting covers for the storage of such materials until removed from the premises for disposal, or have garbage disposal unit, as required in Section PM-306.3.1.~~

~~(Rev. 01-29-96)~~

~~PM-602.2 Residential buildings: Every owner of any structure who rents, leases, or lets one or more dwelling units or guest rooms on terms, either express of implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period of September 1 to June 1 to maintain a room temperature of not less than 70 degrees F. (21 degrees C.), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 65 degrees F. (18 degrees C.) during other hours. The temperature shall be measured at a point 3 feet (914mm) above the floor and 3 feet (914mm) from exterior walls.~~

~~Exception: When the exterior temperature falls below 0 degrees F. (-18 degrees C.) and the heating system is operating at its full capacity, a minimum room temperature of 65 degrees F. (18 degrees C.) shall be maintained at all times.~~

~~(Rev. 01-29-96)~~

~~PM-603.2 Cooking and Heating Equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited in any area other than an area designated as a cooking room.~~

~~(Rev. 01-29-96)~~

~~PM-702.3 Number of exits: Every story used for human occupancy shall be provided not less than two independent exits. Every story used for human occupancy totally below grade greater than 2,000 square feet (186m²) shall be provided not less than two independent exits.~~

~~EXCEPTIONS: A single exit is acceptable when:~~

~~1. The Building is provided an automatic fire suppression system and an automatic fire alarm system with smoke detectors located in all corridors, lobbies and common area, or:~~

~~2. The building is provided an automatic fire alarm system and the exit is a smokeproof enclosure or pressurized stairway, or;~~

~~3. An existing fire escape or slidescape conforming to the building code is provided in addition to the single exit, or;~~

~~4. Buildings permitted to have one exit as described in the B.O.C.A. Building Code.~~

~~(Rev. 01-29-96)~~

~~PM-702.10 Information signs: A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings shall be marked with approved signs reading as follows: Use Stairways in Case of Fire - Do Not Use Elevators.~~

~~(Rev. 01-29-96)~~

~~PM-705.3 Fire standpipes: All buildings having floors used for human occupancy located more than 40 feet (12192mm) above the grade shall be provided with standpipes according to the building code, except that an automatic water supply, hose, and cabinets are not required. The standpipes shall have an approved fire department connection with hose connections at each floor level.~~

~~(Rev. 01-29-96)~~

~~PM-705.5.4 Smoke and heat detection: Each recirculating air or exhaust system which serves more than one floor in buildings which exceed 40 feet (12192mm) in height shall be equipped with approved smoke and heat detection devices in accordance with the mechanical code. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or control system.~~

~~(Rev. 07-13-92)~~

~~PM-705.8 Use Group R-1 Structures: All buildings of Use Group R-1 as defined by the B.O.C.A. National Building Code shall be equipped with an approved quick response automatic fire suppression system. This requirement applied to all Use Group R-1 buildings that received an occupancy certificate before July 1, 1987.~~

~~(Rev. 01-29-96)~~

~~PM-705.9 Alarm and Communications Systems: All buildings of Use Group R-1; as defined by the B.O.C.A. National Building Code which have floors for human occupancy located more than 40 feet above the lowest level of fire department access shall be equipped with an approved alarm and communications system consisting of a voice alarm system, a public address system, and a fire department communications system. This requirement applies to all Use Group R-1 buildings that received an occupancy certificate before July 1, 1987.~~

~~(Rev. 01-29-96)~~

~~PM-706.1 Required: All buildings having three or more separate floor levels served by elevators shall have at least one elevator equipped with emergency controls and all elevators shall be equipped with car recall activated by a smoke detector in each lobby in accordance with the building code.~~

~~(Rev. 07-13-92)~~

~~SECTION PM-708.1. COMPLIANCE DATE~~

~~PM-708.1 Effective Date: All structures described in Section PM-705.8 and PM-705.9 shall comply with their provisions by having the retrofitting under contract within one year and completed within two years of the date that this amendment takes effect.~~

~~(Rev. 01-29-96)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 82 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 82, Property Maintenance Code, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82, Property Maintenance Code, shall be amended to read as follows:

CHAPTER 1 ADMINISTRATION

101 GENERAL.

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Troy, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure and promote public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is held to be unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the *Michigan Building Code, International Fuel Gas Code, Michigan Mechanical Code, Michigan Plumbing Code,* and the *Michigan Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any zoning provisions of *Chapter 39, Zoning Ordinance, of the Troy Code of Ordinances*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and the perpetuation of such historical buildings is in the public interest.

102.7 Referenced codes, ordinances, and standards. The codes, ordinances, and standards referenced in this code shall be those that are listed in Chapter 8 of this Ordinance and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare shall be determined by the code official if not specifically covered by this code.

SECTION 103 BUILDING DEPARTMENT

103.1 General. The Building Department is hereby designated as the City of Troy enforcement division of this code and shall be known as the Department and the Director of Building and Zoning shall be known as the code official.

103.2 Deputies. In accordance with the prescribed procedures of the City of Troy, the City Manager shall have the authority to appoint or remove the code official, other related technical officers, inspectors and other employees.

103.4 Liability. The code official and fire official, while acting for the City of Troy, shall not thereby be rendered liable personally, and is relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any code official or fire official because of an act performed by that official in the lawful discharge of duties and under the provisions of this code shall be defended by the City Attorney or his/her designee until the final termination of the proceedings. The code official or fire official shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code. Any official of the department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties, excluding acts which constitute gross negligence and/or intentional acts on the part of individual.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set forth in *Chapter 60*, *Fees and Bonds Required, of the City of Troy Ordinances,* or by resolution of the Troy City Council.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary and in the interest of public health, safety and general welfare to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

104.3.1 Multiple Family Dwellings. Structures with three or more dwelling units are subject to periodic inspections to insure compliance with this code as set

forth in *Chapter 82A, Rental and Dwelling Inspections and Enforcement, of the City of Troy Code of Ordinances.*

104.4 Right of entry. The code official and his or her designated representatives are authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional and legal restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained for as long as the building or structure to which such records relate remains in existence, unless otherwise provided under law.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that unique circumstances makes the strict enforcement of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of any such modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, as long as any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or when necessary to substantiate requests for alternative materials or methods, the code official shall have the authority to require tests in order to verify compliance. Any such required test shall be paid for by the person charged with demonstrating compliance, and shall not be charged to the City of Troy.

105.3.1 Test methods. Test methods shall be as specified in this code or by

other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures which shall be performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. This section is not intended to limit the use of recycled materials.

SECTION 106 VIOLATIONS AND PENALTIES

106.1 Unlawful acts and prosecution of violations. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. A violation of this ordinance shall be prosecuted as a municipal civil infraction, pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

106.2 Separate offense and violation penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after a notice of violation has been issued can be deemed a separate offense. Penalties shall be assessed as provided in Chapter *100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

106.3 Abatement of violation The issuance of a Municipal Ordinance Violation Notice or a Municipal Ordinance citation or the imposition of penalties pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* shall not preclude the Troy City Attorney or his/her designee from instituting appropriate action to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or utilization of the building, structure or premises; or to take any other legal action or remedy as provided by law.

SECTION 107 NOTICES AND CITATIONS

107.1 Notice or Citation to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation may be given to the person responsible for the violation in the manner prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances.*

107.2 Form and Method of Service. A Municipal Civil Infraction Notice or Municipal Civil Infraction Citation shall be in a form as prescribed in *Chapter 100,*

Municipal Civil Infractions, of the City of Troy Code of Ordinances and shall be served in a method prescribed in Chapter 100.

107.3 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation or an order from the court requiring compliance, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person until the code violations have been corrected or there is compliance with an applicable court order. In the alternative, an owner can furnish the grantee, transferee, mortgagee or lessee with a true copy of any notice of violation issued by the code official or his/ her designee or a copy of any order of the court requiring compliance. The owner shall then furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation or order requiring compliance where such grantee, transferee, mortgagee or lessee fully accepts the responsibility, without condition, for making the corrections or repairs required by such notice of violation, or court order requiring compliance.

SECTION 108 DANGEROUS BUILDINGS, UNSAFE STRUCTURES, UNSAFE EQUIPMENT AND DEMOLITION

108.1 General. The procedures set forth in this Section are established to secure the health and safety of the occupants of dwellings and structures and the general public. The code official shall enforce the provisions of this Section, and shall have jurisdiction to establish the inspection and violation procedures to implement enforcement. This Section does not preclude enforcement by any other governmental agency with jurisdiction over dangerous buildings, unsafe structures or unsafe equipment. This Section may be enforced by joint agreement between the City of Troy and any other governmental agency, if practical.

108.1a Unlawful to maintain dangerous building, unsafe structure or unsafe equipment. It is unlawful for any owner to keep or maintain any building, structure or equipment or part thereof in a dangerous or unsafe manner, as set forth in Section 108.1.1 or 108.1.2.

108.1b Owners subject to ordinance. All owners shall be subject to the provisions of this ordinance and shall be parties to all proceedings, actions, or prosecutions for dangerous buildings, unsafe structures and/or unsafe equipment.

108.1.1 Dangerous or Unsafe Building or structure. A dangerous or unsafe building or structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure. It does not provide minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible. A dangerous building or unsafe structure is a building or structure which has one or more of the following

defects or satisfies one or more of the following conditions:

a. A door, aisle, passageway, stairway or other means of exit is not in compliance with the approved *Troy Fire Code*.

b. A portion of the building or structure is damaged by fire, wind, flood, or other cause in such a manner that the structural strength or stability of the building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the City of Troy Ordinances.

c. A portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required for new construction under the City of Troy Ordinances.

d. The building or structure or part of the building or structure is likely to partially or completely collapse, or become detached, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support or for other reason.

e. The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is intended to be used

f. The building or structure is vacant, dilapidated and open at any door or window-leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; or otherwise becomes an attractive nuisance to children who might play in the building or structure to their danger; or becomes a harbor for vagrants, criminals or immoral persons or enables persons to use the building or structure in the commission of a nuisance or an unlawful or immoral act.

g. A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise is in a condition that the code official determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in or near the residence.

h. An owner has been previously notified of existing code violation(s), according to the provisions of the Troy Code of Ordinances and after said notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days.

i. A building or structure is unfit for human occupancy such that the building or structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, it is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment

required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

j. A building or structure found in whole or in part to be occupied by more persons than permitted under this code, or a building or structure that was erected, altered or occupied contrary to law.

108.1.1.1 Notice of dangerous and unsafe building, structure or condition. When the whole or part of any building or structure is found to be a dangerous or unsafe building or structure, the code official shall issue a notice declaring that the building or structure is a dangerous or unsafe building or structure. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish of the building or structure.

108.1.1.2 Service of Notice. The notice shall be served on the owner of record or the registered agent in the following manner:

1. Delivered personally; and
2. Sent by certified or first-class mail addressed to the owner's or resident agent's last known address.

   If the owner cannot be found, the notice may alternatively be served by posting it prominently and securely on the property and publishing it once a week for three (3) consecutive weeks in a newspaper authorized to provide service by publication. Service of notice under this provision shall supersede *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

108.1.1.3 Contents of Notice. The notice shall state that the owner or his/her authorized representative has the right to appeal the determination of the code official that the building or structure is dangerous or unsafe to the Troy City Council. The notice shall further state that any appeal under this Section shall be filed in writing to the code official within ten (10) days of service of the notice.

108.1.1.4 Waiver of Hearing. If a written appeal of the dangerous or unsafe building or structure determination is not received by the code official within ten (10) days of the date of service of the notice, then a public hearing will not be necessary. The matter shall be referred to the City Council for resolution.

108.1.1.5 Public Hearing. If the code official receives a written appeal of the dangerous or unsafe building or structure determination within the allocated ten (10) day period, then a public hearing will be scheduled before the City Council as soon as administratively possible. At the public hearing, the City Council shall take the testimony from the code official and/or his/her authorized representatives and employees; testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous or unsafe building or structure, as defined by this

section.

108.1.1.6 City Council action. If the City Council determines that the building or structure is a dangerous or unsafe building or structure, and that the building or structure should be demolished or made habitable, Council shall order either demolition or require that all necessary repairs be completed by a specified time, which shall not exceed 21 days after the hearing and/or resolution, unless the City Council determines that the weather conditions justify a longer time period to complete the necessary repairs.

108.1.1.7 Failure to demolish or repair. If the ordered demolition or repairs are not completed within the allocated time period, as set forth in the resolution, City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the building or structure or any part of the building or 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 against the real property upon which the building or structure is located and shall be a lien upon such real property. Such lien shall be enforced against the real property as a special assessment.

108.1.1.8 Recovery of City's cost. The owner or party in interest according to the last local tax assessment records, shall be notified of the cost of the necessary repairs or demolition by first class mail at the address shown on the local tax assessment records. If the owner or party in interest fails to pay the same within thirty (30) days after mailing by the Assessor of the notice of the amount due, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner and in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary repairs or demolition. If the City receives a favorable judgment, then the City shall have all rights and remedies under law to collect the amount of the judgment from the property owner(s) and/or parties in interest.

108.1.8.2 Salvage materials. When any building or structure has been ordered demolished and removed, the City of Troy shall have the right, but not the obligation, to sell the salvage and valuable materials at the highest price obtainable either through the City or through a contractor hired by the City. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted to the property owner with a report of such sale or transaction, including the items of expense and the amounts deducted. If there is no surplus, the report shall so state.

108.1.1.10 Appeal to Circuit Court. An owner aggrieved by any dangerous building final decision or order of the City Council may appeal the decision or order to the Circuit Court within twenty (20) days from the date of the decision.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which

is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.2 Closing of vacant buildings and structures. If a building or structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real property upon which the structure is located and shall be a lien upon such real property and may be collected by any other legal resource.

108.3 Posting Notice. Whenever the code official has declared a building, structure or equipment dangerous or unsafe under the provisions of this section, notice shall be posted in a conspicuous place in or about the building or structure affected by such notice or placed on the unsafe equipment.

108.4 Placarding. The code official shall post on the premises or on defective equipment a placard bearing the words “Dangerous Building” or “Unsafe Building” or “Dangerous Structure” or “Unsafe Structure” or “Dangerous Equipment” or “Unsafe Equipment” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the placard whenever the defect or defects upon which the determination of dangerous or unsafe building, structure or equipment and placarding action were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied building or structure determined to be dangerous or unsafe and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official or fire official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any building or structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official or fire official or designee are hereby authorized and empowered to order and require the occupants to vacate the

premises immediately. At each entrance to such a building or structure, the code official or his/her designee shall post a notice declaring the building or structure unsafe and prohibiting occupancy. It shall be unlawful for any person to enter such building or structure except for the purpose of securing the building or structure, making the required repairs, removing the hazardous condition or of demolishing the building or structure.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever the code official determines that there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted. This necessary work could be to board up openings of the building or structure, or could be any other action that the code official deems necessary to address such emergency.

109.2a Abating a nuisance. The code official or fire official shall have the power to abate any public nuisance from any dangerous building or structure if immediate action is required to avoid a distinct hazard to life or property. Since this action is for public safety, the action can be taken without preliminary notice as is otherwise required in the City of Troy Code of Ordinances.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close buildings and structures. The code official can also close or order the closure of sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall initially be assumed by the City of Troy. The other costs of abating a public nuisance shall be charged against the owner(s) or occupant(s) of the premise. The owner(s) or occupant(s) shall be sent an invoice for the cost of abatement by the City of Troy Building Department. If payment is not made within thirty (30) days, the amount shall be collected in the same manner as set forth in Section 108.1.1.8.

109.6 Hearing. Owners or occupants must comply with orders for emergency measures. However, the owner or occupant can request relief from the order by filing a written petition with the Building Code Board of Appeals within twenty (20) days of the decision of the code official and in compliance with Section 111, as set forth below.

SECTION 110 Reserved

SECTION 111 APPEAL TO BUILDING CODE BOARD OF APPEALS

111.1 Application for appeal. Except for individuals filing an appeal under Section 108.1.1.5 – Public Hearing (Dangerous or Unsafe Buildings, Structures

or Conditions)**,** any person directly affected by a decision of the code official or a notice of violation issued under this code shall have the right to appeal to the Building Code Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision or notice of violation was served. An application for appeal shall be based on a claim that the true intent of this code been incorrectly interpreted; the provisions of this code do not fully apply; or the requirements of this code have been adequately satisfied.

111.2 Membership of Building Code Board of Appeals. The authority, membership, procedures, and compensation of the Building Code Board of Appeals is set out in Section 116 of *Chapter 79, General Building Regulations, of the City of Troy Code of Ordinances*.

111.3 Commission or Court Review. Any interested person, whether or not a previous party of an appeal under this section, shall have the right to appeal the decision of the Building Code Board of Appeals. Appeals can be filed with the Michigan Construction Code Commission pursuant to MCL 125.1516, or with an appropriate court. Appeals shall be filed in the manner and time required by law.

111.4 Stays of enforcement. For all but emergency cases, appeals of notices and orders of the code official shall stay the enforcement of the notice and order until the appeal is heard and a final decision rendered by the Building Code Board of Appeals, the Michigan Construction Code Commission or an appropriate court of law.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings as set forth in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural includes the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *Michigan Building Code, Troy Fire Code, Troy Zoning Ordinance, Michigan Plumbing Code, Michigan Mechanical Code* or the *Michigan Electrical Code*, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings taken in light of the context.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CITY COUNCIL. The Troy City Council.

CODE OFFICIAL. The code official charged with the administration and enforcement of this code is the City of Troy Director of Building and Zoning or his/her designee.

COMMON PROPERTY. Property commonly owned by a number of individuals in a condominium development (including site condominium), subdivision or other form of development with common areas, such as cul-de-sacs, traffic medians, boulevard, islands, parks, playgrounds, detention and retention areas, open space or other common areas.

DWELLING UNIT. A residential structure, or portion thereof, permanently sited on a continuous frost-free masonry foundation, containing all required plumbing, heating and electrical systems attached to the available public utilities, designed for the occupancy of one (1) family with cooking facilities.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water source; by poison, spraying, fumigating, trapping or by any other approved pest elimination methods.

FIRE OFFICIAL. The fire official charged with the administration and enforcement of this code is the City of Troy Fire Chief or his/her designee.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar

areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain a toilet, lavatory and bathtub or shower within such a unit.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets. Inoperable vehicles include, but are not limited to those that are unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any owner, occupant, tenant, lessee, landlord, agent or person who has charge, care, control or responsibility over a structure, premises or any private property which is let or offered for occupancy.

OWNER. Any person, partnership, association, agent, operator, firm or corporation and/or their legal successors and assigns having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control or responsibility over the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISE. A lot, plot or parcel of land, easement or public way, including any structures thereon, also including such portions of any street dedicated for public use that would be attached to the owner's property upon vacation of the public rights to the street that are not otherwise paved or improved. Premise includes easements or rights-of-way owned by the City or the Road Commission of Oakland County.

PRESERVATION OR RESTORATION AREA. All or a portion of a premise managed to preserve or restore native Michigan grasses, native trees, shrubs, wildflowers, and aquatic plants, including but not limited to: indian grass (Sorghastrum nutans), prairie cordgrass (Spartina pectinata), prairie dropseed (Sporobolus heterolepis), rice cut grass (Leersia oryzoides), panic grass (Panicum implicatum), switch grass (Panicum virgatum), riverbank wild-rye (Elymus riparius), purple love grass or tumble grass (Eragrostis spectabilis), fowl manna grass (Glyceria striata), bottlebrush grass (Hystrix patula), big bluestem (Andropogon gerardii), long-awned wood grass (Brachyelytrum erectum) and blue-joint grass (Calamagrostis canadensis); an oldfield succession of native and non-native plants; or a combination of these.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for residential lodging for compensation with or without meals and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage. The term includes burnt wood, burnt coal, burnt coke and other combustible materials;-paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, residue and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a dwelling unit are not sleeping units.

STORY. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height

level of the adjoining ground.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TURF GRASS. Grass commonly used in regularly-cut lawns or play areas, including but not limited to: bluegrass, fescue, and ryegrass blends.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WEEDS. Noxious weeds as defined under Michigan law (MCL 247.62) including, but not limited to:

> Canada thistle (Circium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard and Indian mustard, species of Brassica or Sinapis), wild carrots (Daucus carota), bindweed (Convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (ambrosia elatior 1.); and poison ivy (rhustoxicodendron), and poison sumac (toxicodondron vernix).
>
> Any other varieties, species or plant growth designated by the City as poisonous, injurious and/or regarded as a common nuisance in the opinion of the City of Troy Public Works Director or his/her designee.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of a premise shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided in this code. A person shall not occupy as owner-occupant or permit another person to occupy a premise that is not in a sanitary and safe condition

and which does not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premise which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that is occupied or controlled by that occupant in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, including but not limited to garden pools and swimming pools.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. The occupant or property owner is responsible to keep all sidewalks, walkways, stairs, driveways, parking spaces and similar areas in a proper state of repair, and maintained free from hazardous conditions.

302.4 Turf Grass, Weeds and Plant Growth.

302.4.1 Weeds and Grass. The presence of turf grass and/or weeds exceeding ten (10) inches in height on any premises in the City is hereby declared to be a nuisance. The owner, occupant or any person having control or management of any premises is required to cut turf grass and weeds on the premises to a height that is ten (10) inches or less.

Exceptions:

1) Preservation or Restoration Areas are allowed to exceed ten (10) inches in height if those areas do not contain any turf grass and/or weeds.

2) Areas declared to be wetland or preservation areas by the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality are allowed to exceed ten (10) inches in height.

3) Cultivated flowers and gardens or fields devoted to growing any small grain crop such as wheat, corn, oats, barley or rye.

302.4.2 Duty of Owner to abate. It shall be the duty of the owner, occupant or

any person having control or management of any premises within the City upon which weeds are found growing or standing, to cut and destroy or cause to be cut and destroyed all such weeds in such a manner as to prevent such weeds from perpetuating themselves or going to seed.

302.4.3 Failure to abate. Upon failure of the owner, occupant or any person having control or management of any premises to cut turf grass and/or weeds and to take action to prevent such weeds from perpetuating themselves; the owner, occupant or any person having control or management of the premises shall be subject to prosecution as set forth in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*. Additionally the City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds, treat weeds or otherwise abate the nuisance.

302.4.4 Published Notice. It shall be the duty of the Public Works Director or his/her designee to give general notice to every owner, occupant, or person having control or management of any premises of the cutting and weed prevention requirements of this section. Such duty shall be satisfied if publication is made of the cutting and weed prevention requirements in the newspaper of record in the City during the month of March notifying the owners, occupants or persons having control or management of any premises that failure to cut turf grass or weeds or failure to prevent the perpetuation of weeds as required under this section during the period of May 1 to November 1 of each year, may result in the issuance of a Municipal Civil Infraction Notice or Citation under *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and/or the entry on the premises by the City to cut said turf grass and/or weeds or to prevent the perpetuation of weeds. The general notice shall also inform owners, occupants and persons having control or management of any premises that if the City is required to enter onto the premises to cut turf grass and/or weeds or to take an action to prevent the perpetuation of weeds, the property owner designated on the City assessment or tax rolls shall be assessed the cost, payable to the City, for each required abatement. The City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds or treat weeds and charge the cost to the property owner for each such cutting or treatment. The City has the discretion to send via first class mail a ten (10) day notice to the last property owner of record and/or to attach a notice to the premises stating that the City intends to cut said turf grass and/or weeds or treat weeds, and if the turf grass and/or weeds are not cut or the weeds are not treated within ten (10) days from the date of the notice, the City may proceed to cut the turf grasses and/or weeds or treat the weeds. Failure to send such a warning notice does not in any way prevent the City from entering on the premises to cut turf grass and/or weeds or to treat weeds, as long as a general notice has been published, as set out herein.

302.4.5 Recovery of Cost by City. The Department of Public Works Director or his/her designee is hereby authorized and directed to keep accurate accounts of all reasonable expenses incurred by the City to abate a nuisance. The Public

Works Director and/or his designee, is hereby authorized to include in its cost of recovery the following: wages, overtime wages, fringe benefits, cost of equipment, supplies, materials, and a ten (10) percent administration charge to cover the expense of administering the abatement work that is performed. The Public Works Director or his/her designee shall prepare an invoice of total charges for each premise and forward those invoices to the City Treasurer. Within ten (10) days after receipt of an invoice, the City Treasurer shall forward to the owner on the last local assessment or tax roll an invoice of the total charges assessed against ~~on~~ each premises. Thirty (30) days from the date each statement was mailed, payment shall be made. If the invoice is not paid within thirty (30) days, the total amount charged shall become an assessment against the land and a lien against the property.

302.4.6 Common Property. If property is held as common property, such as, but not limited to: common areas of a condominium development (including a site condominium), subdivision, cul-de-sac, traffic medians, boulevards, islands, parks, playgrounds, detention and retention areas, open space or any other common area or other form of development for which the City is unable to determine the occupant or person having control or management over a common area with assessment or tax records, the City may enter onto the common property to abate any nuisance of a type set out in this Chapter. The costs incurred by the City for the nuisance abatement shall be pro-rated among each individual property owner in the condominium development, subdivision or other individual owner in a development with common property. The City Treasurer shall send a statement to each owner for their specific pro-rated portion. If the invoice is not timely paid, the total amount charged shall become an assessment against that particular property for that pro-rated share.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. No person shall permit the accumulation of one or more inoperable vehicles outside of a completely enclosed building for a period of more than fourteen (14) days. Inoperable vehicles are those that are not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being MCL 257.1 through 257.925. These minimum

conditions include, but are not limited to: an engine that runs, four wheels and four pneumatic tires capable of holding air, working battery, and current license plates. This prohibition applies to owners, tenants, managers of private property, last registered owners of motor vehicles or transferees on a bill of sale covering a vehicle.

> **Exception:** Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request and extension of the fourteen (14) day limitation above described by filing a timely request with Director of Building and Zoning. The Director of Building and Zoning may, after review of all of the circumstances, grant a reasonable extension of time for compliance.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. Owners of property bear the responsibility to remove or obliterate markings, carvings or graffiti from their property.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas~~,~~ capable of holding water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

> **Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by

painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premise identification. Buildings shall have approved address numbers as required by *Chapter 2 of the City of Troy Code of Ordinances*.

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and

similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

> **Exception:** Screens shall not be required where other approved means are employed, such as air curtains or insect repellent fans.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to

the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall

not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

> **Exception:** Guards shall not be required where exempted by the adopted building code.

SECTION 307 RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.3 Disposal of garbage. Every occupant of a building shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

307.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or an approved, leak-proof, covered, outside garbage container.

307.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers with close-fitting covers for the storage of garbage until it is removed from the premise for disposal.

307.4 Rubbish removal after eviction notice for landlord/tenant or foreclosure. If a tenant or occupant has personal property on the premises at the time of an eviction or involuntary removal the owner or operator shall place a large movable container or receptacle on the private property which holds at least 6 cubic yards and can be mechanically emptied for disposal purposes of the tenant or occupant's personal property, such as but not limited to: household furniture, appliances, clothing, rugs, window treatments, books and paper products and personal goods. At no time shall any part of the container be placed on any public area adjacent to the private property.

307.4.1 Type of container. Upon eviction or involuntary the tenant's or

occupant's personal property shall be placed and disposed of only in the large movable container as referenced above. The container shall be of the type which will allow access from its side as opposed to access solely through the top of the container.

307.4.2 Removal of container. The movable container and its contents shall be removed from the real property within forty-eight (48) hours of placement.

307.4.3 Blight violation. In the event that a moveable container is not used for disposal of the tenant's or occupant's personal property and that property is improperly placed elsewhere on the property, or the container is not properly removed, then the owner, operator or other person in violation of this Section is subject to immediate issuance of a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

307.4.4 Cost Recovery. In addition to any other penalties set out in the Troy Code of Ordinances, if the City of Troy incurs any costs to remove solid waste from property resulting from an eviction or foreclosure proceeding, the owner and the operator shall be billed by invoice sent by first class mail for the cost of the removal, including but not limited to: the cost of labor for removal of the solid waste and the cost of the use or rental of the container. If the owner or operator fails to pay the same within thirty (30) days after the invoice is mailed, the City shall add the amount to the next tax roll of the City of Troy, and it shall be collected in the same manner as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary expenses. If the City receives a favorable judgment, then the judgment may be assessed against all of the assets of the owner of the property, both real and personal, not just the real property where the removal of solid waste occurred.

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from rodent or pest infestation. All structures in which rodents or pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

308.2 Responsibility. The owner, occupant, or any person having control of any structure or premises shall be responsible for extermination.

> **Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *Michigan Building Code* shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

> **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

> **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.

2. Devices such as coffee pots, hot plates, toaster ovens and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

1. In one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.

2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not

less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than

30 inches in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for every four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or clean cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. In multiple dwellings, a door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks,

lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Michigan Plumbing Code*.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, sub soil collection systems, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Michigan Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to June 1 to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

> **Exception:**
>
> When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *Michigan Plumbing Code*.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to June 1 to maintain a temperature of not less than 65°F during the period the spaces are occupied.

> **Exceptions:**
>
> 1. Processing, storage and operation areas that require cooling or special temperature conditions.
>
> 2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and

appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

603.7 Portable cooking equipment Unless otherwise approved, portable cooking equipment shall not be used on the interior of a structure in any area other than an area designated as a cooking room.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Michigan Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

> **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Fire Prevention Code of the City of Troy, Chapter 93 of the Troy Code of Ordinances*, hereafter referred to as the *Troy Fire Code.*

702.2 Aisles. The required width of aisles in accordance with the *Troy Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from

the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Michigan Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *Troy Fire Code*.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *Troy Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

> **Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

> **Exceptions:**
>
> 1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
>
> 2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME — American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1—2000	Safety Code for Elevators and Escalators with A17.1a 2002 Addenda	606.1

ASTM — ASTM International, 100 Barr Harbor Drive West, Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

DELEG — Michigan Department of Energy Labor and Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, MI 48864

Standard reference number	Title	Referenced in code section number
MEC—06	Michigan Electrical Code	102.3, 201.3, 604.2
MBC—06	Michigan Building Code	102.3, 201.3, 401.3, 702.3
IMC—06	Michigan Mechanical Code	102.3, 201.3
IPC—06	Michigan Plumbing Code	102.3, 201.3, 505.1, 602.2, 602.3

City of Troy	City of Troy 500 W. Big Beaver Troy, MI 48084	
Standard reference number	Title	Referenced in code section number
Charter	Charter of the City of Troy	104.3
Chapter 2	Address Numbering and Street Naming	304.3
Chapter 39	Troy Zoning Ordinance	102.3, 201.3
Chapter 60	Fees and Bonds Required	103.5
Chapter 79	General Building Regulations	111.2
Chapter 82A	Rental and Dwelling Inspection and Enforcement	104.3.1
Chapter 88	Nuisances	302.8
Chapter 93	Troy Fire Prevention Code	108.1, 201.3, 702.1, 702.2, 704.1 704.2
Chapter 100	Municipal Civil Infractions	106.1, 106.2, 106.3, 107.1, 107.2, 108.1.1.2, 302.4.3, 302.4.4, 307.4.3

ICC	International Code Council 5203 Leesburg Pike, Suite 600 Falls Church, VA 22041	
Standard reference number	Title	Referenced in code section number
IFGC-06	International Fuel Gas Code	102.3

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, City Clerk

CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 48 of the Troy City Code
Litter Ordinance

Background:

- With the adoption of the new Property Maintenance Code certain provisions of the existing Litter Ordinance will no longer be necessary.
- Section 6.107 will be covered by Section 302.1 of the Property Maintenance Code.
- Other current text of the Litter Ordinance will still be necessary to address issues of litter placed upon public property or streets.
- We have attached the current text of the Litter Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Litter Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- Once the new Property Maintenance Code is adopted the existing text of portions of the Litter Ordinance can be deleted.
- Council can retain the existing text of the Litter Ordinance.

- Council can adopt revised text of the Litter Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 48 revision memo 6-15-09

The text of Chapter 48, Litter, Shall be amended as follows:

6.107 ~~Owner to Maintain Premises Free of Litter~~ Enforcement.
The Public Works Director is hereby charged with the enforcement of this Chapter. ~~The owner or person in control of any private premises shall at all times maintain the premises free of litter; Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.~~

~~6.108 Enforcement - Notice to Abate~~.

~~The City Superintendent of Public Works is hereby charged with the enforcement of this Chapter. No person being the owner or person in charge of or occupant of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by him in a manner prohibited by the provisions of this Chapter. When any litter shall be accumulated or permitted to accumulate on any private premises in a manner prohibited by this Chapter, the enforcing officer shall notify the owner, person in control or occupant of such private premises to remove the litter and clear said private premises within a time limited in the notice, such time not to be less than two (2) days nor more than ten (10) days from the time said notice is served. Such notice shall be served as provided in section 1.11 of this Code.~~

~~If the owner, person in charge or occupant of any premises notified to abate a nuisance consisting of the accumulation of litter on any private premises shall fail to abate the same within the time limited in said notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate said nuisance by removing said litter and clearing said private premises. The cost of abating such nuisance plus an additional fifteen (15%) percent for overhead and other expenses shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such charges is rendered, such charges may be collected as a single lot assessment against said premises in the manner provided by the City Charter or in any other manner authorized for the collection of debts owed the City.~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 48 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 48, Litter, of the Code of the City of Troy.

Section 2. Amendment

Chapter 48, Litter, shall be amended as follows:

Section 6.107 shall be amended to read as follows:

6.107 Enforcement

The Public Works Director is hereby charged with the enforcement of this Chapter.

Section 6.108 Enforcement – Notice to Abate, shall be deleted in its entirety.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

_____

Louise E. Schilling, Mayor

_____

Tonni L. Bartholomew, City Clerk

CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 82-B of the Troy City Code
Dangerous Buildings Ordinance

Background:

- With the adoption of the new Property Maintenance Code the current provisions of the Dangerous Buildings Ordinance will no longer be necessary.
- Dangerous Buildings will be covered by Section 108 of the Property Maintenance Code.
- We have attached the current text of the Dangerous Buildings Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to delete the Dangerous Buildings Ordinance under the Housing Laws of the State of Michigan, the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- Once the new Property Maintenance Code is adopted the existing text of the Dangerous Buildings Ordinance can be deleted.
- Council can retain the existing text of the Dangerous Buildings Ordinance.
- Council can adopt revised text of the Dangerous Buildings Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 82B revision memo 6-15-09

~~DANGEROUS BUILDINGS~~

~~1. Purpose and Reference to State Act~~

~~The procedures set forth in this Chapter are established in the public interest, to secure the health and safety of the occupants of dwellings, structures, and the general public.~~

~~This Chapter is enacted pursuant to the Housing Law of Michigan, found at Michigan Compiled Laws §125.401 et. seq., and is to be construed in conjunction therewith and interpreted to comply with the language of said law and any subsequent amendments.~~

~~2. Designation of Enforcement Body~~

~~The Director of Building and Zoning, his authorized representatives and employees, shall enforce the provisions of this Chapter, and shall have jurisdiction to establish the inspection and violation procedures to implement said enforcement.~~

~~3. Joint Implementation~~

~~This Chapter may be enforced by any other governmental agency by joint agreement where joint enforcement is practicable.~~

~~4. Dangerous Building, Prohibition.~~

~~It is unlawful for any owner or agent thereof to keep or maintain any structure or part thereof which is a dangerous building as defined in Section 5 (3).~~

~~5. Definitions.~~

~~(1) "City Council" shall mean the legislative body to hear appeals at the local level.~~

~~(2) "Owner" means any person, firm, partnership, association or corporation and/or their legal successors. All proceedings, actions, or prosecutions hereunder in which the owner of any building, structure, or part thereof, shall be subject to the provisions of this ordinance.~~

~~(3) "Dangerous Building" means a building or structure which has one or more of the following defects or is in one or more of the following conditions:~~

~~(a) A door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the City of Troy.~~

~~(b) A portion of the building is damaged by fire, wind, flood, or other cause in such a manner that the structural strength or stability of the building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the City of Troy ordinances.~~

~~(c) A portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required for new construction under the City of Troy ordinances.~~

~~(d) The building or structure or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support or for other reason, is likely to partially or completely collapse, or become detached, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.~~

~~(e) The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is intended to be used.~~

~~(f) The building or structure is vacant, dilapidated and open at any door or window leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or otherwise becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.~~

~~(g) A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise is in a condition that the Director of Building and Zoning or his authorized representatives or employees determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in the residence.~~

~~(h) An owner has been previously notified of existing code violation(s), according to the provisions of this Chapter and after said notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days, then the structure shall be declared a dangerous building.~~

~~3. Notice of Dangerous and Unsafe Condition, Issuance, Recipient, Contents, Filing, Form, Service; City Council~~

~~(1) When the whole or any part of any building or structure is found to be in a dangerous building the Director of Building and Zoning or his authorized representatives or employees shall issue a notice declaring that the building or structure is a dangerous building. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish the building or structure.~~

~~(2) The notice shall be served on the owner of record or the registered agent and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or holder of an encumbrance of record cannot be found, the notice may be served by posting it on the main entrance of the building and publishing it once a week for three (3) successive weeks in a newspaper authorized to provide service by publication.~~

~~(3) The notice shall specify the right of the owner to appeal to City Council the dangerous building determination of the Director of Building and Zoning or his authorized representatives or employees. The notice shall also set forth the administrative appeal procedure, including the requirement that any appeal under this section shall be filed in writing to the Director of Building and Zoning or his authorized representatives or employees within ten days of service of the notice.~~

~~4. Waiver of Hearing; Testimony; Determination to Close Proceedings or Order Building Demolished or Made Safe, Compliance, Hearing, Cost of Compliance As Lien Collection.~~

~~(1) If a written appeal of the dangerous building determination is not received within ten days of the date of service of the notice, as described in section 3, then a public hearing will not be necessary, and the matter shall be referred to the City Council for resolution.~~

~~(2) If a written appeal of the dangerous building determination is received within the allocated ten day period, then a public hearing will be scheduled before City Council as soon as administratively possible. At the public hearing, the City Council shall take the testimony from the Director of Building and Zoning and/or his authorized representatives and employees, testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous building pursuant to this Chapter.~~

~~(3) If it is determined by the City Council that the building or structure is a dangerous building and therefore should be demolished or made habitable, Council shall order the demolition or necessary repairs be completed. The repairs shall be ordered to be completed by a specified time, which shall not exceed 21 days after the hearing and/or the resolution.~~

~~(4) If the ordered demolition or repairs are not completed within the allocated time period, as set forth in section (3), City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the structure or any part of 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 against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(5) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the the cost of the necessiated repairs or demolition by first class mail at the address shown on the records. If the owner fails to pay the same within thirty (30) days after mailing by the Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessitated demolition and/or repair. If the City receives a favorable judgment, then said judgment may be assessed against all of the assets of the owner of the property, not just the real estate that is the subject of the dangerous building determination.~~

~~5. Appeal to Circuit Court.~~

~~An owner aggrieved by any final decision or order of the City Council, made pursuant to this Chapter, may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.~~

~~(4-17-00)~~

~~6. Emergency:~~

~~The Fire Chief or Director of Building and Zoning or his authorized representatives or employees shall have the power to abate any public nuisance from any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this section. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment hereof shall be enforced as a special assessment.~~

~~(4-17-00)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 82-B
OF THE CODE OF THE
CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 82-B, Dangerous Buildings, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82-B, Dangerous Buildings, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 88 of the Troy City Code
Nuisance Ordinance

Background:

- With the adoption of the new Property Maintenance Code certain provisions of the existing Nuisance Ordinance will no longer be necessary.
  - Section 9.2, and 9.3, of the Nuisance Ordinance on Dangerous Buildings will now be covered by Section 108 of the Property Maintenance Code.
  - Section 9.4, of the Nuisance Ordinance on Emergency Abatement will now be covered by Section 109 of the Property Maintenance Code.
  - Section 9.14 of the Nuisance Ordinance is already covered by the provisions of the Sign Ordinance.
  - Section 9.17 on Privies and Cesspools is already covered by Section 19.03 of the Sanitary Sewer Service Ordinance.
  - Section 9.18 on Drainage of Premises will be covered by Section 302.2 of the Property Maintenance Code.
  - Section 9.20 on Junk Cars will be covered by Section 302.8 of the Property Maintenance Code.
- We have attached the current text of the Nuisance Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Nuisance Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I)

Options:

- Once the new Property Maintenance Code is adopted the existing text of portions of the Nuisance Ordinance can be deleted.
- Council can retain the existing text of the Nuisance Ordinance.
- Council can adopt revised text of the Nuisance Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 88 revision memo 6-15-09

The following text is proposed to be deleted from Chapter 88 – Nuisances, of the Troy City Code.

~~9.2 Dangerous Structures. No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.~~

~~9.3 Disregarding Notice or Orders.~~

~~(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this Code to give such notice or order shall be guilty of a violation of this Code.~~

~~(b) The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice given, as provided for in this Code, shall be guilty of a violation of this Code.~~
~~(Rev. 03-26-79)~~

~~9.4. Dangerous Structures - Emergency Abatement. The Fire Chief or Building Official shall have the power to abate any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this Chapter. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment thereof shall be enforced through special assessment as provided in the Charter.~~
~~(Rev. 04-12-82)~~

~~9.14 Billposting. No person shall himself or by another post, attach, place, print, paint or stamp any placard, circular, show bill or advertisement of any description whatever, except such as what may be expressly authorized by law, on any street, or sidewalk, or upon any election booth or other public place or object, with the exception of legally permitted billboards, in the City, or upon any fence, building or property belonging to the City, or upon any telegraph pole, telephone pole, electric light pole, or tower, or bridge or curb stone in any public street or alley in the City; provided, however, that a service, religious or charitable organization may make application to the Board of Appeals for the erection of a sign upon City property, and the Board of Appeals may in their discretion grant such application and designate the size, type and place at which said sign is to be erected, and shall be removed upon written notice at the discretion of the City Council; provided further that the Engineering Department shall first make a recommendation on the location, type and size of signs.~~
~~(Rev. 03-26-79)~~

~~PRIVIES AND CESSPOOLS~~

~~9.17 Privies, Vaults, Regulations.~~

~~(1) No person shall construct or cause to be constructed a privy, outhouse, cesspool or privy vault within the City if there be a public sewer within one hundred and fifty feet of the property line. Nothing herein contained shall prevent the construction of privies on property with the nearest lot line more than one hundred and fifty (150) feet from a public sewer.~~

~~(2) Privies shall at all times be kept by the owner or occupant of the premises upon which it is located in a condition not offensive to the public or to any person.~~

~~(3) Any privy or cesspool that emits any foul or offensive odor is hereby declared a nuisance and the health officer and/or building inspector shall abate the same, and no owner or occupant of any premises shall permit any privy to become a nuisance, emitting any foul or offensive odor, or shall permit any open or exposed privy vault or cesspool to exist on any premises owned or occupied by him.~~

~~9.18. Drainage of Premises. If any lands, excavations, cellar, vault, sewer, drain, place or premises within the City shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the health officer and/or building inspector may require the same to be drained, filled, up, cleansed or purified by the owner or occupant, or person in charge of such lot, premises or place.~~

~~9.20. Junk Cars. Unless otherwise permitted, no person or corporation whether he be the owner, tenant or manager of private property, or whether he be the last registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the accumulation on private property of one or more vehicles which do not meet the following conditions:~~

~~(a) Any motor vehicle must be in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code being MCL 257.1 through 257.925; provided that any such vehicle will be permitted not to comply with these requirements for any period not to exceed fourteen (14) days.~~

~~(b) These minimum conditions, except for any fourteen (14) day period will include, but are not limited to, an engine that runs, four wheels and four pneumatic tires capable of holding air working battery., current license plates, and~~

~~c) Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request and extension of the fourteen (14) day limitation above described by filing a timely request with the Office of the Police Chief or Director of Building and Zoning who may, after review of all of the circumstances, grant a reasonable extension of time for compliance.~~
~~(Rev. 07-12-99)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 88 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 88, Nuisances, of the Code of the City of Troy.

Section 2. Amendment

Chapter 88, Nuisances, shall be amended by deleting the following sections in their entirety:

Section 9.2 Dangerous Structures

Section 9.3 Disregarding Notice or Orders (including subparagraphs a and b)

Section 9.4 Dangerous Structures – Emergency Abatement

Section 9.14 Billposting

Section 9.17 Privies, Vaults, Regulations (including subparagraphs 1, 2, and 3)

Section 9.18 Drainage of Premises

Section 9.20 Junk Cars (including subparagraph a, b, and c)

Section 3. Savings

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

Section 4. Severability Clause

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

full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, City Clerk

CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Deletion of Chapter 89 of the Troy City Code
Weed Control Ordinance

Background:

- With the adoption of the new Property Maintenance Code the existing provisions of the Weed Control Ordinance will no longer be necessary.
- Weed control will now be regulated by Section 302.4 of the Property Maintenance Code.
- We have attached the current text of the Weed Control Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Weed Control Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- Once the new Property Maintenance Code is adopted the existing text of the Weed Control Ordinance can be deleted.
- Council can retain the existing text of the Weed Control Ordinance.
- Council can adopt revised text of the Weed Control Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 89 revision memo 6-15-09

The text of Chapter 89, Weed Control, shall be amended by deleting the chapter in its entirety.

~~CHAPTER 89 WEED CONTROL~~

~~9.21 Commissioner of Noxious Weeds. Pursuant to the provisions of Act 359, Public Acts of 1941 (Michigan Compiled Laws of 1948, Sections 247.61 - 247.72), there is hereby created the office of "Commissioner of Noxious Weeds". Said Commissioner of Noxious Weeds shall be appointed by the City Manager in accordance with the provisions of the aforesaid Act 359 of the Public Acts of 1941, and shall possess all rights and be subject to all duties as prescribed in said Act.~~

~~9.22 Definition of Noxious Weeds. For the purpose of this Chapter, "Noxious Weeds" shall include~~
~~Canada thistle (circium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard and Indian mustard, species of Brassica or Sinapis), wild carrot (Daucus Carota), bindweed (convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (ambrosia elatior 1.) and poison ivy (rhus toxicondendron), poison sumac (toxicondendron vernix) or other plant which, in the opinion of the City Council, is regarded as a common nuisance.~~

~~9.23 Destruction of Noxious Weeds. It shall be the duty of all owners of land on which noxious weeds are found growing within one hundred (100) feet of any occupied building, or within 100 feet of a platted subdivision, or within the boundaries of any subdivision in which buildings have been erected on thirty percent (30%) of the lots included in that subdivision, or within 100 feet of any major road, to destroy the same before they reach a seed-bearing state and to prevent such weeds from perpetuating themselves or to prevent such weeds from becoming a detriment to the public health.~~

~~In case owner, agent or occupant fails or refuses to comply with the provisions of this Ordinance, the Commissioner of Noxious Weeds will enter upon the land and destroy the weeds as many times as necessary during the growing season, not to exceed four cuttings.~~
~~(Rev. 5-12-80)~~

~~9.24 Exemptions. Nothing herein shall apply to fields devoted to the growing of small grain crops such as corn, wheat, oats or rye.~~
~~(Rev. 4-21-69)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 89 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 89, Weed Control, of the Code of the City of Troy.

Section 2. Amendment

Chapter 89, Weed Control, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

A Regular Meeting of the Troy City Council was held Monday, June 1, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Joe Mastro of Kensington Community Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin

ABSENT:

Robin Beltramini - Absent from county

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Mayor Louise Schilling and Tim Burns, Oakland County Commissioner for District 19, presented proclamations to honor Melinda Weingart as the City of Troy's 2008 Police Officer of the Year.

b) Mayor Louise Schilling and Tim Burns, Oakland County Commissioner for District 19, presented proclamations to honor Jessica Morse as the City of Troy's 2008 Non-Sworn Police Employee of the Year.

c) Mayor Louise Schilling and Tim Burns, Oakland County Commissioner for District 19, presented proclamations to honor Tony Pabian as the City of Troy's 2009 Fire Fighter of the Year.

d) Fire Chief Bill Nelson provided an update on the Oakland Fire Mutual Aid Association.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Receive Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital - Troy

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2009-06-166
Moved by Eisenbacher
Seconded by Fleming

WHEREAS, The Royal Oak Hospital Finance Authority (the "Authority") proposes to lease certain equipment to William Beaumont Hospital (the "Hospital"), which equipment constitutes "hospital facilities" to be acquired and used by the Hospital at its existing hospital facilities located in the City of Troy, Michigan and the City of Royal Oak, Michigan;

WHEREAS, The Authority intends to enter into a Master Lease-Purchase Agreement, dated on or about June 1, 2009 (the "Master Lease") with the Hospital under which terms the equipment shall be leased by the Authority to the Hospital;

WHEREAS, In connection with the execution of the Master Lease, the Authority intends to issue hospital lease revenue bonds (the "Bonds") in the principal amount of not to exceed $20,000,000 to provide funds with which to lease the equipment to the Hospital;

WHEREAS, The Hospital shall make Rental Payments (as defined in the Master Lease) and certain other payments directly to the Authority to the credit of the Hospital under the Master Lease for the possession and use and the eventual ownership of the equipment;

WHEREAS, The Rental Payments made by Hospital to Authority under the Master Lease shall be assigned (pursuant to a Assignment Agreement) by the Authority to Fifth Third Bank, as bondholder of the Bond issued in connection therewith, and said Rental Payments shall be treated as a credit to the Authority under the Bonds, and together with any other credits pursuant to the terms of the Bond, shall be sufficient to satisfy any and all amounts due under the terms of the Bonds;

WHEREAS, The Bonds will be limited obligations of the Authority and will not be an obligation or debt of the City of Troy, the State of Michigan or any political subdivision thereof;

WHEREAS, On the date hereof, the City Council conducted a public hearing after notice was published as provided in, and in satisfaction of, the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, In order to facilitate the issuance of the Bonds, this City Council desires to authorize the Mayor, as the chief elected executive officer of the City of Troy, Michigan, to execute a certificate providing the requisite approval pursuant to Section 147(f) of the Code;

NOW, THEREFORE, THE CITY OF TROY RESOLVES:

1. That, after due authorization of the Bonds by the Authority, the Mayor of the City of Troy, Michigan, as the highest "applicable elected representative" of the City of Troy, Michigan, for purposes of Section 147(f) of the Code, is hereby **AUTHORIZED** to provide a "Certificate of Applicable Elected Representatives" in order to facilitate the issuance of the Bonds by the Authority. The proceeds of the Bonds shall not be obligations of the City of Troy, Michigan; and

2. That it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this City Council, and that all deliberations of this City Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance

with all legal requirements including all applicable open meeting laws, and the applicable rules of this City Council; and

3. This resolution shall take effect upon its adoption by this City Council and approval by the Mayor.

Yes: Schilling, Broomfield, Eisenbacher, Fleming, Howrylak, Kerwin
No: None
Absent: Beltramini

MOTION CARRIED

POSTPONED ITEMS:

D-1 Rezoning Application – Harlan Shopping Plaza, North Side of Wattles, West of John R, Section 14 – B-1 to B-3 (File Number Z-736)

Pending Resolution
Resolution
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, The City is in receipt of a rezoning request, from B-1 to B-2, File Number Z-736, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certificate of Survey;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-1 to B-2; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Vote on Resolution to Amend Pending Resolution D-1 *Rezoning Application – Harlan Shopping Plaza – File Number Z-736*

Resolution #2009-06-167
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the pending resolution for D-1 *Rezoning Application – Harland Shopping Center – File Number Z-736* by **STRIKING** all occurrences of B-2 and **INSERTING** B-3 at those two locations.

Yes: Broomfield, Eisenbacher, Fleming, Howrylak
No: Kerwin, Schilling
Absent: Beltramini

MOTION CARRIED

Vote on Resolution D-1 *Rezoning Application – Harlan Shopping Plaza – File Number Z-736* as Amended

Resolution #2009-06-168
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, The City is in receipt of a rezoning request, from B-1 to B-3, File Number Z-736, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certificate of Survey;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-1 to B-3; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes: Eisenbacher, Fleming, Howrylak, Broomfield
No: Kerwin, Schilling
Absent: Beltramini

MOTION CARRIED

PUBLIC COMMENT: Limited to Items Not on the Agenda

Tim Burns, Oakland County Commissioner for District 19
Marvin Reinhardt
Mary Ann Bernardi

The meeting **RECESSED** at 9:06 PM.

The meeting **RECONVENED** at 9:17 PM.

REGULAR BUSINESS:

E-6 Approval of the Troy Downtown Development Authority Proposed Fiscal Year 2009/10 Budget

Public Comment: James Savage

Resolution #2009-06-169
Moved by Kerwin
Seconded by Fleming

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its proposed fiscal year 2009/10 budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Downtown Development Authority annual budget for fiscal year July 1, 2009 through June 30, 2010.

Yes: Fleming, Kerwin, Schilling, Broomfield
No: Howrylak, Eisenbacher
Absent: Beltramini

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled, b) City Council Appointments: Historic District Commission

(a) Mayoral Appointments – None Scheduled

(b) City Council Appointments

Resolution #2009-06-170
Moved by Howrylak
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPOINTS** the following person to serve on the Boards and Committees as indicated:

Historic District Commission
Appointed by Council (7-Regular) - 3-Year Terms

Doris Schuchter **Historical Society Recommendation** Term Expires 05/15/2012

Yes: Howrylak, Kerwin, Schilling, Broomfield, Eisenbacher, Fleming
No: None
Absent: Beltramini

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: None Scheduled

E-3 Standard Purchasing Resolution #1 – Award to Low Bidder – Contract 09-8 – Fire Training Center Parking Lot Expansion

Resolution #2009-06-171
Moved by Eisenbacher
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-8, Fire Training Center Parking Lot Expansion to A.W. Excavating, Inc., P.O. Box 228, Hadley, MI 48440 at an estimated total cost of $28,680.00; and

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

requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost.

Yes: Kerwin, Schilling, Broomfield, Eisenbacher, Fleming, Howrylak
No: None
Absent: Beltramini

MOTION CARRIED

E-4 Consumers Energy Utility Relocation Costs – Rochester Road, Torpey to Barclay – Project No. 99.203.5

Resolution #2009-06-172
Moved by Fleming
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the relocation costs for Consumers Energy facilities, within private easements, required in connection with the reconstruction of Rochester Road, from Torpey to Barclay in the amount of $237,224.00 with the City's share estimated at $47,444.00.

Yes: Schilling, Broomfield, Eisenbacher, Fleming, Howrylak, Kerwin
No: None
Absent: Beltramini

MOTION CARRIED

E-5 Rescind Bid Award/Re-Award Contract – Rough Mow Various Municipal Sites

Resolution #2009-06-173
Moved by Eisenbacher
Seconded by Fleming

WHEREAS, On December 18, 2006, a contract to furnish three-year requirements for Rough Mowing of Various Municipal Sites and Abandoned Properties with an option to renew for two additional years was awarded to the low total bidder, Great Lakes Landscaping of Warren, MI (Resolution # 2006-12-379-E4a);

WHEREAS, On January 28, 2008, the contract with Great Lakes Landscaping was rescinded and re-awarded to Steele's Services of Auburn Hills, MI as Great Lakes Landscaping found it to be economically unfeasible to continue (Resolution # 2008-01-017-E-2); and

WHEREAS, Steele's Services has requested termination of the contract due to circumstances beyond their control;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to furnish all labor, tools, equipment and transportation for Rough Mowing of Various Municipal Sites and Abandoned Properties from Steele's Services, and hereby **RE-AWARDS** the contract to the next lowest acceptable bidder, B & B Landscaping, Inc. of Fenton, MI, at unit

prices contained in the bid tabulation opened November 21, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2009.

Yes: Broomfield, Eisenbacher, Fleming, Howrylak, Kerwin, Schilling
No: None
Absent: Beltramini

MOTION CARRIED

E-7 Emergency Purchase – Pointer Insecticide

Resolution #2009-06-174
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVED** the emergency purchase of additional insecticide to treat Troy street trees in the amount of $4,846.50 from Banner Sales and Consulting of Union Lake, Michigan.

Yes: Eisenbacher, Fleming, Howrylak, Kerwin, Schilling, Broomfield
No: None
Absent: Beltramini

MOTION CARRIED

E-8 Scheduling Special Meeting – CLOSED MEETING: Strategy for Negotiation of a Collective Bargaining Agreement with the Troy Police Officers Association (TPOA) – Action taken under L-1 Closed Session

CONSENT AGENDA:

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

Resolution #2009-06-175
Moved by Kerwin
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-2, F-4c and F-7b, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: Fleming, Howrylak, Kerwin, Schilling, Broomfield, Eisenbacher
No: None
Absent: Beltramini

MOTION CARRIED

F-3 City of Troy Proclamations:

Resolution #2009-06-175-F-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

a) Melinda Weingart – 2008 Police Officer of the Year
b) Jessica Morse – 2008 Non-Sworn Police Department Employee of the Year
c) Tony Pabian – 2009 Fire Fighter of the Year

F-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Fire Alarm Panel Replacement Troy Public Library

Resolution #2009-06-175-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide a new Fire Alarm Panel Replacement at the Troy Public Library to the lowest acceptable bidder, Summit Electric, Inc. of Troy, MI, for an estimated total cost of $33,500.00, as detailed in the bid tabulation opened May 7, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Pool Maintenance and Repair Services

Resolution #2009-06-175-F-4b

WHEREAS, On June 4, 2007, a two-year contract for pool maintenance and repairs on City pools (outdoor and indoor) with two (2) one-year options to renew was awarded to the low bidder, B&B Pools and Spas of Livonia, MI (Res #2007-06-172-E4a); and

WHEREAS, B&B Pools and Spas has agreed to exercise the first of two (2) one-year options to renew under the same prices, terms and conditions as the original contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year contract renewal option with B&B Pools and Spas of Livonia to provide pool maintenance and repair under the same prices, terms, and conditions as the original contract expiring June 30, 2010.

F-5 Medi-Go Service Agreement

Resolution #2009-06-175-F-5

RESOLVED, That Troy City Council hereby **APPROVES** the request for funding in the amount of $180,000.00 or entire municipal community credits transferred from SMART (whichever is more) for Troy Medi-Go Plus for fiscal year 2009/2010, and the funding agreement between the City of Troy and Troy Medi-Go Plus covering July 1, 2009 through June 30, 2010; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-6 Authorization to Abandon Part of an Original Sanitary Sewer Easement – Troy Commons, LLC, Sidwell #88-20-22-477-062

Resolution #2009-06-175-F-6

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to sign a Quit Claim Deed to Troy Commons, LLC, to complete the abandonment of part of the original sanitary sewer, as recorded in L6438 P8, of the Oakland County Register of Deeds; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Quit Claim Deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Authorization to Make Unconditioned Offer to Purchase Easement for Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5

Resolution #2009-06-175-F-7a

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from BG's, LLC, owner of property having Sidwell #88-20-22-277-027;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to acquire the parcel known as Sidwell #88-20-22-277-027 in the amount of $230,000.00 for real estate and an amount not to exceed $60,000.00 for fixtures.

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

F-2 Approval of City Council Minutes

Resolution #2009-06-176
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of May 18, 2009 as amended.

Yes: Howrylak, Kerwin, Schilling, Broomfield, Eisenbacher, Fleming
No: None
Absent: Beltramini

MOTION CARRIED

F-4 Standard Purchasing Resolutions

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Photographic Services

Resolution #2009-06-177
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to prepare bid documentation for a three-year photographic services at a reduced scope and to submit photographic services out for bid.

Yes: Schilling, Broomfield, Eisenbacher, Fleming, Howrylak
No: Kerwin
Absent: Beltramini

MOTION CARRIED

F-7 Authorization to Institute Court Action – BG's, LLC – Parcel 30 – Sidwell #88-20-22-277-027

Resolution #2009-06-178
Moved by Kerwin
Seconded by Broomfield

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from BG's, LLC, owner of property having Sidwell #88-20-22-277-027;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Schilling, Broomfield, Eisenbacher, Fleming, Kerwin
No: Howrylak
Absent: Beltramini

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Preliminary Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10 – June 15, 2009

b) Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1 – June 15, 2009

Noted and Filed

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

J-11 Communication from Director of Building and Zoning Mark Stimac Regarding Property Maintenance Issues Relating to Vacant Residential Properties

Public Comment: Mary Ann Bernardi

Noted and Filed

COUNCIL COMMENTS:

I-1 Council Comments Advanced:

Council Member Eisenbacher appreciated City Administration's quick response regarding his questions about when an electrical utility disconnects power to a house

Secondly, Council Member Eisenbacher also wanted to point out to the public that although city staff is good, they do not look at every house, every day in the city. He suggested that if a resident sees a house going bad, that they should contact the Building Department directly.

Council Member Eisenbacher stated that while Mrs. Bernardi was reading language from the City of Farmington's ordinance, he referenced Chapter 82B of Troy's Code of Ordinances, that much of Troy's language is the exact duplicate of Farmington's language.

REPORTS:

J-1 Minutes – Boards and Committees:

a) Downtown Development Authority/Final – March 18, 2009

b) Employees' Retirement System Board of Trustees/Final – April 8, 2009

c) Board of Zoning Appeals/Final – April 21, 2009

Noted and Filed

J-2 Department Reports:

a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – April 2009

Noted and Filed

J-3 Letters of Appreciation:

a) Letter of Thanks to Chief Mayer from Gregory Booton Regarding the Commitment and Enthusiasm of Officer Craig Fitzpatrick during Police Mountain Bike Training

b) Letter of Thanks to Chief Mayer from West Bloomfield Assistant Fire Chief Jay Wiseman Regarding the Assistance from Detective Mork in Forensic Hard Drive Recovery

c) Email to Chief Mayer from Alan Thompson Regarding Assistance Received from Officer Mark Cole

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Oakland County Board of Commissioners Resolution #09075 – Supports Educating Mobile Telephone Users to Store "In Case of Emergency" (ICE) Listing on their Devices

Noted and Filed

J-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-14838-R

Noted and Filed

J-6 Communication from City Attorney Lori Grigg Bluhm Regarding Kendricks Lawsuit

Noted and Filed

J-7 Communication from Police Department Regarding Proof of TIPS/TAMS Server Training

Noted and Filed

J-8 Communication from Clark Hill Team Regarding Transit Center Update

Noted and Filed

J-9 Communication from Assistant City Manager/Economic Development Services Regarding Automation Alley Annual Audit

Noted and Filed

J-10 Communication from Engineering Department Regarding Status of Water Quality Sampling of Outfalls to Sandshores Lake and Proposed Ferry Drain Project with US Army Corps of Engineers

Noted and Filed

J-12 Communication from Library Director Cathleen Russ Announcing the Grand Opening of Library Café, *Cup & Chaucer*

Noted and Filed

STUDY ITEMS:

K-1 Charter Revision Referrals – Item to be rescheduled for the Regular City Council Meeting on Monday, June 15, 2009

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2009-06-179
Moved by Kerwin
Seconded by Broomfield

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) – *Rome Love v. City of Troy*; and *City of Troy v. JMT Properties, LLC* and to discuss negations of a collective bargaining agreement with the Troy Police Officers Association (TPOA), as requested by City Administration and allowed by MCL 15.268 (c).

Yes: Broomfield, Eisenbacher, Fleming, Howrylak, Kerwin, Schilling
No: None
Absent: Beltramini

MOTION CARRIED

RECESSED

The meeting **RECESSED** at 10:18 PM.

RECONVENED

The meeting **RECONVENED** at 10:30 PM.

ADJOURNMENT

The meeting **ADJOURNED** at 11:20 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

PROCLAMATION
IN RECOGNITION OF FRED AND MURIEL ROUNDS
ON THE OCCASION OF THEIR 50TH ANNIVERSARY

WHEREAS, **Fred and Muriel (Waltz) Rounds** were united in marriage on **June 6, 1959** in Detroit after meeting at the "Young 20s Group" at Bushnell Congregational Church and are now celebrating their **50th Wedding Anniversary** surrounded by family and friends; and

WHEREAS, This marriage has been blessed with two sons: Richard Grafton and David Ernest who received from their parents the kind of loving and happy life that develops good citizens and worthy adults; and

WHEREAS, Son Richard and daughter-in-law Daunn reside in Chicago, Illinois with their daughter Catelyn; son David and daughter-in-law Jenny reside in Portland, Oregon; and

WHEREAS, **Fred** worked as a chemical engineer at GM and **Muriel** served as the Executive Director of the Oakland Branch of the YWCA from 1952-1959; and

WHEREAS, In 1960, **Fred** and **Muriel** moved to Troy and purchased the third house constructed in Glenmoor Estates; and

WHEREAS, In addition to providing for their family a legacy of wit, wisdom, and love throughout the years, **Fred and Muriel** devoted quality time and energy to the Troy Historical Society for 30 years including volunteering as instructors for the education programs at the Troy Historical Museum. **Fred** has also served as Treasurer of the Troy Historical Society and a member of the Troy Heritage Campaign Committee and **Muriel** has served as a member of the Historical Commission and Historical District Commission; and

WHEREAS, **Fred and Muriel** are outstanding examples of incredible volunteers providing consistent generous support, creative ideas, dedication and hard work to the Troy Community;

NOW, THEREFORE BE IT RESOLVED, That **Fred and Muriel Rounds** are worthy of this expression of our sincere congratulations on this happy occasion of their **50th wedding anniversary**; and

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy's residents extend best wishes to **Fred and Muriel** for many more years of good health and happiness together.

Presented this 15th day of June 2009

CITY COUNCIL ACTION REPORT

June 1, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Second Year Renewal Option – Sidewalk Replacement and Installation Program

Background

- On August 20, 2007, Troy City Council approved a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods to the low total bidder, Viking Construction, Inc of Warren, MI (Resolution #2007-08-250-E4e).
- The first one-year option to renew was exercised and approved by Troy City Council on August 11, 2008, under the same prices, terms, and conditions as the original contract (Resolution #2008-08-254-F4c).
- Viking Construction has been producing a quality product for the City and has offered to renew their contract for the 2009/10 construction season under the same prices, terms, and conditions as those originally bid in July 2007.
- A favorable market survey was conducted by the Purchasing department in 2008. A review of the Producer Price Index (PPI) shows a drop in commodities and industry data for 2009, but still significantly higher than prices originally bid in 2007. At this time, no benefit would be derived from soliciting additional sealed bids.

Financial Considerations

- Funds for this project are available in the 2009/10 Capital Accounts for Public Works Construction.
- Acc.# 401.447.513.7989.700 Sidewalk Replacement, $400,000.00
- Acc.# 401.447.513.7989.650 Sidewalk Installation, $100,000.00

Legal Considerations

- ITB-COT 07-26, for the Sidewalk Replacement and Installation Program was competitively bid and opened with five bidders responding, in accordance with City Charter and Code.

Policy Considerations

- Moving this work forward would improve public safety and also reduce the liability for the City. (Outcome Statement I)

June 1, 2009

To: John Szerlag, Acting City Manager
Re: Exercise Renewal Option – Sidewalk Program

Options

City management and the Public Works department recommend exercising the second year option to renew for one additional year to low total bidder, Viking Construction, Inc of Warren to complete the sidewalk replacement and installation program for 2009/10 at the same unit prices contained in the bid tabulation opened July 19, 2007, not to exceed budgetary limitations expiring June 30, 2010.

Prepared by: Marina Basta-Farouk, Project Construction Manager

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Data extracted on: June 1, 2009 (11:39:08 AM)

Producer Price Index-Commodities

Series Id: WPU133
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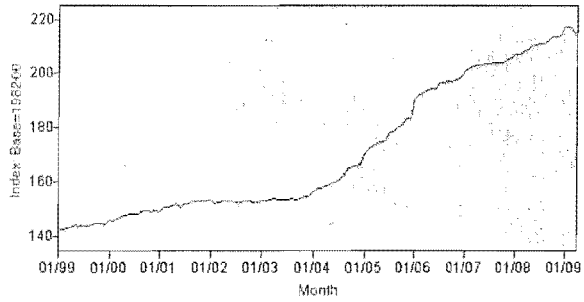
Item: Concrete products
Base Date: 198200



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2000	145.8	145.7	146.3	147.2	147.6	148.1	148.0	148.1	149.4	149.4	149.1	149.3	147.8
2001	149.2	150.7	150.7	151.3	152.1	150.7	152.0	152.2	152.8	152.8	152.9	153.0	151.7
2002	153.5	152.1	152.3	153.0	152.7	152.8	152.6	152.5	152.9	152.7	152.4	152.5	152.7
2003	152.9	153.0	153.2	153.6	153.5	153.2	153.2	153.6	153.5	153.7	154.7	154.8	153.6
2004	156.5	157.9	157.6	158.4	159.0	159.9	160.2	162.1	164.3	165.4	166.2	166.6	161.2
2005	171.0	172.3	173.4	174.4	174.8	175.1	178.1	178.8	180.4	180.9	183.5	183.4	177.2
2006	190.4	192.1	192.6	193.9	194.3	194.6	196.6	196.7	197.0	197.1	198.0	198.2	195.1
2007	201.2	201.7	202.7	203.0	203.3	203.5	203.8	204.0	204.2	204.1	205.0	205.8	203.5
2008	207.0	207.3	207.9	208.7	210.0	210.7	211.0	211.1	212.3	213.5	213.7	214.3	210.6
2009	217.4(p)	217.2(p)	215.3(p)	214.6(p)									

p : Preliminary. All indexes are subject to revision four months after original publication.

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Data extracted on: June 1, 2009 (11:30:23 AM)

Producer Price Index Industry Data

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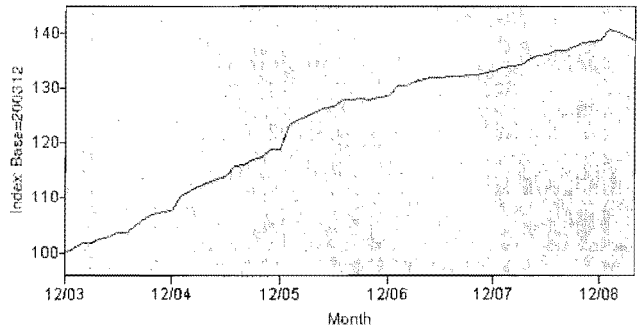
Product: Cement and concrete product manufacturing
Base Date: 200312



Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
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2005	110.3	111.2	112.0	112.8	113.4	113.8	115.8	116.1	117.0	117.4	118.9	118.9	114.8
2006	123.3	124.3	124.8	125.7	126.4	126.6	127.8	127.9	128.1	127.9	128.4	128.6	126.6
2007	130.4	130.6	131.2	131.7	131.8	131.8	132.1	132.1	132.3	132.4	132.8	133.2	131.9
2008	133.9	134.0	134.3	135.4	136.0	136.2	136.9	136.9	137.6	138.3	138.6	138.8	136.4
2009	140.8(p)	140.3(p)	139.4(p)	138.8(p)									

p : Preliminary. All indexes are subject to revision four months after original publication.

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ATTN: Joe Vitale
Viking Construction Inc
277222 Gloede Dr
Warren, MI 48093

Dear Mr.Vitale:

On July 19, 2007, the City of Troy entered into contract 20700218 -OB with Viking Construction Inc to provide one (1) year requirements of the sidewalk replacement and installation program. This contract contained an option to renew for two (2) additional one- year periods through mutual consent of both parties, within 30 days of contract termination.

Please fax this letter back to Marina Basta Farouk at Public Works Department indicating if Viking Construction Inc. wishes to renew this contract until June 30, 2010. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

Viking Construction Inc. is interested in renewing the contract under the same prices, terms, and conditions: (X)

Viking Construction Inc. is not interested in renewing the contract: ( )

X Joe Vitale
Signed: Authorized Company Representative

Date: 5/22/09

Thank you,
Marina Basta Farouk
Project Construction Manager

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program

Resolution #2008-08-254-F-4c

WHEREAS, On August 20, 2007, a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods was awarded to the low total bidder, Viking Construction, Inc. of Warren, Michigan (Resolution #2007-08-250-E-4e); and

WHEREAS, Viking Construction has agreed to exercise first of two one-year options to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year option to renew the contract with Viking Construction to provide sidewalk replacement and installation for the 2008/09 construction season under the same prices, terms, and conditions as contained in the bid tabulation opened July 19, 2007, to expire June 30, 2009.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Major Street Pavement Marking Program

Resolution #2008-08-254-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract to furnish major street pavement markings with an option to renew for one (1) additional year to the low total bidder, RS Contracting, Inc. of Casco Twp, MI, at unit prices contained in the bid tabulation opened July 11, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire June 30, 2010; and

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

e) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Initial Issue Police Uniforms and Equipment

Resolution #2008-08-254-F-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to supply two-year requirements of initial issue police uniforms and equipment for newly hired Police Department employees, with an option to renew for two one-year periods, to the lowest bidder meeting specifications, Metropolitan Uniform Company, 3065 Orchard Lake Road, Keego Harbor, MI 48320, at an estimated cost of $1,638.98 per employee, plus tailoring charges of $8.00 per flashlight pocket, shirt or pants, at unit prices contained in the bid tabulation opened on July 16, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire August 11, 2010.

CITY COUNCIL ACTION REPORT

August 4, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program

Background

- On August 20, 2007, Troy City Council approved a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods to the low total bidder, Viking Construction, Inc of Warren, MI (Resolution #2007-08-250-E4e).
- Viking Construction has been producing a quality product for the City and has offered to renew their contract for the 2008/09 construction season under the same prices, terms, and conditions.
- A favorable market survey was conducted by the Purchasing department. Economic conditions indicate prices have risen and will continue to rise on concrete, fuel and wages.

Financial Considerations

- Funds for this project are available in the 2008/09 Capital Accounts for Public Works Construction.
- Acc.# 401.447.513.7989.700 Sidewalk Replacement, $400,000.00
- Acc.# 401.447.513.7989.650 Sidewalk Installation, $100,000.00

Legal Considerations

- ITB-COT 07-26, Sidewalk Replacement and Installation Program was competitively bid and opened with five bidders responding, in accordance with City Charter and Code.
- Viking Construction Inc. has agreed to renew the contract under the same prices, terms, and conditions

Policy Considerations

- Moving this work forward would improve public safety and also reduce the liability for the City. (Goal I)

August 4, 2008

To: Phillip L. Nelson, City Manager
Re: Exercise Renewal Option – Sidewalk Program

Options

- City management and the Public Works department recommend exercising the option to renew for one-year to low total bidder, Viking Construction, Inc of Warren to complete the sidewalk replacement and installation program for 2008/09 at the same unit prices contained in the bid tabulation opened July 19, 2007, not to exceed budgetary limitations expiring June 30, 2009.

Prepared by: Marina Basta-Farouk, Project Construction Manager

S:/Murphy's Review/Agenda 08.11.08 – SR3 – Sidewalk Program

July 23, 2008

TO: Susan Leirstein CPPB
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – Sidewalk Replacement and Installation Program

KOALA-T - Dean (248) 322-2751
Per Dean, Concrete has increased 14½% from last year because of fuel costs. Materials are being delivered to make the concrete and the suppliers are adding a fuel surcharge of about $25.00 per load, along with the cost of the trucks needing fuel to deliver.

MAJOR CEMENT COMPANY– Frank Jacoboni (313) 215-0972
Frank has indicated that with Union wages going up about $1.50 to $1.75 per year (In June) and concrete materials going up $2.00 per yard, along with fuel surcharges of about $12.00 per load per truck for the fuel costs; it looks like about a 1% to 5% increase overall for concrete.

LACARIA CONCRETE – CONSTRUCTION – Salvatorie Lacaria (313) 843-3865
According to Sam – their cost would increase because of the following items: 1.) Delivery of materials now have a fuel surcharge per load per truck, 2.) Fuel keeps increasing at the pumps, and 3.) Materials to make the cement or concrete have increased about 10%.

AUDIA CONCRETE CONSTRUCTION – Ronetta Audia (248)-676-9570
Ronetta has indicated that their prices will increase a little or not at all depending on the jobs. They are trying to keep their costs down if possible but with fuel, union labor and materials to make the product increasing, it will be hard.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Sidewalk Replacement & Installation to the current vendor based on the increase cost to make the product, union wages, and fuel increases.

CC: File

G:/Bid Award 08-09 New Format/Award Standard Purchasing Resolution 3 – MarketSurvey-Sidewalk Replacement & Install 7-23-08.doc

ATTN: Joe Vitale
Viking Construction Inc
277222 Gloede Dr
Warren, MI 48093

Dear Mr.Vitale:

On July 19, 2007, the City of Troy entered into contract 20700218 -OB with Viking Construction Inc to provide one (1) year requirements of the sidewalk replacement and installation program. This contract contained an option to renew for two (2) additional one- year periods through mutual consent of both parties, within 30 days of contract termination.

Please fax this letter back to Marina Basta Farouk at Public Works Department indicating if Viking Construction Inc. wishes to renew this contract until June 30, 2009. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

Viking Construction Inc. is interested in renewing the contract under the same prices, terms, and conditions: X

Viking Construction Inc. is not interested in renewing the contract: ( )

X Joe Vitale
Signed: Authorized Company Representative

Date: 7/8/08

Thank you,
Marina Basta Farouk
Project Construction Manager

RESOLVED, That Troy City Council hereby **APPROVES** the Proprietary Maintenance Service Contract to provide software maintenance for Microstation, InRoads, InRoads Survey, PowerSurvey and InRoads Storm and Sanitary Sewer software through July 13, 2008 to Bentley Systems, Inc., 685 Stockton Drive, Exton, PA 19341 for an estimated total cost of $18,687.50.

c) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Troy Daze Electrical Services

Resolution #2007-08-250-E-4c

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract to furnish all electrical services for the Troy Daze Festival to the lowest bidder meeting specifications, Winiarski Electric of Fowlerville, MI, for an estimated three-year total cost of $31,000.00, plus a materials allowance of $3,250.00 and other work as assigned at the rate of $60.00 per hour; and

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

d) Standard Purchasing Resolution 1: Award to Low Bidders – Purchase of Firearms Ammunition

Resolution #2007-08-250-E-4d

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish one-year requirements of ammunition to the low bidders: Michigan Police Equipment of Charlotte, MI, Michigan Ammo Co., Inc. of Ecorse, MI, TJ Conevera's, Inc. of Rockford IL, and CMP Distributors, Inc. of Lansing MI, at unit prices as contained on the bid tabulation opened July 24, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring August 20, 2008; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REJECTS** bids for lead-free .223 caliber, duty carry Cor-Bon .40 caliber, and duty carry 12 gauge shotgun ammunitions due to budgetary limitations.

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

Resolution #2007-08-250-E-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods to the low total bidder, Viking Construction, Inc. of Warren, MI, at unit prices contained in the bid tabulation opened July 19, 2007, a copy

of which shall be **ATTACHED** to the original Minutes of this meeting, the cost of which shall not exceed budgetary limitations; and

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

E-5 Resolution to Excuse Mayor Pro Tem Broomfield from the Special Joint City Council Meeting of Wednesday, August 1, 2007

Resolution #2007-08-250-E-5

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Broomfield at the Special Joint City Council Meeting of August 1, 2007 due to being out of the county.

E-6 Acceptance of Permanent Easement for Sanitary Sewer and Authorization of Payment for Easement and Temporary Construction and Grading Permit – Patricia Willard-Bonnici Revocable Intervivos Trust and William and Helen Yeyna – Section 6, Sidwell #88-20-06-328-007

Resolution #2007-08-250-E-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Sanitary Sewer from Patricia Willard-Bonnici individually and as trustee of the Patricia Willard-Bonnici Revocable Trust dated November 4, 2000, and William and Helen Yeyna owners of the property having Sidwell #88-20-06-328-007; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** payment in the amount of $13,330.00 for the easement and $6,670.00 for the temporary construction and grading permit, plus closing costs; and

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

E-7 Acceptance of Permanent Easement for Water Main – Rochester Professional Building, LLC, Section 3, Sidwell #88-20-03-226-104

Resolution #2007-08-250-E-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Water Main from property owner Rochester Professional Building, LLC, having Sidwell #88-20-03-226-104; and

CITY COUNCIL ACTION REPORT

August 14, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

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

Background

- On July 19, 2007, bids were received for the sidewalk replacement and installation program for the 2007/2008 fiscal year with an option to renew for two (2) additional one-year periods.
- Five (5) bid responses were received.
- Viking Construction is the low total bidder for both Proposal A – Sidewalk Replacement and Proposal B – Sidewalk Installation.
- 180 vendors were notified via the MITN system with six (6) additional vendor walk-ins.

Financial Considerations

- Funds for this project are available in the 2007/08 Capital Accounts for Public Works Construction.
- Proposal A – Account # 401513.7989.700 Sidewalk Replacement
- Proposal B – Account # 401513.7989.650 Sidewalk Installation

Legal Considerations

- ITB-COT 07-26, Sidewalk Replacement and Installation was competitively bid and opened with five bidders responding.
- The award is contingent upon the recommended bidder's submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in the Sidewalk Replacement and Installation program for the City of Troy. (Goal II).
- Moving this work forward would improve public safety and also reduce the liability for the City. (Goal I)

Options

- City management and the Public Works department recommend a contract award to the low total bidder, Viking Construction, Inc of Warren, MI, for an estimated total cost of $513,815.00, at unit prices contained in the bid tabulation not to exceed budgetary limitations.

Prepared by: Marina Basta-Farouk, Project Construction Manager

G:/Bid Award 06-07 New Format/Award Standard Purchasing Resolution 1 – Sidewalk 07.07.doc

Opening Date -- 7/19/07
Date Prepared -- 7/24/07

CITY OF TROY
BID TABULATION
SIDEWALK REPLACEMENT & INSTALLATION

VENDOR NAME:	** Viking Construction Inc	KoaLa-T	Lacaria Concrete Construction
CHECK #:	65443	707136288	336474028
CHECK AMOUNT:	$ 3,000.00	$ 3,000.00	$ 3,000.00

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	EST. QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	100,000 S.F.	$ 2.98	$ 298,000	$ 3.00	$ 300,000	$ 3.10	$ 310,000
2	Remove and Replace 6" Concrete	19,800 S.F.	$ 3.15	$ 62,370	$ 3.40	$ 67,320	$ 3.35	$ 66,330
3	Remove and Replace 8" Concrete	7,700 S.F.	$ 3.95	$ 30,415	$ 4.50	$ 34,650	$ 4.00	$ 30,800
4	Adjusting Drainage Structure	20 EACH	$ 150.00	$ 3,000	$ 50.00	$ 1,000	$ 200.00	$ 4,000
5	Reconstruct Drainage Structure	20 EACH	$ 175.00	$ 3,500	$ 150.00	$ 3,000	$ 220.00	$ 4,400
6	Reconstruct Sanitary Manhole	10 EACH	$ 195.00	$ 1,950	$ 250.00	$ 2,500	$ 245.00	$ 2,450
7	Handicap Ramps	150 EACH	$ 298.00	$ 44,700	$ 475.00	$ 71,250	$ 600.00	$ 90,000
8	Tree Root Grind	350 EACH	$ 47.50	$ 16,625	$ 25.00	$ 8,750	$ 40.00	$ 14,000
9	Traffic Maintenance	Included	Included		Included		Included	
10	Soil Erosion Control	Included	Included		Included		Included	
11	Restoration	Included	Included		Included		Included	
	Est. Total Cost - Proposal A - Replacement			$ 460,560		$ 488,470		$ 521,980

PROPOSAL B: Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Tress 3" - 7"	Ea	1.0	$ 275.00	$ 275	$ 50.00	$ 50	$ 200.00	$ 200
2	Removing Trees 8" - 18"	Ea	1.0	$ 500.00	$ 500	$ 300.00	$ 300	$ 600.00	$ 600
3	Removing Sidewalk & Driveway App	S.Y.	10.0	$ 9.00	$ 90	$ 9.00	$ 90	$ 6.30	$ 63
4	Relocate Hydrant, If needed	Ea	1.0	$ 3,500.00	$ 3,500	$ 4,000.00	$ 4,000	$ 7,500.00	$ 7,500
5	Relocate Flag Pole, If needed	Ea	1.0	$ 250.00	$ 250	$ 1,000.00	$ 1,000	$ 1,000.00	$ 1,000
6	Relocate Sign & Posts, If needed	Ea	1.0	$ 150.00	$ 150	$ 50.00	$ 50	$ 150.00	$ 150
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	$ 29.00	$ 580	$ 25.00	$ 500	$ 25.00	$ 500
8	Class A Culvert, 12", If needed	L.F.	10	$ 65.00	$ 650	$ 40.00	$ 400	$ 50.00	$ 500
9	Adjust Drainage Structures	Ea	2.0	$ 180.00	$ 360	$ 150.00	$ 300	$ 250.00	$ 500
10	Drainage Structure Covers	LBS	2000	$ 1.15	$ 2,300	$ 1.20	$ 2,400	$ 1.20	$ 2,400
11	Install Concrete Sidewalk 4"	S.F.	10394	$ 3.35	$ 34,820	$ 3.15	$ 32,741	$ 3.50	$ 36,379
12	Install Concrete Sidewalk 6"	S.F.	530	$ 3.80	$ 2,014	$ 3.50	$ 1,855	$ 3.75	$ 1,988
13	Install Handicap Ramps	EACH	7.0	$ 298.00	$ 2,086	$ 475.00	$ 3,325	$ 600.00	$ 4,200
14	Traffic Maintenance	LSUM	1.0	$ 2,500.00	$ 2,500	$ 1,000.00	$ 1,000	$ 3,000.00	$ 3,000
15	Soil Erosion Control	LSUM	1.0	$ 1,500.00	$ 1,500	$ 4,000.00	$ 4,000	$ 1,000.00	$ 1,000
16	Class A Sod	S.Y.	335	$ 3.50	$ 1,173	$ 7.00	$ 2,345	$ 8.00	$ 2,680
17	Watering Lawn Areas (1,000 Gal)	UNITS	1.0	$ 8.00	$ 8	$ 300.00	$ 300	$ 200.00	$ 200
18	Mowing Grass Areas	TIMES	4.0	$ 125.00	$ 500	$ 100.00	$ 400	$ 500.00	$ 2,000
19	Restoration	Included		Included		Included		Included	
	Est. Total Cost - Proposal B - Installation				$ 53,255		$ 55,056		$ 64,859.50
	ESTIMATED GRAND TOTAL - PROPOSALS A & B:			*	$ 513,815		$ 543,526		$ 586,839.50

INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
PROGRESS PAYMENTS:				
	Identified as	Blank	Blank	Monthly
TERMS		Blank	Blank	As Specified
WARRANTY		Blank	1 Year	As Specified
EXCEPTIONS		Blank	Blank	Blank
TWO FORMS COMPLETED:				
	Legal Status Y or N	No	Yes	Yes
	Non-Collusion Y or N	Yes	Yes	Yes
ADDENDUM #1	Y or N	Yes	Yes	Yes
ACKNOWLEDGEMENT: Y OR N		Yes	Yes	Yes

ATTEST:
Marina Basta Farouk
Tom Rosewarne
Yvonne Ranzinger
Julie Hamilton

**** DENOTES LOW TOTAL BIDDER**

Proposal - Sidewalk Replacement/Installation Program for 2007/2008 Fiscal Year with an Option to Renew for Two(2) Additional One-Year Periods

Susan Leirstein CPPB
Purchasing Director

Opening Date -- 7/19/07
Date Prepared -- 7/24/07

CITY OF TROY
BID TABULATION
SIDEWALK REPLACEMENT & INSTALLATION

VENDOR NAME:	Audia Concrete Construction Inc	Major Cement Company, Inc.
CHECK #:	11792433	336472542
CHECK AMOUNT:	$ 3,000.00	$ 3,000.00

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	EST. QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	100,000 S.F.	$ 3.20	$ 320,000	$ 3.75	$ 375,000
2	Remove and Replace 6" Concrete	19,800 S.F.	$ 3.30	$ 65,340	$ 4.50	$ 89,100
3	Remove and Replace 8" Concrete	7,700 S.F.	$ 4.50	$ 34,650	$ 4.75	$ 36,575
4	Adjusting Drainage Structure	20 EACH	$ 250.00	$ 5,000	$ 250.00	$ 5,000
5	Reconstruct Drainage Structure	20 EACH	$ 75.00	$ 1,500	$ 120.00	$ 2,400
6	Reconstruct Sanitary Manhole	10 EACH	$ 75.00	$ 750	$ 120.00	$ 1,200
7	Handicap Ramps	150 EACH	$ 640.00	$ 96,000	$ 775.00	$ 116,250
8	Tree Root Grind	350 EACH	$ 40.00	$ 14,000	$ 80.00	$ 28,000
9	Traffic Maintenance	Included	Included		Included	
10	Soil Erosion Control	Included	Included		Included	
11	Restoration	Included	Included		Included	
	Est. Total Cost - Proposal A - Replacement			$ 537,240		$ 653,525

PROPOSAL B: Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Tress 3" - 7"	Ea	1.0	$ 400.00	$ 400	$ 300.00	$ 300
2	Removing Trees 8" - 18"	Ea	1.0	$ 600.00	$ 600	$ 600.00	$ 600
3	Removing Sidewalk & Driveway App	S.Y.	10.0	$ 15.00	$ 150	$ 9.00	$ 90
4	Relocate Hydrant, If needed	Ea	1.0	$ 4,500.00	$ 4,500	$ 2,000.00	$ 2,000
5	Relocate Flag Pole, If needed	Ea	1.0	$ 1,000.00	$ 1,000	$ 200.00	$ 200
6	Relocate Sign & Posts, If needed	Ea	1.0	$ 300.00	$ 300	$ 100.00	$ 100
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	$ 30.00	$ 600	$ 25.00	$ 500
8	Class A Culvert, 12", If needed	L.F.	10	$ 38.00	$ 380	$ 45.00	$ 450
9	Adjust Drainage Structures	Ea	2.0	$ 1,800.00	$ 3,600	$ 250.00	$ 500
10	Drainage Structure Covers	LBS	2000	$ 2.50	$ 5,000	$ 1.00	$ 2,000
11	Install Concrete Sidewalk 4"	S.F.	10394	$ 3.25	$ 33,781	$ 4.25	$ 44,175
12	Install Concrete Sidewalk 6"	S.F.	530	$ 3.35	$ 1,776	$ 4.75	$ 2,518
13	Install Handicap Ramps	EACH	7.0	$ 640.00	$ 4,480	$ 775.00	$ 5,425
14	Traffic Maintenance	LSUM	1.0	$ 2,000.00	$ 2,000	$ 2,000.00	$ 2,000
15	Soil Erosion Control	LSUM	1.0	$ 1,000.00	$ 1,000	$ 1,000.00	$ 1,000
16	Class A Sod	S.Y.	335	$ 4.00	$ 1,340	$ 8.00	$ 2,680
17	Watering Lawn Areas (1,000 Gal)	UNITS	1.0	$ 900.00	$ 900	$ 400.00	$ 400
18	Mowing Grass Areas	TIMES	4.0	$ 2,000.00	$ 8,000	$ 125.00	$ 500
19	Restoration	Included		Included		Included	
	Est. Total Cost - Proposal B - Installation				$ 69,806		$ 65,437

ESTIMATED GRAND TOTAL - PROPOSALS A & B:		$ 607,046	$ 718,962
INSURANCE:	Can Meet	XX	XX
	Cannot Meet		
PROGRESS PAYMENTS:			
	Identified as	Every 30 Days	N/A
TERMS		30 Days	Per Contract
WARRANTY		2 Year Maint Bond	Per Contract
EXCEPTIONS		Blank	N/A
TWO FORMS COMPLETED:			
	Legal Status Y or N	Yes	Yes
	Non-Collusion Y or N	Yes	Yes
ADDENDUM #1	Y or N	Yes	Yes
ACKNOWLEDGEMENT:	Y OR N	Yes	Yes

CITY COUNCIL ACTION REPORT

June 11, 2009

TO: The Honorable Mayor and City Council Members

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

SUBJECT: Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – 111th Michigan Municipal League Convention

The 111th Michigan Municipal League Convention is scheduled for September 22 – 25, 2009 at the Radisson Plaza Hotel in Kalamazoo, MI.

City Council needs to grant authorization at this time for those interested in attending as arrangements can be made early to take advantage of lower registration fees and assured availability of hotel rooms.

michigan municipal league

Better Communities. Better Michigan.

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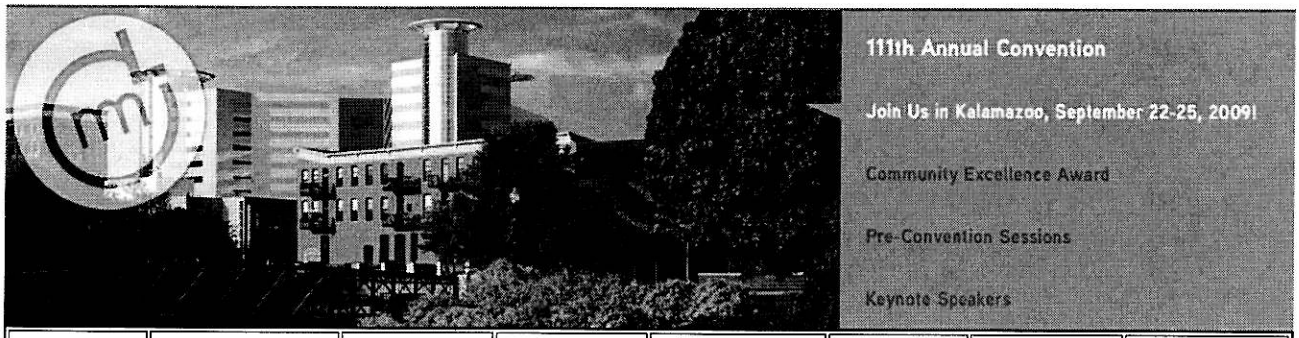
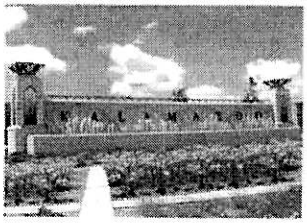


111th Michigan Municipal League Convention
September 22-25 ~ Radisson Plaza Hotel, Kalamazoo

Kalamazoo is a city dedicated to the development of its community, education of its citizens, and values to build its future. With thriving businesses in the pharmaceutical and orthopedics industry, the community sustains a diverse workforce. Join us at the Kalamazoo Radisson Plaza Hotel in the heart of downtown Kalamazoo for progressive conversation on ways to make Michigan a unique and attractive place to live.



With workshops on the hottest community issues plus exciting mobile workshops and outstanding speakers, the city of Kalamazoo is rolling out the red carpet for this can't-miss event!

Register online and you could win an iPod Shuffle!
Click here to register!

Convention Registration Information

Registration

Housing Information

General Information

Networking Opportunities

Preconvention Sessions

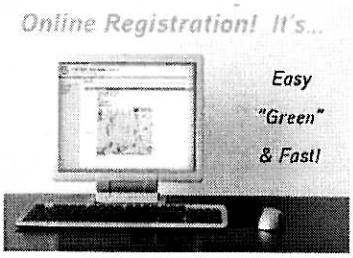
Affiliate Events

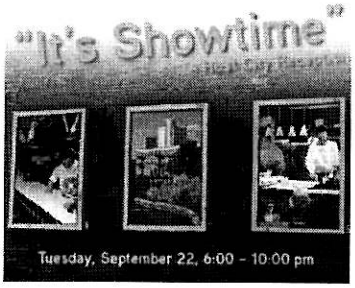
Guests

Foundation Silent Auction

For highlights from last year's Convention, click here.

Save Next Year's Date:
September 21-24, 2010 - Dearborn





Community Excellence Awards

The Race Is On!

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CITY COUNCIL ACTION REPORT

June 8, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Parks & Recreation Director

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications - Utility Vehicle

Background

- On May 27, 2009, bids submitted electronically were opened to furnish a new Kubota Utility Vehicle with attachments for the Troy Parks and Recreation department.
- This piece of equipment will be used for snow/ice removal at the Troy Civic Center campus and will allow the operation of snow and ice control to be reduced from a three-person crew, to a two-person crew.
- 57 vendors were notified via the MITN system with two bid responses received. One (1) vendor, *Weingartz Supply Co,* returned a complete bid. The other vendor, *Energy Products, Inc.*, withdrew their submission because they did not include the requested vehicle attachments in their bid.
- All registered bidders were given the opportunity to respond with their level of interest in furnishing the equipment as specified. In addition, local area authorized Kubota dealers were given a courtesy call and notified about the bid opportunity.
- Bid specifications included installation of the cab, heater, front blade, and all other accessories as well as equipment set-up, preparation, and delivery.

Financial Considerations

- Funds for this purchase are available in the 2008/09 Parks and Recreation Capital account for general equipment # 401.751.752.7978.010.

Legal Considerations

- ITB-COT 09-23 for a new Kubota Utility Vehicle was competitively bid as required by City Charter and Code.

Policy Considerations

- This piece of equipment will allow more efficient use of City resources when safely removing snow and ice from the Civic Center complex. (Outcome Statements I, II)

Suggested Resolution

- City management and the Parks and Recreation department recommend awarding a contract to furnish one new Kubota Model RTV 900W6-H Utility Vehicle to the lowest bidder meeting specifications, *Weingartz, 48081 Van Dyke, Utica, MI* for an estimated total cost of $16,364.00.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

Opening Date -- 5/27/09
Date Prepared -- 6/9/09

CITY OF TROY
BID TABULATION
KUBOTA UTILITY VEHICLE

PROPOSAL: TO FURNISH ONE NEW KUBOTA MODEL RTV 900W6-H UTILTIY VEHICLE FOR THE CITY OF TROY'S PARKS AND RECREATION DEPARTMENT

VENDOR NAME:		**Weingartz Supply Co**			
COMPLETE FOR THE SUM OF:		**$ 16,364.00**			
MANUFACTURED BY:		**Kubota**			
MODEL		**RTV900W6-H**			
DESCRIPTIVE LITERATURE:	Marked as	**N/A**			
AUTHORIZED DEALER:	Y or N	**Y**			
WARRANTY WORK:	Location:	**48081 Van Dyke Utica, MI**			
	Miles from Troy:	**12**			
Alternate:	Location:	**N/A**			
	Miles from Troy:	**N/A**			
REFERENCES:	Y or N	**Y**			
PAYMENT TERMS:		**NET 10th**			
WARRANTY:		**One Year**			
DELIVERY:		**2 Weeks**			
EXCEPTIONS:		**Blank**			

BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER

WITHDREW:
Energy Products, Inc. - Two bids submitted did not meet cart requirements
1) Club Car - Gas Unit $10,890.00 2) Club Car - Diesel Unit $12,310.00

ATTEST:
Jeff Biegler
Diane Fisher
Julie Hamilton

Susan Leirstein CPPB
Purchasing Director

G:\Kubota Utility Vehicle ITB-COT 09-23

CITY COUNCIL ACTION REPORT

RECEIVED

JUN 09 2009

CITY OF TROY
CITY MANAGER'S OFFICE

June 8, 2009

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police
Captain Gerard Scherlinck, Services Division
Lieutenant Michael Lyczkowski
Sergeant Russel Harden
Officer James Feld

SUBJECT: Application for transfer of ownership of Drury Hotels Company LLC.

Background:

- DDC Hotels, Inc. (A Missouri Corporation) requests to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and requests a new Official Permit (Food) (Step 2). {MLCC Request #491095).
- On June 8, 2009, Mr. John Carlin Jr., Attorney for the applicant, answered questions for the Liquor Advisory Committee.
- Mr. Carlin explained to the Committee that the purpose of this request is to allow Mr. Charles Drury Sr. Chairman and CEO of Drury Hotels Company, LLC to transfer ownership of the 2008 B-Hotel and SDM Licensed Business (MLCC Business ID #216101) located at 575 West Big Beaver, Troy, Michigan 48084 to his children, Timothy Drury, President, Shirley Drury, Senior Vice President, and Charles Drury Jr., Senior Vice President of DDC Hotels, Inc. (A Missouri Corporation).
- DDC Hotels, Inc. is also requesting a new Official Permit (Food) (Step 2).
- The Committee unanimously approved this request.

Financial Considerations:

- There are no financial considerations for the City.

Legal Considerations:

- The request complies with all applicable Troy City ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.

Policy Considerations:

- This action supports Council's Outcomes Statement III: "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world."

Options:

- City Council can approve or deny the request.

JF/Drury Inn

INTEGRITY * RESPECT * LAWS AND THE CONSTITUTION * ACCOUNTABILITY * PROBLEM SOLVING * PROFESSIONALISM

MEMORANDUM

DATE: 6/8/09

TO: Chief Gary Mayer (thru channels)

FROM: Officer James Feld

RE: Executive Summary regarding transfer of Drury Inn Hotel

- DDC Hotels, Inc. (A Missouri Corporation) requests to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and requests a new Official Permit (Food) (Step 2). {MLCC Request #491095)

- The Drury Inn has passed all compliance tests including the City of Troy's tests which have been recorded since 10/28/03.

- On June 8, 2009, representatives from DDC Hotels, Inc. met with the Liquor Advisory Committee and answered questions regarding their requests. The committee unanimously approved their requests.

- The police investigation regarding the Drury Inn located at 575 West Big Beaver Road has not revealed any significant incidents or investigations.

- Please direct any questions you have regarding this summary to the undersigned.

James M. Feld

Officer James Feld
Troy Police Department
Community Services Unit
(248) 524-3452 / (248) 670-4850

Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

April 8, 2009

TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 W BIG BEAVER ROAD
TROY, MI 48084-5285

Request ID #: 491095

Applicant:

DDC HOTELS, INC. (A MISSOURI CORPORATION) REQUESTS TO TRANSFER OWNERSHIP OF 2008 B-HOTEL & SDM LICENSED BUSINESS, LOCATED AT 575 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM DRURY HOTELS COMPANY, LLC (A NEVADA LIMITED LIABILITY COMPANY); AND REQUESTS A NEW OFFICIAL PERMIT (FOOD) (STEP 2).

CONTACT: (CARLIN, EDWARDS, BROWN & HOWE, PLLC), ATTENTION ATTORNEY JOHN B. CARLIN, JR., 2855 COOLIDGE HIGHWAY, SUITE 203, TROY, MI 48084 (248)816-3210

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and $30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs

LC-1972(Rev. 09/05) Authority: MCL 436.1201(4) Completion: Mandatory Penalty: No License	The Department of Labor & Economic Growth 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 reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 491095

Business ID # 216103

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

DDC HOTELS, INC. (A MISSOURI CORPORATION) REQUESTS TO TRANSFER OWNERSHIP OF 2008 B-HOTEL & SDM LICENSED BUSINESS, LOCATED AT 575 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM DRURY HOTELS COMPANY, LLC (A NEVADA LIMITED LIABILITY COMPANY); AND REQUESTS A NEW OFFICIAL PERMIT (FOOD) (STEP 2).

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
DRURY DEVELOPMENT CORPORATION (A MISSOURI CORPORATION) – STOCKHOLDER 721 EMERSON, SUITE 400 ST. LOUIS, MO 63141 (314)587-3126	
DATE FINGERPRINTED**: ***NO FINGERPRINTS REQUIRED***	DATE FINGERPRINTED**:
DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: ☐ **Felony** ☐ **Misdemeanor**	**ARREST RECORD:** ☐ **Felony** ☐ **Misdemeanor**
Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
☐ No ☐ Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? ☐ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No **If No**, indicate which state and local ordinances the location does not meet: ☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No*
2. Should the MLCC grant this request? ☐ Yes ☐ No*

*If **any** of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? ☐ Yes ☐ No
4. Is this recommendation subject to any other conditions? ☐ Yes ☐ No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT

The Department of Labor & Economic Growth 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 reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 491095

Business ID # 216103

April 8, 2009

TO:

Re: DDC HOTELS, INC. (A MISSOURI CORPORATION)

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☒ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: FOOD

Weekdays 2:00 A.M. to 7:00 A.M.

Sundays 7:00 A.M. to 12:00 P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ DANCE PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OUTDOOR SERVICE		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐ PARTICIPATION PERMIT		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐ ADDITIONAL BAR PERMIT		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended

Signed:

_____
Signature and Title

_____
Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

sfs

The Department of Labor & Economic Growth 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 reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # _____

Business ID # _____

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

[Authorized by MCL 436.1916 and R 436.1403]

Applicant or Licensee Name: DDC Hotels, Inc.

Address: 575 W. Big Beaver, Troy, MI 48084

Type of License: B-Hotel License No.: _____

The MLCC is requested to grant an extended hours permit for: (check boxes that apply). **INCLUDE A $70.00 INSPECTION FEE AND MAKE PAYABLE TO THE STATE OF MICHIGAN.**

☐ Dance (To apply for this purpose you must have a separate Dance Permit issued by the MLCC)

☐ Entertainment (To apply for this purpose you may have to have a separate Entertainment Permit issued by the MLCC).

☐ Operating our restaurant for the sale of food (Must have a full Service kitchen)

☐ Operating night league bowling, tournaments or Sunday morning bowling

☐ Registering golfers ☐ Registering Skiers

☐ Registering Tennis Players ☒ Registration of Guests

☐ Meetings

☐ Special Events, Indicate below Specific Event or Events that will be occurring.

_____

☐ Athletic Activities, Indicate below Specific Athletic activities that will be occurring.

_____

☐ Others, Please Specify Activities: _____

2009 JAN -8 AM 9:11
MLCC LICENSING

NOTE: The licensed premises may not be occupied by anyone except the licensee and bona fide employees who are working between the hours of 2:30 A.M. and 12:00 Noon on any Sunday or from 2:30 A.M. until 7:00 A.M. on any other day. Please indicate below the extended hours you are applying for to conduct the activities indicated on Page 1.

Weekdays 2:00 A.M. to 7:00 A.M. **Note:** Saturday night after midnight is Sunday and requires Sunday hours if the premises is to be occupied after 2:30 A.M.

Sundays 7:00 A.M. to 12:00 Noon

Will Licensee be conducting the requested activity? ☒YES ☐ NO

If no, attach a request for waiver of R 436.1437 and copy of concession and/or licensing agreement for person conducting that activity.

It is understood that the licensee issued an extended hours permit shall not allow customers on the licensed premises during the time period provided by the extended hours permit unless the activities, and only those activities, allowed by the extended hours permit are occurring. If you apply for two separate activities and the activities are for different hours you must fill out and attach a separate application. **THIS PERMIT DOES NOT ALLOW THE SALE, SERVICE, OR CONSUMPTION OF ALCOHOLIC LIQUOR DURING THE EXTENDED HOURS.**

ISSUANCE OF THIS PERMIT REQUIRES APPROVAL BY YOUR LOCAL LAW ENFORCEMENT AGENCY. IF MAKING APPLICATION FOR EXTENDED HOURS FOR DANCE OR ENTERTAINMENT A RECOMMENDATION FROM THE LOCAL LEGISLATIVE BODY IS ALSO REQUIRED.

Your request will be referred to your local law enforcement agency and local legislative body (if needed) for their recommendation upon receipt of a complete and acceptable application and the required $70.00 inspection fee.

THE LICENSEE/APPLICANT, AN AUTHORIZED CORPORATE OFFICER OR MEMBER OF A LIMITED LIABILITY COMPANY MUST SIGN THIS APPLICATION.

Licensee or Applicant Signatures: By: _____
Timothy M. Drury, President and Treasurer

2009 JAN -8 AM 9:11
MLCC LICENSING

CONTACT INFORMATION

Name: John B. Carlin, Jr.

Address: 2855 Coolidge, Ste. 203, Troy, MI 48084
(street address) (city) (state)

Phone Number: 248-816-3210

E-Mail Address: jcarlin@cebhlaw.com

LC-1112 (Rev. 10/2006) Authority: MCL 436.1916 and R 436.1403 Completion: Mandatory Penalty: No License and/or Permit	The Department of Labor & Economic Growth 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 reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 491090

Business ID # 216101

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

February 12, 2009

TO: TROY CITY COUNCIL
500 WEST BIG BEAVER ROAD
TROY, MI 48084-5285

APPLICANT: DRURY HOTELS COMPANY, LLC (A NEVADA LIMITED LIABILITY COMPANY)

Home Address and Telephone No. or Contact Address and Telephone No.:
DRURY INDUSTRIES, INC. (A NEVADA CORPORATION), 721 EMERSON, SUITE 400, ST. LOUIS, MO 63141 (314)587-3126

CONTACT: (CARLIN, EDWARDS, BROWN & HOWE, PLLC), ATTENTION ATTORNEY JOHN B. CARLIN, JR., 2855 COOLIDGE HIGHWAY, SUITE 203, TROY, MI 48084 (248)816-3210

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

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

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

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

sfs

Request ID # 491090

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to TRANSFER OWNERSHIP THROUGH MERGER OF 2008 B-HOTEL LICENSED BUSINESS, LOCATED AT 575 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM DRURY INNS, INC. (A MISSOURI CORPORATION) TO DRURY HOTELS COMPANY, LLC (A NEVADA LIMITED LIABILITY COMPANY) (STEP 1).

be considered for _____
(Approval or Disapproval)

APPROVAL	**DISAPPROVAL**
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed)_____
(Township, City or Village Clerk)

SEAL

_____
(Mailing address of Township, City or Village)

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of April, 2009, 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 DDC Hotels, 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 request to transfer ownership of Drury Hotels Company, LLC license to be located at 575 W Big Beaver,Troy MI.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
   (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, 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 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.
   (c) 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.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: Linda E Cohen
Cheryl A. Kern

By: _____
Timothy M. Drury, President

Subscribed and sworn to before me this 29th day of April 2009
Notary Public, City of St. Louis County, ~~MK~~ MO
Acting in the County of St. Louis
My commission expires: 4-14-2011

Dana L. Brackeen

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

DANA L. BRACKEEN
My Commission Expires
April 14, 2011
St. Louis City
Commission #07426531

CITY OF TROY

Witnesses: _____

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 ____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

DANA L. BRACKEEN
My Commission Expires
April 14, 2011
St. Louis City
Commission #07426531

(g: Liquor Licenses/Drury 575 W Big Beaver/Agreement)

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **DDC Hotels, Inc.** (A Missouri Corporation) requests to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and requests a new Official Permit (Food) (Step 2). {MLCC Request #491095}

Present to answer questions from the Committee were attorney John Carlin and hotel general manager Tracy Thomas.

The Drury family has owned 140 hotels in the United States for many years. For estate planning purposes, the hotels will be split between two sons in the family. With regard to the Troy location, DDC Hotels, Inc. will become the owner and licensee and Drury Inns, Inc. will remain as hotel management. The current staff will not change.

Officer Feld stated that the Police Department has no concerns in this matter.

Resolution #LC2009-06-009
Moved by Ukrainec
Seconded by Payne

RESOLVED, that DDC Hotels, Inc. (A Missouri Corporation) be allowed to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and receive new Official Permit (Food).

Yes: 6
No: 0
Absent: Ehlert

---

2. **Han Mi Mart, Inc.** 5060 Rochester, Troy, Michigan 48085, Oakland County requests to transfer ownership of escrowed 2008 SDD and SDM licensed business from B&K Investment Group. {MLCC Request #474731}

Present to answer questions from the Committee were Hyun Jung Kim and Young Jin Kwon, owners of the business.

CITY COUNCIL ACTION ITEM

Date June 9, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager
Tonni L. Bartholomew, City Clerk

SUBJECT: Request for Recognition as a Nonprofit Organization Status from Mary Lou DiSessa, Board Member of Springhill Housing Corp.

Background:

- Attached is a request from Mary Lou DiSessa, Board Member of Springhill Housing Corp., seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes. It has been City Management's practice to support the approval of such requests.

Options:

- City Council can approve request.

Attachment:

- Document package supporting the request for recognition as a non-profit organization.

Springhill Housing Corp.

June 1, 2009

The Honorable Louise Schilling
The Members of the Troy City Council
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Mayor Schilling and Troy City Council Members;

Springhill Housing Corporation requests to be recognized as a nonprofit organization operating in the city by the Troy City Council. We ask that this request be considered at the regular meeting of the Council on June 15, 2009. The accompanying documentation that was requested is attached.

Springhill Housing Corporation is a certified 501(c)(3) corporation located in Troy. We provide affordable housing to people transitioning from homelessness and with disabilities. We are seeking recognition from the Council for the purpose of obtaining charitable gaming licenses from the State of Michigan.

Thank you for your consideration.

Sincerely,

Mary Lou DiSessa

Mary Lou DiSessa
Board Member

Encl.

RECEIVED
CITY OF TROY
2009 JUN -9 PM 4:21

570 Kirts – Suite 231 – Troy, MI 48084 248-928-0111 – Fax, 248-928-0122

MICHIGAN LOTTERY
Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

At a _____ meeting of the _____
REGULAR OR SPECIAL — TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION — CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL		DISAPPROVAL	
Yeas:	_____	Yeas:	_____
Nays:	_____	Nays:	_____
Absent:	_____	Absent:	_____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD — REGULAR OR SPECIAL

meeting held on _____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

_____
PRINTED NAME AND TITLE

_____
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R10/06)

CITY OF TROY

SOLICITATION – FUND RAISING

Date Received: _____

File the following information with the City Clerk's Office at least 21 days prior to the time when the permit is desired. TIME SPAN FOR PERMIT IS NOT TO EXCEED NINETY (90) DAYS.

Name of Organization: SPRINGHILL HOUSING CORP.

Phone: 248-928-0111

Local Address: 570 KIRTS BLVD., SUITE 231

City/Zip: TROY, MI 48084

Home Address (if different):

City/Zip:

Name of Parent Organization:

Address:

Local Representative/Officers:

Name	Title	Phone
MARC CRAIG	AUTHORIZED AGENT	248-928-0111
DAWN PISCHEL	AUTHORIZED AGENT	248-928-0111
JOSEPH ERWIN	BOARD PRESIDENT	248-676-8124

Person in Charge of Solicitations: DAWN PISCHEL

How are funds solicited: MAIL, EMAIL, PERSONAL APPEAL, CHARITABLE GAMING (FUTURE)

Locations/Dates/Times:

Locations	Dates	Times
TO BE DETERMINED	TO BE DETERMINED	TO BE DETERMINED

To what purpose will you put these funds: GENERAL FUNDING FOR SPRINGHILL HOUSING PROJECTS

What is the requested amount for contribution: NO REQUESTED OR SUGGESTED MINIMUM CONTRIBUTION

CITY OF TROY

SOLICITOR'S APPLICATION

Date filed: 6-9-2009

Please complete all information and return with all required solicitation documents to the City Clerk, 500 West Big Beaver, Troy, Michigan 48084

NAME	LOCAL ADDRESS	HOME ADDRESS
MARC CRAIG	570 KIRTS BLVD., SUITE 231 TROY, MI 48084	1602 HAZEL BIRMINGHAM, MI 48009
DAWN PISCHEL	570 KIRTS BLVD., SUITE 231 TROY, MI 48084	3168 CERO STERLING HEIGHTS, MI 48310

LEONORA GENCO-KEEFE, P.C.
CERTIFIED PUBLIC ACCOUNTANT
16380 THIRTEEN MILE ROAD
ROSEVILLE, MICHIGAN 48066

PHONE (586) 773-3500
FAX (586) 773-3502
EMAIL LEONORAGENCO-KEEFE@COMCAST.NET

TAXPAYER SPRINGHILL HOUSING CORPORATION

RETURN FORM 990-RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX FOR 2007 ON EXTENSION

PLEASE FOLLOW THESE INSTRUCTIONS FOR FILING THE TAX RETURN

MAKE CHECK PAYABLE TO:
- ( ) United States Treasury
- ( ) State of Michigan
- ( ) Treasurer, City of _____
- ( ) State of MI-Unemployment Insurance Agency
- ( ) Your Bank
- ( ) _____

( ) USE YOUR EFTPS

(✓) NO PAYMENT REQUIRED

AMOUNT OF CHECK: $_____

AMOUNT OF EFT: $_____

TO BE SIGNED ON PAGE: 9th Page of Return
- ( ) By Taxpayer
- (✓) By an Officer, Partner or Owner
- ( ) By Husband and Wife
- ( ) _____

( ) NO SIGNATURE REQUIRED

PLEASE TYPE OR PRINT ON FACE OF CHECK

OTHER INSTRUCTIONS:

DELIVER TO YOUR BANK BY: _____

CALL IN TO YOUR BANK BY: _____

TAXPAYER'S COPY:
- (✓) Is Enclosed For Your File
- ( ) None Is Enclosed

DUE AT DESTINATION BY: 8-15-2008

MAIL TO:
- (✓) Envelope Is Enclosed
- ( ) _____

mailed 8.13.08 KP

DO NOT ENCLOSE THESE INSTRUCTIONS WITH YOUR RETURN

Internal Revenue Service
District Director

Department of the Treasury

P. O. Box 2508
Cincinnati, OH 45201

Date: FEB 04 1997

Springhill Housing Corporation
P.O. Box 1661
Birmingham, MI 48012-1661

Person to Contact:
Brenda Brock
Telephone Number:
513-684-3957
Fax Number
513-684-5936
Federal Identification Number:
38-2956439

Dear Sir or Madam:

This letter is in response to your request for a copy of your organization's determination letter. This letter will take the place of the copy you requested.

Our records indicate that a determination letter issued in December 1991 granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 509(a)(2).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than $25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of $20 a day, up to a maximum of $10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of $100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Springhill Housing Corporation
[redacted]

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

Please direct any questions to the person identified in the letterhead above.

This letter affirms your organization's exempt status.

Sincerely,

C. Ashley Bullard

C. Ashley Bullard
District Director

Internal Revenue Service

Date: May 29, 2007

SPRINGHILL HOUSING CORPORATION
570 KIRTS BLVD STE 231
TROY MI 48084

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
G. McClellan 29-78301
Customer Service Representative
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
[redacted]

Dear Sir or Madam:

This is in response to your request of May 23, 2007, regarding your organization's tax-exempt status.

In December 1991 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under section 509(a)(2) of the Internal Revenue Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

Michele M. Sullivan

Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations 1

ARTICLES OF INCORPORATION OF SPRINGHILL HOUSING CORPORATION, A NONPROFIT HOUSING CORPORATION

Pursuant to the provisions of ACT 162 Of 1982, the undersigned executes the following ARTICLES:

ARTICLE I

The name of this corporation shall be Springhill Housing Corporation, a Nonprofit Housing Corporation.

ARTICLE II

The Corporation is not organized for the private gain of any person. It is organized under the Michigan Nonprofit Corporation Law to provide affordable, permanent, supportive housing to low and moderate income individuals, with an emphasis on serving citizens with disabilities. Included in its general purposes are to create integrated housing alternatives in Oakland and Macomb Counties and surrounding communities which maximize opportunities for people with disabilities to interact with the general public and to promote the establishment of safe, affordable, and accessible as necessary, housing for people with disabilities.

Said corporation is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of distribution to organizations that quality as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision any future United States Internal Revenue Law).

ARTICLE III

A. Said corporation is organized upon a non-stock basis.

B. Said corporation holds no property, real or personal upon its inception.

C. Said corporation is to be financed by gift, grant, fees, bequest, devise or loan, including federally guaranteed or insured loans and grants, advances or loans from the Michigan State Housing Development Authority.

D. The Corporation is organized on a directorship basis.

E. The Corporation is free to contract for goods and services from vendors of their own choosing.

ARTICLE IV

The name of the corporation's initial resident agent for service of process is Kathleen Harris, the registered address is 4200 Charms Court, Milford, MI 48042.

ARTICLE V

The Incorporators are as follows:

Marion McDonnell
22636 King Richard Court
Birmingham, MI 48010

Kathleen Harris
4200 Charms Court
Milford, MI 48042

Ron Kimball
c/o ARC Macomb
49599 Gratiot
Mt. Clemens, MI 48045

Mark Dillon
20183 Cobblestone Court
Birmingham, MI 48010

Mounir Sharobeem
c/o Judson Center
4410 W. Thirteen Mile Rd
Royal Oak, MI 48073

Gerald Provencal
c/o Macomb-Oakland Regional Center, Inc
16200 19 Mile Rd
Clinton Twp, MI 48038

Dan Moran
1308 Lochaven Apt #5
Union Lake, MI 48085

ARTICLE VI

A. Restrictions of Operations

1. No part of the net earnings of the corporation shall inure to the benefit of, or be distributed to its members, trustees, officers, or other private person, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of the purpose set forth in Article II.
2. Not withstanding any other provision of these articles, the corporation shall not carry on any activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contribution to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal revenue Law).

B. Dissolution and Disposition of Corporate Assets Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized, and operated exclusively for charitable, educational religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) as the Board of Trustees shall determine. Any such assets not so disposed of shall be disposed of by the Circuit Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE VIII

Not withstanding any other provision of these Articles of Incorporation, all the income and earnings of the corporation shall be used exclusively for corporate purposes and no part of the net income or net earnings of the corporation shall inure to the benefit or profit of a private individual, firm, corporation, partnership, or association.

ARTICLE VIII

Not withstanding any other provision of these Articles of Incorporation, the corporation shall in no manner be controlled or under the direction of or acting in the substantial interest of any private individual, firm, corporation, partnership or association seeking to derive profit or gain therefrom or seeking to eliminate or minimize losses in any dealing or transaction therewith.

ARTICLE IX

Except as otherwise provided by law, a volunteer director of the corporation is not personally liable to the corporation or its members for monetary damages for a breach of the director's fiduciary duty.

The corporation assumes all liability to any person other than the corporation or its members for all acts or omissions of the volunteer director incurred in the good faith performance of his or her duties as a director occurring on or after the date this article is approved by the Board of Directors MCLA 450.2209(d).

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

BOARD RESOLUTION ATTACHED

I (We), the incorporator(s) sign my (our) names(s) this 12 day of June, 19 90

_____ _____

_____ _____

_____ _____

_____ _____

_____

RESOLUTION

OF THE INCORPORATORS

OF

SPRINGHILL HOUSING CORPORATION

A NON-PROFIT HOUSING CORPORATION

JUNE 12, 1990

It is resolved by the incorporator that Kathleen Harris will sign the Articles of Incorporation as the Incorporator. Her signature of this document will be executed on behalf of the seven incorporators who are: Ron Kimball, Mark Dillon, Gerald Provencal, Mounir Sharobeem, Marion McDonnell, Dan Moran, and Kathleen Harris.

Marc Craig
Acting as Secretary

RESOLUTION

OF THE BOARD OF DIRECTORS

OF

SPRINGHILL HOUSING CORPORATION

A NON-PROFIT HOUSING CORPORATION

JULY 19, 1999

It is resolved by the Board of Directors that the Articles of Incorporation be amended by addition of the following:

ARTICLE II, first paragraph, second sentence:

It is organized under the Michigan Nonprofit Corporation Law to provide affordable, permanent, supportive housing to low and moderate income individuals, with an emphasis on individuals with disabilities.

ARTICLE III (e):

The Corporation is free to contract for goods and services from vendors of their own choosing.

ADOPTED: July 19, 1999

Ronald F Kimball

Ronald Kimball, Secretary/Treasurer

November 17, 1999
5:36PM

To: Marc Craig
From: Michele Marsack Wehrheim

Received verbal approval, by telephone, from Ronald Kimball, Secretary/Treasurer of the Board of Directors of Springhill Housing Corporation, to reinstitute express enumeration of Oakland and Macomb Counties in Article II of the Articles of Incorporation.

Michigan Department of Consumer and Industry Services

Filing Endorsement

This is to Certify that the RESTATED ARTICLES OF INCORPORATION - NONPROFIT

for

SPRINGHILL HOUSING CORPORATION, A NONPROFIT HOUSING CORPORATION

ID NUMBER: 783289

received by facsimile transmission on December 10, 1999 is hereby endorsed

Filed on December 13, 1999 by the Administrator.

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 13th day of December, 1999.

, Director

Corporation, Securities and Land Development Bureau

Sent by Facsimile Transmission 07817

CS-1 (Rev. 1/99)

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
CORPORATION, SECURITIES AND LAND DEVELOPMENT BUREAU

Date Received

(FOR BUREAU USE ONLY)

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

Address

City State Zip Code

EFFECTIVE DATE:

Document will be returned to the name and address you enter above. If left blank document will be mailed to the registered office.

RESTATED ARTICLES OF INCORPORATION

For use by Domestic Nonprofit Corporations

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Restated Articles:

1. The present name of the corporation is:

   Springhill Housing Corporation, A Nonprofit Housing Corporation

2. The identification number assigned by the Bureau is: [redacted]

3. All former names of the corporation are:

   None

4. The date of filing the original Articles of Incorporation was: June 29, 1990

The following Restated Articles of Incorporation supersede the Articles of Incorporation as amended and shall be the Articles of Incorporation for the corporation:

ARTICLE I

The name of the corporation is:

Springhill Housing Corporation, A Nonprofit Housing Corporation

ARTICLE II

The purpose or purposes for which the corporation is organized are:

See Attached

ARTICLE III

1. The corporation is organized on a Non Stock basis.
(stock or nonstock)

2. If organized on a stock basis, the aggregate number of shares which the corporation has authority to issue is
Not Applicable
be divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences, and limitations of the shares of each class are as follows:

3. If organized on a nonstock basis, the description and value of its real property assets are: (If none, insert "none")
See Attached

and the description and value of its personal property assets are: (If none, insert "none")
None

(The valuation of the above assets was as of _____, _____)
The corporation is to be financed under the following general plan:

The corporation is organized on a Directorship basis.
(membership or directorship)

ARTICLE IV

1. The address of the registered office is:

1502 Harel, Birmingham, Michigan 48009
(Street Address) (City) (ZIP Code)

2. The mailing address of the registered office, if different than above:

P.O. Box 3651, Birmingham, Michigan 48009
(Street Address or P.O. Box) (City) (ZIP Code)

3. The name of the resident agent is: Marc Crain

ARTICLE V (Additional provisions, if any, may be inserted here; attach additional pages if needed.)

5. COMPLETE SECTION (a) IF THE RESTATED ARTICLES DO NOT FURTHER AMEND THE ARTICLES OF INCORPORATION; OTHERWISE, COMPLETE SECTION (b).

a. ☐ These Restated Articles of Incorporation were duly adopted on the _____ day of _____, _____, in accordance with the provisions of Section 642 of the Act by the Board of Directors without a vote of the members or shareholders. These Restated Articles of Incorporation only restate and integrate and do not further amend the provisions of the Articles of Incorporation as heretofore amended and there is no material discrepancy between those provisions and the provisions of these Restated Articles.

Signed this _____ day of _____, _____

By _____
(Signature of Authorized Officer or Agent)

_____
(Type or Print Name)

b. ☒ These Restated Articles of Incorporation were duly adopted on the 25th day of October, 1999 in accordance with the provisions of Section 642 of the Act. These Restated Articles of Incorporation restate, integrate, and do further amend the provisions of the Articles of Incorporation and: (check one of the following)

☒ were duly adopted by the shareholders, the members, or the directors (if organized on a nonstock directorship basis). The necessary number of votes were cast in favor of these Restated Articles of Incorporation.

☐ were duly adopted by the written consent of all the shareholders or members entitled to vote in accordance with Section 407(3) of the Act.

☐ were duly adopted by the written consent of all the directors pursuant to Section 525 of the Act as the corporation is organized on a directorship basis.

☐ were duly adopted by the written consent of the shareholders or members having not less than the minimum number of votes required by statute in accordance with Section 407(1) and (2) of the Act. Written notice to shareholders or members who have not consented in writing has been given. (Note: Written consent by less than all of the shareholders or members is permitted only if such provision appears in the Articles of Incorporation)

Signed this 12th day of November, 1999

By _____
(Signature of President, Vice-President, Chairperson, or Vice-Chairperson)

Marc Craig President and Chief Executive Officer
(Type or Print Name) (Type or Print Title)

CS 511

Preparer's name Michele Hersack-Wehrein

Business telephone number (248) 276-8106

INFORMATION AND INSTRUCTIONS

1. The Articles of Incorporation cannot be restated until this form, or a comparable document, is submitted.

2. Submit one original of this document. Upon filing, the document will be added to the records of the Corporation, Securities and Land Development Bureau. The original will be returned to your registered office address, unless you enter a different address in the box on the front of this document.

   Since this document will be maintained on optical disk media, it is important that the filing be legible. Documents with poor black and white contrast, or otherwise illegible, will be rejected.

3. This document is to be used pursuant to the provisions of Act 162, P.A. of 1982 for the purpose of restating the Articles of Incorporation of a domestic nonprofit corporation. Restated Articles of Incorporation are an integration into a single instrument of the current provisions of the corporation's Articles of Incorporation, along with any desired amendments to those articles.

4. Item 2 - Enter the identification number previously assigned by the Bureau. If this number is unknown, leave it blank.

5. Item 3 - Restated Articles of Incorporation which do not amend the Articles of Incorporation may be adopted by the Board of Directors without a vote of the shareholders by completing Item 5(a). Restated Articles of Incorporation which amend the Articles of Incorporation require adoption by the shareholders, by the members, or by the Board of Directors if organized on a nonstock directorship basis by completing Item 5(b). A nonprofit corporation organized on a nonstock directorship basis as authorized by Section 302 of the Act may or may not have members, but if it does, the members are not entitled to vote.

6. This document is effective on the date endorsed "filed" by the Bureau. A later effective date, no more than 90 days after the date of delivery, may be stated.

7. This document must be signed by: (COMPLETE Item 5(a) or 5(b), BUT NOT BOTH)
   Item 5(a): must be signed in ink by an authorized officer or agent.
   Item 5(b): must be signed in ink by the president, vice-president, chairperson or vice-chairperson of the corporation.

8. NONREFUNDABLE FEE: Make/remittance payable to the State of Michigan. Include corporation name and identification number on check or money order. $10.00

To submit by mail:

Michigan Department of Consumer & Industry Services
Corporation, Securities and Land Development Bureau
Corporation Division
7150 Harris Drive
P.O. Box 30054
Lansing, MI 48909

To submit in person:

6546 Mercantile Way
Lansing, MI
Telephone: (517) 241-6400

Fees may be paid by VISA or Mastercard when delivered in person to our office.

To submit electronically: (517) 334-8045

*To use this service complete a MICH-ELF application to provide your VISA or Mastercard number. Include your assigned Filer number on your transmission. To obtain an application for a filer number, contact (517) 241-6420 or visit our WEB site at http://www.cis.state.mi.us/corp/.

Attachment

ARTICLE II

The Corporation is not organized for the private gain of any person. It is organized under the Michigan Nonprofit Corporation Law to provide affordable, permanent, supportive housing to low and moderate income individuals, with an emphasis on serving citizens with disabilities. Included in its general purposes are to create integrated housing alternatives in scattered areas which maximize opportunities for people with disabilities to interact with the general public and to promote the establishment of safe, affordable, and accessible as necessary, housing for people with disabilities.

Said corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distribution to organizations that quality exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (or that corresponding provision any future United States Internal Revenue Law).

BY LAWS OF
SPRINGHILL HOUSING CORPORATION

A NONPROFIT CORPORATION

Incorporated under the Laws of the State of Michigan. Registered office address: 1602 Hazel, Birmingham, MI 48009.

Annual meeting on the fourth Monday of October at 6:00 pm, Eastern Standard Time or on the nearest possible date prior to January 1st, at the discretion of the Board of Directors.
The Corporation shall conduct business on a calendar year basis, ending December 31.

ARTICLE I - OFFICES

The address of the registered office of the Corporation in Michigan is stated at the beginning of these By-Laws. The corporation may have other offices or branches as determined by the Board of Directors.

ARTICLE II - FISCAL YEAR

The corporation shall conduct business on a calendar year basis rather than a fiscal year basis.

ARTICLE III - MEETINGS OF DIRECTORS

1. PLACE

Directors meetings shall be held at the registered office of the Corporation or at another location determined by the Board of Directors and stated in the notice of the meeting.

2. TIME

The time of the annual meeting of the Directors is stated at the beginning of the By-Laws. If this date falls on a legal holiday then the annual meeting shall be held on the next business day.

3. PURPOSE

The purpose of the annual meeting shall be to elect a Board of Directors and transact other business as may come before the Board.

4. SPECIAL MEETINGS

Special meetings of the Directors may be called by the President, two Directors or by the holders of at least 10% of the votes entitled to vote at a meeting. A special meeting may be called anytime for any business purpose, unless otherwise prohibited by statute and shall be held at the registered office of the Corporation.

5. NOTICE

Written notice stating the place, day, and time of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called shall be delivered not less than 10 nor more than 60 days before the date of the meeting. If mailed, such notice shall be considered to be delivered when deposited in the United States Postal Service addressed to the Director at his/her address as it appears on the books of the Corporation, with the correct amount of postage affixed thereto.

6. QUORUM

At any meetings of Directors a majority of the Directors of the Corporation entitled to vote shall constitute a quorum. The Directors present at such meeting may continue to do business until adjournment even if this means withdrawal of enough Directors to leave less than a quorum. If a quorum is not present the Directors present may adjourn to a date they agree upon.

7. VOTING

Each Director is entitled to 1 vote on each matter submitted to a vote. A vote may be cast either orally or in writing. Any director unable to physically attend or verbally participate in a meeting is entitled to vote by proxy. Any and all proxy votes must be submitted in writing to the Board. All elections for and removal without cause of Directors shall be decided by plurality vote; all other matters shall be decided by majority vote.

8. WAIVER OF NOTICE

Notice of a meeting need not be given to any Director who signs a waiver of notice, whether before or after the meeting. The attendance of any Directors at a meeting, without protesting prior to the conclusion of the meeting the lack of notice of such meeting, shall constitute a waiver of notice by the Director.

9. WRITTEN CONSENT OF DIRECTORS

Any action may be taken without a meeting, without prior notice and without a vote if a consent in writing, setting forth the action to be taken, is signed by all persons entitled to vote on the matter.

10. PARTICIPATION BY TELECOMMUNICATIONS

Participation in a Director's meeting may be by means of conference telephone, or similar communications equipment. All persons participating in the meeting must be able to hear each other, be advised of the use of such equipment, and be provided with the names of individuals using such equipment.

11. ORDER OF BUSINESS

The order of business at all meetings of the Directors, shall be as follows:

a. Roll Call
b. Proof of notice of meeting or waiver of notice
c. Reading of minutes of the preceding meeting
d. Reports of the officers
e. Reports of the committees
f. Election of directors
g. Unfinished business
h. New business

ARTICLE IV - DIRECTORS

1. GENERAL POWERS

The Corporation shall be managed by the Board of Directors.

The Board of Directors shall have authority to operate the Springhill Housing Corporation (The Corporation) on a sound financial basis, and shall in particular but without limitation:

a. Have the authority to set policies and procedures affecting the day-to-day functioning of the Corporation.

b. Acquire, construct, rehabilitate and provide housing and related living environments.

c. Develop, acquire, improve and monitor the operations and management of any real or personal property or interest or rights therein or appurtenant.

d. Sell, convey, assign, mortgage and lease any real or personal property.

e. Borrow money and execute such evidence of indebtedness and such contracts, agreements, and instruments as may be necessary and execute and deliver any mortgage, deed of trust, assignment of income or other security instrument in connection therewith.

f. Provide ongoing community education, advocacy and technical assistance to support the development of housing alternatives for low and moderate income people with disabilities.

g. Develop model housing alternatives, both home ownership and rental, that will provide long term affordability.

h. Develop creative financing alternatives using a combination of private, public and charitable resources.

A Board member shall discharge the duties of his/her position in good faith and with that degree of diligence, care and skill which an ordinarily prudent person would exercise under similar circumstances in a like position. In discharging those duties, a Board member, when acting in good faith, may rely upon the opinion of counsel for the corporation, upon the report of an independent appraiser selected with reasonable care by the Board, or upon financial statements of the corporation represented to be current by the president or the officers of said corporation having charge of its books of account, or state in a written report by an independent public or certified public accountant or firm of such accountants fairly to reflect the financial condition of the corporation.

2. NUMBER AND TENURE OF DIRECTORS

The number of Directors of the Corporation shall be at least eleven (11) and not more than fifteen (15). At least one third of the Board will consist of low and moderate income people with disabilities. Each Director shall hold office for a period of three (3) years (terms to vary initially), and until his/her successor shall have been elected and qualified.

The Directors shall create an Advisory Board, comprised of low and moderate income program beneficiaries as well as individuals from a variety of professions. The Advisory Board is to serve as a consultative resource to the elected Board of Directors. Advisory Board members may be selected by a majority vote, and will serve for variable terms of office, at the discretion of the Directors. Advisory Board members may not vote on any issue and are not entitled to any compensation, but are entitled to attend directors meetings and receive notice of such meetings on the same terms as the Directors.

3. NEWLY CREATED DIRECTORSHIPS AND VACANCIES

A vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the Board of Directors, even if there is less than a quorum of the Board of Directors. The Board of Directors so chosen shall hold office until the next annual election of the Board of Directors.

4. REGULAR AND SPECIAL MEETINGS

a. Regular meetings may be held with notice as determined by the Board of Directors, and must be held at least quarterly. Low and moderate income program beneficiaries will be invited to attend regular Board meetings for the purpose of obtaining their advice about decisions regarding the design, location, development and managemen of affordable housing projects. Notice regarding regular meetings may be made by posting such notice in the common area(s) of any agency or agencies providing services and/or programs to persons of low and moderate income.

b. Special meetings may be called by the President or at least two (2) Directors on two (2) days notice by mail or 24 hours notice by telecommunications device. A brief indication of the nature of the business to be transacted shall be made a part of the notice. If mailed, the notice shall be considered delivered when deposited in the United States Mail. The notice must be properly addressed and have the correct amount of postage on it. If the notice is by telecommunications device, it shall be considered received when delivered to the telecommunications company.

c. Participation in a regular or special meeting may be by means of conference telephone, or similar telecommunications equipment. All persons participating in the meeting must be able to hear each other, be advised of the use of such equipment, and be provided with the names of individuals using the equipment.

5. QUORUM

A quorum shall consist of a majority of the Board of Directors.

6. ACTION BY BOARD WITHOUT A MEETING

Any action required or permitted to be taken pursuant to authorization voted at a meeting of the Board of Directors or a committee of the board, may be taken without a meeting if before or after the action all members of the Board of Directors or committee consent to it in writing. The written consents shall be filed with the minutes of the proceedings of the Board of Directors or committee

7. WAIVER OF NOTICE

Attendance of a Director at a meeting constitutes a waiver of notice of the meeting except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

8. REMOVAL OF DIRECTORS

Any Director may be removed for cause by a majority vote of the Board of Directors. Directors may be removed without cause only by a two-thirds (2/3) vote of the remaining Directors.

9. EXECUTIVE AND OTHER COMMITTEES

The Board of Directors, by resolution, may designate from among its members, or otherwise, an executive committee and other committees, each consisting of one or more Directors. Each committee shall serve at the pleasure of the Board of Directors. Committee members and chairperson shall be appointed by the President subject to approval by the Board of Directors.

ARTICLE V - OFFICERS

1. NUMBER

The officers of the Corporation may consist of a President, Chief Executive Officer (CEO), Vice Chair, Secretary, and Treasurer and other officers as shall from time-to-time be elected or appointed by the Board of Directors.

2. SALARIES

The salaries (in any) of the officers and others shall be established by the Board of Directors.

Directors as such shall not receive any stated salaries for their services, but by resolution of the Board of Directors a reasonable per diem compensation and reimbursement for actual, reasonable and necessary expenses of attendance, if any, at each regular or special meeting of the Board.

No Director shall possess any property right in or to the property of this corporation. In the event that this corporation owns or holds any property upon its dissolution and winding up, after paying or adequately providing for its debts and obligation, the directors shall dispose of the remaining property in accordance with the Articles of Incorporation.

3. REMOVAL

An officer elected or appointed by the Directors may be removed by the Board of Directors with or without cause. The removal of an officer shall be without prejudice to his/her contract rights (if any).

4. CHIEF EXECUTIVE OFFICER

At the first meeting of each newly elected Board of Directors, the Board of Directors may designate the Chairperson of the Board or President of the Corporation, or such other individual as it may deem appropriate, as the Chief Executive Officer of the Corporation; provided, however, that if a motion is not made and carried to change the designation, the designation shall be the same as the designation for the preceding year; provided, further, that the designation of the Chief Executive Officer may be changed at any special meeting of the Board of Directors. The President shall be the Chief Executive Officer of the Corporation whenever the office of Chief Executive Officer is vacant and there is no Chairperson of the Board whose duties include being Chief Executive Officer. The Chief Executive Officer shall serve as a voting member of the Board of Directors. The Chief Executive Officer shall be responsible to the Board of Directors for the general supervision and management of the business and affairs of the Corporation and shall have the general authority to take any action necessary within the framework of the policies, plans and budget as approved by the Board of Directorsand to see that all orders and resolutions of the Board of Directors are carried into effect. Upon approval from the Board the Chief Executive Officer may also serve as the Executive Director.

5. CHAIRPERSON OF THE BOARD OF DIRECTORS

The chairperson of the board of Directors shall be elected or appointed by, from and among, the members of the Board of Directors and will preside at all meetings of the Board. The Chairperson shall perform such other duties and functions as shall be assigned from time to time by the Board of Directors. Except where by law the signature of the President/Chief Executive Officer of the Corporation is required, the Chairperson shall possess the same power and authority to sign all certificates, contracts, instruments, papers and documents of every conceivable kind and character whatsoever in the name of and on behalf of the Corporation which may be authorized by the Board of Directors. During the absence or disability of the President/Chief Executive Officer, or while the office is vacant, the Chairperson shall exercise all of the powers and discharge all of the duties of the President/Chief Executive Officer.

6. PRESIDENT

The President shall be responsible to the Board of Directors for the general supervision and management of the business and affairs of the Corporation and shall see that all orders and resolutions of the Board of Directors are carried into effect. He or she shall perform such duties and functions as shall be assigned to him or her from time to time by the Board of Directors. He or she shall possess the authority to sign all certificates, contracts, instruments, papers and documents of every conceivable kind and character whatsoever in the name of and on behalf of the Corporation which may be authorized by the Board of Directors. The President shall, in general, perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors.

7. VICE-CHAIRPERSON

The Board of Directors may elect a Vice-Chairperson who shall perform the duties and exercise of powers of the Chairperson during the absence or disability of the Chairperson of the Board. The Vice-Chairperson shall also perform such other duties as may be delegated by the Board of Directors.

8. SECRETARY

The Secretary shall attend all meetings of the Board of Directors and shall preserve in the books of the Corporation true minutes of the proceedings of all such meetings. He or she shall give all notice required by the Act, these By-Laws or resolution. The Secretary shall perform such other duties as may be delegated by the Board of Directors.

9. TREASURER

The Treasurer shall have custody of all corporate funds and securities and shall keep, in books belonging to the Corporation, full and accurate accounts of all receipts and disbursements. The Treasurer shall deposit all monies, securities and other valuable effects in the name of the Corporation in such depositories as may be designated for that purpose by the Board of Directors. The Treasurer shall disburse the funds of the Corporation as may be ordered by the Board of Directors, utilizing proper vouchers for such disbursements, and shall render to the President and Chief Executive Officer and the Board of Directors whenever requested, an account of all his or her transactions as Treasurer and of the financial condition of the Corporation. If required by the Board of Directors, he or she shall keep in force a bond in form, amount and with surety or sureties satisfactory to the Board of Directors, conditioned for faithful performance of the duties of his or her office, and for restoration to the Corporation in case of his or her death, resignation, retirement or removal from office, of all books, papers, vouchers, money and property of whatever kind in his or her possession or under his or her control belonging to the Corporation. The Treasurer shall perform such other duties as may be delegated by the Board of Directors.

ARTICLE VI - EXECUTIVE DIRECTOR

The Board may engage the services of an Executive Director and any other staff which it may deem necessary.

The Executive Director, selected and employed by the Corporation, shall be the operational head of the Corporation under the direction and control of the Board of Directors as such, he/she shall have authority to receive and disburse funds (with approval of the Treasurer), to supervise all corporate staff (including hiring and discharge), all in conformity with regulations and procedures approved by the Board of Directors, keeping same informed concerning the affairs and activities of the Corporation and any special problems encountered in the administration thereof. He/she shall make recommendations to the Directors as he/she believes will be helpful to them in determining the policies of the Corporation. He/she shall attend all meetings of the Board of Directors as an ex-officio member without vote.

The Executive Director shall (with the approval of the Treasurer) be responsible for the safeguarding of all Corporate funds and securities. He/she shall ascertain that sound internal controls have been established for deposit of all monies, securities and other valuable assets in the name of the Corporation in such depositories as may be designated for the particular purpose by the Board of Directors. He/she shall likewise determine that adequate Corporate records are maintained to provide a full and accurate account of assets, liabilities, receipts and disbursements in accordance with rules and regulations of funding agencies where appropriate. He/she shall also be responsible for the development of an operating budget on an annual basis.

The Executive Director shall be responsible for the filing of all financial reports requested by governmental authority and funding agencies. The Executive Director shall furnish annually to the Board of Directors, within thirty (30) days after the close of this Corporation's calendar year, a statement which briefly describes each of the following transactions, if any:

a. Any "covered transaction" during the previous calendar year involving more than Five Thousand And NO/100 ($5000.00) Dollars, or which was one of the number of "covered transactions" in which the same "interested person" had a direct or indirect material financial interest, and which transactions in the aggregate involved more than Five Thousand And No/100 ($5000.00) Dollars. The description of such "covered Transactions" involved in such transactions, stating such person's relationship to this Corporation, the nature of such person's interest in the transaction and, where practical, the amount of such interest; provided, that in the case of a transaction with a partnership of which such person is a partner, only the interest of the partnership need be stated; and

Within the meaning of this section, a "covered transaction" with an "interested person" means a transaction in which this Corporation was a party, and in which either of the following person has a direct or indirect material financial interests: any director or officer of this Corporation, or any holder or more than ten (10%) percent of the voting power of the Corporation. A common directorship is not a material financial interest within the meaning of this section.

The Executive Director shall cause to be prepared within thirty (30) days after the close of this Corporation's calendar year, for the use of the Board of Directors and for whatever further use the Board may duly authorize, a report containing in appropriate detail the following information:

a. The assets and liabilities, including the trust funds, of this Corporation as of the end of the calendar year;

b The principal changes in assets and liabilities, including trust funds, during the calendar year;

c. The revenue or receipts of this corporation, both unrestricted and restricted to particular purposed, for the calendar year;

d. The expenses of disbursements of this Corporation during the calendar year.

ARTICLE VII - INDEMNIFICATION

The Corporation shall indemnify, to the extent allowed by the applicable legal statutes of this State, any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that the person is or was a Director, officer, employee or agent of the Corporation or served any other enterprise at the request of the Corporation. The person to be indemnified must have acted in good faith and in a manner he/she reasonably believed to be in, or not opposed to, the best interests of the Corporation or its Directors, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his/her conduct was unlawful.

ARTICLE VIII - AMENDMENTS

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by a vote of the Directors representing a majority of all Directors at any annual Board of Directors meeting or at any special Board of Directors meeting when the proposed amendment has been set out in the notice of such meeting.

ARTICLE IX - PURPOSE OF THE CORPORATION

Springhill Housing Corporation is organized as a nonprofit corporation with the goal of providing lifetime affordable accessible housing to low and moderate income people with disabling conditions and others needing housing. The corporation is organized to create integrated housing alternatives in scattered areas of Macomb and Oakland Counties, which maximize living choices.

ARTICLE X - MISCELLANEOUS PROVISIONS

The President of this corporation or his/her designee is authorized to accept donations which support the purposed of this Corporation as set forth in the Articles of Incorporation of the Corporation, whether such donation is for a specific project or projects, or is for the general support of this Corporation's program.

The provisions of these By-laws are severable. If any article, paragraph, or provision of this document shall be unenforceable or invalid, it shall not effect the enforceability or validity of any one or more of the other articles, section, paragraphs or provisions hereof.

ADOPTED: February 9, 2000

Ronald Kimball

RONALD KIMBALL, Secretary

Springhill Housing Corporation

P.O. Box 1461 • Birmingham, Michigan 48009 • Phone (248) 276-8011 • FAX (248) 276-9280

BOARD RESOLUTION:
To Amend the By-Laws

February 9, 2000

By virtue of the authority granted persuant to Article VIII of the Articles of Incorporation, the Board of Directors resolve that the By-Laws of the Springhill Housing Corporation be amended as follows:

ARTICLE IV - DIRECTORS

2. NUMBER AND TENURE OF DIRECTORS

Second paragraph shall be restated:

"The Directors shall create an Advisory Board, comprised of low and moderate income program beneficiaries as well as individuals from a variety of professions. The Advisory Board is to serve as a consultative resource to the elected Board of Director. Advisory Board members may be selected by a majority vote, and will serve for variable terms of office, at the discretion of the Directors. Advisory Board members may not vote on any issue and are not entitled to any compensation, but are entitled to attend Directors meetings and will receive notice of such meetings on the same terms as the Directors."

4. *"REGULAR, COMMUNITY OUTREACH AND SPECIAL MEETINGS"*

   a. *"Regular meetings may be held with notice as determined by the Board of Directors, and must be held at least quarterly."*

b. "Community outreach meetings will be held for the purpose of obtaining advice from low and moderate income program beneficiaries concerning the design, location, development and management of an affordable housing project. These meetings hall be held whenever a decision to pursue a particular project is approved by the Board of Directors. Notice of the the scheduled community outreach meeting will be posted in the common area(s) of any agency providing services and/or programs to persons of low and moderate income."

c. "Special meetings may be called by the President or at least two (2) Directors on two (2) days notice by mail or 24 hours notice by telecommunications device. A brief indication of the nature of the business to be transacted sall be made a part of the notice. If mailed, the notice shall be considered delivered when deposited in the United States Mail. The notice must be properly addressed and have the correct amount of postage on it. If the notice is by telecommunications device, it shall be considered recieved when delivered to the telecommunications company."

d. "Participation in a regular, community outreach or special meeting may be by means of conference telephone or similar telecommunications equipment. All persons participating in the meeting must be able to hear each other, be advised of the use of such equipment, and be provided with the names of individuals using the equipment."

Ronald Kimball 2/16/2010

Ron Kimball, Secretary/Treasurer Date

CITY COUNCIL ACTION REPORT

June 11, 2009

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, Acting City Manager

SUBJECT: Appointment of SOCRRA Representative and Alternate Members

It is time to appoint the representative and alternate for the SOCCRA Board of Trustees for the fiscal year beginning July 1, 2009. It is recommended that Council reappoint Assistant City Manager Brian Murphy as the representative and DPW Director Tim Richnak as the alternate member.

SOCRRA
Community Partners in Recycling & Waste

Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

May 6, 2009

RECEIVED
CITY OF TROY
2009 MAY -8 PM 12:37

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

Subject: Appointment of Representative & Alternate

Dear Ms. Bartholomew:

Article VII of the Articles of Incorporation of SOCRRA provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Troy are as follows:

Representative	Alternate
B. P. Murphy	T. L. Richnak

It is requested that the City Council, by resolution, appoint a representative and alternate representative to represent the City of Troy on the Board of Trustees of SOCRRA for the fiscal year beginning July 1, 2009.

Please forward a certified copy of this resolution to SOCRRA, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

Jeffrey A. McKeen

Jeffrey A. McKeen, P.E.
General Manager

JAM/ksh

ANIMAL CONTROL APPEAL BOARD MINUTES – FINAL SEPTEMBER 3, 2008

A regular meeting of the Animal Control Appeal Board was held on Wednesday, September 3, 2008 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:35 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
Patrick Carolan, Secretary
Kathleen Melchert
V. James Viola
Lt. Charles Pappas
ACO Karen Livingston
Christopher Forsyth, Assistant City Attorney
Pat Gladysz

ABSENT: Al Petrulis, Vice-Chairperson

Resolution to Excuse Committee Member Petrulis

Resolution #AC2008-09-005
Moved by Carolyn
Seconded by Viola

RESOLVED, that the absence of Committee member Petrulis at the Animal Control Appeal Board meeting of September 3, 2008 BE EXCUSED.

Yes: 4
No: 0
Absent: Petrulis

Resolution to Approve Minutes of June 11, 2008 Meeting

Resolution #AC2008-09-006
Moved by Melchert
Seconded by Carolan

RESOLVED, that the Minutes of the June 11, 2008 meeting of the Animal Control Appeal Board be approved.

Yes: 4
No: 0
Absent: Petrulis

Resolution to Elect Chairperson, Vice-Chairperson, and Secretary

Resolution #AC2008-09-007
Moved by Viola
Seconded by Melchert

RESOLVED, that the Chairperson, Vice-Chairperson, and Secretary that served the Board in the past year continue in those positions for one additional year. Specifically, Jayne Saeger will serve as Chairperson, Al Petrulis will serve as Vice-Chairperson, and Patrick Carolan will serve as Secretary.

Yes:	4
No:	0
Absent:	Petrulis

The 2009 regular meetings will be scheduled on March 4, 2009 and September 2, 2009.

The meeting adjourned at 7:45 p.m.

_____
Jayne Saeger, Chairperson

_____
Patricia A. Gladysz, Secretary II

ANIMAL CONTROL APPEAL BOARD MINUTES – FINAL MARCH 4, 2009

The regular meeting of the Animal Control Appeal Board scheduled for Wednesday, March 4, 2009 in Conference Room C of Troy City Hall, 500 West Big Beaver Road was cancelled at 7:50 p.m. due to lack of quorum.

PRESENT: Jayne Saeger, Chairperson
Patrick Carolan, Secretary
Sergeant Joseph Haddad
ACO Karen Livingston
Susan Lancaster, Assistant City Attorney
Pat Gladysz

ABSENT: Al Petrulis, Vice-Chairperson
Kathleen Melchert
V. James Viola

_____
Jayne Saeger, Chairperson

_____
Patricia A. Gladysz, Secretary II

TROY YOUTH COUNCIL – FINAL MINUTES **March 25, 2009**

A meeting of the **Troy Youth Council (TYC)** was held on March 25, 2009 at 7:00 PM at Troy Nature Center, 6685 Coolidge. Sevita Rama and Vikram Prasad called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Willa Adamo
Disha Bora
Geon Woo Kim
Jason Lee (Secretary)
Jennifer Liang
Vikram Prasad (Co Chair)
Sevita Rama (Co Chair)
Shaina Sekhri
Neil Shaw
Emily Wang
David Wylie

MEMBERS ABSENT: Joseph Niemiec, Rachita Singh
VISITORS: Stacey Yankee, Nature Center Manager
STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2009-3-3

Moved by Kim
Seconded by Wylie

RESOLVED, That the minutes of February 25, 2009 be approved.
Yes: All – 11
No: 0
Absent: 2 – Niemiec, Singh

3. Attendance Report:

Report reviewed by council members, no comments.

4. Visitors

Stacey Yankee, Nature Center Director

Visited Sugar Shack

Update on sap production, upcoming events, volunteer opportunities, budget issues, visitors per year and several other items.

5. Teens Taking Action

5 K Run coming up in April

6. Troy Daze

No report

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

No Motion
Resolution # TY-2009-3-4

Moved by	Sekhri
Seconded by	Bora

RESOLVED that Niemiec, Singh are excused.

Yes:	11
No:	0
Absent:	2 - Niemiec, Singh

8. Youth Council Comments – None

9. Public Comments – None

10. Adjournment – 7:50 p.m.

_____
Vikram Prasad, Co-chair

_____
Scott Mercer, Recreation Supervisor

Reminder Next Meeting: April 22 at 7:00 P.M.

PARKS AND RECREATION ADVISORY BOARD

A special meeting of the Troy Parks and Recreation Advisory Board was held Wednesday, April 8, 2009 at the Troy Community Center, room 305. Chairman, Tom Krent called the meeting to order at 7:10 p.m.

Present:
Pauline Noce, member
Jeff Stewart, member
Kathy Fejes, member
Tom Krent, member
Carol K. Anderson, staff
Jan Zikakis, member
Gary Hauff, member
Divya Subramanian, student representative
Stuart Alderman, staff

Absent: Tod Gazetti, Orestes Kaltsounis, Meaghan Kovacs, Stuart Redpath.

Visitors: Jo Ann Thompson

Resolution # PR - 2009-04-04
Moved by Fejes
Seconded by Noce

RESOLVED, that the minutes from February 18, 2009 are approved as submitted.

Yes: All 6
MOTION CARRIED

NEW BUSINESS

A. Budget – Each budget was discussed.
   1. Parks and Recreation Operating – There has been an overall reduction of $1.2 million in this budget. Programs are continuously evaluated to determine their effectiveness and those that are not beneficial or require too many resources are eliminated.
   2. Aquatics – Fees have not increased this year at the Aquatic Center. Expenses were reduced by 1%.
   3. Golf Courses - The budget for Sylvan Glen is reduced by 6%, and the Sanctuary Lake budget is reduced by 3%. Some rates are changing to encourage more play resulting in increased revenue. We will continue to market both golf courses to increase revenues.
   4. Capital – An explanation of each project was discussed.

Resolution # PR-2009-04-05
Moved by Fejes
Seconded by Hauff

Whereas, the proposed Parks and Recreation budget has been reduced 12% or $1,199,150.00 from the 2008-2009 budget,

Whereas, the proposed Aquatic Center budget (enterprise) has been reduced 1%, or $3,220.00,

Whereas, the proposed Sylvan Glen Golf Course budget has been reduced 6%, or $72,550.00 and the proposed Sanctuary Lake Golf Course budget has been reduced 3%, or $10,910.00,

RESOLVED, the Parks and Recreation Advisory Board recommends City Council adopt the 2009-2010 budgets (Parks and Recreation, Aquatic Center, Golf Courses) and Capital Improvement budgets (Parks and Recreation, Aquatic Center, and Golf Courses) as presented.

Yes: All 6
MOTION CARRIED

B. Golf Rates – The golf rate changes were discussed. Discussion regarding the increase in rates at Sylvan for residents was discussed.

OLD BUSINESS

A. Park Naming Policy – City Council asked that the Park Naming Policy be simplified. A revised version was given for review.

Resolution # PR-2009-04-06
Moved by: Fejes
Seconded by: Zikakis

RESOLVED, that a vote on the revised version of the Park Naming Policy be postponed until the next meeting.

Yes: All 6
MOTION CARRIED

Member Comments:
Gary Hauff mentioned that a trail in the northwest corner of Boulan Park is being driven on by personnel. Staff will research.

Tom Krent had a letter from a resident requesting a paved path from Northfield Drive into Boulan Park. Staff will research.

Jan Zikakis asked if there would be a Troy Daze this year. Staff indicated Troy Daze will be held this year.

Staff Reports
Directors Report

- Consultants for the trails/path project have been contracted and a public meeting will be held on Tuesday, April 14 at 7 pm at the Community Center for public input.

- This year Troy Daze falls on Jewish holy days and it has been requested that we make changes to the operations. The Troy Daze Committee is responding and making changes accordingly.

Parks Report

- The seasonal laborers started on April 1. The restrooms are open in the parks and we are gearing up for summer.

Recreation Report

- A sign of the economic climate today is people do not sign up for programs until close to when the programs begin.
- The Aquatic Center opens Memorial Day weekend. Aquatic Center brochure was distributed.
- Arbor Day is May 1st and will be celebrated at Firefighters Park at 4:30 pm.
- Golf leagues and Adult Softball begins April 18.
- Two pickleball courts will be installed at both Smith and Baker Middle Schools.

The meeting adjourned at 8:45 p.m.

_____
Tom Krent, Chairman

_____
Mary Williams, Recording Secretary

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, April 14, 2009

I. Call to Order 7:05 pm

II. Roll Call

Present
Kelly Jones
Cathy Francois
Mayada Fakhouri
Sharon MacDonell
John Witt
Reuben Ellis
Michelle Haight
Lily Huang, Student Rep
Aries Tao, Student Rep
Cindy Stewart, City Liaison

Absent
Veena Rao
Karen Yelder

III. Approval of Minutes – February 10, 2009

Motion by Cathy Francois
Seconded by John Witt to approve the February 10, 2009 minutes.

IV. New Business

a. Introduction of new Board members:
Sharon MacDonell has been a Troy resident for 3-1/2 years and is married to a Japanese-American man. They have adopted two daughters from China who attend Leonard Elementary. She is starting a cross-cultural committee at Leonard that will launch a cultural fair in the Spring of 2010.

b. Correspondence/Articles:
- Free Press: Police shooting of black man probed in Louisiana
- Troy Interfaith Group invites all to event at Big Beaver United Methodist Church called “Lift Every Voice” to celebrate National Day of Prayer on May 7 at 7 pm.
- CAPA Bridging the Generation Gap Workshop – Saturday, May 16, from 1-4 pm for middle school and high school students, parents and teachers. It will be held at Oakland Community College, Auburn Hills campus. Free.
- Schroder Elementary PTO presents a “Multicultural Toolbox” workshop on Tuesday, April 21, at 7 pm.

c. EIAB Meetings

In past months, we have had problems making quorum. Kelly Jones is suggesting meetings every other month. With pulling away from Troy Daze EthniCity and focusing on school events/workshops, the need for monthly meetings is no longer there. This would be a more efficient and effective use of time. It's very frustrating for people to come to the meeting and then find there is no quorum. Board Members have not been good about letting the chair or staff liaison know they cannot attend.

John Witt noted that if the group changes the meeting schedule to every other month, everyone must make sure to attend the reduced number of meetings.

Kelly Jones said going forward, when members receive the agenda, they must respond back to Cindy Stewart as to whether or not – yes or no -- they are going to attend the meeting.

The following new meeting schedule was proposed: first Tuesdays in February, April, June, August, and October, and the second Tuesday of November.

Michelle Haight moved to approve the new meeting schedule. The motion was seconded by Cathy Francois. The motion was approved. Cindy will send a new schedule to the Clerk's Office for posting.

V. Old Business

a. Troy Daze – EthniCity Poster Contest

The group brainstormed a number of ideas – Tapestry of Troy; How Life is Better with Friends of Different Cultures; Tapestry of Troy's Diversity; Together We Grow from Different Cultures; Celebrating Diversity – Together We Grow; Celebrating Multiculturalism – The Tapestry of Troy.

Lily Huang proposed "Embrace One Another … Together We Grow." The group approved the idea for the 2009 EthniCity Poster Contest Theme.

Michelle will look at additional ways to get more school participation. Flyers will be at City facilities and sent out with the e-Newsletter to the schools.

b. Troy School District Updates

Elementary Schools – Schroeder Elementary PTO presents "Multicultural Toolbox: Strategies for Raising our Children with Culture(s), Community and Pride.

High Schools – Michelle Haight sent the Cultural Connection Calendar to Tim McAvoy. Cindy Stewart will forward to the Board.

-

Athens High Diversity Day – May 6th at 7 pm in the Auditorium. Includes food and entertainment. Free.
Baker Middle School Diversity Day – May 6, 8 am-1 pm for all students.
Smith Middle School had their Diversity Day on March 31.

Cultural Connections – Team Troy on 3-18-09 at Islamic Center of Greater Detroit. Nadeen Brown and Michael & Aretha Bradley represented the African American Voice and Asad Ali and Ali Lela from IAGD represented the Islamic Voice. 30 Troy administrators were in attendance. The next Cultural Connection will focus on the "Korean Voice" and will be held at the United Methodist Church. This will include a wrap-up evaluation.

c. Cultural Brochures

All will send Cindy information related to Chinese, Indian, Arabic/Chaldean brochures.

d. African American Support Group

The group meets the second Monday each month at the Troy School District Services Building.

VI. Staff Report

a. The translation of the Refuse/Recycling brochure has been completed in Chinese by Lily and her parents and in Arabic by Mayada.

VII. Member Comment

Reuben commended Michelle for helping diffuse a situation at a Middle School.

There is a consensus among the Board members that the Troy School District continues to embrace diversity and we can all keep learning and teaching our children (and adults) about diversity. The EIAB is making great strides in helping to facilitate diversity.

VIII. Adjournment 8:36 pm. Motion by Kelly Jones, seconded by Cathy Francois. Meeting adjourned.

Next Meeting Tuesday, June 2, 2009 at 7 pm

_____
Kelly Jones, EIAB Vice Chair

_____
Cindy Stewart, EIAB Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M. on Wednesday, May 6, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Keith Lenderman
Tim Richnak
Mark Stimac
Frank Zuazo

ALSO PRESENT: Paul Evans, Inspector Supervisor
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF April 1, 2009

Motion by Richnak
Supported by Zuazo

MOVED, to approve the minutes of the meeting of April 1, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. WARREN EMERSON, SMART, 2021 BARRETT, for relief of Chapter 83 to install new fencing at the SMART facility on Barrett.

Mr. Dziurman indicated that the Board had received a letter from the petitioner asking that this request be postponed until the meeting of June 3, 2009.

Motion by Richnak
Supported by Stimac

MOVED, to postpone the request of Warren Emerson, Smart, 2021 Barrett, for relief of Chapter 83 to install new fencing at the SMART facility on Barrett until the meeting of June 3, 2009.

- At the request of the petitioner.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL JUNE 3, 2009 CARRIED

ITEM #3 – VARIANCE REQUESTED. JOHNSON SIGN COMPANY, 150 – 250 & 350 STEPHENSON, for relief to maintain a ground sign with tenant identification where such signs were prohibited by a condition of a variance.

ITEM #3 – con't.

Mr. Stimac explained that the petitioner is requesting relief to maintain an existing ground sign with the name of each tenant listed on this sign. On November 7, 2007, this Board granted a variance for a wall sign at 150 Stephenson with the stipulation that there would not be any ground signs identifying the business. However, the petitioner had already obtained a permit which included the tenant's name as part of a ground sign.

On June 4, 2008 this Board granted a sign variance at 250 Stephenson with the stipulations that there would not be any ground signs identifying the business.

On May 7, 2008 this Board granted a sign variance at 350 Stephenson with the stipulation that there would not be any other signs at this location.

The tenant's names for 250 and 350 Stephenson were added to the ground sign as a "face change" not requiring a sign permit.

Mr. Jay Johnson of Johnson Sign Company was present as well as representatives from the businesses at these sites. Mr. Johnson apologized to his clients and stated that on the surface it appears as though Mr. Johnson had misled them; however, Mr. Johnson said that his company did not do anything to intentionally deceive the City. All of the signs that were installed were done in accordance with the variances received.

Mr. Dziurman questioned the fact that at the meeting of November 7, 2007 it was stipulated that a wall sign could be installed as long as there was not ground sign.

Mr. Johnson stated that they had obtained a sign permit for a ground sign at the end of October 2007 for 250 Stephenson, and did not believe that ground sign applied to 150 Stephenson. These buildings are each allowed one wall sign up to 200 square feet, and two (2) ground signs. The ground sign was installed at 250 Stephenson as there is only one main entrance from Stephenson and this sign was used as the identification sign for this entrance. The monument ground sign was installed on December 28, 2007.

Mr. Johnson further explained that the question was asked at the meeting of May 7, 2008 regarding whether or not they would add a ground sign and Mr. Johnson said that they did not take this tenant sign into consideration. Each building is a separate site and Mr. Johnson said that he believes each building is allowed a ground sign. They did not plan to add a separate ground sign for each location. Mr. Johnson also stated that he did not remember any discussion that states they could not have a ground sign. The ground sign was already installed.

Mr. Stimac stated that the minutes of the meeting of November 7, 2007 indicate that Mr. Lyng stated that only addresses were to be displayed on the ground sign.

ITEM #3 – con't.

Mr. Johnson stated that two (2) representatives from Valeo were present and they all assumed that the Board was addressing a 36 square foot sign at the entrance of this building which was never installed. They only wanted a directional sign that would direct people to their building.

Mr. Dziurman asked what the petitioner was asking for at the meeting of November 2007.

Mr. Stimac explained that they wanted four (4) wall signs where the Ordinance only allows for one (1) wall sign.

Ron Floyd of Valeo, 150 Stephenson was present and stated that they were allowed 436 square feet of signage and they were going to put up signs that totaled less than 400 square feet.

Mr. Stimac stated that if each building is allowed 436 square feet of signage the total allowable square footage would be 1308 square feet total for all three buildings. Mr. Stimac asked how much square footage of signage was at this site.

Mr. Johnson said that he had no idea as he had never added the square footage up.

Mr. Stimac stated that his calculations, based upon the minutes, indicate that right now they have 1338 square footage of signage at this site, which is more than what is allowable by Ordinance.

Mr. Dziurman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Stimac asked what the size of each individual panel was on the existing ground sign.

Mr. Johnson said that each one was approximately 14.67" x 116", which is about 11.8 square feet of copy for each of the tenants on the sign.

Mr. Stimac said that overall the panels are about twelve (12) square feet.

Mr. Dziurman asked how important it was to have the tenants' names on the panels since there are existing wall signs.

Mr. Johnson stated that they were trying to avoid sign clutter by putting a sign on the building rather than separate ground signs. Mr. Johnson said that they thought they

ITEM #3 – con't.

had done everything they were approved to do. Instead of a bunch of pole signs and ground signs, they went from six (6) ground signs to one.

Mr. Don Voyles, 350 Stephenson, Kostal of North America was present and stated that at the time they moved into this location the ground sign was already in place. The wall signs are 115 square feet and Mr. Voyles stated that if the names of the tenants could remain it would be very helpful. The second entrance to this site is farther up Stephenson.

Mr. Dziurman stated that Johnson Sign Company took out a permit for the ground sign and misinterpreted the intentions of the Board when it was determined that no ground signs would be allowed.

Mr. Howard Morok, 250 Stephenson, North American Bancard, was present and stated that they had received the variance for their building in the summer of 2008. Mr. Morok stated that he did not believe there were discussions of any substance at all regarding the square footage of what would be allowed. The monument sign is in place and there have been plenty of opportunities to address that sign at the time the variance was requested. Originally this was a single-tenant site and now there are three (3) separate tenants. Mr. Morok does not believe this is an unreasonable request.

Mr. Lenderman stated that apparently there were permitted and installed signs in place when the petitioners came to the Board and asked for variances. In November 2007 they were told there were to be no ground signs with names on them. Mr. Lenderman also asked if everything that has been installed was approved.

Mr. Stimac said that was correct although at the meeting of November 2007, it was with the stipulation that there would not be any ground signs.

Mr. Lenderman stated that he did not feel that the petitioner had attempted to deceive the City in any way and asked how this item came before the Board.

Mr. Stimac stated that a member of the Board had brought this to his attention. At the meeting of February 4, 2009 it was determined that the existing monument sign was prohibited by the variances granted.

Mr. Dziurman stated that this particular Board member may have approved the request for a variance for a wall sign based on the fact that there were not going to be any ground signs. Obviously there is a concern that this was misunderstood and the Board wants to be fair on the previous decisions made.

Mr. Stimac stated that the existing ground sign this Board is talking about is very small. The panel size is based on the size of the tenant that goes in. If one of these tenants were to leave the Board could place a condition on the variance that any new tenant

ITEM #3 – con't.

name would be limited to not more than 12 square feet per panel. The sign is more directional in nature rather than advertisement. The additional four (4) square feet is not a significant detriment to the City.

Motion by Richnak
Supported by Lenderman

MOVED, to grant Johnson Sign Company, 150, 250 & 350 Stephenson relief of Chapter 85 to maintain a ground sign with tenant identification.

- Tenant names are to be limited to 12 square feet.
- Total signage on site is not to exceed 1338 square feet.
- No additional signs may be added without a variance.
- No other ground signs will be allowed.
- Signs will not be in conflict with Chapter 2 of the City Ordinance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. JOHNSON SIGN COMPANY, 3801 ROCHESTER ROAD, for relief of the Sign Ordinance to relocate an existing 20' tall sign setback 13' from the front property line where the Section 85.02.05 of the Sign Ordinance would require a 20' setback for a sign of this size.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to relocate the existing 20' tall, 100 square foot ground sign at 3801 Rochester to a location that will be setback 13' from the front property line. The sign is being relocated as part of the Rochester Road widening project. Chapter 85, Table 85.02.05 requires signs 100 square feet in area to be setback at least 20' from the front property line.

Mr. Jay Johnson of Johnson Sign Company and Jamie Brown of Uncle Ed's Oil Shop were present and stated that customers enter this location from the back of the building. They do not want the sign to interfere with higher profile vehicles and they are asking to move the existing sign back.

Mr. Zuazo asked if when this sign was moved back, the overhang would be over the easement.

Mr. Johnson stated that it would be 1' back from the 13' easement. Mr. Evans had met them on the site to help determine setbacks for this sign.

Mr. Zuazo stated that since there a number of bays on the site one could be designated for high profile vehicles.

ITEM #4 – con't.

Ms. Brown stated that they have a number of delivery trucks at the site also. The success of this business is based on convenience, "a 10-minute oil change" and when they have attempted to designate one bay for a certain vehicle it limits the flexibility of getting their customers in and out of the site. They cannot bring the drive back any further and it is a very tight turn. The sign will not hang over the parking lot.

Mr. Zuazo asked how far back the sign could be moved.

Ms. Brown said that what they are proposing is as far back as they can put the sign.

Mr. Richnak asked how far back the proposed sign would be from the proposed sidewalk.

Mr. Stimac stated that the sidewalk will be east of the 12' utility easement.

Mr. Richnak confirmed that there will be 12' from the leading edge of the sign to the sidewalk and 1' back from paved surface of driveway.

Mr. Stimac confirmed that this request is only for the relocation of the existing sign.

Mr. Johnson said that was correct and they are considering a changeable copy sign underneath the sign. In order to maximize the square footage they would reduce the height of the pole. They would bring it down 2' and would still have a sign that is 100 square feet in area, 13' from the setback.

Mr. Stimac asked if the same sign box was going to be used and Mr. Johnson said that it was.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Richnak
Supported by Lenderman

MOVED, to grant Johnson Sign Company, 3801 Rochester Road, relief of the Sign Ordinance to relocate an existing 20' tall sign setback 13' from the front property line where Section 85.02.05 of the Sign Ordinance requires a 20' setback for a sign this size.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies to the property described in this petition only.

ITEM #4 – con't.

Yeas: 4 – Dziurman, Lenderman, Richnak, Zuazo
Abstain: 1 – Stimac

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. KATHIE TOMLANOVICH, 2971 BINBROOKE, for relief of Chapter 83 to install a 6' high privacy fence where the Fence Ordinance would limit the height to a maximum of 30".

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. The property is located at the southeast corner of Binbrooke and Adams. Because of the location of this property and the orientation of the adjacent homes, this property is a double front corner lot. Therefore, it has front yard requirements along both Binbrooke and Adams. Chapter 83 limits the height of fences in front setbacks on this property to not more than 30 inches. The permit application submitted indicates a 6' high privacy fence and a portion of 5' high metal fence setback approximately 6' from the property line along Adams Road.

Ms. Tomlanovich was present and stated that she works full time and has two year old twins. Her mother and grandmother provide child care and it is very difficult for them to keep up with these children. Ms. Tomlanovich would like to maximize the use of her yard as well as create security and privacy for her family.

Mr. Dziurman asked about the circumstances making this a double front corner lot.

Mr. Stimac explained that the house to the south fronts on Adams Road which creates the double front. Mr. Stimac stated that in one of the pictures provided by the petitioner it appears as though the privacy fence is located right next to the sidewalk, and asked if the petitioner wanted her fence this close to the sidewalk.

Ms. Tomlanovich stated that the pictured fence is on Wattles and Coolidge and she would like to bring her fence back behind the tree line in order to limit visibility along Adams Road. Ms. Tomlanovich also stated that this is a heavily wooded lot and the neighbors will not be able to see the fence because of the trees. The house located behind Ms. Tomlanovich is vacant and this fence would not have an impact on that property.

Mr. Richnak clarified the amount of fencing that the petitioner was requesting as well as the type of materials that would be used.

Ms. Tomlanovich stated that her neighbors had stated that children go into the woods and she is proposing a chain link fence in this area to keep her children out of the woods.

ITEM #5 – con't.

Mr. Richnak confirmed that the chain link fence at the back of the property would not need a variance.

Mr. Stimac asked about the proposed fence coming from the back corner of the house out to the fence along Adams.

Ms. Tomlanovich stated that she likes the fact that their yards go together, but is trying to build an enclosed area where the children can play and the caregivers won't have to chase them.

Mr. Richnak asked if this 60' fence line is to prevent anyone from leaving the property.

Ms. Tomlanovich said that due to the age of the caregivers she has watching her children; this area would aid them in not having to chase the children.

Mr. Richnak asked why Ms. Tomlanovich is not proposing to put any fencing along the west side of the property.

Ms. Tomlanovich stated that she has talked to her neighbor, who also has young children, and she was planning to put up a safety gate made of orange mesh in between the houses that could be opened and closed rather than have the extra expense of more fencing. The majority of the yard will be fenced in and will provide the privacy they are looking for. The neighbor can see into the main TV room and into their kitchen.

Mr. Stimac asked why the fence couldn't be installed where it complies with the Ordinance.

Ms. Tomlanovich stated that would block out a portion of the yard and she would like to maximize the use of this yard for her children. If the fence were installed in compliance with the Ordinance it would limit the use of the land.

Mr. Stimac stated the fence could be 40' back which would allow the children to be secure in the yard and cut down on the noise. Mr. Stimac also pointed out that in order for a variance to be granted, there has to be a hardship that runs with the land that would justify a variance. The action of the Board is forever and stays with the land rather than with the occupants.

Ms. Tomlanovich stated that before this meeting she had driven around the area and found several addresses that have privacy fences and are on corner lots.

Mr. Richnak stated that he could understand wanting to create a safe environment for her children and asked what the hardship is that would allow a variance. Mr. Richnak also asked if a variance would be required if this was not a corner lot.

ITEM #5 – con't.

Mr. Stimac said that if this was an interior lot a 6' high fence would be allowed.

Ms. Tomlanovich stated that she could make it a 5' high fence and move the fence back 5'.

Mr. Lenderman asked if any part of the fence would be visible.

Ms. Tomlanovich stated that this is a very wooded lot and they had been looking at this home for six months before they purchased it. Between the fence line and sidewalk are a number of trees and bushes and Ms. Tomlanovich does not believe the fence will be visible especially when moved back behind the tree line.

Mr. Richnak stated that the Board is looking to make decisions within the intent of the Ordinance and it is possible that because of the trees the fence may not be able to be installed in that area.

Ms. Tomlanovich said that she is more than willing to move the fence back 5' and would also be willing to make it a 5' high fence.

Mr. Zuazo stated that the petitioner wants to install a fence for the sake of keeping her children from leaving the property but does not want to install a fence on the other side of the property.

Ms. Tomlanovich said that she is concerned about the traffic on Adams Road and had spoken to her neighbor and they believe that the installation of a temporary fence will work.

Mr. Zuazo asked if the 60' portion of the fence would be temporary or permanent.

Ms. Tomlanovich said that it would be a permanent fence with a gate.

Mr. Richnak asked which portion of the fence requires a variance.

Mr. Stimac explained that the line of fencing to the west of the front line of the home would be limited to not more than 30" in height.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Zuazo asked how high the fence would be along Adams.

ITEM #5 – con't.

Mr. Stimac said that the petitioner is proposing a 6' high fence in that area.

Ms. Tomlanovich stated that the fence would be 5' high along the driveway.

Mr. Richnak stated that the land slopes down toward the house along Adams. The fence would probably appear to be closer to 4' or 4 ½' when viewed from the Road.

Mr. Zuazo asked how much further back the fence would be from Adams.

Ms. Tomlanovich stated that it is about 15' from the sidewalk. 5' back from the tree line.

Mr. Richnak stated that there is heavy brush farther back and it is possible that the fence would be more visible.

Mr. Zuazo asked if the petitioner planned to add more landscaping.

Ms. Tomlanovich stated that she had thought about adding arborvitae.

Mr. Richnak stated that he thought the only location that the fence would be visible would be in the southwest corner and he feels that two or three arborvitae would limit visibility of the fence.

Mr. Zuazo asked if the fence would pose any type of problem with the Fire Department and Mr. Lenderman stated that it would not.

Mr. Stimac asked if the petitioner planned to keep the larger trees and shrubs on the property.

Ms. Tomlanovich stated that she did.

Motion by Richnak
Supported by Stimac

MOVED, to grant Kathie Tomlanovich, 2971 Binbrooke, relief of Chapter 83 to install a 6' high privacy fence where the Ordinance limits the height of fences in front setbacks to not more than 30" in height.

- Fence will be moved back 5' east of the tree line.
- Three arborvitae will be planted along the southwest corner of the property.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. SUNIL BAJAJ, 6074 ATKINS, for relief of the 2006 Michigan Residential Code to finish a basement with a 6'-9 1/2" ceiling height where a 7' minimum ceiling height is required by Section R305 of the Michigan Residential Code.

Mr. Stimac explained that the petitioner is requesting relief of the 2006 Michigan Residential Code to finish a basement that will result in a 6'-9 ½" main ceiling height and two drop ceiling areas with 5'-6" and 6'-2" heights. Section R305 of the 2006 Michigan Residential Code requires a 7' minimum ceiling height in finished basements and 6'-6" minimum heights under dropped areas.

Mr. Sunil Bajaj was present and stated that both he and his wife were doctors and have lived in Michigan four (4) years. They would like to use this space as a place to put their books and use it as a study room. Mr. Bajaj's mother lives with them and this would give them the extra space they need.

Mr. Dziurman asked if the petitioner had a contractor to do the work.

Mr. Bajaj said that they did.

It was explained to the petitioner that usually the contractor appears before the Board and the Board can explain to him what conditions would be placed on the variance.

Mr. Bajaj said that he believes the maximum height of the basement ceiling is around 7'.

Mr. Dziurman asked if the petitioner planned to use this area as living space.

Mr. Bajaj said that it would only be used as place to store their books and allow them a study. They also plan to have an egress window added.

Mr. Stimac stated that the area to the left of the stairway indicates a height of 74" and the other area indicates a ceiling height of 83 ½". Mr. Stimac asked Mr. Bajaj if the transition between the ceiling heights starts on the left hand side of the stairway.

Mr. Bajaj said that was correct.

Mr. Stimac expressed concern regarding the ceiling height of 66" and stated that the drawing indicates that there is a duct there that runs about 1.9" from the wall. This is a very troubling dimension. Mr. Stimac understands that the duct work is there and stated that he thought bookshelves could be put in this area.

Mr. Bajaj said their intention was to put bookshelves in this area so that no one would walk into that space.

Mr. Stimac also asked if the drywall was attached directly to the bottom of the joists.

ITEM #6 – con't.

Mr. Bajaj said that there is nothing else attached to the joists but drywall. Mr. and Mrs. Bajaj need a place to work on their daily work from the hospital.

Mr. Dziurman said that this request is not unusual and that usually the Board recommends in areas where the ceiling height is very low that something else be constructed in the space.

Mr. Stimac stated that the plans submitted indicate that the area to the left of the stairway has a ceiling height of 74" and a width of 4'-11". Mr. Stimac asked what the height was from the floor to the bottom of the duct.

Mr. Bajaj said that he did not know as this area was covered at the time they moved into this house.

Mr. Richnak asked if part of this basement was finished.

Mr. Bajaj stated that when they purchased this home the basement was already finished.

Mr. Stimac asked if they plan to remove the ceiling.

Mr. Bajaj said that they are planning on putting in shelving.

Mr. Stimac stated that this area could also be used as a closet which would alleviate the ceiling problem.

Mr. Richnak agreed that the petitioner may be better off to put in a closet in this area.

Motion by Stimac
Supported by Richnak

MOVED, to grant Sunil Bajaj relief of the 2006 Michigan Residential Code to finish a basement with a 6'-9 ½" ceiling height where a 7' minimum ceiling height is required by Section R305 of the Michigan Residential Code and also to have two drop ceiling areas with 5'-6" and 6'-2" heights where a 6'-6" minimum heights is required.

- A closet will be installed in the area that has a 5'-6" ceiling height.
- Ceiling should be installed to obtain the maximum height possible.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 10:10 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, May 7, 2009 at the Troy Community Center. Chair David Ogg called the meeting to order at 1:00 P.M.

Present: James Berar, Member
Frank Shier, Member
David Ogg, Member
Bud Black, Member
JoAnn Thompson, Member
Jo Rhoads, Member
Pauling Noce, Member
Merrill Dixon, Member
Carla Vaughan, Staff

Excused: Betty Coven

Visitors: Diana Dulock

Approval of Minutes

Resolution # SC-2009-05-001
Moved by Noce
Seconded by Shier

RESOLVED, That the Minutes of April 2, 2009 be approved as submitted.

Yes: 8
No: 0

MOTION CARRIED

Visitor Comments

None.

OLD BUSINESS

Bocce and Shuffleboard Courts: The committee is concerned about the distance from the courts to where the equipment is stored. They also think that there is too much slag on the bocce courts and some of it should be removed.

NEW BUSINESS

Suggestion Box: There were no suggestions.

Senior Week Schedule: It was brought to the committee's attention that there were errors to the information printed in the newsletter about senior week and could an explanation/apology

be printed in the next newsletter. Carla said that she would print it if the Senior Council gave something to her.

REPORTS

Park Board: JoAnn Thompson reported on highlights from the Park Board meeting which led to a discussion about the Troy bus and the cost of Troy trips. Carla stated that some cities use municipal and community credits to subsidize buses for one day trips. Troy uses this money for Medi-Go.

Senior Program: Carla reported that over 150 people brought things to be shredded to the April paper shredding. Over 60 people attended the program ***Removing the Mysteries of Probate Court***. There are ten teams in the women's 50 Plus softball league this year and six teams in the men's league. Pickleball lines were painted this week on two tennis courts at Smith Middle School and two courts at Baker Middle School. Several pickleball programs are being offered for seniors this summer. There are seven signed up for shuffleboard and two for bocce. It is in Troy Today which was mailed on Monday. The deadline to register is Monday, May 11.

Medi-Go: Jo Rhoads reported that they had a gold party fund raiser on April 17 and 18. Not many people participated. Medi-Go recently had a feature article in The Eccentric.

OLHSA: No report.

Oakland County Senior Advisory Board: Jo Rhoads reported on the legislative breakfast.

Comments

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

David Ogg, Chair Carla Vaughan, Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on May 12, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:
Thomas Strat

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-05-042
Moved by: Tagle
Seconded by: Edmunds

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

3. MINUTES – May 5, 2009 Special/Study Meeting

Resolution # PC-2009-05-043
Moved by: Tagle
Seconded by: Edmunds

RESOLVED, To approve the May 5, 2009 Special/Study Meeting minutes as submitted.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PUBLIC HEARINGS

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 369) – American Freight of Michigan, Inc., East side of Stephenson Highway between Maple and Rochester Roads (2222 Stephenson Highway), Section 26, M-1 (Light Industrial) District

Mr. Miller presented a review of the proposed Special Use Request and Preliminary Site Plan application and corresponding report prepared by Carlisle/Wortman Associates, Inc. Mr. Miller said the proposed use is compatible with the area but there are concerns with traffic circulation. It is recommended to reconfigure the parking lot to provide better access and safe maneuverability of delivery trucks. Mr. Miller expressed willingness to work with the petitioner to resolve the concern.

Brian Smedley of Roth & Associates, P.C., 554 E. Maple Road, Troy, was present to represent the petitioner. Mr. Smedley addressed the number of parking spaces required by the Zoning Ordinance and truck maneuverability on site.

Chuck Jennings, Chief Operating Officer of American Freight, 2748 Lexington Avenue, Lexington, Ohio, addressed the size and delivery schedule of the semi trucks. Mr. Jennings said they do not see a need for the required 65 parking spaces based on retail volume and employee count.

Chair Schultz informed the petitioner that a parking reduction waiver could be submitted to the Planning Commission for consideration and approval.

PUBLIC HEARING OPENED

Leon Jackson, owner of building to the south, 2200 Stephenson Highway, was present. Mr. Jackson said his building is underutilized and expressed willingness to work with American Freight to make the site work better for both of them. He encouraged the Planning Commission to approve the application.

PUBLIC HEARING CLOSED

Chair Schultz said it is the City's desire to work with all prospective tenants. He addressed the responsibility of the Planning Commission to ensure all Zoning Ordinance requirements are met. Chair Schultz shared the Planning Commission meeting schedule with the petitioner.

General discussion followed. Potential options to address traffic concerns are:

- Elimination of parking spaces.
- Shared parking.
- Cross access easement to the south.

Resolution # PC-2009-05-044
Moved by: Maxwell
Seconded by: Tagle

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.10 of the Zoning Ordinance, as requested for the proposed American Freight of Michigan, located on the east side of Stephenson Highway, between Maple and Rochester Road, in Section 26, within the M-1 zoning district, be postponed until such time the applicant presents a redesigned eastern parking lot, including a reduced number of spaces, to accommodate truck turning movements. Furthermore the applicant shall provide justification for the parking space reduction.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 368) – Cigar Factory Outlet, 1122-1134 E. Big Beaver Road, Section 26, M-1 (Light Industrial) District

Mr. Miller announced the petitioner had a scheduling conflict and was not able to attend tonight's meeting. The petitioner requests a postponement of the Public Hearing.

Mr. Forsyth said it would be appropriate to postpone the Public Hearing and republish a notice for a future meeting date.

Chair Schultz asked if there was anyone in the audience present for the Public Hearing this evening. There was no one.

Resolution # PC-2009-05-045
Moved by: Vleck
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby postpones this item to the June 9, 2009 Regular meeting.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

7. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 10) – Amendment to the Preliminary Development Plan for the Big Beaver Planned Unit Development (P.U.D. 10), Northeast Corner of Big Beaver and Kilmer, Section 22, Big Beaver Kilmer Planned Unit Development Zoning District

Mr. Miller reviewed the status of the proposed Amendment to the Preliminary Development Plan (PDP) as relates to the screening and buffering treatment for the residential properties to the north. Mr. Miller reported City Management recommends approval of the proposed Amendment to the PDP.

Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh stated that appropriate landscape easements have been executed and the neighbors are supportive of the new layout and design. He shared samples of the colored masonry proposed for the screening and buffering treatment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson commended the petitioner for being agreeable and malleable on this project.

Mr. Marsh said he appreciated the opportunity.

Resolution # PC-2009-05-046
Moved by: Edmunds
Seconded by: Vleck

RESOLVED, On March 10, 2009, the Planning Commission recommended to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds; and,

WHEREAS, The abutting residents to the north of the subject property reviewed the Preliminary Development Plan and requested that the screening treatment along the northern property line be revised; and

WHEREAS, The applicant revised the Preliminary Development Plan, as requested by the abutting neighbors to the north of the subject property and based on input from the Planning Commission; and,

WHEREAS, The revised Preliminary Development Plan drawings include only the following:

Sheet A-101 Architectural Composite Plan – Proposed New Work
Sheet C-2 Preliminary Site Plan
Sheet L-2 Preliminary Landscape Plan
Sheet L-3 Landscape Details

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that the screening treatment along the northern property line be revised as submitted.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

SITE PLAN REVIEW

8. PRELIMINARY SITE PLAN REVIEW (SP 951) – Proposed XI Auto Service (formerly SU 363), 1125 Naughton between I-75 and Wheaton, Section 26, M-1 (Light Industrial) District

Mr. Miller briefly reviewed the history of the application process for the item, and apologized and thanked the petitioner for his patience. Mr. Miller presented a summary of the Planning Department report on the Preliminary Site Plan review. It is the recommendation of City Management to approve the Preliminary Site Plan with a condition to vacate Markton Street prior to Final Site Plan approval.

The petitioner, Mike Blanek of Stucky + Vitale, 27172 Woodward Avenue, Royal Oak, was present. Mr. Blanek said a Street Vacation application for Markton Street has been submitted. He indicated the vacation would result in a 50/50 split of the right of way. Mr. Blanek addressed the landscape improvements and on-site detention.

Chair Schultz opened the floor for public comment.

Mike Chaffee, board member of the Troy Advisory Committee for Persons with Disabilities, was present. Mr. Chaffee said the Advisory Committee recommends a curb cut.

Chair Schultz said curb cuts are handled during the final engineering stage.

Chair Schultz closed the floor for public comment.

Resolution # PC-2009-05-047
Moved by: Tagle
Seconded by: Edmunds

WHEREAS, That Preliminary Site Plan Approval, pursuant to Section 28.25.08 of the Zoning Ordinance, as requested for the proposed XI Auto Service, located at 1125 Naughton, between I-75 and Wheaton, in Section 26, within the M-1 zoning district, be granted, subject to the following condition:

1. The applicant shall vacate the Markton Street right-of-way prior to Final Site Plan Approval.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

OTHER BUSINESS

9. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

10. PLANNING COMMISSION COMMENTS

There was general discussion, as follows:

- Potential to require/request petitioner to provide sample construction products, color boards, etc.
- Application plan submittals, inclusive of both digital and hard copy.
- Petitioner dialogue as relates to perception of proposed projects.
- Prospective visit from *PC Journal* editor, Wayne Senville.
- Advisory Committee for Persons with Disabilities' role in application review process.
- Coordination with all City Boards and Committees in application review process.

The Regular Meeting of the Planning Commission adjourned at 8:29 p.m.

Respectfully submitted,

_____
Robert M. Schultz, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on May 12, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:
Thomas Strat

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-05-042
Moved by: Tagle
Seconded by: Edmunds

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

3. MINUTES – May 5, 2009 Special/Study Meeting

Resolution # PC-2009-05-043
Moved by: Tagle
Seconded by: Edmunds

RESOLVED, To approve the May 5, 2009 Special/Study Meeting minutes as submitted.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PUBLIC HEARINGS

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 369) – American Freight of Michigan, Inc., East side of Stephenson Highway between Maple and Rochester Roads (2222 Stephenson Highway), Section 26, M-1 (Light Industrial) District

Mr. Miller presented a review of the proposed Special Use Request and Preliminary Site Plan application and corresponding report prepared by Carlisle/Wortman Associates, Inc. Mr. Miller said the proposed use is compatible with the area but there are concerns with traffic circulation. It is recommended to reconfigure the parking lot to provide better access and safe maneuverability of delivery trucks. Mr. Miller expressed willingness to work with the petitioner to resolve the concern.

Brian Smedley of Roth & Associates, P.C., 554 E. Maple Road, Troy, was present to represent the petitioner. Mr. Smedley addressed the number of parking spaces required by the Zoning Ordinance and truck maneuverability on site.

Chuck Jennings, Chief Operating Officer of American Freight, 2748 Lexington Avenue, Lexington, Ohio, addressed the size and delivery schedule of the semi trucks. Mr. Jennings said they do not see a need for the required 65 parking spaces based on retail volume and employee count.

Chair Schultz informed the petitioner that a parking reduction waiver could be submitted to the Planning Commission for consideration and approval.

PUBLIC HEARING OPENED

Leon Jackson, owner of building to the south, 2200 Stephenson Highway, was present. Mr. Jackson said his building is underutilized and expressed willingness to work with American Freight to make the site work better for both of them. He encouraged the Planning Commission to approve the application.

PUBLIC HEARING CLOSED

Chair Schultz said it is the City's desire to work with all prospective tenants. He addressed the responsibility of the Planning Commission to ensure all Zoning Ordinance requirements are met. Chair Schultz shared the Planning Commission meeting schedule with the petitioner.

General discussion followed. Potential options to address traffic concerns are:

- Elimination of parking spaces.
- Shared parking.
- Cross access easement to the south.

Resolution # PC-2009-05-044
Moved by: Maxwell
Seconded by: Tagle

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.10 of the Zoning Ordinance, as requested for the proposed American Freight of Michigan, located on the east side of Stephenson Highway, between Maple and Rochester Road, in Section 26, within the M-1 zoning district, be postponed until such time the applicant presents a redesigned eastern parking lot, including a reduced number of spaces, to accommodate truck turning movements. Furthermore the applicant shall provide justification for the parking space reduction.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 368) – Cigar Factory Outlet, 1122-1134 E. Big Beaver Road, Section 26, M-1 (Light Industrial) District

Mr. Miller announced the petitioner had a scheduling conflict and was not able to attend tonight's meeting. The petitioner requests a postponement of the Public Hearing.

Mr. Forsyth said it would be appropriate to postpone the Public Hearing and republish a notice for a future meeting date.

Chair Schultz asked if there was anyone in the audience present for the Public Hearing this evening. There was no one.

Resolution # PC-2009-05-045
Moved by: Vleck
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby postpones this item to the June 9, 2009 Regular meeting.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

7. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 10) – Amendment to the Preliminary Development Plan for the Big Beaver Planned Unit Development (P.U.D. 10), Northeast Corner of Big Beaver and Kilmer, Section 22, Big Beaver Kilmer Planned Unit Development Zoning District

Mr. Miller reviewed the status of the proposed Amendment to the Preliminary Development Plan (PDP) as relates to the screening and buffering treatment for the residential properties to the north. Mr. Miller reported City Management recommends approval of the proposed Amendment to the PDP.

Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh stated that appropriate landscape easements have been executed and the neighbors are supportive of the new layout and design. He shared samples of the colored masonry proposed for the screening and buffering treatment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson commended the petitioner for being agreeable and malleable on this project.

Mr. Marsh said he appreciated the opportunity.

Resolution # PC-2009-05-046
Moved by: Edmunds
Seconded by: Vleck

RESOLVED, On March 10, 2009, the Planning Commission recommended to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds; and,

WHEREAS, The abutting residents to the north of the subject property reviewed the Preliminary Development Plan and requested that the screening treatment along the northern property line be revised; and

WHEREAS, The applicant revised the Preliminary Development Plan, as requested by the abutting neighbors to the north of the subject property and based on input from the Planning Commission; and,

WHEREAS, The revised Preliminary Development Plan drawings include only the following:

Sheet A-101 Architectural Composite Plan – Proposed New Work
Sheet C-2 Preliminary Site Plan
Sheet L-2 Preliminary Landscape Plan
Sheet L-3 Landscape Details

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that the screening treatment along the northern property line be revised as submitted.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

SITE PLAN REVIEW

8. PRELIMINARY SITE PLAN REVIEW (SP 951) – Proposed XI Auto Service (formerly SU 363), 1125 Naughton between I-75 and Wheaton, Section 26, M-1 (Light Industrial) District

Mr. Miller briefly reviewed the history of the application process for the item, and apologized and thanked the petitioner for his patience. Mr. Miller presented a summary of the Planning Department report on the Preliminary Site Plan review. It is the recommendation of City Management to approve the Preliminary Site Plan with a condition to vacate Markton Street prior to Final Site Plan approval.

The petitioner, Mike Blanek of Stucky + Vitale, 27172 Woodward Avenue, Royal Oak, was present. Mr. Blanek said a Street Vacation application for Markton Street has been submitted. He indicated the vacation would result in a 50/50 split of the right of way. Mr. Blanek addressed the landscape improvements and on-site detention.

Chair Schultz opened the floor for public comment.

Mike Chaffee, board member of the Troy Advisory Committee for Persons with Disabilities, was present. Mr. Chaffee said the Advisory Committee recommends a curb cut.

Chair Schultz said curb cuts are handled during the final engineering stage.

Chair Schultz closed the floor for public comment.

Resolution # PC-2009-05-047
Moved by: Tagle
Seconded by: Edmunds

WHEREAS, That Preliminary Site Plan Approval, pursuant to Section 28.25.08 of the Zoning Ordinance, as requested for the proposed XI Auto Service, located at 1125 Naughton, between I-75 and Wheaton, in Section 26, within the M-1 zoning district, be granted, subject to the following condition:

1. The applicant shall vacate the Markton Street right-of-way prior to Final Site Plan Approval.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

OTHER BUSINESS

9. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

10. PLANNING COMMISSION COMMENTS

There was general discussion, as follows:

- Potential to require/request petitioner to provide sample construction products, color boards, etc.
- Application plan submittals, inclusive of both digital and hard copy.
- Petitioner dialogue as relates to perception of proposed projects.
- Prospective visit from *PC Journal* editor, Wayne Senville.
- Advisory Committee for Persons with Disabilities' role in application review process.
- Coordination with all City Boards and Committees in application review process.

The Regular Meeting of the Planning Commission adjourned at 8:29 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2009 PC Minutes\05-12-09 Regular Meeting_Final.doc

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, May 19, 2009 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Kenneth Courtney
Ed Kempen
Matthew Kovacs
David Lambert
Lon Ullmann

ABSENT: Glenn Clark

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

Motion by Courtney
Supported by Kempen

MOVED, to excuse Mr. Clark from tonight's meeting as he is out of the county.

Yeas: 5 – Courtney, Kempen, Kovacs, Lambert, Ullmann
Nays: 1 - Bartnik
Absent: 1 – Clark

MOTION TO EXCUSE MR. CLARK CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 21, 2009

Motion by Lambert
Supported by Courtney

MOVED, to approve the minutes of the meeting of April 21, 2009 as written.

Yeas: 6 – Kempen, Kovacs, Lambert, Ullmann, Bartnik, Courtney
Absent: 1 – Clark

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #6

Motion by Courtney
Supported by Lambert

Mr. Bartnik asked that Item #4 be pulled for discussion.

ITEM #2 – con't.

RESOLVED, that Item #3, Item #5 and Item #6 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: 6 –Lambert, Ullmann, Bartnik, Courtney, Kempen, Kovacs
Absent: 1 - Clark

MOTION TO APPROVE ITEM #3, ITEM #5 AND ITEM #6 CARRIED

ITEM #3 – RENEWAL REQUESTED. TROY INDUSTRIAL LLC, 2600 & 2710 BELLINGHAM, for relief of the Ordinance to maintain a 6' high berm in lieu of the 6' high masonry-screening wall.

MOVED, to grant Troy Industrial LLC, 2600 & 2710 Bellingham a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall.

- Conditions remain the same.
- We have no complaints or objections on file.

ITEM #5 – RENEWAL REQUESTED. BIG BEAVER UNITED METHODIST CHURCH, **3753 JOHN R.,** for relief of the 4'-6" high masonry wall required along the north and west sides of off-street parking.

MOVED, to grant Big Beaver United Methodist Church, 3753 John R., a three-year (3) renewal of relief of the 4'-6" high masonry wall required along the north and west sides of off-street parking.

- Conditions remain the same.
- We have no complaints or objections on file.

ITEM #6 – RENEWAL REQUESTED. ST. ANASTASIA CHURCH, 4571 JOHN R., for relief to maintain a berm in lieu of the 4'-6" high obscuring wall between the parking lot and adjacent residential property.

MOVED, to grant St. Anastasia Church, 4571 John R. a three –year (3) renewal of relief to maintain a berm in lieu of the 4'-6" high obscuring wall between the parking lot and adjacent residential property.

- Conditions remain the same.
- We have no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. SAN MARINO SOCIAL CLUB, 1685 E. BIG BEAVER, for relief of the Ordinance of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north.

ITEM #4 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north. This relief has been granted on a yearly basis since 1976, primarily due to the fact that the adjacent residential property is undeveloped land owned by the petitioner. This item last appeared before this Board at the meeting of May 2006 and was granted a three-year (3) renewal at that time.

Mr. Bartnik asked which property was owned by the petitioner to the north.

Mr. Stimac explained that the property in the front of the parcel is zoned O-1 and the property at the north end is zoned R-1E and the petitioner would be required to construct a wall through the middle of their property between the two zoning classifications.

Motion by Bartnik
Supported by Courtney

MOVED, to grant San Marino Social Club, 1685 E. Big Beaver, a three-year (3) renewal of relief of the 6' high masonry-screening wall required adjacent to the residential zoned property to the north.

- Conditions remain the same.
- We have no complaints or objections on file.

Yeas: 6 – Kovacs, Lambert, Ullmann, Bartnik, Courtney, Kempen
Absent: 1 – Clark

MOTION TO APPROVE REQUEST FOR THREE (3) YEARS CARRIED

ITEM #7 – VARIANCE REQUESTED. SYED HAQUE, 1033 REDDING, for relief of the Ordinance to construct a roof over an existing deck that will result in a 35.23' rear yard setback where Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a roof over an existing uncovered deck. The site plan submitted indicates the construction of the roof over the deck will result in a 35.23' rear yard setback to the covered deck. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Tom Christy was present to represent the homeowner. Mr. Christy stated that Mrs. Haque has a medical condition that dictates she should be protected from the sun. Mr. Christy stated that in his opinion this variance request is minimal. The deck is already in this area and there is nowhere else to construct a covered deck. If they were to move

ITEM #7 – con't.

the deck, architectural changes would be required and would be cost prohibitive as a new sliding door would be required. The roof will architecturally match the house and would not be an eyesore.

Mr. Kovacs explained that the Board has no power to grant a variance based on medical conditions and the variance has to be something that relates to the property in question.

Mr. Christy stated that he believes the Zoning Ordinance provides for practical difficulties and State Law provides for practical difficulties and he believes that the cost of relocating this structure as well as the medical conditions would classify as a practical difficulty. Relocating the deck could also result as an eyesore to the neighbors.

Mr. Kovacs asked why this covered structure couldn't be built in the area behind the garage off to the east.

Mr. Christy stated that because of the configuration of the house they would have to add an additional sliding door and they do not want to put it in this area. The rooms inside would also have to be re-configured.

Mr. Kovacs stated that he did not think they would need an additional door as access could be gained by walking out onto the existing deck and over to the covered area.

Mr. Christy stated that he did not think their request would be contrary to public interest as there was already an existing deck that could be covered. Mr. Christy thinks that a covered deck that is twice as big would be more of an eyesore rather than covering the existing deck.

Mr. Kovacs said that the petitioner indicated there would be structural changes required if the deck was moved, but there are four windows in the area proposed for the roof structure, which would probably have to be moved.

Mr. Christy explained that the windows would overlook the deck.

Mr. Ullmann stated that the petitioner has 150' to the property line and it seems like if this is what the petitioner wants it could be placed in another area.

Mr. Haque stated that the existing deck is attached to the family room and there is a door that allows access to the basement from the outside.

Mr. Ullmann asked what the setback was for an uncovered deck.

Mr. Stimac explained than an uncovered and unenclosed deck could encroach15' into the required rear yard setback.

ITEM #7 – con't.

Mr. Ullmann had questions regarding the windows in the home and Mr. Haque and Mr. Christy came to the podium and went over the pictures submitted to the Board with Mr. Ullmann.

Mr. Haque said that it would be very costly for him to add an additional deck onto the side of the house and it would be much less costly to cover the existing deck. The roof would help his wife's medical condition.

Mr. Christy stated that he feels the Zoning Ordinance covers practical difficulties and the cost of a new deck should be considered.

Mr. Courtney stated that the Zoning Ordinance can be interpreted in a way that indicates everything is a practical difficulty. It does not mean that the Board would have to grant the request. A very easy, inexpensive way to address this problem is to buy large umbrellas.

Mr. Haque said that this house was built in the corner of the lot and the wind blows and they have had two umbrellas, but they blow over. Mrs. Haque has a day care center and the children are at the home both in the morning and afternoon and it would be easier for her to watch these children with a protective covering over the deck. Mrs. Haque may have to shut down or scale down her Day Care center if this variance is not granted.

Mr. Courtney asked about the use of this property.

Mr. Haque said that his property is both commercial and residential.

Mr. Ullmann asked how deep the deck was and suggested that Mr. Haque just cover half of it.

Mr. Haque said that it was 16' x 25' and said that he would like the entire deck covered. Mr. Haque does not like the idea of covering only half of the deck.

Mr. Kovacs asked how large a roof could be put over the existing deck.

Mr. Stimac said that the 16' depth results in a 35.23' setback so that in order to comply with the 45' setback you would have to take 10' off which means that 6' of the existing deck could be covered.

Mr. Kovacs stated that when granting a variance he looks for cases where a natural feature would be destroyed. The Board cannot vote on a medical condition and it appears as though this would be more of an inconvenience of cost, which the Board cannot consider as a reason to grant a variance. There is a lot of property that the petitioner can make use of without covering this deck.

ITEM #7 – con't.

Mr. Christy said that the practical difficulty would be the existing structure and the placement of the house on the property.

Mr. Kovacs stated that it is up to the homeowner to look at the property when they first purchase the home. Mr. Kovacs does not see a practical difficulty that runs with the land that would justify a variance.

Mr. Courtney said that he thinks once a roof is over the deck, the next practical difficulty would be to have the children playing outside in the winter and the room would need to be enclosed.

Mr. Kovacs agreed with Mr. Courtney and said he is also concerned about enclosing this space.

Mr. Bartnik stated that he believes that is the intent of the petitioner. The contract between the homeowner and the contractor indicates that they would be putting in electric, insulation and a sub floor. Mr. Bartnik does not believe this scope of work would be done if the petitioner did not plan to enclose the structure. Mr. Bartnik also stated that he believes the contract could be considered disingenuous.

Mr. Christy said that he did not believe the intent of the petitioner was to enclose this deck.

Mr. Haque stated that they did want electricity on the deck.

Mr. Bartnik asked if the petitioner would require a variance to cover one-half of the deck.

Mr. Stimac explained that technically one-half of the deck would be 8' and based on the previous discussion the petitioner would only be able to cover 6' of the existing deck and comply with the Ordinance

Mr. Bartnik stated that the homeowner could put up a retractable awning and does not see a hardship. This is a large piece of property. Mr. Bartnik stated that he did not see a practical difficulty that runs with the land. Mr. Bartnik pointed out several reasons why variances are granted and stated that he did not see where the petitioner met any of these requirements. There is a berm on the east side and evergreen trees on the property.

Mr. Ullmann agreed with Mr. Bartnik that the contract indicates that this area would be enclosed.

Mr. Haque stated that they wanted the roof done for their own protection. Furthermore, due to the location of the windows it would be very difficult to put up an awning.

ITEM #7 – con't.

Mr. Kovacs stated that he would be more in favor of a retractable awning and perhaps the variance request would be smaller.

Mr. Haque said that it is too hard to open and close an awning. Mr. Haque also stated that he had an awning company come out and look at his property and they indicated it would be very difficult to put an awning in this location.

Mr. Christy stated that a 6' overhang above the deck would not provide much shade for the petitioner as this deck has a southern exposure.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Mr. Lambert questioned the petitioner regarding the fact that they are running a Day Care center and asked how many children they were licensed to have at this location.

Mr. Haque stated that his wife has been doing this for years and is licensed to have twelve (12) children, although presently she only has eleven (11).

A discussion began regarding the length of time this home has been operating as a Day Care center. Mr. Stimac explained that originally Group Day Care Centers were never allowed to operate in Troy, however, in November 2005; City Council passed a resolution that grandfathered the existing Day Care Centers. Based upon the petitioner's testimony it would appear that this Day Care Center was licensed in 1999 at this location and from a zoning standpoint it would be grandfathered in and would be allowed.

Mr. Kovacs stated that the petitioner is asking for a very large variance and he would not support this request. Medical conditions are not a consideration and the petitioner has a lot of buildable area on the property. Petitioner has not demonstrated a practical difficulty with the land that would warrant a variance.

Motion by Courtney
Supported by Ullmann

MOVED, to deny the request of Syed Haque, 1033 Redding, for relief of the Ordinance to construct a roof over an existing deck that will result in a 35.23' rear yard setback where Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

- Petitioner did not demonstrate a practical difficulty that runs with the land.
- Variance would be contrary to public interest.

ITEM #7 – con't.

- Variance would have a negative impact to surrounding property.
- Petitioner has other options to construct a covered structure.

Yeas: 6 – Lambert, Ullmann, Bartnik, Courtney, Kempen, Kovacs
Absent: 1 – Clark

MOTION TO DENY REQUEST CARRIED

ITEM #8 – VARIANCE REQUESTED. CITY OF TROY, 60 W. WATTLES, for relief of the Ordinance to move various buildings and expand the parking lots at the Troy Museum and Village Green. The changes will result with the relocated Barnard House within 40' of the front property line along Wattles; and, new and expanded parking lots within 20' of the front property line of Wattles, 35' of the property line along Livernois and within 10' of the property line of Lange. Paragraph A of Section 18.50.01 requires a 50' front setback adjacent to any public street and requires this setback be free of parking.

The site plan submitted also indicates that the relocated Barnard House will be located within 40' of the west property line where the adjacent property is in the R-1B (One-Family Residential) Zoning District. Paragraph B of Section 18.50.01 requires a 50' side yard setback from adjacent residential property.

Mr. Stimac explained that the petitioner is requesting to move various buildings and expand the parking lot at the Troy Museum and Village Green. This site is located in the C-F (Communities Facilities) Zoning District. Paragraph A of Section 18.50.01 requires a 50' front setback adjacent to any public street. This section further requires this setback be free of parking. Also, Paragraph B of Section 18.50.01 requires a 50' side yard setback from adjacent residential property. The site plan indicates the relocated Barnard House within 40' of the front property line of Wattles Road and 40' from the side property line of the adjacent R-1B (One Family Residential) zoned property to the west. The site plan also indicates new and expanded parking lots within 20' of the front property line of Wattles, 35' of the property line along Livernois and within 10' of the property line of Lange.

Mr. Courtney asked if this site plan had been approved by the Planning Commission.

Mr. Stimac said that the plan is in the process of being reviewed and approved. Since this is a City owned property, City Council has the final approval of the site plan. The Planning Commission will make its recommendations to City Council and this is the first stop in that process.

Mr. Courtney asked if the plan took into consideration a new right of way line.

ITEM #8 – con't.

Mr. Stimac explained that the dimensions were based on a 60' right of way for both Livernois and Wattles. This plan complies with the Master Thoroughfare plan.

Mr. Lambert asked if the only thing the Board was considering was the new Barnard house and the re-location of the Town Hall.

Mr. Stimac stated that the plans also make reference to the proposed rear setback variance required for the location of the Town Hall. Further review of the Ordinance regarding that indicates that since the southeast corner of the property is in the B-1 Zoning District, the 50' setback does not apply.

Ms. Tamara Burns was present and asked if the Board had any questions for her regarding this request.

Mr. Bartnik stated that his only concern is the bus entrance and turn around on Lange as is it a residential street.

Ms. Burns stated that the main bus drop off is on Wattles and one of the reasons they wanted to add this area for the buses was so that the children could be dropped off and the buses would come around and park in a designated parking space. They will also use this area to get back on the buses. They have contacted the neighbors and they do not object to this proposal although they would like additional landscaping added.

Mr. Bartnik asked who was involved with the meetings regarding this expansion.

Loraine Campbell, the Museum Manager was present. Ms. Campbell stated that since they have begun this process they have approached the neighbors to the west and also the property owners on Lange and basically their only concern was that the property continues to be maintained as it is because they like the view of the museum from their home. There are a number of children arriving by private car and they have found that often there is a conflict between the buses and these children. By providing the bus pick-up on the north side of the property the children getting on the bus will not be next to the private vehicles coming in. 50% of the children come by bus. Ms. Campbell also indicated that one of their main concerns was the safety of the patrons visiting this site. Ms. Campbell said that they want to maximize the parking for the other patrons coming to this site and indicated that they have not received any negative feedback from the surrounding neighbors. Ms. Campbell also sent out three (3) letters to the homeowners to come to meetings regarding this proposal.

Mr. Bartnik asked if anyone came to the meetings.

Ms. Campbell indicated that no one from the area came to the last meeting and she has not received any negative feedback from the surrounding property owners.

ITEM #8 – con't.

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 Courtney
Supported by Ullmann

MOVED, to grant the City of Troy, 60 W. Wattles relief of the Ordinance to move various buildings and expand the parking lots at the Troy Museum and Village Green. The changes will result with the relocated Barnard house within 40' of the front property line of Wattles Road and 40' from the side property line of the adjacent R-1B (One Family Residential) zoned property to the west. The site plan also indicates new and expanded parking lots within 20' of the front property line of Wattles, 35' of the property line along Livernois and within 10' of the property line of Lange.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance does not establish a prohibited use in a zoning district.
- Variance applies only to the property described in this petition.
- Variance will improve this property.

Yeas: 6 – Ullmann, Bartnik, Courtney, Kempen, Kovacs, Lambert
Absent: 1 – Clark

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUESTED. MR. & MRS. LEO LENNOX, 2117 KIRKTON, for relief of the Ordinance for a major reconstruction of the existing house and to construct a rear yard addition that would extend an existing 3.8' side yard setback for an additional 16' towards the rear. Section 30.10.06 requires a minimum 5' side yard set back. This home is a legal non-conforming structure. Section 40.50.04 (A) prohibits expansions of non-conforming structures in a way that increases the non-conformity.

This proposed reconstruction work exceeds 60% of the replacement cost of the existing house. Section 40.50.04 (B) requires that the house be reconstructed to comply with all provisions of the Zoning Ordinance including a 5' minimum side yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance for alterations and an addition to their home. The plans submitted indicate major reconstruction of the existing house and constructing an addition on the rear of the home which would extend an existing 3.8' side yard setback an additional 16'. The existing 3.8' side yard setback exists where Section 30.10.06 requires a minimum 5' side yard setback. Due to the age of this house, this condition makes it a legal non-

ITEM #9 – con't.

conforming structure. Section 40.50.04 (A) prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Also, since the reconstruction work exceeds 60% of the replacement cost of the existing house, Section 40.50.04 (B) requires that the house be reconstructed to comply with all provisions of the Zoning Ordinance including a 5' minimum side yard setback on the existing home.

Mr. Leo Lennox was present and stated that he was very surprised to find out that his home was considered to be a legal non-conforming structure.

Mr. David Bungero, of Bungero Building was present and stated that the petitioner wants to add to what is already there. The homeowners have no intention to move.

Mr. Kovacs asked the petitioner why he wanted to stay in this house and not look for another location in Troy since so much of this home was going to be changed.

Mr. Lennox stated that he has lived here thirty-five years and loves the neighborhood and his neighbors. Mr. Lennox said that they would like to stay here.

Mr. Kovacs stated that he believes it is unreasonable to ask the petitioner to move the foundation of his home 1.2' to bring this property up to conformance.

The Chairman opened the Public Hearing.

Michael Sculthorpe, 2064 Kirkton was present and stated that he lives across the street from the petitioner. Mr. Sculthorpe stated that Mr. and Mrs. Lennox were great neighbors and he had absolutely no objection to this request. Mr. Sculthorpe said that he is hoping that the Board will allow this construction.

No one else wished to be heard and the Public Hearing was closed.

There are seven (7) written approvals on file. There are no written objections on file.

Motion by Bartnik
Supported by Lambert

MOVED, to grant Mr. & Mrs. Leo Lennox, 2117 Kirkton, relief of the ordinance for a major reconstruction of the existing house and to construct a rear yard addition that would extend an existing 3.8' side yard setback an additional 16' towards the rear.

- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Variance applies only to the property described in this application.

ITEM #9 – con't.

- Conformance would be unnecessarily burdensome as the foundation would have to be moved 1.2'.
- Practical difficulties result from the unusual characteristics of the property in that the property is 71' wide and 185' deep.

Yeas: 6 – Bartnik, Courtney, Kempen, Kovacs, Lambert, Ullmann
Absent: 1 – Clark

MOTION TO GRANT VARIANCE CARRIED

Mr. Kempen informed the petitioner that the Board had received a lot of positive feedback regarding this request.

ITEM #10 – ELECTION OF OFFICERS

Motion by Courtney
Supported by Lambert

MOVED, to elect Mr. Clark, Chairman and Mr. Bartnik, Vice-Chairman for the 2009-2010 year.

Yeas: 6 – Bartnik, Courtney, Kempen, Kovacs, Lambert, Ullmann
Absent: 1 – Clark

MOTION TO APPROVE MR. CLARK, CHAIRMAN AND MR. BARTNIK, VICE-CHAIRMAN CARRIED

The Board of Zoning Appeals meeting adjourned at 8:34 P.M.

_____
Matthew Kovacs, Chairman

_____
Pamela Pasternak, Recording Secretary

ANIMAL CONTROL APPEAL BOARD MINUTES – DRAFT MAY 27, 2009

A special meeting of the Animal Control Appeal Board was held on Wednesday, May 27, 2009 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:35 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
Al Petrulis, Vice-Chairperson
Patrick Carolan, Secretary
Kathleen Melchert
V. James Viola
ACO Karen Livingston
Susan Lancaster, Assistant City Attorney
Pat Gladysz

Resolution to Approve Minutes of September 3, 2008 Meeting

Resolution #AC2009-05-001
Moved by Carolan
Seconded by Viola

RESOLVED, that the Minutes of the September 3, 2008 meeting of the Animal Control Appeal Board be approved.

Yes: 4
No: 0
Absent: 0

Agenda Items

1. Georgette Carter, residing at 1309 Minnesota, appeals the decision of the animal control officer rejecting the permit for three chickens on her property.

Present to answer questions from the Committee was Georgette Carter.

Mrs. Carter informed the Board of her desire to have two to three red star hens on her property (aerial maps were distributed). She gave details of the coop that would be constructed of wood, chicken wire, and welding mesh and placed in the

rear of her treed yard. The feed will be held in a modern container that will prevent it from dropping to the ground. Mrs. Carter also mentioned the rabbits that they currently are housing.

The assistant city attorney stated the following facts:

- Application for permit dated 03/02/09
    - two bunny rabbits
    - three red star hens
- Application for appeal dated 05/08/09
    - three chickens
- Notice from City Clerk's Office to nearby residents
    - three chickens

Since Mrs. Carter's application for appeal and the City Clerk's notice did not include the rabbits, the Animal Control Appeal Board would be unable to make a decision on that issue at this meeting.

Mrs. Carter decided to withdraw her appeal for the chickens with the intention to refile an amended appeal for rabbits and chickens. The Animal Control Appeal Board would hear both items in due course.

A special meeting will be scheduled to hear the amended appeal of Georgette Carter.

The meeting adjourned at 8:15 p.m.

_____
Jayne Saeger, Chairperson

_____
Patricia A. Gladysz, Secretary II

A meeting of the **Troy Youth Council (TYC)** was held on May 27, 2009 at 7:00 PM at Troy Community Center, 3179 Livernois. Geon Woo Kim and Niel Shaw called the meeting to order at 7:04 p.m.

MEMBERS PRESENT: Willa Adamo
Disha Bora
Geon Woo Kim (Co Chair)
Joseph Niemiec (Secretary)
Vikram Prasad
Shaina Sekhri
Neil Shaw (Co Chair)
Rachita Singh
Emily Wang
David Wylie

MEMBERS ABSENT: Jason Lee, Jennifer Liang, Sevita Rama
VISITORS: None
STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2009-5-5

Moved by Bora
Seconded by Niemiec

RESOLVED, That the minutes of March 25, 2009 be approved.
Yes: All – 10
No: 0
Absent: 3 – Lee, Liang, Rama

3. Attendance Report:

Report reviewed by council members, no comments.

4. Interviews

3 candidates were interviewed. 4 applications were on file. Interviews lasted approximately three minutes each. The list of applicants is below.

Last Name	First Name	Grade	School
Jalukar	Supriya	10	Troy High
Mukundan	Ananya	9	International Academy East
Palle	Sumana	10	Troy High

\

Resolution to Recommend Applicants for Seats on the Troy Youth Council

Resolution # TY-2009-5-6
Moved by Niemiec
Seconded by Wylie

RESOLVED, That Supriya Jalukar, Ananya Mukundan and Sumana Palle are recommended for appointment to fill the vacant seats on the Troy Youth Council.
Yes: All - 10
No: 0
Absent: 3 – Lee, Liang, Rama

5. Teens Taking Action
No Report

6. Troy Daze
No report

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

No Motion
Resolution # TY-2009-5-7
Moved by Wylie
Seconded by Prasad

RESOLVED that Lee, Liang and Rama are excused.
Yes: 10
No: 0
Absent: 3 - Lee, Liang, Rama

8. Youth Council Comments – None

9. Public Comments – None

10. Adjournment – 7:45 p.m.

_____
Niel Shaw, Co-chair

_____
Scott Mercer, Recreation Supervisor

Reminder Next Meeting: August 26 at 7:00 P.M.

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, June 2, 2009

I. Call to Order 7:05 pm

II. Roll Call

Present
Kelly Jones
Karen Yelder
Cathy Francois
Mayada Fakhouri
Sharon MacDonell
John Witt
Veena Rao
Cindy Stewart, City Liaison

Absent
Reuben Ellis
Michelle Haight
Lily Huang, Student Rep
Aries Tao, Student Rep

III. **Approval of Minutes**
Motion to approve April 14, 2009 minutes by Cathy Francois seconded by Kelly Jones.

IV. Correspondence/Articles

"On May 5th, Mexican dominance Irks other Latinos" - May 5, 2009, Associated Press.

"Justice for Walter Swift" Innocence Project

"Multicultural Multiracial Community Council Kicks Off Porch Parties"- May 22, 2008

"The Stoning of Soraya M" – Based on a true story- will be in theatres this July (only 11 cities). Cathy and her husband with other clergy were invited to a screening.

V. **Old Business**

Ethnicity Poster Contest - Information is on the City website and Cindy will send to

Troy Schools via the e-newsletter. Kelly suggested we ask Willie DeChavez to be a judge.

Elementary Schools - The new Diversity Coordinator is currently running a focus groups with Troy School District staff. They will eventually form a Diversity Council.

High School - Athens Ethnic Fair was well attended. Tim McAvoy expressed the need for translators/interpreters for the district to help new families assimilate into the community. He wants to compile a resource list. Has Tim tried the churches for contacts? Check police department, they had a list of interpreters.

African American Support Group – At the May meeting they recognized the 6 graduating seniors from Troy High and Athens. Michelle Baylor and her husband spoke to the group about their future. No meeting on June. Summer events being planned. Karen will keep us updated.

The Farmington and Farmington Hills Multicultural Multiracial (MCMR) Community Council sponsored a "Porch Party' on May 29 at 7 pm in downtown Farmington. Kelly will call the MCMR contact and report back to EIAB.

VI. **New Business**

a. Pointers for a Racism Free Community in Grand Rapids sponsored a community read on the book "Them" by Nathan McCall with a diversity consultant facilitating the group.

Michelle and Kelly would like to see if there is an interest in EIAB sponsoring a Book Club. Cindy will check Cathy Russ re: process/ideas for books.
EIAB could come up with suggested book list and we could promote in Troy Today. Send ideas to Cindy by June 15

b. Translations for Refuse/Recycling Brochure – Currently, we have Arabic, Chinese and Russian translations. Cindy will send the flyer again to EIAB and The Board will ask contacts to help translate.

c. Cultural Celebration Day in Roseville - Kelly went (her daughter danced with their Polish Group). It was a Friday evening at 7 pm held at the High School and very well attended. Tables available for people/groups to promote their countries. Performers, dancers all evening on stage and vendors with food to purchase.

Kelly suggested we look into organizing an event like this. Mayada reminded the group this is exactly like the Sights and Sounds events we did a few years ago. We had Sights and Sounds of India, China, Italy, Arabic countries, etc. Also did a Sights and Sounds of the World which included many countries.

Kelly's idea is to contact all PTO's and ask if they'd be interested in being involved in a community- wide Diversity Celebration Event.

Currently schools having or will have Diversity Fairs are Leonard (Feb 2010), Schroeder (March), Athens, Baker and Barnard (May).

Kelly will draft a letter to send to PTO/PTA's. EIAB will discuss further at August meeting.

Senior Program - discuss at August meeting. We did this once a few years ago, Mayada was a speaker for the Arab culture.

Explore MI Roundtable or other organizations to help us with community events/programs. Tap into Universities or Community Colleges for information.

d. Cultural Brochures: (Email again to the Board).
Lily and Aries were working on gathering info for the brochure on China;
Veena – India and Mayada – Arab. Sharon compiled a lot on info on Japan.

VII. **Adjournment**

Motion by Veena Rao, seconded by John Witt to adjourn at 8:36 pm

Next Meeting Tuesday, August 4, 2009 at 7 pm

_____
Kelly Jones, EIAB Vice Chair

_____
Cindy Stewart, EIAB Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, June 4, 2009 at the Troy Community Center. Chair David Ogg called the meeting to order at 1:00 P.M.

Present: James Berar, Member
Betty Coven, Member
David Ogg, Member
Bud Black, Member
JoAnn Thompson, Member
Jo Rhoads, Member
Pauling Noce, Member
Merrill Dixon, Member
Carla Vaughan, Staff

Excused: Frank Shier

Visitors: None

Approval of Minutes

Resolution # SC-2009-06-001
Moved by Rhoads
Seconded by Coven

RESOLVED, That the Minutes of May 7, 2009 be approved as submitted.

Yes: 8
No: 0

MOTION CARRIED

Visitor Comments

None.

OLD BUSINESS

Bocce and Shuffleboard Courts: Carla reported that some of the slag on the bocce courts has been removed. The senior leagues have been cancelled due to low enrollment.

NEW BUSINESS

Suggestion Box: There was one suggestion for a beginning Pilates class with Ilene. Carla reported that she is checking into it.

REPORTS

Park Board: JoAnn Thompson reported on highlights from the Park Board meeting including cuts in mowing, watering and flowers.

Senior Program: Carla reported that 69 seniors are registered for the Kids and Seniors garage sale on Saturday. A program was held this morning for seniors who do not currently exercise but want to get started again. The Mackinac Island trip is filling up – nine openings remain. The Anyone Can Paint classes are going well – Carla showed the Committee a sample painting.

Medi-Go: Jo Rhoads reported that they have a new van.

OLHSA: No report.

Oakland County Senior Advisory Board: Jo Rhoads reported that they had a speaker from the Oakland County Commission.

Comments

The meeting was adjourned at 2:08 p.m.

Respectfully submitted,

David Ogg, Chair Carla Vaughan, Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – DRAFT JUNE 8, 2009

A regular meeting of the Liquor Advisory Committee was held on Monday, June 8, 2009 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick Hall called the meeting to order at 7:05 p.m.

ROLL CALL:

PRESENT: W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Susan Lancaster, Assistant City Attorney
Officer James Feld
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman

Resolution to Excuse Committee Member Ehlert

Resolution #LC2009-06-007
Moved by Ukrainec
Seconded by Kaltsounis

RESOLVED, that the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of June 8, 2009 BE EXCUSED.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of April 13, 2009 Meeting

Resolution #LC2009-06-008
Moved by Payne
Seconded by Kaltsounis

RESOLVED, that the Minutes of the April 13, 2009 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **DDC Hotels, Inc.** (A Missouri Corporation) requests to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and requests a new Official Permit (Food) (Step 2). {MLCC Request #491095}

Present to answer questions from the Committee were attorney John Carlin and hotel general manager Tracy Thomas.

The Drury family has owned 140 hotels in the United States for many years. For estate planning purposes, the hotels will be split between two sons in the family. With regard to the Troy location, DDC Hotels, Inc. will become the owner and licensee and Drury Inns, Inc. will remain as hotel management. The current staff will not change.

Officer Feld stated that the Police Department has no concerns in this matter.

Resolution #LC2009-06-009
Moved by Ukrainec
Seconded by Payne

RESOLVED, that DDC Hotels, Inc. (A Missouri Corporation) be allowed to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and receive new Official Permit (Food).

Yes: 6
No: 0
Absent: Ehlert

---

2. **Han Mi Mart, Inc.** 5060 Rochester, Troy, Michigan 48085, Oakland County requests to transfer ownership of escrowed 2008 SDD and SDM licensed business from B&K Investment Group. {MLCC Request #474731}

Present to answer questions from the Committee were Hyun Jung Kim and Young Jin Kwon, owners of the business.

The owners stated that they have been in business for 2-1/2 years. Their clientele is 80%-90% Korean, with the balance mainly consisting of Chinese and Japanese and they plan to sell Asian liquors.

Officer Feld stated that the Police Department has no concerns in this matter.

Resolution #LC2009-06-010
Moved by Ogg
Seconded by Hall

RESOLVED, that Han Mi Mart, Inc. 5060 Rochester, Troy, MI 48085, Oakland County be allowed to transfer ownership of escrowed 2008 SDD and SDM licensed business from B&K Investment Group.

Yes: 6
No: 0
Absent: Ehlert

Tabled Items

M & M Troy, Inc.

There was a brief discussion regarding M & M Troy, Inc. Officer Feld stated that the owner has submitted drawings to the Police and Fire Departments. The Fire Department is currently reviewing the plans to determine if they meet with approval. The Building Department has approved the final inspections.

Assistant City Attorney Lancaster reviewed Chapter 101 of the City Ordinance with the Committee:

4. City Council Approval; Gas Stations and/or Businesses with Fuel Pumps.

a. Both of the following shall be established for any applicant seeking City Council approval for a liquor license for a gas station and/or a business with fuel pumps:

1) The site of payment and selection of alcoholic liquor shall be at least 50 feet from that point where motor fuel is dispensed; and

2) The applicant must establish that one or both of the following conditions exist and will continue to exist:

(i) The applicant or licensee is located in a neighborhood shopping center composed of one or more commercial establishments organized or operated as a unit which is

related in location, size, and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space, and which provides five private off-street parking spaces for each 1,000 square feet of gross leasable retail space; and/or

(ii) At all times, the applicant or licensee maintains a minimum inventory on the premises of not less than $250,000.00 (at cost) of those goods and merchandise customarily marketed by approved types of businesses, excluding alcoholic liquor and motor vehicle fuel.

A) Services, prizes, offers, contests, coupons, and other items which require purchase before a cash value attaches shall not be considered inventory.

B) The applicant or licensee shall allow inspection of the inventory at the licensed premises during regular business hours by the Director of Building and Zoning or his/her designee, the Treasurer or Finance Director or his/her designee, or the Troy Police Department.

C) Upon a verbal or written request of the City, the applicant or licensee shall produce documents and/or records of the cost of inventory on the premises on a specific date. If the applicant or licensee fails to produce such documents or records, or if the documentation presented does not contain enough information to determine if the inventory is based on cost, within 3 days of the request, then there shall be a rebuttable presumption that the inventory on that specific date was below the $250,000 minimum requirement of this Chapter, which can be raised in any legal proceeding.

b. Failure to satisfy the requirements of sub-section 1) and sub-section 2), as set forth above, will result in a denial recommendation from the Troy City Council. In the event that a gas station or business with gas pumps is granted a liquor license by the State of Michigan, the failure to continuously satisfy the requirements of sub-section 1) and sub-section 2), as set forth above, will result in a recommendation for revocation or other adverse action against the liquor license.

Officer Feld indicated that this item will most likely appear on next month's Agenda.

Informational Items

Officer Feld briefly updated the Committee regarding the Informational Items:

Southwest Dining, Inc.

This Class C license has been placed in a "hold status".

Cameron Mitchell Restaurants, LLC

Plans for outdoor service area have been put on hold.

Clawson-Troy Elks Lodge No. 2169

Building has been sold.

Granite City Restaurant Operations, Inc.

Plans to build this restaurant have been cancelled for economic reasons.

The meeting adjourned at 7:50 p.m.

_____
Patrick C. Hall, Committee Member

_____
Patricia A. Gladysz, Secretary II

DATE: June 1, 2009

TO: John Szerlag, Acting City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued May 2009

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	4	$79,150.00	$1,190.00
Sub Total	**4**	**$79,150.00**	**$1,190.00**
COMMERCIAL			
New	1	$920,000.00	$9,315.00
Add/Alter	14	$388,300.00	$5,120.00
Sub Total	**15**	**$1,308,300.00**	**$14,435.00**
RESIDENTIAL			
Add/Alter	14	$76,900.00	$1,760.00
Garage/Acc. Structure	8	$13,112.00	$440.00
Pool/Spa/Hot Tub	6	$105,000.00	$1,550.00
Repair	7	$49,800.00	$965.00
Wreck	1	$0.00	$50.00
Sub Total	**36**	**$244,812.00**	**$4,765.00**
TOWN HOUSE/CONDO			
Repair	1	$1,850.00	$55.00
Sub Total	**1**	**$1,850.00**	**$55.00**
MULTIPLE			
Garage/Acc. Structure	3	$43,000.00	$735.00
Sub Total	**3**	**$43,000.00**	**$735.00**
RELIGIOUS			
Add/Alter	1	$2,000.00	$55.00
Sub Total	**1**	**$2,000.00**	**$55.00**
MISCELLANEOUS			
Signs	36	$0.00	$4,171.00
Fences	26	$0.00	$420.00
Sub Total	**62**		**$4,591.00**
TOTAL	**122**	**$1,679,112.00**	**$25,826.00**

PERMITS ISSUED DURING THE MONTH OF MAY 2009

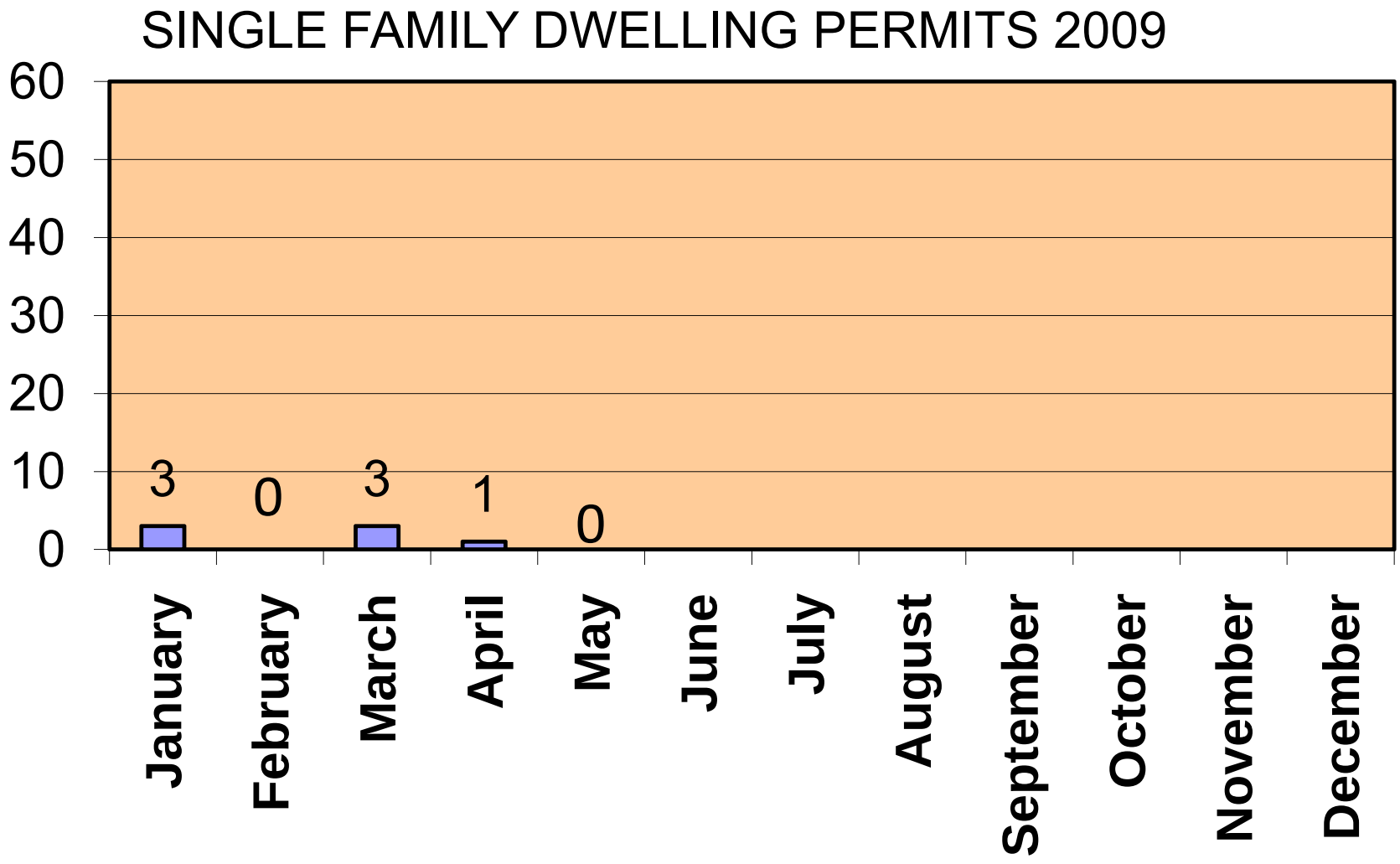
	NO.	PERMIT FEE
Mul. Dwel. Insp.	207	$2,070.00
Cert. of Occupancy	14	$671.50
Plan Review	51	$1,873.00
Microfilm	14	$113.00
Building Permits	122	$25,826.00
Electrical Permits	105	$4,881.00
Heating Permits	75	$3,395.00
Air Cond. Permits	36	$1,470.00
Refrigeration Permits	2	$95.00
Plumbing Permits	54	$2,321.00
Storm Sewer Permits	14	$350.00
Sanitary Sewer Permits	4	$100.00
TOTAL	**698**	**$43,165.50**

LICENSES & REGISTRATIONS ISSUED DURING MAY 2009

	NO.	LICENSE FEE
Mech. Contr.-Reg.	22	$110.00
Elec. Contr.-Reg.	23	$345.00
Master Plmb.-Reg.	30	$150.00
Sign Inst. - Reg.	10	$100.00
E. Sign Contr-Reg.	2	$30.00
Fence Inst.-Reg.	6	$60.00
Bldg. Contr.-Reg.	12	$120.00
TOTAL	**105**	**$915.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2008	PERMIT VALUATION 2008	BUILDING PERMITS 2009	PERMIT VALUATION 2009
JANUARY	71	$4,678,432.00	66	$5,215,813.00
FEBRUARY	81	$5,464,681.00	39	$2,463,134.00
MARCH	107	$3,480,525.00	76	$3,344,007.00
APRIL	141	$10,518,298.00	95	$3,005,226.00
MAY	161	$4,357,036.00	122	$1,679,112.00
JUNE	161	$8,178,329.00	0	$0.00
JULY	160	$10,497,107.00	0	$0.00
AUGUST	122	$15,981,779.00	0	$0.00
SEPTEMBER	134	$13,136,548.00	0	$0.00
OCTOBER	114	$3,760,152.00	0	$0.00
NOVEMBER	109	$35,574,774.00	0	$0.00
DECEMBER	66	$1,762,444.00	0	$0.00
TOTAL	**1427**	**$117,390,105.00**	**398**	**$15,707,292.00**


SINGLE FAMILY DWELLING PERMITS 2009
60
50
40
30
20
10
0
3
0
3
1
0
January
February
March
April
May
June
July
August
September
October
November
December

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF MAY 2009

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, New Building	KAZARIAN, MICHAEL	3039 ROCHESTER	920,000
Total Commercial, New Building			920,000

Records 2

Total Valuation: 920,000

J-03a

June 3-09

Mr Nelson, Fire Department
Troy Mich, 48084-5254

Dear Sir.

I want to thank you for having Duty officer Mr Bovensiep come to my home to check it over.

He did a fine job with the smoke alarm, I feel much safer now.

Its so nice to know there is someone there to help you when you call.

Thank You,
Florence Ewall

867

GOOD JOB!

801

J-04a

Ruth Johnson
Oakland County Clerk/Register of Deeds
www.oakgov.com/clerkrod

Elections Division

RECEIVED
MAY 29 2009
CITY OF TROY
CITY MANAGER'S OFFICE

May 28, 2009

To Whom It May Concern:

Enclosed please find a certified copy of Miscellaneous Resolution #09097 – BOARD OF COMMISSIONERS – ENCOURAGING VOLUNTARY BOAT DISINFECTION STATIONS which was adopted by the Oakland County Board of Commissioners on May 21, 2009.

As the County Clerk/Register, I have been instructed to provide you with a certified copy of this adopted resolution. Please forward Miscellaneous Resolution #09097 to the appropriate person. Thank you for your cooperation.

Sincerely,

Ruth Johnson

Ruth Johnson
Clerk/Register of Deeds
County of Oakland

Enclosure (1)

Administrative Offices
1200 N Telegraph, Dept 415
Pontiac MI 48341-0415
(248) 858-0560
clerk@oakgov.com

Elections Division
1200 N Telegraph, Dept 417
Pontiac MI 48341-0417
(248) 858-0564
elections@oakgov.com

Legal & Vital Records
1200 N Telegraph, Dept 413
Pontiac MI 48341-0413
(248) 858-0581
clerklegal@oakgov.com

Register of Deeds Office
1200 N Telegraph, Dept 480
Pontiac MI 48341-0480
(248) 858-0605
deeds@oakgov.com

REPORT (MISC. #09097) May 21, 2009

BY: Planning and Building Committee, John Scott, Chairperson

IN RE: MR #09097 – BOARD OF COMMISSIONERS – ENCOURAGING VOLUNTARY BOAT DISINFECTION STATIONS

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The Planning and Building Committee, having reviewed the above-titled resolution on May 12, 2009, reports with a recommendation that the resolution be adopted.

Chairperson, on behalf of the Planning and Building Committee, I move acceptance of the foregoing report.

PLANNING AND BUILDING COMMITTEE

PLANNING & BUILDING COMMITTEE VOTE:
Motion carried unanimously on a roll call vote.

Miscellaneous Resolution #09097
BY: Commissioner Shelley G. Taub, District #16
RE: **Board of Commissioners – Encouraging Voluntary Boat Disinfection Stations**
TO: Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS with the exception of Lake Superior, the Viral Hemorrhagic Septicemia Virus (VHS) is spreading to inland lakes from infected lakes surrounding the State of Michigan, including Lake Huron, Lake Michigan and Lake St. Clair; and

WHEREAS the spread of VHS to inland lakes in Michigan, Wisconsin, Ohio and New York has cased massive fish kills and once a lake is infected it can not be removed; and

WHEREAS the Michigan Department of Natural Resources – Fisheries Division is actively managing a number of fish pathogens in our waters, including the VHS virus; and

WHEREAS the Michigan Department of Natural Resources is seeking support to establish a voluntary system of boat disinfection stations at boat launches using Vikron Aquatic, a very effective disinfectant that will eliminate VHSv and other pathogens; and

WHEREAS the Michigan Lakes and Stream Association website (www.MLSWA.org) offers information on its link entitled, "Watercraft Disinfection Station"; and

WHEREAS the disinfection is considered much safer than bleach. The Virkon Aquatic is environmentally safe and approved by the EPA.

WHEREAS the Michigan Association of Counties is requesting all County Commissioner to pass this information on to their cities, villages and townships, requesting them to cooperate in this endeavor.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby supports the voluntary system of establishing boat disinfection stations at boat launches to aid in controlling against the spread of the Viral Hemorrhagic Septicemia Virus and other pathogens.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners urges cities, villages and townships in Oakland County to consider ways in which these disinfestations stations could be established in their community.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners requests that information regarding the proper boat disinfection be posted on the county website.

BE IT FURTHER RESOLVED that the Oakland County Clerk is requested to forward copies of this adopted resolution to the Michigan Department of Natural Resources – Fisheries Division, the Michigan Lakes and Stream Association, the Oakland County Health Division, all of the cities, villages and townships in Oakland County, and the Michigan Association of Counties.

BE IT FURTHER RESOLVED that the Oakland County Water Resources Commissioner is requested to forward copies of this adopted resolution to all of the lake boards in Oakland County.

Chairperson, we move the adoption of the foregoing Resolution.

Commissioner Shelley G. Taub
District #16

Commissioner
District # 13

Commissioner
District # 3

Commissioner
District # 2

Commissioner
District # 8

Commissioner
District #

Commissioner
District #

Commissioner
District #

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Commissioner
District #

Commissioner
District # 4

Commissioner
District # 7

Commissioner
District # 1

Commissioner
District # 4

Commissioner
District # 21

Commissioner
District # 24

Commissioner
District # 17

Commissioner
District # 18

Commissioner
District #

Commissioner
District #

Commissioner
District #

Commissioner
District #

The Chairperson referred the resolution to the Planning and Building Committee. There were no objections.

Resolution #09097 May 21, 2009

Moved by Gosselin supported by Schwartz the resolutions (with fiscal notes attached) on the Consent Agenda be adopted (with accompanying reports being accepted).

AYES: Burns, Capello, Coulter, Douglas, Gershenson, Gingell, Gosselin, Greimel, Jackson, Jacobsen, Long, Middleton, Nash, Potter, Potts, Runestad, Schwartz, Scott, Taub, Zack, Bullard. (21)
NAYS: None. (0)

A sufficient majority having voted in favor, the resolutions (with fiscal notes attached) on the Consent Agenda were adopted (with accompanying reports being accepted).

DOES NOT REQUIRE COUNTY EXECUTIVE ACTION

STATE OF MICHIGAN)
COUNTY OF OAKLAND)
I, Ruth Johnson, 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 May 21, 2009, 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 21st day of May, 2009.

Ruth Johnson

Ruth Johnson, County Clerk

City of Troy

CITY COUNCIL REPORT

June 11, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer

SUBJECT: Suggested Resolution for Road Funding

Recommendation:

City management recommends that a similar resolution to the one attached be approved by Troy City Council at the July 6, 2009 regular City Council meeting and be sent to our state legislators supporting the bills proposed by the bi-partisan members of the Transportation Funding Task Force.

The executive summary of the Transportation Funding Task Force report as well as a copy of the letter sent to State Senate Majority Leader, Michael Bishop is also attached.

Prepared by: Bill Huotari, Deputy City Engineer
G:\Funding Issues\To CC re Proposed Resolution_TF2.doc

ROAD COMMISSION for OAKLAND COUNTY

Fax

31001 LAHSER ROAD
BEVERLY HILLS, MI 48025

TO: OAKLAND COUNTY MAYORS, VILLAGE PRESIDENTS, TOWNSHIP SUPERVISORS, CITY AND VILLAGE MANAGERS AND ADMINISTRATORS	FROM: BRENT O. BAIR MANAGING DIRECTOR
DATE: JUNE 1, 2009	PHONE: (248) 645-2000
FAX:	FAX: (248) 645-1349
PHONE:	PAGES: 3 (INCLUDING COVER PAGE)

MESSAGE:

Ladies and Gentlemen:

At its board meeting on Thursday, may 28, our Board of Road Commissioners passed a resolution calling on the State Legislature to fund Michigan's crumbling road system by enacting the bills proposed by the bi-partisan members of the Transportation Funding Task Force.

A copy of the resolution follows this cover page.

Given that the lack of adequate road funding is impacting all communities in Oakland County, as well as those throughout the state, it would be helpful if a similar resolution were passes by your council, commission or board and sent to your state legislators.

We would appreciate your asking your members to consider such a resolution. If you need additional information, please do not hesitate to contact me.

COPY OF RESOLUTION ADOPTED BY THE BOARD OF ROAD COMMISSIONERS FOR OAKLAND COUNTY, MICHIGAN UNDER DATE OF MAY 28, 2009

WHEREAS: According to US Census Bureau data, for at least the last 45 years, Michigan has been among the bottom 10 states in the nation in per capita state and local road funding; and

WHEREAS: As documented by the Michigan Asset Management Council and many other objective sources, Michigan's roads are rapidly deteriorating as a result of these many decades of under investing in infrastructure; and

WHEREAS: State-collected road funding has been declining for the past three years, and is expected to decline further in the coming year. In fact, the Road Commission for Oakland County (RCOC) anticipates receiving less Michigan Transportation Fund revenues for road operations during this current year, than it received in 1999; and

WHEREAS: Most of the costs associated with building and maintaining roads in Michigan have increased dramatically in recent years; and

WHEREAS: As a result of the declining revenue and increasing costs, RCOC today has 66 fewer employees than it had just two years ago. This decrease in staff has necessitated reductions in a number of services provided by the agency; and

WHEREAS: RCOC now has fewer employees than it has had at almost any time since the 1960s, when the county had hundreds of thousands fewer residents, substantially less traffic and fewer "lane miles" of roadway to maintain; and

WHEREAS: The road-funding shortfall is not unique to RCOC and, in fact, is being experienced by road agencies across the state. One dramatic example of this is the fact that 24 county road commissions have been forced to return paved roads to gravel over the last couple of years because they could not afford to repave the crumbling roads; and

WHEREAS: Michigan currently receives back only 92 percent of the federal gas tax revenues collected in Michigan, making it a "donor" state for federal road funding. In coming years, MDOT and many road commissions around the state, including RCOC, will be unable to provide the local match required to utilize federal road-funding grants and, therefore, stand to lose those federal monies. Not only will those dollars be used in other states, but the loss of these dollars will also increase the degree to which Michigan is a federal road-funding donor; and

WHEREAS: The Transportation Funding Task Force, created last year by the Governor and State Legislature, after an exhaustive eight-month study of transportation needs, concluded that Michigan needs to double its level of road funding just to maintain its roads in "good" condition; and

WHEREAS: The recent American Recovery and Reinvestment Act "stimulus" funds are providing a sorely needed, one-time, temporary boost in road funding, and will allow RCOC to address a few of its road needs. However, these funds address only a small portion of RCOC's needs and do not address the long-term funding challenges of road agencies, and.

WHEREAS: RCOC has implemented numerous technological enhancements and streamlined many of its business practices. These steps have improved the agency's operational efficiency; and

WHEREAS: The agency continues to seek such reforms; and

WHEREAS: Surveys show that Michigan motorists are becoming more vocal about their dissatisfaction with the poor roads due to the lack of adequate funding, and they want change now.

WHEREAS: A package of bills has been proposed by members of the Governor's Transportation Funding Task Force that would: reform the way fuel taxes are collected, converting the taxes from flat per-gallon taxes to percentage taxes charged at the wholesale level; increase vehicle registration fees; allow for local-option transportation funding; and provide other transportation funding reforms.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Road Commissioners of the Road Commission for Oakland County calls upon the State Legislature to step up to its responsibility to adequately fund Michigan's crumbling road system by enacting the bills proposed by the bi-partisan members of the Transportation Funding Task Force

I hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Road Commissioners, for the County of Oakland, Michigan under the date of May 28, 2009

Deborah Mathews

Deborah Mathews
Deputy-Secretary/Clerk of the Board

Executive Summary

The Transportation Funding Task Force was created in response to Public Act 221 of 2007 (P.A. 221 or Act 221), legislation which passed both the Michigan Senate and House of Representatives with a bipartisan majority and was signed into law by Governor Jennifer Granholm in December 2007.

The Task Force is comprised of 13 members. Nine represent interests including manufacturing, labor, transportation, agriculture, aviation, commerce, public transit, tourism, and the general public. Four members of the Legislature also serve on the Task Force, representing each legislative body and each side of the political aisle.

The purpose of the Task Force, as defined by P.A. 221, is to "review the adequacy of surface transportation and aeronautics service provision and finance" in Michigan, review strategies for maximizing return on transportation investment, and evaluate the potential of alternative strategies to replace or supplement transportation taxes and fees. A major and consistent focus of the group has been the need to stimulate economic activity and enhance personal mobility.

As they began their work seven months ago, the members of the Task Force very quickly realized the enormity and importance of the task that had been appointed to them.

Hard Truths

What the Task Force ultimately determined, after months of hard work and much public input, is that if Michigan's transportation system is to continue to serve the state adequately, our investment in transportation must increase significantly.

Road-user fees for a typical Michigan auto driver come to just pennies over $1 per day. The typical auto driver pays 2½ cents per each mile driven; a typical semi-truck driver, 8 1/3 cents. Michigan's Airport system has been sustained over the years with a fuel tax established in 1929, a rate sustainable because of aviation's popularity and growth. Transit investment in Michigan is half to one-tenth the investment made by other populated, economically diverse states like New York, New Jersey, Maryland, Illinois, Massachusetts, California, even Minnesota and Delaware. We pay relatively little for a transportation system that provides priceless access to global opportunity.

Compounding this historic underinvestment are factors beyond our control. Michigan is approaching a crisis of infrastructure funding caused by steady erosion of purchasing power, continued inflation in materials costs, and a decline in fuel-tax revenues due to spikes in gas prices, reduced travel and a slow economy. The decline in revenues, and a corresponding increase in demand for travel alternatives, has exposed the inherent structural problems with the current means of transportation finance.

For the past several years, the transportation revenue stream has been enhanced with bond revenues to provide a more robust level of investment. As a result, Michigan has made progress, particularly in improving the condition of the most highly used highways and bridges. But that bonding cannot continue without additional revenue.

As a result, Michigan is moving from <u>underinvesting</u> in transportation, to <u>disinvesting</u> in transportation.

That is the hard truth the Transportation Funding Task Force had to face. The group asked the Citizens Advisory Committee (CAC), also created by Act 221, to identify and quantify Michigan's

transportation needs, based on "do nothing," "good," and "better" investment scenarios. The Task Force reviewed their methodology, and asked them to propose efficiencies and reforms that could help stretch taxpayer dollars and maximize the benefit of existing investment.

Based on the information at their disposal, the Task Force could reach only one conclusion. More investment in transportation is absolutely needed. Much more.

Greater Efficiency

Properly chosen transportation investments can be phenomenally productive, but only if every dollar is used efficiently. With the assistance of the CAC, the Task Force learned that transportation agencies have been relentlessly vigilant in stretching shrinking revenue. Their efforts may go unnoticed, because cost-cutting measures are designed not to disrupt service or impose on customers. While the Task Force was able to recommend some additional efficiencies that are beyond the ability of any one transportation agency to implement, it is clear that efficiency is standard operating procedure at agencies across the state.

First among the efficiencies already achieved is Michigan's nationally-recognized focus on asset management, involving every road agency in the state. On a smaller scale, many transportation agencies work cooperatively with each other or the private sector to economize and avoid duplication. Savings range from grand improvements – like the technologically advanced region-wide snow and ice removal program in Southeast Michigan, the nation's first LEED certified, energy efficient transit center in Grand Rapids, or the recently completed 80,000 square foot hangar at Oscoda-Wurtsmith Airport which can fully house a Boeing 747-8 for maintenance operations during inclement weather and created 200 new jobs – to simple adjustments like multipurpose trucks or cooperative purchasing consortiums. But increasingly, transportation agencies must let some opportunities to save go undone, as cash is not available to make small improvements, however productive.

No Federal Bailouts

Given the current state of the national economy, it is unlikely the federal government will come to Michigan's transportation rescue. Even if they did, Michigan is not in a position to take advantage of new federal funding. *This is the last year Michigan will have enough state and local matching funds to claim all federal transportation funding available to the state.*

Some local agencies are already unable to make use of all federal transportation funding. By 2010, this will be true across all modes and across all jurisdictions.

We must increase investment in transportation soon or we will put past investment at risk, and the infrastructure and transportation service on which we rely will deteriorate.

Abundant Choices

The good news is that there is a way out of the transportation investment crisis.

In fact, there are many ways out. We have room to choose among many alternatives to pay for a basic "good" transportation system, but it is the consensus of the Task Force that in order to compete in a global economy as a state we need to continue to strive for "better" over time.

Although the level of investment needed for "good" and "better" are significant, they are not out of line with transportation investment needs nationally. The National Surface Transportation Policy and Revenue Study Committee, after two years of research and public comment, recommended that investment in transportation by all levels of government should be at least

$225 billion per year, an increase of 161 percent compared to national capital investment today of $86 billion.

In Michigan, we need to at least double our current investment in transportation.

Despite the magnitude of the funding gap, it can be closed. Not all the revenue need come from state coffers; the federal government, local government, and even the private sector should be partners in this effort. But one or two incremental fee increases will not be enough; it will require multiple – possibly dramatic – changes to the user-fee structure. Most of the revenue alternatives and efficiencies described in this report will likely be needed if we are to accomplish our goal.

The one choice we cannot afford is to do nothing.

The consequences to Michigan if action is not taken to address the need for increased transportation investment are dire indeed. Michigan stands to lose up to $1 billion in federal funds each year, because transportation agencies will not have enough revenue to provide the required matching funds. They will not be able to sustain the current level of investment, putting more than 17,000 jobs at risk. The condition of our infrastructure will deteriorate, with 30 percent of Michigan roads predicted to decline into poor or fair condition during the next decade. The condition of airport pavements will also decline, with the average airport pavement needing rehabilitation as soon as 2012, and crucial aviation safety programs will need to be terminated or reduced in scope. Existing local transit services and intercity passenger rail services will be reduced, and intercity bus service to rural areas will likely be eliminated.

Real Opportunities

Restoring our investment in transportation has the potential to accomplish valuable and much needed changes. The "good" level of investment will sustain 126,000 Michigan jobs, attract new business, open new global markets for Michigan products and services. It will yield roughly $41 billion in other economic benefits for all sectors of the Michigan economy.

For highways, roads and bridges, "good" investment will ensure that the most frequently used roads and bridges remain largely in good condition. It will allow local road agencies to do more than just plow snow and patch potholes, and will preserve local roads in the same condition they are today. It will reduce congestion with road widenings and construction of the highest-priority capacity improvements, and improve safety.

For passenger transportation, a "good" investment level will allow transit agencies to begin replacing aging buses with greener, more fuel-efficient vehicles. It will enhance convenience and choice in passenger transportation and allow implementation of long-overdue travel alternatives, such as commuter rail and light rail in Southeast Michigan and bus rapid transit in Grand Rapids. It will provide urban travel options that make Michigan cities more attractive to business and residents.

For freight transportation, "good" investment will reduce the travel time and increase the reliability of freight shipments on the ground and in the air. It will save lives by improving railroad-highway grade crossing safety.

For aviation, a "good" investment level will create an Aviation Economic Development Fund for aviation improvements needed to attract jobs. It will reinstate currently curtailed programs that are important to safety and that can provide new economic opportunities.

Good transportation will return benefits directly to households and businesses. It is estimated that congestion, poor pavement condition and crashes cost Michigan drivers and truckers $7 billion

annually in wasted fuel, lost time, vehicle maintenance costs, medical costs, lost productivity, and property damage. Based on economic analysis conducted by the University of Michigan, the Task Force estimates that investment at the "good" level would provide an average Michigan household an additional $2,000 per year in increased personal income and savings through reduced travel time and vehicle maintenance, and increased safety.

The "Better" investment level would accomplish even more. It would allow for infrastructure and transportation service improvements that would push Michigan into the forefront of economic competitiveness within our region and throughout the Nation. It would sustain more than 240,000 jobs, leverage an expected $1.9 billion in federal funds, and provide more than $84 billion in other economic benefits. The "better" level of investment is something to continue to strive for in the future.

Working in the Snow

The people of Michigan have been "working in the rain" for several years now, struggling with a sluggish state economy. To continue that analogy, the weather nationally has taken on a sharp and sudden chill. It seems inevitable that the rain will turn to snow. Perhaps severe snow.

But one of the many things the people of Michigan excel at is digging out from under a big snow. Everyone bundles up and pitches in. They bring whatever tools they have available. They all contribute, and make their best, most responsible effort to clear the way.

This report proposes making significant new investment in transportation. It is an investment that will create jobs and economic opportunity, attract business, improve property values, increase revenue, help the environment and ultimately save taxpayer dollars. It is an investment very worth making. In light of the storm that is upon us, it is an investment we cannot afford to forego.

This investment will require a contribution from everyone. It will require all the tools we have available, and some new ones that have yet to be crafted.

But if everyone contributes, if we work together to give our best, be our most responsible, we can make it happen. This significant investment in transportation can help Michigan dig out. We can set an example for the rest of the nation, show them how it's done, and reclaim our place as a national economic leader once again.

Figure A: Summary of Transportation Investment Scenarios

Investment Scenario	Aviation	Highway, Road & Bridge[1]	Intermodal Passenger	Intermodal Freight	Total Across Modes
Do Nothing	**$121M**	**$1,900M**	**$241M**	**$14M**	**$2,276M**
State & Local Funds	$16M	$1,653M	$193M	$7M[2]	$1,869M
Federal Funds Leveraged (avg per year)	$105M	$247M	$48M	$7M	$407M
Federal Funds at Risk (avg per year)	($16M)	($954M)[3]	($112M)	($0)	($1,082M)
Jobs Lost[4]	(416)	(13,532)	(3,516)	(N/A)[5]	(17,464)
Good	**$242 M**	**$6,136M**	**$773M**	**$19M**	**$7,170M**
State & Local Funds	$79M	$4,935M	$508M	$12M	$5,534M
Federal Funds Leveraged (avg per year)	$163M*	$1,201M	$265M*	$7M	$1,636M
Jobs Supported	3,800	87,000	35,100	250	126,150
Other Benefits	Not Available	$37,000M	$4,369M	$31M	$41,400M
Better	**$327M**	**$12,696M**	**$1,336M**	**$41M**	**$14,400M**
State & Local Funds	$130M	$11,495M	$779M	$34M	$12,438M
Federal Funds Leveraged (avg per year)	$197M*	$1,201M	$557M*	$7M	$1,962M
Jobs Supported	5,200	179,000	59,000	600	243,800
Other Benefits	Not available	$76,200M	$7,449M	Not available	$83,649M

[1] *Current investment among road agencies is $3.2 Billion (FY 08), putting the current total across modes at $3.576 Billion. Doing nothing will result in a decrease in funds available for investment in highways, roads and bridges.*
[2] *This amount only reflects rail investment. Trucking and air cargo are in their respective columns. No other freight funds were identified.*
[3] *Estimates of federal aid are subject to change based on decisions made by the federal government.*
[4] *Aviation - One job is estimated to be supported for every $60,000 spent. This figure includes direct and indirect jobs from construction expenditures, but does not reflect additional jobs created by increased passenger or cargo traffic as a result (Adapted from economic benefits studies of Detroit Metro and Willow Run Airports). Highway, Road, and Bridge - One job is estimated to be supported for every $70,500 spent. (Adapted from U of M's Economic Benefits of MDOT's 2007-2011 Highway Program). Intermodal Passenger - One job is estimated to be supported for every $32,000 invested in capital for transit. (Adapted from Cambridge Systematics Study, E-1). Intermodal Freight - With no federal funds at risk, there will be no job loss.*
[5] *The investment scenarios for intermodal freight were not included. Only rail investments were identified by the CAC Intermodal Subcommittee. Air and truck-cargo investment needs were included with their respective infrastructure, and no specific marine cargo investments were identified. Rail infrastructure supports over 4,000 jobs in the state, however, there was not a comparable calculation identified to accurately identify "jobs supported" by the investment scenarios as was done for other modes.*
** Federal funds leveraged includes possible competitive federal grants that could be available.*

Figure B: Summary of Funding Alternatives (in order of time horizon)

Key: ● = High ◐ = Medium ◔ = Low

	Guiding Principles						
Statewide Revenue Options	Workable short run	Sustainable long run	Participation at all levels	Relationship of payers/ benefits received	Adaptation to changing conditions	Retention for trans-portation purposes	Sufficient to leverage other funds
Increase vehicle registration rates	●	●	◐	●	●	●	◐
Eliminate registration discounts	●	●	◐	●	●	●	◐
Adjust motor fuel tax	●	◔	◐	●	◐	●	◐
Equalize diesel & gasoline fuel tax rates	●	◔	◔	●	◔	●	◐
Abolish 1.5% "cost of collection" allowance	●	◔	◔	◔	◔	●	◔
Reduce Inter-Departmental Grants	◐	◔	●	●	◔	●	◐
Increase sales tax and dedicate increase to transportation funding	◔	●	●	◔	●	◐	●
Direct all or a portion of sales tax on fuels to the MTF	◔	◐	◐	●	◔	●	◐
Direct some (or all) of Natural Resources Trust Fund Revenue to roads	◔	◔	◔	◔	◐	◔	◔
Aviation Options							
Increase aviation fuel tax	●	◐	◐	●	◐	◐	◐
Increase aircraft registration fee	●	◐	◐	◐	◐	◐	◐
Abolish commercial airline refund	●	◔	◔	◔	◔	◐	◐
Urge increase in aviation block grant	◐	●	●	●	●	◐	◐
Redirect sales tax on aviation products or make a specific allocation to aviation from unallocated sales tax revenue	◐	◐	●	◔	●	◐	●
Change aviation fuel tax to % of price	◐	◐	◐	●	●	◐	●
Work with Congress to make reliever and super-reliever airports eligible for same federal funding as primary airports	◔	●	◐	●	◐	◐	●
Local Funding Options							
Encourage local transportation investment by enabling a broad spectrum of local revenue options	◐	◐	◐	●	●	●	●
Public-Private Partnerships (P3s)& Tolling							
Enable P3s for toll-financed reconstruction, expansion or new construction of freeways.	◐	●	◐	●	◐	●	●
Enable toll-financed reconstruction, expansion or new construction of freeways.	◐	●	◔	●	◐	●	●

ROAD COMMISSION for OAKLAND COUNTY

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"WE CARE."

Board of Road Commissioners

Gregory C. Jamian
Commissioner

Richard G. Skarritt
Commissioner

Eric S. Wilson
Commissioner

Brent O. Bair
Managing Director

Dennis G. Kolar, P.E.
Deputy Managing Director
County Highway Engineer

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48025

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May 18, 2009

COPY

Mailed to all Oakland County state legislators

The Hon. Michael Bishop
State Senate Majority Leader
State Capitol
P.O. Box 30036
Lansing, MI 48909-7536

Dear Senator Bishop:

I am writing to ask for your support for the package of bills that will increase road funding and reform the way those dollars are collected in Michigan. We would be especially appreciative if you would co-sponsor one or more of the bills.

We are very much aware of the reluctance of many legislators to support <u>any</u> increase in taxes in light of our struggling economy and high unemployment rate (12.6% in March). I would like to highlight below some historical facts, the conclusions of reports by some statewide groups, and the ultimate statewide ramifications if no action is taken to increase funding for roads.

- "<u>Now is not a good time to raise taxes!</u>"

  In 1982, Michigan's economy and unemployment situation were also in bad shape, and yet the Michigan legislature passed gas tax increase legislation that included an inflation factor. Michigan's unemployment numbers at that time were:

  January 1, 1982 – Michigan unemployment = **14.7%**
  Gas and diesel taxes are 11 cents per gallon

  Mid to late 1982 – Michigan unemployment was over 15%; the legislature passes a gas and diesel tax increase tied to inflation (Ohio formula) but capped at a 2 cents per year increase rate.

  January 1, 1983 – Michigan unemployment = **16.5%**
  Gas & diesel taxes go up 2 cents to 13 cents, an 18% increase. (Economists are now estimating that unemployment in 2010 will hit 15.3%)

  January 1, 1984 – Michigan unemployment = **12.1%**
  Gas & diesel taxes go up another 2 cents to 15 cents, a 15.4% increase.

  How was the 1982 legislature able to raise the gas and diesel tax back when unemployment was even worse than it is today? It is clear the legislators at that time recognized that road construction meant jobs, and that it would not be possible to attract new employers and jobs to Michigan with bad roads. A two-cent increase in the gas tax funded many more road improvements in 1983 and 1984 than it would now.

- Transportation Funding Task Force Report (TF2)

  "The one choice we cannot afford is to do nothing." The Transportation Funding Task Force, which included four legislators issued a report last November that represented the first comprehensive transportation needs study in Michigan in decades. It revealed the magnitude of Michigan's transportation funding problem, and the need to increase funding dramatically in order to address the needs.

- Michigan Asset Management Council Report

  Analysis of data collected by the Michigan Asset Management Council demonstrates that:

  1. Since 2004, one in five miles of the federal aid system has deteriorated to poor condition. Now, almost one-third of the system is in poor condition while less than 20 percent is in good condition. Roads rated fair continue to fail at an alarming rate. Yearly, almost twice as many miles of road in fair condition will fall to poor condition, than will be improved.

  2. Despite the investments made in the road system over the past five years, the cost to repair roads that have fallen into poor condition has increased by over $4.0 billion since 2004.

  3. Roads not eligible for federal aid show similar signs of failure with 43 percent of that system in poor condition and only 14 percent in good condition.

- Deteriorating Roads and Services Due to Lack of Funding

  According to results of a survey by the County Road Association of Michigan in February of this year, 23 county road commissions have torn up paved roads and returned them to gravel because the cost of patching was becoming excessive and the road commissions did not have the funds to resurface the pavement. In addition, road agencies across the state are laying off workers or not filling vacant positions, resulting in lower levels of service, including winter maintenance.

- Michigan's Loss of Federal Funds to Other States

  By October 1, 2010, MDOT will be unable to match all the federal funds that will be available to it. Those unmatched funds would return to the Federal Highway Administration, to be distributed to other states that will use them. Some road commissions in Michigan have already turned back federal funds due to an inability to provide the required local match, and many more are expected to be forced to do the same in the coming two years.

- Roads Will Not Get Fixed

  If the proposed tax increase is not passed, how will the State's roads be fixed? The answer is that they will not get fixed and will continue to deteriorate.

  MDOT and county road commissions are responsible for 83 percent of all the public road miles in Michigan, including the heaviest traveled roads. Neither MDOT nor road commissions have taxing authority, and cannot raise funds themselves to maintain and improve their roads. We are totally dependent on you, the State Legislature, to provide the needed funding.

- Two Choices

  There appear to be only two real choices facing Michigan's Governor and members of the legislature:

  1. Provide more funding to fix Michigan's deteriorating roads, or

  2. Our citizens and businesses are forced to endure bad roads while we send money back to Washington to be used by other states.

- Impacts on the Level of Services Provided to Your Constituents and the Motoring Public

  One indicator of the condition of the road system is the number of citizen calls received complaining about the roads. In 2008 we received a record number of calls and e-mails. Almost 40 percent of the calls were related to pavement repair and gravel road issues. Because of continued decreasing revenues, we cannot afford to fill vacant positions, replace needed equipment, or resurface pothole-riddled roads. To date, we have 66 personnel vacancies across the agency, but many of them are in our Maintenance Department, and this has negatively affected our ability to respond to citizen calls. These 66 vacancies represent 12 percent of our workforce, and leaves us with 58 fewer employees than we had in 1974. Consider how much Oakland County has gown in 35 years and the increase in number of roads, population, and congestion that we have to deal with today versus in 1974!

  In addition, in 2008 our Risk Management Division received 693 claims from citizens who stated their cars sustained damage from potholes or bad road conditions. For 2009, so far we have received 331 claims. In 2007, we had 97 claims.

  We have just completed our biennial visits to every city, village and township in Oakland County, and we are hearing the same road concerns from these elected officials.

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"WE CARE."

I hope I have given you a broad overview of the road-funding crisis in Michigan, and how it is affecting our level of service to our mutual constituents, not only in Oakland County but throughout the State. We recognize that legislators are faced with extremely hard funding decisions because of the economic environment, but raising the gas tax can not only positively affect the greatest number of citizens by giving them smoother roads and a better level of service, but will increase the number of jobs.

We would welcome the opportunity to meet with you to share additional information.

Sincerely,

Brent O. Bair
Managing Director

c: Road Commissioner Richard Skarritt
Road Commissioner Eric Wilson
Road Commissioner Greg Jamian
Kim Rhead, Karoub Associates
Ed Noyola, County Road Association of Michigan

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: June 2, 2009
SUBJECT: Kocenda v. Troy et. al.

In August 2007, David Kocenda filed a lawsuit against the City of Troy and some of its police officers. He alleged the officers provided false information about him to a prospective employer (Palm Beach Gardens Police Department) during a background investigation. He claimed he was entitled to damages for defamation (Count I) and for intentional infliction of emotional distress (Count II). The Troy defendants filed a motion for summary disposition, on the basis that the complaint failed to state a valid claim, and that the defamation claim was barred by the statute of limitation, and also on the basis that all the claims were barred by governmental immunity. After receiving Troy's motion for dismissal, Kocenda filed a motion to amend his complaint to add an additional claim based on an alleged tortious interference with a business relationship.

On February 13, 2008, Oakland County Circuit Court Judge Fred Mester granted summary disposition to the City and its police officers, and denied Kocenda's motion to amend the complaint. Kocenda then filed a motion for reconsideration, which was denied by Judge Mester on May 19, 2008. Thereafter, Kocenda filed an untimely appeal of right with the Michigan Court of Appeals. The Court of Appeals dismissed the claim of appeal on August 27, 2008, and ordered Kocenda to reimburse the City for its costs incurred in filing a motion to dismiss the untimely appeal. Kocenda then filed a Motion for Relief from Order in the Oakland County Circuit Court, alleging the case should be re-opened on the basis of "newly discovered evidence." That motion was also denied in November 2008 by Judge Mester.

Kocenda then filed a delayed application for leave to appeal. In his application, he sought leave to appeal three of Judge Mester's decisions, namely: 1) the order granting summary disposition of the claim for intentional infliction of emotional distress; 2) the order denying the motion to amend the complaint to add a count for tortious interference with a business relationship; and 3) the order denying the motion to re-open the case based on newly discovered evidence. He also filed a motion to expand the record on appeal. In that motion, Kocenda requested that the Court of Appeals consider evidence that was not introduced in the Circuit Court.

On May 21, 2009, the Court of Appeals granted the delayed application for leave to appeal, but limited the appeal to whether or not Judge Mester abused his discretion in denying Kocenda's motion to amend his complaint to allege a claim for tortious interference with a business relationship. All of Plaintiff's other requests were denied. A copy of the Court of Appeals order is attached.

After the extensive briefing and argument by the parties, if the Court of Appeals finds that Judge Mester abused his discretion in refusing to allow Plaintiff to assert a claim of tortuous interference with a business relationship, the City still has the opportunity to raise all applicable defenses, including but not limited to the fact that his new prospective employer provided the City with an executed release, allowing the City to release information requested in the police officer candidate background investigation. Governmental immunity and claim preclusion would also likely be raised as alternative defenses if Plaintiff overcomes the hurdle to get the case remanded.

Court of Appeals, State of Michigan

ORDER

DAVID KOCENDA V CITY OF TROY

Docket No. 290346

LC No. 2007-085524-CZ

Deborah A. Servitto
Presiding Judge

E. Thomas Fitzgerald

Pat M. Donofrio
Judges

The Court orders that the application for delayed leave to appeal is GRANTED, limited to the issues concerning the circuit court's denial of plaintiff's motion to amend his complaint to allege a claim for tortious interference with a business relationship. MCR 7.205(D)(4); MCR 7.216(A)(9). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

The motion to expand the record is DENIED.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 21 2009
Date

Sandra Schultz Mengel
Chief Clerk

CITY COUNCIL REPORT

June 11, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Brian P. Murphy, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Solar House Update

1) The repairs to the solar house are estimated at $16,500. The Chamber of Commerce has applied for a grant to fund these repairs, however, it is not known exactly when the funds may be available.

2) Representatives from Lawrence Technological University have contacted City staff indicating that LTU will fund upfront repairs to the solar house. It is anticipated that the university be reimbursed for the costs after successful receipt of the grant funds.

3) Staff, along with LTU representatives will proceed with scheduling the repairs immediately.

CITY COUNCIL REPORT

DATE: June 9, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Update - Comprehensive Zoning Ordinance Rewrite (File Number: ZOTA 236)

The City is undertaking a collaborative professional effort between the Planning Department, City Attorney's Office and Carlisle/Wortman Associates, Inc. (CWA) to comprehensively rewrite the Zoning Ordinance.

The attached memo from CWA outlines some of the general issues with the current ordinance. Guiding principles and concepts for revision for the new ordinance are listed, as is the organizational format of the new document.

A project timeline is attached. The projected completion date is in FY 2010-11. Estimated project cost is approximately $100,000. Work is being completed under the existing Planning Consultant contract, using hourly rates outlined in the contract's fee schedule.

Attachments:
1. Memo from CWA, dated June 9, 2009.
2. Master Plan and Zoning Ordinance Purpose and Key Considerations.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 236 Zoning Ordinance Rewrite\CC Update Memo 06 15 09\CC Update Memo 06 15 09.doc

CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

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Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

MEMORANDUM

TO: Mark Miller, Planning Director

FROM: Richard K. Carlisle

DATE: June 9, 2009

RE: Comprehensive Review/Revision of the Zoning Ordinance

We have been working on the Zoning Ordinance revisions since January, and I thought it might be useful to document some of the many thoughts we have discussed with you and the Commission. I would also like to put all of the revisions we are contemplating into an overall organizational concept and context. Finally, I have developed a schedule for completion over three fiscal years, although the total time duration is much shorter.

With the Master Plan Update complete and adopted, a review of the Ordinance is timely. To my knowledge, the last comprehensive revision was done years ago. There have been a number of amendments made over the years to address specific issues, remain consistent to the enabling legislation, and respond to precedents established by case law.

Current Ordinance

I think many would agree that the Zoning Ordinance is difficult to use, and does not reflect much of the thinking that has been evolving in the City. There are a number of general observations that either we have made or have been made by you and the Commission.

1. The Zoning Ordinance is amended far more frequently than other ordinances. This is because there are frequent changes in enabling law, new legal precedents, and land use issues that emerge. Creating a better format to accommodate changes in the future is needed.

2. The Planning Act requires the Master Plan to be reviewed and possibly updated every five years. To maintain defensibility, we want to make sure the Master Plan and Ordinance are in sync.

3. The current ordinance format is inefficient in its use of paper. Unnecessary repetition is a major problem. While this may seem to be a small matter, reprinting and photocopying is more expensive.

4. The current ordinance is not particularly conducive to online use. We have discussed some exciting ideas to employ new technology, discussed later, that are simply not possible using the conventional codification approach.

Guiding Principles and Concepts for Revision

To provide a new and improved version of the Ordinance, there are several principles and concepts we would recommend. These are based not only on the experience we have had with your Ordinance, but also on the innovations we are employing elsewhere.

1. Use Improved Technology – The Ordinance should be designed not only for hard copy but also online use. Starting out with this in mind, we will be able to use techniques such as hyperlinks that will allow cross-references to section references, definitions, etc. by clicking on key words.

2. Use Improved Graphics – Using new software technology, we will also be able to incorporate improved graphics in the document. Such graphics will better illustrate ordinance requirements such as dimensional regulations, landscaping, signage, etc.

3. Improve Organization – The Ordinance is in need of reorganization with or without amendment. Later on, I make suggestions as to a new organizational format.

4. Improve Readability – Without compromising legal precision, there are many sections of the Ordinance which need editing. To the extent possible, we should strive to make the Ordinance understandable to the user. Better use of graphics, as indicated above, will help.

5. Remove Conflicting Language – Whenever an Ordinance is amended a multitude of times without a comprehensive review, there are bound to be conflicts. A comprehensive review, combined with the use of improved software technology, will remove those conflicts.

6. Improve Efficiency and Avoid Repetition – There is currently unnecessary repetition in the Ordinance. For example, every one of the individual districts refers to the Site Plan Review section. However, the Site Plan Review section very specifically indicates the circumstances where a site plan is required.

   Much greater use can be made of presenting information in a tabular form. For example, with other ordinances we have revised, we have presented each individual Zoning District on one or two pages by using a tabular form.

7. Provide a Better Table of Contents and Index – Currently, both are deficient. The Table of Contents should identify each article, section and subsection so that users can better locate information. Further, the index at the end needs to be updated and also needs more detail.

8. Don't Fix the Unbroken – Obviously, portions of the Ordinance has served the City well for many years. Therefore, we shouldn't spend a great deal of time on things that should either be "tweaked" or left alone. For example, the Site Plan Review section has been updated and, from my perspective, functions well.

Organizational Format

To improve upon the current organizational format, I would suggest the following new format.

1.0 Title, Purpose and Authority – All language that establishes the legal authority and conditions, both in general and as specifically tied to the enabling statutes, is placed in the opening article.

2.0 Definitions – All definitions will be included in this article. Any that remain in the body of the Ordinance will be moved into this article.

3.0 Administration and Enforcement – All functions and responsibilities relative to the administration and enforcement of the Ordinance belong in this article.

4.0 District Regulations – Regulations specific to each zoning district (i.e. intent, permitted and special uses, etc.) are included in this article. The Schedule of Regulations, a tabular array of dimensional requirements, will be included at the end of this article.

5.0 General Provisions – All regulations that have more general application throughout all districts are typically included here. For example, the section on accessory uses would be included here.

6.0 Site Plan Review – Procedures and standards for site plan review would be included here.

7.0 Special Land Use Review – Procedures and standards for special land uses would be included here.

8.0 Specific Use Standards – Some of the permitted uses and special land uses have specific standards. All of these would be lumped into one section. Further, any specific standards found in the body of a district would be placed in this article. This would be one technique to remove repetition and it will also assist in referencing.

9.0 Planned Districts and Special Development Regulations – I would suggest placing all of the alternative approaches such as the PUD and cluster development in one article.

10.0 Site Design and Standards – This would be a new article that would include all standards that relate to site design, such as landscaping, lighting, and parking.

11.0 Environmental Standards – Any regulations relative to environmental and natural resource protection would be included here. For example, we want to consider new green building or low-impact development standards.

12.0 Signs – All regulations relative to signs will be included in this article.

13.0 Non-Conforming Uses/Structures – Regulations pertinent to non-conformities are included here.

14.0 Zoning Board of Appeals – The role and responsibilities of the ZBA along with procedures for appeals, variances, and interpretation are included here.

15.0 Amendments – As with the current Ordinance, this section would contain procedures and standards for amendments.

Estimated Fees

In previous correspondence, we provided an estimate of fees that would total $100,000 over a span of 24 months and three (3) fiscal years, based upon our existing contract for professional services. We anticipated that approximately 33% of the funds would be spent in each fiscal year. As we have always indicated, we are happy to work with the City and modify the schedule according to your needs.

Schedule

I have attached a schedule which attempts to match up the various Articles with an estimated time of completion. While we are working on some of the more time-consuming and complex items, we plan on completing many of the more routine Articles. I anticipate most of that will be done by the end of the summer. Please let me know if this schedule is acceptable.

Summary

Please consider this as my preliminary ideas. I am sure throughout our discussions there will be interesting new thoughts and insights.

In the meantime, we look forward to continuing with the revisions and amendments.

CARLISLE/WORTMAN ASSOC., INC.

Richard K. Carlisle, PCP, AICP
President

#225-05-2801

City of Troy Zoning Ordinance

	FY 2008-2009						FY 2009-2010												FY 2010-2011		
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S
1.0 Title, Purpose and Authority																					
2.0 Definitions																					
3.0 Administration and Enforcement																					
4.0 District Regulations																					
5.0 General Provisions																					
6.0 Site Plan Review																					
7.0 Special Land Use Review																					
8.0 Specific Use Standards																					
9.0 Planned Districts and Special Development Regulations																					
10.0 Site Design and Standards																					
11.0 Environmental Standards																					
12.0 Signs																					
13.0 Non-Conforming Uses/Structures																					
14.0 Zoning Board of Appeals																					
15.0 Amendments																					
Revision/Adoption																					

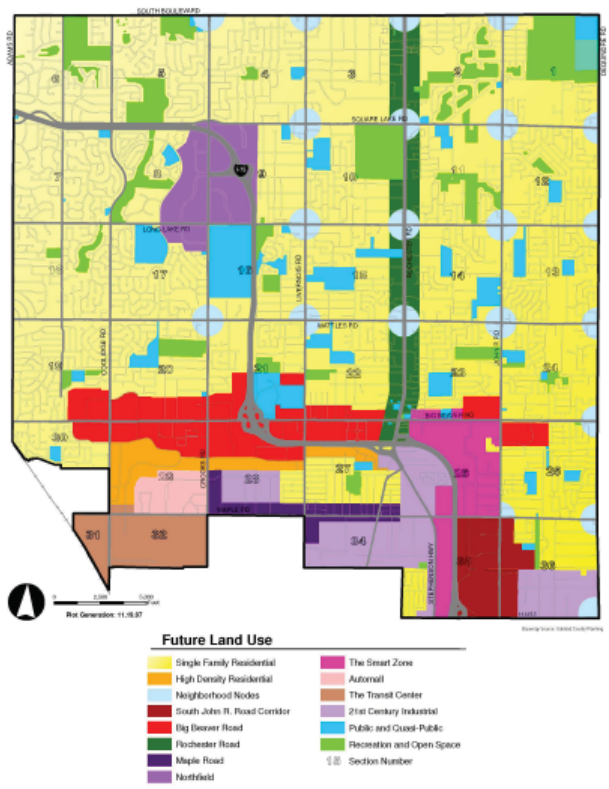
City of Troy

Master Plan

Purpose and Key Considerations

Statement of Purpose

The Troy Master Plan is the official policy guide to be used by City officials to resolve existing and anticipated community development issues. Through the text and maps, the Master Plan illustrates the desires of the City with regard to future growth and development. Further, the Master Plan promotes continuity in development policy as members of the Planning Commission and City Council change over the years. To ensure that land use and development policies reflect current conditions in the City, it is essential that the Master Plan is periodically evaluated. In recent years, Troy has undergone many changes. To address these changes, the goals, objectives, and policies contained within this Master Plan were prepared to respond to existing conditions and projected trends to make Troy an attractive place to live and work.



Process and Community Connection

On the heels of the Troy Futures Vision 2020 process, the City of Troy Master Plan process included a multi-step public involvement process. After recruiting participants, the City engaged those willing stakeholders in complex assessments of the quality of life in Troy and identify areas of potential improvement.

Innovation

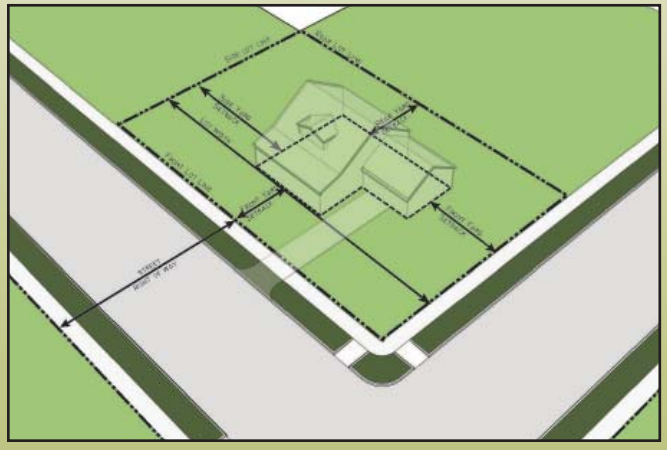
The 2008 City of Troy Master Plan throws convention to the wind by directly addressing the quality of life of Troy in a unique, user-friendly format. Supporting data and extraneous maps are kept in a series of appendices, allowing the document to clearly state the intentions of the people of Troy in concentrated, topic-based chapters addressing transportation, sustainability, housing, and other important issues. The Master Plan is designed to clearly and accurately reflect the philosophies established by the participants in the City's extensive public participation process. This unique format and approach to Master Planning is fast becoming a model for communities statewide.

- *Extensive public input was part of the Master Plan process.*
- *A progressive new direction for the City, directly from the residents and of Troy, emerged.*
- *The new ideas required a whole new approach to the Master Plan.*
- *The Plan encourages mixed-use, sustainability, alternative transportation, and density.*
- *The central idea of the Master Plan is that by cultivating a world class quality of life, Troy can compete for world-class workers, which in turn will attract world-class jobs.*
- *The Master Plan analyzes and establishes philosophies towards a number of topic areas critical to enhancing the quality of life for current and future residents.*
- *Each chapter was designed as one of a series of stand alone policy documents centered on a theme.*
- *Every Chapter is related directly back to public input.*
- *The Master Plan emphasizes the form and function of buildings and amenities as much as the use of buildings and land, a new approach to land use regulation.*

City of Troy

Zoning Ordinance

Purpose and Key Considerations



Statement of Purpose

The Zoning Ordinance is a critical community development tool. While supported by other City plans and ordinances, the Zoning Ordinance is the primary method through which the City can implement the vision of the Master Plan. Elements regulated by zoning include land use, building height and form, parking requirements, special performance standards for certain unique land uses, and many other general provisions. Designed to promote and protect the health safety and welfare, the Zoning Ordinance protects the rights of landowners to use their land, while not impeding the ability of others to use theirs. It is designed to bring about a predictable outcome and a planned physical environment that allows for the highest possible quality of life.

Process and Community Connection

The public will be invited to take a vital role in the development of the Zoning Ordinance. Currently, you are invited to attend the regular meetings of the Planning Commission, where this issue is discussed regularly. Additional information on future activities will be widely publicized to solicit participation.

Innovation

The approach to the preparation of the Zoning Ordinance is to challenge the standards established by conventional regulatory documents. The ground-breaking City of Troy Master Plan created a need to think outside the box. The City will apply the same critical thinking to the zoning ordinance preparation process as was undertaken with the 2008 Master Plan. This process will generate new approaches to old problems and tackling new problems like never before. The City will develop superior content for the new Zoning Ordinance, and create a new and better way to present that content, innovating both how the document works and how it is used.

- *The Zoning Ordinance will include a wide variety of color graphics, flowcharts and tables.*
- *Progressive and applicable definitions will be added. Extensive graphic representations will also be included in this section.*
- *In response to the Master Plan, the Ordinance will incorporate new form-emphasized approaches that supplement Planned Unit Development and other current zoning provisions to allow for 21st century development.*
- *The Ordinance will address green building, energy use, innovative stormwater management, and other issues relating to overall community sustainability like never before.*
- *The Ordinance will build on the City's fast, fair, and predictable review process for all applicants.*
- *The new Ordinance will be designed from the ground up for online use, avoiding costly printing and updating.*
- *Zoning language will be clearly stated in a manner that is reasonable to administrate and enforce, as well as amend and manipulate to evolve with Troy's needs.*
- *The development of the new Zoning Ordinance will be a multi-year process, and will be comprehensive in nature.*

CITY COUNCIL REPORT

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services

SUBJECT: Automation Alley Audit Report

Background:

Attached is a copy of Automation Alley's Annual Audit Report, as requested by City Council. Please let me know if you need any further information.

AUTOMATION ALLEY
Troy, Michigan

FINANCIAL STATEMENTS

For the Years Ended
August 31, 2008 and 2007

AUTOMATION ALLEY
Troy, Michigan

FINANCIAL STATEMENTS

For the Years Ended
August 31, 2008 and 2007

AUTOMATION ALLEY

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* * * * *

Rehmann

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Troy, MI 48098
Ph: 248.952.5000
Fx: 248.952.5750
www.rehmann.com

February 10, 2009

Board of Directors
Automation Alley
Troy, Michigan

We have audited the accompanying statements of financial position of ***Automation Alley*****,** (the "Organization"), as of August 31, 2008 and 2007, and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the Organization's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Audit Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of ***Automation Alley*** as of August 31, 2008 and 2007, and the changes in its net assets and its cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued under separate cover our report dated February 10, 2009, on our consideration of ***Automation Alley's*** internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the Organization's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Rehmann Robson

AUTOMATION ALLEY

STATEMENTS OF FINANCIAL POSITION

ASSETS	August 31 2008	August 31 2007
Current assets		
Cash and cash equivalents	$ 795,858	$ 822,020
Grants receivable	315,239	359,759
Memberships receivable	127,587	117,990
Prepaid expenses and other	240,125	258,375
Total current assets	**1,478,809**	**1,558,144**
Property and equipment, net	2,751,678	2,889,788
Seed fund investments	2,952,591	2,260,050
Deposit	100,000	100,000
Closing costs, net	4,283	6,620
Total assets	**$ 7,287,361**	**$ 6,814,602**
LIABILITIES AND NET ASSETS		
Current liabilities		
Accounts payable	$ 283,973	$ 389,099
Current portion of mortgage payable	26,376	25,187
Accrued payroll	32,622	32,207
Event deposits	135,170	162,432
Deferred grant revenues	231,269	172,510
Deferred membership dues	765,636	713,044
Total current liabilities	**1,475,046**	**1,494,479**
Mortgage payable, net of current portion	1,205,370	1,228,476
Total liabilities	**2,680,416**	**2,722,955**
Net assets		
Unrestricted	1,407,323	1,702,795
Temporarily restricted	3,199,622	2,388,852
Total net assets	**4,606,945**	**4,091,647**
Total liabilities and net assets	**$ 7,287,361**	**$ 6,814,602**

The accompanying notes are an integral part of these financial statements.

AUTOMATION ALLEY

STATEMENTS OF ACTIVITIES

	Year Ended August 31, 2008		
	Unrestricted	Temporarily Restricted	Total
Membership operations			
Public support and revenue			
Membership dues	$ 1,366,993	$ -	$ 1,366,993
Government grants	2,351,102	-	2,351,102
Events	279,127	-	279,127
Contributed services	291,264	-	291,264
Sponsorships	72,592	-	72,592
Total public support and revenue	**4,361,078**	**-**	**4,361,078**
Other revenue			
Interest income	31,164	-	31,164
Other revenue	170,376	-	170,376
Total other revenue	**201,540**	**-**	**201,540**
Net assets released from restrictions	-	-	-
Total public support and other revenue	**4,562,618**	**-**	**4,562,618**
Expenses			
Program services	2,659,012	-	2,659,012
General and administrative	1,848,991	-	1,848,991
Events	350,087	-	350,087
Total expenses	**4,858,090**	**-**	**4,858,090**
Net loss from membership operations	**(295,472)**	**-**	**(295,472)**
Seed fund revenue and expenses			
Seed fund revenues	-	1,309,987	1,309,987
Dividend and interest income from investments	-	18,229	18,229
Release of restrictions due to impairment and other losses	517,446	(517,446)	-
Loss on investments	(517,446)	-	(517,446)
Net seed fund revenue and expenses	-	810,770	810,770
Change in net assets	**(295,472)**	**810,770**	**515,298**
Net assets, beginning of year	1,702,795	2,388,852	4,091,647
Net assets, end of year	**$ 1,407,323**	**$ 3,199,622**	**$ 4,606,945**

The accompanying notes are an integral part of these financial statements.

Year Ended August 31, 2007		
Unrestricted	Temporarily Restricted	Total
$ 1,348,510	$ -	$ 1,348,510
2,233,698	-	2,233,698
232,320	-	232,320
295,077	-	295,077
81,213	-	81,213
4,190,818	**-**	**4,190,818**
39,763	-	39,763
-	-	-
39,763	**-**	**39,763**
10,162	(10,162)	-
4,240,743	**(10,162)**	**4,230,581**
2,589,101	-	2,589,101
1,684,818	-	1,684,818
325,075	-	325,075
4,598,994	**-**	**4,598,994**
(358,251)	**(10,162)**	**(368,413)**
-	1,629,800	1,629,800
-	-	-
12,500	(12,500)	-
(12,500)	-	(12,500)
-	1,617,300	1,617,300
(358,251)	**1,607,138**	**1,248,887**
2,061,046	781,714	2,842,760
$ 1,702,795	**$ 2,388,852**	**$ 4,091,647**

AUTOMATION ALLEY

STATEMENTS OF CASH FLOWS

	Year Ended August 31	
	2008	**2007**
Cash flows from operating activities		
Change in net assets	$ 515,298	$ 1,248,887
Adjustments to reconcile change in net assets to net cash used in operating activities:		
Depreciation and amortization	182,103	191,603
Loss on seed fund investments	517,446	12,500
Grant revenue received for investing activities	(1,309,987)	(1,629,800)
Changes in operating assets and liabilities which (used) provided cash		
Grants receivable	44,520	92,916
Memberships receivable	(9,597)	(97,990)
Prepaid expenses and other	18,250	7,678
Accounts payable	(105,126)	(95,044)
Accrued expenses	415	4,625
Event deposits	(27,262)	(23,254)
Deferred grant revenue	58,759	172,510
Deferred membership dues	52,592	26,297
Net cash used in operating activities	**(62,589)**	**(89,072)**
Cash flows from investing activities		
Acquisition of seed fund equity investments	(559,987)	-
Issuance of seed fund notes receivable	(750,000)	(1,629,800)
Repayment of seed fund notes receivable	100,000	-
Purchases of property and equipment	(41,656)	(62,225)
Net cash used in investing activities	**(1,251,643)**	**(1,692,025)**
Cash flows from financing activities		
Grant proceeds received for investing activities	1,309,987	1,629,800
Repayments of long-term debt	(21,917)	(22,599)
Net cash provided by financing activities	**1,288,070**	**1,607,201**
Net decrease in cash and cash equivalents	(26,162)	(173,896)
Cash and cash equivalents, beginning of year	822,020	995,916
Cash and cash equivalents, end of year	**$ 795,858**	**$ 822,020**

The accompanying notes are an integral part of these financial statements.

1. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES

Nature of Activities

Automation Alley (the "Organization") is a regionally-focused technology organization integrating business, education and government to strengthen southeastern Michigan's economy. The purpose of the Organization is to act as a catalyst to enhance the image of southeastern Michigan and to help its members grow their businesses. The Organization provides products and services that stimulate and highlight the technological excellence and diversity of the regional economy. Membership is made up of technologically diverse, progressive businesses, educational institutions and government entities within an eight county area and the City of Detroit.

The Automation Alley Consortium (the "Consortium") was established in May 1998 to develop programs to support members in their efforts to attract world-class, high technology workers to southeastern Michigan. Working with government agencies, the Consortium is working to turn southeastern Michigan into an internationally-recognized economic powerhouse.

Concentrations

Approximately 52% and 53% in 2008 and 2007, respectively, of the Organization's public support and revenue is currently provided from grants received from the State of Michigan and United States Departments of Transportation. In addition, the Organization's memberships and related dues revenue are concentrated in business entities and individuals located principally in Southeastern Michigan.

Cash and Cash Equivalents

Cash and cash equivalents consist of demand deposits in banks and cash on hand. For the purpose of the statement of cash flows, the Organization considers all unrestricted highly liquid investments purchased with original maturities of three months or less to be cash equivalents. The Organization has, at times throughout the year, bank balances that exceed federally insured limits. The Organization has not experienced any losses on such accounts, and management believes the Organization is not exposed to any unusual interest rate or credit risk on cash and cash equivalents.

Revenue Recognition, including Deferred Revenue

The Organization accounts for its public support and revenues in accordance with Statement of Financial Accounting Standards (SFAS) No. 116, (SFAS No. 116) *Accounting for Contributions Received and Contributions Made.* Public support and revenues generally fall into the following categories:

Membership Dues

Revenues from memberships qualify as "exchange transactions" in accordance with SFAS No. 116. Membership dues, which typically are one year in duration, are initially recorded as deferred revenue in the statement of financial position and recognized ratably over the membership year. The membership year begins in the month the related dues are paid and expires over a 12 month period. Membership dues for renewals that are received prior to expiration of the existing membership are recorded as deferred revenue on the statement of financial position.

Sponsorships and Promises to Give

Event sponsorship revenues generally qualify as exchange transactions in accordance with SFAS No. 116 and are recognized in the period in which the related event occurs; they are recorded as deferred revenue if received in advance of such event. Depending on the nature of the sponsorship, such revenues may be considered "unconditional promises" in accordance with SFAS No. 116 and are recorded as unrestricted, temporarily restricted, or permanently restricted support depending on the existence or nature of any donor imposed restrictions.

Sponsor and other contributions that are unconditional promises are recognized as unrestricted when the donor makes a promise to give to the Organization that is, in substance, unconditional. Sponsorships that are restricted by the donor are reported as increases in unrestricted net assets if the restrictions expire in the fiscal year in which the contributions are recognized. All other donor-restricted contributions are reported as increases in temporarily or permanently restricted net assets depending on the nature of the restrictions. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets.

Government Grants

Revenues from government grants are typically earned on a reimbursement basis whereby grant revenue and related receivables are recognized in the period in which qualifying grant expenditures are made, and are thus considered exchange transactions under SFAS No. 116. Any portion of such grants received in advance of the Organization incurring qualifying expenses is recorded as deferred revenue in the statement of financial position. Government grants that qualify as "unconditional promises" are accounted for as described under "Sponsorships", above.

In-Kind Contributions

The Organization recognizes the value (as revenue and related expense in the statement of activities) of contributed services, if the contributed service received creates or enhances non-financial assets or requires specialized skills that are provided by individuals possessing those skills, and would typically need to be purchased, if not provided by donation. Contributed services that do not meet these criteria are not recognized.

Grants and Memberships Receivable

The Organization receives grants on an annual basis from various funding sources. Certain grants are funded on a reimbursement basis, which can lead to a grant receivable amount at year end. As discussed above, such reimbursable grants are considered "exchange transactions" in accordance with SFAS No. 116. Accordingly, grant revenue and related receivables are recognized in the period in which qualifying grant expenditures are made. Any portion of such grants received in advance of the Organization incurring qualifying expenses is recorded as deferred revenue in the statement of financial position. Management does not consider allowances necessary at August 31, 2008 or 2007.

Memberships receivable result from unpaid membership renewals and are unsecured. Management assesses the collectability of such receivables by an analysis of the respective member's status, past payment history, length of time as a member, etc. Unpaid renewals that management does not expect to collect are written off to expense as management deems them uncollectible. Uncollectible memberships have historically been immaterial, and management does not believe allowances are required at August 31, 2008 or 2007.

Seed Fund Investments and Notes Receivable

The Organization accounts for its investments in accordance with Statement of Financial Accounting Standards No. 124 (SFAS No. 124) *Accounting for Certain Investments Held by Not-for-Profit Organizations*; the (AICPA) American Institute of Certified Public Accountants Accounting and Audit Guide, *Not-for-Profit Organizations*; and Financial Accounting Standards Board Staff Position FSP FAS 115-1 and FAS 124-1, *The Meaning of Other-Than-Temporary Impairment and Its Application to Certain Investments* (FSP 115-1).

As part of its "Advanced Automotive Seed Fund" and "Automotive Technology Business Accelerator", the Organization receives funding from governmental entities affiliated with the State of Michigan to encourage the development of competitive-edge technologies through, among other activities, the creation of early stage "seed funds". The Organization

uses such seed funding to make equity and debt (notes receivable) investments in various Michigan-based companies, which are typically high-tech, start-up companies or development stage enterprises.

Certain of the Organization's seed funds issued as notes receivable are accounted for as investments under SFAS No. 124 since they are either secured, convertible into equity securities, or both. Equity investments where the Organization exercises control or where its ownership interest is at least 20% but less than or equal to 50%, are accounted for under the equity method in accordance with Accounting Principles Board Opinion No. 18, *The Equity Method of Accounting for Investments in Common Stock*. Investments not accounted for under the equity method that also do not have readily determinable fair values are accounted for under the cost method and are evaluated annually for impairment, and to determine whether such impairment is temporary or other-than-temporary. If a cost method investment is deemed by management to be other-than-temporarily impaired, it is written down to its estimated fair value, which becomes the new carrying value, with subsequent recoveries in fair value, if any, not recognized.

As discussed above, the Organization's investments are made in companies that are typically start up or development stage in nature, and that are privately held. Accordingly, these investments do not have readily determinable fair values. As of August 31, 2008 and 2007, management has recorded impairments aggregating $539,800 and $112,500, respectively, on such investments where management has assessed the fair value impairment as other-than-temporary.

The Organization has three and one investments aggregating $649,987 and $100,000, which are accounted for under the equity method, as of August 31, 2008 and 2007. The Organization's share of the investees' accumulated losses is approximately $190,146 and $100,000 for these three and one investments, as of August 31, 2008 and 2007, respectively. The Organization's share of the investee's accumulated losses exceeds its initial investment for one of the companies, and is thus carried at zero on the statement of financial position. The Organization has not recorded losses on this investment in excess of its initial investment since management believes the Organization is not obligated to fund additional losses.

The underlying agreements, which provide funding for the seed fund investments do not require the Organization to repay the funding if and when the underlying notes are collected or equity investments are recouped; however, any such proceeds must be reinvested, including any interest collected, in accordance with the agreement. Accordingly, such funding is recorded as temporarily restricted net assets until such time (if ever) that the investments are written down below cost due to impairment or for recognition of equity method losses.

Deposit

The Organization has an agreement with an unrelated company whereby the Organization and the company are expected to form another new entity, with each having an ownership interest. The Organization has funds amounting to $100,000 that are held by the unrelated company in anticipation of the new entity being formed. As of August 31, 2008, this new entity has not been formed and management has recorded the $100,000 held by the unrelated company as a deposit.

Property and Equipment and Depreciation

Purchased property and equipment are stated at cost. Donated property and equipment is recorded at fair market value at the date of the donation. Major improvements and renewals are capitalized while ordinary maintenance and repairs are expensed. Management annually reviews these productive assets to determine whether carrying values have been impaired. Depreciation is computed annually using the straight-line and double declining balance methods over the estimated useful lives of the related assets, which range from 5 to approximately 40 years.

Non-Monetary Transactions

In the normal course of business, the Organization trades its membership dues for the services of some of its suppliers. These transactions are recorded at fair values when the goods and services are received, with fair value being equal to the value of the related membership provided to the supplier. Approximately $290,000 and $315,000 of membership dues revenue results from such transactions for the years ended August 31, 2008 and 2007, respectively, and relates principally to advertising placed and professional services received.

Advertising Costs

Advertising costs are expensed as such amounts are incurred. Advertising costs were $462,276 and $307,532 for the years ended August 31, 2008 and 2007, respectively. These amounts include $270,517 and $145,250 for fiscal 2008 and 2007, respectively, in advertising services that were received in exchange for membership dues.

Income Taxes

The Organization is a not-for-profit organization exempt from income tax under Section 501(c) (6) of the Internal Revenue Code and is exempt from similar state and local taxes.

Although the Organization was granted an income tax exemption by the Internal Revenue Service, such exemption does not apply to "unrelated business taxable income." Such income, pursuant to the Internal Revenue Code and related regulations, includes investment income. The Organization has been classified as not a private foundation.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of income and expenses during the reporting period. Actual results could differ from those estimates. An Organization estimate that is particularly sensitive is its estimate of other-than-temporary impairment for certain seed fund investments.

2. GRANTS RECEIVABLE

Grants receivable consisted of the following amounts from the following sources at August 31:

	2008	2007
United States Department of Transportation	$211,255	$ 252,447
Facilities Grant	-	76,589
United States Department of Labor	4,525	30,723
United States Department of Defense	99,459	-
Total	**$ 315,239**	**$ 359,759**

3. SEED FUND INVESTMENTS

As discussed below, Seed Fund Investments consist of notes receivable and both equity method and cost method common stock equity investments. These investments are summarized as follows:

	2008	2007
Notes receivable	$2,482,550	$2,082,550
Common stock investments - equity method	649,987	100,000
Common stock investments - cost method	300,000	290,000
Investment in LLC	250,000	-
Total seed fund investments	3,682,537	2,472,550
Less impairment and equity method losses recorded	729,946	212,500
Net carrying value	**$2,952,591**	**$2,260,050**

Seed Fund Investments - Notes Receivable

Seed fund note investments consisted of the following amounts at August 31:

	2008	2007
NON-IMPAIRED NOTES:		
Note receivable, Saphan, Inc., due February 2009, bearing annual interest at 7.50%. Convertible and secured by substantially all assets of the debtor.	$ 100,000	$ 100,000
Note receivable, Electro Jet, Inc., due December 2008, bearing annual interest at 8.00%. Convertible and secured by substantially all assets of the debtor.	100,000	100,000
Note receivable, Hybra-Drive System, due December 2008, bearing annual interest at 8.00%. Convertible and secured by substantially all assets of the debtor.	250,000	250,000
Note receivable, Jadi, Inc., due November 2009, non-interest bearing.	92,750	92,750

Note receivable, Critical Signal Tech, due January 2010, bearing annual interest at 8.00%. Secured by substantially all assets of the debtor.	250,000	250,000
Note receivable, Danotek Motion Tech, due January 2009, bearing annual interest at 6.00%. Repaid in 2008.	-	100,000
Note receivable, Cielo Med, due December 2012, bearing annual interest at 12.00%. Convertible and secured by substantially all assets of the debtor.	250,000	250,000
Note receivable, Secure Com, due December 2008, bearing annual interest at 9.00%. Convertible and secured by substantially all assets of the debtor Converted in 2008 to a stock investment.	-	250,000
Note receivable, Parking Carma, due March 2009, bearing annual interest at 8.00%. Convertible.	250,000	250,000
Note receivable, Parking Carma, due April 2010, bearing annual interest at 8.00%. Convertible.	150,000	-
Note receivable, Global Energy Innovations, due September 2010, bearing annual interest at 9.00%. Convertible and secured by substantially all assets of the debtor.	250,000	-
Note receivable, Pure Entropy, due December 2009, bearing annual interest at 9.00%. Convertible and secured by substantially all assets of the debtor.	250,000	-
IMPAIRED NOTES		
Note receivable, Prezign, Inc., due January 2008, bearing annual interest at 7.50%. Convertible and secured by substantially all assets of the debtor.	100,000	100,000
Note receivable, Blizzard Boost, due February 2009, bearing annual interest at 8.25%. Convertible.	12,500	12,500

Note receivable, Check the Crib Corp., due December 2008, bearing annual interest at 8.00%. Convertible and secured by substantially all assets of the debtor.	77,300	77,300
Note receivable, Razor Threat, due January 2009, bearing annual interest at 8.00%. Convertible and secured by substantially all assets of the debtor. (see Note 10)	250,000	250,000
Note receivable, Cargo Solutions, due December 2010, bearing annual interest at 9.00%. Convertible and secured by substantially all assets of the debtor.	100,000	-
Total seed fund notes receivable	2,482,550	2,082,550
Less impairment	539,800	112,500
Net carrying value	**$ 1,942,750**	**$1,970,050**

Certain of the note agreements have various conversion features where the Organization has the option to convert the note receivable into shares of the debtor's common or preferred stock. For the year ended August 31, 2008, one such conversion occurred.

Future principal maturities of the notes, excluding impairment, are scheduled as follows for the years subsequent to August 31, 2008:

Year Ended August 31	**Amount**
2009	$1,139,800
2010	742,750
2011	350,000
2012	-
2013	250,000
Total	**$2,482,550**

Seed Fund Common Stock Investments - Equity Method

The Organization has made three seed fund investments in common stock amounting to $649,987 at August 31, 2008 and 2007 that are accounted for under the equity method. As discussed in Note 1, these investments are carried at $459,841 in the accompanying statements of financial position after recognition of its share of the investees' losses.

Seed Fund Common Stock Investments - Cost Method

The Organization has two and three common stock seed fund investments at August 31, 2008 and 2007 amounting to $300,000 and $290,000, respectively that are accounted for using the cost method as management believes the Organization has no readily determinable fair value, the percentage of ownership is less than 20%, and the Organization does not exercise significant influence.

Seed Fund Investment in LLC

The Organization has one seed fund investment in a limited liability company at August 31, 2008 amounting to $250,000 that is accounted for using the cost method, as management believes it does not have the ability to significantly influence the entity's operational or financial policies and its percentage of ownership is less than 20%.

4. PROPERTY AND EQUIPMENT

Major classes of property and equipment are summarized as follows at August 31:

	2008	2007
Land and land improvements	$ 610,640	$ 610,640
Buildings and improvements	2,357,308	2,353,333
Equipment	450,267	412,587
Total property and equipment	3,418,215	3,376,560
Less accumulated depreciation	666,537	486,772
Property and equipment, net	**$2,751,678**	**$2,889,788**

5. MORTGAGE PAYABLE

Long-term debt consists of a mortgage on the Organization's operating facility that matures in June 2010, and requires monthly installments of $8,599 prior to a balloon payment, including interest at 6.28% per annum.

Scheduled principle maturities of this mortgage obligation are summarized as follows for each of the years succeeding August 31, 2008:

Year	Amount
2009	$ 26,376
2010	1,205,370
Total mortgage payable	1,231,746
Less current portion	26,376
Total mortgage payable, net of current portion	**$1,205,370**

Interest expense was $75,069 and $80,706 for the years ended August 31, 2008 and 2007, respectively.

6. OPERATING LEASES

The Organization leases office equipment under noncancelable operating lease agreements. The leases expire in January 2010 and require total monthly payments of $624.

7. TEMPORARILY RESTRICTED NET ASSETS

Temporarily restricted net assets consisted of amounts having the following purpose or time restrictions at August 31:

	2008	2007
Seed fund investments	$3,152,591	$2,360,050
Investment income received from seed fund investments	18,229	-
Business forum	8,065	8,065
Entrepreneurs Forum Series	20,737	20,737
Total temporarily restricted net assets	**$3,199,622**	**$2,388,852**

8. 401(k) SAVINGS PLAN

The Organization has a defined contribution retirement plan covering all employees who meet certain eligibility requirements. Participants may make basic contributions of their compensation up to the legal limit prescribed by Section 401(k) of the Internal Revenue Code. Total retirement benefit expense was $13,610 and $11,482 for the years ended August 31, 2008 and 2007, respectively.

9. SUPPLEMENTAL CASH FLOWS INFORMATION

Cash paid for interest was $75,069 and $80,706 for the years ended August 31, 2008 and 2007, respectively.

10. RELATED PARTY TRANSACTIONS

Seed Fund Investments

Included in the seed fund investments for 2008 and 2007 (see Notes 1 and 3), is a note receivable for $250,000 from a company owned by a member of the Board of Directors. During 2008, this note was deemed by management as other than temporarily impaired and an impairment loss equal to the original note amount of $250,000 was recorded.

Related Party Purchases

The Organization purchased information technology services of approximately $82,000 and $78,000 for the years ended August 31, 2008 and 2007 from a company owned by a member of the Board of Directors.

* * * * *

CITY COUNCIL ACTION REPORT

June 8, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager

SUBJECT: Potential Charter Revision Referrals

As you know, the attached memoranda (attachment 1) relative to the above referenced matter was to be a study item at the June 1, 2009 Council meeting. However, I recommended that this matter be delayed in favor of having an executive session to discuss strategies for a collective bargaining agreement.

We will therefore have this item surface again as a study item for the June 15, 2009 meeting. And while we still have time, we don't have a lot of time. As such, I have asked the Clerk's office to work in conjunction with the Law department to develop proposed charter amendment proposal language as well as proposed charter language should the proposal pass. Attachment 2 is a result of this assignment. The existing charter language is in green; charter amendment proposals are in red; and the proposed charter language should the amendment be adopted is in blue.

In closing, please know that the city administration is neither an opponent nor proponent of any of the proposed charter revision referrals. We just want to assure that there is adequate time should the governing body decide to advance any or all of the proposed revisions.

Please feel free to contact Lori Bluhm, Tonni Bartholomew or myself should you have any questions.

c: Lori Bluhm, City Attorney
Tonni Bartholomew, City Clerk

CITY COUNCIL REPORT

Date May 7, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager
Lori Grigg Bluhm, City Attorney
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Referrals

Background:

The City Council at their Regular meeting on Monday, April 20, 2009, identified the following potential Charter Revisions:

1. Increasing the time an Acting City Manager can serve prior to the appointment of a permanent City Manager to something more than the current 120-day period – Section 3.10 – City Manager; Appointment and Qualification
2. Annual Term of Mayor Protem – Section 3.7 – Election of Mayor Protem
3. Election of Mayor by the Council or in a manner other than directly by the electorate – Sections 3.7 Election of Mayor (new), 3.1 – City Council, 3.4 – Elective Officers and Terms of Office, 3.4.1 – Elective Officers Term Limitations, 3.5 Qualifications of Councilmen, and 3.6 - Compensation of Councilmen
4. Additional consideration of the process wherein a Council member chooses to run for an elected office other than their own – Section 6.2(g)
5. Requirement of the minimum number of Charter Revision Committee members present and voting to recommend items to Council.

City Administration has isolated the sections of the Charter governing each of Council's requested revisions.

The first and second items, increasing the term of an Acting City Manager and changing the term of the Mayor Protem, appear to be relatively simple amendments.

The third item, election of the Mayor, is governed or referenced in several Charter Sections. Several of the amendments are relatively minor in nature. The most significant amendment, the creation of a new section specifically providing for the election of a Mayor, is also fairly easy to create ballot language once City Council provides direction. The significant and perhaps unforeseen result of the elimination of the election of the Mayor directly by the electorate would require a tie-bar of the ballot questions to assure passage of all of the Sections before adoption. Additionally, it should be noted that the elimination of the Mayor's position as a direct elect position would also eliminate the two terms associated with the office, and thus reduce the potential terms for Council members who were seeking to serve in that capacity. The change could result in the elimination of

two four-year terms.

The fourth item, revisions to Section 6.2(g) has been discussed several times by the Council and the Charter Revision Committee. The proposed language for the recommended amendments is included. Section 6.2(g) could also potentially be impacted with the voter approved elimination of the current Mayoral election process.

Finally, the fifth item requiring a full complement of Charter Revision Committee members to vote on items recommended to the Council could have unforeseen restrictions. Council could, by resolution enact the same requirement.

Since City Council has not yet been provided with the potential impact of the Charter revision items discussed at the April 20, 2009 City Council Meeting, this memo is submitted prior to the compilation of statistics from other communities.

City Administration will prepare ballot wording upon receiving direction from Council. The wording can then be forwarded to the Charter Revision Committee for review and consideration.

The City Charter is the primary organizational document that was adopted over 50 years ago, and it should be changed only after deliberate consideration. City Administration respectfully requests that due to the gravity of any changes to the Charter, that Council formally approve a resolution to direct the Charter Revision Committee to review and recommend to Council possible Charter revision questions that would be submitted to the Troy voters.

Section 3.1 - City Council:
The government of the City of Troy shall be known as the Council Manager form. There is hereby created a Council of seven (7) members consisting of six (6) elected Councilmen and the Mayor who shall be, elected from the members of Council by the Council and deemed to be a member of the Council for all purposes. All members of the Council shall possess the qualifications hereinafter set forth and shall be elected at large in the manner hereinafter provided.

Section 3.4- Elective Officers and Terms of Office:
The elective officers of the City shall be the ~~six (6)~~ seven (7) members of council ~~and the Mayor~~ all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members ~~and the Mayor~~ shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

Section 3.4.1- Elective Officers Term Limitations:
An elected member of the City Council shall not serve more than three terms as Councilperson. ~~The Mayor shall not serve more than two terms as Mayor~~. Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment.

Section 3.5 - Qualifications of Councilmen:
Members of the Council must meet the eligibility contained in Section 6.1 of this Charter. The Council shall be the sole judge of whether its members ~~and the Mayor are~~ eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State.

Section 3.6 - Compensation of Councilmen:
Members of the Council ~~and the Mayor~~ shall receive as compensation for their services the sum of one hundred seventy-five ($175.00) dollars per member per month. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

Section 3.7 - Election of Mayor:
The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor. He or she shall serve for a term expiring upon the election of their successors.

Section 3.7.5 - Election of Mayor Protem:
The Council shall, at its first meeting in November, annually, ~~following each regular City Election, and after the newly elected members take office,~~ elect one of its members to serve as Mayor Protem. He or she shall serve for a term expiring upon the election of their successors.

Section 3.10 - City Manager; Appointment and Qualification:
The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within _____ _____ ~~one hundred and twenty (120)~~ days.

Section 6.2 - Vacancies in Elective Office:
Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

(g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.

STAFF PROPOSED AMENDMENT- April 20, 2009- Correcting subject verb grammatical error:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office ~~other than their own~~ except to succeed oneself, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election."?

YES ___ NO ___

CHARTER REVISION COMMITTEE - Action of June 30, 2008:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election."?

YES ___ NO ___

Yes: Barno, Bliss, Kanoza, Wilsher
No: Bernardi, Bloom
Absent: Solomon

MOTION CARRIED

CHARTER REVISION COMMITTEE - Action of July 31, 2007:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election."?

YES ___ NO ___

COUNCILMEMBER HOWRYLAK'S AUGUST 20, 2007 RECOMMENDATION TO DELETE 1994 CHARTER AMENDMENT:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

YES ___ NO ___

STAFF PROPOSED AMENDMENT – March 5, 2009:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next General City Election

and who timely files for an office other than their own, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election.”?

YES ___ NO ___

CITY COUNCIL ACTION ITEM

Date April 16, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager
Lori Grigg Bluhm, City Attorney
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Committee Recommendation of Proposed Ballot Language Proposed Amendment to Section 6.2(g) – Vacancies in Elective Office

Background:

- The Charter Revision Committee met on Friday, March 20, 2009, to review a possible amendment to the City Charter Section 6.2(g) - Vacancies in Elective Office. Attached is a draft copy of the minutes and agenda backup documentation from the meeting of March 20th.

- The Charter Revision Committee reviewed Section 6.2(g) of the Charter, as requested by City Council. The current Charter Section stipulates:

  (g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.

  The perceived concern with the above Charter requirement is the vacancy created by the resignation and the potential need for a Special Election to fill a vacant unexpired term. The following are possible scenarios that were discussed and considered in the drafting of the proposed amendment:

  - Should a Councilmember resign mid-term to run for another office a two-year term would be created. This term could not be filled by candidates running for a four-year term. A Special Election would be required.
  - Should a Councilmember resign at the completion of their term and there were sufficient candidates running to elect their successor, no Special Election would be required.
  - Should a Councilmember resign at the completion of their term and if there are not enough candidates to fill all of the four-year terms, a Special Election could be required.
  - Candidates may only run for any one elective office at a time (ie. a four-year term OR a two-year partial term).

The Charter Revision Recommendation is as follows:

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Resolution #CR-2009-03-006
Moved by Bliss
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher
No: Bernardi
Absent: Barno, Bloom, Solomon

MOTION CARRIED

Placement of Charter Amendment Proposals on a ballot requires five affirmative votes. The deadline for all local questions must be forwarded to the Oakland County Clerk prior to September 4, 2009. August 31th would be the last meeting prior to the required submittal date. It is recommended that City Council take final ballot placement action prior to the Regular City Council meeting of at the August 3, 2009 to allow for adequate time to forward the item to the Governor and Attorney General's Office for approval of ballot placement.

Options:

- Option one: **APPROVE** the Charter Revision Committee's recommended amendment to Section 6.2(g) and direct staff to forward the proposed amendment on to the Governor's Office and the Oakland County Clerk for placement on the November 3, 2009 General Election ballot.

- Option two: **REFER** the proposed amendment to Section 6.2(g) back to the Charter Revision Committee for consideration of additional amendment.

- Option three: **TAKE NO ACTION**.

Attachments:

- Charter Revision Committee Minutes and Meeting Supporting Documentation

CHARTER REVISION COMMITTEE RECOMMENDED MOTION TO SECTION 6.2(g):

Suggested Resolution
Resolution #2008-07-
Moved by
Seconded by

RESOLVED, That City Council **APPROVES** the placement of Section 6.2(g)-Vacancies to Elective Office as recommended by the Charter Revision Committee for placement on the November 3, 2009 General Election ballot as follows:

> **A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**
>
> Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office other than their own, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election."?
>
> YES ___ NO ___

Yes:
No:
Absent:

Proposed Charter Amendment (with track changes):

Section 6.2 - Vacancies in Elective Office:

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

STRIKE

(g) ~~Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.~~

INSERT

(g) Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective officer, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election.

Proposed Ballot Wording:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filling deadline of the municipal election.”?

YES ___ NO ___

CHARTER REVISION COMMITTEE MINUTES - Draft March 20, 2009

A meeting of the Troy Charter Revision Committee was held March 20, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:15 PM.

ROLL CALL:

PRESENT:	Maryann Bernardi, Daniel Bliss, Shirley Kanoza, Cynthia A. Wilsher
ABSENT:	Lillian Barno, Jerry E. Bloom, Mark Solomon
ALSO PRESENT:	City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2009-03-004
Moved by Wilshire
Seconded by Bernardi

RESOLVED, That members Barno, Bloom, and Solomon be **EXCUSED** from the meeting of March 20, 2009.

Yes: Bernardi, Bliss, Kanoza, Wilsher
No: None
Absent: Barno, Bloom, Solomon

MOTION CARRIED

Member Kanoza requested that the minutes reflect a statement indicating that members should contact City staff in advance of the meeting to advise staff of their inability to attend meetings.

APPROVAL OF MINUTES: March 5, 2009

Resolution #CR-2009-03-005
Moved by Bernardi
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of March 5, 2009 are hereby **APPROVED** as corrected.

Yes: Bernardi, Bliss, Kanoza, Wilsher
No: None
Absent: Barno, Bloom, Solomon

MOTION CARRIED

PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Member Wilshire reviewed her recollection of the history of the amendments to Section 6.2(g) of the Charter. She indicated that the intent of the amendment several years ago

was to remove the ability of candidates to position themselves and their friends on the ballot by resigning from their Council position when running for another elected position just before the filing deadline and prearranging for their friends to file for the unexpired portion of their term. She indicated the past discussion focused on the length of time required for the resignation period and that the Committee selected the 21 days as it appeared to give potential candidates notice of the vacancy and sufficient to gather signatures before filing. She noted that the recommendation to Council for placement of the proposed amendment on the ballot received unanimous approval from the committee.

Member Bernardi questioned if there was any history showing a need for the amendment prior to 1994. Was there a problem that initiated the amendment?

Member Wilshire indicated that she thought the amendment was tied to the introduction of term limits. Additionally, it was noted that the amendment to the Charter which eliminated the City Primary Election occurred along with the amendment to this section of the Charter and could have contributed to the perceived need for the proposed amendment.

City Attorney Bluhm referenced a communication she provided to the committee last year containing the history of the previous Charter amendment. She read from a portion of the minutes from 1983 which discussed the rational for the change.

Discussion continued on the impact of the amendment and potential for calling a Special Election with the Charter as written. Members Wilshire and Kanoza indicated that they would rather see the time requirement for resignation be extended as proposed in the staff recommended amendment over the potential of a very expensive Special Election, especially when the cost to run a Special Election could potentially result in the elimination or lay-off of one or more City employees.

Member Bernardi indicted that she believes the proposal could result in more Special Elections. She questioned what this amendment does other than force a resignation.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Resolution #CR-2009-03-006
Moved by Bliss
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher
No: Bernardi
Absent: Barno, Bloom, Solomon

MOTION CARRIED

Member Kanoza voiced disappointment to the statement of "they can get it right this time" made by a Council member at the City Council Regular meeting the last time the Council discussed the proposed amendment to Charter Section 6.2(g). She noted that she has been on the Charter Revision Committee for many years. Member Kanoza stated that she has always tried to be very thorough and do her best as a Charter Revision Committee member. She believes that the Charter Revision Committee has always strived to serve the community in the best manner possible. She felt strongly that her remarks should be made part of the record.

AUDIENCE PARTICIPATION: None.

ADJOURNMENT

Resolution #CR-2009-03-007
Moved by Wilshire
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Friday, March 20, 2009 be **ADJOURNED**.

Meeting **ADJOURNED** at 4:01 PM.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

CHARTER REVISION COMMITTEE MINUTES - Final March 5, 2009

A meeting of the Troy Charter Revision Committee was held March 5, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:14 PM.

ROLL CALL:

PRESENT:	Lillian Barno, Maryann Bernardi, Daniel Bliss, Mark Solomon – 3:14 PM
ABSENT:	Jerry E. Bloom, Shirley Kanoza, Cynthia A. Wilsher
ALSO PRESENT:	City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2009-03-001
Moved by Bliss
Seconded by Bernardi

RESOLVED, That members Bloom, Kanoza, and Wilsher be **EXCUSED** from the meeting of March 5, 2009.

Yes: Barno, Bernardi, Bliss, Solomon
No: None
Absent: Bloom, Kanoza, Wilsher

MOTION CARRIED

APPROVAL OF MINUTES: June 30, 2008

Resolution #CR-2009-03-002
Moved by Bernardi
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of June 30, 2008 are hereby **APPROVED** as presented.

Yes: Barno, Bernardi, Bliss, Solomon
No: None
Absent: Bloom, Kanoza, Wilsher

MOTION CARRIED

SUNSHINE LAW: Review by City Attorney Bluhm
City Attorney Bluhm provided the members a resource booklet and presented a brief overview of the Sunshine Laws.

PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Clerk Bartholomew briefly explained the Agenda packet materials.

Member Bernardi noted concern with requiring members of Council to resign their position in order to seek another City of Troy elected office. She questioned the potential of having individuals resigning and challenging an incumbent with the risk of ending up with no position on Council. She indicated concern with the potential of not having members of the public having their first run for office being that of Mayor and the possibility of creating elections for the position of the Mayor being uncontested elections.

Member Solomon questioned the impact of having no requirement to require a resignation prior to filing.

Member Bernardi indicated that there could be a vacancy should the individual be successful however if the candidate was not successful there would be no impact. She also noted that the current amendment was adopted back in 1994 and since 1955 there was never any problem that she could discover. She noted she contacted the City Attorney earlier in the day to inquire about the history of the amendment.

City Attorney Bluhm indicated that it appears that the amendment was proposed and adopted the same time as the amendment eliminating the primary and term limits.

Chair Bliss indicated concern with the absence of 3 Committee members for the discussion and input on the matter. He made a motion to postpone the motion.

MOTION TO POSTPONE

Resolution #CR-2009-03-003
Moved by Bliss
Seconded by Barno

RESOLVED, That the this item be **POSTPONED** until all members of the Charter Revision Committee be present for discussion.

Yes: Barno, Bernardi, Bliss,
No: Solomon
Absent: Bloom, Kanoza, Wilsher

MOTION CARRIED

Member Solomon voiced a parliamentary objection to the vote. He stated it was his belief that the Chair did not allow adequate time for him to consider the motion prior to asking for the question. He noted that he believes that it is ill-advised for a committee to operate on the premise that all members need to be present for action and questioned the intention of a quorum.

Member Bernardi noted that she would have voted differently had she be apprised of Member Solomon's concern prior to voting.

Member Bernardi made a motion to reconsider the motion and indicated that the vote was too rapid. She appreciated the comments of the Chair, but respects Member Solomon's comments and believed that the vote was too quick and that he should have had an opportunity to voice his concerns prior to the vote.

There was no second to the vote and discussion ended abruptly when Member Barno indicated she quit and left the meeting.

ADJOURNMENT

Meeting **ADJOURNED** at 4:19 PM due to a lack of quorum.

Clerk Bartholomew requested that members submit any other potential amendments to the Clerk for inclusion in the next meeting Agenda.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

CHARTER REVISION COMMITTEE MINUTES - Draft May 22, 2008

A meeting of the Troy Charter Revision Committee was held Thursday, May 22, 2008, at City Hall, 500 W. Big Beaver Road. In the absence of Chairman Bliss and Vice-Chairman Bloom, Wilsher (longest serving member present) called the Meeting to order at 3:04 PM.

ROLL CALL:

PRESENT:	Lillian Barno, Maryann Bernardi, Shirley Kanoza, Mark Solomon, Cynthia A. Wilsher
ABSENT:	Daniel Bliss, Jerry E. Bloom
ALSO PRESENT:	City Manager Phil Nelson, City Attorney Lori Bluhm

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2008-05-001
Moved by Bernardi
Seconded by Kanoza

RESOLVED, That Bliss and Bloom be **EXCUSED** from the meeting of May 22, 2008.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher
No: None
Absent: Bliss, Bloom

MOTION CARRIED

APPROVAL OF MINUTES: Tuesday, July 31, 2007

Resolution #CR-2008-05-002
Moved by Kanoza
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of Tuesday, July 31, 2007 are hereby **APPROVED** as presented.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher
No: None
Absent: Bliss, Bloom

MOTION CARRIED

PROPOSED CHARTER AMENDMENTS:

SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE

Resolution #CR-2008-05-003
Moved by Kanoza
Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an amendment to Section 6.2(g) of the Troy Charter until the next Charter Revision Committee meeting.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher
No: None
Absent: Bliss, Bloom

SECTION 9.16.5 – MILLAGE RATE LEVY LIMITATION

Resolution #CR-2008-05-004
Moved by Kanoza
Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an addition to Chapter 9.16 to the Troy Charter concerning Millage Rate Levy Limitations until the next Charter Revision Committee meeting.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher
No: None
Absent: Bliss, Bloom

MOTION CARRIED

AUDIENCE PARTICIPATION: None.

ADJOURNMENT

Resolution #CR-2008-05-005
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Thursday, May 22, 2008 be **ADJOURNED**.

Meeting **ADJOURNED** at 3:43 PM.

Cynthia A. Wilsher-Acting Chair

Lori G. Bluhm – City Attorney

Memorandum

To: Members of the Troy Charter Revision Committee
From: Lori Grigg Bluhm LGB
Date: June 24, 2008
Subject: Section 6.2(g) of the Troy Charter

On November 8, 1994, Section 6.2(g) was added to the Troy Charter. That section states:

> *Any elective office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:*
>
> . . .
>
> *(g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.*

Although this provision was not added to Troy's Charter until 1994, the Charter Revision Committee minutes reveal discussion of this topic on previous occasions, dating back to at least 1980. Initially, the proposed provisions required resignation from Council upon filing as a candidate for any other elected office. This was modified to require resignation only when running for another City elected office, and was likely based on the fact that the City elections were in April, and most other elections occurred in November. Rather than paraphrasing the rationale, I have included a copy of the Charter Revision Committee minutes from August 2, 1994, with the attached minutes of the February 1983 Charter Revision Committee meeting.

This Charter provision was revisited by the Committee in 2007. One of the concerns expressed at that time was the possibility that more than one Council member could run for Mayor, and requiring resignation of more than one Council member may cause difficulties in those matters where supermajority votes were required. At the July 31, 2007 Charter Revision Committee meeting, the following Charter Revision proposal was recommended to City Council:

> **A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2-VACANCIES IN ELECTED OFFICE**
>
> Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their

own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting "Any member of City Council whose term in not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election"?
Yes _____ No _____

This recommendation was forwarded to City Council. A copy of the August 20, 2007 City Council minutes is attached. At that time, there was some Council support to modify the ballot question to call for a deletion of the Charter provision. However, this proposal did not have the required five affirmative votes to place the question on the ballot, and the matter was therefore referred back to the Charter Revision Committee. The language considered by City Council is as follows:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2-VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "*Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election*", be deleted in its entirety?
Yes _____ No_____

The deadline for City Council to approve the language of any ballot question for the November 2008 election is on or before the **August 25, 2008** City Council meeting.

Please let me know if you have any additional questions on this matter.

CHARTER REVISION COMMITTEE

A Regular meeting of the Charter Revision Committee was held on Tuesday, August 2, 1994 in the Lower Level Conference Room at City Hall, 500 W. Big Beaver. The meeting was called to order at 7:45 p.m.

PRESENT: Lillian Barno
Elio Eusebi
Shirley Kanoza
Donald W. Ruff
Cynthia Wilsher

ALSO PRESENT: Peter A. Letzmann, City Attorney

ABSENT: Daniel H. Bliss
Mark Solomon

* *

MINUTES

Moved by Kanoza
Supported by Ruff

RESOLVED, That the minutes of the meeting of June 21, 1994 be approved.

Yeas: All-5
Absent: Bliss, Solomon

VACANCIES IN ELECTIVE OFFICE

The Charter Revision Committee reviewed the additional information provided by the City Attorney on other cities that require a member of Council to resign if they become a candidate for any other elective office and make their recommendation based on the following reasons:

Because it is in the best interests of the citizens of the City of Troy that its elected officials concentrate on the office to which they are elected; and

Because it is in the best interests of the citizens of the City of Troy to prevent divisiveness among its elected officials; and

Because it is in the best interests of the citizens of the City of Troy to elect its council members rather than appoint them as a result of obtaining other city elected office; and

Because it is in the best interests of the citizens of the City of Troy to avoid the potential costs of special elections as a result of a council member becoming a candidate for another city elected office; and

Because it is in the best interest of the citizens of the City of Tr to have the maximum openness in the opportunity to run for elect office.

Moved by Ruff
Seconded by Eusebi

RESOLVED, That the Charter Revision Committee hereby recommends to the City Council that they place the attached Charter Amendment on the ballot on the November 8, 1994 election and the ballot question shall read as follows:

"Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council at least ten (10) days prior to the filing deadline of the municipal election."

Yeas: All-5
Absent: Bliss, Solomon

NEXT MEETING

The next meeting is scheduled at the call of the Chairman.

* *

The meeting was adjourned at 8:50 p.m.

SURVEY

QUESTION: If an elected official chooses to run for another elected position, must he/she resign the first position in order to pursue the next elected position?

CITY SURVEYED	YES	NO	OTHER
Auburn Hills		x	
Berkley		x	
Birmingham		x	
Bloomfield Hills		x	
Clawson	x		
Farmington		x	
Ferndale	x		
Lathrup Village	x		
Madison Heights	x		
Northville	x		
Novi		x	
Oak Park	x		
Pleasant Ridge		x	
Pontiac		x	
Rochester		x	
Rochester Hills		x	
Royal Oak	x*		Only if the elected position is within city government
Southfield	x		

SURVEY

QUESTION: If an elected official chooses to run for another elected position, must he/she resign the first position in order to pursue the next elected position?

CITY SURVEYED	YES	NO	OTHER
Auburn Hills		x	
Berkley		x	
Birmingham		x	
Bloomfield Hills		x	
Clawson	x		
Farmington		x	
Ferndale	x		
Lathrup Village	x		
Madison Heights	x		
Northville	x		
Novi		x	
Oak Park	x		
Pleasant Ridge		x	
Pontiac		x	
Rochester		x	
Rochester Hills		x	
Royal Oak	x*		Only if the elected position is within city government
Southfield	x		

CHARTER REVISION COMMITTEE

A Regular meeting of the Charter Revision Committee was held on Wednesday, February 23, 1983 in Conference Room "A" at City Hall, 500 W. Big Beaver. The meeting was called to order at 7:40 P.M.

PRESENT: John Barno
John Classen
Elio Eusebi
Arthur Molinar
Donald W. Ruff

ABSENT: Arnold Blythe
Peter Treboldi

# #

MINUTES

The minutes of the meeting of January ~~23~~, 19 1983 were received and placed on file.

CHARTER STUDY

Motion by Molinar
Supported by Ruff

RESOLVED, That the proposal be taken from the table for action at this time, and that it be inserted into the main body of the minutes.

Yeas: All-5

* *

A PROPOSED AMENDMENT OF THE CITY CHARTER

INTRODUCTION

(NOTE: In the following text the pronouns "he", "his", or "himself" shall be used with reference to particular candidates or members involved, but the intention that these pronouns shall refer to both males and females is explicit.)

The Charter Revision Committee, in its ongoing review of the City's Charter, is aware of what it considers a weakness in provisions dealing with qualifications as a candidate for the office of Mayor as such qualifications would relate to incumbent members of the Council.

As the situation now stands, should an incumbent member of the council win election as Mayor, assumption of said office would create a vacancy on the council which would require a special election to return the Council to its proper level of membership. In addition, such a special election would be an unwelcome, burdensome, and we hold, unnecessary, expense to the taxpayers.

From an historical perspective, the present citation by this committee of the above mentioned problem is not new, having been drawn to the Council's attention in several past instances. In order that the Charter will not continue to remain silent on this matter, we resubmit our statement of concern together with the following development and suggestions toward a satisfactory procedure that should become incorporated within the Charter.

Considering the large number of civic minded and interested persons who serve on these committees, whose qualifications have already been reviewed and accepted by the Council, this source for an interim member of the Council seems appropriate.

Upon election by the Council, and acceptance by the individual, the interim member shall be administered the oath of office, to serve as prescribed below.

b. During his term as an interim member of the Council the chosen member will receive financial remuneration at the same rate as other members of the Council, but will not be eligible to be appointed as a delegate or representative to conventions, or other meetings which a publicly elected member should attend, or shall he be eligible for personal, travel or educational expenses.

c. Beyond the restrictions and limitation expressed above, the interim Council member shall be able to fully participate in the Council's functions on a level equal to those of the other members.

Item 3

The following deadlines and limitations are suggested:

a. The Council shall select the interim Council member no later than two weeks after a resignation has been received. The term of office of the interim member shall begin on the date of his election and shall run no longer than the Call to Order of the next regularly scheduled Council meeting following a public election during which a candidate for a full term has been elected.

CONCLUSION

The Committee believes this procedure offers the following advantages:

It eliminates the necessity of a special election; it eliminates the disruption and expense that would be caused by a special election; it would reduce to a minimum the time the City Council would be functioning without its required number of members; and, it provides the maximum opportunity for the public to participate in the election of the City Council members.

We believe the Charter should not be permitted to continue to remain silent on this matter. We would urge the Council to take whatever steps are necessary toward implementation of these measures, or some modified version of them, within a reasonable length of time.

Proposal prepared by: John W. Classen, Committee member

Submitted to Committee September 22, 1982.

* *

The discussion on the proposal continued.

It was decided that the first paragraph of Item #1 should be Section 6.2(g) of the Charter and should be revised to read as follows:

> Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than the filing deadline.

Discussion continued on Section 6.2, and it was decided that the main part of the section and Sections 6.2(e) and (f) should be amended to read as follows:

> Any elective city office shall be declared vacant upon the occurrence of any of the following events before the expiration of the term of such office:
>
> - - - - - - - - - - - - - - - - - - -
>
> (e) If such officer shall miss five consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year, unless such absences shall be excused by the Council and the reason therefor entered in the minutes at the time of the absence;
>
> (f) If the officer is removed from office by the Council in accordance with the provisions of this chapter.

It was decided that the second paragraph of Item 1 should be Section 6.2(g), and it was revised to read as follows:

> Should a Council member become a candidate for any other public office, he shall be required to resign his Council seat no later than the filing deadline date for such office.

It was decided that Section 6.7 should be amended to read as follows:

> Section 6.7 Filling Vacancies in Elective Office:
>
> Any vacancy which occurs in the Council or office of Mayor shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following the election at which such vacancy shall be filled for the balance of the unexpired original term.

The Clerk was directed to bring formal charter amendment resolutions to the next meeting.

NEXT MEETING

The next meeting was scheduled for 7:30 P.M. on March 23, 1983 in Conference Room "A" at City Hall.

# #

The meeting was adjourned at 9:14 P.M.

# #

EXPOSITION AND SUGGESTED PROCEDURE

Resolution of this problem appears to be concerned with the following areas

1. Qualification for Candidacy for the office of Mayor for the City of Troy would require an incumbent Council member to resign his position on the Council.

2. A method of replacing the resigned incumbent must be devised, and the capacities and limitations of the interim Council member should be defined.

3. Certain deadlines, or other time constraints must be achieved in order to effectuate Items 1 and 2 above.

4. The entire procedure must be conducted in such a way as to insure maximum opportunity of the voting public to participate in the selection of the members of the Council.

We now deal with these items with expansion and detail:

Item 1

Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than Four O'Clock P.M. of the twenty-eighth (28) day preceding the third Monday of February of each year. (see Charter section 7.9)

Should a Council member choose to become a candidate for other public office that would eventually require vacating of the Council seat, he shall be required to resign his Council seat no later than the filing deadline dates for such office, or a date no later than that required in the preceding paragraph.

Item 2

The resigned incumbents seat on the Council shall be filled in the following manner, duration of office limited and limitations of office defined as follows:

a. The Mayor and remaining Council members shall elect an interim Council member from a list of interested persons who are at the time qualified members in good standing of the various Boards and Committees currently serving the Council in advisory capacities.

Considering the large number of civic minded and interested persons who serve on these committees, whose qualifications have already been reviewed and accepted by the Council, this source for an interim member of the Council seems appropriate.

Upon election by the Council, and acceptance by the individual, the interim member shall be administered the oath of office, to serve as prescribed below.

b. During his term as an interim member of the Council the chosen member will receive financial remuneration at the same rate as other members of the Council, but will not be eligible to be appointed as a delegate or representative to conventions, or other meetings which a publicly elected member should attend, or shall he be eligible for personal, travel or educational expenses.

c. Beyond the restrictions and limitation expressed above, the interim Council member shall be able to fully participate in the Council's functions on a level equal to those of the other members.

Item 3

The following deadlines and limitations are suggested:

a. The Council shall select the interim Council member no later than two weeks after a resignation has been received. The term of office of the interim member shall begin on the date of his election and shall run no longer than the Call to Order of the next regularly scheduled Council meeting following a public election during which a candidate for a full term has been elected.

CONCLUSION

The Committee believes this procedure offers the following advantages:

It eliminates the necessity of a special election; it eliminates the disruption and expense that would be caused by a special election; it would reduce to a minimum the time the City Council would be functioning without its required number of members; and, it provides the maximum opportunity for the public to participate in the election of the City Council members.

We believe the Charter should not be permitted to continue to remain silent on this matter. We would urge the Council to take whatever steps are necessary toward implementation of these measures, or some modified version of them, within a reasonable length of time.

Proposal prepared by: John W. Classen, Committee member

Submitted to Committee September 22, 1982.

* *

The discussion on the proposal continued.

It was decided that the first paragraph of Item #1 should be Section 6.2(g) of the Charter and should be revised to read as follows:

> Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than the filing deadline.

Discussion continued on Section 6.2, and it was decided that the main part of the section and Sections 6.2(e) and (f) should be amended to read as follows:

> Any elective city office shall be declared vacant upon the occurrence of any of the following events before the expiration of the term of such office:
>
> \- - - - - - - - - - - - - - - - - - -
>
> (e) If such officer shall miss five consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year, <u>unless such absences shall be excused</u> by the Council and the reason therefor entered in the minutes at the time of the absence;
>
> (f) If the officer is removed from office by the Council in accordance with the provisions of this chapter.

It was decided that the second paragraph of Item 1 should be Section 6.2(g), and it was revised to read as follows:

> Should a Council member become a candidate for any other public office, he shall be required to resign his Council seat no later than the filing deadline date for such office.

It was decided that Section 6.7 should be amended to read as follows:

> <u>Section 6.7 Filling Vacancies in Elective Office:</u>
>
> Any vacancy which occurs in the Council or office of Mayor shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following the election at which such vacancy shall be filled for the balance of the unexpired original term.

The Clerk was directed to bring formal charter amendment resolutions to the next meeting.

NEXT MEETING

The next meeting was scheduled for 7:30 P.M. on March 23, 1983 in Conference Room "A" at City Hall.

\# #

The meeting was adjourned at 9:14 P.M.

\# #

POSTPONED ITEMS:

D-1 Resolution to Refer Charter Revision – Section 6.2 – Vacancies in Elective Office to the Charter Revision Committee

Pending Resolution
Moved by Howrylak
Seconded by Lambert

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

Vote on Resolution to Amend Pending Resolution by Substitution

Resolution #2007-08-245
Moved by Broomfield
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the pending resolution by **SUBSTITUTING** it in its entirety with the following language:

> *RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2007-08-234, as it appears below:*
>
> ***F-5 Charter Revision Committee Recommendation – Amendment to the Troy City Charter Section 6.2(g) – Vacancies in Elective Office***
>
> *Resolution #2007-08-234*
> *Moved by Lambert*
> *Seconded by Broomfield*
>
> *RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:*
>
> ***A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE***
>
> *Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?*
>
> *YES ___ NO ___*

Yes: *Howrylak, Lambert, Beltramini, Broomfield*
No: *Stine, Schilling*
Absent: *Fleming*

MOTION FAILED

Yes: All-7

MOTION CARRIED

Proposed Substitute Amendment Resolution for Resolution #2007-08-234

Resolution
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-08-234, by **SUBSTITUTING** it in its entirety with the following language:

> **A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**
>
> Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

Vote on Amendment to Proposed Substitute Resolution for Resolution #2007-08-234

Resolution #2007-08-246
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** proposed Substitute Amendment Resolution for Resolution #2007-08-234 by inserting:

> "RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:"

Prior to:

> **A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

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

MOTION CARRIED

Vote on Amended Substitute Resolution

Resolution #2007-08-247
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-08-234, by **SUBSTITUTING** it in its entirety with the following language:

RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

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

MOTION CARRIED

Vote on Substitute Amendment Resolution for Resolution #2007-08-247

Resolution #2007-08-248
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** Substitute Resolution 2007-08-247 in its entirety as follows:

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

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

MOTION CARRIED

Vote on Main Resolution as Amended by Substitution

Resolution #2007-08-249
Moved by Howrylak
Seconded by Lambert

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

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

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2007-08-250-E-1a
Moved by Stine
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2 and E-4a which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

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

E-4 Standard Purchasing Resolutions

b) Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract Bentley Systems, Inc.

Resolution #2007-08-250-E-4b

ELECTION OF MAYOR PROTEM

Section 3.7.5 - Election of Mayor Protem:
The Council shall, at its first meeting in November, annually, ~~following each regular City Election, and after the newly elected members take office,~~ elect one of its members to serve as Mayor Protem. He or she shall serve for a term expiring upon the election of their successors.

EXISTING CHARTER LANGUAGE

Section 3.7 – Election of Mayor Protem:
The Council shall, at its first meeting following each regular City Election, and after the newly elected members take office, elect one of its members to serve as Mayor Protem. He shall serve for a term expiring upon the election their successors.

PROPOSED BALLOT QUESTION

Charter Amendment Proposal 09-
A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.7.5 – TO CAUSE THE MAYOR PROTEM TO BE ELECTED ANNUALLY, NUTERALIZE THE GENDER REFERENCE AND TO RENUMBER THE SECTION.

Shall Section 3.7.5 be amended to renumber Section 3.7 to 3.7.5 and strike "following each regular City Election, after the newly elected members take office," and insert "in November, annually," following the word "meeting" and insert the words "or she" after the word "He"?

Yes:
No:

CHARTER LANGUAGE IF ADOPTED BY VOTERS

Charter Language if Adopted by Voters

Section 3.7.5 – Election of Mayor Protem:
The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor Protem. He or she shall serve for a term expiring upon the election of their successors.

CITY MANAGER; APPOINTMENT AND QUALIFICATION

Section 3.10 - City Manager; Appointment and Qualification:
The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within _____ ~~one hundred and twenty (120)~~ days.

EXISTING CHARTER LANGUAGE

Section 3.10 - City Manager; Appointment and Qualification:
The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

PROPOSED BALLOT QUESTION

Charter Amendment Proposal 09-
A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.10 – TO INCREASE THE LENGTH OF TIME ALLOWED FOR CITY COUNCIL TO FILL A VACANCY OF THE CITY MANAGER POSITION

Shall Section 3.10 be amended to increase the length of time City Council has to fill a vacancy of the City Manager position by striking "one hundred and twenty (120)" and inserting "_____" prior to the word "days"?

Yes:
No:

CHARTER LANGUAGE IF ADOPTED BY VOTERS

Proposed Charter Language

Section 3.10 – City Manager; Appointment and Qualification:
The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within _____ days

CHARTER REVISION ADVISORY COMMITTEE MEMBERS PRESENT VOTING REQUIRMENT FOR PROPOSED CHARTER AMENDMENTS REFERRED TO CITY COUNCIL

PROPOSED RESOLUTION:

RESOLVED, The Troy City Council hereby **REQUIRES** two-thirds of the Charter Revision Advisory Committee members appointed present when voting on all proposed Charter Amendment Referrals to City Council.

ELECTION OF MAYOR

(As submitted to City Council on April 20, 2009 and June 1, 2009 without additional staff recommendations)

Section 3.1 - City Council:
The government of the City of Troy shall be known as the Council Manager form. There is hereby created a Council of seven (7) members consisting of six (6) elected Councilmen and the Mayor who shall be, elected from the members of Council by the Council and deemed to be a member of the Council for all purposes. All members of the Council shall possess the qualifications hereinafter set forth and shall be elected at large in the manner hereinafter provided.

Section 3.4- Elective Officers and Terms of Office:
The elective officers of the City shall be the ~~six (6)~~ seven (7) members of council ~~and the Mayor~~ all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members ~~and the Mayor~~ shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

Section 3.4.1- Elective Officers Term Limitations:
An elected member of the City Council shall not serve more than three terms as Councilperson. ~~The Mayor shall not serve more than two terms as Mayor~~. Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment.

Section 3.5 - Qualifications of Councilmen:
Members of the Council must meet the eligibility contained in Section 6.1 of this Charter. The Council shall be the sole judge of whether its members ~~and the Mayor are~~ eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State.

Section 3.6 - Compensation of Councilmen:
Members of the Council ~~and the Mayor~~ shall receive as compensation for their services the sum of one hundred seventy-five ($175.00) dollars per member per month. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

Section 3.7 - Election of Mayor:
The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor. He or she shall serve for a term expiring upon the election of their successors.

VACANCIES IN ELECTIVE OFFICE

(Forwarded from the Charter Revision Advisory Committee. As submitted to City Council on April 20, 2009 and June 1, 2009 without additional staff recommendations)

Section 6.2 - Vacancies in Elective Office:
Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

(g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.

STAFF PROPOSED AMENDMENT- April 20, 2009- Correcting subject verb grammatical error:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office ~~other than their own~~ except to succeed oneself, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election."?

YES ___ NO ___

CHARTER REVISION COMMITTEE - Action of June 30, 2008:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election."?

YES ___ NO ___

Yes: Barno, Bliss, Kanoza, Wilsher
No: Bernardi, Bloom
Absent: Solomon

MOTION CARRIED

CHARTER REVISION COMMITTEE - Action of July 31, 2007:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election."?

YES ___ NO ___

COUNCILMEMBER HOWRYLAK'S AUGUST 20, 2007 RECOMMENDATION TO DELETE 1994 CHARTER AMENDMENT:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

YES ___ NO ___

STAFF PROPOSED AMENDMENT – March 5, 2009:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office other than their own, shall file an irrevocable letter of resignation that shall be effective no later than the next

General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election."?

YES ___ NO ___