AGENDA

Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

JULY 6, 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

July 6, 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: 1

ROLL CALL: 1

ABSENT: 1

CERTIFICATES OF RECOGNITION: 1

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CARRYOVER ITEMS: 1

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PUBLIC HEARINGS: 1

C-1 No Public Hearings 1

POSTPONED ITEMS: 1

D-1 Amendments to the Troy City Code: Update of Chapter 82 – Property Maintenance Code; Amendments to Chapter 48 – Litter; Chapter 82-B –

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ABSENT:

(b) Absent Council Members

CERTIFICATES OF RECOGNITION:

A-1 Presentations:
a) Legislative Update from Representative Marty Knollenberg
b) 2009 Rouge Rescue/River Day Celebration

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 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 #2009-07-
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; 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; 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; 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; 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; and

BE IT FURTHER RESOLVED, That these revisions which shall become **EFFECTIVE** on August 1, 2009; and

BE IT FINALLY RESOLVED, That copies of these ordinances shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

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: (a) Mayoral Appointments: None Scheduled; (b) City Council Appointments: Advisory Committee for Persons with Disabilities; Historical Commission; Parks and Recreation Board; Traffic Committee; Youth Council

a) Mayoral Appointments - None Scheduled

b) City Council Appointments

Suggested Resolution
Resolution #2009-07-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** the following person(s) to serve on the Boards and Committees as indicated:

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

Anita Vasudevan-Student	Term Expires 07/01/2010

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

Terry Navratil	Term Expires 07/31/2012
Yanyu (Andrew) Liu-Student	Term Expires 07/31/2010

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

Divya Subramanian-Student	Term Expires 07/31/2010

Traffic Committee
Appointed by Council – Student 1-Year Term

Yanting (Sam) Jiang-Student	Term Expires 07/31/2010

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

Willa Adamo-Student	Term Expires 06/01/2010
Disha Bora-Student	Term Expires 06/01/2010
Supriya Jalukar-Student	Term Expires 06/01/2010

Ananya Mukundan-Student	Term Expires 06/01/2010
Sumana Palle-Student	Term Expires 06/01/2010
Vikram Prasad-Student	Term Expires 06/01/2010
Sevita Rama-Student	Term Expires 06/01/2010
Shaina Sekhri-Student	Term Expires 06/01/2010
Rachita Singh-Student	Term Expires 06/01/2010
Emily Wang-Student	Term Expires 06/01/2010
David Wylie-Student	Term Expires 06/01/2010

Yes:
No:

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Planning Commission; (b) City Council Nominations: Ethnic Issues Advisory Board; Historic District Commission; Historical Commission; Library Advisory Board; Parks & Recreation Board; Troy Daze Committee; 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 #2009-07-
Moved by
Seconded by

RESOLVED, That the Mayor of the City of Troy 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:

Planning Commission
Appointed by Mayor - Student 1-Year Term

	Term Expires 07/31/2010

Yes:
No:

b) City Council Nominations

Suggested Resolution
Resolution #2009-07-
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:

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

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*

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

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

Yes:
No:

E-3 Road Commission for Oakland County Resolution Supporting Bills Proposed By the Bi-Partisan Members of the Transportation Funding Task Force

Suggested Resolution
Resolution #2009-07-
Moved by
Seconded by

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;

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;

WHEREAS, State-collected road funding has been declining for the past three years, and is expected to decline further in the coming year;

WHEREAS, Most of the costs associated with building and maintaining roads in Michigan have increased dramatically in recent years;

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;

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;

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 agencies to address a few of its road needs. However, these funds address only a small portion of the overall needs and do not address the long-term funding challenges of road agencies;

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; and

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 City of Troy City Council hereby **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.

Yes:
No:

E-4 Standard Purchasing Resolution 8: Best Value Award – Interpretive Master Plan for the Troy Museum & Historic Village

Suggested Resolution
Resolution #2009-07-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** a contract to develop an Interpretive Master Plan for the Troy Museum & Historic Village to the highest rated bidder, The 106 Group LTD, of St. Paul Minnesota, as a result of a best value process, for an estimated total cost of $20,000.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the consultant's submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements.

Yes:
No:

E-5 Contract Extension – OEM Golf and Turf Replacement Equipment Parts

Suggested Resolution
Resolution #2009-07-
Moved by
Seconded by

WHEREAS, On July 11, 2005, Troy City Council approved three-year contracts to purchase miscellaneous original equipment manufacturers replacement parts for the Golf Division with the exclusive distributors in Michigan – Midwest Golf and Turf, (formerly known as WF Miller

Company), Weingartz Golf and Turf and Spartan Distributors Resolution #2005-07-332a & 332b-F2;

WHEREAS, On May 12, 2008, Troy City Council extended a one-year contract to all three suppliers under the same pricing structure, terms and conditions as their original contracts Resolution #2008-05-154-F7; and

WHEREAS, All three suppliers have agreed to enter into new two-year contracts with an option to renew for one additional year under the same terms and conditions as their original contracts at discounted pricing structures;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and new contracts to purchase OEM replacement parts for golf and turf maintenance equipment from Midwest Golf and Turf of Cincinnati, Ohio, Weingartz Golf and Turf of Novi, and Spartan Distributors of Auburn Hills, Michigan, are hereby **EXTENDED** under the same terms and conditions as their original contracts at discounted pricing structures to expire June 30, 2011.

Yes:
No:

E-6 Donation of Historic Barn by George V. Spencer and George W. Spencer

Suggested Resolution
Resolution #2009-07-
Moved by
Seconded by

RESOLVED, That the Agreement by and between George V. Spencer and George W. Spencer and the City of Troy for the donation of a Historic Barn and fixtures is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED** to execute the agreement, and a copy shall be **ATTACHED** to the original minutes of this meeting.

Yes:
No:

E-7 Pending Agenda Item - TPOA Agreement

The City Manager may have an Agenda Item ratifying the Troy Police Officers' Association (TPOA) Collective Bargaining Agreement contingent upon the outcome of a ratification meeting by the TPOA.

E-8 Oakland County Prosecutor's Office OWI Forfeiture Program

Suggested Resolution
Resolution #2009-07-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy does hereby **APPROVE** the Troy Police Department's implementation of the Oakland County Prosecutor's Office – Operating While Intoxicated (OWI) Forfeiture Program.

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 #2009-07-
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 #2009-07-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of June 15, 2009 as submitted.

F-3 Proposed City of Troy Proclamations: None Submitted

F-4 Standard Purchasing Resolutions

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

Suggested Resolution
Resolution #2009-07-

RESOLVED, That approval is **GRANTED** to pay membership dues to the Southeast Michigan Council of Governments (SEMCOG) in the amount of $10,251.00, which covers the time period of July 15, 2009 to July 15, 2010.

b) Standard Purchasing Resolution 4: Award – State of Michigan MiDeal Program – Golf Course Maintenance

Suggested Resolution
Resolution #2009-07-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase Toro golf course maintenance equipment from Spartan Distributors of Auburn Hills, MI, through the State of Michigan MiDEAL program at an estimated net total cost of $159,429.18, as detailed on the quote dated May 18, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-5 Boys and Girls Club Funding Agreement 2009-2010

Suggested Resolution
Resolution #2009-07-

RESOLVED, That Troy City Council hereby **APPROVES** the funding agreement between the City of Troy and Boys and Girls Club of Troy for July 1, 2009 through June 30, 2010 and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-6 Adoption of the National Incident Management System (NIMS); Confirmation of the Appointment of Oakland County as the City of Troy's Emergency Management Coordinator; and Designation of the City of Troy's Liaison to the Oakland County Emergency Management Coordinator

a) Proposed Resolution for the Adoption of the National Incident Management System (NIMS)

Suggested Resolution
Resolution #2009-07-

WHEREAS, The City Council of the City of Troy, Michigan, does hereby find as follows:

WHEREAS, The President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, The collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, It is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, To facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, The NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the city's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes;

WHEREAS, The Incident Command System components of NIMS are already an integral part of various city/county incident management activities, including current emergency management training programs; and

WHEREAS, The National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, BE IT RESOLVED, That City Council of the City of Troy, Michigan, hereby **PROCLAIMS** that the National Incident Management System (NIMS) is **ESTABLISHED** as the City's standard for incident management on this 6th day of July, 2009.

b) Confirmation of Appointment of Oakland County as the City of Troy's Emergency Management Coordinator and Designation of the City of Troy's Liaison to the Oakland County Emergency Management Coordinator

Suggested Resolution
Resolution #2009-07-

WHEREAS, The Emergency Management Act 390, 1976, MCL 30.409 (3), as amended, provides for planning, response, recovery, and mitigation for natural and manmade disasters within the State of Michigan;

WHEREAS, The Emergency Management Act 390, 1976, MCL 30.409 (3), as amended, allows a municipality to either appoint a Municipal Emergency Management Coordinator or appoint the Coordinator of the County as the Municipal Emergency Management Coordinator; and

WHEREAS, The City of Troy, Michigan desires to confirm its appointment of the Oakland County Emergency Management Coordinator as it's Emergency Management Coordinator and to designate a liaison person to work with the County Coordinator on all matters pertaining to emergency management disaster preparedness and recovery assistance;

NOW, THEREFORE, BE IT RESOLVED, That City Council of Troy, Michigan hereby **CONFIRMS THE APPOINTMENT** of the Oakland County Emergency Management Coordinator as the community of City of Troy, Michigan's Emergency Management Coordinator, **EFFECTIVE** on this 6th day of July, 2009; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DESIGNATES** the City Manager as the liaison to the Oakland County Emergency Management Coordinator.

F-7 Approval of Request from Han Mi Mart, Inc. for Transfer of Ownership of 2008 SDD and SDM Licensed Business, Located at 5060 Rochester from B&K Investment Group

a) License

Suggested Resolution
Resolution #2009-07-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Han Mi Mart, Inc., to transfer ownership of 2008 SDD and SDM Licensed Business, located at 5060 Rochester, Troy, MI 48085, Oakland County, from B&K Investment Group; and

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

b) Agreement

Suggested Resolution
Resolution #2009-07-

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 Han Mi Mart, Inc. to transfer Ownership of 2008 SDD and SDM Licensed Business, located at 5060 Rochester, Troy, MI 48085, Oakland County, from B&K Investment Group, 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-8 Ratification of Resolution #2009-06-181 from the Regular City Council Meeting on June 15, 2009 for Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1 to Correct a Numbering Error

Suggested Resolution
Resolution #2009-07-

RESOLVED, That Troy City Council hereby **CORRECTS** a numbering error and **RATIFIES** Resolution #2009-06-181, as follows:

> 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 with a change made to Section 04.20.131A Social Service Facility by **STRIKING** "citizens" and **INSERTING** "individuals".

F-9 Resolution to Suspend Rules of Procedure, Rule #3D Special Meetings – Order of Business, for the City Council Special Meeting Agenda of July 9, 2009

Suggested Resolution
Resolution #2009-07-

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #3D *Special Meetings - Order of Business*, for the July 9, 2009 Special City Council Meeting and **AUTHORIZE** City Council to amend their agenda to allow for Public Comment to occur as item 3, prior to City Council's Deliberation and Action on the Position of City Manager.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Establishment of an Industrial Development District and the Issuance of an Industrial Facilities Exemption Certificate - X-Ray Industries – 1961 Thunderbird – August 3, 2009

b) Street Vacation – Twenty-five Foot (25') Wide Right-of-Way Platted as Part of Supervisor's Plat No. 10, Markton Street, North of Naughton and South of I-75, Abutting 1125 and 1200 Naughton, M-1 (Light Industrial) District, Section 26 (File Number: SV 34-B) – July 20, 2009

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) Library Advisory Board/Final – April 9, 2009
b) Liquor Advisory Committee/Final – April 13, 2009
c) Troy Historic District Commission/Final – April 21, 2009
d) Library Advisory Board/Final – May 14, 2009
e) Board of Zoning Appeals/Final – May 19, 2009
f) Troy Historic District Commission/Final – May 19, 2009
g) Planning Commission Special/Study/Draft – June 2, 2009
h) Planning Commission Special/Study/Final – June 2, 2009
i) Building Code Board of Appeals/Draft – June 3, 2009
j) Planning Commission/Draft – June 9, 2009
k) Planning Commission/Final – June 9, 2009
l) Library Advisory Board/Draft – June 11, 2009

J-2 Department Reports:

a) City Attorney's Office - Frank Lawrence v. City of Troy

J-3 Letters of Appreciation:

a) Letter of Thanks to Chief Mayer From Myra LaRouche Regarding the Assistance Received from Sgt. Dan Daniel
b) Letter of Thanks to Council Member Kerwin From Mary Haezebrouck, Principal of Barnard Elementary, For Her Participation at the Michigan Breakfast
c) Letter of Thanks to Jennifer Lawson, Stacey Yankee and Ron Hynd From Pam Brady Regarding River Day 2009
d) Letter of Thanks to Chief Mayer From Madison Heights' Police Chief Kevin Sagan Regarding the Assistance of Officers Villerot, Warzecha, Langbeen; Communication Supervisors Kalef, Reynolds; PSA Robinson, and the Troy Police Department
e) Letter of Thanks to Barb Pallotta from Bushra Malik and Jason Killingbeck of Butzel Long for Her Assistance at Their Passport Clinic
f) Letter of Thanks to Chief Mayer from Lt. Lyczkowski Regarding the Outstanding Effort of Officer Breidenich During the 2009 Retail Loss Prevention Seminar

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

J-5 **Rome Love v City of Troy – Settlement and Dismissal**

STUDY ITEMS:

K-1 **No Study Items Submitted**

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, 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

A-01b

CITY COUNCIL REPORT

June 29, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: 2009 Rouge Rescue/River Day Celebration

Background:

- Almost 40 years ago, in 1970, a group of volunteers gathered to pull garbage out of the Rouge River in the City of Southfield. They pulled out old tires, garbage cans, car parts, shopping carts and dumpsters full of refuse. Over the next decades, this event spread throughout the Rouge River Watershed, becoming one of the Rouge River's most visible successes.
- In the mid-1980's, Friends of the Rouge became the spearhead organization that coordinated Rouge Rescue across the watershed. Soon, the first Saturday in June became a celebration of the Rouge River.
- In 2009, there were 39 sites across the watershed, with activities ranging from refuse removal to nature walks.
- Here in Troy, we decided to spend some time at the Stage Nature Center, to address some beautification projects as well as tackle some streambank corrective measures.
- Over 150 volunteers showed up to the Nature Center on June 6th this year. We had groups from local churches, boy scouts, residents, high school students and even a large group from one of the City's Engineering consultants. Spalding DeDecker Associates, Inc., showed up ready to work!
- As a large group, we successfully:
    - Planted a 700 square foot rain garden
    - Installed 150-foot long buffer of native seed along the streambank
    - Removed 35 bags of garlic mustard (an invasive exotic plant that threatens our woodlands)
    - Maintained over a ½ mile of wood chip pathway
    - Removed woody debris from an estimated ¼ mile of the Rouge River
    - Performed light landscape care at the Nature Center
- Some special successes included:
    - Protecting a mother snapping turtle as she was laying her eggs
    - Meeting one of our residents who donated several bags of grass seed to the project, on a whim
    - Planting 2 Champion Black Willow trees, from the Champion Tree Program.
    - Improving the natural environment for the wildlife and ecology of our City.
- As this event was a community-based event, there are special thanks that need to be mentioned, especially the new Starbucks on the corner of Crooks and Big Beaver (donation of coffee for all the volunteers); and REI (assisting with the registration of many of the volunteers).
- Another special thank you must be said for the staff that worked numerous hours on this endeavor. Without their passion and diligence, this project could not have gone so well: Ron Hynd, Stacey Yankee, Parks and Recreation Dept. and Jennifer Lawson, Engineering Dept.

Rouge Rescue 2009

a celebration of our water resources

Why Do We Celebrate River Day?

Rouge Rescue 2009

What benefit can we expect?

Rouge Rescue 2009

Some feel-good stats:

- planted a 700 square foot rain garden
- installed 150-foot long buffer of native seed along the streambank
- removed 35 bags of garlic mustard (an invasive exotic plant that threatens our woodlands)
- maintained over a ½ mile of wood chip pathway
- removed woody debris from an estimated ¼ mile of the Rouge River.
- Performed light landscape care at the Nature Center.

Rouge Rescue 2009

Rouge Rescue 2009

Special Happenings

Champion Tree Program

Special Thanks to:

Stacey Yankee, Nature Center
Ron Hynd, Parks and Rec
Ed Carpus, Parks and Rec
Jeff Biegler, Parks and Rec
Pam and Mike Brady, Resident Extraordinaires
Lance Oakley, Chef
P&R seasonal staff
Nature Center staff

CITY COUNCIL REPORT

DATE: June 30, 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.

- We have included a copy of the current complete text of the 1993 BOCA Property maintenance Code that is the basis for the current Troy Property Maintenance Code for your reference.
- We have included a series of questions and answers that were raised at the June 15, 2009, City Council Meeting.
- We have also included some changes as a result of the comments raised at, and subsequent to, that meeting. These include:
    - Added documentation requirements to Section 102.8 on matters not covered by the code.
    - Changed the right of entry language in Section 104.4 to be identical to the language in the Michigan Building Code that is required to be enforced by State statute.
    - Modified the language for Modifications in Section 105.1.
    - Extended the time for compliance with an appeal order by Council for repairs to 60 days and eliminated the word "weather" from the provision for conditions for additional time.
    - Added a definition for "deadbolt" in the definitions section.
    - Identified the option for wireless interconnection of smoke detectors.
    - Added an exception for tree branches as rubbish in preservation and restoration areas.
    - Corrected formatting errors that were in the original document.

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

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. The details of any such determination shall be recorded and entered in the department files.

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. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

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. Existing buildings or structures will not be subject to adhere to all or some of the Property Maintenance code requirements when the code officer determines that unique circumstances makes the strict enforcement of this code impractical, provided 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 within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days after the hearing and/or resolution, unless the City Council determines that the 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.

DEADBOLT. A locking mechanism consisting of a bolt that when moved into the locked position cannot be retracted by end pressure on the bolt.

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 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.

> **Exception:** Fallen trees and branches from trees on the premise in a preservation or restoration area.

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. Such interconnection shall be permitted to be through wired or approved wireless methods. 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 August 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

Changes to the proposed language of the Troy Property Maintenance Code from the language presented at the June 15, 2009, City Council meeting.

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. The details of any such determination shall be recorded and entered in the department files.

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.~~ Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

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~~ Existing buildings or structures will not be subject to adhere to all or some of the Property Maintenance code requirements when the code officer determines 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~~ , provided 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.

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 within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days ~~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.

DEADBOLT. A locking mechanism consisting of a bolt that when moved into the locked position cannot be retracted by end pressure on the bolt.

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.

> **Exception:** Fallen trees and branches from trees on the premise in a preservation or restoration area.

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. Such interconnection shall be permitted to be through wired or approved wireless methods. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Questions and Answers on the Property Maintenance Code From the June 15, 2009 City Council Meeting

Section #	Question	Answer
106.2	Clarification regarding code enforcement officer's discretion	The ordinance does identify each day that a violation exists to be a separate offence. However it has not been our practice to write multiple violations for the same offence because practice has shown that it does not result in any benefit when appearing in court. We do wish to retain the language however, so that in those rare cases where a “time sensitive” incentive is necessary, we can use the daily violations to motivate an owner to act more quickly.
106.1	Confirm spacing format	The comma (shown in red) in the fourth line is intended to be in the new text.
107.3	Confirm spacing format	The space between “violation” and “issued” in the seventh line is intended to be in the new text.
108.1.1.6	CC to have more discretion than 21 days; specifically for hardship cases (45 day option for appeal) (strike "the weather")	The 21 day time frame for an order for demolition comes from the Michigan Housing Law MCL 125.451. A 60 day time limit is permitted for an order to repair.
202	Dwelling Unit. Are mobile homes a part of this definition?	Yes, a properly installed mobile home would meet the definition of a dwelling unit.
202	Weeds. Include pictures for better understanding by the public	The preference of staff is to not put pictures within the enforceable provisions of the code. A picture guide for weeds will be developed or linked as part of a commentary on the Property Maintenance Code.
301.3	Define "clean, safe, sanitary"	Clean, safe, and sanitary are “as provided herein”. The text of Sections 302 through 308 would be used to define those terms. This section is necessary to make sure that vacant structures are not held to a lesser standard just because they are unoccupied.
304.14	Applied to food preparation areas only or every open area?	The requirement for screens applies to all windows that “are required for ventilation”. If fresh air ventilation is provided by the mechanical system, or if the windows are in excess of those required to meet the ventilation opening requirement, then screens would not be required. If no screens are available then the windows will not be used and the lack of fresh air may affect the health of occupants.
404.4.1 & .2	Impact on older homes built before the first building code was adopted	These are not unreasonable minimum standards and would not create violations on a vast majority of the existing housing stock in the city. Those rare instances could be looked at on a case by case basis under Sections 102.6, 105.1, 105.2, or 111.

Section #	Question	Answer
	Provision to provide a grandfather clause for older homes that don't meet ordinance requirements	The Property Maintenance Code is in many cases the ONLY code that regulates older structures. If they are exempted from the provisions of the Property Maintenance Code then there would be no regulation and no enforcement on these structures.
105.1	Does this section provide for code enforcement officers to find that improvements would be impractical?	The opening sentence states “Whenever there are practical difficulties involved in carrying out the provisions of this code”. This would require a “finding” of impracticality by the building official to accept alternative materials and methods. The details of the findings and the acceptance of the alternatives must be documented in the records.
102.6	Modify to also allow buildings built before building code was adopted	The Property Maintenance Code is in many cases the ONLY code that regulates older structures. If they are exempted from the provisions of the Property Maintenance Code then there would be no regulation and no enforcement on these structures. While there has been stated a public desire to retain historic structures (Chapter 13 of the Troy City Code) there has not been a public desire to retain ALL old structures.
	Add an additional section specifically for buildings built before building code was adopted	(see above)
404.4.3	How is each story defined for split-level homes in terms of water closet accessibility?	The definition of “story” is found in Section 202. In terms of a tri-level, bathrooms located on the highest level would be considered on an “adjacent story” to bedrooms located on the lowest level and visa-versa.
404.5	How is number of persons calculated?	The determination of “overcrowding” is more subjective and less formula driven in the new text. We do still have formula based standards found within the Housing Law of Michigan (MCL 125.483) that are available for guidance. However, we would also look for additional signs that the structure is overcrowded. Some of these signs could include; lack of clear egress aisles, use of “alternative” plumbing fixtures; overloading of structural systems; or illegal conversion of rooms or spaces for sleeping quarters.
404.6	Use 404.6 numeric format for 404.5 instead of relying on the code enforcement officer's discretion	The use of a numeric formula was one of the main sticking points that caused the failure of the adoption of the 2000 Property Maintenance Code in 2002. We believe that the new methodology provides a better way to address conditions while still giving us the ability to use formulas to determine maximum occupancy rates if we choose to do so.

Section #	Question	Answer
404.5	Literal enforcement may force large families to move; there is no provision that provides for a hardship situation	Under Section 105.1 an owner could obtain approval of a modification if they could show that there was a practical difficulty and that the resultant conditions met the intent and purpose and that an equivalent level of health and safety were maintained. They could also appeal the decision under the provisions of Section 111.
704.2	Define "Groups R-2, R-3, and R-4"	These are the Use Group Classifications from the Building Code. These are not Zoning Districts. R-2 Uses are apartments. R-3 Uses are Single Family Residences. R-4 Uses are small congregate care facilities.
104.4	Modify legal terminology by inserting more common language	The current text of the Michigan Building Code regarding Right of Entry states: "*Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry".* This text must be used without amendment by State statute. If any change is proposed we may want to adopt identical text in the Property Maintenance Code.
304.18.1	Clarify which doors require a deadbolt lock; define deadbolt lock	This is new language that was added to the Property Maintenance Code in 2002. A copy of the code change document for code change PM13-02 is attached for your reference. The requirements for a deadbolt lock (one that can only be engaged when the door is in the closed position) is only required on dwellings, or portions of dwellings, that are rented or leased.
305.3	Strike "peeling, chipping, flaking"	Many of the structures that are regulated by this code are ones that were constructed before 1979 when lead based paint was in prevalent use. Health hazards to small children from the ingestion of lead paint chips is a significant health concern.

Section #	Question	Answer
	Copy of 1939 & 1966 Building Codes	A copy of the text of the 1993 BOCA National Property Maintenance Code is provided for your reference. This text needs to be combined with the amendments contained within the current text of Chapter 82 to form the current text of the Troy Property Maintenance Code.
	Outline appeal process	The appeals process of the provisions of the Property Maintenance Code Are as follows: 1. Request a modification to the code official under Section 105.1 2. Propose alternative materials and methods to the code official under Section 105.2 3. Appeal a decision of the code official to the Building Code Board of Appeals (BCBA) under Section 111.1 4. Appeal the BCBA decision to the State Construction Code Commission under Section 111.3 5. Appeal the decision of the BCBA or the Construction Code Commission to the Circuit Court under Section 111.3 (These steps do not all have to be taken in sequential order.)

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)~~

CHAPTER 1

ADMINISTRATION

SECTION PM-101.0 GENERAL

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of [NAME OF JURISDICTION] herinafter referred to as “this code”.

PM-101.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing *premises* by establishing 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; fixing the responsibility of *owners, operators and occupants;* regulating the *occupancy* of existing structures and *premises,* and providing for administration, enforcement and penalties.

PM-101.3 Intent: This code shall be construed to secure its expressed intent, which is to insure public health, safety and welfare insofar 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.

PM-101.4 Referenced standards: The standards referenced in this code and listed in Chapter 8 shall be 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 referenced standards, the provisions of this code shall apply.

PM-101.5 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 and unsanitary.

PM-101.6 Workmanship: All 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.

PM-101.7 Application of other codes: Any repairs, additions or alterations to a structure, or changes of *occupancy,* shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFiPA 70 listed in Chapter 8.

SECTION PM-102.0 VALIDITY

PM-102.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

PM-102.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION PM-103.0 MAINTENANCE

PM-103.1 Required: All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or *premises* when erected or altered shall be maintained in good working order. 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.

SECTION PM-104.0 APPROVAL

PM-104.1 Approved materials and equipment: All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

PM-104.2 Modifications: Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the *owner* or the *owner's* representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

> **PM-104.2.1 Records:** The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

PM-104.3 Material and equipment reuse: Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

PM-104.4 Alternative materials and equipment: The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when 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, fireresistance, durability and safety.

PM-104.5 Research and investigations: Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the attendant.

SECTION PM-105.0 DUTIES AND POWERS OF CODE OFFICIAL

PM-105.1 General: The code official shall enforce all of the provisions of this code.

PM-105.2 Notices and orders: The code official shall issue all necessary notices or orders to ensure compliance with the code.

PM-105.3 Right of entry: The code official is authorized to enter the structure or *premises* at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the code official shall make a reasonable effort to locate the *owner* or other *person* having charge or control of the structure or *premises,* present proper identification and request entry. If requested entry is refused or not obtained, the code official shall pursue recourse as provided by law.

PM-105.4 Access by owner or operator: Every *occupant* of a structure or *premises* shall give the *owner* or *operator* thereof, or agent or employee, access to any part of such structure or its *premises* at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

PM-105.5 Identification: The code official shall carry proper identification when inspecting structures or *premises* in the performance of duties under this code.

PM-105.6 Coordination of enforcement: Inspection of *premises,* the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

PM-105.7 Rule-making authority: The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations 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 practice involving public safety.

PM-105.8 Organization: The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

PM-105.9 Restriction of employees: An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section PM-111.0, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of *construction documents* thereof, unless that *person* is the *owner* of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

PM-105.10 Relief from personal responsibility: The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, 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 in connection therewith.

PM-105.11 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such record.

SECTION PM-106.0 VIOLATIONS

PM-106.1 Unlawful acts: It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, *let* to another or occupy or permit another *person* to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

PM-106.2 Penalty: Any *person* who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than [AMOUNT] nor more than [AMOUNT] or imprisonment for a term not to exceed [NUMBER] days, or both, at the discretion of the court. Each day that a violation continues after due notice has been serviced shall be deemed a separate offense.

PM-106.3 Prosecution: In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-106.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the *person* responsible for the violation for the purpose of ordering that *person:*

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the *occupancy* of the structure that is not in compliance with the provisions of this code.

SECTION PM-107.0 NOTICES AND ORDERS

PM-107.1 Notice to owner or to person or persons 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, notice shall be give to the *owner* or the *person* or *persons* responsible therefore in the manner prescribed in Sections PM-107.2 and PM-107.3. Notices for condemnation procedures shall also comply with Section PM-108.3

PM-107.2 Form: Such notice prescribed in Section PM-107.1 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the reason or reasons why the notice is being issued; and

4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

PM-107.3 Method of service: Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the *owner* personally; or (b) sent by certified or registered mail addressed to the *owner* at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the *owner's* agent or upon the *person* responsible for the structure shall constitute service of notice upon the *owner.*

PM-107.4 Penalties: Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2.

PM-107.5 Transfer of ownership: It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION PM-108.01 UNSAFE STRUCTURES AND EQUIPMENT

PM-108.1 General: When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human *occupancy,* or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

PM-108.1.1. Unsafe structure: An unsafe 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 by not providing 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 likely.

PM-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.

PM-108.1.3 Structure unfit for human occupancy: A structure is unfit for human *occupancy* whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, 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.

PM-108.1.4 Unlawful structure: An unlawful structure is one found in whole or in part to be occupied by more *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

PM-108.2 Closing of vacant structures: If the 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 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 through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-108.3 Notice: Whenever the code official has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the *person* or *persons* responsible for the structure or equipment in accordance with Section PM-107.3. The notice shall be in the form prescribed in Section PM-107.2.

PM-108.4 Placarding: Upon failure of the *owner* or *person* responsible to comply with the notice provisions within the time given, the code official shall post on the *premises* or on defective equipment, a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

PM-108.5 Prohibited occupancy: Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any *person* responsible for the *premises* who shall *let* anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

PM-108.6 Removal of placard: The code official shall remove the *condemnation* placard whenever the defect or defects upon which the *condemnation* and placarding action were based have been eliminated. Any *person* who defaces or removes a *condemnation* placard without the approval of the code official shall be subject to the penalties provided by this code.

SECTION PM-109.0 EMERGENCY MEASURES

PM-109.1 Imminent danger: When, in the opinion of the code 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 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 is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any *person* to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

PM-109.2 Temporary safeguards: Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM-109.3 Closing streets: When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

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

PM-109.5 Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

PM-109.6 Hearing: Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION PM-110.0 DEMOLITION

PM-110.01 General: The code official shall order the *owner* of any *premises* upon which is located any structure, which in the code official's judgement is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or *occupancy,* and such that it is unreasonable to repair the structure, to raze and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure.

PM-110.2 Order: All notices and orders shall comply with Section PM-107.0.

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

PM-110.4 Salvage materials: When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION PM-111.0 MEANS OF APPEAL

PM-111.1 Application for appeal: Any *person* affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

PM-111.2 Membership of the board: The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall service for five years or until a successor has been appointed.

PM-111.2.1 Qualifications: The board of appeals, shall consist of five individuals, one from each of the following professions or disciplines:

1. *Registered design professional* that is a registered architect; or a builder or superintendent of building construction with at least ten-years experience, five of which shall have been in responsible charge of work.

2. *Registered design professional* with structural engineering or architectural experience.

3. *Registered design professional* with mechanical or *plumbing* engineering experience; or a mechanical or *plumbing* contractor with at least ten-years experience, five of which shall have been in responsible charge of work.

4. *Registered design professional* with electrical engineering experience; or an electrical contractor with at least ten-years experience, five of which shall have been in responsible charge of work.

5. *Registered design professional* with fire protection engineering experience; or a fire protection contractor with at least ten-years experience, five of which shall have been in responsible charge of work.

PM-111.2.2 Alternate members: The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the same qualifications required for board membership, and shall be appointed for five years or until a successor has been appointed.

PM-111.2.3 Chairman: The board shall annually select one of its members to serve as chairman.

PM-111.2.4 Disqualification of member: A member shall not hear an appeal in which that member has any personal, professional or financial interest.

PM-111.2.5 Secretary: The chief administrative officer shall designate a qualified clerk to service as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

PM-111.2.6 Compensation of members: Compensation of members shall be determined by law.

PM-111.3 Notice of meeting: The board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings.

PM-111.4 Open hearing: All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any *person* whose interests are affected shall be given an opportunity to be heard.

> **PM-111.4.1 Procedure:** The board shall adopt and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

PM-111.5 Postponed hearing: When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

PM-111.6 Board decision: The board shall modify or reverse the decision of the code official by a concurring vote of three members.

> **PM-111.6.1 Resolution:** The decision of the board shall be by resolution. Certified copies shall be furnished to appellant and to the code official.
>
> **PM-111.6.2 Administration:** The code official shall take immediate action in accordance with the decision of the board.

PM-111.7 Court review: Any *person*, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

CHAPTER 2

DEFINITIONS

SECTION PM-201.0 GENERAL

PM-201.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

PM-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 the singular.

PM-201.3 Terms defined in other codes: Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Chapter 8, such terms shall have the meanings ascribed to them as in those codes.

PM-201.4 Terms not defined: Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

PM-201.5 Parts: Whenever the words *"dwelling unit,"* "dwelling," *premises",* "building", *"rooming house," "rooming unit,"* story" or "structure" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION PM-202.0 GENERAL DEFINITIONS

Approved: Approved by the code official.

***Basement*:** See Section PM-302.0.

***Bathroom*:** See Section PM-502.0.

Building: Any structure occupied or intended for supporting or sheltering any *occupancy.*

Building code: The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, *occupancy* and maintenance of buildings and structures.

Code official: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Condemn: To adjudge unfit for *occupancy.*

Construction documents: All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Dwellings: (See Section PM-201.5)

> ***Dormitory:*** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associate rooms, for *persons* not members of the same *family* group.
> ***Dwelling unit:*** A single unit providing complete, independent living facilities for one or more *persons,* including permanent provisions for living, sleeping, eating, cooking and sanitation.
> ***Hotel:*** Any building containing six or more guestrooms, intended or designed to be occupied, for sleeping purposes by guests.
> ***One-family dwelling:*** A building containing one *dwelling unit* with not more than five lodgers or boarders.
> ***Rooming house:*** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a *one-family dwelling* or a *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.
> ***Two-family dwelling:*** A building containing two *dwelling units* with not more than five lodgers or boarders per *family.*

Exterior property: See Section PM-302.0.

Extermination: See Section PM-302.0.

Family: An individual or married couple and the children thereof with not more than two other *persons* related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated *persons,* living together as a single housekeeping unit in a *dwelling unit.*

Garbage: See Section PM-302.0.

Habitable space: See Section PM-402.0.

Infestation: See Section PM-302.0.

Let for occupancy or let: See Section PM-302.0.

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

Occupant: See Section PM-302.0.

Openable area: See Section PM-402.0.

Operator: See Section PM-302.0.

Owner: See Section PM-302.0.

Person: See Section PM-302.0.

Plumbing: See Section PM-502.0.

Plumbing fixture: See Section PM-502.0.

Premises: See Section PM-302.0.

Public nuisance: See Section PM-302.0.

Registered design professional: An architect or engineer, registered or licenses to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Rubbish: See Section PM-302.0.

Structure: That which is built or constructed or a portion thereof.

Toilet room: See Section PM-502.0.

Ventilation: See Section PM-402.0.

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

Yard: See Section PM-302.0.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION PM-301.0 GENERAL

PM-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.*

PM-301.2 Responsibility: The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided in Sections PM-306.0 and PM-307.0. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which do not comply with the requirements of this chapter.

PM-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 PM-302.0 DEFINITIONS

PM-301.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings show herein.

> ***Basement:*** That portion of a structure which is partly or completely below grade.
>
> ***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; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.
>
> ***Garbage:*** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
>
> ***Infestation:*** The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.
>
> ***Let for occupancy or let:*** To permit possession or *occupancy* of a dwelling, *dwelling unit, rooming unit,* building 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.

Occupant: Any *person* living or sleeping in a building; or having possession of a space within a building.

Operator: Any *person* who has charge, care or control of a structure or *premises* which is *let* or offered for *occupancy.*

Owner: Any *person,* agent, *operator,* firm or corporation 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 of 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.

Premises: A lot, plot or parcel of land including any structures thereon.

Public nuisance: Includes the following:

1. The physical condition or *occupancy* of any *premises* regarded as a public nuisance at common law; or
2. Any physical condition or *occupancy* of any *premises* or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, *basements,* excavations and unsafe fences or structures; or
3. Any *premises* that has unsanitary sewerage or *plumbing* facilities; or
4. Any *premises* designated as unsafe for human habitation; or
5. Any *premises* that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property; or
6. Any *premises* from which the *plumbing,* heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any *premises* that is unsanitary, or that is littered with *rubbish* or *garbage,* or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the *premises.*

Rubbish: Combustible and noncombustible waste materials, except *garbage;* the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber,

leather, tree branches, *yard* trimmings, tin cans, metals mineral matter, glass, crockery and dust and other similar materials.

Yard: An open space on the same lot with a structure.

SECTION PM-303.0 EXTERIOR PROPERTY AREAS

PM-303.1 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* which such *occupant* occupies or controls in a clean and sanitary condition.

PM-303.2 Grading and drainage: All *premises* shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention areas and reservoirs approved by the code official.

PM-303.3 Sidewalks and driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Section PM-304.10 and PM-702.9.

PM-303.4 Weeds: All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 10 inches (254mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

PM-303.5 Rat harborage: All structures and *exterior property* shall be kept free from rat *infestation.* Where rats 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 prevent *reinfestation.*

PM-303.6 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.

PM-303.7 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM-303.8 Motor vehicles: Except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any *premises,* and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

SECTION PM-304.0 EXTERIOR STRUCTURE

PM-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.

PM-304.2 Street numbers: Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) and ½ inch (13 mm) stroke.

PM-304.3 Structural members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM-304.4 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 rats.

PM-304.5 Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

PM-304.6 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 water shall not be discharged in a manner that creates a *public nuisance*.

PM-304.7 Decorative features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with property anchorage and in a safe condition.

PM-304.8 Overhang extensions: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and 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.

PM-304.9 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.

PM-304.10 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.

PM-304.11 Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather tight.

> **PM-304.11.1 Glazing:** All glazing materials shall be maintained free from cracks and holes.
>
> **PM-304.11.2 Openable windows:** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

PM-304.12 Insect screens: During the period from [DATE] to [DATE], every door, window and outside opening utilized or required for *ventilation* purposes serving any structure containing *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 swinging door shall have a self-closing device in good working condition.

> **Exception:** Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

PM-304.13 Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units, rooming units* and guestrooms shall tightly secure the door.

PM-304.14 Basement hatchways: Every *basement* hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

PM-304.15 Guards for basement windows: Every *basement* window that is openable shall be supplied with ratproof shields, storm windows or other approved protection against the entry of rats.

SECTION PM-305.0 INTERIOR STRUCTURE

PM-305.1 General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every *occupant* shall keep that part of the structure which such *occupant* occupies or controls in a clean and sanitary condition. Every *owner* of a structure containing a *rooming*

house, 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.*

PM-305.2 Structural members: The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

PM-305.3 Interior surfaces: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

PM-305.4 Lead-based paint: Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

PM-305.5 Stairs and railings: All interior stairs and railings shall be maintained in sound condition and good repair.

PM-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.

SECTION PM-306.0 RUBBISH AND GARBAGE

PM-306.1 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.*

PM-306.2 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.

> **PM-306.2.1 Rubbish storage facilities:** The *owner* of every occupied *premises* shall supply approved covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish.*

PM-306.3 Disposal of garbage: Every *occupant* of a structure shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an approved *garbage* disposal facility or approved *garbage* containers.

> **PM-306.3.1 Garbage facilities:** The *owner* of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each *dwelling unit,* an approved incinerator unit in the structure available to the *occupants* in each *dwelling unit,* or an approved leakproof, covered, outside *garbage* container.

PM-306.3.2 Containers: The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, leakproof approved containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION PM-307.0 EXTERMINATION

PM-307.1 Infestation: All structures shall be kept free from insect and rat *infestation.* All structures in which insects or rats 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 *reinfestation.*

PM-307.2 Owner: The *owner* of any structure shall be responsible for *extermination* within the structure prior to renting or leasing the structure.

PM-307.3 Single occupancy: The *occupant* of a structure containing a single *dwelling unit* or of a single nonresidential structure shall be responsible for *extermination* on the *premises*.

PM-307.4 Multiple occupancy: The *owner* of a structure containing two or more *dwelling units,* a multiple *occupancy,* a *rooming house* or a nonresidential structure shall be responsible for *extermination* in the public or shared areas of the structure and *exterior property.* If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupants* shall be responsible for *extermination.*

PM-307.5 Occupant: The *occupant* of any structure shall be responsible for the continued ratproof condition of the structure, and if the *occupant* fails to maintain the ratproof condition, the cost of *extermination* shall be the responsibility of the *occupant.*

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION PM-401.0 GENERAL

PM-401.1 Scope: The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for the *occupancy* of a structure.

PM-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.

PM-401.3 Alternative devices: In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *building code* listed in Chapter 8 shall be permitted.

SECTION PM-402.0 DEFINITIONS

PM-402.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

> ***Habitable space:*** Space in a structure for living, sleeping, eating or cooking. *Bathrooms,* toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
>
> ***Openable area:*** That part of a window or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.
>
> ***Ventilation:*** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

SECTION PM-403.0 LIGHT

PM-403.1 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 window area, measured between stops, for every *habitable space* shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the *building code* listed in Chapter 8. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) 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.

PM-403.2 Common halls and stairways: Every common hall and stairway, other than in *one-* and *two-family dwellings,* shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m^2) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

PM-403.3 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 PM-404.0 VENTILATION

PM-404.1 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 PM-403.1.

PM-404.2 Bathrooms and toilet rooms: Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section PM-404.1, except that a window shall not be required in spaces equipped with a mechanical *ventilation* system that complies with the following:

1. Air exhausted by a mechanical *ventilation* system from a *bathroom* within a *dwelling unit* shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical *ventilation* system from all other *bathrooms* or *toilet rooms* shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.

PM-404.3 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 a *rooming unit* or *dormitory* unit.

Exception: Where specifically approved in writing by the code official.

PM-0404.4 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 recirculated to any space.

PM-404.5 Clothes dryer exhaust: Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

SECTION PM-405.0 OCCUPANCY LIMITATIONS

PM-405.1 Privacy: *Dwelling units, hotel* units, *rooming units* and *dormitory* units shall be arranged to provide privacy and be separate from other adjoining spaces.

PM-405.2 Access from sleeping rooms: Sleeping rooms shall not constitute the only means of access to other sleeping rooms or *habitable spaces.*

Exception: *Dwelling units* that contain fewer than two bedrooms.

PM-405.3 Area for sleeping purposes: Every room occupied for sleeping purposes by one *occupant* shall contain at least 70 square feet (7 m^2) of floor area, and every room occupied for sleeping purposes by more than one *person* shall contain at least 50 square feet (5 m^2) of floor area for each *occupant* thereof.

PM-405.4 Water closet accessibility: Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

PM-405.5 Overcrowding: *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum *occupancy* area requirements of Table PM-405.5.

Table PM-405.5
MINIMUM OCCUPANCY AREA REQUIREMENTS

Minimum occupancy area in square feet[b]

Space	1 – 2 occupants	3-5 occupants	6 or more
Living room[a]	No requirements	120	150
Dining room[a]	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section PM-405.3		

Note a. See Section PM-405.6 for combined living room/dining room spaces.
Note b. 1 square foot = 0.093 m^2

PM-405.6 Combined spaces: Combined living room and dining room spaces shall comply with the requirements of Table PM-405.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

PM-405.7 Prohibited occupancy: Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

PM-405.8 Minimum ceiling heights: *Habitable spaces,* other than kitchens, shall have a clear ceiling height of not less than 7 feet 4 inches (2235 mm). Hallways, corridors, laundry areas, *bathrooms, toilet rooms* and kitchens shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions

1. Beams or girders spaced not less that 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height, provided that the minimum clear height is not less than 6 feet 8 inches (2033 mm).
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than 7 feet (2134 mm) in height.
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 (2134 mm) 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 (1524 mm) or more shall be included.
4. *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 (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

PM-405.9 Minimum room widths: A *habitable* room, other than a kitchen, shall not be less than 7 feet (2133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

PM-405.10 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 PM-501.0 GENERAL

PM-501.1 Scope: The provisions of this chapter shall govern the minimum *plumbing* facilities and *plumbing fixtures* to be provided.

PM-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 PM-502.0 DEFINITIONS

PM-502.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

Bathroom: A room containing *plumbing fixtures* including a bathtub or shower.

Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code listed in Chapter 8.

Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the *premises,* and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the *premises;* or which requires both a water supply connection and a discharge to the drainage system of the *premises.*

Toilet room: A room containing a water closet or urinal but not a bathtub or shower.

SECTION PM-503.0 REQUIRED FACILITIES

PM-503.1 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.

PM-503.2 Rooming houses: At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units.*

PM-503.3 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.*

PM-503.4 Employee's facilities: A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

> **PM-503.4.1 Drinking facilities:** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet room* or *bathrooms.*

SECTION PM-504.0 TOILET ROOMS

PM-504.1 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.

PM-504.2 Location: *Toilet rooms* and *bathrooms* serving *hotel* units, *rooming units* or *dormitory* units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

PM-504.3 Location of employee toilet facilities: Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

SECTION PM-505.0 PLUMBING FIXTURES

PM-505.1 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.

PM-505.2 Fixture clearances: *Plumbing fixtures* shall have adequate clearances for usage and cleaning.

SECTION PM-506.0 WATER SYSTEM

PM-506.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other *plumbing fixture* shall be property 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.

PM-506.2 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 place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

PM-506.3 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.

PM-506.4 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 that 110 degrees F. (43 degrees C.). 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 property installed and maintained on water heaters.

SECTION PM-507.0 SANITARY DRAINAGE SYSTEM

PM-507.1 General: All *plumbing fixtures* shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM-507.2 Maintenance: Every *plumbing* stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION PM-508.0 STORM DRAINAGE

PM-508.1 General: Drainage of roofs and paved areas, *yards* and courts, 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 PM-601.0 GENERAL

PM-601.1 Scope: The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

PM-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 PM-602.0 HEATING FACILITIES

PM-602.1 Facilities required: Heating facilities shall be provided in structures as required by this section.

PM-602.2 Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all *habitable* rooms, *bathrooms* and *toilet rooms* based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

> **PM-602.2.1 Heat supply:** Every *owner* and *operator* of any building who rents, leases or *lets* one or more *dwelling unit, rooming unit, dormitory* or guestroom on terms, either express or implied, to furnish heat to the *occupants* thereof shall supply sufficient heat during the period from [DATE] to [DATE] to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.
>
> **PM-602.2.2 Room temperature exception:** When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Chapter 8, the *owner* or *operator* shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

PM-602.3 Nonresidential structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

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.

PM-602.4 Room temperature measurement: The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

SECTION PM-603.0 MECHANICAL EQUIPMENT

PM-603.1 Mechanical equipment: All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

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.

PM-603.3 Flue: 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.

PM-603.4 Clearances: All required clearances to combustible materials shall be maintained.

PM-603.5 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM-603.6 Combustion air: A supply of air for complete combustion of the fuel and for *ventilation* of the space shall be provided for the fuel-burning equipment.

PM-603.7 Energy conservation devices: Devices purporting 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 therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION PM-604.0 ELECTRICAL FACILITIES

PM-604.1 Facilities required: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section PM-605.0.

PM-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 NFiPA 70 listed in Chapter 8. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

PM-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 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 PM-605.0 ELECTRICAL EQUIPMENT

PM-605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

PM-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. Every *bathroom* shall contain at least one receptacle.

PM-605.3 Lighting fixtures: Every public hall, interior stairway, water closet compartment, *bathroom,* laundry room and furnace room shall contain at least one electric lighting fixture.

SECTION PM-606.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

PM-606.1 General: Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

PM-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.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION PM-701.0 GENERAL

PM-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.

PM-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 PM-702.0 MEANS OF EGRESS

PM-702.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

PM-702.2 Exit capacity: The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the *building code* listed in Chapter 8.

PM-702.3 Number of exits: In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all *occupants* shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.

Exception: A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the *building code* listed in Chapter 8 is provided in addition to the single exit.
4. Where permitted by the *building code* listed in Chapter 8.

PM-702.4 Arrangement: Exits from *dwelling units, rooming units,* guestrooms and *dormitory* units shall not lead through other such units, or through *toilet rooms* or *bathrooms.*

PM-702.5 Exit signs: All means of egress shall be indicated with approved "Exit" signs where required by the *building code* listed in Chapter 8. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

PM-702.6 Corridor enclosure: All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

Exceptions

1. Corridors in *occupancies* in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in *occupancies* in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code listed in Chapter 8, are not required to be self-closing.
3. Corridors in *occupancies* in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the *building code* listed in Chapter 8.

PM-702.7 Dead-end travel distance: All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

PM-702.8 Aisles: Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in *occupancies* in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the *building code* listed in Chapter 8. In all other *occupancies,* aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

PM-702.9 Stairways, handrails and guards: Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) 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 (762 mm) high above the floor of the landing or balcony.

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 shall be marked with approved signs in accordance with the requirements for new buildings in the *building code* listed in Chapter 8.

> **Exception:** The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the *building code* listed in Chapter 8.

PM-702.11 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 as provided for in Section PM-702.11.1.

> **PM-702.11.1 Locks permitted:** Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:
> 1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove *occupants* safely in case of fire or other emergency.
> 2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
> 3. Where the door hardware conforms to that permitted by the *building code* listed in Chapter 8.

PM-702.12 Emergency escape: Every sleeping room located in a *basement* in an *occupancy* in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

> **Exception:** Buildings equipped throughout with an automatic fire suppression system.

SECTION PM-703.0 ACCUMULATIONS AND STORAGE

PM-703.1 Accumulations: *Rubbish, garbage* or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

PM-703.2 Hazardous material: Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible *rubbish*, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage

complies with the applicable requirements of the *building code* and the *fire prevention* code listed in Chapter 8.

SECTION PM-704.0 FIRERESISTANCE RATINGS

PM-704.1 General: The fireresistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

PM-704.2 Maintenance: All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

SECTION PM-705.0 FIRE PROTECTION SYSTEMS

PM-705.1 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 properly maintained.

PM-705.2 Fire suppression system: Fire suppression systems shall be in proper operating condition at all times.

> **PM-705.2.1 Valves:** Control valves shall be in the fully open position.
>
> **PM-705.2.2 Sprinklers:** Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.
>
> **PM-705.2.3 Piping:** Piping shall be properly supported and shall not support any other loads.

PM-705.3 Standpipe systems: Standpipe systems shall be in proper operating condition at all times.

> **PM-705.3.1 Valves:** Water supply control valves shall be in the fully open position.
>
> **PM-705.3.2 Hose connections:** Hose connections shall be identified and have ready access thereto.
>
> **PM-705.3.3 Hose:** Where provided, the hose shall be properly packed, dry and free from deterioration.

PM-705.4 Fire extinguishers: All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

PM-705.5 Smoke detectors: A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in *occupancies* in Use Groups R-1 and I-1, and in *dwelling units* in the immediate vicinity of the bedrooms in *occupancies* in Use Groups R-2 and R-3. In all residential *occupancies,* smoke detectors shall be required on every story of the *dwelling unit*, including *basements*. In *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke detector 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.

> **PM-705.5.1 Installation:** All detectors shall be installed in accordance with the *building code* listed in Chapter 8. When actuated, the smoke detectors shall provide an alarm suitable to warn the *occupants* within the individual room or *dwelling unit.*
>
> **PM-705.5.2 Power source:** The power source for smoke detectors shall be either an AC primary power source or a monitorized battery primary power source.
>
> **PM-705.5.3 Tampering:** Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

PM-705.6 Fire protective signaling systems: Fire protective signaling systems shall be in proper operating condition at all times.

> **PM-705.6.1 Control panel:** The “power on” indicator shall be lit. Alarm or trouble indicators shall not be illuminated.
>
> **PM-705.6.2 Manual fire alarm boxes:** All manual fire alarm boxes shall be operational and unobstructed.
>
> **PM-705.6.3 Automatic fire detectors:** All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

PM-705.7 Records: A complete written record of all tests and inspections of fire protection systems shall be maintained on the *premises* by the *owner* or *occupant* in charge of said *premises.*

SECTION PM-706.0 ELEVATOR RECALL

PM-706.1 Required: All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 8.

SECTION PM-707.0 MECHANICAL EQUIPMENT CONTROL

PM-707.1 Smoke and heat detection: Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

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

City of Troy

CITY COUNCIL ACTION REPORT

June 24, 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 City Council approve the attached resolution and that it be sent to our state legislators supporting the bills proposed by the bi-partisan members of the Transportation Funding Task Force.

Background:

The Board of Road Commissioners of Oakland County (RCOC) 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 (TF2).

In turn, the RCOC requested that a similar resolution be passed by the Council, Commission or Board of all communities in Oakland County, with copies to be sent to our state legislators.

A summary of the 13 specific bills that are proposed that will increase transportation funding by approximately 90% over the next five to seven years is attached.

A forecast from MDOT through the MML of the new transportation money that would come to Troy if these bills are enacted is attached.

Agency	FY 2008	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Name	Reg & Tax Only	Estimated	Estimated	Estimated	Estimated	Estimated
Shepherd	97,168	122,242	138,475	154,738	171,033	179,600
Sheridan	53,600	67,431	76,385	85,357	94,345	99,070
Sherwood	33,732	42,436	48,071	53,717	59,374	62,348
Shoreham	39,851	50,134	56,792	63,462	70,145	73,658
South Haven	364,615	458,701	519,615	580,642	641,788	673,932
South Lyon	456,285	574,026	650,255	726,624	803,143	843,371
South Range	44,307	55,740	63,141	70,558	77,987	81,894
South Rockwood	95,082	119,617	135,502	151,416	167,361	175,744
Southfield	4,772,961	6,004,586	6,801,971	7,600,838	8,401,263	8,822,058
Southgate	1,493,631	1,879,050	2,128,580	2,378,575	2,629,056	2,760,738
Sparta	221,237	278,325	315,285	352,315	389,416	408,921
Spring Lake	152,640	192,027	217,528	243,075	268,673	282,130
Springfield	363,449	457,234	517,953	578,785	639,735	671,778
Springport	42,634	53,636	60,758	67,894	75,043	78,803
St Charles	151,557	190,665	215,985	241,351	266,767	280,129
St Clair	336,022	422,730	478,867	535,109	591,460	621,084
St Clair Shores	3,209,333	4,037,476	4,573,636	5,110,794	5,648,998	5,931,940
St Ignace	198,293	249,461	282,588	315,777	349,031	366,513
St Johns	466,794	587,246	665,229	743,359	821,640	862,793
St Joseph	500,957	630,225	713,915	797,763	881,773	925,938
St Louis	298,078	374,995	424,792	474,683	524,670	550,949
Standish	137,439	172,904	195,865	218,869	241,917	254,034
Stanton	95,462	120,096	136,044	152,022	168,031	176,447
Stanwood	16,322	20,534	23,262	25,993	28,730	30,169
Stephenson	79,604	100,145	113,444	126,767	140,116	147,134
Sterling	61,784	77,726	88,048	98,389	108,750	114,197
Sterling Heights	6,396,825	8,047,475	9,116,148	10,186,807	11,259,553	11,823,511
Stevensville	96,059	120,847	136,895	152,973	169,081	177,551
Stockbridge	71,261	89,650	101,555	113,483	125,433	131,716
Sturgis	668,686	841,235	952,948	1,064,868	1,177,007	1,235,960
Sunfield	41,481	52,185	59,115	66,058	73,015	76,672
Suttons Bay	52,202	65,673	74,394	83,131	91,886	96,488
Swartz Creek	307,334	386,639	437,983	489,423	540,962	568,058
Slyvan Lake	97,431	122,572	138,850	155,157	171,496	180,085
Tawas City	154,712	194,634	220,480	246,375	272,320	285,960
Taylor	3,607,404	4,538,266	5,140,930	5,744,714	6,349,675	6,667,712
Tecumseh	521,629	656,231	743,376	830,682	918,159	964,147
Tekonsha	73,360	92,291	104,546	116,825	129,128	135,595
Thompsonville	55,705	70,080	79,386	88,710	98,052	102,963
Three Oaks	104,943	132,023	149,555	167,120	184,719	193,971
Three Rivers	459,452	578,010	654,768	731,668	808,718	849,224
Traverse City	909,944	1,144,747	1,296,765	1,449,066	1,601,664	1,681,886
Trenton	928,671	1,168,307	1,323,453	1,478,888	1,634,626	1,716,500
* Troy	4,621,553	5,814,108	6,586,198	7,359,724	8,134,757	8,542,203
Turner	24,622	30,976	35,088	39,210	43,339	45,510
Tustin	24,251	30,508	34,560	38,619	42,685	44,823
Twining	20,877	26,264	29,752	33,246	36,747	38,587
Ubly	58,422	73,498	83,257	93,036	102,834	107,984
Union City	120,432	151,508	171,628	191,786	211,982	222,599
Unionville	41,631	52,373	59,328	66,296	73,277	76,948
Utica	231,728	291,524	330,238	369,023	407,883	428,313
Vandalia	35,640	44,836	50,791	56,755	62,732	65,874
Vanderbilt	61,979	77,972	88,327	98,700	109,094	114,558
Vassar	189,559	238,473	270,141	301,868	333,657	350,369
Vermontville	61,882	77,851	88,189	98,546	108,924	114,380
Vernon	62,306	78,384	88,793	99,221	109,670	115,163

TF2 Bill Request and Background 4/30/09

The Michigan Transportation Funding Task Force (TF2) issued their report in November 2008 with the one overriding statement: **"The one choice we cannot afford is to do nothing."** Doing nothing is an unacceptable alternative, as Michigan's current transportation funding methods will soon no longer be sufficient for Michigan to take advantage of federal funding because there will not be enough state and local matching funds to claim all federal transportation funding available to the state. The **Michigan Department of Transportation (MDOT) alone will lose almost $600 million in federal aid beginning in 2011, and $1.9 billion between 2011 and 2013.** Michigan cannot afford to lose that amount of funding for transportation, now or in the future. Doing nothing will put our long term investment in transportation systems at risk, and risks our future economic recovery and growth by postponing for another day problems we can no longer ignore or deny.

The TF2 report recommended wide ranging recommendations with the goal of achieving a "good" level of investment in Michigan's transportation system. Since that report was issued, members of the task force, legislators, transportation groups, planning organizations, and MDOT have been working together to develop a legislative agenda that reflects those recommendations and achieves a "good" level of investment. A "good" level of investment will sustain 126,000 Michigan jobs, attract new business, and 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.

The following combination of proposals is designed to stabilize transportation funding and gradually, over a period of 5 to 7 years, to achieve 90 percent of the recommended increases of state investment in roads, bridges, and transit.

REFORMS AND EFFICIENCIES

1. A bill to create provide for public-private partnerships.

What: This bill provides authority for MDOT to enter into Public Private Partnership (P3) agreements related to researching, planning, studying, designing, developing, financing, acquiring, constructing, tolling, operating, or maintaining a transportation facility, or any combination of those activities.

Why: As part of Michigan's activities to revitalize our economy, we need to look at alternative means to deliver and fund large infrastructure projects. P3s are not the only solution to all of our transportation funding needs, but they can facilitate the innovative delivery of services and infrastructure and are a useful tool that transportation officials need to have available. Not only will P3s attract private investors to Michigan, create jobs, and grow our economy, but they will foster competition in the private sector to provide government and the public with the best value.

2. **A bill to amend PA 51 to expand the Asset Management Program to include all public roads, pavement, ancillary elements and utility location as well as to transit programs.**

What: Extending the Asset Management benefits of this program to other major aspects of the roadway that are important to safety and to pavement condition. This legislation creates a new transit asset management committee, which will provide technical guidance and assistance. The transit asset management committee will be appointed by the State Transportation Commission and will report its progress to the Commission on a regular basis.

Why: This legislation will enhance existing asset management by providing for consistency among agency plans. It will also provide for a permanent, ongoing method of industry-wide oversight of asset management practices as well as allow for the State Transportation Commission to guide and support the process. These amendments will also provide MDOT and the transit industry the information needed to do statewide reporting on the condition of the transit infrastructure.

3. **A bill that would amend PA 51 to reward counties for planning multi-county corridors.**

What: Provides extra state aid to counties that jointly plan and build projects that function as multi-county through routes. For qualifying federally-aided projects, an award will be made equal to 8 percent of project cost, allowing counties to provide half the match from county funds. Counties or rural task forces will develop projects in the usual way, and if qualifying as a regional corridor, upon completion will be awarded 10 percent of project cost. This will slightly reduce all other county distributions in any month in which an award is made.

Why: Enhances coordination, collaboration, and communication between counties to deliver regional corridors. Relieves some of the fiscal burden on the counties by lessening the amount needed for the match.

4. **A bill to amend PA 51 establishing a transit regionalization planning and grant program.**

What: Under this program, the department will make grants to Metropolitan Planning Organizations (MPOs) to develop and carry out a transit regionalization work program. The MPO will work with each urban transit agency to identify the opportunities for enhanced regional coordination, develop an action plan and report to MDOT on the progress being made. The amendments require urban transit agencies to make progress on an enhanced coordination plan in order to remain eligible for state operating assistance.

Why: This bill allows for a customized approach for each transit agency, with the understanding that there is not a "one size" fits all approach to regionalization. The bill allows each MPO and urban transit agency to set its own objectives, subject to public review and comment, and then holds the transit agency accountable for making progress toward those objectives. Also while the action plan may propose to enhance coordination through creation of a single regional authority, it is not a requirement of these amendments. The purpose of these amendments is not to force or encourage merging of transit systems,

rather they are aimed at ensuring coordination among providers to improve services to the public and create organizational efficiencies.

5. A bill making the following amendments to Act 51:

a. Repeal the Local Bus New Services Program.
b. Create a new Transit Services Program
c. Appropriate up to $50M/year to the New Transit Services

What: Reform Local Bus New Services Program. The bill amends the CTF portion of Act 51 to create a new transit services program for projects that will provide new rapid or regional transit in or between Michigan urban areas. Recipients may include public and private corporations, transit agencies and authorities or other public transportation providers.

The amendments allow for up to $50,000,000 each fiscal year for this program. MDOT must prioritize funding requests annually and will give priority to projects that include regional coordination among existing transit providers.

Why: The economic, environmental and mobility benefits of transit expands exponentially when rapid transit and rail transit are added to the available services. A state funding program dedicated specifically to urban transit can ensure that the state can provide all or a portion of the match funds needed to compete for projects that are a state priority. It can also provide over-match for the most desired projects in the state, making them more competitive for federal funds. These amendments also allow MDOT to provide operating assistance to supplement local and regional funds. Because rapid and rail transit is evolving in Michigan, the proposed state program is flexible in that it allows MDOT to provide for differing levels of capital and/or operating assistance, to advance those projects of highest priority in the state and with assistance that is specific to the financial needs of each project.

6. A bill making the following amendments to the Act 51 formula:

a. Fund Secretary of State and Treasury costs of collection from the TACF only.
b. Allow the MTF to receive other than fuel- and registration-tax revenues (tolls).
c. Changes Local Bridge Fund and STF appropriation to conform to wholesale motor fuel tax.
d. Double rail grade-crossing program to $6,000,000/year and increase amount for STF debt servicing.
e. Simplify formula without reducing appropriations to local agencies.
f. Update USC reference and delete obsolete language.

What: Implement PA 51 Reforms.

a. State restricted funding that could be used for road and bridge projects has in the past been allocated through Interdepartmental Grants (IDGs) to the Departments of State and Treasury for costs associated with the collection of vehicle registrations and motor fuel taxes. These departments currently also receive funds from the Transportation Administration Collection fund, created through an surcharge on vehicle registration fees. The proposal would limit the IDGs by making an explicit appropriation to the Transportation Administration Collection Fund (TACF) instead.

b. In the event that toll revenue and P3s are enabled, the Michigan Trust Fund (MTF) must be updated to allow receipt of the new revenue.

c. Currently the Local Bridge Fund (LBF) and the State Transportation Fund (STF) are set up to receive funds based on a pennies per gallon formula. If the proposed change to a percentage of the wholesale price per gallon is enacted, the LBF and the STF need to be changed as well to reflect this changes.

d. Doubling the rail grade-crossing program to $6M/year is essential to maintain and improve the safety of our transportation system. This program has been historically under-funded.

e. Changes proposed to simplify language in Act 51 will not reduce appropriations to local agencies. The balance of the Michigan transportation fund will continue to be distributed as follows:

   (i) 39.1% to the state trunk line fund

   (ii) 39.1% to the county road commissions of the state

   (iii) 21.8% to the cities and villages of the state

f. The reference to the United States Code was to 23 USC 157, but has been changed to 23 USC 105. This section states that thirty-one and one-half percent of the funds appropriated to this state from the federal government, commonly known as minimum guarantee funds, shall be allocated to the transportation economic development fund, if such an allocation is consistent with federal law.

Why: Updates and changes to Act 51 will free up transportation revenue for transportation purposes, as well as allow alternative revenue collection options to be accepted by the MTF and STF. Many of these items are general housekeeping efforts that are needed in order to keep the flow of transportation funding at a consistent level in light of other proposed changes.

INNOVATIVE LOCAL FUNDING OPTIONS

7. A bill to enable Tax Increment Financing Authorities for any transportation purpose. (TIFA)

What: This bill would, at the request of a transportation agency, a county, city, village, or township, allow that agency to establish a transportation investment zone to promote and finance transportation investment. A tax increment financing plan for the zone would be created by the local governmental entity, which would require that tax increment revenue received by the transportation agency be used only for expenses of constructing or widening streets, roads, and highways, or for operating assistance for transit agencies, or capital investment in transit vehicles and facilities, as defined in the tax increment plan.

Why: Transportation investments are often a key factor in the success of economic development, housing, and community development projects. This bill would provide transportation agencies another financing source to provided needed transportation improvements that not only benefit the specific project, but also provide benefits to the

wider community. The ability to create a tax increment financing authority for transportation purposes would also speed the development project in those cases where the transportation agency lacks the funds to provide the needed transportation improvements.

8. A bill to create a Private Investment Infrastructure Funding (PIIF) Option.

What: This bill would allow private investors to fund all or part of public infrastructure improvement projects via a public/private structure that offers investors the potential for the return of principal with the opportunity to earn market-rate, tax-exempt interest.

The infrastructure improvement would be implemented by MDOT, a county road agency, county drain commission, or municipality, depending upon jurisdiction, or by a private entity under permit issued by the governmental entity with jurisdiction. The investor would be repaid over time for this investment, based on the capture of a dedicated portion of anticipated increases in property tax revenues in a specific district, called a Negotiated Benefit Area, within which the public infrastructure improvement project would be carried out. Any risk that the anticipated incremental tax capture does not generate enough revenue to service the debt will be born by the private-sector investor. As in the open marketplace, the investor must accept this risk as part of the agreement.

Why: This bill will create the opportunity for private funding for critically needed, but under-financed, public infrastructure projects without increasing local or state taxes. Participation in this process would be voluntary on the part of all taxing authorities and the fraction of the increment used to repay the investment cost would be flexible. The risk of failure of property tax assessments to rise would be borne by investors, not by the public, and would not have any impact on property owners apart from the impact of development generally on property values. Large investors would want to use this for things like new interchanges, but it could also help finance road widenings, programs of intersections or corridor improvements, and bus rapid transit, commuter rail, or trolley projects.

9. A bill enabling county funding options on driver licenses up to $25 on all operator's licenses (including minor restricted), up to $35 on chauffeurs' licenses.

What: The bills would provide local transportation agencies with an array of financial tools to generate transportation revenue at the local level. The fee collected can be used for road construction, preservation and maintenance, public transportation and related infrastructure, and non-motorized transportation infrastructure as approved by the voters in the county or counties where the tax was collected.

Why: Local transportation agencies already make a significant contribution to transportation investment, but as state and federal partners increase their participation, local governments must be prepared to do the same. There is a need to enable corridor authorities to raise revenue along a certain alignment for a particular project that may span multiple counties or municipalities.

FUNDING

10. A bill to amend the motor fuel tax act. Develop a system that will:

- **a. Provide for an initial flat or slight decrease in the fuel tax**
- **b. Set a cap equivalent to 34 cents in the tax rate that will, over time, increase the amount of funding from fuel tax collection**
- **c. Minimize the effect on the tax due to extreme fuel price swings**

What: This proposal will move Michigan from a pennies-per-gallon gas tax to a tax based on a percent of gasoline wholesale price. The conversion is structured in a way that not only protects Michigan drivers, but also protects Michigan's long-term investment in transportation infrastructure. There will be an initial reduction of ½ cent in the gas tax until the new wholesale program goes into effect on January 1, 2010.

The way the proposal is structured, drivers will actually see some relief in their tax at the pump as the conversion first takes place. Over time, as the price of gas increases, the tax will also increase modestly, providing additional much-needed revenue to state and local transportation agencies struggling to meet rising costs while maintaining roads and bridges and other transportation services.

But the proposal is structured with capped increases so that even if the wholesale price of gas increases dramatically, as it did in 2008, the tax on that gas will not go up more than 5.5 cents in the first year and not more than 3 cents in any year after that. Overall the increases are capped so that after 7 years, no matter how much the price of gasoline increases, the fuel tax cannot grow greater than 90 percent. This level of funding is less than recommended by the Transportation Funding Task Force but necessary to protect and preserve Michigan's transportation systems.

The proposal is also structured in a way that protects transportation revenue should the price of gas fall, so that Michigan's transportation agencies can continue the work they must do to preserve the mobility of Michigan's businesses and residents.

Why: Michigan's transportation revenue has fluctuated in the past few years and this proposal will provide a more steady and reliable source of funds for transportation investment. It is a long-term, phased-in approach that will first stabilize and then, over the next 5 to 7 years, gradually increase transportation revenue to a level that will help ensure Michigan continues to have a transportation system that not only meets our needs but helps our economy grow.

11. A bill to amend the motor carrier tax act.

What: Like the proposed conversion of the gas tax, this proposal would convert the existing diesel fuel tax from a pennies-per-gallon tax to a tax based on the percent of wholesale price. The only essential difference between the two proposals is that the rate of the percent tax on diesel fuel would differ slightly from that for gasoline in order to bring diesel fuel taxes to parity with gasoline taxes. The proposed diesel tax conversion would have the same protections built into its structure as were described for the gasoline tax.

Why: Conversion of the diesel tax will allow diesel fuel to be taxed at a rate comparable to gasoline taxes. This parity is a change that has long been advocated, and will help ensure

that commercial carriers pay their fair share for road use. Truck traffic is projected to increase at a faster rate than other vehicles over the coming decades, so it is important to ensure that truckers start paying their full share of road use costs now.

12. Amend the Michigan Vehicle Code vehicle-registration-fee sections. This language will double vehicle-tax revenue to the Michigan Transportation Fund (MTF) over a 5-year period by:

- **a. Increasing most registration fees by 10% the first year and 20% a year the next 4 years; excepting motor homes and the lowest-priced cars.**
- **b. Increase banding from the current $1,000 per band to $3,000 per band**
- **c. Eliminating the registration-transfer loophole by requiring a pro-rata payment when transferring registrations**
- **d. Increasing commercial truck registration fees 5% a year for 4 years, resulting in a 20% registration increase.**

What: This proposal would increase most automobile and light-truck registration fees by 10% the first year and 20% per year for the next four years. The lowest-priced cars covered by Michigan's price-based registrations fees would be exempt from the increases, as would motor homes.

Weight-based truck registration fees would be increased by 5% a year for four years.

The grouping of vehicle prices into larger bands would simplify the calculation of the registration fee.

Examples
The average price of a **new car** in Michigan is $25,000. Using a typical Ford Taurus Limited 4-door sedan costing $26,645; the average current registration fee is $136.

Under this proposal, the annual registration tax on:
That same car, purchased **new** in the first year of this proposal, would be $157. (2010)
That same car, purchased **new** in the second year of this proposal, would be $184. (2011)
That same car, purchased **new** in the third year of this proposal, would be $211. (2012)
That same car, purchased **new** in the fourth year of this proposal, would be $238. (2013)
That same care, purchased **new** in the fifth year of this proposal, would be $265. (2014)
A typical new Lexus GS350 4-door sedan costs approximately $44,150; the average current registration fee is $233

Under this proposal:
That same car, purchased **new** in the first year of this proposal would be $256. (2010)
That same car, purchased **new** in the second year of this proposal would be $301. (2011)
That same car, purchased **new** in the third year of this proposal would be $346. (2012)
That same car, purchased **new** in the fourth year of this proposal would be $391. (2013)
That same car, purchased **new** in the fourth year of this proposal would be $436. (2014)

As you can see from this example, the registration fee is slightly less than double by the end of the phase-in. The higher fee also reflects the impact of reducing the number of fee categories by consolidating them from the current $1,000 range (*i.e.* $24,000 to $25,000) to the proposed $3,000 range per category (*i.e.* $24,000 to $27,000) and calculating the fee at the highest price in each category.

Used Cars

Used car owners in Michigan get a 10% reduction in registration fees the first three times registration is renewed; the discount ends the fourth time the registration is renewed. Thus the calculation, under the proposal, for a used car registration fee will reflect the 20% increase in each of the 5 years but it will be some what offset by the 10% reduction in the car's value.

$26,645 Taurus	Under Proposed Amendments taking Effect in 2010				
bought new in:	2010	2011	2012	2013	2014
2009($133)	$142	$150	$156	$175	$195
2008($121)	$130	$136	$156	$175	$195
2007($109)	$116	$136	$156	$175	$195
2006($99)	$116	$136	$156	$175	$195

$44,150 Lexus	Under Proposed Amendments taking Effect in 2010				
bought new in:	2010	2011	2012	2013	2014
2009($233)	$231	$245	$254	$287	$320
2008($211)	$208	$221	$254	$287	$320
2007($190)	$188	$221	$254	$287	$320
2006($172)	$188	$221	$254	$287	$320

Low Value Cars

Cars priced at $12,000 or less are most likely to be owned by low income families, working poor, college students, etc. Depending on the price of the vehicle, the registration fee ranges from $30 for cars priced at $0 to $6,000 to a high of $50 for cars priced between $11,000 to $12,000. Under the proposal, these vehicles registration fees will only increase slightly due to the change in how car prices are banded together. These changes are:

Value	Current Registration Fee	Proposed Registration Fee
$0 - $6,000	$30	$30
$6,000 - $7,000	$32	$35
$7,000 - $8,000	$35	$35
$8,000 - $9,000	$39	$35
$9,000 - $10,000	$43	$46
$10,000 - $11,000	$46	$46
$11,000 - $12,000	$50	$46

Why: This proposal offers a long-term, phased-in approach to stabilize state funding for transportation, with an initial modest revenue increase that will grow over time. Registration fees are the alternative to higher motor-fuel taxes. Registration fees remain deductible from income for federal income tax.

The lowest-priced cars are excluded from the increases, to lessen impact on low-income households. Motor homes are exempted as well, to prevent impact on the tourism sector in Michigan, and prevent excessive increases on these high-priced vehicles that are often used by retirees.

13. A bill to amend the Michigan Aeronautics Code.

What: This bill would increase the tax on aviation fuel from 3 cents per gallon to 2 ½ percent of the wholesale price of the fuel. This would increase aviation fuel tax revenue from $5.81M to $8.75M. While not entirely revenue neutral this modest increase merely restores recent declines in aeronautics revenue. On January 1, 2011, the tax would change to 3%, and on January 1, 2012, the tax would change to 4%. Based on current wholesale fuel prices, this would generate $11.09M and $15.76M respectively.

Also addressed in this bill are aircraft registration fees which would increase from 1 cent per pound to 2 cents per pound based on the maximum gross weight of the aircraft with a $25 minimum registration, an increase of the Aircraft Dealer license from $25 to $100 and an increase in the monthly penalty for failure to register an aircraft from $5 to $10 dollars. This would increase the revenue to MDOT from approximately $290,000 to $590,000.

Why: These increases, which include the first increase to aviation fuel tax since its inception in 1929, would allow full restoration of recently cut aviation programs to local airports and allow for a continued ability to match federal grant revenue far into the future.

CITY COUNCIL ACTION REPORT

June 22, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Cathleen Russ, Library Director
Loraine Campbell, Museum Manager

SUBJECT: Standard Purchasing Resolution 8: Best Value Award — Interpretive Master Plan for the Troy Museum & Historic Village

Background

- The proposed expansion and completion of the Troy Museum & Historic Village provides opportunities to develop new and improved interpretive exhibits, signage, and programs and to incorporate the development and installation of these interpretive media with the physical expansion.

- Completion of an Interpretive Master Plan prior to any construction ensures the comprehensive, thoughtful and economic use of space and resources and the best curb-to-curb visitor experience.

- Two Hundred Eighty-Six (286) companies were notified via the MITN e-procurement website. On April 28, 2009, three (3) Requests for Qualifications/Proposals to provide consulting services to develop an Interpretive Master Plan for the Museum were received and opened. In addition three (3) statements of no bid were received. All three (3) companies met the pass/fail criteria.

- Six (6) committee members, consisting of Loraine Campbell, Museum Manager and Anne Nagrant and Debra Newby, Troy Museum staff; Sherrill Jackson Troy Historical Society, Padma Kuppa, Historical Commission, and Gene Hopkins, architect for the Troy Museum expansion project, reviewed and evaluated the three (3) RFQ/RFPs.

- Interviews were conducted with the top two (2) companies on June 16, 2009. The 106 Group LTD received the highest overall score as a result of a best value process

- Based on the scoring criteria of 50% Proposal Score, 30% Price Score and 20% Interview Score, the committee recommends awarding the contract to the highest rated bidder, The 106 Group LTD.

June 22, 2009

To: John Szerlag, Acting City Manager
Re: Best Value Award – Interpretive Master Plan for the Troy Museum & Historic Village

Financial Considerations

- Funds for the project will be available in the Troy Museum Account for professional services, #101.804.804.7801.010.

- The project is being funded through the Kresge Foundation Arts in Detroit Operations Grant for consulting services to complete the Interpretive Master Plan.

Legal Considerations

- RFQ / RFP 09-17, Interpretive Master Plan for the Troy Museum & Historic Village was competitively bid as required by City charter and code.

- All bidders were given the opportunity to respond with their level of interest to provide consulting services for the Troy Museum & Historic Village Interpretive Master Plan.

- The contract award is contingent on the recommended bidder's submission of proper contract and supplemental documents, including insurance certificates, and all other specified requirements.

Policy Considerations

- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues (Outcome Statement II)

Suggested Recommendation

- City management and Library/Museum division recommend awarding a contract to develop an Interpretive Master Plan for the Troy Museum & Historic Village to the highest rated bidder, The 106 Group LTD, of St. Paul, Minnesota, as a result of a best value process, for an estimated total cost of $20,000.00.

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EXECUTIVE SUMMARY

INTERPRETIVE MASTER PLAN
TROY MUSEUM AND HISTORIC VILLAGE

STATISTICS:

- **Two Hundred Eighty-Six (286) company's were notified via the MITN e-procurement website**
- **Three (3) proposals were received, as well as three (3) statements of no bid**
- **All three (3) company's met the pass/fail criteria**
- **Interviews were conducted with the top two (2) companies**
- **The 106 Group LTD received the highest score as a result of a best value process**

The following two (2) companies received the indicated final scores as a result of the proposal and pricing selection criteria. Only these top two (2) rated companies participated in an interview.

Company	SCORE
The 106 Group LTD	**91**
Envisions Design	84

Attachments:

- ✓ Weighted Final Scoring Including Proposal, Price and Interview
- ✓ Evaluation Process
- ✓ Original Tabulation

WEIGHTED FINAL SCORING
INTERPRETIVE MASTER PLAN
TROY MUSEUM AND HISTORIC VILLAGE

Final Score Calculation:

50% x Proposal Score
30% x Price Score
20% x Interview Score
100% = Final Weighted Score

In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 100. **NOTE:** Vendors are listed in the order of their summary score for the proposal, price and interview, from highest to lowest. For the final score the vendors are listed in the order of rating from highest to lowest.

Weighted Average Score for Price: 30%

	Weighted Criteria – Difference in Costs [1-(Proposal Price – Low Price) / low price] x available points	Final Weighted Score (x .30)
Vendors:		
The 106 Group LTD	[1-($20,000.00 – $20,000.00)/ $20,000.00] x 100 = 100	**100 x .30 = 30**
Envisions Design	[1-($20,000.00 – $20,000.00)/ $20,000.00] x 100 = 100	**100 x .30 = 30**
Taylor Studio	[1-($29,892.00 – $20,000.00)/ $20,000.00] x 100 = 50	50 x .30 = 15

Weighted Average Score for Proposals: 50%

Raters:	1	2	3	4	5	6	Average	Final Weighted Score (x .50)
Vendors:								
The 106 Group LTD	100	90	74	95	95	65	87	**43**
Taylor Studio	81	90	96	89	67	45	78	39
Envisions Design	66	90	83	59	78	75	75	38

Summary: Proposal and Price Scores

	Price Score	Proposal Score	Score
Vendors:			
106 Group LTD	30	43	**73**
Envisions Design	30	38	68
Taylor Studio	15	39	54

The top two (2) companies were invited to participate in an interview.
(Maximum # of points – 20)

Weighted Average Score for Interview: 20%

RATERS	1	2	3	4	5	6	Average	Final Weighted Score (x .20)
Vendors:								
The 106 Group LTD	96	90	91	87	93	85	90	**18**
Envisions Design	77	90	82	58	69	96	79	16

FINAL SCORE:

VENDORS:	The 106 Group LTD	Envisions Design
Price Score	30	30
Proposal Score	43	38
Interview Score	18	16
FINAL SCORE	91	84

**HIGHEST RATED VENDOR – RECOMMENDED AWARD

G:/ Bid Award 08-09 New Format / Best Value SR8 – RFP – Interpretive Master Plan – WeightedRatingSummary 6.09.doc

SELECTION PROCESS

CRITERIA FOR SELECTION
The identified Committee will review the proposals. The City of Troy reserves the right to award this proposal to the firm considered the most qualified based upon a combination of factors including but not limited to the following:

A. Compliance with qualifications criteria
B. Completeness of the proposal
C. Financial strength and capacity of the firm
D. Correlation of the proposals submitted to the needs of the City of Troy
E. Any other factors which may be deemed to be in the City's best interest
F. Evaluation Process

Phase 1: **Minimum Qualifications Evaluation**
Firms will be required to meet minimum established criteria in order to go to the second phase of the process.

Phase 2: **Evaluation of Proposals**
Each Committee member will independently use a weighted score sheet to evaluate the proposals; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each firm for this phase of the process.

Phase 3: **Interview Score**
The City will invite at least the top three (3) rated firms to participate in an interview. If less than three (3) candidates remain in the process, all will be interviewed. Each Committee Member will independently use a weighted score sheet to evaluate the Interview; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each firm for this phase of the process. Those being interviewed may be supplied with further instructions and requests prior to the interview. Persons representing the firm at the interview must be the personnel who will be assigned to this project.

Phase 4: **Price**
Points for price will be calculated as follows:

FORMULA: {1 – (Proposal Price – Low Price) / low price} x available points

Phase 5: **Final Scoring and Selection**
The firm with the highest final weighted score will be recommended to the Troy City Council for Award.

50% Proposal Score (100 point base)
30% Price Score (100 point base)
20% Interview Score (100 point base)
100%

Note: The City of Troy reserves the right to change the order or eliminate an evaluation phase if deemed in the City's best interest to do so.

Opening Date -- 4/28/09
Date Reviewed -- 6/9/09 jh

FIRM NAME:	** The 106 Group LTD	Envisions Design LTD	Taylor Studios, Inc.
PROPOSAL: TO PROVIDE A INTERPRETIVE MASTER PLAN FOR THE NEEDS OF THE CITY OF TROY MUSEUM AND HISTORIC VILLAGE			
VENDOR QUESTIONNAIRE (Yes or No)	**Yes**	Yes	Yes
SIX (6) COPIES (Yes or No)	**Yes**	Yes	Yes
INSURANCE: Can Meet	**XX**	XX	XX
Cannot Meet			
Signed Y or N	**Yes**	Yes	Yes
PROPOSAL:			
SCHEDULE OF VALUES:			
PHASE I Not to Exceed	**$ 6,113.00**	$ 3,000.00	$ 9,964.00
PHASE II Not to Exceed	**$ 6,113.00**	$ 7,000.00	$ 9,964.00
PHASE III Not to Exceed	**$ 6,114.00**	$ 9,500.00	$ 9,964.00
PROJECT TOTAL Not to Exceed	**$ 18,340.00**	$ 19,500.00	$ 29,892.00
Plus Reimbursable estimated Expenses Not to Exceed	**$ 1,660.00**	$ 500.00	Included in project total - see Reimbursables listed below $ 29,892.00
	UNIT PRICE	**UNIT PRICE**	**UNIT PRICE**
Rate Per Job Classification:	**Principle $135 Hr**	Principle $75 Hr	Interp. Planner $58.50 Hr
	Project Manager $115 Hr	Education Consultant $60 Hr	Interp. Planner -Travel $40 Hr
	Project Coordinator $ 94 Hr		Project Manager $58.50 Hr
Potential Additional Services:	**Planner/Historian $115 Hr**	TO BE DETERMINED	Blank
	Graphics / GIS $94 Hr		
Reimburseables:	**Airfare, Car Rental $1,249**	Car Mileage, IRS Rates (TBD)	Travel Expenses $3,150.00
	Accommodations $411	Copies & Other items $500	Printing & Courier $450.00
PRE-PROPOSAL MEETING			
SITE INSPECTION: Visited the Site	**Page Missing**		XX - 4/16/09
Did Not Visit the Site		XX	
PAYMENT TERMS:	**As agreed**	Upon Billing	Net 30
EXCEPTIONS:	**Blank**	Blank	Blank
ACKNOWLEDGEMENT: Y or N	**Yes**	Yes	Yes
TWO FORMS: **Non-Collusion & Legal Status**	**Yes**	Yes	Yes
ADDENDUM #1 Y or N	**Yes**	No	No

NO BIDS:
Gallagher & Associates
Amaze Design Inc.
JPRA Architects

**** DENOTES BEST VALUE PROPOSAL**

Susan Leirstein CPPB
Purchasing Director

ATTEST:
William Boardman
Diane Fisher
Linda Bockstanz

G:/RFP-COT 09-17 Interpretive Master Plan - Museum

CITY COUNCIL ACTION REPORT

June 17, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Contract Extension - OEM Golf and Turf Replacement Equipment Parts

Background

- On July 11, 2005, Troy City Council approved three (3) year contracts to furnish original equipment manufacturers replacement parts for golf course, lawn and turf maintenance equipment with an option to renew for one additional year to WF Miller Company of Novi, Weingartz Golf & Turf, Inc also of Novi, Michigan and Spartan Distributors Inc of Auburn Hills, Michigan, exclusive distributors for Jacobsen, John Deere and Toro replacement parts respectively. {CC Res #2005-07-332a & 332b (F2)}
- On May 12, 2008, Troy City Council extended the contracts for one additional year under the same pricing structure, terms and conditions as the original contracts. {CC Res #2008-05-154-F7}
- Since the contract was approved, WF Miller Company has merged and is now doing business as Midwest Golf & Turf Company of Cincinnati, Ohio.
- Spartan Distributors, Midwest Golf and Turf, and Weingartz Golf and Turf have exclusive rights for the sale of OEM replacement parts for the Toro, Jacobsen and John Deere companies in the State of Michigan.
- All three suppliers have agreed to all terms and conditions set forth in the original contracts and would like to enter into new two (2) year contracts with an option to renew for one (1) additional year.
- Contract discount pricing has been included in price lists requested by the Purchasing department and will remain in effect for the duration of the contract.
- Due to the fact that all three vendors have exclusive rights to distribute OEM Replacement Parts in Michigan from their respective manufacturers, no other suppliers are available to solicit and secure bids from for these OEM Replacement Parts.

June 17, 2009

To: John Szerlag, Acting City Manager
Re: Contract Extension- OEM Golf and Turf Replacement Equipment Parts

Financial Considerations

- Funds are available in the operating supply accounts of Sylvan Glen #7857740010 and Sanctuary Lake #7657740010, and used by various departments within the City for an estimated total cost of $60,000.00 per year.

Legal Considerations

- Formal bidding procedures are being waived, as no benefit would be derived from soliciting formal bids from these exclusive area distributors as discount structures would be the same.

Policy Considerations

- Utilizing Original Manufacturers Equipment Parts ensures timely and safe equipment repairs needed for manicured conditions and the safety of operators and the public. (Outcome Statement I)
- Entering into new contracts minimizes costs and increases the efficiency of maintenance operations for all departments involved. (Outcome Statement II)

Suggested Recommendation

- City management and the Parks and Recreation-Golf Division request approval to enter into new contracts for two (2) years with an option to renew for one (1) additional year with Midwest Golf and Turf of Cincinnati, Ohio, Weingartz Golf and Turf of Novi, and Spartan Distributors of Auburn Hills, Michigan, at discounted pricing structures to expire June 30, 2011.

Information provided by: Danny McDonald, Superintendent of Greens

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City of Troy

May 27, 2009

ATTN: Sharon Bates
Midwest Golf & Turf
10737 Medallion Drive – Suite A
Cincinnati, OH 45241
FAX: 513.874.8843

Dear Sharon,

The City of Troy entered into contract #20500039-OB with Midwest Golf & Turf (previously known as WF Miller) to provide three year requirements of O.E.M. Replacement Equipment Parts for the golf courses and exercised an option to renew for one additional year, which currently expires June 30, 2009. The City is interested to know whether Midwest Golf & Turf will enter into a new two year contract with an option to renew for one additional year under the same discounted list pricing, terms and conditions as the original contract.

Please fax this letter back to Danny McDonald at the golf course indicating if Midwest Golf & Turf wishes to enter into a new contract until June 30, 2011 with an option to renew for one additional year. The fax number is (248) 813-8954. 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 Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 885-1949

CHECK ONE:

Midwest Golf & Turf is interested in renewing the contract under the same prices, terms, and conditions: ✓

X_____
Signed: Authorized Company Representative

Midwest Golf & Turf Is not interested in renewing the contract: ( )

X_____
Signed: Authorized Company Representative
Date:_____

Thank you,
Danny McDonald
Superintendent of Greens

MIDWEST GOLF & TURF

OHIO
10777 MEDALLION DRIVE
SUITE A
CINCINNATI, OH 45241
866.514.TURF PHONE
513.874.8943 FAX

INDIANA
1714 EAST PLEASANT
NOBLESVILLE, IN 46060
866.424.TURF PHONE
317.776.7897 FAX

KENTUCKY
2408 PLANTSIDE DRIVE
LOUISVILLE, KY 40299
800.239.9668 PHONE
502.499.2938 FAX

MICHIGAN
25125 TRANS-X
NOVI, MI 48376-0605
800.555.8189 PHONE
248.349.0406 FAX

June 1, 2009

Mr. Danny McDonald
Superintendent of Greens
City of Troy
Fax: 248-813-8954

RE: Option to renew contract #20500039-OB

Dear Mr. McDonald

Thank you for your letter dated May 27, 2009 regarding Midwest Golf & Turf's renewal option on contract # 20500039-OB (attached). Midwest Golf & Turf would like to exercise our renewal option and will continue provide Jacobsen list pricing for Jacobsen OEM parts. A complete parts price list is available upon request.

If you have any questions, please don't hesitate to contact me at (513) 874-8873 ext.14. Thank you and we look forward to serving the City of Troy's equipment and parts needs in the upcoming year.

Sincerely,

Sharon D. Bates
Chief Financial Officer

Enclosures
cc: Kelly MacLachlan
Jim Bondy
Len Dunaway

City of Troy

May 27, 2009

ATTN: Kris Early
Spartan Distributors
1050 Opdyke Road
Auburn Hills, MI 48326
FAX: (248) 373.8899

Dear Kris:

The City of Troy entered into contract #20500042-OB with Spartan Distributors to provide three year requirements of O.E.M. Replacement Equipment/Irrigation Parts for the golf courses and exercised an option to renew for one additional year, which currently expires June 30, 2009. The City is interested to know whether Spartan Distributors will enter into a new two year contract with an option to renew for one additional year under the same discounted list pricing, terms and conditions as the original contact.

Please fax this letter back to Danny McDonald at the golf course indicating if Spartan Distributors wishes to enter into a new contract until June 30, 2011 with an option to renew one additional year. The fax number is (248) 813-8954. It should be understood that this request to enter into a new contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in entering into a new contract in no way obligates the City. The contract cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 885-1949

CHECK ONE:

Spartan Distributors is interested in entering into a new contract under the same ~~prices~~, terms, and conditions: (X)

price structure

X_____
Signed: Authorized Company Representative

Spartan Distributors is not interested in entering into a new contract: ( )

X_____
Signed: Authorized Company Representative
Date: 5-28-09

Thank you
Danny McDonald
Superintendent of Greens

City of Troy

May 27, 2009

ATTN: Daniel Weingartz
General Manager
Weingartz Golf & Turf
39050 Grand River Ave.
Farmington Hills, MI 48335
FAX. (248) 471.6948

Dear Daniel:

The City of Troy entered into contract #20500041-OB with Weingartz Golf & Turf to provide three year requirements of O.E.M. Replacement Equipment Parts for the golf courses and exercised an option to renew for one additional year, which currently expires June 30, 2009. The City is interested to know whether Weingartz Golf & Turf will enter into a new two year contract with an option to renew for one additional year under the same discounted list pricing, terms and conditions as the original contract.

Please fax this letter back to Danny McDonald at the golf course indicating if Weingartz Golf & Turf wishes to enter into a new contract until June 30, 2011. The fax number is (248) 813-8954. It should be understood that this request to extend the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in extending the contract in no way obligates the City. The extension cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 885-1949

CHECK ONE:

Weingartz Golf & Turf is interested in extending the contract under the same prices, terms, and conditions: ⋈

X Daniel Weingartz
Signed: Authorized Company Representative

Weingartz Golf & Turf **is not interested** **in extending the contract:** ( )

X_____
Signed: Authorized Company Representative

Date: _____

Thank you,
Danny T. McDonald, Superintendent of Greens

F-7 Contract OEM Replacement Parts for Golf and Turf Maintenance Equipment

Resolution #2008-05-154-F-7

WHEREAS, On July 11, 2005, Troy City Council approved three-year contracts to purchase miscellaneous original equipment manufacturers replacement parts for the Golf Division with the exclusive distributors in Michigan - Midwest Golf and Turf, (formerly known as WF Miller Company), Weingartz and Spartan Distributors (Resolution #2005-07-332a & 332b-F2); and

WHEREAS, All three suppliers have agreed to extend a one-year contract under the same pricing structure, terms and conditions as their original contracts;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and current contracts to purchase OEM replacement parts for golf and turf maintenance equipment from Midwest Golf and Turf of Cincinnati, OH, Weingartz of Farmington Hills, and Spartan Distributors of Sparta, MI are hereby extended under the same pricing structure, terms, and conditions as the original contracts to expire June 30, 2009.

F-8 Rescind/Re-Award Contract – Liquid Calcium Chloride, Option B – Resolution #2008-04-120-F4e

Resolution #2008-05-154-F-8

WHEREAS, On April 7, 2008, one-year contracts to provide Liquid Calcium Chloride with an option to renew for one (1) additional year on an option by option basis was awarded to the lowest acceptable bidders: South Huron Industrial, Inc. of Flatrock, MI, Options A and C, and Suburban Oil Company of Taylor, MI, Option B (Resolution # 2008-04-120-F4e); and

WHEREAS, Suburban Oil Company has withdrawn from the bid process due to the high cost to acquire excess umbrella liability insurance as specified;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide liquid calcium chloride under Option B, with an option to renew for one (1) additional year from Suburban Oil Company, and **RE-AWARDS** to the next lowest acceptable bidder, South Huron Industrial, Inc. of Flatrock, MI, which also includes services under Options A and C, at unit prices contained in the bid tabulation opened March 5, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 31, 2009.

F-9 Authorization Requesting Reimbursement – Oakland County West Nile Virus Fund

Resolution #2008-05-154-F-9

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

CITY COUNCIL ACTION REPORT

April 21, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Contract Extension – OEM Replacement Parts for Golf and Turf Maintenance Equipment

Background

- On July 11, 2005, Troy City Council approved a three (3) year contract to furnish original equipment manufacturers replacement parts for golf course, lawn and turf maintenance equipment with an option to renew for one additional year to WF Miller Company of Novi, Michigan. In addition, separate contracts were approved with Weingartz and Spartan Distributors, exclusive distributors for John Deere and Toro replacement parts respectively. {CC Res #2005-07-332a & 332b (F2)}
- Since the contract was approved, WF Miller Company has merged and is now doing business as Midwest Golf and Turf Company of Cincinnati, Ohio.
- All three suppliers have agreed to all terms and conditions set forth in the original contracts and would like to extend their contracts for one (1) additional year.
- A market survey was not conducted by the Purchasing Department, as it was determined the City would not benefit from soliciting additional formal bids.

Financial Considerations

- Funds are available in Sylvan Glen Operating Supplies Account #785.7740.010 and Sanctuary Lake Operating Supplies Account #885.7740.010, and used by various departments within the City for an estimated total cost of $45,000.00 per year.

Legal Considerations

- ITB-COT 05-07, OEM Replacements Parts was competitively bid and vendors were given the opportunity to respond with their level of interest in 2005.

Policy Considerations

- Extending the contracts minimizes costs and increases the efficiency of maintenance operations. (Goal II & V)

Options

- City management and the Parks and Recreation-Golf Division request approval to extend the contracts for one (1) additional year to Midwest Golf and Turf of Cincinnati, Ohio, Weingartz of Farmington Hills, and Spartan Distributors of Sparta, MI, under the same pricing structure, terms and conditions as their original contracts to expire June 30, 2009.

City of Troy

APRIL 7, 2008

ATTN: Sharon Bates
Midwest Golf & Turf
10737 Medallion Drive – Suite A
Cincinnati, OH 45241
FAX: 513.874.8843

Dear Sharon,

The City of Troy entered into contract #20500039-OB with Midwest Golf & Turf (previously known as WF Miller) to provide three year requirements of O.E.M. Replacement Equipment/Irrigation Parts for the golf courses with an option to renew for one additional year, which currently expires June 30, 2008. The City is interested to know whether Midwest Golf & Turf will renew its contract at the established pricing structure for the one additional year.

Please fax this letter back to Danny McDonald at the golf course indicating if Midwest Golf & Turf wishes to renew this contract until June 30, 2009. The fax number is (248) 813-8954. 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 Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 885-1949

CHECK ONE:

Midwest Golf & Turf is interested in renewing the contract under the same prices, terms, and conditions: ✓

X Sharon Bates
Signed: Authorized Company Representative
Sharon Bates, Controller

Midwest Golf & Turf is not interested in renewing the contract: ( )

X_____
Signed: Authorized Company Representative

Date: 4/11/08

Thank you,
Danny McDonald
Superintendent of Greens

City of Troy

APRIL 7, 2008

ATTN: Kris Early
Spartan Distributors
1050 Opdyke Road
Auburn Hills, MI 48326
FAX: (248) 373.8899

Dear Kris:

The City of Troy entered into contract #20500042-OB with Spartan Distributors to provide three year requirements of O.E.M. Replacement Equipment/Irrigation Parts for the golf courses, which currently expires June 30, 2008. The City is interested to know whether Spartan Distributors will extend its contract at the established pricing structure for the one additional year.

Please fax this letter back to Danny McDonald at the golf course indicating if Spartan Distributors wishes to extend this contract until June 30, 2009. The fax number is (248) 813-8954. It should be understood that this request to extend the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in extending the contract in no way obligates the City. The extension cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 885-1949

CHECK ONE:

Spartan Distributors is interested in extending the contract under the same prices, terms, and conditions: (X)

Price structure

X_____
Signed: Authorized Company Representative

Spartan Distributors is not interested in extending the contract: ( )

X_____
Signed: Authorized Company Representative

Date: 4-11-08

Thank you,
Danny McDonald
Superintendent of Greens

City of Troy

APRIL 7, 2008

ATTN: Daniel Weingartz
General Manager
Weingartz Golf & Turf
39050 Grand River Ave.
Farmington Hills, MI 48335
FAX: (248) 471.6948

Dear Daniel:

The City of Troy entered into contract #20500041-OB with Weingartz Golf & Turf to provide three year requirements of O.E.M. Replacement Equipment Parts for the golf courses, which currently expires June 30, 2008. The City is interested to know whether Weingartz Golf & Turf will extend its contract at the established pricing structure for the one additional year.

Please fax this letter back to Danny McDonald at the golf course indicating if Weingartz Golf & Turf wishes to extend this contract until June 30, 2009. The fax number is (248) 813-8954. It should be understood that this request to extend the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in extending the contract in no way obligates the City. The extension cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 685-1949

CHECK ONE:

Weingartz Golf & Turf is interested in extending the contract under the same prices, terms, and conditions: (X)

x Daniel Weingartz
Signed: Authorized Company Representative

Weingartz Golf & Turf is not interested in extending the contract: ( )

x_____
Signed: Authorized Company Representative

Date: 4/7/08

Thank you,
Danny T. McDonald, Superintendent of Greens

William Need **(Retiree-Council Appt.)** Retiree Non-Voting Member

John Szerlag City Manager

John M. Lamerato Assistant City Manager/Finance & Admn.

NOTE: Retiree Health Care Benefits Plan and Trust (Established June 20, 2005 Resolution #2005-06-303): 1:303. Board of Trustees: The Board of Trustees shall consist of eight (8) trustees which shall be the same elected and appointed individuals that serve on the City of Troy Employees Retirement System Board of Trustees.

Troy Daze
Appointed by Council (9) – 3 years

Berj Alexanian Term Expires 07/01/06 **(Student)**

Yes: All-7

F-2 Standard Purchasing Resolution 1: Award to Sole Bidder

a) Miscellaneous Golf and Turf Maintenance

Resolution #2005-07-332a
Moved by Beltramini
Seconded by Stine

RESOLVED, That a contract to purchase three-year requirements of Miscellaneous Original Equipment Manufacturers Replacement Parts for the City of Troy Golf Division with an option to renew for one additional year is hereby **AWARDED** to the sole bidder, W.F. Miller Company of Novi, Michigan at pricing and percentage discounts contained in the bid tabulation opened April 27, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract **EXPIRATION DATE** of June 30, 2008.

Yes: All-7

b) OEM Replacement Parts for Golf and Turf Maintenance Equipment

Resolution #2005-07-332b
Moved by Beltramini
Seconded by Stine

WHEREAS, Weingartz of Farmington Hills and Spartan Distributors of Sparta, Michigan, are the exclusive distributors in Michigan for John Deere and Toro replacement parts respectively;

WHEREAS, both Weingartz and Spartan Distributors has offered to sell their parts at list prices with discounts up to 55%.

NOW, THEREFORE, BE IT RESOLVED, That contracts to purchase both John Deere and Toro replacement parts are hereby **APPROVED** with Weingartz and Spartan Distributors, respectively, **TO EXPIRE** June 30, 2008, at list prices less discounts up to 55%.

Yes: All-7

F-3 Publish and Solicit for Public Sealed Bid – Sale of 11 Surplus Parcels

Resolution
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Real Estate and Development Department, in conjunction with the Purchasing Department is **AUTHORIZED TO ADVERTISE** to sell by sealed bid to the highest bidder, at or above the minimum bid value established as the appraised value, the following listed surplus parcels:

Parcel #	Sidwell #	Appraised Value	Type Property
1	20-01-476-032	$340,000.00	Vacant B-1
2	20-03-226-022 (part)	$175,000.00	Vacant Residential
3	20-03-126-006	$ 80,000.00	Vacant Residential
5	20-03-226-022	$ 95,000.00	Vacant O-1
9	20-16-476-027, 028	$187,000.00	Vacant Residential
21	20-26-433-019, 020	$ 70,000.00	Vacant M-1
22	20-26-483-053	$235,000.00	Vacant M-1
23	20-26-477-042	$ 18,000.00	Vacant M-1
24	20-27-155-013	$ 60,000.00	Vacant Residential
26	20-34-201-003	$ 20,000.00	Vacant M-1
27	20-34-201-009	$ 13,500.00	Vacant M-1

Vote on Resolution to Amend

Resolution #2005-07-333
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Resolution to P*ublish and Solicit for Public Sealed Bid – Sale of 11 Surplus Parcels* be **AMENDED** by excluding Parcel #5 from the list until the next listing of sale of surplus parcels is presented to City Council.

Yes: All-7

Vote on Resolution as Amended

Resolution #2005-07-334
Moved by Beltramini
Seconded by Stine

June 9, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Director of Parks and Recreation

SUBJECT: **Agenda Item:** Standard Purchasing Resolution 1: Award To Sole Bidder – Miscellaneous Golf and Turf Maintenance Replacement Parts

RECOMMENDATION

Bid proposals were opened April 27, 2005, to furnish three (3) year requirements of original equipment manufacturers replacement parts for golf course, lawn and turf maintenance equipment with an option to renew for one (1) additional year. The estimated total cost for these replacement parts is $30,000.00 per year. City management recommends purchases be made from the sole bidder, WF Miller Company of Novi, Michigan at list prices dated 4/4/05 for the following items—

WF MILLER COMPANY

Section A

Item	Catalog & Price Sheet	Discount
Cushman Turf Equipment	P400000	0%
Jacobsen Turf Equipment	2811657	0%
Ryan Turf Equipment	P400000	0%
Ransomes Turf Equipment	P400000	0%

Section B

Kohler Engine Parts	TP-453-P	10%
Briggs & Stratton Engine Parts	MS-7299-7100	0%

SUMMARY

Even though WF Miller was the sole bidder, they are the authorized dealer/distributor in Michigan for the items awarded in Section A. (see above) Spartan Distributors and Weingartz have participated in past bids and awarded contracts for OEM replacement parts with exclusive distributorships. The reasons given for their lack of participation in this recent solicitation are as follows:

Spartan Distributors – Even though the company was mailed a notice, failure in the company's internal processing meant the proper division was not notified that the bid document was available for pick-up at the City or download from the MITN system.

June 9, 2005

TO: John Szerlag
RE: Bid Award – Golf and Turf Maintenance Equipment Replacement Parts

SUMMARY (continued)
Weingartz – The bid opened at 10AM on April 27, 2005. A new runner for the company did not arrive at the Office of the City Clerk until after the specified time. Therefore, the bid was considered late and returned to the runner unopened.

BUDGET
Funds are available to complete these purchases in Sylvan Glen Operating Supplies Account #785.7740.010 and Sanctuary Lake Operating Supplies Account #885.7740.010.

31 Vendors Notified via the MITN System
39 Vendors Mailed Notices from JDE System
1 Bid Response Rec'd
1 Late Bid

Prepared by: Danny T. McDonald, Superintendent of Greens

Opening Date -- 4/27/05
Date Prepared -- 6/8/05

CITY OF TROY
BID TABULATION
GOLF AND TURF MAINTENANCE REPLACEMENT PARTS

VENDOR NAME: * **WF MILLER COMPANY**

SECTION A: (Note -- Copies of Price List Pages must be included w/bid for verification purposes.)

	Approved Alternate Make/Part#	Catalog Price	Net Price	Approved Alternate Make/Part#	Catalog Price	Net Price
CUSHMAN TURF EQUIPMENT						
Universal Joint Part#826284		$ 12.05	$ 12.05			
Alternator Belt Part#816864		$ 6.33	$ 6.33			
Solenoid Part#889673	Cushman 2701465	$ 33.49	$ 33.49			
Breaker Point Set Part#580394		$ 12.81	$ 12.81			
Complete line discounted at --		0%	0%			
dated:		4/4/2005				
JACOBSEN TURF EQUIPMENT						
Bedknife Part#503460		$ 30.48	$ 30.48			
Reel Coupling Part#337370		$ 3.98	$ 3.98			
Bearing Set Part#500534		$ 7.60	$ 7.60			
Reel Nut Part#364900		$ 6.31	$ 6.31			
Complete line discounted at --		0%	0%			
dated:		4/4/2005				
RYAN TURF EQUIPMENT						
Drive Belt Part#522887		$ 37.03	$ 37.03			
Slide Assembly Part#540094		$ 250.71	$ 250.71			
Hydraulic Oil Filter Part#522972	Cushman 108046	$ 15.64	$ 15.64			
Tine 5/8" Part#523028		$ 1.75	$ 1.75			
Complete line discounted at --		0%	0%			
dated:		4/4/2005				
JOHN DEERE TURF EQUIPMENT	NO BID					
Hydraulic Filter Part #RE45864						
Oil Filter Part #M801209						
Air Filter Part #M131802						
Mower Blade Part #M77178						
Complete line discounted at --						
dated:						
RANSOMES TURF EQUIPMENT						
Bedknife Part #503478		$ 28.31	$ 28.31			
Reel Part #839031		$ 318.57	$ 318.57			
Bearing Set Part #500534		$ 7.60	$ 7.60			
Reel Seal Part #839064		$ 3.47	$ 3.47			
Complete line discounted at --		0%	0%			
dated:		4/4/2005				

Opening Date -- 04/27/05
Date Prepared -- 6/8/05

CITY OF TROY
BID TABULATION
GOLF AND TURF MAINTENANCE REPLACEMENT PARTS

VENDOR NAME:	* WF MILLER COMPANY					
SECTION A: (Cont'd)	Approved Alternate Make/Part#	Catalog Price	Net Price	Approved Alternate Make/Part#	Catalog Price	Net Price
TORO TURF/IRRIGATION EQUIPMENT	NO BID					
Bearing Cone Part #254-94						
Bearing Cup Part #254-72						
Oil Seal Part #253-96						
Reel Part #12-3599						
Complete line discounted at -- dated:						

SECTION B: (Note -- After award, a Published Price List MUST be supplied unless previously furnished.)

DEALER & SPECIALTY PARTS/ SUPPLY ITEMS	CURRENT PUBLISHED PRICE LIST OF MANUFACTURER'S RETAIL PRICE		MINUS % DISCOUNT	CURRENT PUBLISHED PRICE LIST OF MANUFACTURER'S RETAIL PRICE		MINUS % DISCOUNT
Honda Engine Parts	NO BID					
Kohler Engine Parts			-10%			
Briggs & Stratton Engine Parts			0%			
Progressive Rotary Mower Parts	NO BID					
Ty-Crop Equipment Parts	NO BID					
DELIVERY	ALL ORDERS SHIPPED SAME DAY UPS PROCESSED W/I 10 HOURS AFTER PHONE RELEASE					
MINIMUM ORDER PER SHIPMENT	NONE					
CONTACT INFORMATION:						
Hours of Operation	7-4pm					
Phone Number	(248) 649-4100					
TERMS	BLANK					
WARRANTY	BLANK					
EXCEPTIONS	BLANK					
ACKNOWLEDGEMENT:	YES					

ATTEST:
Pat Rubino
Danny McDonald
Linda Bockstanz

*** DENOTES SOLE BIDDER**

Jeanette Bennett
Purchasing Director

G:ITB-COT 05-07Golf Turf Parts.xls

BIDDERS LIST

Mailing Name	Address Line 1	Address Line 2	City City	ST	Postal Code
ALL TYPE TRUCK & TRAILER REPAIR	23660 SHERWOOD		WARREN	MI	48091
APACHE TURF EQUIPMENT INC	524 SOUTH MARKET AVENUE		FT PIERCE	FL	34982
ARIENS COMPANY	655 W RYAN		BRILLION	WI	54110
CAPITAL EQUIPMENT	3545 N VAN DYKE		ALMONT	MI	48003
CAREFREE LAWN CENTER	2805 VAN HORN		TRENTON	MI	48183
CHIEF CART INC/FORMERLY BURINGTON GOLF	149 N PERRY STREET		PONTIAC	MI	48342
CINTAS FIRST AID & SAFETY	14975 CLEAT STREET		PLYMOUTH	MI	48170
CLUB CAR INC	11878 BROOKFIELD		LIVONIA	MI	48150
COMMERCIAL LAWNMOWER	32098 PLYMOUTH ROAD		LIVONIA	MI	48150-1489
JACK DOHENY SUPPLIES INC	777 DOHENY COURT	P O BOX 609	NORTHVILLE	MI	48167
E Z GO TEXTRON	3310 RANGER ROAD		LANSING	MI	48906
ELLIS SALES INC	6915 STADIUM DRIVE		KALAMAZOO	MI	49009
FOOTE TRACTOR INC	46401 GRAND RIVER	P O BOX 942	NOVI	MI	48376-0942
GRANDVILLE TRACTOR & EQUIPMENT	3736 CHICAGO DRIVE SW		GRANDVILLE	MI	49418
INDUSTRIAL VEHICLE & TURF SALES INC	1645 S TELEGRAPH		BLOOMFIELD HILLS	MI	48302-0049
KING BROTHERS INC	2391 PONTIAC ROAD		AUBURN HILLS	MI	48326
LANDSCAPERS SUPPLY COMPANY	750 CHESTNUT RIDGE ROAD	P O BOX 459	SPRING VALLEY	NY	10977-0459
LESCO INC #442	1889 LARCHWOOD		TROY	MI	48083
MAGED CONTRACTING	P O BOX 701421		PLYMOUTH	MI	48170
MANUS POWER MOWERS	30642 WOODWARD AVE		ROYAL OAK	MI	48073-6928
MICHIGAN POWER EQUIPMENT INC	7022 E ATHERTON ROAD		DAVISON	MI	48423
MILLER W F TURF& INDUSTRIAL EQUIPMENT C	25125 TRANS-X	P O BOX 605	NOVI	MI	48376-0605
MUNN TRACTOR SALES INC	3700 LAPEER ROAD		AUBURN HILLS	MI	48326
PARADISE GRAVELY TRACTOR	67111 VAN DYKE		ROMEO	MI	48095
PARKS OUTDOOR MAINTENANCE LLC	6871 MONTCLAIR DRIVE		TROY	MI	48085
PIRTEK METRO DETROIT	25363 DEQUINDRE ROAD		MADISON HEIGHTS	MI	48071
PREMIER LAWN & SNOW, INC - BOTH	P.O. BOX 877		STERLING HEIGHTS	MI	48311

ITB-COT 05-07 Golf / Turf Maintenance Replacement Parts

Commodity Code: # 934-46 Lawn Equip Mtnace/Repair

BIDDERS LIST

Mailing Name	Address Line 1	Address Line 2	City City	ST	Postal Code
R & R PRODUCTS	3334 E MILBER ST		TUCSON	AZ	85714
RUSSELL FARM & GARDEN	50025 N GRATIOT		CHESTERFIELD	MI	48051
SALOPEK GOLF CARS INC	1943 WEBSTER STREET		DAYTON	OH	45404-1123
SPARTAN DISTRIBUTORS, INC	487 W DIVISION ST	PO BOX 246	SPARTA	MI	49345
THESIER EQUIPMENT COMPANY	28342 PONTIAC TRAIL		SOUTH LYON	MI	48178
U S LAWNS OF TROY	670 ECKFORD DRIVE		TROY	MI	48098
VALLEY TURF INC	11711 E GRAND RIVER ROAD		BRIGHTON	MI	48116-8534
WEINGARTZ SUPPLY CO	46061 VAN DYKE		UTICA	MI	48317
WEINGARTZ SUPPLY CO INC-FARMINGTON HILL	39050 GRAND RIVER		FARMINGTON HILLS	MI	48335
WITTEK GOLF CO	3650 AVONDALE		CHICAGO	IL	60618
WM F SELL & SON INC	16555 TELEGRAPH ROAD		TAYLOR	MI	48180
YALE MATERIALS HANDLING	28990 WIXOM ROAD		WIXOM	MI	48393

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 05-07 Turf Parts

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 4/27/2005.

Document Title:	Lawn & Turf Maintenance Replacement Parts
Date Issued:	4/5/2005
Close Date:	4/27/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
17272	Ben & Dan's Landscaping, Inc.	E-mail	4/18/2005	
11697	BILLINGS LAWN EQUIPMENT	E-mail		
16731	Bobcat Central Inc. DBA Bobcat of Lansing	E-mail	4/8/2005	
19985	Countryside Lawn & Power Equipment, inc	E-mail		
11681	D and J Lawn and Snow Corp.	E-mail		
13576	DAC TECHNOLOGIES INC.	Free	4/20/2005	
20064	Dan's Landscape & Gardens	Free	4/6/2005	
16410	DeAngelo Brothers Inc	Free	4/21/2005	
17044	Environmental Services of North America, Inc.	Free	4/11/2005	
12478	Foote Tractor, Inc.	Free	4/11/2005	
14623	Gene's Landscape Service Co.	E-mail	4/15/2005	
18765	I.F. Metalworks	E-mail		
19591	Innovated Capital Solutions	E-mail		
20893	Jade Landscaping	Free	4/11/2005	
13114	Jasso Tree Service, Inc.	Free	4/13/2005	
14945	John Deere Landscapes	E-mail	4/5/2005	
20399	K & K Maintenance Supply Inc.	Free	4/13/2005	
15171	Lacal Equipment	E-mail	4/11/2005	
11630	Mercer Equipment Rentals	E-mail		

13310	North Star Refrigeration, Heating and Cooling	E-mail		
17825	Northwest Fuel Injection Service of Michigan Inc.	E-mail		
16071	Pro Commercial Services, Inc.	E-mail	4/7/2005	
13371	Rochester Rental L.L.C.	E-mail		
19544	S.S. Seeding, Inc.	Free	4/20/2005	
10113	Sullivan Corporation	Free	4/8/2005	
14709	Thesier Equipment Company	Free	4/6/2005	
16068	Trost Irrigation, Ind.	Fax	4/5/2005	
20920	TSI - Mike Glass	Free	4/7/2005	
11913	W.F. MILLER COMPANY	E-mail	4/6/2005	
14785	Weingartz	E-mail	4/27/2005	
16277	Wm. F. Sell Equipment	E-mail		

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June 29, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item:** Sole Source – OEM Replacement Parts For Golf and Turf Maintenance Equipment

RECOMMENDATION

The Parks and Recreation Department recommends approval of a three-year contract to purchase original equipment manufactured replacement parts for John Deere equipment from Weingartz in Farmington Hills and Toro parts from Spartan Distributors of Sparta, Michigan, the exclusive distributors in southeast Michigan at varied discounts up to 55%. The companies agree to their individual contracts, which will expire June 30, 2008.

BACKGROUND

Contracts for manufactured equipment replacement parts with Weingartz and Spartan Distributors expired in the spring of 2005, and have been used by various City departments to purchase repair parts and supplies for routine maintenance of turf equipment throughout the City. All of the Torro and John Deere brand maintenance equipment used by the various City departments requires replacement parts that are sold exclusively through Weingartz and Spartan Distributors. By having contracts in place for replacement parts for Torro and John Deere brand pieces of equipment, the City will be able to utilize the support and expertise of the parts and service departments to assist us quickly and efficiently to adjust and/or repair our equipment.

BUDGET

Funds are available to complete these purchases in Sylvan Glen Operating Supplies Account #785.7740.010 and Sanctuary Lake Operating Supplies Account #885.7740.010.

Prepared by: Danny T. McDonald, Superintendent of Greens

Spartan Distributors

487 W. Division Street •
P.O. Box 246
Sparta, MI 49345
616.887.7301
Fax: 616.887.6288

1050 Opdyke Road
Auburn Hills, MI 48326
248.373.9800
Fax: 248.373.8699

June 24, 2005

City of Troy
Purchasing Division
3179 Livernois
Troy, MI 48083

RE: City of Troy Bid for Toro Parts & Equipment

To Whom It May Concern:

City of Troy posted a bid for Toro Parts & Equipment on MITN which was not received by Spartan Distributors, Inc.

In the state of Michigan, Spartan Distributors, Inc. has the exclusive right to sell and/or distribute Toro equipment, parts and irrigation supplies.

Spartan Distributors, Inc. is pleased to provide our best available purchase price on commercial parts for the duration of your blanket purchase order. All parts are sold at list price except those parts on the Toro Performance Parts Program. The Performance Parts Program consists of 1500 of the most commonly used replacement parts. Prices and discounts on the Performance Parts Program do change annually. Program pricing is determined by Toro, with discounts ranging from zero to fifty-five percent.

All prices are subject to change and will change at least annually. Toro prices typically change annually on November 1st. Spartan Distributors, Inc. reserves the right to change pricing and discount structures at any time.

Orders requiring shipment are sent UPS Ground or Next Day Air at the customer's request. Freight charges are pre-paid and added to your invoice.

We look forward to being of assistance in the future, and wish to remain on your bid list. If you should have any questions or need further information, feel free to contact me at 800-822-2216 ext. 3169.

Sincerely,

Mike Janowiecki
Parts Representative

MJ/dm

WEINGARTZ

GOLF & TURF

June 15, 2005

Jeanette Bennett
Purchasing Director
City of Troy

Fax (248) 879-3607

Ms. Bennett:

Weingartz offers to sell John Deere Golf and Turf parts at list price in a time period beginning today and ending June 30, 2008. List price will be based on the manufacturer's published list price at the time of the order. Electronic price lists are available upon request.

Weingartz is the exclusive distributor for John Deere Golf and Turf parts in the state of Michigan.

We look forward to servicing your needs. If you have any questions, please feel free to call.

Sincerely,

WEINGARTZ

Daniel Weingartz

Daniel Weingartz
General Manager
(248) 471-3050
Fax (248) 471-6948

CITY COUNCIL ACTION REPORT

TO: John Szerlag, Acting City Manager

FROM: John Lamerato, Assistant City Manager/ Finance and Administration
Cathy Russ, Library Director
Loraine Campbell, Museum Manager

DATE: June 20, 2009

SUBJECT: Donation of Historic Barn by George V. Spencer and George W. Spencer

Background:

- The acquisition and relocation of a historic barn to the Troy Museum & Historic Village has been a long range goal of the Museum staff and the Troy Historical Society. A barn embodies Troy's rich agricultural heritage and provides exhibit space for the Museum's collection of farm equipment.

- The Troy Historical Society with assistance from members of the Michigan Barn Preservation Network and other regional museums compiled a list of ten (10) structures that were visited by the Heritage Campaign Committee, Museum Manager and architects from Hopkins Burns Design Studio and their structural engineer.

- An 1859 dairy barn located in Wixom Michigan and owned by George V. Spencer and his son, George W. Spencer (Spencers), meets the Museum management's age, style, and condition criteria. The owners are pleased and excited to donate to the City of Troy the building, granite foundation materials, milk stanchions and adjacent clay-tiled silo.

- Attached is a proposed gift agreement that has been signed and approved by the owners. Under the terms of the agreement Spencers will convey the barn and additional fixtures to the City of Troy with a bill of sale, which will be held in escrow and delivered when and if the barn is relocated to the Troy Museum & Historic Village. If the Historical Society Heritage Campaign is unsuccessful in raising the necessary funds within a three-year period, then the City could enter into a subsequent agreement providing additional time to obtain necessary funding for the relocation of the barn. If the funding is insufficient, and the parties are unable to reach a subsequent agreement, then the historic barn reverts back to the Spencers, and the City has no further obligation.

- The preliminary site plan for the expanded Troy Museum incorporates the historic barn and silo in a new visitors center.

Financial Considerations:

- The City has $140,000 designated for the barn relocation and the Troy Historical Society has a $25,000 donation designated for the relocation of a barn. The Troy Historical Society is committed to raising additional funds required to relocate and restore the structure and fixtures.

Legal Considerations:

- The City Attorney and attorneys for the Troy Historical Society and the owners have reviewed and approved the attached gift agreement.

Policy Considerations:

- Completion of the Troy Museum as an outstanding cultural destination adds value to properties through upgrades to quality of life venues (Outcome Statement II)

Options:

- City management and the Library/Museum Department recommend that the gift agreement by and between George V. Spencer and George W. Spencer and the City of Troy for the donation of a Historic Barn and fixtures is approved and that the Mayor and City Clerk are authorized to execute the agreement.

Reviewed and approved:

_____

Lori Grigg Bluhm, City Attorney

[LC/ Historic Barn Gift Agreement]

E-7 Pending Agenda Item - TPOA Agreement

The City Manager may have an Agenda Item ratifying the Troy Police Officers Association (TPOA) Collective Bargaining Agreement contingent upon the outcome of a ratification meeting by the TPOA.

City of Troy

CITY COUNCIL ACTION REPORT

TO: John Szerlag, Acting City Manager

FROM: Gary Mayer, Chief of Police
David Livingston, Lieutenant, Police Department DSL

SUBJECT: Oakland County Prosecutor's Office OWI Forfeiture Program

Background:

The Oakland County Prosecutor's Office (OCPO) has established an Operating While Intoxicated (OWI) forfeiture program whereby jurisdictions can forfeit vehicles driven by subjects arrested for certain OWI crimes. The program defines certain criteria that have to be met before a vehicle can be forfeited:

1. Any vehicle involved in a simple OWI 1st arrest is not forfeitable **unless** the vehicle was involved in a crash that led to a person's death; an impairment of a bodily function; or was also occupied by a person under the age of 16 years (child endangerment).
2. Any vehicle driven by a subject arrested for OWI 2nd is forfeitable.
3. Any vehicle driven by a subject arrested for OWI 3rd is forfeitable.

This program has been presented to all three judges seated on the bench in the 52-4 District Court and has their approval for implementation.

Financial Considerations:

For any qualified OWI 1st arrest and OWI 2nd arrest, the forfeiture 'fine' is $ 900.00.
For any OWI 3rd arrest, the forfeiture 'fine' is $ 1,800.00.
The 'fine' is paid by those who do **NOT** wish to contest the forfeiture and by those who contest the forfeiture but lose their argument.
The monies are collected by the OCPO. The money collected is paid out, quarterly, to the participating jurisdictions in a 50%/50% split.
Using 2008 OWI arrest data where the Troy Police Department arrested sixty-four (64) people for OWI 2nd offenses ($ 28,000.00); and thirty-six (36) people for OWI 3rd offenses ($32,000.00); the City of Troy would have received approximately $ 60,000.00 last year if this Forfeiture Program had been available.

Legal Considerations:

This program has been used successfully in Macomb County for the past several years.
This program has the backing of the three judges seated at the 52-4 District Court in Troy.
The only restriction on any money collected and returned on behalf of the Troy Police Department from this program, is that any money collected **"shall be used to enhance enforcement of the criminal laws".** MCL 257.625 n (g). As such, the money should **NOT** go into the General Fund.

Policy Considerations:

With the implementation of this program it is hoped that we will see a reduction in the number of OWI offenders in the City of Troy, thereby enhancing the health and safety of the community.

Reviewed and approved as to legality:

Lori Grigg Bluhm, City Attorney

A Regular Meeting of the Troy City Council was held Monday, June 15, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:29 PM.

Pastor Cliff Lambert of Woodside Bible Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Mary Kerwin

ABSENT:

Wade Fleming – Out of county
Mayor Pro Tem Martin Howrylak – Out of county

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to 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 for the months of March and April, Community Affairs Director, Cindy Stewart presented a check in the amount of $1,163.00 to Chris Nanny of *Autism Speaks*.

c) A presentation was given by Police Chief Gary Mayer and Community Affairs Director Cindy Stewart regarding the Troy Police and Fire Benevolent Association and the 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

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the petitioner's representative, Ryan Marsh of Landus Development and the following members of the public:

Kevin Douglas – Opposed; James Savage; Marvin Reinhardt - Supports

Resolution #2009-06-180
Moved by Beltramini
Seconded by Eisenbacher

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 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: Schilling, Beltramini, Broomfield, Eisenbacher, Kerwin
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

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

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving no public comment.

Resolution #2009-06-181
Moved by Eisenbacher
Seconded by Beltramini

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 with a change made to Section 04.20.131A Social Service Facility by **STRIKING** "citizens" and **INSERTING** "individuals".

Yes: Beltramini, Broomfield, Eisenbacher, Kerwin, Schilling
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Marvin Reinhardt
Mark Deldin

REGULAR BUSINESS:

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

Public Comment: James Savage

Resolution #2009-06-182
Moved by Beltramini
Seconded by Kerwin

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

MOTION CARRIED

E-1 Appointments to Boards and Committees: None Scheduled

E-2 Nominations for Appointments to Boards and Committees: (a) <u>Mayoral Nominations</u>: None Forwarded (b) <u>City Council Nominations</u>: Advisory Committee for Persons with Disabilities; Historical Commission; Parks & Recreation Board; Traffic Committee; and Youth Council

a) <u>Mayoral Nominations</u> – None forwarded

b) <u>City Council Nominations</u>

Resolution #2009-06-183
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated persons 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

Anita Vasudevan-Student Term Expires 07/01/2010

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

Terry Navratil Term Expires 07/31/2012

Yanyu (Andrew) Liu-Student Term Expires 07/31/2010

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

Divya Subramanian-Student Term Expires 07/31/2010

Traffic Committee
Appointed by Council – Student 1-Year Term

Yanting (Sam) Jiang-Student Term Expires 07/31/2010

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

Willa Adamo-Student Term Expires 06/01/2010

Disha Bora-Student Term Expires 06/01/2010

Vikram Prasad-Student Term Expires 06/01/2010

Sevita Rama-Student Term Expires 06/01/2010

Shaina Sekhri-Student Term Expires 06/01/2010

Rachita Singh-Student Term Expires 06/01/2010

Emily Wang-Student Term Expires 06/01/2010

David Wylie-Student Term Expires 06/01/2010

Yes: Eisenbacher, Kerwin, Schilling, Beltramini, Broomfield
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

c) City Council Nominations – Youth Council cont'd

Resolution #2009-06-184
Moved by Kerwin
Seconded by Broomfield

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

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

Supriya Jalukar-Student	Term Expires 06/01/2010
Ananya Mukundan-Student	Term Expires 06/01/2010
Sumana Palle-Student	Term Expires 06/01/2010

Yes: Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

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

Resolution #2009-06-185
Moved by Kerwin
Seconded by Beltramini

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: Schilling, Beltramini, Broomfield, Eisenbacher, Kerwin
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

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

Resolution #2009-06-186
Moved by Eisenbacher
Seconded by Kerwin

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: Beltramini, Broomfield, Eisenbacher, Kerwin, Schilling
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

The meeting **RECESSED** at 9:47 PM.

The meeting **RECONVENED** at 9:58 PM.

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

Resolution #2009-06-187
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **POSTPONES** Agenda item E-06 *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* until the Regular City Council meeting scheduled for Monday, July 6, 2009.

Yes: Broomfield, Eisenbacher, Kerwin, Schilling, Beltramini
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

E-7 2008/09 Budget Amendment No. 3

Resolution #2009-06-188
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the 2008/09 Budget Amendment No. 3 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Eisenbacher, Kerwin, Schilling, Beltramini, Broomfield
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-06-189
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-4a, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2009-06-189-F-2

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

F-3 City of Troy Proclamations:

Resolution #2009-06-189-F-3

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

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

Resolution #2009-06-189-F-4a

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

Resolution #2009-06-189-F-4c

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 Approval of 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

Resolution #2009-06-189-F-5a

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

Resolution #2009-06-189-F-5b

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

Resolution #2009-06-189-F-6

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

Resolution #2009-06-189-F-7

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.

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

F-4 Standard Purchasing Resolutions

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

Resolution #2009-06-190
Moved by Eisenbacher
Seconded by Beltramini

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.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Kerwin
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #22 – Suspend Rules

Resolution #2009-06-191
Moved by Kerwin
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #22 - Suspend Rules and **AUTHORIZE** Troy City Council to discuss and take action on an item that does not appear on the agenda.

Yes: Beltramini, Broomfield, Eisenbacher, Kerwin, Schilling,
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

E-8 Scheduling of Closed Session with Executive Search Firm on Monday, June 22, 2009 at 7:00 PM

Resolution #2009-06-192
Moved by Beltramini
Seconded by Broomfield

WHEREAS, Troy City Council after receiving proposals from executive search candidates for the Troy City Manager;

WHEREAS, A Closed Session has been scheduled for Monday, June 22, 2009 from 5:00 PM to 7:00 PM; and

WHEREAS, The length of time to review the proposals may exceed two hours; and

WHEREAS, There is no City Council meeting scheduled for Monday, June 22, 2009 that would start at 7:30 PM, and therefore, no end time restriction;

NOW, THEREFORE BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a closed City Council Meeting as outlined below:

- Monday, June 22, 2009, at 7:00 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver – Troy, Michigan 48084 for the purpose of meeting in CLOSED Session, as permitted by MCL 15.268(f) and MCL 15.268(h) – MCL 15.243(e) and (k), to review material and deliberate and/or select finalists to be scheduled for interviews.

Yes: Broomfield, Eisenbacher, Kerwin, Schilling, Beltramini
No: None
Absent: Fleming, Howrylak

MOTION CARRIED

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

Noted and Filed

J-2 Department Reports:

a) Building Department – Permits Issued May 2009

Noted and Filed

J-3 Letters of Appreciation:

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

The meeting **RECESSED** at 10:49 PM.

The meeting **RECONVENED** at 10:59 PM.

STUDY ITEMS:

K-1 Potential Charter Revision Referrals

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

There was a consensus of council members present to strike one hundred and twenty (120) and insert 180, and to refer this item to the Charter Revision Committee.

2. Annual Term of Mayor Protem – Section 3.7 – Election of Mayor Protem

There was a consensus of council members present to renumber Section 3.7 to 3.7.5; strike "following each regular City Election, and after the newly elected members take office,"; insert "in November, annually," following the word "meeting"; insert the words "or she" after the word "He"; and to refer this item to the Charter Revision Committee.

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, 3.41 – Elective Officers Term Limitations, 3.5 Qualifications of Councilmen, and 3.6 – Compensation of Councilmen

Although there was no general consensus, council members present discussed a wide range of possible ramifications associated with this item.

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)

There was a consensus of council members present to delete Section 6.2(g) in its entirety and insert, "Any member of City Council whose term is not expiring at the next General City Election and who timely files for any City elective office 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 Election."

5. Requirement of the minimum number of Charter Revision Committee members present and voting to recommend items to Council

There was no general consensus of council members present, it was recommended that this item not be considered as a charter revision referral

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 No Closed Session Requested

The meeting **ADJOURNED** at 11:50 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

CITY COUNCIL ACTION REPORT

June 16, 2009

TO: The Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Mary Redden, Administrative Assistant to the City Manager

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

As southeast Michigan's regional planner, SEMCOG's essential functions include:

- Assisting local governments in planning for common needs and in recognizing regional opportunities.
- Facilitating cooperation among local governments, educational institutions, and state and federal agencies for mutual benefit.
- Advocating for changes in public policy when state or federal legislative action is necessary.

The City of Troy has been a member of SEMCOG since 1968.

Staff recommends authorization of the expenditure of funds for membership dues to SEMCOG in the amount of $10,251.00 for the period of July 15, 2009 - July 15, 2010.

070109

Sales Order # : 2009

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

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

MEMBERSHIP NOTICE

		Invoice Date
LOCAL-A	07/01/2009	07/01/2009

2009 Membership Dues

Invoice Amount $10,251.00

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

INVOICE
Annual Membership in
Southeast Michigan Council of Governments

For the Period From July 15, 2009

To July 15, 2010

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

Membership Fee $10,251.00

Balance Due $10,251.00

Please enclose yellow copy with remittance to insure proper credit

SEMCOG . . . *Equipping local government leaders for the future*
established 1968
Southeast Michigan Council of Governments
535 Griswold Street, Suite 300 • Detroit, Michigan 48226-3602 • 313-961-4266 • Fax 313-961-4869
www.semcog.org

June 19, 2009

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

Dear Coordinator Redden:

Thank you for your membership and your continued support and involvement in SEMCOG. Rest assured that while Southeast Michigan, and our nation, face unprecedented challenges SEMCOG will continue to work with our membership to position ourselves for the opportunities of the future. I am happy to report that with membership renewal you will once again benefit from a dues reduction (10 percent reduction from 2008 dues). You will continue to receive important benefits at a reduced cost, including:

- Access to free consulting services for increasing efficiencies, developing collaborative arrangements, and organizational restructuring;
- access to individualized analysis of local growth and development trends to enhance your local decision-making process;
- a strong advocate for Southeast Michigan with state and federal legislators and agencies for the good of the region and our citizens;
- training on a variety of topics important to the future of Southeast Michigan.

According to a recent member satisfaction survey, member satisfaction with SEMCOG services is strong. At the same time, based on survey results, SEMCOG will focus on improvements in these areas: access and location of training, Web site ease of use, closer tailoring of programs and services to audience segment, and enhancing member services. Members also indicated a significant need for case studies, benchmarking/best practices, regional trends, and information to help stretch budgets.

For additional information on making your SEMCOG membership work for you, visit the members section at www.semcog.org, or contact Amy Malmer, Membership Manager, at 313-961-4266, or by e-mail at malmer@semcog.org.

It is an honor to serve your community. Please let us know if there are ways we can better meet your needs.

Sincerely,

Paul Tait, CAE
Executive Director

Mary Blackmon Chairperson *Treasurer, Wayne County Regional Education Service Agency*
Robert Hison First Vice Chair *Mayor, City of St. Clair Shores*
Robert J. Cannon Vice Chairperson *Supervisor, Clinton Township*
Gretchen Driskell Vice Chairperson *Mayor, City of Saline*
John A. Scott Vice Chairperson *Commissioner, Oakland County*
Michael Sedlak Vice Chairperson *Clerk, Green Oak Township*
William T. Roberts Immediate Past Chair *Mayor, City of Walled Lake*
Paul E. Tait Executive Director

CITY COUNCIL ACTION REPORT

June 12, 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 and Recreation Director

SUBJECT: Standard Purchasing Resolution 4: Award – State of Michigan *MiDeal* Program – Golf Course Maintenance Equipment

Background

- Spartan Distributors was awarded the State of Michigan *MiDeal* Program for the complete line of Toro Golf Course Maintenance Equipment.
- The equipment being purchased is either replacements for equipment due to come out of service, supplementary or will be shared between the two golf facilities.
- Discounts on this equipment are available up to 28% from manufacturer's suggested retail prices.
- Equipment to be replaced will be traded in to help offset costs and keep the total within budget.

Financial Considerations

- Funds are available in the 2009/2010 Sylvan Glen capital account # 584.788.7978.010 and Sanctuary Lake capital account # 583.768.7978.010 for general equipment.

SPARTAN DISTRIBUTORS: TORO GOLF COURSE EQUIPMENT-

	UNIT COST	ESTIMATED TOTAL
(5) TORO Workman MD-Mid Duty Utility Vehicles	$ 6,701.14	$ 33,505.70
(1) TORO Workman HD-Heavy Duty Utility Vehicle	$ 16,427.01	$ 16,427.01
(1) TORO ProForce Blower	$ 6,191.43	$ 6,191.43
(2) TORO Reelmaster 5410 Fairway Mowers	$ 39,269.25	$ 78,538.50
(1) TORO Groundsmaster 3500 Banks Mower	$ 29,566.54	$ 29,566.54
(6) Less Trade-in Cub Cadet Utility Vehicles	**-$ 800.00**	**-$ 4,800.00**
		$ 159,429.18

June 12, 2009

To: John Szerlag, Acting City Manager
Re: State of Michigan – Golf Course Maintenance Equipment

Legal Considerations

- There are no legal considerations associated with this item.

Policy Considerations

- This purchase will replace equipment due to come out of service, or supplement existing equipment for faster more efficient operations. (Outcome Statement II)
- The specialized equipment can be shared between the two golf facilities minimizing the need to duplicate additional costs of operations. (Outcome Statement II)

Options

- City Management and the Golf Division of the Parks and Recreation department recommend awarding a contract to provide golf course maintenance equipment as detailed on the attached quote dated May 18, 2009, from Spartan Distributors through the State of Michigan *MiDeal* Program at an estimated net total cost of $159,429.18, which includes trade-ins.

G:/Bid Award 08-09 New Format/Award Standard Purchasing Resolution 4 GolfCourseEquipment 06.09.doc

Spartan Distributors

487 W. Division Street.
P.O. Box 246
Sparta, **MI** 49345
616.887.7301
Fax: 616.887.6288

1050 Opdyke Road
Auburn Hills, **MI** 48326
248.373.8800
Fax: 248.373.8899

May 18, 2009

City of Troy
Sylvan Glen Golf Course
ATTN: Jim Vandenberghe
3179 Livernois
Troy, MI 48083

Dear Jim,

We are pleased to provide a quote on the following equipment:

(5)	**TORO Workman MD – Mid Duty (#07266)**		$ 32,600.57
	▪ (5) Brush Guard & Bumper (#07296)		$ 905.13
	▪ Unit Price $6701.14	**Sub Total**	**$ 33,505.70**
(1)	**TORO Workman 3200 (#07361)**		$ 16,303.26
	▪ W/FB & Sides, 2wd, 31hp Daihatsu		
	▪ (1) Hand Throttle (#07420)		$ 123.75
		Sub Total	**$ 16,427.01**
(1)	**TORO ProForce (#44538)**	**Sub Total**	**$ 6,191.43**
	▪ Blower		
(2)	**TORO Reelmaster 5410 -35.5 horsepower (#03670)**		$ 53,408.25
	▪ (10) 8 Blade Fairway DPA Cutting Units (#03661)		$ 19,732.50
	▪ (10) Powered Rear Roller Brush (#03663)		$ 3,791.25
	▪ (2) Turf Defender Leak Detector Kit (#03521)		$ 1,606.50
	▪ Unit Price $39,269.25	**Sub Total**	**$ 78,538.50**
(1)	**TORO Groundsmaster 3500 (#30839)**		$ 29,375.06
	▪ Work Light Kit (#30841)		$ 191.48
		Sub Total	**$ 29,566.54**
(6)	**Less Trade-In Cub Cadet Vehicles Twin Honda**		**$ 4,800.00**
	▪ 5 Years Old		
	▪ Excellent Condition		
		Grand Total	**$159,429.18**

*** The above NEW TORO prices are based State Contract #071B7200194**
Spartan Distributors, Inc. / State of Michigan *

Pricing is firm for 30 days from date of quotation.

DELIVERY:	Spring 2009
TERMS:	Net 30 days (to credit-approved accounts)

Enclosed, please find complete product literature, factory specifications and warranty information, as provided by The Toro Company.

Thank you for your interest in our line of equipment. If you have any questions please feel free to call me at 800-822-2216.

Sincerely,

Tom Gill
Commercial Sales
TG / djn

CITY COUNCIL ACTION REPORT

June 17, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Boys and Girls Club Funding Agreement 2009-2010

Background:

- The City and the Boys and Girls Club have had an agreement for many years whereby the City provides partial funding for a mental health worker/counselor and the Boys and Girls Club provides counseling services to Club members. There are benefits in continuing this partnership and the agreement for 2009-2010 is attached.
- The agreement states the City will pay the Boys and Girls Club $76,323.00 for services performed under the agreement.
- This funding is the same amount allocated in 2008-2009.
- All terms of the agreement remain the same as in previous years.

Financial Considerations:

- Funds for this expense are available in the Parks and Recreation Administration account 101.752.7802.105.

Legal Considerations:

- Legal considerations have been addressed through the agreement.

Policy Considerations:

- Services such as those offered as part of this agreement enhance the livability and safety of the community. (Goal 1)

Options:

- City management is requesting approval of the agreement and authorization to make payments to the Boys and Girls Club per terms of the agreement.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

Prepared by: Carol K. Anderson

AGREEMENT

This Agreement, by and between the City of Troy, 500 W. Big Beaver Rd., Troy, Michigan 48084 (hereinafter referred to as the CITY), and the Boys and Girls Club of Troy, a private, nonprofit organization, having a mailing address of 3670 John R, Troy, Michigan 48083 (hereinafter referred to as BOYS & GIRLS CLUB).

WHEREAS, the CITY desires to provide for a problem-solving service to youth and parents through individual, group, and family counseling to enable those served to cope with problems adversely affecting the ability of the youth to make optimal use of their world, i.e. social adjustment, work adjustment; and to provide free, on-site services for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide to the youth residents of the CITY an opportunity to participate in the Community Service Program, i.e. the Juvenile Court ordered supervision of youth residents; and

WHEREAS, the general purpose of the BOYS & GIRLS CLUB is to provide opportunities for mental and physical growth and development of boys and girls.

NOW THEREFORE, in consideration of the above in meeting the needs of the people of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties hereto agree as follows:

BOYS & GIRLS CLUB RESPONSIBILITIES.

A. General Project Summary. A general description of the community services to be provided by the BOYS & GIRLS CLUB is as follows:

   1. Mental health worker, a licensed social worker, psychologist, or counselor, on staff at the BOYS & GIRLS CLUB of Troy shall be available to members of the club who are having difficulty in their personal and social adjustments. This person will work with youths, parents, schools and other community organizations, consistent with their professional training and licensing, in helping the youth grow towards a more satisfactory adjustment. The worker will act as a liaison for the youth, agencies and family.

   2. BOYS & GIRLS CLUB will continue to provide service at the current level or greater.

B. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at the BOYS & GIRLS CLUB, and will be available for inspection on request.

C. Location of Facilities. The BOYS & GIRLS CLUB shall provide the actual services described herein in facilities located at 3670 John R., Troy, MI 48083.

D. Mental Health Worker Responsibilities. The BOYS & GIRLS CLUB shall provide a mental health worker, whose responsibilities shall include counseling, and providing guidance to youths, families and groups; acting as a liaison with the schools, courts, and community agencies and the members involved; serving as a consultant; conducting in-service training for staff and volunteers, collaborates with community resources to improve special services and implement new programs designed to further the social and emotional needs of the youth; and any other duties necessary to carry out his/her responsibilities.

E. Records. For each person receiving individual, family, or group counseling, the BOYS & GIRLS CLUB shall maintain individual case records that document service delivery. Records of attendance must be maintained for all persons served. Applicable laws regarding confidentiality will be adhered to regarding all records. Records will be kept in accordance with the standard of the profession and law.

F. Service Documentation. The BOYS & GIRLS CLUB agrees to maintain program records, program statistical records, and to produce upon request program narrative and statistical data.

G. Fiscal Requirement. The BOYS & GIRLS CLUB shall install and maintain an accounting system to identify and support all expenditures billed under this agreement. The accounting system must record all income and expenses for the BOYS & GIRLS CLUB's total program of which services are provided under this agreement. The accounting system, as a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

The BOYS & GIRLS CLUB shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve month period covered by this agreement. These budgets shall show the BOYS & GIRLS CLUB budget, total expenditures, and expenditures funded and claimed to other funding sources.

The BOYS & GIRLS CLUB shall submit to the CITY a copy of their annual certified audit for any fiscal year which falls within the twelve month period covered by this agreement.

The BOYS & GIRLS CLUB agrees to retain at its cost all books, records, or other documents relevant to this agreement for six years after final

payment; Federal or State auditors and any persons duly authorized by the CITY shall have full access to and the right to examine any of said materials during said period. If an audit is initiated prior to the expiration of the six year period, and extends past that period, all documents must be maintained until the audit is completed. The CITY will provide any findings and recommendations of audits, if any, to the BOYS & GIRLS CLUB. The CITY will adjust future payments or final payments if the findings of an audit indicate over or under payment in the period prior to the audit. If no further payments are due and owing against any sums paid under this agreement, the BOYS & GIRLS CLUB agrees to refund all amounts which may be due to the CITY. The BOYS & GIRLS CLUB agrees that as a condition of any sale or transfer of ownership of the BOYS & GIRLS CLUB, the new purchasers must agree to maintain the above-described books, records, or other documents for any unexpired portion of the six year period after final payment under this agreement, or the BOYS & GIRLS CLUB must otherwise maintain said records as the CITY may direct. The BOYS & GIRLS CLUB agrees that if it ceases business operations, the records will be maintained as the CITY may direct.

H. Review of Programs by the City. Upon request, the BOYS & GIRLS CLUB will review with the CITY staff the programs funded by this agreement to determine if there are appropriate educational guidance and counseling activities which may be utilized by the CITY in its programs. Any joint effort must be mutually agreed upon by both parties.

In addition, the City shall receive a copy of the annual summary of the activities undertaken by the BOYS & GIRLS CLUB for its evaluation regarding the effectiveness of educational and counseling programs.

I. Insurance Coverage. The BOYS & GIRLS CLUB will provide and maintain public liability insurance in the amount of $2,000,000 General Liability and $1,000,000 Professional Liability as required by the CITY, to cover all claims which may arise out of the BOYS & GIRLS CLUB's operations under the terms of this agreement. Unemployment compensation, worker's compensation insurance shall be maintained in accordance with applicable Federal and State law and regulations. The BOYS & GIRLS CLUB agrees to provide the CITY with a certificate of insurance enumerating the above coverage. Cost of specific insurance such as malpractice will be a reimbursable expense.

J. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of this agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this agreement and must be consistent with all statutory requirements.

K. Subcontracts. The BOYS & GIRLS CLUB may not assign this agreement or enter into any subcontracts to this agreement with additional parties without obtaining prior written approval of the CITY, as a condition of granting such approval, shall require that such assignees or subcontractors shall be subject to all conditions and provisions of this agreement. The BOYS & GIRLS CLUB shall be responsible for the performance of all assignees or subcontractors.

L. Liability. The BOYS & GIRLS CLUB shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of BOYS & GIRLS CLUB or their officers, directors, employees, agents, or volunteers.

M. Close out. When this agreement is concluded or terminated, the BOYS & GIRLS CLUB shall provide the CITY, within sixty days after the conclusion of termination, with all financial, performance and other reports required as a condition of the agreement. The BOYS & GIRLS CLUB shall immediately refund to the CITY any payments or funds advanced to the BOYS & GIRLS CLUB in excess of allowable reimbursable expenditures. The final payment by the CITY or refund by the BOYS & GIRLS CLUB may be subject to an audit.

N. Continuing Responsibilities. Termination, conclusion, or cancellation of this agreement shall not be construed so as to terminate the on-going responsibilities of the BOYS & GIRLS CLUB contained in paragraphs E (Records), G (Fiscal Requirement), I (Insurance Coverage), J (Confidentiality), L (Liability), and M (Close out), included in this agreement.

O. Publication- Approval and Copyright. The CITY shall have copyright, property, and publication rights in all written or visual material or other work products developed in connection with this agreement. The BOYS & GIRLS CLUB shall not publish or distribute any of the results of the services provided nor any other printed or visual material funded by this agreement without prior written permission of the CITY.

P. Grievance System. The BOYS & GIRLS CLUB shall maintain a system of hearings under which applicants or recipients who are citizens of the CITY or an individual acting on behalf of an applicant or recipient may appeal denial, reduction or termination of a service, or the BOYS & GIRLS CLUB's failure to act upon a request for service with reasonable promptness. The BOYS & GIRLS CLUB shall advise recipients of this right on such forms and in such manner as has been customary, or as the CITY may direct.

CITY OF TROY'S RESPONSIBILITIES.

The CITY hereby agrees to pay to the BOYS & GIRLS CLUB an amount not to exceed $76,323.00 for services performed under this agreement. Payments are to be made in four quarterly installments, $19,080.75 each during the months of July and October 2009, and January and April 2010.

Obligations incurred by the BOYS & GIRLS CLUB prior to or after the period covered by this agreement shall be excluded.

MUTUAL COVENANTS

A. Cancellation of Agreement. If the CITY determines that the BOYS & GIRLS CLUB fails to comply with the conditions of this agreement, or to fulfill its responsibilities as indicated in the agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this agreement are not acceptable or compatible with the CITY's policies, then the CITY reserves the right to cancel this agreement by giving sixty days written notice to the BOYS & GIRLS CLUB.

   The BOYS & GIRLS CLUB may terminate this agreement upon sixty days written notice to the CITY at any time prior to the completion of the agreement period if the CITY fails to comply with the conditions of this agreement.

   If there is a cancellation or termination, the CITY shall prorate the payments to cover all appropriate expenditures made prior to the date of termination. If at cancellation or termination, it is determined by the CITY that the CITY is entitled to reimbursement for any payments for which services were not rendered, the BOYS & GIRLS CLUB shall refund those payments within 30 days after the CITY notifies the BOYS & GIRLS CLUB of the overpayment.

B. Disputes. An aggrieved party shall notify the other party in writing of its intent to pursue a claim against the other party for breach of any term of this agreement. No suit may be commenced for breach of this agreement prior to the expiration of ninety days from the date of such notification. Within this ninety day period, the parties, at the request of the CITY, must meet with the CITY for the purpose of attempting to resolve the dispute.

C. Agreement Inclusiveness/Amendment. This agreement contains all the terms and conditions agreed upon by the parties. All items incorporated by reference are to be attached. No other understanding, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to

bind any of the parties hereto. The BOYS & GIRLS CLUB agrees to amend the agreement when there is a substantial change in the law or in the financial position of the CITY, and if the CITY reasonably determines that an amendment is necessary. This shall be done only upon written request by the CITY and only after the proposed amendments are received by the BOYS & GIRLS CLUB. If the BOYS & GIRLS CLUB refuses to sign such amendment within fifteen days after receipt, this agreement shall immediately terminate. This agreement may otherwise be amended only with the written consent of all parties to the agreement.

D. Employees of the BOYS & GIRLS CLUB. Representatives and employees and volunteers of the BOYS & GIRLS CLUB shall not be deemed to be employees or agents of the CITY for any purpose because of their participation in this program.

E. Independent Contractors. In the performance of their respective duties and obligations under this agreement, each party is an independent contractor, and neither is the agent, employee, or servant of the other, and each is responsible for its own conduct. This agreement is not a joint venture for the profit of either party.

F. Compliance with Laws. Each party shall be separately responsible for compliance with all Federal, State and City laws. Any violation of the law results in a material breach of the agreement.

G. Terms of Agreement. This agreement shall become effective as of July 1, 2009 and shall terminate on June 30, 2010 unless terminated under the provisions set forth in this agreement.

IN WITNESS WHEREOF, the CITY and the BOYS & GIRLS CLUB have caused this agreement to be executed by their respective authorized officers.

WITNESSES: CITY OF TROY

_____ BY: _____
Louise Schilling, Mayor

_____ BY: _____
Tonni Bartholomew, City Clerk

WITNESSES BOYS & GIRLS CLUB OF TROY

Sidney L Frank BY: Steve Toth
Steve Toth, Executive Director

Sidney L Frank BY: _____
Steve Kosuda, Board President

CITY COUNCIL ACTION REPORT

DATE June 25, 2009

TO: John Szerlag, Acting City Manager

FROM: Gary Mayer, Chief of Police
William Nelson, Fire Chief

SUBJECT: Adoption of the National Incident Management System (NIMS); Confirmation of the Appointment of Oakland County as the City of Troy's Emergency Management Coordinator; and Designation of the City of Troy's Liaison to the Oakland County Emergency Management Coordinator

Background:

- In 2003 The President of the United States directed the Secretary of the Department of Homeland Security to develop a National Incident Management System.
- The system was developed in 2004 and is known as (NIMS). NIMS provides a consistent nationwide approach for federal, state, tribal and local governments to work together to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS was revised in 2008.
- The City of Troy has historically chosen to operate under the Oakland County Emergency Management Plan and designate a liaison to the Oakland County Emergency Management Coordinator.

Financial Considerations:

- During large scale incidents, the Federal Government may provide financial assistance. In order to receive federal funds, a local unit of government must have passed a resolution adopting NIMS for use at incidents within the jurisdiction.
- It is more cost effective for Troy to operate under the Oakland County Emergency Management Plan.

Legal Considerations:

- The National Incident Management System (NIMS) is a nationally recognized standard for managing emergency incidents. Failure to use the system during incidents may create liability exposure.

Policy Considerations:

The adoption of NIMS is consistent with the following outcome statement

- Troy enhances the livability and safety of the community

Prepared by Lt. Rod Bovensiep

Options:

- City management supports and recommends the adoption of the National Incident Management System (NIMS)
- City Management supports and recommends confirmation of Oakland County as the City of Troy Emergency Management Coordinator.
- City Management recommends that the City Manager be designated as the Liaison to the Oakland County Emergency Management Coordinator

CITY COUNCIL ACTION REPORT

RECEIVED

JUN 29 2009

CITY OF TROY
CITY MANAGER'S OFFICE

June 23, 2009

TO: John Szerlag, Acting 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 Han Mi Mart, Inc.

Background:

- Han Mi Mart, Inc. 5060 Rochester Road, Troy, MI 48085, Oakland County requests to transfer ownership of escrowed 2008 SDD and SDM licensed business from B&K Investment Group. {MLCC Req. #474731}.
- On June 8, 2009, Ms. Hyun Jung Kim and Mr. Young Jin Kwon answered questions for the Liquor Advisory Committee.
- Ms. Hyun Jung Kim and Mr. Young Jin Kwon are hoping to sell specialty beer and wine, specifically Korean and Japanese Liquors to compliment their grocery sales.
- Ms. Hyun Jung Kim and Mr. Young Jin Kwon presented floor plans and company documentation on their proposed liquor sales operations. Alcohol sales will be under very controlled circumstances.
- The Committee unanimously approved their request.

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.

JF/Drury Inn

INTEGRITY * RESPECT * LAWS AND THE CONSTITUTION * ACCOUNTABILITY * PROBLEM SOLVING * PROFESSIONALISM

MEMORANDUM

DATE: 6/23/09

TO: Chief Gary Mayer (thru channels)

FROM: Officer James Feld

RE: Executive Summary regarding transfer of Han Mi Mart, Inc.

- Han Mi Mart, Inc. 5060 Rochester, Troy, MI 48085, Oakland County requests to transfer ownership of escrowed 2008 SDD and SDM licensed business from B&K Investment Group. {MLCC Req #474731}.

- On June 8, 2009, owners Hyun Jung Kim and Young Jin Kwon met with the Liquor Advisory Committee and answered questions regarding their request. The committee unanimously approved their request.

- The police investigation regarding the Han Mi Market located at 5060 Rochester 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

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

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 11 day of March, 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 HAN MI MART, INC. whose address is 5060 Rochester Rd, 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 a SDD AND SDM licensed business located at 5060 Rochester Rd, Troy, to HAN MI MART, INC.
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. 92, and Chapter No. 98, 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.

HYUN JUNG KIM

Witnesses:

JoAnn K Preston

JoAnn K Preston

Subscribed and sworn to before me
this 11 day of March, 2009

B Hammyll

Notary Public, Michigan
County, Macomb Acting in Oakland
My commission expires: Apr 7 2013

CITY OF TROY

By:_____
Louise Schilling, Mayor

By:_____
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

Subscribed and sworn to before me
this _____ day of _____, 200___

_____

Notary Public, Oakland
County, Michigan
My commission expires:

MAILED 07/29/08 TM

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 # 474731
Business ID # 211197

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

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:

HAN MI MART INC. 5060 ROCHESTER, TROY, MI 48085, OAKLAND COUNTY
REQUEST: TRANSFER OWNERSHIP OF ESCROWED 2008 SDD AND SDM LICENSED BUSINESS FROM B & K INVESTMENT GROUP INC.

Section 1. APPLICANT INFORMATION

APPLICANT #1: HYUN JUNG KIM 873 CHASE WAY BLVD., AUBURN HILLS, MI 48326 (248) 293-0649-H (248) 528-0022-W	APPLICANT #2:
DATE FINGERPRINTED:	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** Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	**ARREST RECORD:** ☐ **Felony** ☐ **Misdemeanor** Enter record of all arrests & convictions (attach a signed and dated report 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 gas pumps on the premises or directly adjacent? ☐ 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 you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. RECOMMENDATION

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should the Commission grant this request? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report 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.

Request ID # 474731

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 OF ESCROWED 2008 SDD AND SDM LICENSED BUSINESS LOCATED AT 5060 ROCHESTER, TROY, MI 48085, OAKLAND COUNTY FROM B & K INVESTMENT GROUP INC. TO HAN MI MART INC.

Be considered for _____
(Approval or Disapproval)

APPROVAL		DISSAPROVAL	
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)

Lc-1305 (Rev. 08/2006)
Authority: MCL 436.1501
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 know to this agency.

CITY COUNCIL ACTION REPORT

DATE: June 29, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Ratification of Resolution #2009-06-181 from the Regular City Council Meeting on June 15, 2009 for Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1 to Correct a Numbering Error

City Council approved ZOTA 238 at the July 15, 2009 Regular meeting. Following the meeting, it was discovered that the approved text amendment contained a numbering error. The City Clerk's office determined that this is a non-substantive correction that can be corrected through the ratification of Resolution #2009-06-181.

The attached text includes the corrected version of the text amendment.

Attachments:

1. ZOTA 238 City Council Public Hearing Draft.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 238 Social Service Facilities in M-1\CC Public Hearing 07 06 09.doc

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

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 235th amendment, as ratified, 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 individuals, 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~~13 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 July, 2009.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: June 30, 2009
SUBJECT: City Manager Search

To facilitate the City Manager Search process, City Council has already called Special Meetings for Tuesday night, July 7, 2009, from 5:30 pm to 7:30 pm in Room 304 of the Troy Community Center (town hall meeting), as well as for Wednesday, July 8, 2009 (interviews), starting at 9 am in the City Council Board Room and Thursday, July 9, 2009, starting at 7 pm (deliberation and decision).

According to the Council Rules of Procedure, Rule 3D, Public Comment is slated at the end of the Special Meeting Agenda. However, City Council may want to receive Public Comment at the beginning of the meeting, prior to Council's deliberation and decision on the new City Manager. A recommended resolution to suspend the Council Rules of Procedure for the Special Meeting of Thursday, July 9, 2009 is therefore proposed for your consideration.

Information about the City Manager Search Process, including the schedule of interviews and the resumes of the five finalist candidates, is found on the City's web site at http://www.troymi.gov/CityManagerSearch.asp.

CITY COUNCIL ANNOUNCEMENT OF PUBLIC HEARING

July 6, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration
Nino Licari, City Assessor

SUBJECT: Announcement of Public Hearing for X-Ray Industries, 1961 Thunderbird

Background:

- X-Ray Industries, Inc., has requested the establishment of an Industrial Development District (IDD), and the issuance of an Industrial Facilities Exemption Certificate (IFEC) for their business at 1961 Thunderbird, Troy, MI., 48084.

Financial Considerations:

- The financial considerations cannot be determined at this time.

Legal Considerations:

- The legal considerations cannot be determined at this time.

Policy Considerations:

- Policy considerations will occur at the Public Hearings.

Options:

- The public hearings will be on August 3, 2009 to conform to State law.

NL/nl H:\I.F.T\X-Ray Ind 2009\AnnouncePH 08.03.09

CITY OF TROY

PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, August 3, 2009 at 7:30 P.M. to consider the request from X-Ray Industries, Inc., for the establishment of an Industrial Development District (IDD) at the following location:

88-20-28-402-026 and -88-20-28-402-027 1961 Thunderbird, Troy, MI. 48084
T2N, R11E, Section 28 Thunderbird Industrial Park, Part of Lots 13, 14 and 15

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

_____
Tonni Bartholomew, MMC
City Clerk

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

TROY SCHOOL DISTRICT
MICHAEL ADAMCZYK
4400 LIVERNOIS
TROY MI 48098-4799

OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266

OAKLAND INTERMEDIATE SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

OAKLAND COUNTY PTA
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479

OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341

X-RAY INDUSTRIES INC
ATTN: SCOTT THAMS
1961 THUNDERBIRD
TROY MI 48084-5467

Formatted for Avery 5160 & 5960

CITY OF TROY

PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, August 3, 2009 at 7:30 P.M. to consider the request from X-Ray Industries, Inc., for the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-28-402-026 and -88-20-28-402-027 1961 Thunderbird, Troy, MI. 48084
T2N, R11E, Section 28 Thunderbird Industrial Park, Part of Lots 13, 14 and 15

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

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Tonni Bartholomew, MMC
City Clerk

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OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341

X-RAY INDUSTRIES INC
ATTN: SCOTT THAMS
1961 THUNDERBIRD
TROY MI 48084-5467

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CITY COUNCIL REPORT

DATE: June 17, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Announcement of Public Hearing – Street Vacation — Twenty-five Foot (25') Wide Right-of-Way Platted as Part of Supervisor's Plat No. 10, Markton Street, North of Naughton and South of I-75, Abutting 1125 and 1200 Naughton, M-1 (Light Industrial) District, Section 26 (File Number: SV 34-B)

A public hearing is scheduled for the July 20, 2009 City Council meeting. The Planning Commission recommended approval of the street vacation request at the June 9, 2009 Regular meeting. The right-of-way is approximately 200 feet long by 25 feet wide. It dead-ends at I-75 to the north and has never been improved as a public street.

The building at 1125 Naughton fronts on both Naughton and Markton, therefore there are two front yards for the purposes of determining required setbacks. The front yard between Markton Street and the building is required to be kept free of parking as per Section 31.30.00(L) of the Zoning Ordinance. The existing off-street parking spaces on the east side of the building are located within the front yard setback. By vacating Markton Street, the petitioner will eliminate this non-conformity. At the May 12, 2009 Planning Commission meeting, the Planning Commission approved a site plan application for an automotive repair facility, XI Auto Service, at 1125 Naughton, subject to the condition that the applicant shall vacate the Markton Street right-of-way prior to Final Site Plan Approval.

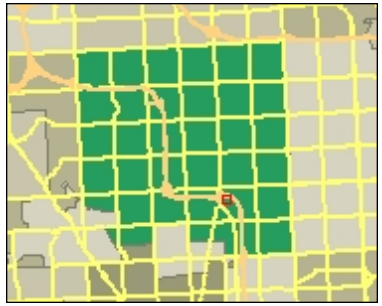
Upon vacation, ownership of the west half of the vacated street will revert to Lot 11 (1125 Naughton) and the east half would revert to Lots 16 and 24 (1200 Naughton) of Supervisor's Plat No. 10. There is a 30-inch storm sewer and overhead utilities within the right of way. Consequently, the City will need to retain a 25-foot wide easement for public and private utilities.

Attachments:
1. Maps.
2. Minutes from the June 9, 2009 Planning Commission Regular meeting (draft).
3. Public comment.

Prepared by RBS/MFM

cc: Applicant
File /SV 34-B

G:\STREET VACATION\SV 34-B Markton Street Sec 26\City Council\Announce CC Public Hearing 07 06 09.docx



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: 929

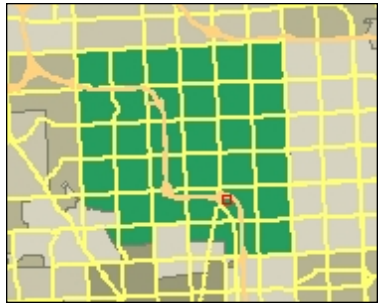
155 0 77 155 Feet

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

Street Vacation (SV 34-B), Markton Street, North of Naughton and South of I-75, Section 26, M-1 (Light Industrial)



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: 743

124 0 62 124 Feet

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

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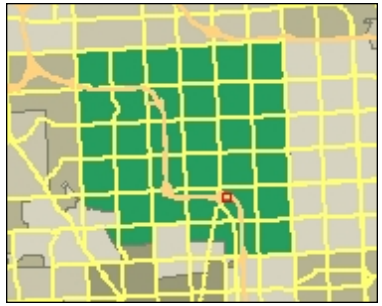
Notes

Street Vacation (SV 34-B), Markton Street, North of Naughton and South of I-75, Section 26, M-1 (Light Industrial)



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: 1,394

232 0 116 232 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

Street Vacation (SV 34-B), Markton Street, North of Naughton and South of I-75, Section 26, M-1 (Light Industrial)

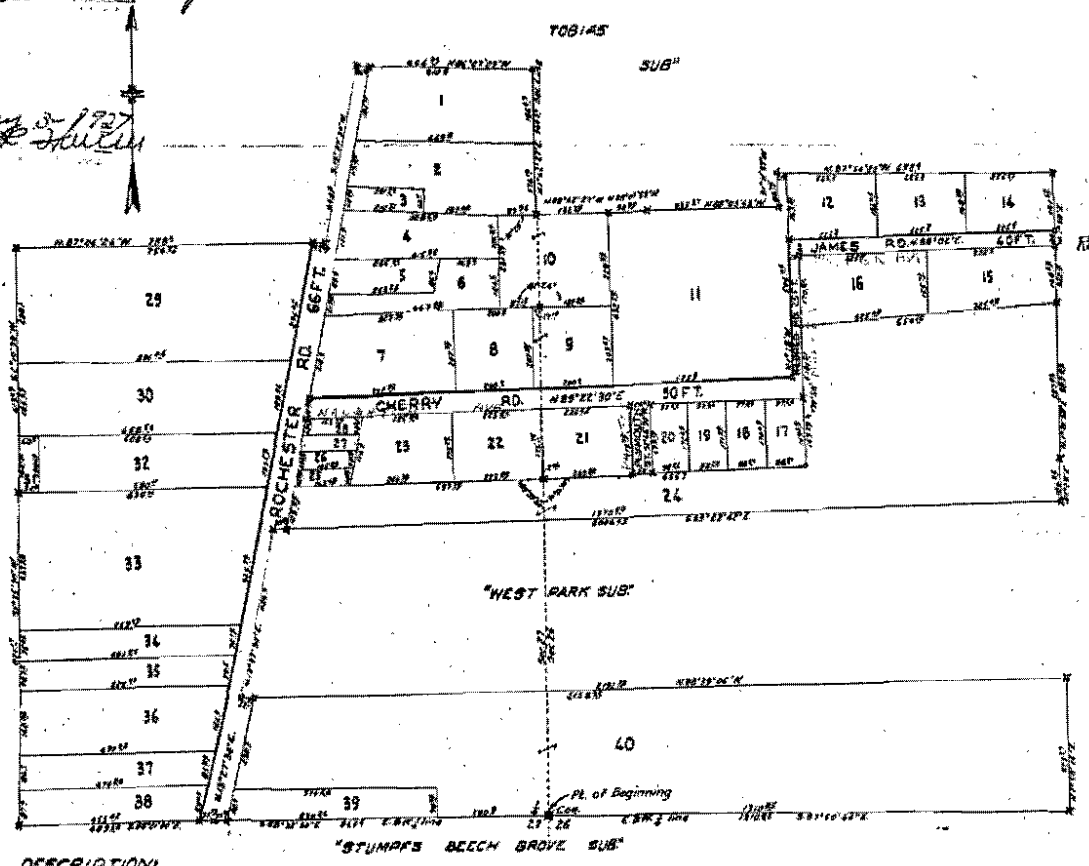
Copy

"SUPERVISORS PLAT No. 10"

A SUBDIVISION OF PART OF N.E. ¼ SEC. 27 AND PART OF N.W. ¼ SEC. 26
T.2N.R11E. TROY TWP. OAKLAND CO. MICH.

SCALE 1 IN. = 200 FT.

All dimensions are shown in feet and decimals thereof.



Approved by the Board of County Auditors of Oakland County, Michigan, this 21 day of April 1927

Chairman

KNOW ALL MEN BY THESE PRESENTS:
That I, Morris Wattles, Supervisor of the Township of Troy Oakland Co. Mich. by virtue of authority in me vested by Section 3350, Compiled Laws of 1915 as amended, having been duly authorized by the Township Board have caused the land embraced in the annexed plat to be surveyed laid out and platted to be known as "Supervisors Plat No 10" a subdivision of part N.E.¼ Sec. 27 and part of N.W.¼ Sec. 26 T.2N.R11E. Troy Twp. Oakland Co. Mich. and that the streets as shown on said plat are hereby dedicated to the use of the public.
Signed and Sealed in Presence of:

Morris Wattles L.S.
Township Supervisor

STATE OF MICHIGAN }
COUNTY OF Oakland }
On this 21 day of April A.D. 1927, before me a Notary Public in and for said County, personally came the above named Morris Wattles, Supervisor of the Township of Troy, known to me to be the person who executed the above dedication and acknowledged the same to be his free act and deed as such supervisor.

Notary Public Oakland Co. Mich.
My commission expires 2-20-1927

SURVEYORS CERTIFICATE:
I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length set in a concrete base at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus ⊠ as thereon shown at all angles in the boundaries of the land platted, at all intersections of streets, and at the intersections of streets with the boundaries of the plat as shown on said plat.

N. S. McAlpine
Registered Surveyor

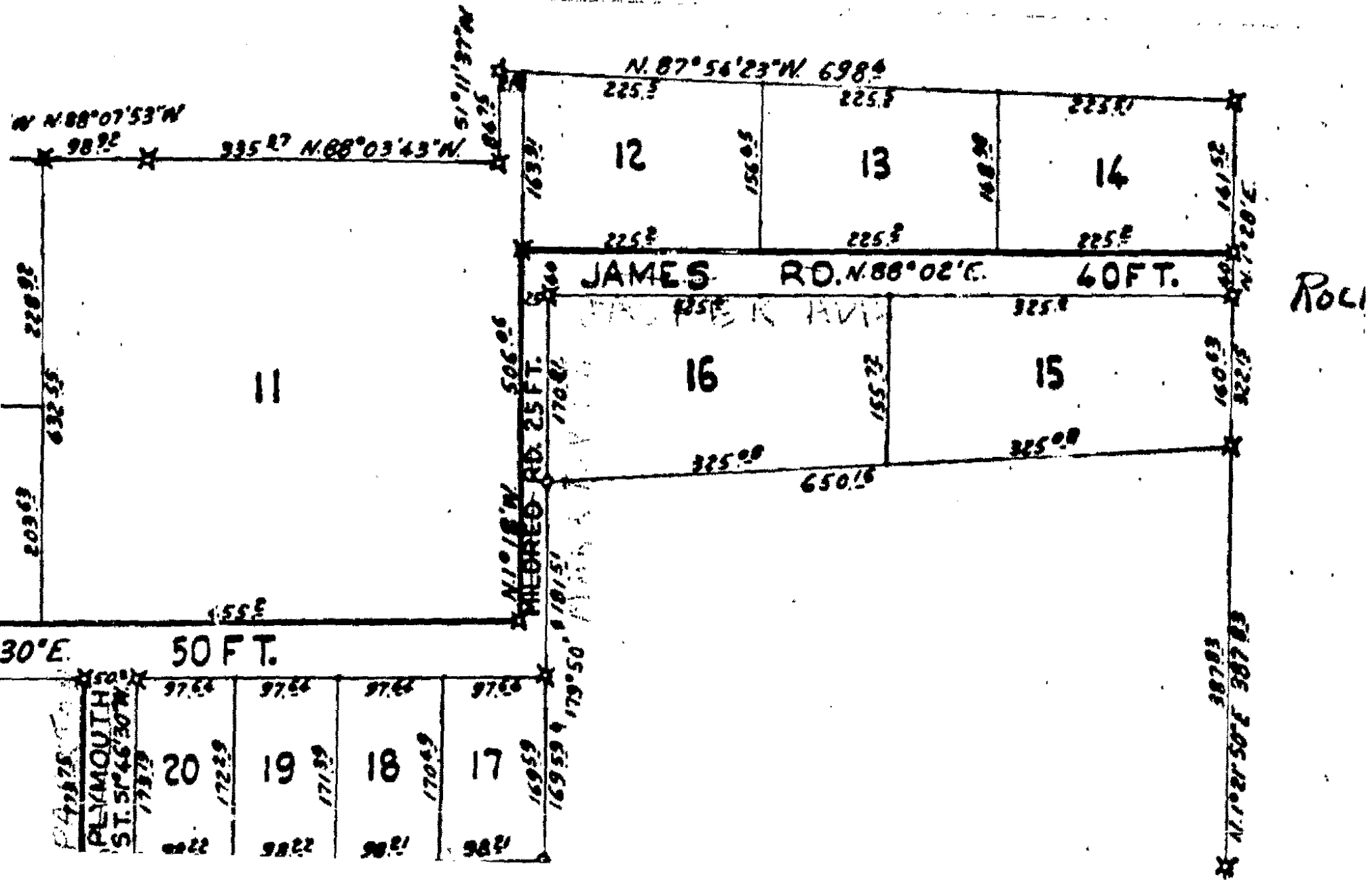
I, Morris Wattles, Township Supervisor of Troy Township Oakland Co. Mich. hereby certify that because of ownership in small parcels of property shown on this plat, ~~and by reason of needs and uses of land for industrial purposes~~ and for other reasons it appears necessary and advisable to make a supervisors plat of same.

Morris Wattles
Township Supervisor

CERTIFICATE OF MUNICIPAL APPROVAL:
This plat was approved by the Township Board of Troy Township Oakland Co. Mich, at a meeting held on the 13 day of April A.D. 1927.

Samuel M. Miller
Township Clerk

DESCRIPTION:
Beginning at the W.¼ cor. Sec. 26 T.2 N.R11E. Troy Twp. Oakland Co. Mich, thence S.87°50'44"E along the E.& W.¼ line of Sec. 26 1310.85 ft. thence N.1°50'16"E. 323.37 ft. thence N.88° 39'06"W. 2192.72 ft. to the center line of Rochester Road thence N.13° 37'30"E. along the center line of Rochester Road 426.82 ft. thence S.89° 22'42"E. 2004.43 ft. thence N.1°23"E. 104.36 ft. thence N.1°21'50"E. 387.83 ft. thence N.1°28"E. 322.16 ft. thence N.87°54'23"W. 698.4 ft. thence S.1°11'37"W. 84.75 ft. thence N.88°03'43"W. 335.37 ft. thence N.88° 07'53"W. 98.92 ft. thence N.88°42'27"W. 182.98 ft. to the West line of Sec. 26 thence N.1°42'27"E. along the West line of Sec. 26 360.57 ft. thence N.86°27'03"W. 444.93 ft. to the center line of Rochester Road thence S.13° 37' 30"W along the center line of Rochester Road 443.82 ft. thence N.87° 06'24"W. 788.8 ft. thence S.2° 10'30"W. 613.83 ft. thence S.1°35'30"W. 82.13 ft. to E.& W.¼ line Sec. 27 thence S.88° 21'30"E. along the E.& W.¼ line Sec. 27 489.85 ft. thence S.88° 33'30"E along said ¼ line 865.8 ft. to point of beginning.


N.87°56'23"W. 698.4
N.88°07'53"W
98.92
935.87 N.88°03'43"W.
11
12
13
14
16
15
JAMES RD. N.88°02'E. 40FT.
MEDRED RD. 25FT.
N1°18'W
650.18
30°E 50 FT.
PLYMOUTH ST.
20
19
18
17
Roc

STREET VACATION

8. PUBLIC HEARING – STREET VACATION REQUEST (SV 34-B) – Markton Street, North of Naughton, South of I-75, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation. It is the recommendation of City Management to approve the street vacation with a condition that the 25-foot wide easement is retained by the City for public and private utilities.

The petitioner, Dean Fitzpatrick of Fitz Rite Products, 1122 Naughton, Troy, was present.

PUBLIC HEARING OPENED

Joan McCullen of Teal Electric Company, 1200 Naughton, Troy, was present. Ms. McCullen supports the street vacation.

Dean Fitzpatrick, the petitioner, posed questions relating to taxes and costs relating to transfer of ownership.

Chair Schultz directed Mr. Fitzpatrick to the Assessing Department for answers.

PUBLIC HEARING CLOSED

Resolution # PC-2009-06-055
Moved by: Hutson
Seconded by: Edmunds

WHEREAS, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Markton Street, located north of Naughton, south of I-75, approximately 25 feet wide of right-of-way, abutting Lots 11, 16 and 25 (1125 and 1200 Naughton) of Supervisor's Plat No. 10, Section 26, be approved subject to the following condition:

1. That it retain a 25-foot wide easement for the City for public and private utilities.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

SV 34-B
Markton Street

Kathy Czarnecki

From: Joan McCullen [joantealelectric@sbcglobal.net]
Sent: Monday, June 01, 2009 4:50 PM
To: Kathy Czarnecki
Subject: BRENT-re PUBLIC HEARING SV-34-B Markton Drive

Brent,
Thank You for explaining the details to me on the proposed vacation of Markton Street that abuts our property at 1200 Naughton Ave and the neighboring property 1125 Naughton. It is my understanding that the owner of 1125 Naughton has interest in improving that property and paving and / or putting grass on his property which may include 1/2 or the 25foot section now known as Markton Street. It is also my understanding that we (the current property owners of 1200 Naughton Ave.) will acquire 1/2 of the property or 12.5 feet at no additional cost to us. I also understand that there is an easement and right of way which would limit most uses of that section of property. We have no objections to this proposed vacation as I have understood the above details.
Sincerely,
Joan McCullen
V.P.
Teal Electric Company

LIBRARY ADVISORY BOARD - FINAL April 9, 2009

A Regular Meeting of the Troy Library Advisory Board was held on Thursday, April 9, 2009, in the Director's Office of the Troy Public Library. Chair Kul Gauri called the meeting to order at 7:05 P.M.

ROLL CALL PRESENT: Belinda Shelton Duggan
Kul Gauri
Audre Zembrzuski

Cathleen Russ, Library Director

Guests: Lynne Lambert, Administrative Assistant; Julie Sigler

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2009-4-01
Moved by Zembrzuski
Seconded by Duggan

RESOLVED, that Lynne Gregory, Nancy Wheeler and Joel Xu be excused.

Yes: 3—Duggan, Gauri, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2009-4-02
Moved by Duggan
Seconded by Zembrzuski

RESOLVED, That the minutes of the Library Advisory Board meeting, held on Thursday, March 12, 2009, be approved.

Yes: 3—Duggan, Gauri, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2009-4-03
Moved by Duggan
Seconded by Zembrzuski

RESOLVED, That the agenda for the Thursday, April 9, 2009, meeting, be approved.
Yes: 3—Duggan, Gauri, Zembrzuski
No: 0

MOTION CARRIED

PUBLIC COMMENT—None

BOARD MEMBER COMMENTS—Zembrzuski asked if Friends meeting schedule could be posted. C. Russ will pass this suggestion on to the Friends.

STUDENT REPRESENTATIVE'S COMMENTS—None.

POSTPONED ITEMS
There were no Postponed Items.

INTRODUCTION TO THE BUSINESS OFFICE—Lynne Lambert, Administrative Assistant to the Library Director, gave a presentation regarding her job responsibilities.

OLD BUSINESS

A. RFID update—See Director's Report
B. Café update—see attached memo sent to City Council for their April 6, 2009, meeting.

NEW BUSINESS

A. Choosing an LAB representative on the "Name the Café" contest panel.
   Audre Zembrzuski was chosen to represent the LAB on this panel. C. Russ will apprise Mrs. Zembrzuski of the meeting date.

REPORTS & COMMUNICATIONS
Director's Report—was received and filed. A copy will be attached to the minutes of this meeting.

Friends of the Troy Public Library—no report.

Gifts
The LAB members reviewed the gifts received this month.

Informational Items.
Website address for Troy Public Library calendar:
http://sl.libcoop.net/troy/lib/eventcalendar.asp

Contacts and Correspondence.
The Library Advisory Board members reviewed the Visitor Comments.

Adjournment
The Library Board meeting adjourned at 8:10 P.M. The next meeting of the Library Advisory Board is Thursday, May 14, 2009, at 7 pm.

_____
Kul Gauri
Chairman

_____
Cathleen Russ
Recording Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – FINAL APRIL 13, 2009

A regular meeting of the Liquor Advisory Committee was held on Monday, April 13, 2009 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:05 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Susan Lancaster, Assistant City Attorney
Officer James Feld
Pat Gladysz

ABSENT: Timothy P. Payne
Bohdan L. Ukrainec

Resolution to Excuse Committee Members Payne & Ukrainec

Resolution #LC2009-04-004
Moved by Godlewski
Seconded by Kaltsounis

RESOLVED, that the absence of Committee members Payne and Ukrainec at the Liquor Advisory Committee meeting of April 13, 2009 BE EXCUSED.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Resolution to Approve Minutes of February 9, 2009 Meeting

Resolution #LC2009-04-005
Moved by Ogg
Seconded by Godlewski

RESOLVED, that the Minutes of the February 9, 2009 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Agenda Items

1. **Wal-Mart Stores East, Limited Partnership** request transfer ownership of escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W. Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license. {MLCC Req #490232} *Approval of this request would allow for the sale of spirits (21% alcohol and higher) for consumption off premise. The current license is in escrow in Troy.*

Present to answer questions from the Committee were attorney Sandy Cotter and Wal-Mart store manager Nicole Chase.

Ms. Cotter spoke to the Committee and gave the history of the liquor license in question. Diagrams and photographs were distributed showing the Wal-Mart store and the secure area where liquor will be displayed. An initial liquor inventory of $20,000 to $25,000 is anticipated. Ms. Cotter and Ms. Chase both answered questions from the Committee with regard to the October 2, 2008 compliance violation.

Resolution #LC2009-04-006
Moved by Hall
Seconded by Ogg

RESOLVED, that Wal-Mart Stores East, Limited Partnership be allowed to transfer ownership of escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W. Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Tabled Items

Officer Feld reported that M & M Troy, Inc. still has not submitted an inventory layout to the Fire Department. Officer Feld plans to contact them this week.

Assistant City Attorney Susan Lancaster spoke briefly about the recent liquor violation at Lebanese Grill, 1600 Rochester Road. She also mentioned the upcoming Michigan Liquor Control Commission event sponsored by the Troy Community Coalition. The flyer will be emailed to all Committee members.

The meeting adjourned at 7:25 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Secretary II

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL **April 21, 2009**

A regular meeting of the Troy Historic District Commission was held Tues., April 21, 2009 at the Troy Museum. Barbara Chambers called the meeting to order at 7:05 p.m.

ROLL CALL	PRESENT	Barbara Chambers Sabah Jihad Gary Castile Paul Lin Muriel Rounds Loraine Campbell, Museum Manager
	ABSENT	Anne Partlan Kent Voigt

Resolution #HDC-2009-04-001
Moved by Castile
Seconded by Lin

RESOLVED, That the minutes of the March 17, 2009 meeting be approved.
Yes: 5— Chambers, Jihad, Castile, Lin, and Rounds
No: 0

MOTION CARRIED

NEW BUSINESS

A. **Presentation by City Attorney regarding "Sunshine laws"**
Lori Bluhm was unable to attend and will reschedule.

B. **Museum Site Plan**
Loraine reviewed the preliminary site plan and received favorable comments. Paul Lin voiced concerns regarding the exterior design of the proposed barn/visitors center and the addition to the 1927 Township Hall. He will provide written suggestions that Loraine will submit to the architects and Museum Expansion Team for their consideration.

C. **Request to demolish the resource at 6059 Livernois**
The owner of the resource has filed a permit to raze the structure. Loraine suggested that he have the building inspected and provide the report and quotes to repair the structure if he is to demonstrate a financial hardship. The Commission asked that copies of the file on the resource be sent to commission members for review.

D. Comments

Paul Lin asked to see the bids to repair the roofs of the Engineering Field Office.

The regular Troy Historic District Commission meeting was adjourned at 8:47 p.m. The next regular meeting will be held Tues, May 19, 2009 at 7:00 p.m. at the Troy Museum.

Barbara Chambers
Acting Chairperson

Loraine Campbell
Recording Secretary

LIBRARY ADVISORY BOARD - FINAL May 14, 2009

A Regular Meeting of the Troy Library Advisory Board was held on Thursday, May 14, 2009, in the Small Conference Room of the Troy Public Library. Chair Kul Gauri called the meeting to order at 7:07 P.M.

ROLL CALL PRESENT: Belinda Shelton Duggan
Kul Gauri
Lynne Gregory
Nancy Wheeler
Audre Zembrzuski
Barbara Schaich, Head of Adult Services, Troy Public Library

Guests: Michele McQuaid, Head of Technical Services, Troy Public Library

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2009-5-01
Moved by Zembrzuski
Seconded by Duggan

RESOLVED, that Joel Xu be excused.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2009-5-02
Moved by Zembrzuski
Seconded by Duggan

RESOLVED, That the minutes of the Library Advisory Board meeting, held on Thursday, April 9, 2009, be approved.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2009-5-03
Moved by Wheeler
Seconded by Zembrzuski

RESOLVED, That the agenda for the Thursday, May 14, 2009, meeting, be approved as amended, with Item 12B, Board Officer Elections, moved to follow Item 9, Postponed Items, item 10, Introduction to Technical Services, to follow 12A, Statistics for January through march 2009, and item 12D, Possible Summer LAB Meeting, to be added.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

PUBLIC COMMENT—None

BOARD MEMBER COMMENTS—There was a request to C. Russ for clarification of the drive up book drop project, whether or not it was included in the Capital Budget for next fiscal year. K. Gauri clarified with the minutes from the LAB meeting of February 12, 2009, regarding the library's budget, that the LAB took no action regarding the drive up book drops. N. Wheeler recommends at least one summer LAB meeting.

STUDENT REPRESENTATIVE'S COMMENTS—None.

POSTPONED ITEMS
There were no Postponed Items.

ELECTION OF LIBRARY BOARD OFFICERS
Resolution #LB-2009-5-04
Moved by Gauri
Seconded by Zembrzuski

RESOLVED, That Lynne Gregory serve as Chair; Belinda Shelton Duggan serve as Vice Chair; and Audre Zembrzuski serve as Secretary of the Library Advisory Board, for the next year.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

INTRODUCTION TO TECHNICAL SERVICES—Michele McQuaid, Head of Technical Services, gave a presentation regarding the Technical Services department.

OLD BUSINESS
A. Café update—see attached memo sent to City Council for their May 11, 2009, meeting.

NEW BUSINESS
A. Statistics for January through March 2009.

Resolution #LB-2009-5-05
Moved by Gregory
Seconded by Duggan

RESOLVED, That the statistical report be received and filed.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

B. Update on the SLC Trustee meeting, April 14, 2009 (K. Gauri & B. Duggan attended)
Gauri shared materials and information from SLC trustee meeting. The meeting was well attended, with over 50 trustees present.

(Note: at 8 pm Duggan was excused for the balance of the meeting.)

C. Possible LAB summer meeting.

Resolution #LB-2009-5-06
Moved by Gregory
Seconded by Duggan

RESOLVED, That a June Library Advisory Board meeting be held on June 18, if the Trustee Association dinner date falls on June 11.

Yes: 4—Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

REPORTS & COMMUNICATIONS
Director's Report—was received and filed. A copy will be attached to the minutes of this meeting. Regarding "thank you's" for RFID volunteers, Gauri suggested a letter of thanks and a press release about the project, listing volunteers' names.

Friends of the Troy Public Library—The LAB members reviewed the Friends' report.

Gifts
The LAB members reviewed the gifts received this month.

Informational Items.
Website address for Troy Public Library calendar:
http://sl.libcoop.net/troy/lib/eventcalendar.asp

Contacts and Correspondence.
The Library Advisory Board members reviewed the Visitor Comments.

Adjournment
The Library Board meeting adjourned at 8:45 P.M. The next meeting of the Library Advisory Board is Thursday, June 11, 2009, at 7 pm.

_____
Kul Gauri
Chairman

_____
Barbara Schaich
Recording Secretary

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

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL **MAY 19, 2009**

A Regular Meeting of the Troy Historic District Commission was not held Tuesday, May 19, 2009 at the Troy Museum because there was no new business.

The next rescheduled meeting will be held Thursday, June 11, 2009 at 7:00 p.m. at the Troy Museum.

Barbara Chambers
Chairman

Loraine Campbell
Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 2, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Richard Carlisle, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-06-048
Moved by: Edwards
Seconded by: Tagle

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-06-049
Moved by: Tagle
Seconded by: Maxwell

RESOLVED, To approve the minutes of the May 12, 2009 Regular meeting as prepared.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Ullmann reported on the May 19, 2009 Board of Zoning Appeals (BZA) meeting. He specifically addressed the variances sought and granted for the Troy Museum and Historic Village Expansion and several requests for wall waivers.

Mr. Miller briefly spoke on how the new Zoning Ordinance could be written to allow the Planning Commission to develop appropriate site plan approvals that would eliminate the need for wall waivers.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the May 27, 2009 Downtown Development Authority (DDA) meeting, of which Mr. Savidant was in attendance. Items considered and acted upon were:

- Budget recommended for approval (approved by City Council, 06/01/09).
- Construction contract awarded for park improvements at Rochester and Big Beaver Roads.

7. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items:

- Rezoning Application - Harlan Shopping Plaza, from B-1 to B-3. Approved by City Council, 06/01/09.
- Memorandum from Richard Carlisle re: Comprehensive Review/Revision of the Zoning Ordinance.
- City Council Public Hearing scheduled 06/15/09 on PUD 10, Big Beaver Kilmer Preliminary Development Plan Amendments.
- City Council Public Hearing scheduled 06/15/09 on ZOTA 238, Social Service Facilities in M-1 Zoning District.

Mr. Carlisle summarized the guiding principles and organizational format of the Zoning Ordinance, as outlined in his memorandum dated 05/28/09.

STUDY ITEMS

8. STUDY ITEM - PRELIMINARY SITE PLAN APPLICATION (File Number SP 679-C) – Troy Museum and Historic Village Expansion, North side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles 109 Lange), Section 16, C-F (Community Facilities) District

Present to address the Preliminary Site Plan Application for the Troy Museum and Historic Village Expansion were Loraine Campbell, Museum Manager, and Architects Eugene Hopkins and Neal Billetdeaux of JJR, LLC, 4709 N. Delhi Road, Ann Arbor.

Distributed for discussion purposes were:
- Site Plan.
- Landscape Plan.
- Floor plans and elevations of Historic Barn and Visitor Center.
- Floor plans and elevations of Troy Museum and Addition.
- Floor plans and elevations of Niles-Barnard House.
- Memorandum re Landscape Plan for Troy Museum and Historic Village.
- Memorandum re Parking Needs Statement for Troy Museum and Historic Village.

Ms. Campbell addressed the following:
- Intent and goals of expansion.
- Revisions to the original conceptual site plan dated 10/07/08.
- Parking needs statement and parking reduction.
- Landscaping.
- Environmental sustainability.
- Adjacent parcel on the southeast corner of Museum site.

Mr. Hopkins addressed:
- Detailed view of buildings.
- Visual walk around site (via PowerPoint).
- Multiple phases of construction.
- Fundraising and grants to complete each phase.

Mr. Billetdeaux addressed:
- Entry area and building relationship.
- Parking and internal traffic circulation.
- Water storm detention.
- Landscaping.
- Environmental sustainability.
- Material of interior walls.

There was a brief question/answer period.

9. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Review of Zoning Board of Appeals Article

Mr. Carlisle reviewed the draft Article 18 – Zoning Board of Appeals and briefly addressed the following:

- Systematic approach to draft preparation.
- Option for alternate members.
- More descriptive powers and duties.
- Administrative decision subject to appeals.
- Dimensional variances.
- Introduction of use variances and reasons to consider language.
- "Delegated" duties more appropriate for Planning Commission (will address in future draft).
- "Zoning Administrator" designation.

A straw vote taken on incorporating use variances: four (4) in favor, five (5) undecided.

Mr. Maxwell asked that Zoning Ordinance text address the wording of motions to be more specific and detailed.

10. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Review of Draft Article I – Title, Purpose and Legal Clauses

Mr. Carlisle briefly reviewed the draft of Article I – Title, Purpose and Legal Clauses.

OTHER BUSINESS

10. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

There was discussion on:

- Intent to incorporate in the Zoning Ordinance various low impact design recommendations; i.e., storm water management, light spillage.
- Report and handout material from APA conference.
- Transit Design Center Charrette on June 15 and 16.
- Upcoming Regular meeting agenda.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:40 p.m.

Respectfully submitted,

_____

Robert M. Schultz, Chair

_____

Kathy L. Czarnecki

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 2, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Also Present:
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Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-06-048
Moved by: Edwards
Seconded by: Tagle

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-06-049
Moved by: Tagle
Seconded by: Maxwell

RESOLVED, To approve the minutes of the May 12, 2009 Regular meeting as prepared.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

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Ms. Campbell addressed the following:
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- Adjacent parcel on the southeast corner of Museum site.

Mr. Hopkins addressed:
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OTHER BUSINESS

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There was discussion on:

- Intent to incorporate in the Zoning Ordinance various low impact design recommendations; i.e., storm water management, light spillage.
- Report and handout material from APA conference.
- Transit Design Center Charrette on June 15 and 16.
- Upcoming Regular meeting agenda.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:40 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, June 3, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Keith Lenderman
Tom Rosewarne
Mark Stimac
Frank Zuazo

ALSO PRESENT: Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 6, 2009

Motion by Zuazo
Supported by Stimac

MOVED, to approve the minutes of the meeting of May 6, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES 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.

The Chairman moved this request until the end of the Agenda, Item #6, to allow the petitioner the opportunity to be present.

ITEM #3 – VARIANCE REQUESTED. PATRICK STIEBER, ALLIED SIGNS, 3039 ROCHESTER, for relief of Chapter 85 to erect two 44 square foot ground signs (menu boards).

Mr. Stimac explained that the petitioner is requesting relief to install two (2) 44 square foot ground signs (menu boards) as part of the construction of a new McDonald's restaurant. Chapter 85.01.04 (A) (3) does not restrict menu board signs that are not visible from any adjacent right-of-way and that do not exceed 36 square feet in area. The two proposed ground signs are 44 square feet each.

Patrick Stieber of Allied Signs and Jim Rauschenberger of McDonald's were present. The operator of this proposed location was also present.

Mr. Dziurman asked if these signs would be visible to any right of way.

Mr. Stimac stated that based on the site plan submitted the signs would be visible but would not be readable.

ITEM #3 – con't.

Mr. Steiber stated that this location will be the first of its kind in Michigan as it will have a double drive through. These menu boards are needed to inform customers of the type of product that is available. 70% to 75% of McDonald's business is done through the drive through and because there will be two entrances they want to be able to accommodate people as quickly and safely as possible. The actual viewing size of the sign is 34.8 square feet and the framing adds more square footage which brings the total amount of square footage to 44 square feet. This location will be a brand new configuration as it is the first double drive through and the signs will only display information and not display the Logo.

Mr. Rauschenberger stated that this location is a high traffic area as it is on the corner of Big Beaver and Rochester and the plan to have two driveways into the site will help to keep congestion down.

Mr. Dziurman asked what the difference was between these proposed signs and other McDonald signs in the area.

Mr. Rauschenberger stated that they are all the same.

Mr. Stimac stated that he was not aware of any other requests of this type.

Mr. Zuazo said that he felt people should be familiar with the products offered and asked why these signs were larger.

Mr. Rauschenberger said that only a small percentage of customers are considered "heavy users" and these menu boards will help other customers find out what type of products are available.

Mr. Zuazo asked if they had received any complaints about people not being able to read the existing signs.

Laura, the operator for this location, said that they have not received any complaints and these proposed signs will be exactly the same as the signs located at other McDonald locations.

The Chairman opened the Public Hearing.

Paul Missar, 70 Habrand, was present and stated that he likes the larger sign as they are easier to read.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

ITEM #3 – con't.

Mr. Dziurman expressed concern that other fast food franchises may want to add larger signs and this could be precedent setting.

The representative of this location said that she did not believe these sites have a lot of ability to make signs larger. There are only two or three certified sign installers that are chosen by McDonald's to construct their signs. She also explained that the pictures on the menu boards are supplied by McDonald and are sent out to all franchisees at the same time.

Mr. Stimac asked if the back of the reversible panel of the sign would be illuminated and was told that it would not be.

Mr. Dziurman asked if all the other signs on the site comply with the Ordinance.

Mr. Stimac said that based on the plans submitted all of the other signs will be in compliance as presented. Mr. Stimac asked if the petitioner was stating that every McDonald's has the same size sign.

Mr. Rauschenberger stated that at least 75% of the signage is the same. When a McDonald's is located inside of gas station, etc. the signs are smaller.

Motion by Rosewarne
Supported by Lenderman

MOVED, to grant Patrick Stieber, Allied Signs, 3039 Rochester, relief of Chapter 85 to erect two (2) 44 square foot ground signs (menu boards).

- Double drive through at this location justifies the need for two (2) signs.
- Message of text of the sign is not intended to be read by the public from the thoroughfare and is only for the use of the customers at the drive-up window.
- Variance will not be contrary to public interest.
- Variance applies only to the property described in this application.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. MARY BETH MILLIRON, 1951 NORTH LAKE, for relief of Chapter 83 to install a fence adjacent to John R.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 4' high chain link fence located 20' from the property line along John R. Because of the orientation of this home and that of the adjacent houses, this property is considered to be a double front thru-lot. As such it has a front yard on both North Lake and John R.

ITEM #4 – con't.

Chapter 83 of the City Code states that no fence shall be constructed of a height of more than 30" above grade in the 30' required setback along John R.

Mary Beth Milliron and Mr. Paul Missar were present. Ms. Milliron stated that she had driven through the area and found a number of locations that have privacy fences on the corner. After looking at these locations, Ms. Milliron said that she wished to change the type of fence she wanted to put up from a chain link fence to a 3-rail split rail type fence with wire mesh. Ms. Milliron said that the reason she wants a higher fence is due to the fact that she has a new puppy and would like to provide security for it.

Mr. Stimac explained to the Board that this proposed fence will be 42" to 48" in height and based on the notices that were sent out action on the split rail fence would still be in order.

Mr. Paul Missar stated that there are a number of fences that go right up to the sidewalk and the homes across the street on John R have chain link fences.

Mr. Dziurman explained that this Board does not allow fences right up to the sidewalk.

Mr. Stimac explained that there are a number of lots in Troy and due to their configuration they are not considered double front thru lots and therefore fences that are 4' in height are allowed. There are some corner lots that are almost not considered corner lots and there are some lots that due to their orientation are allowed fences up to the property line. Each property is considered separately.

Ms. Milliron explained that part of her lot backs up to Raintree Park and the City has installed a split rail fence in that area. Ms. Milliron would like to be able to install a fence that would meet up to that fence.

Mr. Zuazo asked if the petitioner would consider putting up a fence on the inside of the tree line so that it would not be visible to traffic on John R.

Mr. Missar stated that there is a 20' berm in that area and they would not be able to run a straight line.

Mr. Zuazo asked if the fence of the other side of the trees would be visible from John R.

Mr. Missar stated that most of it would be blocked.

Mr. Rosewarne asked if they planned to put the fence between the trees.

Ms. Milliron said that they plan to weave the fence between the trees and plan to block the fence as much as possible so that it is not visible.

ITEM #4 – con't.

A discussion began regarding the location of the proposed fence and how it would fit in based on the pictures provided by the petitioner.

Mr. Missar said that he did not believe the fence would be setback 20' but would in fact be setback approximately 12' to 15' back.

Mr. Stimac stated that if the petitioner wished to have a setback that was less than 20' a new Public Hearing would have to be advertised and this request would be postponed.

Ms. Milliron indicated that she would be happy with the 20' setback as long as the fence was allowed to be installed at a 4' height.

The Chairman opened the Public Hearing.

Christine Shantry, 6195 Blackwall, was present and stated that she would like to see this variance granted.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Stimac stated that this fence could be installed if it was setback 30' from the property line and asked why the petitioner wanted a 20' setback.

Ms. Milliron stated that 30' would cut her yard in half and she really wants to have the fence look nice.

Mr. Stimac asked if the fence would be the same around the entire property.

Ms. Milliron said that the fence would be the same all the way around.

Mr. Zuazo asked if the fence would be weaved through the trees and asked if screening would be added to the portion of the fence that would be visible to John R.

Ms. Milliron said that she plans to add shrubs and mulch around the area.

Mr. Zuazo asked if the fence would be covered with some type of foliage.

Mr. Missar stated that at a 20' setback only a small portion of the fence would be visible and if they were to put the fence at a 30' setback none of it would be visible.

Motion by Lenderman
Supported by Rosewarne

ITEM #4 – con't.

MOVED, to grant Mary Beth Milliron, 1951 North Lake, relief of Chapter 83 to install a 4' high split rail fence adjacent to John R.

- Fence will be setback 20' from the property line.
- Fence will be woven among the trees and not visible to John R.
- Landscaping will be added to screen the fence.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. CHRISTINE SHANTRY, 6195 BLACKWALL, for relief of Chapter 83 to install a 6' high fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high fence. Because of the location of this home and the orientation of the adjacent homes, this property is classified as a double front corner lot. It has front yard requirements along both Blackwall and Aspinwall. Chapter 83 limits the height of fences in front setbacks to 30". The site plan submitted indicates a 6' high picket style fence located 3.5' from the north property line along Aspinwall.

Christine Shantry was present and stated she has a dog that she would like to be able to keep in her yard, and there is a German shepherd that lives behind her home that she wants to be able to keep out of her yard. She would like to install a 6' high picket fence 22' from the property line along Aspinwall. Ms. Shantry is planning to put the fence through the trees and does not believe this fence would cause any type of obstruction. There will not be any type of fencing in the front yard and the fence will extend from the south front corner to the north rear corner of the property. Ms. Shantry brought in pictures of other fences in the area and pointed out one that was unkempt.

Mr. Dziurman explained that a number of the Ms. Shantry's neighbors sent in responses to this Public Hearing notice.

Mr. Lenderman stated that after reading one of the letters that was indicated as an approval, he believes it is actually an objection.

There are two (2) written approvals on file. There are four (4) written objections on file.

Mr. Lenderman asked about the proximity of the homes to this property that objected to this request.

Mr. Stimac explained that four (4) of the letters are from homes on the north side of Aspinwall, one (1) from the south side of Aspinwall and one (1) from the east side of Blackwall one or two houses to the south.

ITEM #5 – con't.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Dziurman stated that basically the petitioner wants the fence in order to keep her dog in the yard.

Ms. Shantry said that she also wants to keep the German shepherd out of her yard.

Mr. Stimac asked where the fence would be in relation to the trees.

Ms. Shantry said that part of the fence would be outside the trees and part of the fence would be inside the tree line.

Mr. Stimac asked how far back the fence line would be if the fence was put behind the entire tree line and also asked if there was a tree line on the north side of the property.

Ms. Shantry said that in her opinion it would look much nicer going between the trees.

Mr. Stimac stated that the front corner of the property could be impacted by the fence.

Mr. Lenderman said that there are quite a large number of people that are objecting to this request.

Ms. Shantry indicated that she had talked to the neighbors behind and next to her home and they indicated approval of this request. She did not approach the neighbors across the street.

Mr. Rosewarne asked if Ms. Shantry was concerned about the dog jumping the fence.

Ms. Shantry said that she is hoping the dog will not think of jumping the fence. Presently her dog is on a 40' tether. The dog has gotten out of the house when the children are running in and out. A 22.5' setback would have the fence going through the middle of the trees.

Mr. Stimac pointed out that if sidewalks were to be put in this area, the fence would only be 4.5' from the sidewalk.

Ms. Shantry was not concerned because she believes they would have to cover the drainage ditches and install sewers first.

Mr. Stimac asked if the petitioner would object to postponing this request to allow the Board to go out and see exactly where the fence would be installed.

ITEM #5 – con't.

Ms. Shantry said that she would rather not wait and is in fact renting a post hole digger to start the installation of the fence. Ms. Shantry said that she has made a lot of improvements to this property and does not think the fence should be a problem.

Mr. Lenderman said that because there are so many neighbors objecting to this request, he would like to able to go out and take another look at the property in order to determine where the fence line could be.

Motion by Lenderman
Supported by Zuazo

MOVED, to postpone the request of Christine Shantry, 6195 Blackwall, for relief of Chapter 83 to install a 6' high fence until the meeting of July 1, 2009.

- To allow Ms. Shantry the opportunity to place flags in the location of the proposed fence.
- To allow Ms. Shantry the opportunity to talk to the surrounding neighbors to see if they would approve this variance request.
- To allow Building Department staff to provide an aerial map indicating the locations of the homes objecting to this request.
- To allow the petitioner to provide a copy of a determination made by the Humane Society that recommends this type of fencing.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL JULY 1, 2009 CARRIED

ITEM #6 – (ITEM #2) – VARIANCE REQUESTED. WARREN EMERSON, SMART, 2021 BARRETT, for relief of Chapter 83 to install new fencing at the SMART facility on Barrett.

The petitioner was not present.

Motion by Stimac
Supported by Lenderman

MOVED, to deny the request of Warren Emerson, Smart, 2021 Barrett for relief of Chapter 83 to install new fencing at the SMART facility on Barrett.

- Petitioner failed to demonstrate a hardship that runs with the property.
- Petitioner has other options available to provide security absent a variance.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:30 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 9, 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
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Alan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-06-050
Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

Wayne Senville, publisher and editor of *Planning Commissioners Journal*, addressed the Planning Commission and thanked the Planning Director and Principal Planner for the City tour and insight on planning activities. He also praised the City on the quality of their Master Plan, stating it was the most readable planning document he had ever read.

SPECIAL USE REQUESTS

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 371) – Kirco Office Center/Somanetics Corporation Headquarters, East side of Troy Center Drive, North of Kirts (2600 Troy Center Drive), Section 28, O-1 (Office Building) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use Approval request, and reported it is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as submitted.

Alan Kiriluk of Kirco Development, 201 W. Big Beaver Road, Troy, and Bruce Barrett, CEO/President of Somanetics, were present. Mr. Kiriluk addressed the company's growth potential and asked the support of the Planning Commission to keep Somanetics Corporation Headquarters here in Troy.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Schultz asked if the petitioner would be willing to provide screening of the truck unloading dock and drive area, as a good neighborly gesture to the hotel next door.

Mr. Kiriluk offered to provide a row of evergreens (pyramidal arborvitaes) that would create a wall on both sides of the drive.

Resolution # PC-2009-06-051
Moved by: Edmunds
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 24.30.05 of the Zoning Ordinance, as requested for the proposed Kirco Office Center/Somanetics Corporation Headquarters, located on the east side of Troy Center Drive, north of Kirts, in Section 28, within the O-1 zoning district, be granted, subject to the following condition:

1. Screening of the truck pad.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

5. 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 presented a summary of the Planning Department report on the proposed Special Use Approval request, and reported it is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as

submitted, with two conditions as relates to striping off-street parking spaces and dumpster locations.

Chair Schultz disclosed past employment with the cigar operation in Troy. He stated he had no financial interest in the operation then, nor does he now.

Mr. Motzny said there would be no conflict of interest.

The petitioner, David Donnellon of Design Resources, 1886 Lake Pointe Drive, Ortonville, and owner, Daniel Jenuwine, 1122-1134 E. Big Beaver Road, were present.

Mr. Jenuwine stated his appreciation for the recommendation of approval. He said a favorable decision would allow them to continue to offer the largest selection of cigars and largest humidor in the country to residents and surrounding communities.

Mr. Ullmann asked the petitioner to address storm water management.

Mr. Edmunds asked the petitioner to address the dumpster locations.

Mr. Donnellon assured that dumpsters would be appropriately located and screened. He said the existing storm water system, located within the parking lot, would be utilized. Mr. Donnellon noted it is a restricted storm water outlet to the creek and dates back to 1974.

Mr. Edmunds asked if the retail portion of the establishment is currently in operation.

Mr. Donnellon replied in the affirmative. He indicated they are working with the Building Department on the appropriate building permits.

A short discussion continued on the existing storm water management system.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Schultz would like to see the Special Use Approval restricted to only two suites, Suites 1122 and 1134. Chair Schultz addressed the truck parked up against Big Beaver Road with its display of advertising. He said that is the most frequent complaint he gets from residents.

Mr. Jenuwine said the sole purpose in parking the truck there is to help customers locate them. He indicated willingness to move the truck to the back parking lot if appropriate permanent signage could be resolved.

Resolution # PC-2009-06-052
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 Cigar Factory Outlet, located on the south side of Big Beaver Road, east of Rochester Road, in Section 26, within the M-1 zoning district, be granted, subject to the following conditions:

1. Applies only to Suites 1122 and 1134.
2. That all off-street parking spaces on the site be striped, as indicated on the site plan.
3. The dumpsters are to remain where indicated on the site plan.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 370) – 1200 Piedmont, East of Stephenson Highway, South of I-75, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use Approval request. Mr. Miller noted the manufactured housing community located on the southern boundary is zoned M-1 (Light Industrial) also and there is a 9-foot screen wall located on the property line to separate the uses. It is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as submitted.

Mr. Strat disclosed that his son has a close relationship with the petitioner, but that he personally has no financial interest in the project.

Mr. Motzny said there would be no conflict of interest.

There was a brief discussion on Zoning Ordinance requirements relating to height restrictions for outdoor storage adjacent to residential.

The petitioner, Michael Damman, 1180 E. Big Beaver, Troy, was present. Mr. Damman asked for a favorable recommendation.

Rick Laenen of Gypsum Supply, East Lansing, was present. Mr. Laenen addressed the type of construction materials and the manner in which those materials would be stored. He indicated the 9-foot screen wall would provide adequate screening to the adjacent residential. Mr. Laenen also addressed hours of operation; 7 a.m. to 5 p.m., Monday through Friday, no second shifts. He indicated that trucks would begin unloading at 6 a.m.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2009-06-053
Moved by: Tagle
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.04 of the Zoning Ordinance, as requested for the proposed 1200 Piedmont, Outdoor Storage of Construction Materials, located east of Stephenson Highway, south of I-75, in Section 26, within the M-1 zoning district, be granted.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

7. PUBLIC HEARING – SPECIAL USE REQUEST (SU 366) – Proposed Sonic Restaurant, East side of John R, North of Fourteen Mile Road, Section 36, H-S (Highway Service) District

Mr. Savidant presented a summary of the Special Use Request for the Sonic Restaurant. He addressed the following:

- Variances sought from the Board of Zoning Appeals (BZA).
- Revisions to the site plan.
- Traffic report prepared by Wells + Associates.
- Deceleration lane recommended by Oakland County Road Commission (OCRC) and City Traffic Engineer.
- Planning Consultant (Carlisle/Wortman Associates) report dated June 4, 2009.
- BZA minutes from the April 21, 2009 meeting.
- Chapter 73 of the City Code, “Drive-in Restaurant”.
- Deliveries scheduled during off peak hours.
- Reduction to outdoor seating to meet parking requirements.

It is the recommendation of City Management to postpone the item to provide the applicant an opportunity to seek and receive required variances from the BZA.

Discussion followed on the following:
- Acquisition of "finger" portion of parcel.
- Issues related to size and shape of parcel.
- Deliveries during off peak hours in relation to 24-hour operation.
- Deceleration lane; recommendation of OCRC.
- Canopy in relation to greenbelt requirement.

Mr. Maxwell expressed concern with the "finger" portion in relation to claiming practical difficulty for variances.

Mr. Strat expressed favorable comments on the proposed site plan; i.e., screened rooftop units, grease and oils management, traffic flow, deceleration lane and landscaping.

The petitioner, Jim Butler of Professional Engineers Associates (PEA), 2430 Rochester Court, Troy, was present. Mr. Butler brought to the attention of members that the traffic report was prepared by Wells & Associates, not OHM as stated in the Planning Department report. He addressed his remarks made at a previous meeting with respect to a deceleration lane off of John R. Mr. Butler said it was not his intent to mislead the members or misrepresent the facts. He was not aware until a later date of the OCRC recommendation for a deceleration lane. Mr. Butler clarified that after recently meeting with the OCRC, it is their request to provide a taper and deceleration lane along John R.

Also present at the meeting were Mr. Milton, Sonic franchisee; Doug Haley of Sonic Corporate Offices; and Mike Labadie of Wells & Associates.

Mr. Butler addressed the following:
- Truck deliveries during off peak hours; unloading would take place in the middle of the night, early morning hours; hand unloaded to kitchen.
- Detailed forecast relating to trip generation.
- Deceleration lane in relation to landscaping and sidewalk.
- Outdoor seating in relation to parking spaces.

Mr. Ullmann voiced concerns on the proposed landscaping. He feels it would not provide adequate screening.

Chair Schultz brought it to the attention of the petitioner that the City requires an 8-foot wide sidewalk along a major road. The existing site plan shows a 5-foot wide sidewalk.

PUBLIC HEARING OPENED

Mike Lucci, property owner and business operator in Troy since 1978, was present. Mr. Lucci identified properties he owns in Troy, one of which is the Burger King on 14 Mile Road near the proposed Sonic Restaurant. Mr. Lucci addressed the discussion at the April 21st BZA meeting relating to a hardship because the property was not developed over 30 some years. Mr. Mossman, former managing partner for Oakland Mall and Oakland Plaza, sold the property in 2007. Mr. Mossman conveyed in writing his reasons for not developing the property; i.e., commitment to keep as greenbelt for retail plaza and concerns with visibility, congestion, and cut-through traffic on the parcel.

Mr. Lucci expressed concern relating to traffic congestion, the restaurant "fit" on the size of the parcel, the number of variance requests, and the safety of patrons as a result of traffic congestion. Mr. Lucci addressed the competition aspect of both restaurants in such close proximity.

Mr. Maxwell asked if the proposed development would negatively impact Burger King.

Mr. Lucci replied that it would, although he noted fast food restaurant business is declining due to the economic downturn. He said the cut-through traffic would be a detriment to the business, as well as a safety concern for patrons.

Mr. Maxwell asked if the proposed development would be detrimental to the daily functioning of the Burger King.

Mr. Lucci replied in the affirmative.

Mr. Maxwell asked if the potential traffic congestion would interfere with the traffic going to the Burger King.

Mr. Lucci replied in the negative, but noted the traffic going through Burger King to get to the Sonic Restaurant would hurt his business.

Doug Haley, Senior Director of Design for Sonic Industries, Oklahoma City, Oklahoma, was present. Mr. Haley said Sonic, which is primarily a franchise company, has been in business for 55 years and has 3,500 drive-ins. He said the franchise business, owned by local people, is vibrant, exciting and generates traffic and energy. Mr. Haley addressed the challenging site, specifically as relates to the landscaping and deceleration lane. He said the site works with respect to flow and function. Mr. Haley addressed the customer base associated with Sonic Restaurants, traffic queuing, and the competitive relationship to a fast food restaurant within close proximity.

PUBLIC HEARING CLOSED

Resolution # PC-2009-06-054
Moved by: Hutson
Seconded by: Strat

WHEREAS, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.06 of the Zoning Ordinance, as requested for the proposed Sonic Restaurant, located on the east side of John R, north of Fourteen Mile Road, in Section 36, within the H-S zoning district, be postponed, for the following reasons:

1. To allow the petitioner to appear before the Board of Zoning Appeals for the required variances.
2. To revise the site plan to include the proposed deceleration lane.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

STREET VACATION

8. PUBLIC HEARING – STREET VACATION REQUEST (SV 34-B) – Markton Street, North of Naughton, South of I-75, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation. It is the recommendation of City Management to approve the street vacation with a condition that the 25-foot wide easement is retained by the City for public and private utilities.

The petitioner, Dean Fitzpatrick of Fitz Rite Products, 1122 Naughton, Troy, was present.

PUBLIC HEARING OPENED

Joan McCullen of Teal Electric Company, 1200 Naughton, Troy, was present. Ms. McCullen supports the street vacation.

Dean Fitzpatrick, the petitioner, posed questions relating to taxes and costs relating to transfer of ownership.

Chair Schultz directed Mr. Fitzpatrick to the Assessing Department for answers.

PUBLIC HEARING CLOSED

Resolution # PC-2009-06-055
Moved by: Hutson
Seconded by: Edmunds

WHEREAS, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Markton Street, located north of Naughton, south of I-75, approximately 25 feet wide of right-of-way, abutting Lots 11, 16 and 25 (1125 and 1200 Naughton) of Supervisor's Plat No. 10, Section 26, be approved subject to the following condition:

1. That it retain a 25-foot wide easement for the City for public and private utilities.

Yes: All present (8)
Absent: Vleck

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 were general comments around the table.

It was determined to place on a future study session agenda discussion relating to the inclusion of departmental review comments on Planning Department reports.

Everyone thanked Wayne Senville for his visit to the City of Troy.

The Regular Meeting of the Planning Commission adjourned at 9:02 p.m.

Respectfully submitted,

_____
Robert M. Schultz, Chair

_____
Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 9, 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
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Alan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-06-050
Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

Wayne Senville, publisher and editor of *Planning Commissioners Journal*, addressed the Planning Commission and thanked the Planning Director and Principal Planner for the City tour and insight on planning activities. He also praised the City on the quality of their Master Plan, stating it was the most readable planning document he had ever read.

SPECIAL USE REQUESTS

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 371) – Kirco Office Center/Somanetics Corporation Headquarters, East side of Troy Center Drive, North of Kirts (2600 Troy Center Drive), Section 28, O-1 (Office Building) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use Approval request, and reported it is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as submitted.

Alan Kiriluk of Kirco Development, 201 W. Big Beaver Road, Troy, and Bruce Barrett, CEO/President of Somanetics, were present. Mr. Kiriluk addressed the company's growth potential and asked the support of the Planning Commission to keep Somanetics Corporation Headquarters here in Troy.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Schultz asked if the petitioner would be willing to provide screening of the truck unloading dock and drive area, as a good neighborly gesture to the hotel next door.

Mr. Kiriluk offered to provide a row of evergreens (pyramidal arborvitaes) that would create a wall on both sides of the drive.

Resolution # PC-2009-06-051
Moved by: Edmunds
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 24.30.05 of the Zoning Ordinance, as requested for the proposed Kirco Office Center/Somanetics Corporation Headquarters, located on the east side of Troy Center Drive, north of Kirts, in Section 28, within the O-1 zoning district, be granted, subject to the following condition:

1. Screening of the truck pad.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

5. 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 presented a summary of the Planning Department report on the proposed Special Use Approval request, and reported it is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as

submitted, with two conditions as relates to striping off-street parking spaces and dumpster locations.

Chair Schultz disclosed past employment with the cigar operation in Troy. He stated he had no financial interest in the operation then, nor does he now.

Mr. Motzny said there would be no conflict of interest.

The petitioner, David Donnellon of Design Resources, 1886 Lake Pointe Drive, Ortonville, and owner, Daniel Jenuwine, 1122-1134 E. Big Beaver Road, were present.

Mr. Jenuwine stated his appreciation for the recommendation of approval. He said a favorable decision would allow them to continue to offer the largest selection of cigars and largest humidor in the country to residents and surrounding communities.

Mr. Ullmann asked the petitioner to address storm water management.

Mr. Edmunds asked the petitioner to address the dumpster locations.

Mr. Donnellon assured that dumpsters would be appropriately located and screened. He said the existing storm water system, located within the parking lot, would be utilized. Mr. Donnellon noted it is a restricted storm water outlet to the creek and dates back to 1974.

Mr. Edmunds asked if the retail portion of the establishment is currently in operation.

Mr. Donnellon replied in the affirmative. He indicated they are working with the Building Department on the appropriate building permits.

A short discussion continued on the existing storm water management system.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Schultz would like to see the Special Use Approval restricted to only two suites, Suites 1122 and 1134. Chair Schultz addressed the truck parked up against Big Beaver Road with its display of advertising. He said that is the most frequent complaint he gets from residents.

Mr. Jenuwine said the sole purpose in parking the truck there is to help customers locate them. He indicated willingness to move the truck to the back parking lot if appropriate permanent signage could be resolved.

Resolution # PC-2009-06-052
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 Cigar Factory Outlet, located on the south side of Big Beaver Road, east of Rochester Road, in Section 26, within the M-1 zoning district, be granted, subject to the following conditions:

1. Applies only to Suites 1122 and 1134.
2. That all off-street parking spaces on the site be striped, as indicated on the site plan.
3. The dumpsters are to remain where indicated on the site plan.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 370) – 1200 Piedmont, East of Stephenson Highway, South of I-75, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use Approval request. Mr. Miller noted the manufactured housing community located on the southern boundary is zoned M-1 (Light Industrial) also and there is a 9-foot screen wall located on the property line to separate the uses. It is the recommendation of City Management to approve the Special Use and Preliminary Site Plan application as submitted.

Mr. Strat disclosed that his son has a close relationship with the petitioner, but that he personally has no financial interest in the project.

Mr. Motzny said there would be no conflict of interest.

There was a brief discussion on Zoning Ordinance requirements relating to height restrictions for outdoor storage adjacent to residential.

The petitioner, Michael Damman, 1180 E. Big Beaver, Troy, was present. Mr. Damman asked for a favorable recommendation.

Rick Laenen of Gypsum Supply, East Lansing, was present. Mr. Laenen addressed the type of construction materials and the manner in which those materials would be stored. He indicated the 9-foot screen wall would provide adequate screening to the adjacent residential. Mr. Laenen also addressed hours of operation; 7 a.m. to 5 p.m., Monday through Friday, no second shifts. He indicated that trucks would begin unloading at 6 a.m.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2009-06-053
Moved by: Tagle
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.04 of the Zoning Ordinance, as requested for the proposed 1200 Piedmont, Outdoor Storage of Construction Materials, located east of Stephenson Highway, south of I-75, in Section 26, within the M-1 zoning district, be granted.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

7. PUBLIC HEARING – SPECIAL USE REQUEST (SU 366) – Proposed Sonic Restaurant, East side of John R, North of Fourteen Mile Road, Section 36, H-S (Highway Service) District

Mr. Savidant presented a summary of the Special Use Request for the Sonic Restaurant. He addressed the following:

- Variances sought from the Board of Zoning Appeals (BZA).
- Revisions to the site plan.
- Traffic report prepared by Wells + Associates.
- Deceleration lane recommended by Oakland County Road Commission (OCRC) and City Traffic Engineer.
- Planning Consultant (Carlisle/Wortman Associates) report dated June 4, 2009.
- BZA minutes from the April 21, 2009 meeting.
- Chapter 73 of the City Code, “Drive-in Restaurant”.
- Deliveries scheduled during off peak hours.
- Reduction to outdoor seating to meet parking requirements.

It is the recommendation of City Management to postpone the item to provide the applicant an opportunity to seek and receive required variances from the BZA.

Discussion followed on the following:

- Acquisition of "finger" portion of parcel.
- Issues related to size and shape of parcel.
- Deliveries during off peak hours in relation to 24-hour operation.
- Deceleration lane; recommendation of OCRC.
- Canopy in relation to greenbelt requirement.

Mr. Maxwell expressed concern with the "finger" portion in relation to claiming practical difficulty for variances.

Mr. Strat expressed favorable comments on the proposed site plan; i.e., screened rooftop units, grease and oils management, traffic flow, deceleration lane and landscaping.

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Also present at the meeting were Mr. Milton, Sonic franchisee; Doug Haley of Sonic Corporate Offices; and Mike Labadie of Wells & Associates.

Mr. Butler addressed the following:

- Truck deliveries during off peak hours; unloading would take place in the middle of the night, early morning hours; hand unloaded to kitchen.
- Detailed forecast relating to trip generation.
- Deceleration lane in relation to landscaping and sidewalk.
- Outdoor seating in relation to parking spaces.

Mr. Ullmann voiced concerns on the proposed landscaping. He feels it would not provide adequate screening.

Chair Schultz brought it to the attention of the petitioner that the City requires an 8-foot wide sidewalk along a major road. The existing site plan shows a 5-foot wide sidewalk.

PUBLIC HEARING OPENED

Mike Lucci, property owner and business operator in Troy since 1978, was present. Mr. Lucci identified properties he owns in Troy, one of which is the Burger King on 14 Mile Road near the proposed Sonic Restaurant. Mr. Lucci addressed the discussion at the April 21st BZA meeting relating to a hardship because the property was not developed over 30 some years. Mr. Mossman, former managing partner for Oakland Mall and Oakland Plaza, sold the property in 2007. Mr. Mossman conveyed in writing his reasons for not developing the property; i.e., commitment to keep as greenbelt for retail plaza and concerns with visibility, congestion, and cut-through traffic on the parcel.

Mr. Lucci expressed concern relating to traffic congestion, the restaurant "fit" on the size of the parcel, the number of variance requests, and the safety of patrons as a result of traffic congestion. Mr. Lucci addressed the competition aspect of both restaurants in such close proximity.

Mr. Maxwell asked if the proposed development would negatively impact Burger King.

Mr. Lucci replied that it would, although he noted fast food restaurant business is declining due to the economic downturn. He said the cut-through traffic would be a detriment to the business, as well as a safety concern for patrons.

Mr. Maxwell asked if the proposed development would be detrimental to the daily functioning of the Burger King.

Mr. Lucci replied in the affirmative.

Mr. Maxwell asked if the potential traffic congestion would interfere with the traffic going to the Burger King.

Mr. Lucci replied in the negative, but noted the traffic going through Burger King to get to the Sonic Restaurant would hurt his business.

Doug Haley, Senior Director of Design for Sonic Industries, Oklahoma City, Oklahoma, was present. Mr. Haley said Sonic, which is primarily a franchise company, has been in business for 55 years and has 3,500 drive-ins. He said the franchise business, owned by local people, is vibrant, exciting and generates traffic and energy. Mr. Haley addressed the challenging site, specifically as relates to the landscaping and deceleration lane. He said the site works with respect to flow and function. Mr. Haley addressed the customer base associated with Sonic Restaurants, traffic queuing, and the competitive relationship to a fast food restaurant within close proximity.

PUBLIC HEARING CLOSED

Resolution # PC-2009-06-054
Moved by: Hutson
Seconded by: Strat

WHEREAS, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.06 of the Zoning Ordinance, as requested for the proposed Sonic Restaurant, located on the east side of John R, north of Fourteen Mile Road, in Section 36, within the H-S zoning district, be postponed, for the following reasons:

1. To allow the petitioner to appear before the Board of Zoning Appeals for the required variances.
2. To revise the site plan to include the proposed deceleration lane.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

STREET VACATION

8. PUBLIC HEARING – STREET VACATION REQUEST (SV 34-B) – Markton Street, North of Naughton, South of I-75, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation. It is the recommendation of City Management to approve the street vacation with a condition that the 25-foot wide easement is retained by the City for public and private utilities.

The petitioner, Dean Fitzpatrick of Fitz Rite Products, 1122 Naughton, Troy, was present.

PUBLIC HEARING OPENED

Joan McCullen of Teal Electric Company, 1200 Naughton, Troy, was present. Ms. McCullen supports the street vacation.

Dean Fitzpatrick, the petitioner, posed questions relating to taxes and costs relating to transfer of ownership.

Chair Schultz directed Mr. Fitzpatrick to the Assessing Department for answers.

PUBLIC HEARING CLOSED

Resolution # PC-2009-06-055
Moved by: Hutson
Seconded by: Edmunds

WHEREAS, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Markton Street, located north of Naughton, south of I-75, approximately 25 feet wide of right-of-way, abutting Lots 11, 16 and 25 (1125 and 1200 Naughton) of Supervisor's Plat No. 10, Section 26, be approved subject to the following condition:

1. That it retain a 25-foot wide easement for the City for public and private utilities.

Yes: All present (8)
Absent: Vleck

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 were general comments around the table.

It was determined to place on a future study session agenda discussion relating to the inclusion of departmental review comments on Planning Department reports.

Everyone thanked Wayne Senville for his visit to the City of Troy.

The Regular Meeting of the Planning Commission adjourned at 9:02 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2009 PC Minutes\Final\06-09-09 Regular Meeting_Final.doc

LIBRARY ADVISORY BOARD - DRAFT June 11, 2009

A Regular Meeting of the Troy Library Advisory Board was held on Thursday, June 11, 2009, in the Small Conference Room of the Troy Public Library. Secretary Audre Zembrzuski called the meeting to order at 7:00 P.M.

ROLL CALL PRESENT: Kul Gauri
Nancy Wheeler
Audre Zembrzuski

Cathleen Russ, Library Director

Guests: Barry Hyland, Library System Specialist, Troy Public Library; Dale Zygnowicz

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2009-6-01
Moved by Wheeler
Seconded by Gauri

RESOLVED, that Belinda Duggan and Lynne Gregory be excused.

Yes: 3—Gauri, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2009-6-02
Moved by Gauri
Seconded by Wheeler

RESOLVED, That the minutes of the Library Advisory Board meeting, held on Thursday, May 9, 2009, be approved.

Yes: 3—Gauri, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2009-6-03
Moved by Wheeler
Seconded by Zembrzuski

RESOLVED, That the agenda for the Thursday, June 11, 2009, meeting, be approved.

Yes: 3—Gauri, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

PUBLIC COMMENT—None

BOARD MEMBER COMMENTS—N. Wheeler requested clarification of the library's hours, as regarding a recent editorial in the Troy Somerset Gazette that referred to changes. There have been no changes to the library's opening and closing times. The Library is open 7 days/week; 65 hours per week. The Library has been closed for holidays such as Good Friday and the day after Thanksgiving, which it had not been in the past. The trustees suggested that C.Russ send information about library hours to the Troy Somerset Gazette and ask for it to be published. K. Gauri requested information about the upcoming MLA conference, and inquired as to MLA membership renewals. C.Russ will follow up with C. Easter in the business office. K. Gauri wanted to know if it is possible to include library information on the city's water bill. There was a question as to the possibility of a trustee dinner at the MLA conference, as had occurred in years past. The city's budget (which includes the library) is available online and in paper at the Adult Services reference desk. A. Zembrzuski would like C. Russ to investigate an ice cream machine in the vending café.

STUDENT REPRESENTATIVE'S COMMENTS—None.

POSTPONED ITEMS
There were no Postponed Items.

OLD BUSINESS
A. Café Grand Opening Report—it went very well. The café is being used.

NEW BUSINESS
A. Polaris implementation update and timeline—Barry Hyland reported to the LAB members about the recent site visit, and went over the timeline with them. The summer is going to be very busy but it will be worth it. The system is an improvement over our current system and the public is going to find it easy to use.

B. Youth Services Department Vacancy—C. Russ has no new information to report.

MOTION CARRIED

REPORTS & COMMUNICATIONS
Director's Report—was received and filed. C. Russ added that the library's new website is due to go live on Monday, June 22. Phillip Kwik, head of Technology, will be happy to give a demo following this meeting. Librarian John Robertson is receiving the Walter H. Kaiser Award at the MLA conference in November.

Friends of the Troy Public Library—The LAB members reviewed the Friends' report.

Gifts
No gifts were received this month.

Informational Items.
Website address for Troy Public Library calendar:
http://sl.libcoop.net/troy/lib/eventcalendar.asp

Contacts and Correspondence.
The Library Advisory Board members reviewed the Visitor Comments.

Adjournment
The Library Board meeting adjourned at 8:30 P.M. The next meeting of the Library Advisory Board is Thursday, September 11, 2009, at 7 pm.

Kul Gauri
Chairman

Cathleen Russ
Recording Secretary

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: July 1, 2009
SUBJECT: Frank Lawrence v. City of Troy

In October, 2008, the City was served with a lawsuit, which was filed by Frank Lawrence against the City of Troy. Mr. Lawrence is the brother of Thomas Lawrence, who was issued a civil infraction traffic citation on October 4, 2008 for "no proof of insurance" and "failure to change address on driver's license". Frank Lawrence filed a Freedom of Information request with the Troy Police Department, asking for a number of items, including but not limited to: all video recordings, radio transmissions, records and the officer's disciplinary file (if any). At the time the lawsuit was filed, Thomas Lawrence had a two count civil infraction case in the 52-4 District Court.

Under Michigan Court Rule 2.302 (A) (3), discovery is not permitted in civil infraction actions. Similarly, discovery in other cases in the 52-4 District Court can also be limited. The District Court Judges have the discretion to decide the relevance of requested documentation, as well as decide any issues of privacy or undue prejudice, etc.. The adjudication of discovery requests in the criminal court forum also ensures that all parties (the prosecution and the defense) have equal access to the discovery. Mr. Lawrence's FOIA request sought documentation that would otherwise have been unavailable under the Michigan Court Rules. He also sought information that was exempt under other provisions of FOIA, including specific exemptions applicable to the personnel records of police officers. Our police department therefore sent him a denial letter, referring him to the prosecutor to seek his requested documentation. This denial letter relied on MCL 15.243(1) (d) as the applicable exemption to FOIA. The letter also informed Mr. Lawrence of the right to appeal the denial. Instead of filing an appeal, as allowed under state law and the City's policy, Mr. Lawrence instead filed a lawsuit against the City. In his complaint, he erroneously juxtaposes the citation, and then claimed that no such citation exists. He also claimed that he was entitled to all of his requested information.

Mr. Lawrence filed an immediate motion, seeking a judgment against the City. The City's response to this motion asked for a dismissal, based on the applicable FOIA exemptions. After reviewing the motions, Oakland County Circuit Court Judge Steven Andrews issued a favorable order for the City, dismissing the case on October 1, 2008. Mr. Lawrence appealed this decision to the Michigan Court of Appeals.

We appeared for oral arguments on June 2, 2009. On June 23, 2009 the Court of Appeals issued an unpublished opinion, which is not binding. The Court of Appeals reversed Judge Andrews and remanding the case to the Oakland County Circuit Court. The Court also determined that FOIA could be used to circumvent the discovery court rules. Due to the retirement of Judge Andrews, the case will now go to Oakland County Circuit Court Judge Leo Bowman, who will decide whether some of the other FOIA exceptions are applicable, and will also decide whether the City's denial was "arbitrary and capricious," entitling Mr. Lawrence to sanctions.

A big "thank you" goes out to the Troy Police Dept!

The same day that I called the non-emergency number & reported on Rabitoil menace along Long Lake Rd., a motorcycle policeman was there to nab the hazardous driver. Thanks to all your efforts, you're making the roads safer for motorists & pedestrians alike!

INCIDENT # 09-17527
SGT. DAN DANIEL VIOLATION ISSUED FOR CARELESS DRIVING

THANKS DAN - YOU MADE A GREAT IMPRESSION ON THIS LADY. I APPRECIATE YOUR WORK

Gary

CC-MOVE PFILE

Thanks for going there.

You're the best!

Myra LaRouche

J-03a

TROY
SCHOOL DISTRICT

Barbara A. Fowler, Ph.D., Superintendent

Barnard Elementary School
3601 Forge Drive
Troy, MI 48083
(248) 823-4300 / (248) 823-4313-fax
www.troy.k12.mi.us

Mary Haezebrouck
Principal

June 2, 2009

Dear Mary Kerwin,

On behalf of Barnard Elementary and our fourth grade class, I would like to take this opportunity to thank you for joining us at our Michigan Breakfast. It was a special morning for these students who were truly touched by your presence. Our students have spent a great deal of time learning about Michigan and Michigan Government this past year. Your contributions at the breakfast reinforced and enhanced their knowledge.

Last Monday, Barnard students had another exciting opportunity. They visited our state capital in Lansing to continue to gain information about our legislative bodies and Michigan law. They all came back very excited. The breakfast and this trip completed their Michigan studies for this year; however, I am convinced their interest in our great state and in our governing bodies at the state, county, local and district level will continue.

We know how very busy your schedule is. To share your time and talents with us is greatly appreciated. We hope you enjoyed your visit with our students. I know it will be a special memory for them.

With great appreciation,

Mary Haezebrouck

Mary Haezebrouck

An Equal Opportunity/Affirmative Action Employer

J-03c

From: Pam Brady
To: Troy Mayor and City Council
Date: June 12, 2009
RE: River Day 2009

Madam Mayor and City Council,

I was delighted to participate in the 2009 River Day activity, held this year at Stage Nature Center on June 6. Allow me to enumerate some of the things I observed during that day.

Jennifer Lawson, Stacey Yankee, Ron Hynd, and others are to be commended for combining their expertise and working together very well on the joint effort. Plans made and agreed upon, equipment ready, plants and compost in place, everything was organized and ready for the volunteers when they showed up.

Volunteers had a choice of several tasks varying on their interests and capabilities. They could:

- lay down compost and build a buffer/riparian area on two sides of the stream as it comes into the pond behind the Nature Center building in order to have a rooted area to filter the water before it left the land and went into the stream
- build a rain garden to collect the water off two segments of Center building roof and direct it into a specially prepared planted area where the underlying compost and sand mix allowed the water to percolate into its soil and keep the water managed onsite
- pull invasives, mainly garlic mustard, in order to stop the millions of seeds that are/will be contained in them and keep the area from being a monoculture of garlic mustard and allow for biodiversity and other plants to keep growing
- get logs out of the stream so they don't collect pileups of other debris
- spread woodchips along the trails in order to slow erosion during rainy periods and make a soft landing for our hikes
- spread grass and flower seeds in designated areas to sprout an area that was barren in order to put what we wanted to grow and not invite opportunists to enter the open area

The weather was perfect: a little on the cool side, partly cloudy, a slight breeze. A little exertion would warm everybody up nicely. We were to work from 9am to 1pm including lunch. Volunteers started arriving at 8:15am and were promptly put to work. By about noon, we were pretty much done. Tools were returned, trash bags containing garlic mustard assembled for disposal, new plantings watered, fencing installed to protect the vulnerable areas until the plants were established, paperless lunch served, items retrieved for recycling. We were among the last to leave and with the exception of the completed work, one wouldn't have known we'd been there.

Having to use canes, I couldn't bend, plant, pull, or rake. But they found a job for me. I could do volunteer intake, hand out tee shirts and work gloves, tell volunteers their choices of tasks needing tending, direct them to the areas that needed people at the moment, and do education outreach so they knew what they'd be doing and why it was important so they could carry the practice of environmental gardening back home to put in place in their own yards. Four hours and 153 people later, we'd succeeded in not only finishing the tasks at hand, but also had built a sense of community. You see, all morning, residents of Asian, Indian and other descents worked alongside corporate groups and scout troops. We didn't always speak the same verbal language, but we knew we were working together in harmony to help heal Mother Earth. That's a wonderful philosophy to share. River Day was the venue which allowed us to come together to do this.

I made new friends that day—most of whom live in Troy. Providing a common project like this fostered community spirit and stewardship. How can Troy not be one of America's Best Places to Live!

Yours truly,
Pam (and Mike) Brady

MADISON HEIGHTS POLICE DEPARTMENT

J-03d

280 West Thirteen Mile Road • Madison Heights, Michigan 48071

248-585-2100 • Fax 248-585-8090 • Administration 248-837-2729

KEVIN M. SAGAN
Chief of Police

ANTHONY P. ROBERTS
Deputy Chief of Police

June 19, 2009

Chief Gary Mayer
Troy Police Department
500 West Big Beaver Road
Troy, Michigan 48084

Dear Chief Mayer,

From all of us here at the Madison Heights Police Department family, thank you to your Department's men and women for their response to Officer Ryan Settlemoir's untimely death. In our time of need, your department stepped in with help in our Dispatch Center, with officers for Road Patrol and men and women in uniform standing with us at the services for our fallen comrade, Officer Ryan Settlemoir.

I would like to especially acknowledge Officers Michael Villerot, Brian Warzecha, Dan Langbeen and Dispatchers Sam Kalef, Fred Robinson and Curt Reynolds; along with many others who paid their respects during Ryan's services. We were genuinely touched the support shown by your men and women who helped us, comforted us and showed Ryan's family their love and respect during this tragic time. We will always remember your department's special bond with us.

We are very grateful to the kindness shown us through words and deeds during this past week. We have been touched by this same kindness by many law enforcement agencies, fire agencies and others in our community and your department's quick response was what we have come to expect from your people. Thank you again from all of us here at the Madison Heights Police Department.

RECEIVED
CHIEF OF POLICE
6-23-09

Warmest regards,

Kevin M. Sagan

Kevin M. Sagan
Chief of Police

P.O.'S VILLEROT, WARZECHA + LANGBEEN
CS'S KALEF + REYNOLDS
PSA ROBINSON
THANK YOU FOR HELPING MHPD BY WORKING THE ROAD PATROL + COMMUNICATIONS SO THEY COULD ATTEND THE SERVICES FOR OFC. SETTLEMOIR
Gary

J-03e

BUTZEL LONG
ATTORNEYS AND COUNSELORS

Dear Ms. Pallotta,

We wanted to write and thank you for helping at our Passport Clinic. We appreciate the time you took to spend the day with us and all of the information you provided. We look forward to working with you in the future.

Bushra A Malik Jason Killingbeck

Bushra A. Malik Jason Killingbeck

RECEIVED
CITY OF TROY
2009 JUN 30 PM 3:54

J-3e

J-03f

Gary G Mayer

From: Michael P Lyczkowski
Sent: Monday, June 29, 2009 2:40 PM
To: Gary G Mayer
Cc: Gerard S Scherlinck
Subject: Positive Response to 2009 Retail Loss Prevention Seminar

Chief Mayer:

As you know, we cosponsored the Retail Loss Prevention Training Seminar at the Somerset Collection, with Somerset Collection Security and Target Corporation on June 25. This annual event was possible as a result of a $1000 grant from Target Corporation and a meeting location provided by the Somerset Collection.

The seminar was open to managers, loss prevention officers and security employees of retail businesses within the City of Troy and businesses participating in the Metro Detroit Retailers Intelligence Network, an informal affiliation of retailers who participate in intelligence sharing on topics related to retail crime trends and safety issues. The Network was established by Officer Andrew Breidenich in 2005, as a result of recognizing that many retail crime suspects perpetrate their crimes at retail establishments throughout the metropolitan area. Information sharing frequently results in the identification and arrest of suspects that may not likely have occurred before formation of the Network.

Featured presentations at the 2009 seminar included:

- Workplace Violence by the Troy Police Department
- Mall Security Issues by Somerset Collection Security
- Counterfeit Currency & Investigation by the United States Secret Service
- Active Shooter in Malls by Valor Security
- Organized Retail Crimes by Target Corporation
- Suspicious Packages by United States Postal Inspectors

We received the attached positive response about the seminar from Ms. Amy Gagleard, Lead Detective for Macy's Somerset:

> *I just wanted you both (Officer Andrew Breidenich and Somerset Collection Security Director John Myszak) to know that I loved the seminar yesterday. There was a lot of good information available, as well as excellent networking opportunities! The information given was pertinent to today's retail environment. I think that the information given by the Kim Orlando was one of the most important to me. I now have a priceless contact on the postal side...which is invaluable to me with as many fraud investigations I have involving shipped items. I also greatly appreciated the Valor Security presentation. Not only did it make us aware of the stance this mall will take on an active shooter (God forbid!), but it also brought to light some weaknesses we have within our own buildings as far as an active shooter plan. Once again, wonderful presentation. The amazing level of communication and relationship that we have with LPO's, Mall Security and TPD is what continues to make us all successful. Thanks again for everything you guys do and all the support you provide!!*

Once again, Officer Breidenich has done an outstanding job in representing the Troy Police Department to the retail community we serve. I am certain there are other attendees that are as appreciative as Ms. Gagleard. I am confident that the seminar, resulting from this partnership, is going to have a positive impact on the retail environment in Troy and throughout the metropolitan area.

Please let me know if you need any other information about this event.

Thank you,

Lt. Michael P. Lyczkowski #305

P.O. BREIDENICH-
THANKS FOR ANOTHER GREAT JOB - Gary

CITY MGR. FILES

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: June 30, 2009
SUBJECT: Rome Love v. City of Troy – Settlement and Dismissal

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Enclosed please find the stipulated order dismissing the *Rome Love v City of Troy* case. The parties were able to reach a mutually agreeable settlement. In exchange for the dismissal of the case, the City has agreed to pay a nominal amount, which is less than the City's expected court costs for a full trial. This amount is also within the allowable expenditure limits of Chapter 7, Section 3 of the City of Troy ordinances.

This lawsuit involved a minor collision between a Troy bus and a SMART bus on April 6, 2006. The Troy bus was detoured from its normal I-75 route due to road construction, and was driving in the through lane of Woodward Avenue. The City's bus bumped into a SMART bus, which was stopped partially in the through lane to drop off/ pick up passengers. There was a minor impact between the front passenger mirror on the Troy bus and the rear driver side taillight and side radiator panel on the SMART bus. Mr. Love was a passenger on the SMART bus. He did not complain of any injuries at the scene, and he was transferred to another bus and continued on to his intended destination (the Northland Mall). The next day, he went to the Henry Ford Emergency Room, complaining of back and neck pain. He was x-rayed and released, but followed up with a chiropractor three weeks later. He was then diagnosed with a bulging disc in his lower back and chronic cervical sprain. It is important to note that Plaintiff sustained a gunshot wound injury to his back in 1994, which left bullet fragments lodged near his spine. Mr. Love has degenerative changes, but they could likely be from the gunshot injury, as opposed to his alleged injuries sustained in the accident. Mr. Love also treated with another doctor, at the suggestion of his attorney, who diagnosed a closed head injury. This diagnosis is disputed by our independent medical examiner, who concluded that there is no closed head injury.

Plaintiff has executed a release, where he acknowledges that the City denies any liability, and has settled this case for the sole and express purpose of avoiding future controversy and to avoid the resulting uncertainty of a verdict at trial. Juries can be unpredictable, and Wayne County juries are reputed as being more favorable to Plaintiffs than to Defendants, and therefore this settlement was thought to be in the best interest of the City.

Please let us know if you have any questions.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

LOVE LOVE,

Plaintiff,

v

CITY OF TROY,

Defendant.

08-105393-NI 2/29/2008
JDG: ~~CYNTHIA DIAN STEPHENS~~ AMY P. HATHAWAY
LOVE ROME
VS
TROY CITY OF

WILLIAM D. KAHN (P27638)
DENNIS A. ROSS (P19669)
Attorneys for Plaintiff
24450 Evergreen Road, Ste. 208
Southfield, MI 48075
(248) 352-1200

CITY OF TROY – CITY ATTORNEY'S OFFICE
Lori Grigg Bluhm (P46908)
Christopher J. Forsyth (P63025)
Attorneys for Defendant
500 W. Big Beaver Road
Troy MI 48084
(248) 524-3320

STIPULATED ORDER OF DISMISSAL

At a session of Court held in the
Courthouse in the City of Detroit,
Wayne County, MI

on: JUN 24 2009

PRESENT: HONORABLE Amy P. Hathaway

IT IS ORDERED that this action is dismissed in its entirety with prejudice and without costs.

This order disposes of the last pending claim and closes the case.

AMY P. HATHAWAY

Amy P. Hathaway
Circuit Court Judge

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

Approved as to form and substance; notice of entry waived:

Dated: 6-11-09

BY _____
DEPUTY CLERK

William D. Kahn (P27638)
Attorney for Plaintiff
24450 Evergreen Road, Ste. 208
Southfield, MI 48075
(248) 352-1200

Dated: 6-15-09

Christopher J. Forsyth (P63025)
Attorney for Defendant
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320