

# **AGENDA**

**Meeting of the**

## **CITY COUNCIL OF THE CITY OF TROY**

**JULY 20, 2009  
CONVENING AT 7:30 P.M.**

**Submitted By  
The Acting City Manager**

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***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](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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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**

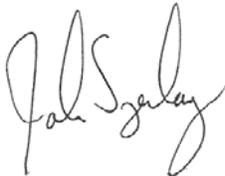
I. Troy enhances the health and safety of the community

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,

A handwritten signature in cursive script, appearing to read "John Szerlag".

John Szerlag, Acting City Manager

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**CITY COUNCIL**

**AGENDA**

**July 20, 2009 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317**

**CALL TO ORDER: 1**

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**INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Jack Mannschreck – Big Beaver  
United Methodist Church 1**

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**ROLL CALL: 1**

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**CERTIFICATES OF RECOGNITION: 1**

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- A-1 Presentations: 1
  - a) Robin Beltramini, President of the Michigan Municipal League will give a Presentation Regarding an Update of MML Activities ..... 1
  - b) 2009 World Book/ALA Information Literacy Goal Award – Presentation by Phillip Kwik, Library Technology Department ..... 1

**CARRYOVER ITEMS: 1**

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B-1 No Carryover Items 1

**PUBLIC HEARINGS: 1**

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C-1 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) 1

C-2 Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital Troy 2

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**CALL TO ORDER:****INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Jack Mannschreck – Big Beaver United Methodist Church****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:**

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**A-1 Presentations:**

- a) Robin Beltramini, President of the Michigan Municipal League will give a Presentation Regarding an Update of MML Activities
- b) 2009 World Book/ALA Information Literacy Goal Award – Presentation by Phillip Kwik, Library Technology Department

**CARRYOVER ITEMS:**

- 
- B-1 No Carryover Items**

**PUBLIC HEARINGS:**

- 
- C-1 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)**

Suggested Resolution

Resolution #2009-07-

Moved by

Seconded by

WHEREAS, A request was received for the vacation of a section of the 25-foot-wide platted street, located north of Naughton and south of I-75, and abutting Lot 11 (1125 Naughton) and Lots 16 and 24 (1200 Naughton) of Supervisor's Plat No. 10, in Section 26; and

WHEREAS, The Planning Commission recommended that this street vacation be granted with the retention of a 25-foot wide easement for public and private utilities;

THEREFORE, BE IT RESOLVED, The property which shall benefit from this requested vacation is Lot 11 (1125 Naughton, City of Troy Tax Parcel 20-26-152-005) and Lots 16 and 24 (1200 Naughton, City of Troy Tax Parcel 20-26-153-026) of Supervisor's Plat No. 10; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **VACATES** a section of the 25-foot-wide platted street, located north of Naughton and south of I-75, and abutting Lots 11, 16 and 24 of Supervisor's Plat No. 10, in Section 26; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **RETAINS** a 25-foot wide easement for public and private utilities; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record a certified copy of this resolution with the Oakland County Register of Deeds.

Yes:

No:

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**C-2 Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital Troy**

Suggested Resolution

Resolution #2009-07-

Moved by

Seconded by

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to (1) finance the construction, acquisition, renovation, equipping, rehabilitation and/or improve hospital facilities in the City of Troy, Michigan and (2) refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan;

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) and Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$120,000,000 to provide funds with which to make loans to the Hospital;

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof;

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, A record of public hearing will be maintained with the City Clerk;

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority; and

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority;

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$120,000,000 in aggregate principal amount of the Bonds by the Authority; and
2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority.

Yes:

No:

## POSTPONED ITEMS:

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**D-1** No Postponed Items

## PUBLIC COMMENT: Limited to Items Not on the Agenda

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

## REGULAR BUSINESS:

*Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10“E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

*NOTE: Any item selected by the public for comment from the Regular Business Agenda shall be moved forward before other items on the regular business portion of the agenda*

*have been heard. Public comment on Regular Agenda Items will be permitted under Agenda Item 10 "E".*

**E-1 Appointments to Boards and Committees: (a) Mayoral Appointments: Planning Commission (b) City Council Appointments: Ethnic Issues Advisory Board; Historical Commission; Library Advisory Board; and Troy Daze Committee**

**a) Mayoral Appointments**

Suggested Resolution

Resolution #2009-07-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following person to serve on the Boards and Committees as indicated:

**Planning Commission**

Appointed by Mayor - Student 1-Year Term

Adrienne Milner - **Student**

Term Expires 07/31/2010

Yes:

No:

**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:

**Ethnic Issues Advisory Board**

Appointed by Council – Student 1-Year Term

Liyuan (Lily) Huang-**Student**

Term Expires 07/01/2010

David Guo-**Student**

Term Expires 07/01/2010

**Historical Commission**

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

Kevin Lindsey

Term Expires 07/31/2012

**Library Advisory Board**

Appointed by Council – Student 1 Year Term

Paul Lee-**Student**

Term Expires 07/01/2010

**Troy Daze Committee**

Appointed by Council – Student 1-Year Term

Sarah Wunderlich-**Student**

Term Expires 07/31/2010

Alice Liang-**Student**

Term Expires 07/31/2010

Yes:

No:

**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Downtown Development Authority (b) City Council Nominations: Historic District Commission; Parks & Recreation Board; and Youth Council**

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

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

**a) Mayoral Nominations**

Suggested Resolution

Resolution #2009-07-

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:

**Downtown Development Authority**

Appointed by Mayor (13-Regular) - 4-Year Terms

@ large

Unexpired Term 09/30/2011

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:

**Historic District Commission**

Appointed by Council (7-Regular) - 3-Year Terms; 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: Appointment pending until Troy School District forwards their recommendation**

**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 Charter Revision Committee Recommendations**

**(1) Section 3.7 – Election of Mayor Pro Tem - Annual Term**

Suggested Resolution

Resolution #2009-07-  
Moved by  
Seconded by

RESOLVED, That Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.7 – TO PROVIDE THAT THE MAYOR PRO TEM SHALL BE ELECTED BY THE COUNCIL MEMBERS ANNUALLY, RATHER THAN NOVEMBER IN EVERY ODD-NUMBERED YEAR.**

Shall Section 3.7 be amended to provide that the Mayor Pro Tem be elected annually in November by the Council from among its members, rather than in November in every odd-numbered year?

YES \_\_\_ NO \_\_\_

Yes:

No:

**(2) Section 3.10 – City Manager; Appointment and Qualification**

Suggested Resolution

Resolution #2009-07-

Moved by

Seconded by

RESOLVED, That Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.10 – TO AMEND THE RESIDENCY REQUIREMENT FOR THE TROY CITY MANAGER, WHICH IS NOT ENFORCEABLE UNDER STATE LAW, AND REPLACE WITH STATUATORILY ALLOWABLE RESIDENCY REQUIREMENTS.**

Shall Section 3.10 be amended to delete the requirement that the Troy City Manager reside in the City (which is not enforceable under current State Law) and to substitute in its place a requirement that the City Manager shall reside within 20 miles of the city unless by law the City Manager is permitted to reside in a location even more distant from the city?

YES \_\_\_ NO \_\_\_

Yes:

No:

**(3) Section 6.2(g) - Vacancies in Elective Office**

Suggested Resolution

Resolution #2009-07-

Moved by

Seconded by

RESOLVED, That Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

***This provision shall be effective for each City official elected at the City Election on November 3, 2009 and thereafter.***

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2(g) –  
VACANCIES IN ELECTIVE OFFICE TO ALLOW FOR CONTINUED SERVICE  
FOR SITTING COUNCIL MEMBERS SEEKING ANOTHER ELECTED CITY  
OFFICE UNTIL THE SEATING OF THE NEW COUNCIL.**

Shall Section 6.2(g) be amended by deleting the requirement that a City Council member seeking to be a candidate for any other City elective office shall resign for the Council prior to the filing deadline for the municipal election and substituting in its place a requirement that such City Council member shall instead file with the City Clerk an irrevocable letter of resignation that shall take effect no later than the next General City Election?

YES \_\_\_ NO \_\_\_

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".*

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**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:

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**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 July 6, 2009 as submitted; the Minutes of the 5:30 PM Special City Council Meeting of July 7, 2009 as submitted; the Minutes of the 9:00 AM Special City Council Meeting of July 8, 2009 as submitted; and the Minutes of the 7:00 PM Special City Council Meeting of July 9, 2009 as submitted.

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**F-3 Proposed City of Troy Proclamation:**

Suggested Resolution

Resolution #2009-07-

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

- a) Parks and Recreation Month – July, 2009

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**F-4 Standard Purchasing Resolution**

- a) **Standard Purchasing Resolution 1: Award to Low Bidders – Troy Daze Tent Rentals**

Suggested Resolution

Resolution #2009-07-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish and erect tents for the Troy Daze Festival to the low bidders, S & R Event Rental, of Harrison Township, MI, and Ace Canvas & Tent, of Detroit, MI for an estimated total cost of \$13,520.00 and \$3,200.00 respectively, at unit prices contained in the bid tabulation opened June 24, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

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**F-5 Request for Approval to Purchase a Foreclosed Property for Drain Purposes Resulting from Non-Payment of Taxes for Drain Purposes**

Suggested Resolution

Resolution #2009-07-

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to purchase foreclosed property with Sidwell # 20-15-378-030, for the amount of unpaid real property taxes, interest and finance charges in an amount not to exceed \$3,000.00, plus closing and administrative costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **VACATES** any currently active special assessments.

**F-6 Request for Approval to Purchase Foreclosed Properties for Park Purposes Resulting from Non-Payment of Property Taxes**

Suggested Resolution  
Resolution #2009-07-

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to purchase foreclosed property with Sidwell # 20-22-326-001, 20-22-326-002, 20-22-326-012, and 20-22-326-013, for the amount of unpaid real property taxes, interest and finance charges in an amount not to exceed \$80,000.00, plus closing and administrative costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **VACATES** any currently active special assessments.

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**F-7 Private Agreement for Sonic Restaurant – Project No. 09.902.3**

Suggested Resolution  
Resolution #2009-07-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and PRG-SD, Inc., for the installation of water main, sidewalks, deceleration lane, and soil erosion on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings: None Submitted**

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**G-2 Memorandums: None Submitted**

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

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**H-1 No Council Referrals Advanced****COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced**

**REPORTS:**

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**J-1 Minutes – Boards and Committees:**

- a) Charter Revision Committee/Final – March 20, 2009
  - b) Employees' Retirement System Board of Trustees/Final – May 13, 2009
  - c) Parks and Recreation Advisory Board/Draft – May 21, 2009
  - d) Building Code Board of Appeals/Final – June 3, 2009
  - e) Charter Revision Committee/Draft – July 13, 2009
- 

**J-2 Department Reports:**

- a) Building Department – Permits Issued June 2009
  - b) Building Department – Permits Issued January 2009 – June 2009
  - c) Building Department – Permits Issued July 2008 – June 2009
- 

**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Chief Mayer from Suzanne Kayser Regarding the Outstanding Service of Officers Pokley, Morgan and Mouch; and Sergeants Fiorgi and Nastasi
  - b) Letter of Thanks to Aquatic Center Staff from the Giorgi Family
  - c) Letter of Thanks to Chief Nelson from Clawson Fire Chief Ballard Regarding Fire Station Coverage
- 

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

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**J-5 Communication from Police Department Regarding Proof of TIPS/TAMS Server Training**

---

**J-6 Communication from Public Works Director Timothy Richnak Regarding Review of Sidewalk and Drive Approach Bids**

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**J-7 Communication from City Engineer Steven Vandette Regarding Current Local Road Conditions and Analysis of Road Maintenance Funding**

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**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

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**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*

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*are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

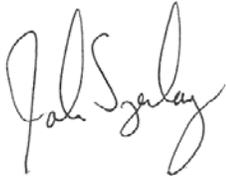
**CLOSED SESSION:**

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**L-1 No Closed Session Requested**

**ADJOURNMENT**

Respectfully submitted,



John Szerlag, Acting City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, August 3, 2009

1. X-Ray Industries, 1961 Thunderbird – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC)

**SCHEDULED CITY COUNCIL MEETINGS:**

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
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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



## CITY COUNCIL REPORT

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Cathleen A. Russ, Library Director

SUBJECT: 2009 World Book/ALA Information Literacy Goal Award

### Background:

- The American Library Association presented the 2009 World Book/ALA Information Literacy Goal Award to the Troy Public Library for its program **Information Literacy for the Job Seeker**. The award was presented to Cathleen Russ on Tuesday, July 14<sup>th</sup> during the ALA Annual Conference in Chicago.
- This annual award seeks to promote exemplary information literacy programs in both public and school libraries. A start-up funding of \$5,000 was received. The funding will be used for a program to focus on individuals who have little computer literacy and are seeking jobs. The World Book Award will enable the program to become a reality and be implemented at the Troy Public Library.



## CITY COUNCIL ACTION REPORT

DATE: July 7, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Public Hearing – 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)

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.

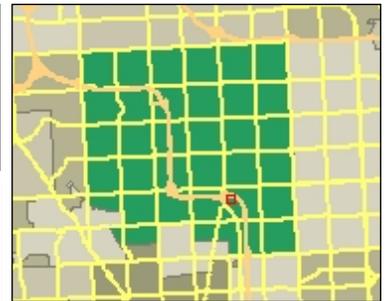
Upon vacation, ownership of the west half of the vacated street will revert to Lot 11 (1125 Naughton) and the east half would revert to Lots 16 and 24 (1200 Naughton) of Supervisor's Plat No. 10. There is a 30-inch storm sewer and overhead utilities within the right of way. Consequently, the City will 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.
3. Public comment.

Prepared by RBS/MFM

cc: Applicant  
File /SV 34-B



**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

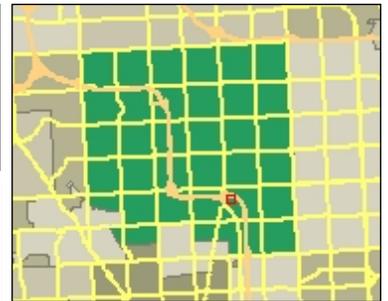
1: 929

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.

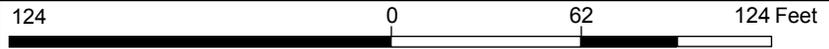
**Notes**  
 Street Vacation (SV 34-B), Markton Street, North of Naughton and South of I-75, Section 26, M-1 (Light Industrial)



**Legend**

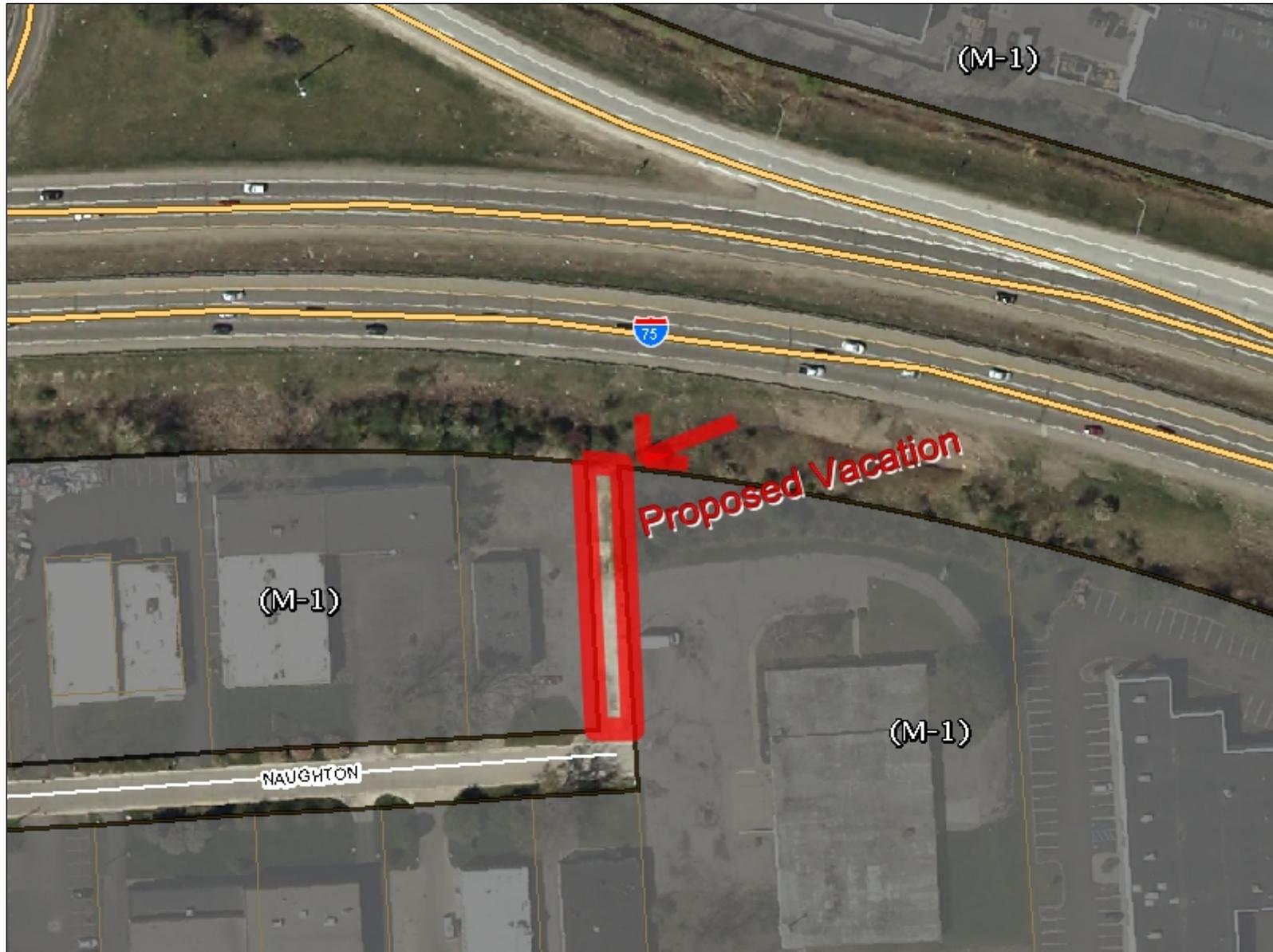
- I-75
- Road Centerline**
  - Major Road
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- Hydrography Poly
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- Parcels
- Aerial Photos - 2008**
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

1: 743



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
- 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 I
  - (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 IV
  - (RM-1) Multiple Family Residential
  - (RM-2) Multiple Family Residential
  - (RM-3) Multiple Family Residential
- Hydrography Poly
- Hydrography Arc

1: 1,394



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.

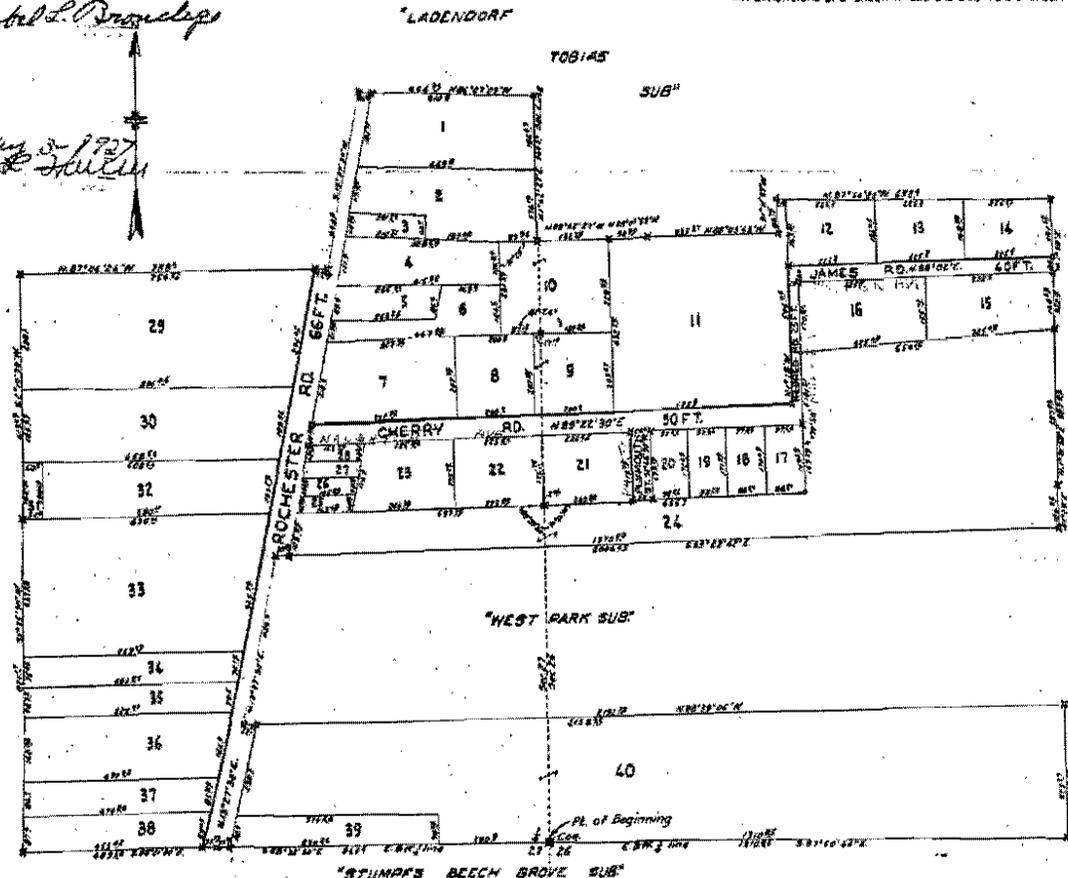
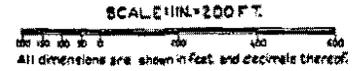
**Notes**  
 Street Vacation (SV 34-B), Markton Street, North of Naughton and South of I-75, Section 26, M-1 (Light Industrial)

# "SUPERVISORS PLAT No. 10"

A SUBDIVISION OF PART OF NE 1/4 SEC. 27 AND PART OF NW 1/4 SEC. 26 T.2N.R.11E. TROY TWP. OAKLAND CO. MICH.

May 3-1927  
Chas. L. Hauer

May 3-1927  
Chas. L. Hauer  
May 16-1927  
H. L. B. [unclear]  
May 27-1927  
H. L. B. [unclear]



Approved by the Board of County & School  
of Oakland County, Michigan, this 11th  
day of April 1927.  
Chairman  
Edgar J. [unclear]  
John [unclear]

KNOW ALL MEN BY THESE PRESENTS:  
That I, Morris Wattle, Supervisor of the Township of Troy Oakland Co. Mich. by virtue of authority in me vested by Section 3350, Compiled Laws of 1916 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. 1/4 Sec. 27 and part of N.W. 1/4 Sec. 26 T.2N.R.11E. Troy Twp. Oakland Co. Mich. and that the lots shown on said plat are hereby dedicated to the use of the public signed and sealed in presence of  
Maurice W. Miller  
Morris Wattle  
Township Supervisor

STATE OF MICHIGAN }  
COUNTY OF Oakland }  
On this 31 day of April A.D. 1927 before me a Notary Public in and for said County, personally came the above named Morris Wattle, 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.  
Maurice W. Miller  
Notary Public Oakland Co. Mich.  
My commission expires 20/11/1927

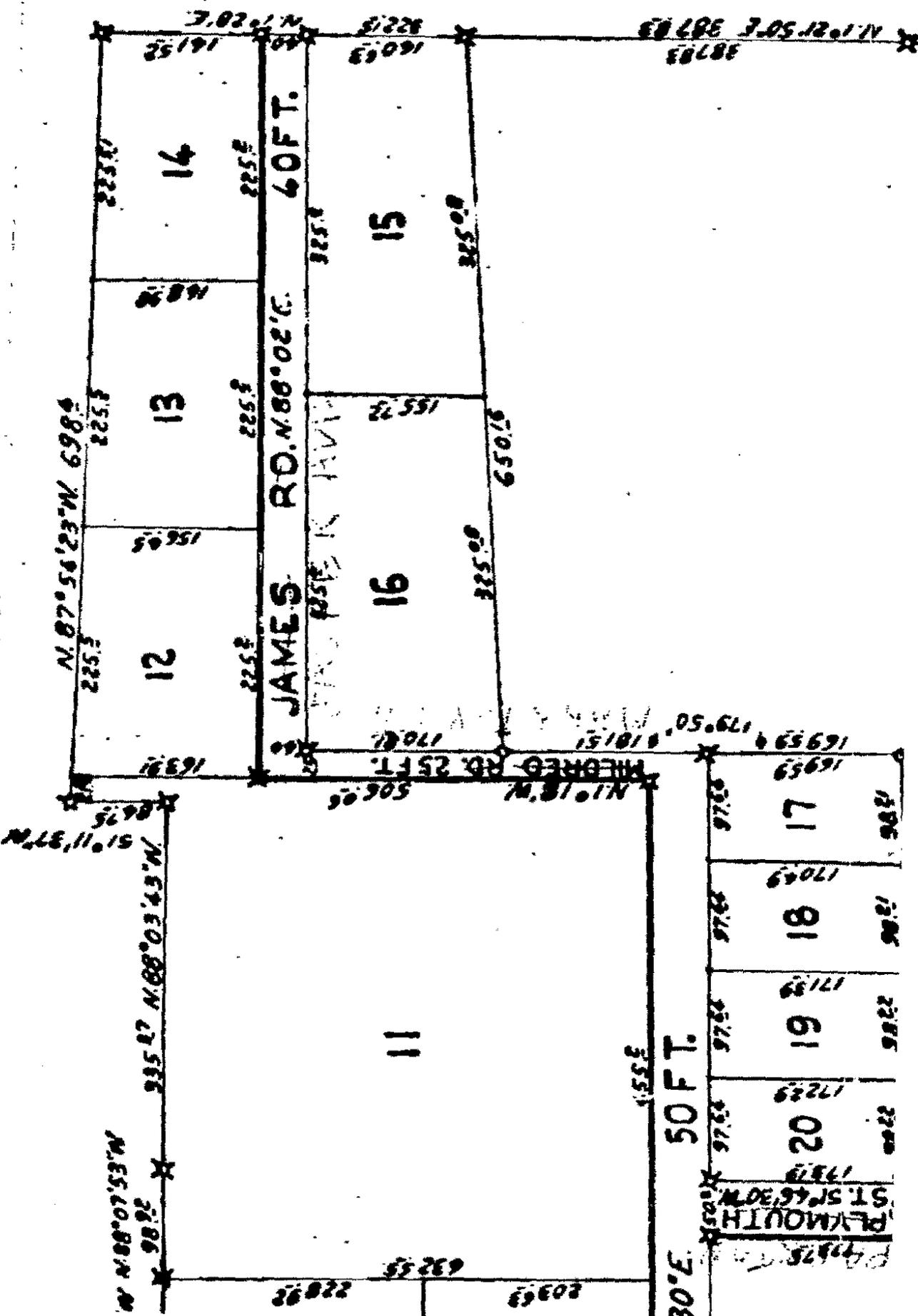
SURVEYORS CERTIFICATE:  
I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length set in a concrete base at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus X 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.  
H. S. McAlpine  
Registered Surveyor

I, Morris Wattle, Township Supervisor of Troy Township Oakland Co. Mich. hereby certify that because of ownership in small parcels of property shown on this plat, and because of conditions of land and of parcels and for other reasons it appears necessary and advisable to make a supervisors plat of same.  
Morris Wattle  
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.  
Maurice W. Miller  
Township Clerk

DESCRIPTION:  
Beginning at the W 1/2 cor. Sec. 26 T.2N.R.11E. Troy Twp. Oakland Co. Mich. thence S.87°50'44"E along the E. & W. 1/2 line of Sec. 26 1310.85 ft. thence N1°50'15"E. 323.27 ft. thence N85°39'05"W 2192.25 ft. to the center line of Rochester Road thence N13°37'30"E along the center line of Rochester Road 426.8 ft. thence S.89°22'42"E. 2004.49 ft. thence N1°29'E. 104.38 ft. thence N1°21'30"E. 387.83 ft. thence N1°28'E. 322.4 ft. thence N.87°54'23"W 638.4 ft. thence S.1°11'37"W. 84.25 ft. thence N.88°03'43"W 395.27 ft. thence N.88°07'53"W 98.92 ft. thence N.88°42'27"W 182.89 ft. to the West line of Sec. 26 thence N1°42'27"E along the West line of Sec. 26 360.57 ft. thence N.86°27'03"W 444.23 ft. to the center line of Rochester Road thence S.13°37'30"W along the center line of Rochester Road 443.8 ft. thence N.87°06'24"W 788 ft. thence S.2°10'30"W 613.8 ft. thence S.1°35'30"W 821.7 ft. to E. & W. 1/2 line Sec. 27 thence S.88°21'30"E along the E. & W. 1/2 line Sec. 27 489.8 ft. thence S.88°33'30"E along said line 845 ft. to point of beginning.

Rock



JAMES RD. N. 88° 02' E. 60 FT.

MILBRED RD. 25 FT.

30° E 50 FT.

PLYMOUTH ST. S. 46° 30' W. 150 FT.

N. 87° 25' 00" W. 698.9

N. 57° 03' 43" W. 2156.5  
 N. 55° 40' 08" W. 3886  
 N. 15° 11' 37" W. 867.5

14

13

12

15

16

11

17

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19

20

N. 1° 20' E. 1615.2  
 N. 82° 18' E. 387.83

N. 82° 18' E. 387.83  
 N. 82° 18' E. 387.83

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N. 1° 18' W. 506.05  
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## **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



## CITY COUNCIL ACTION REPORT

July 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Public Hearing to Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital - Troy

As required by the Internal Revenue Code of 1986, as amended (the "Code") the City of Troy is holding a public hearing to receive public input in advance of authorizing the City of Royal Oak Hospital Finance Authority to issue bonds that will be used for the acquisition and installation of hospital facility equipment as well as to refund bonds issued for William Beaumont Hospital – Troy.

It should be noted that approval of the issuance of bonds by the City of Royal Oak Hospital Finance Authority for the benefit of the City of Troy will not have any effect on the ability of the City of Troy to issue bonds, nor will it involve any liability to the City of Troy for the bonds.

Founded in 1852  
by Sidney Davy Miller

# MILLER CANFIELD

Kristin E. Nied  
(734) 668-7705  
nied@millercanfield.com

**Miller, Canfield, Paddock and Stone, P.L.C.**  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
TEL (313) 963-6420  
FAX (313) 496-7500  
[www.millercanfield.com](http://www.millercanfield.com)

MICHIGAN: Ann Arbor  
Detroit • Grand Rapids  
Kalamazoo • Lansing  
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FLORIDA: Naples

ILLINOIS: Chicago

MASSACHUSETTS: Cambridge

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NEW YORK: New York

CANADA: Toronto • Windsor

POLAND: Gdynia  
Warsaw • Wrocław

July 1, 2009

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

**via e-mail to: [j.szerlag@troymi.gov](mailto:j.szerlag@troymi.gov)**

RE: City of Royal Oak Hospital Finance Authority – William Beaumont Hospital

Lady and Gentlemen:

William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Finance Authority utilizing tax-exempt bonds. Miller Canfield is acting as bond counsel with respect to the bonds. Although all of the bonds will be issued by the City of Royal Oak Hospital Finance Authority, as permitted by State law, a portion of the proceeds of the bonds will be used to construct, acquire, renovate, equip, rehabilitate and/or improve hospital facilities in the City of Troy as well as to refund bonds the proceeds of which were used to construct, acquire, renovate, equip, rehabilitate and/or improve the hospital facility of William Beaumont Hospital in the City of Troy.

As required by the Internal Revenue Code of 1986, as amended (the “Code”), the City of Royal Oak must hold a public hearing and permit the issuance of the bonds. In addition, the Code requires, when proceeds of the bonds will be used outside of the jurisdiction issuing the bonds, that such other jurisdiction also hold a public hearing and authorize the issuance of the bonds.

To meet the requirements of the Code, we would like to request being placed on your City Council agenda for your July 20, 2009 meeting for the purpose of conducting a public hearing and approving the issuance of the bonds by the City of Royal Oak Hospital Finance Authority. I am attaching a draft of the notice that, when completed, will be released for publication later this week. I will send you a completed copy when it is available. I am also attaching a draft of the proposed resolution that would be considered. The format of the resolution is identical to ones that the City Council for the City of Troy passed in August, 2008 and in other previous years for financings of William Beaumont Hospital through the City of Royal Oak Hospital Finance Authority. I will send you a final resolution in the next couple of days with the amount of the bonds filled in.

**MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.**

Mr. John Szerlag

-2-

July 1, 2009

The approval of the bonds by the City Council of the City of Troy is solely for the purpose of meeting the public approval requirements of the Code. Such approval will not have any effect on the ability of the City of Troy (or affiliates) to issue bonds and will not involve any liability to the City of Troy (or affiliates).

Please confirm that we can be placed on your agenda for your July 20, 2009 City Council meeting. Also, please confirm the time and location I have used in the attached notice for the Troy meeting.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: /s/ Kris Nied  
Kristin E. Nied

Enclosure

DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice contained in this document and its attachments, if any, may not be used or referred to in the promoting, marketing or recommending of any entity, investment plan or arrangement, nor is such advice intended or written to be used, and may not be used, by a taxpayer for the purpose of avoiding Federal tax penalties. Advice that complies with Treasury Circular 230's "covered opinion" requirements (and thus, may be relied on to avoid tax penalties) may be obtained by contacting the author of this document.

AALIB:561199.1\006839-00006

NOTICE OF PUBLIC HEARINGS ON THE ISSUANCE  
BY THE CITY OF ROYAL OAK HOSPITAL FINANCE AUTHORITY  
OF HOSPITAL REVENUE AND HOSPITAL REVENUE REFUNDING BONDS  
FOR THE BENEFIT OF WILLIAM BEAUMONT HOSPITAL

NOTICE IS GIVEN that the City Commission of the City of Royal Oak will hold a public hearing at 7:30 p.m., in the Commission Chambers of City Hall, 211 Williams Street, Royal Oak, Michigan on the 20th day of July, 2009, that the City Council of the City of Sterling Heights will hold a public hearing at 7:30 p.m. in the City Hall Council Chambers, 40555 Utica Road, Sterling Heights, Michigan on the 21st day of July, 2009, that the City Council of the City of Troy will hold a public hearing at 7:30 p.m. in the City Council Chambers, City Hall, 500 W. Big Beaver, Troy, Michigan on the 20th day of July, 2009, and that the City Council of the City of Grosse Pointe will hold a public hearing at 7:00 o'clock p.m. in the Municipal Complex, 17147 Maumee Avenue, Grosse Pointe, Michigan on the 20th day of July, 2009, each on the proposed issuance of hospital revenue and hospital revenue refunding bonds (the "Bonds") in one or more series in the maximum aggregate principal amount of \$120,000,000 by the City of Royal Oak Hospital Finance Authority to provide funds to loan to William Beaumont Hospital (the "Hospital") to be used by the Hospital, together with other available funds, to (a) finance or refinance, at a presently estimated cost of \$20,000,000, a portion of the costs of the Project (described below), (b) to refund or otherwise reissue for federal tax purposes at an approximate cost of \$90,000,000 the bonds described below (the "Prior Bonds"), (c) to pay a portion of the interest to accrue on the Bonds, (d) to fund a debt service reserve fund for the Bonds, and (e) to pay the costs of issuing the Bonds.

The Project consists of payment of (a) the acquisition and installation of radiology imaging equipment and related information technology hardware and software and (b) the

construction of related infrastructure improvements and upgrades, all to be located at 3601 West Thirteen Mile Road, Royal Oak, Michigan (the “Main Hospital Campus”), 44201 Dequindre Road, Troy, Michigan 48085 (the “Troy Facilities”) and 468 Cadieux Road, Grosse Pointe, Michigan (the “Grosse Pointe Facilities”).

The Prior Bonds consist of all or a portion of (a) the \$39,225,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group) Series 2006T and (b) the \$39,250,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group) Series 2006U. The proceeds of the Prior Bonds were used by the Hospital to (a) advance refund the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital), Series 1996I (the “Series I Bonds”), which Series I Bonds refinanced the indebtedness incurred by the Hospital in connection with the issuance of the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital) Series 1991D (the “Series D Bonds”) and (b) pay costs of issuing the Prior Bonds. The proceeds of the Series D Bonds were used by the Hospital to (a) construct a critical care tower and a four level addition to the hospital facility, related parking and a shipping and receiving facility, all at the Main Hospital Campus, (b) construct a six level addition to and renovation of the hospital facility of the Hospital located at the Troy Facilities and (c) pay costs of issuing the Series D Bonds.

The Prior Bonds were issued as a single issue for federal tax purposes with (a) the \$64,125,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) Series 2006R (the “Series R Bonds”) and (b) the \$64,100,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) Series 2006S (the “Series S Bonds”). The proceeds of the





## CITY COUNCIL ACTION ITEM

Date July 16, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Committee Recommendations

### **Background:**

At their Regular meeting on Monday, July 13, 2009, the Charter Revision Committee recommended the following three Charter Revision amendments to the City Council for placement on the November 3, 2009 Ballot:

1. Section 3.7 – Election of Mayor Pro Tem - Annual Term
2. Section 3.10 – City Manager; Appointment and Qualification - Residency
3. Section 6.2(g) - Vacancies in Elective Office

A copy of the Charter Revision Committee July 13, 2009 Meeting Minutes are attached for your convenience.

The recommended Charter Amendments and ballot language are as follows:

1. Section 3.7 – Election of Mayor Pro Tem - Annual Term

### **EXISTING CHARTER LANGUAGE:**

#### **Section 3.7 – Election of Mayor Protem:**

The Council shall, at its first meeting following each regular City Election, and after the newly elected members take office, elect one of its members to serve as Mayor Protem. He shall serve for a term expiring upon the election their successors.

### **PROPOSED REVISED CHARTER LANGUAGE:**

#### **Section 3.7 - Election of Mayor Pro Tem:**

The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor Pro Tem. He or she shall serve for a term expiring upon the election of his or her successor.

### **PROPOSED BALLOT QUESTION:**

**Charter Amendment Proposal 09-**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.7 – TO PROVIDE THAT THE MAYOR PRO TEM SHALL BE ELECTED BY THE COUNCIL MEMBERS ANNUALLY, RATHER THAN NOVEMBER IN EVERY ODD-NUMBERED YEAR.

Shall Section 3.7 be amended to provide that the Mayor Pro Tem be elected annually in November by the Council from among its members, rather than in November in every odd-numbered year?

Yes:

No:

2. Section 3.10 – City Manager; Appointment and Qualification - Residency

**EXISTING CHARTER LANGUAGE:**

**Section 3.10 - City Manager; Appointment and Qualification:**

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

**PROPOSED REVISED CHARTER LANGUAGE:**

**Proposed Charter Language**

**Section 3.10 – City Manager; Appointment and Qualification:**

The City Manager shall be the Chief Administrative Officer of the City. He or she shall be selected on the basis of fitness and ability alone. At the time of his or her appointment, he or she need not be a resident of the City or State, but during the tenure of his or her office, he or she shall reside within 20 miles of the City, unless otherwise provided for under State Law. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

**PROPOSED BALLOT QUESTION:**

**Charter Amendment Proposal 09-**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.10 – TO AMEND THE RESIDENCY REQUIREMENT FOR THE TROY CITY MANAGER, WHICH IS NOT ENFORCEABLE UNDER STATE LAW, AND REPLACE WITH STATUATORILY ALLOWABLE RESIDENCY REQUIREMENTS

**Section 3.10 – City Manager; Appointment and Qualification:**

Shall Section 3.10 be amended to delete the requirement that the Troy City Manager reside in the City (which is not enforceable under current State Law) and to substitute in its place a requirement that the City Manager shall reside within 20 miles of the city unless by law the City Manager is permitted to reside in a location even more distant

from the city?

Yes:

No:

3. Section 6.2(g) - Vacancies in Elective Office

**EXISTING CHARTER LANGUAGE:**

**Section 6.2 - Vacancies in Elective Office:**

- (g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.

**PROPOSED REVISED CHARTER LANGUAGE:**

**Section 6.2 - Vacancies in Elective Office:**

- (g) Any member of City Council who wants to run for a City office at the next General City Election shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election

**PROPOSED BALLOT QUESTION:**

**Charter Amendment Proposal 09-**

*This provision shall be effective for each City official elected at the City Election on November 3, 2009 and thereafter.*

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2(g) – VACANCIES IN ELECTIVE OFFICE TO ALLOW FOR CONTINUED SERVICE FOR SITTING COUNCIL MEMBERS SEEKING ANOTHER ELECTED CITY OFFICE UNTIL THE SEATING OF THE NEW COUNCIL

**Section 6.2 - Vacancies in Elective Office:**

Shall Section 6.2(g) be amended by deleting the requirement that a City Council member seeking to be a candidate for any other City elective office shall resign for the Council prior to the filing deadline for the municipal election and substituting in its place a requirement that such City Council member shall instead file with the City Clerk an irrevocable letter of resignation that shall take effect no later than the next General City Election?

Yes:

No:

**RECOMMENDED MOTIONS:**

1. Section 3.7 – Election of Mayor Pro Tem - Annual Term

Resolution #2009-07-  
Moved by  
Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.7 – TO PROVIDE THAT THE MAYOR PRO TEM SHALL BE ELECTED BY THE COUNCIL MEMBERS ANNUALLY, RATHER THAN NOVEMBER IN EVERY ODD-NUMBERED YEAR.**

Shall Section 3.7 be amended to provide that the Mayor Pro Tem be elected annually in November by the Council from among its members, rather than in November in every odd-numbered year?

YES \_\_\_ NO \_\_\_

Yes:  
No:

2. Section 3.10 – City Manager; Appointment and Qualification:

Resolution #2009-07-  
Moved by  
Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.10 – TO AMEND THE RESIDENCY REQUIREMENT FOR THE TROY CITY MANAGER, WHICH IS NOT ENFORCEABLE UNDER STATE LAW, AND REPLACE WITH STATUATORILY ALLOWABLE RESIDENCY REQUIREMENTS**

Shall Section 3.10 be amended to delete the requirement that the Troy City Manager reside in the City (which is not enforceable under current State Law) and to substitute in its place a requirement that the City Manager shall reside within 20 miles of the city unless by law the City Manager is permitted to reside in a location even more distant from the city?

YES \_\_\_ NO \_\_\_

Yes:  
No:

3. Section 6.2(g) - Vacancies in Elective Office:

Resolution #2009-07-  
Moved by  
Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

***This provision shall be effective for each City official elected at the City Election on November 3, 2009 and thereafter.***

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2(g)  
– VACANCIES IN ELECTIVE OFFICE TO ALLOW FOR CONTINUED  
SERVICE FOR SITTING COUNCIL MEMBERS SEEKING ANOTHER  
ELECTED CITY OFFICE UNTIL THE SEATING OF THE NEW COUNCIL**

Shall Section 6.2(g) be amended by deleting the requirement that a City Council member seeking to be a candidate for any other City elective office shall resign for the Council prior to the filing deadline for the municipal election and substituting in its place a requirement that such City Council member shall instead file with the City Clerk an irrevocable letter of resignation that shall take effect no later than the next General City Election?

YES \_\_\_ NO \_\_\_

Yes:  
No:

A meeting of the Troy Charter Revision Committee was held July 13, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:35 PM.

**ROLL CALL:**

**PRESENT:** Maryann Bernardi, Daniel Bliss, Jerry E. Bloom, Shirley Kanoza, William Weisgerber  
**ABSENT:** Mark Solomon, Cynthia A. Wilsher  
**ALSO PRESENT:** Acting City Manager John Szerlag, City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

**APPROVE THE AGENDA:**

Resolution #CR-2009-07-008  
Moved by Bliss  
Seconded by Kanoza

RESOLVED, That the Agenda for the July 13, 2009 Charter Revision Committee meeting be **APPROVED** as placed on the table.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber  
No: None  
Absent: Solomon, Wilsher

**MOTION CARRIED**

**APPROVAL OF MINUTES: March 20, 2009**

Resolution #CR-2009-07-009  
Moved by Kanoza  
Seconded by Bernardi

RESOLVED, That the Charter Revision Committee Minutes of March 5, 2009 are hereby **APPROVED** as amended.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber  
No: None  
Absent: Solomon, Wilsher

**MOTION CARRIED**

**PROPOSED CHARTER AMENDMENT: Section 3.7 – Election of Mayor Pro Tem**

City Attorney Bluhm gave a brief overview of the proposed amendment. She noted that the amendment was overlooked back in 2005 when the State Law changes tied to Election Consolidation forced Charter amendments to bring the Charter into compliance.

Discussion continued on the impact of the amendment. Member Weisgerber suggested that the election of Mayor Pro Tem be by the electorate. He indicated that he also believes that the members of Council should be elected by Ward.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.7 – Election of Mayor Pro Tem**

Resolution #CR-2009-07-010  
Moved by Bliss  
Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.7, Election of Mayor Pro Tem, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber  
No: None  
Absent: Solomon, Wilsher

**MOTION CARRIED**

**PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification**

Member Kanoza questioned if there is really a problem with the length of time of 120 days or was the issue really with the Council process?

Member Bernardi indicated that the recent process was botched by the Council, however she believes that there really is a problem with insufficient days to do a thorough job. She noted that the process is much different today than it was when the original Charter language was drafted. She noted that the process often reaches far outside of Troy's boundaries and there are also many more opportunities in the process; such as the public Town Hall meeting. She said she supports placing the 180 day option before the voters.

Member Bloom noted that he would not like to see the position vacant for that length of time.

Member Kanoza agreed that 180 days it too long. She noted that if the process were extended too long, the public would lose track of what was going on with the process.

Member Bernardi referenced comments made at the Council meeting by Council Member Beltramini. She noted that Council Member Beltramini's husband works for higher education and they have a process built into the hiring of senior staff members that allows for an extension of a vacancy whenever there is a failed hiring process.

Member Weisgerber questioned what would happen if the Council did not fill the vacancy and how long could a vacancy exist? He suggested that the Mayor take over for a vacant City Manager.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification:**

Resolution #CR-2009-07-011

Moved by Bernardi

Seconded by Bliss

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.10, City Manager; Appointment and Qualification, as presented referencing the length of time a vacancy in the office of City Manager be increased from 120 days to 180 days, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss

No: Bloom, Kanoza, Weisgerber

Absent: Solomon, Wilsher

**MOTION FAILED**

**PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification**

City Attorney Bluhm gave a brief overview of the proposed amendment. She noted that the State Law changed 9 years ago. She noted that the amendment would mirror State Law. She informed the Committee that should the amendment not be placed on the ballot for voter's consideration or should the ballot question not receive sufficient votes, State Law would be referenced in the Charter and take precedence over the Charter provision.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification:**

Resolution #CR-2009-07-012

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.10, City Manager; Appointment and Qualification, as presented referencing the Residency Requirement for the Troy City Manager, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification**

Member Bernardi repeated her concerns voiced at the last meeting and indicated that she believes the proposal could result in more elections. She indicated that the amendment could discourage Council Members from running for the office of Mayor. She stated also believes the amendment adds complexity and grows the role of government. Member Bernardi stated that the amendment could result in as many as 6 vacant seats if all Council Members decided to run for the office of Mayor. However removing the Charter requirement entirely could result in only one vacancy and that seat could be filled by an appointment of Council.

Member Bloom indicated that he will be voting “no” as he has come up with a better solution. He noted that intent is to prevent surprises at the filing deadline and to make the process fair. The purpose is to attract good candidates.

Member Kanoza stated that she is a firm believer that Council Members should have to resign his or her position if they wish to seek another elective office. They should give their all either to the position they were elected to serve or 100% as a potential candidate. She does not believe you can do both.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2 (g) – Vacancies in Elective Office:**

Resolution #CR-2009-07-013  
Moved by Bliss  
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 6.2 (g), Vacancy in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza,  
No: Bernardi, Bloom, Weisgerber  
Absent: Solomon, Wilsher

**MOTION FAILED**

**CHARTER REVISION COMMITTEE MEETING SCHEDULE:**

Member Bernardi indicated she prefers days, but can be available evenings.

Member Kanoza indicated she is available both days and evenings. She informed the Committee that Member Wilsher prefers evenings.

Member Bloom noted that he is available both days and evenings. He also stated that he will not be available the Month of March.

Member Weisgerber stated he is available at either time.

Chair Bliss stated he prefers late afternoon meetings, but could be available early evenings.

City Attorney Bluhm reminded the Committee that Member Solomon is a professor at Walsh and has evening classes.

**MOTION TO INDICATE MEETING SCHEDULE PREFERENCES:**

Moved by Bliss

Seconded by Weisgerber

RESOLVED, That the Charter Revision Committee hereby **REQUESTS** that future Committee meetings be scheduled in an alternating fashion, beginning with the next meeting in the evening and then rotating between day and evening meetings.

**AMENDMENT:**

Resolution #CR-2009-07-014

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the motion be **AMENDED** by **SUBSTITUTING** “**REQUESTS** that” with “**PREFERS** that their”.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**AMENDMENT:**

Resolution #CR-2009-07-015

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the motion be **AMENDED** by **INSERTING** “*the second Thursday of the month*” following “alternating fashion”.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**VOTE ON AMENDED MAIN MOTION:**

Resolution #CR-2009-07-016

Moved by Bliss

Seconded by Weisgerber

RESOLVED, That the Charter Revision Committee hereby **PREFERS** that their future Committee meetings be scheduled in an alternating fashion the second Thursday of the month, beginning with the next meeting in the evening and then rotating between day and evening meetings.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**CHARTER REVISION COMMITTEE MEETING PUBLIC COMMENT RULES:**

Member Bernardi noted that she believes the public should be allowed to address the Committee at both the beginning and end of the meeting.

Member Kanoza noted that the Committee is just an advisory committee and she believes the placement of Public Comment at the end of the agenda is correct.

Member Bloom suggested allowing public comment prior to every item.

Member Bernardi stated she does not understand the relevance of the statement that the "Committee is just an advisory committee". She believes the committee is pretty important. She indicated she agrees that public comment at each item would give the public an opportunity to comment prior to the committee voting.

Discussion continued on the placement of Public Comment on the Committee's Agenda and the length of time individuals would have to address the Committee. It was noted that the length of time could be at the discretion of the Chair.

City Attorney Bluhm advised the Committee that the Open Meetings Act does provide opportunity for committees to set rules for public comment. She cautioned giving the Chair the unlimited authority to establish time constraints, which could appear that the time limit was directed at the substance of the public comment and possibly quash any comment. She recommended that the committee establish a time frame by resolution and to consider adjusting the time frame at the beginning of a meeting if the committee had a large agenda or the large number of individuals wishing to address the committee.

**MOTION TO ESTABLISH RULES FOR PUBLIC COMMENT AT CHARTER REVISION COMMITTEE MEETINGS:**

Moved by Weisgerber

Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **ALTERS** the Charter Revision Committee's Agenda Format to allow for Public Comment at the beginning of the agenda and prior to a vote on any motion that could result in a change to the Charter with the time limitation to be determined by the Chair at the beginning of each meeting.

**MOTION TO POSTPONE:**

Resolution #CR-2009-07-017  
Moved by Kanoza  
Seconded by Bernardi

RESOLVED, That the motion to establish Public Comment Rules be **POSTPONED** until the next meeting of the Charter Revision Committee.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber  
No: None  
Absent: Solomon, Wilsher

**MOTION CARRIED**

City Clerk Bartholomew to provide the Committee with the City Council's Rules of Procedure Public Comment Section.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2 (g) – Vacancies in Elective Office:**

Resolution #CR-2009-07-018  
Moved by Bloom  
Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the following proposed Amendment to Section 6.2 (g), Vacancy in Elective Office, to be forwarded to City Council for placement on the November 3, 2009 General Election Ballot:

*(g) Any member of City council who want to run for a City office at the next General City Election shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election, and which shall be filed with the City Clerk no later than 4:00 PM on the 120<sup>th</sup> day prior to the next General City Election.*

Yes: Bernardi, Bloom, Kanoza, Weisgerber  
No: Bliss  
Absent: Solomon, Wilsher

**MOTION CARRIED**

**AUDIENCE PARTICIPATION:** None.

**ADJOURNMENT:**

Resolution #CR-2009-07-019

Moved by Bloom

Seconded by Bliss

RESOLVED, That the Charter Revision Committee Meeting of Monday, July 13, 2009 be  
**ADJOURNED.**

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

Meeting ADJOURNED at 5:10 PM.

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Daniel Bliss, Chair

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Tonni L. Bartholomew, City Clerk

A Regular Meeting of the Troy City Council was held Monday, July 6, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Council Member Wade Fleming 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  
Wade Fleming  
Mayor Pro Tem Martin Howrylak  
Mary Kerwin

### **CERTIFICATES OF RECOGNITION:**

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#### **A-1 Presentations:**

- a) Marty Knollenberg, State Representative for the 41<sup>st</sup> District, provided a legislative update.
- b) Jennifer Lawson, City of Troy's Environmental Specialist, provided a presentation recognizing the 2009 Rouge Rescue/River Day Celebration. Pam Brady, City of Troy resident and volunteer provided additional information in regard to the 2009 Rouge River Day event.

### **CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

### **PUBLIC HEARINGS:**

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**C-1 No Public Hearings**

The meeting **RECESSED** at 9:04 PM.

The meeting **RECONVENED** at 9:17 PM.

### **POSTPONED ITEMS:**

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**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**

Resolution  
Moved by Beltramini  
Seconded by Schilling

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 amended on July 6, 2009; 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 amended on July 6, 2009; 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 amended on July 6, 2009; 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 amended on July 6, 2009; 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 amended on July 6, 2009; 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.

**Proposed Resolution to Schedule a Study Session and Postpone Action**

Resolution

Moved by Broomfield

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **SCHEDULES** a Study Session for the Monday, July 20, 2009, Regular City Council Meeting to further discuss Agenda Item 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*; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **POSTPONES ACTION** on Agenda Item 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* until the Monday, August 3, 2009 Regular City Council meeting.

**Vote on Amendment Resolution to Schedule a Study Session and Postpone Action**

Resolution #2009-07-193  
Moved by Broomfield  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the proposed resolution to schedule a study session and postpone action on Agenda Item 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* by **STRIKING** “July 20, 2009” and **INSERTING** “August 3, 2009” in the first RESOLVED and by **STRIKING** “August 3, 2009” and **INSERTING** “August 17, 2009” in the second RESOLVED.

Yes: All-7  
No: None

**MOTION CARRIED****Vote on Resolution to Schedule a Study Session and Postpone Action as Amended**

Resolution #2009-07-194  
Moved by Broomfield  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **SCHEDULES** a Study Session for the Monday, August 3, 2009 Regular City Council Meeting to further discuss Agenda Item 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*; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **POSTPONES ACTION** on Agenda Item 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* until the Monday, August 17, 2009 Regular City Council meeting.

Yes: All-7  
No: None

**MOTION CARRIED****PUBLIC COMMENT: Limited to Items Not on the Agenda**

Tim Burns, County Commissioner-19<sup>th</sup> District  
Cynthia Wilsher  
Richard Peters

**REGULAR BUSINESS:**

**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**

Resolution #2009-07-195

Moved by Howrylak

Seconded by Broomfield

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

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

Yes: All-7

No: None

### **MOTION CARRIED**

**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**

#### **a) Mayoral Nominations**

Resolution #2009-07-196

Moved by Schilling

Seconded by Beltramini

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

<u>Adrienne Milner - Student</u>	Term Expires 07/31/2010
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Yes: All-7

No: None

### **MOTION CARRIED**

**b) City Council Nominations**

Resolution #2009-07-197  
 Moved by Howrylak  
 Seconded by Eisenbacher

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

Liyuan (Lily) Huang-Student Term Expires 07/01/2010

David Guo-Student Term Expires 07/01/2010

**Historical Commission**

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

Kevin Lindsey Term Expires 07/31/2012

**Library Advisory Board**

Appointed by Council – Student 1 Year Term

Paul Lee-Student Term Expires 07/01/2010

**Troy Daze Committee**

Appointed by Council – Student 1-Year Term

Sarah Wunderlich-Student Term Expires 07/31/2010

Alice Liang-Student Term Expires 07/31/2010

Yes: All-7  
 No: None

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

Resolution #2009-07-198  
 Moved by Beltramini  
 Seconded by Kerwin

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: Kerwin, Schilling, Beltramini,

No: Howrylak, Broomfield, Eisenbacher, Fleming

**MOTION FAILED**

---

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

Resolution #2009-07-199

Moved by Beltramini

Seconded by Broomfield

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: All-7

No: None

**MOTION CARRIED**

---

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

Resolution #2009-07-200

Moved by Eisenbacher

Seconded by Broomfield

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: All-7  
No: None

**MOTION CARRIED**

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**E-6 Donation of Historic Barn by George V. Spencer and George W. Spencer – Withdrawn by City Management**

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**E-7 Pending Agenda Item – Troy Police Officers Association (TPOA) Agreement**

Resolution #2009-07-201  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That a collective bargaining agreement between the City of Troy and TPOA for the period July 1, 2008 through June 30, 2013 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement

Yes: All-7  
No: None

**MOTION CARRIED**

---

**E-8 Oakland County Prosecutor’s Office OWI Forfeiture Program**

Resolution #2009-07-202  
Moved by Beltramini  
Seconded by Fleming

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

**MOTION CARRIED**

**CONSENT AGENDA:**

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

Resolution #2009-07-203  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-5, F-4b, F-6 which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

No: None

## **MOTION CARRIED**

---

### **F-2 Approval of City Council Minutes**

Resolution #2009-07-203-F-2

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**

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### **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)**

Resolution #2009-07-203-F-4a

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.

---

### **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**

Resolution #2009-07-203-F-7a

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**

Resolution #2009-07-203-F-7b

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**

Resolution #2009-07-203-F-8

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**

Resolution #2009-07-203-F-9

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.

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

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**F-4 Standard Purchasing Resolutions**

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

Resolution #2009-07-204

Moved by Howrylak

Seconded by Broomfield

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.

Yes: All-7

No: None

**MOTION CARRIED**

**Vote on Resolution to Recuse Council Member Kerwin**

Resolution #2009-07-205

Moved Eisenbacher

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **RECUSES** Council Member Kerwin from voting on Agenda Item F-5 *Boys and Girls Club Funding Agreement 2009-2010* due to a financial conflict of interest.

Yes: Howrylak

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

**MOTION FAILED**

**Vote on Resolution to Recuse Council Member Kerwin**

Resolution #2009-07-206

Moved by Eisenbacher

Seconded by Schilling

RESOLVED, That Troy City Council hereby **RECUSES** Council Member Kerwin from voting on Agenda Item F-5 *Boys and Girls Club Funding Agreement 2009-2010* due to her current employment with the Boys and Girls Club.

Yes: All-7

No: None

**MOTION CARRIED**

Council Member Kerwin left the meeting.

---

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

Resolution #2009-07-207

Moved by Eisenbacher

Seconded by Beltramini

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.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Howrylak

No: None

Absent at the time of the vote: Kerwin

**MOTION CARRIED**

Council Member Kerwin returned to the 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) Adoption of the National Incident Management System (NIMS)**

Resolution #2009-07-208a

Moved by Kerwin

Seconded by Eisenbacher

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.

Yes: All-7

No: None

#### **MOTION CARRIED**

**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**

Resolution #2009-07-208b

Moved by Kerwin

Seconded by Eisenbacher

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.

Yes: All-7  
No: None

**MOTION CARRIED**

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**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

Noted and Filed

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**G-2 Memorandums: None Submitted**

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

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**H-1 No Council Referrals Advanced**

**COUNCIL COMMENTS:**

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**I-1 Council Comments Advanced:**

Council Member Beltramini stated Youth Assistance will be affected because of county budget cuts and suggested that they think about providing suggestions to the county in regard to wider partnerships for these types of organizations. Council Member Beltramini wants the community to know what kinds of programs are on the block for being cut back.

Mayor Schilling reminded the public that Special City Council Meetings are scheduled for Tuesday, July 7, 2009 from 5:30 PM until 7:30 PM at the Community Center, Wednesday, July 8, 2009 at 9:00 AM in the Council Boardroom and Thursday, July 9, 2009 at 7:00 PM in the Council Boardroom.

Council Member Eisenbacher believes Charter Revision Committee meetings should be scheduled on a regular basis. He asked the Charter Revision Committee to consider providing a provision for vacancies in elective office added to the Charter that would allow a council member to file an irrevocable resignation before the November election filing deadline so that the electors would have a voice in appointing their elected official for a two year term.

Cable casting was discussed and it was noted that filming depends on staff availability and funding. Mayor Schilling indicated she believes that committees should meet in the evening to accommodate individuals who work. Members Kerwin and Beltramini agreed with the evening meeting time even if the city is unable to film the meetings.

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**REPORTS:**

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**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

Noted and Filed

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**J-2 Department Reports:**

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

Noted and Filed

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**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

Noted and Filed

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

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

Noted and Filed

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**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

**PUBLIC COMMENT: Address of "K" Items**

**CLOSED SESSION:**

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**L-1 No Closed Session Requested**

The meeting **ADJOURNED** at 10:40 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

A Special Meeting of the Troy City Council was held Tuesday, July 7, 2009, at the Troy Community Center, 3179 Livernois. Mayor Schilling called the Meeting to order at 5:30 PM and introduced.

**ROLL CALL:**

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

**WELCOME AND INTRODUCTIONS:**

The Mayor introduced Andrea Sims, Senior Consultant for Waters-Oldani Executive Recruitment. Ms. Sims introduced the candidates, who then individually gave their presentations.

**CITY MANAGER – EXECUTIVE SEARCH PROCESS:**

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**Candidate Presentations: (limited to 15 minutes per candidate)**

1. James C. Payne
2. Pamela Weaver Antil
3. John M. Gabor
4. Jane Bais DiSessa
5. Steven S. Ault

**PUBLIC COMMENTS:**

Pam Brady

The meeting **ADJOURNED** at 6:45 PM.

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Louise E. Schilling, Mayor

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Lori Grigg Bluhm  
City Attorney

A Special Meeting of the Troy City Council was held Wednesday, July 8, 2009, in the Council Boardroom at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 9:09 AM.

## **ROLL CALL:**

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

## **CITY MANAGER – EXECUTIVE SEARCH PROCESS:**

### **Candidate Interviews: (limited to 1 hour and 15 minutes per candidate)**

1. James C. Payne 9:10 AM - 10:05 AM

The meeting **RECESSED** at 10:06 AM.

The meeting **RECONVENED** at 10:40 AM.

2. Pamela Weaver Antil 10:40 AM – 11:49 AM

The meeting **RECESSED** at 11:50 AM.

The meeting **RECONVENED** at 12:34 PM.

3. John M. Gabor 12:35 PM - 1:27 PM

The meeting **RECESSED** at 1:27 PM.

The meeting **RECONVENED** at 1:57 PM.

4. Jane Bais DiSessa 2:00 PM - 3:13 PM

The meeting **RECESSED** at 3:13 PM.

The meeting **RECONVENED** at 3:31 PM.

5. Steven S. Ault 3:31 PM – 4:11 PM

**PUBLIC COMMENTS:**

Jerry Bloom

The meeting **ADJOURNED** at 4:16 PM.

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Louise E. Schilling, Mayor

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Lori Grigg Bluhm  
City Attorney

A Special Meeting of the Troy City Council was held Thursday, July 9, 2009, in the Council Boardroom at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:00 PM.

**ROLL CALL:**

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

**PUBLIC COMMENTS:**

Jack Witt  
Mary Ann Bernardi

**CITY MANAGER – EXECUTIVE SEARCH PROCESS:**

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**A. Council Deliberation:**

The meeting **RECESSED** at 8:21 PM.

The meeting **RECONVENED** at 8:31 PM.

Council deliberation continued.

The meeting **RECESSED** at 9:55 PM.

The meeting **RECONVENED** at 10:06 PM.

Council deliberation continued.

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**B. Action on the Position of City Manager:**

Resolution #2009-07-209  
Moved by Fleming  
Seconded by Kerwin

RESOLVED, That the Troy City Council hereby **APPOINTS** A. John Szerlag as City Manager **CONTINGENT** upon satisfactory contract language being negotiated.

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

**MOTION CARRIED**

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

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Louise E. Schilling, Mayor

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Lori Grigg Bluhm  
City Attorney



## CITY COUNCIL ACTION REPORT

July 6, 2009

TO: Honorable Mayor and City Council

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

SUBJECT: Parks and Recreation Month Proclamation

### Background:

- The month of July is designated as Parks and Recreation month by the National Parks and Recreation Association.
- The purpose of this designation is to bring awareness to the benefits of Parks and Recreation.
- Parks and Recreation activities and experiences impact and benefit individuals, the community, environment and economy.

### Financial Considerations:

- There are no financial considerations.

### Legal Considerations:

- There are no legal considerations.

### Policy Considerations:

- There are no policy considerations.

### Options:

- Staff requests acknowledgement by Council recognizing July as Parks and Recreation Month in 2009.

**PROCLAMATION  
PARKS AND RECREATION MONTH  
July 2009**

WHEREAS, Troy Parks and Recreation officially recognizes Parks and Recreation Month in July with a variety of programs and activities that reflect the spirit of outstanding leisure programming that benefit the citizens of Troy;

WHEREAS, Troy Parks and Recreation invites all citizens to celebrate Parks and Recreation Month by participating in a variety of fun summer programs for the entire family;

WHEREAS, We are committed to providing opportunities for people to come together and experience a sense of community through rewarding recreational pursuits with high quality comprehensive programs, parks, facilities and open space;

WHEREAS, Our 14 developed and 12 undeveloped parks and six special facilities serve to offer exercise, sports and special event activities, relaxation and leisure pursuits for all interests;

WHEREAS, Parks and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment;

WHEREAS, Troy Parks and Recreation special programs and sports opportunities give young people better chances to live, grow and develop into contributing members of society;

WHEREAS, Troy Parks and Recreation creates lifelines and continued life experiences for older members of our community;

WHEREAS, Parks, playgrounds, nature trails, open spaces and neighborhood sites make our community an attractive and desirable place to live, work, play and visit in a manner that contributes to our ongoing economic vitality; and

WHEREAS, Troy Parks and Recreation touches the lives of individuals, families, groups and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RECOGNIZES** July as Parks and Recreation Month and **ENCOURAGES** all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.



## CITY COUNCIL ACTION REPORT

July 13, 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: Standard Purchasing Resolution 1: Award To Low Bidders – Troy Daze Tent Rentals

### **Background**

- On June 24, 2009, bids were received to furnish and set up tents for the Troy Daze Festival.
- 33 vendors were notified via the MITN system with two vendors responding and two statements of no bid received.
- S & R Event Rental, 35340 Union Lake Rd., Harrison Twp, MI 48045 was the low bidder on the two large tents and the set up of four city-owned tents. Ace Canvas & Tent, 5644 W. Fort St., Detroit, MI 48209 was low bidder on the remainder of the tents.

### **Financial Considerations**

- Funding for the rental and set up of tents for the Troy Daze Festival is available in Parks and Recreation Community Fair Fund operating account 103.784.7942.

### **Legal Considerations**

- ITB-COT 09-25, to furnish and erect tents for the Troy Daze Festival 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 and erect various tents for the Troy Daze Festival.
- The award is contingent upon the recommended bidders' submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

### **Policy Considerations**

#### Outcome Statement III

- The Troy Daze Festival is an annual event celebrating the community.
- Business and community groups showcase their organizations under these tents at the event.

### **Options**

- City management and the Parks and Recreation department recommend awarding contracts to furnish all labor, materials, and equipment to supply and erect tents for the Troy Daze Festival to the low bidders, S & R Event Rental of Harrison Twp and Ace Canvas & Tent of Detroit for an estimated total cost of \$13,520.00 and \$3,200.00 respectively.

VENDOR NAME:

VENDOR NAME:			S & R Event Rental	Ace Canvas & Tent, Inc.		
ITEM	EST QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE		
1.	1	TENT, 80' X 100' (Entertainment)	75 x 100 Tent \$ <b>4,315.00</b>	N/A		
2.	1	TENT, 80' X 240' (Booths)	\$ <b>8,835.00</b>	N/A		
3.	1	TENT, 10' x 10' (Outdoor Stage)	\$ 185.00	\$ 130.00		
4.	3	TENT, 20' x 20' (Info Booth)	\$ 290.00	\$ 160.00		
5.	2	TENT, 20' x 40' (Crafts, Dressing Tent)	\$ 405.00	\$ 250.00		
6.	1	TENT, 20' x 40' (Waffle Breakfast)	\$ 405.00	\$ 250.00		
7.	1	TENT, 60' x 80' (Photo/Student Art)	60 x 90 Tent \$ 1,850.00	60 x 90 Tent \$ <b>1,240.00</b>		
8.	1	TENT, 40' x 40' (Picnic Area)	10' Sides 24' C Pole \$ 860.00	\$ 600.00		
9.	2	Erect 20' x 40' Tents (Cart Storage)	\$ <b>95.00</b>	\$ 140.00		
10.	2	Erect 20' x 20' Tents (HQ, Special Children)	\$ <b>90.00</b>	\$ 100.00		
11.	As Required	Tent Stakes w/Plastic Covers	NO CHARGE	NO CHARGE		
12.	As Required	Provide 140 Lineal Feet of Additional Sidewalls	NO CHARGE	NO CHARGE		
<b>ESTIMATED TOTAL AWARDED ITEMS:</b>			\$ <b>13,520.00</b>	\$ <b>3,200.00</b>		
<b>INSURANCE:</b>			XX	XX		
Can meet						
Cannot meet						
Signed Y or N			Yes	Yes		
<b>SET UP &amp; TEAR DOWN SCHEDULE:</b>			XX	XX		
Can meet						
Cannot meet						
<b>DELIVERY REQUIREMENTS:</b>			Friday- 9/11/09 & Monday - 9/14/09 Monday, 9/21/09			
<b>CONTACT INFO</b>			586-791-4900	M-F 7:30 AM to 4 PM		
Hrs of Operations			586-808-1647	313-842-3011		
24 Hr Phone #			Rodney Ouellette	Brenda Montgomery		
Contact Name:						
<b>SUBCONTRACTORS:</b>			BOS Tent Rental			
Will use			XX			
Will Not Use				XX		
<b>PAYMENT TERMS:</b>			30 Days after Completion	Net 30 days		
2% Disc Paid at Set up						
<b>EXCEPTIONS:</b>			Listed in Bid	Blank		
BID IS ALL ENCLUSIVE						
<b>ACKNOWLEDGEMENT: Yes or No</b>			Yes	Yes		

**NO BIDS:**

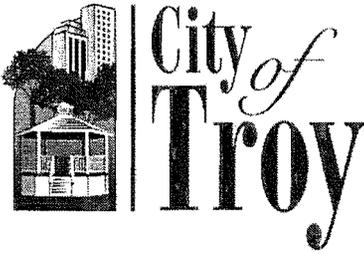
C&N Party Rentals  
 Event Solutions International

**BOLDFACE TYPE DENOTES LOW BIDDERS**

**ATTEST:**

Diane Fisher  
 Jeff Biegler  
 Linda Bockstanz

Susan Leirstein CPPB  
 Purchasing Director



## CITY COUNCIL ACTION REPORT

July 14, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
 Steven J. Vandette, City Engineer *SV*  
 Larysa Figol, Sr. Right-of-Way Representative *RF*

SUBJECT: Request for Approval to Purchase a Foreclosed Property for Drain Purposes Resulting from Non-Payment of Taxes for Drain Purposes

### Background:

- Under Act 123 of 1999 as amended, Oakland County Treasurer foreclosed on properties for non-payment of real estate taxes. The City has been informed that several properties were not redeemed prior to March 31, 2009.
- Staff is seeking Council's approval to acquire a vacant parcel of land located in Section 15 identified by Sidwell #20-15-378-030. Currently the parcel is encumbered by the Sturgis Drain. Future plans will require enhancements to the Drain and acquisition of this parcel will negate the need to acquire further easements from the property owner.
- The Oakland County Water Resources Commission (formerly Drain Commission) has expressed support for the acquisition of this property for future collaborative enhancements.
- The sale addresses 2006-08 delinquent years. The acquisition amount would include any unpaid taxes, interest and finance charges, and special assessments for the years 2006-08 inclusive. Depending on when this property is offered to the City, the exact amount paid in this land sale will be determined by the amount of interest applied for the month in which the City purchases the property. Staff requests the allocation of no more than \$3,000 for the acquisition, plus closing and administrative costs.

### Financial Considerations:

- Acquisition of this property will be made, in an amount not to exceed \$3,000.00, with monies from the Drain Fund 401.447.516.7989.1000.

### Legal Considerations:

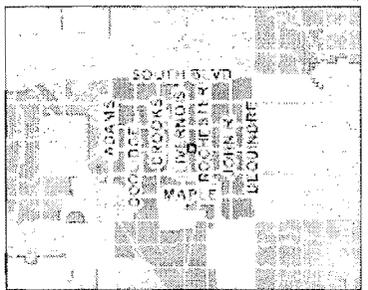
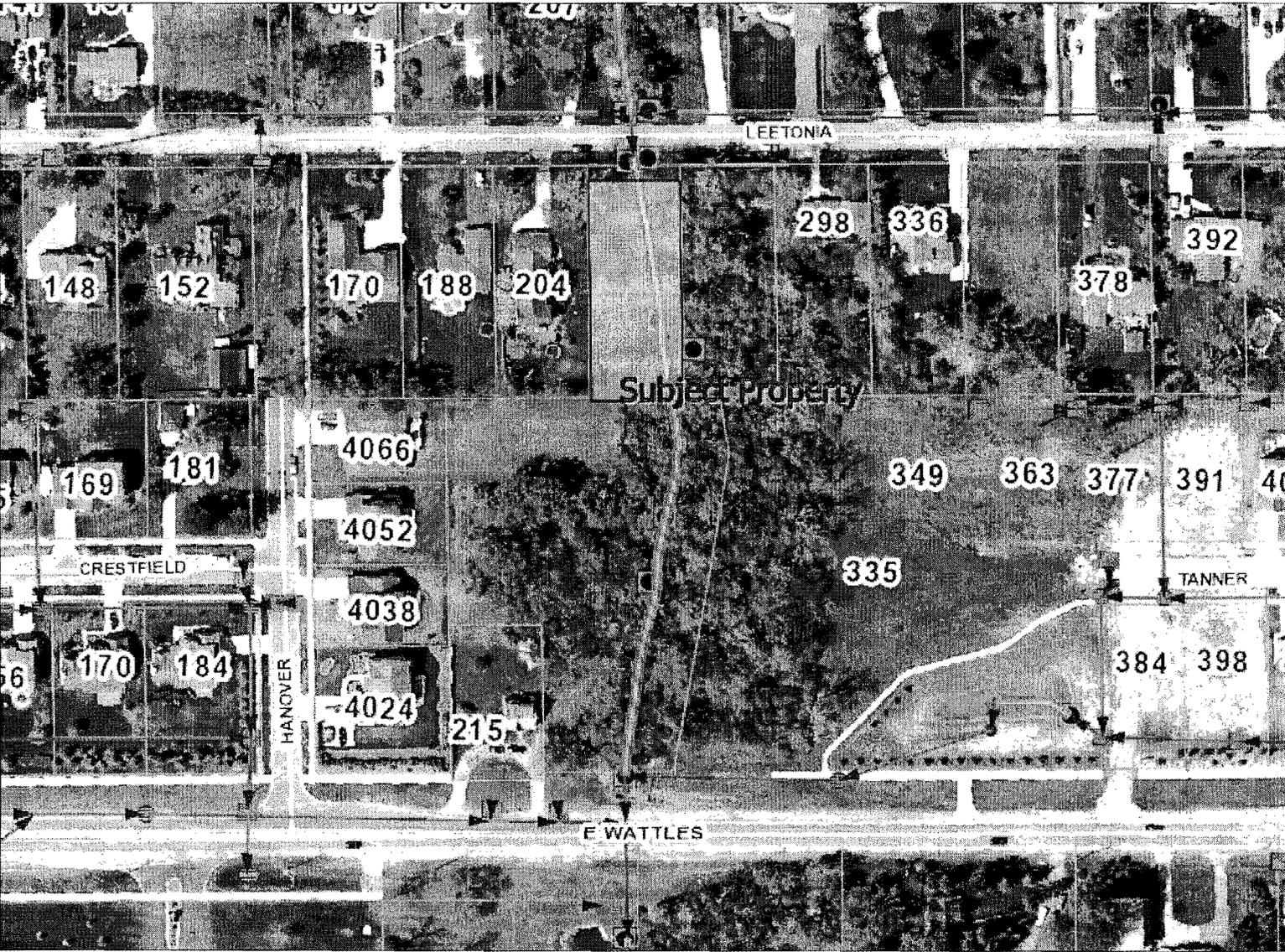
- None

Policy Considerations:

- I. Troy has enhanced 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.

Options:

- Staff recommends that City Council approve the purchase this property.



**Legend**

- Drain (Ditch/Spillway)
  - Channel
  - Ditch
  - Spillway
- Drain (Pipe/Culvert)
- Drain Clean Out
- Drain Lift Station
- Drain Structure
- Drain Outfall
- Drain Manhole
- Drain Inlet
- Retention Pond
- I-75
- Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
- Hydrography Poly
- Hydrography Arc
- Parcels
- Aerial Photos - 2008
  - Red:Band\_1
  - Green:Band\_2
  - Blue:Band\_3

1: 1,743

291 0 145 291 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**  
 Sturgis Drain  
 Leetonia Property



# OAKLAND COUNTY TREASURER

1200 N. TELEGRAPH RD., DEPT. 479  
PONTIAC, MI 48341-0479

*Lamyson*

ANDY MEISNER  
COUNTY TREASURER

July 08, 2009

JAMES VANLEUVEN  
CHIEF DEPUTY TREASURER

CITY OF TROY  
TREASURER-SANDRA L KASPEREK  
500 WEST BIG BEAVER  
TROY MI 48084-5285

Dear SANDRA L KASPEREK,

Attached is the list of Oakland County Properties for your governmental entity that were foreclosed under ACT 123 of 1999 as amended. The Circuit Court Hearing was held on February 11, 2009. The redemption period expired at the close of business, March 31, 2009.

This list is submitted in accordance with ACT 123, Section 211.78M (1). The list is offered to you as your government has the right of second refusal. The list is sorted by the Parcel Identification Number, listing the parcel address, the State Equalized Value, the delinquent tax year(s) owed, and the amount due as of the end of the redemption period per the court's judgment. Additional fees, interests and cost may yet be added.

If you wish to purchase any of the properties so listed at the Minimum Bid Price, please submit a written list to the Oakland County Treasurer's Office with the parcel numbers. We will attempt to respond to your requests as soon as possible after the State's right of refusal has expired, July 15, 2009, quoting the price for each parcel you listed. **We will need a copy of your council or board's resolution approving the purchase of the properties. The price you pay will be less your portion of the owed taxes. Have the council or board resolve to purchase for a price of "not more than \$ \_\_\_\_\_". Use a figure rounded up from the price listed.** Once we return the "Request to Purchase" agreement to you, the time would be to short for a resolution.

In order that we have time to allow the County an opportunity to peruse the list and to take action, **we will need your response by the close of business Thursday, July 16, 2009.** If a response is not received from you by the above due date, we will presume this to be a total refusal of all properties and continue with the rights to purchase or refuse as stipulated by law.

Sincerely,

  
Cassie L. Patterson  
Chief-Tax Administration  
(248) 858-0615

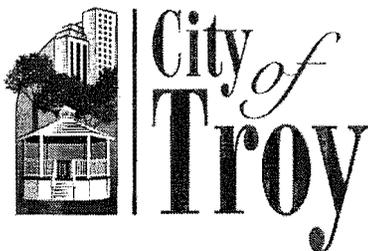
ENC.  
CLP/lr

OFFICE (248) 858-0623 FAX (248) 858-1810

**OAKLAND COUNTY TREASURER'S OFFICE**  
**FORECLOSED PARCELS FOR LAND SALE**  
Municipality Report for July, 2009

Cvt: 88 City of Troy

Parcel Id	Property Address/Legal Description	Assessed Value	Tax Year	Tax Amount	Interest/Fees	Amount Due
20-15-378-030	T2N, R11E, SEC 15 MC CORMICK & LAWRENCE LITTLE FARMS SUB E 1/2 OF LOT 100	\$10,380	2006	\$387.72	\$650.91	\$1,038.63
			2007	\$523.97	\$364.57	\$888.54
			2008	\$524.66	\$47.22	\$571.88
			<b>Total:</b>			\$2,499.05
20-22-326-001	T2N, R11E, SEC 22 REPLAT OF OUTLOT A OF BIG BEAVER LOT 96	\$34,000	1998	\$204.74	\$316.09	\$520.83
			2000	\$834.04	\$1,254.72	\$2,088.76
			2001	\$854.75	\$1,262.14	\$2,116.89
			2002	\$860.63	\$1,083.54	\$1,944.17
			2003	\$857.26	\$977.25	\$1,834.51
			2004	\$913.66	\$1,014.39	\$1,928.05
			2005	\$936.72	\$711.14	\$1,647.86
			2006	\$968.92	\$710.60	\$1,679.52
			2007	\$1,003.08	\$505.91	\$1,508.99
			2008	\$1,027.21	\$92.45	\$1,119.66
<b>Total:</b>			\$16,389.24			
20-22-326-002	T2N, R11E, SEC 22 REPLAT OF OUTLOT A OF BIG BEAVER LOT 97	\$34,000	1998	\$204.74	\$316.09	\$520.83
			2000	\$834.04	\$1,294.72	\$2,128.76
			2001	\$854.75	\$1,237.14	\$2,091.89
			2002	\$860.63	\$1,083.54	\$1,944.17
			2003	\$857.26	\$977.25	\$1,834.51
			2004	\$913.66	\$948.09	\$1,861.75
			2005	\$936.72	\$711.14	\$1,647.86
			2006	\$968.92	\$715.62	\$1,684.54
			2007	\$1,003.08	\$505.91	\$1,508.99
			2008	\$1,027.21	\$92.45	\$1,119.66
<b>Total:</b>			\$16,342.96			
20-22-326-012	3491 TALBOT DR	\$59,500	2000	\$2,535.00	\$3,389.43	\$5,924.43



# CITY COUNCIL ACTION REPORT

July 14, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
 John Lamerato, Assistant City Manager/Finance  
 Carol Anderson, Parks & Recreation Director *CA/ef*  
 Steven J. Vandette, City Engineer *SV*  
 Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Approval to Purchase Foreclosed Properties for Park Purposes Resulting from Non-Payment of Property Taxes

Background:

- Under Act 123 of 1999 as amended, Oakland County Treasurer foreclosed on properties for non-payment of real estate taxes. The City has been informed that several properties were not redeemed prior to March 31, 2009.
- Staff is seeking Council's approval to acquire four parcels located in Section 22 at the southwest corner of Trombley and Talbot. Ideally these parcels would become part of the proposed Section 22 park and make an attractive park entrance to the neighborhood.
- The sale addresses 1998-2008 delinquent years. The acquisition amounts would include any unpaid taxes, interest and finance charges, and special assessments for the years 1998-2008 inclusive. Depending on when these properties are offered to the City, the exact amount paid in this land sale will be determined by the amount of interest applied for the month in which the City purchases these properties. Staff requests the allocation of no more than \$80,000 for the acquisition of these properties, plus closing and administrative costs.

Financial Considerations:

- Acquisition of these properties will be made with monies from the Park Development Fund 770.7974.130

<u>SIDWELL #</u>	<u>TAX AMOUNT OWING (as of 7/31/2009)</u>
20-22-326-001	\$16,389.24
20-22-326-002	\$16,342.96
20-22-326-012	\$24,143.58
20-22-326-013	\$17,535.96
TOTAL	<b>\$74,411.74</b>

Legal Considerations:

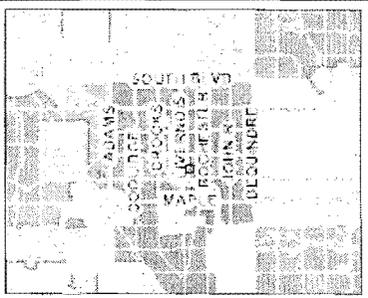
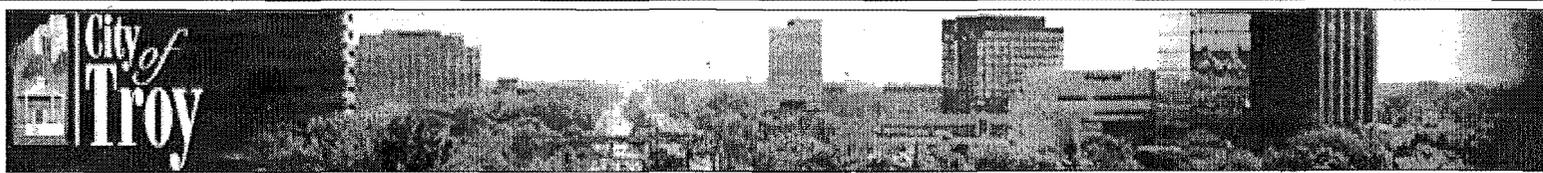
- None

Policy Considerations:

- I. Troy has enhanced 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.

Options:

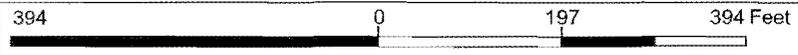
- Staff recommends that City Council approve the purchase of the above properties.



**Legend**

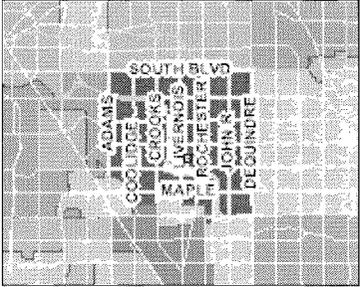
- I-75
- Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
- Hydrography Poly
- Hydrography Arc
- Parcels
- Aerial Photos - 2008
  - Red:Band\_1
  - Green:Band\_2
  - Blue:Band\_3

1:2,363



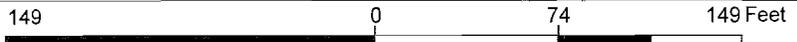
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**Notes**  
 Foreclosure Properties



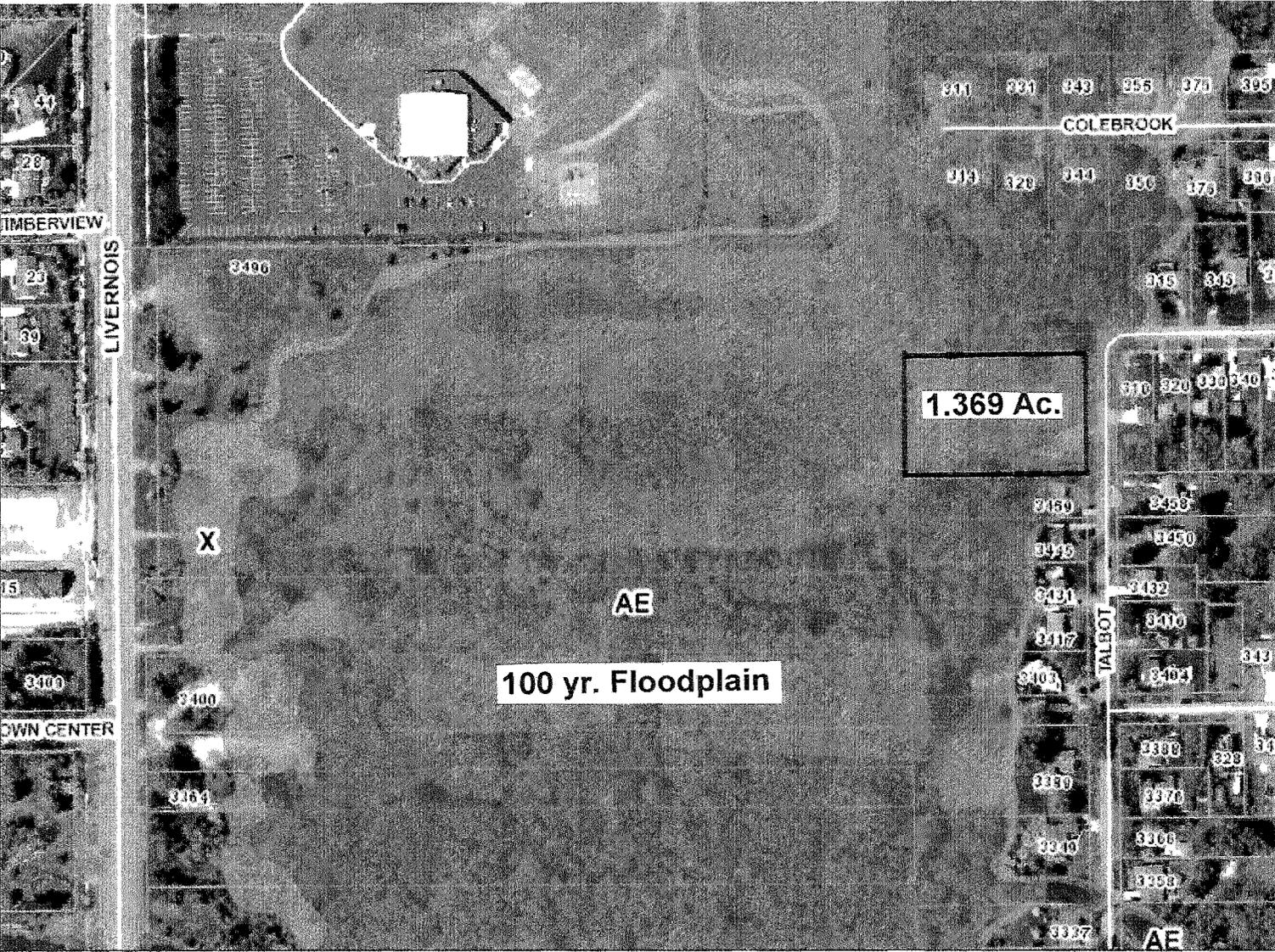
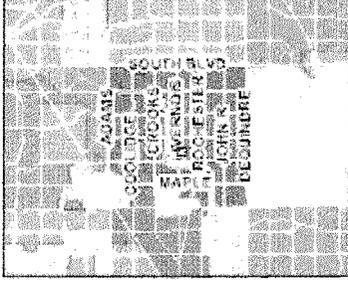
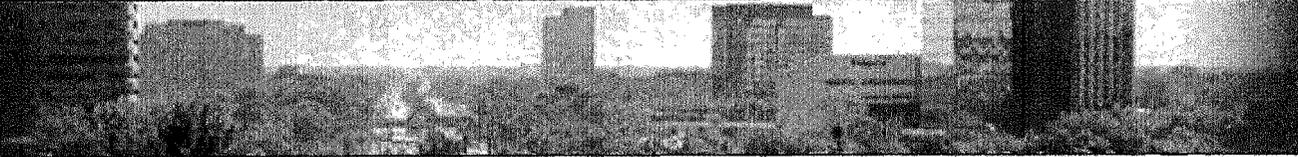
- Legend**
- I-75
  - Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
  - Hydrography Poly
  - Hydrography Arc
  - Parcels
  - Aerial Photos - 2008**
  - Red:Band\_1
  - Green:Band\_2
  - Blue:Band\_3

1: 892



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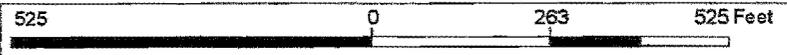
**Notes**  
 Enter Map Description



**Legend**

- 1-75
- Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
- Hydrography Poly
- Hydrography Arc
- Flood Hazard Area - 2009
  - X (500 Year)
  - A (100 Year)
  - AE (100 Year With Eng)
  - AE (100 Year With Eng Within Floo
- Parcels
- Aerial Photos - 2008
  - Red:Band\_1
  - Green:Band\_2
  - Blue:Band\_3

1: 3,151



NAD\_1983\_StatePlane\_Michigan\_South\_FIPS\_2113\_IntlFeet  
 City of Troy Geographical Information Systems - Department of Information Technology

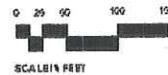
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**Notes**  
 Talbot & Trombley Park  
 Purchase\_Floodplain



**CITY OF TROY**  
**CONCEPT PLAN**  
**PARKS MASTER PLANNING**

**PARCEL # 1 - SECTION 22, 22.87 AC.**



DATE:  
 4/30/03

1/14/02 BY:  
 JLC

**M.C. SMITH ASSOCIATES AND ARCHITECTURAL GROUP, INC.**





# OAKLAND COUNTY TREASURER

1200 N. TELEGRAPH RD., DEPT. 479  
PONTIAC, MI 48341-0479

*Lamy*

ANDY MEISNER  
COUNTY TREASURER

July 08, 2009

JAMES VANLEUVEN  
CHIEF DEPUTY TREASURER

CITY OF TROY  
TREASURER-SANDRA L KASPEREK  
500 WEST BIG BEAVER  
TROY MI 48084-5285

Dear SANDRA L KASPEREK,

Attached is the list of Oakland County Properties for your governmental entity that were foreclosed under ACT 123 of 1999 as amended. The Circuit Court Hearing was held on February 11, 2009. The redemption period expired at the close of business, March 31, 2009.

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If you wish to purchase any of the properties so listed at the Minimum Bid Price, please submit a written list to the Oakland County Treasurer's Office with the parcel numbers. We will attempt to respond to your requests as soon as possible after the State's right of refusal has expired, July 15, 2009, quoting the price for each parcel you listed. **We will need a copy of your council or board's resolution approving the purchase of the properties. The price you pay will be less your portion of the owed taxes. Have the council or board resolve to purchase for a price of "not more than \$\_\_\_\_\_". Use a figure rounded up from the price listed.** Once we return the "Request to Purchase" agreement to you, the time would be too short for a resolution.

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Sincerely,

  
Cassie L. Patterson  
Chief-Tax Administration  
(248) 858-0615

ENC.  
CLP/lr

OFFICE (248) 858-0623 FAX (248) 858-1810

OAKLAND COUNTY TREASURER'S OFFICE  
 FORECLOSED PARCELS FOR LAND SALE  
 Municipality Report for July, 2009

Cvt: 88 City of Troy

Parcel Id	Property Address/Legal Description	Assessed Value	Tax Year	Tax Amount	Interest/Fees	Amount Due
<del>20-15-378-030</del>	<del>T2N, R11E, SEC 15 MC CORMICK &amp; LAWRENCE LITTLE FARMS SUB E 1/2 OF LOT 100</del>	<del>\$10,380</del>	<del>2006</del>	<del>\$387.72</del>	<del>\$650.91</del>	<del>\$1,038.63</del>
			<del>2007</del>	<del>\$523.97</del>	<del>\$364.57</del>	<del>\$888.54</del>
			<del>2008</del>	<del>\$524.66</del>	<del>\$47.22</del>	<del>\$571.88</del>
					<del>Total:</del>	<del>\$2,499.05</del>
20-22-326-001	T2N, R11E, SEC 22 REPLAT OF OUTLOT A OF BIG BEAVER LOT 96	\$34,000	1998	\$204.74	\$316.09	\$520.83
			2000	\$834.04	\$1,254.72	\$2,088.76
			2001	\$854.75	\$1,262.14	\$2,116.89
			2002	\$860.63	\$1,083.54	\$1,944.17
			2003	\$857.26	\$977.25	\$1,834.51
			2004	\$913.66	\$1,014.39	\$1,928.05
			2005	\$936.72	\$711.14	\$1,647.86
			2006	\$968.92	\$710.60	\$1,679.52
			2007	\$1,003.08	\$505.91	\$1,508.99
			2008	\$1,027.21	\$92.45	\$1,119.66
					<b>Total:</b>	\$16,389.24
20-22-326-002	T2N, R11E, SEC 22 REPLAT OF OUTLOT A OF BIG BEAVER LOT 97	\$34,000	1998	\$204.74	\$316.09	\$520.83
			2000	\$834.04	\$1,294.72	\$2,128.76
			2001	\$854.75	\$1,237.14	\$2,091.89
			2002	\$860.63	\$1,083.54	\$1,944.17
			2003	\$857.26	\$977.25	\$1,834.51
			2004	\$913.66	\$948.09	\$1,861.75
			2005	\$936.72	\$711.14	\$1,647.86
			2006	\$968.92	\$715.62	\$1,684.54
			2007	\$1,003.08	\$505.91	\$1,508.99
			2008	\$1,027.21	\$92.45	\$1,119.66
					<b>Total:</b>	\$16,342.96
20-22-326-012	3491 TALBOT DR	\$59,500	2000	\$2,535.00	\$3,389.43	\$5,924.43

**OAKLAND COUNTY TREASURER'S OFFICE**  
**FORECLOSED PARCELS FOR LAND SALE**  
Municipality Report for July, 2009

Cvt: 88 City of Troy

Parcel Id	Property Address/Legal Description	Assessed Value	Tax Year	Tax Amount	Interest/Fees	Amount Due
20-22-326-012	3491 TALBOT DR TROY MI 48083-5047 T2N, R11E, SEC 22 REPLAT OF OUTLOT A OF BIG BEAVER LOT 98, 99 & 100 EXC S 60 FT 4-18-86 FR 011	\$59,500	2001	\$979.44	\$1,523.66	\$2,503.10
			2002	\$978.86	\$1,203.54	\$2,182.40
			2003	\$960.68	\$1,069.81	\$2,030.49
			2004	\$1,371.31	\$1,462.76	\$2,834.07
			2005	\$1,406.16	\$962.29	\$2,368.45
			2006	\$1,454.19	\$1,005.15	\$2,459.34
			2007	\$1,505.90	\$654.24	\$2,160.14
			2008	\$1,542.35	\$138.81	\$1,681.16
					<b>Total:</b>	\$24,143.58
20-22-326-013	T2N, R11E, SEC 22 REPLAT OF OUTLOT A OF BIG BEAVER S 60 FT OF LOTS 98,99 & 100 4-18-86 FR 011	\$34,000	1998	\$660.74	\$997.81	\$1,658.55
			2000	\$834.04	\$1,254.72	\$2,088.76
			2001	\$854.75	\$1,245.14	\$2,099.89
			2002	\$860.63	\$1,083.54	\$1,944.17
			2003	\$857.26	\$977.25	\$1,834.51
			2004	\$913.66	\$1,008.09	\$1,921.75
			2005	\$936.72	\$711.14	\$1,647.86
			2006	\$968.92	\$742.90	\$1,711.82
			2007	\$1,003.08	\$505.91	\$1,508.99
			2008	\$1,027.21	\$92.45	\$1,119.66
					<b>Total:</b>	\$17,535.96



## CITY COUNCIL ACTION REPORT

July 14, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Private Agreement for Sonic Restaurant  
Project No. 09.902.3

### Recommendation:

- The Engineering Department has reviewed the plans for this project and recommends approval. The plans include water main, sidewalks, deceleration lane, and soil erosion. The site is located on the east side of John R, north of 14 Mile Road.

### Financial Considerations:

- The owner has provided the necessary escrow deposit and paid the cash fees in accordance with the attached Private Agreement.

### Legal Considerations:

- There are no legal considerations associated with this item.

### Policy Considerations:

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

cc: Tonni Bartholomew, City Clerk (Original Agreement)  
James Nash, Financial Services Director

Prepared by: G. Scott Finlay, PE

# City Of Troy

## Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: 09.902.3

Project Location: SW 1/4 Section 36

Resolution No:

Date of Council Approval:

This Contract, made and entered into this 13<sup>th</sup> day of July, 2009 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and PRG-SD, Inc whose address is 41160 Ten Mile Road, Novi, Michigan 48375 and whose telephone number is (248) 476-9690 hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of Water Main, Sidewalk, Deceleration lane and Soil Erosion in accordance with plans prepared by Professional Engineers Associates, Inc. whose address is 2430 Rochester Ct., Suite 100, Troy, MI 48083-1872 and whose telephone number is 248-689-9090 and approved prior to construction by the City in accordance with City of Troy specifications.

**SECOND:** That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ 65,145.00. This amount will be deposited with the City in the form of (check one):

- |  |                                     |
|--|-------------------------------------|
| Cash   | <input type="checkbox"/>            |
| Certificate of Deposit & 10% Cash            | <input type="checkbox"/>            |
| Irrevocable Bank Letter of Credit & 10% Cash | <input type="checkbox"/>            |
| Check  | <input checked="" type="checkbox"/> |
| Performance Bond & 10% Cash                  | <input type="checkbox"/>            |

Refundable cash deposit in the amount of \$ 5,000.00. This amount will be deposited with the City in the form of (check one):

- |      |                          |       |                                     |
|------|--------------------------|-------|-------------------------------------|
| Cash | <input type="checkbox"/> | Check | <input checked="" type="checkbox"/> |
|------|--------------------------|-------|-------------------------------------|

Non-refundable cash fees in the amount of \$ 5,277.00. This amount will be paid to the City in the form of (check one):

- |      |                          |       |                                     |
|------|--------------------------|-------|-------------------------------------|
| Cash | <input type="checkbox"/> | Check | <input checked="" type="checkbox"/> |
|------|--------------------------|-------|-------------------------------------|

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

## City Of Troy

### Contract for Installation of Municipal Improvements (Private Agreement)

**THIRD:** The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

**FOURTH:** Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

**FIFTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

**City Of Troy**

Contract for Installation of Municipal Improvements  
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

OWNERS

CITY OF TROY

By:

By:

*Carl Chandler*

Please Print or Type CARL CHANDLER  
SEC/TROIS.

Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

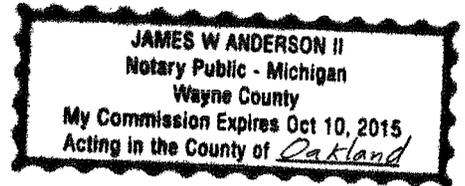
STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 13<sup>th</sup> day of July, A.D.2009, before me personally appeared Carl Chandler known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

*James W Anderson II*

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: October 10, 2015



Detailed Summary of Required Deposits & Fees  
Sonic Restaurant  
09.902.3

**ESCROW DEPOSITS (PUBLIC):**

Water Mains	\$50,225
Sidewalk	\$4,560
Deceleration and/or Passing Lane - MAJOR ROAD	\$10,360
<b><u>TOTAL ESCROW DEPOSITS (Refundable):</u></b>	<b><u>\$65,145</u></b>

**CASH FEES (Non-Refundable):**

Water Main Testing and Chlorination (PA2)	\$650
Engineering Review Fee (Private Improvements) PA 1	\$4,034
Plan Review and Construction Inspection Fee (Public Improvements) PA1	\$5,277

**CASH DEPOSITS (Refundable):**

Street Cleaning/Road Maintenance	\$5,000
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PAID

JUL 13 2009

CITY OF TROY  
TREASURER'S OFFICE

**CHARTER REVISION COMMITTEE MINUTES - Final****March 20, 2009**

A meeting of the Troy Charter Revision Committee was held March 20, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:15 PM.

**ROLL CALL:**

**PRESENT:** Maryann Bernardi, Daniel Bliss, Shirley Kanoza, Cynthia A. Wilsher  
**ABSENT:** Lillian Barno, Jerry E. Bloom, Mark Solomon  
**ALSO PRESENT:** City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

**RESOLUTION TO EXCUSE MEMBER:**

Resolution #CR-2009-03-004  
 Moved by Wilshire  
 Seconded by Bernardi

RESOLVED, That members Barno, Bloom, and Solomon be **EXCUSED** from the meeting of March 20, 2009.

Yes: Bernardi, Bliss, Kanoza, Wilsher  
 No: None  
 Absent: Barno, Bloom, Solomon

**MOTION CARRIED**

Member Kanoza requested that the minutes reflect a statement indicating that members should contact City staff in advance of the meeting to advise staff of their inability to attend meetings.

**APPROVAL OF MINUTES: March 5, 2009**

Resolution #CR-2009-03-005  
 Moved by Bernardi  
 Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of March 5, 2009 are hereby **APPROVED** as corrected.

Yes: Bernardi, Bliss, Kanoza, Wilsher  
 No: None  
 Absent: Barno, Bloom, Solomon

**MOTION CARRIED****PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office**

Member Wilshire reviewed her recollection of the history of the amendments to Section 6.2(g) of the Charter. She indicated that the intent of the amendment several years ago

was to remove the ability of candidates to position themselves and their friends on the ballot by resigning from their Council position when running for another elected position just before the filing deadline and prearranging for their friends to file for the unexpired portion of their term. She indicated the past discussion focused on the length of time required for the resignation period and that the Committee selected the 21 days as it appeared to give potential candidates notice of the vacancy and sufficient to gather signatures before filing. She noted that the recommendation to Council for placement of the proposed amendment on the ballot received unanimous approval from the committee.

Member Bernardi questioned if there was any history showing a need for the amendment prior to 1994. Was there a problem that initiated the amendment?

Member Wilshire indicated that she thought the amendment was tied to the introduction of term limits. Additionally, it was noted that the amendment to the Charter which eliminated the City Primary Election occurred along with the amendment to this section of the Charter and could have contributed to the perceived need for the proposed amendment.

City Attorney Bluhm referenced a communication she provided to the committee last year containing the history of the previous Charter amendment. She read from a portion of the minutes from 1983 which discussed the rationale for the change.

Discussion continued on the impact of the amendment and potential for calling a Special Election with the Charter as written. Members Wilshire and Kanoza indicated that they would rather see the time requirement for resignation be extended as proposed in the staff recommended amendment over the potential of a very expensive Special Election, especially when the cost to run a Special Election could potentially result in the elimination or lay-off of one or more City employees.

Member Bernardi indicated that she believes the proposal could result in more elections. She indicated that the amendment could discourage Council Members from running for the office of Mayor. She questioned what this amendment does other than force a resignation.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office**

Resolution #CR-2009-03-006

Moved by Bliss

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher

No: Bernardi

Absent: Barno, Bloom, Solomon

**MOTION CARRIED**

Member Kanoza voiced disappointment to the statement of “maybe they can get it right this time” made by a Council member at the City Council Regular meeting the last time the Council discussed the proposed amendment to Charter Section 6.2(g). She noted that she has been on the Charter Revision Committee for many years. Member Kanoza stated that she has always tried to be very thorough and do her best as a Charter Revision Committee member. She believes that the Charter Revision Committee has always strived to serve the community in the best manner possible. She felt strongly that her remarks should be made part of the record.

**AUDIENCE PARTICIPATION: None.**

**ADJOURNMENT**

Resolution #CR-2009-03-007

Moved by Wilshire

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Friday, March 20, 2009 be **ADJOURNED**.

Meeting **ADJOURNED** at 4:01 PM.

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Daniel Bliss, Chair

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Tonni L. Bartholomew, City Clerk

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 13, 2009, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:10 p.m.

**Trustees Present:** Mark Calice  
David Eisenbacher  
Thomas J. Gordon, II (Departed at 1:50pm)  
John M. Lamerato  
William R. Need (Ex-Officio)  
Steve Pallotta  
Thomas Rosewarne

**Trustees Absent:** A. John Szerlag

### Other Business – March 31, 2009 Investment Performance Report

John Grant and Rebecca Sorensen of UBS reviewed our Corporate Bond Holdings and March 31, 2009 Quarterly Performance Report.

### Minutes

#### **Resolution # ER – 2009-5-22**

Moved by Pallotta

Seconded by Gordon

RESOLVED, That the Minutes of the April 8, 2009 meeting be approved.

Yeas: All – 6

Absent: Szerlag

### Other Business – Rules of Procedures Manual

The board reviewed the Rules of Procedures and made several updates and changes which will be placed in the June 24, 2009 Agenda for approval.

### Other Business – Change of June Meeting Date

The board will meet on June 24, 2009 at 12pm in Conference Room C instead of June 10, 2009.

## Investments

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### **Resolution # ER – 2009-5-23**

Moved by Lamerato

Seconded by Pallotta

RESOLVED, That the board buy and sell the following investments:

**Buy:**           5,000 shares of Florida Power and Light  
                  5,000 shares of Union Pacific  
                  5,000 shares of Oneok  
                  500 shares of Google

**Sell:**           3,000 shares of Quality Systems

Yeas:           All – 4

Nays:           Eisenbacher

Absent:         Szerlag, Gordon

## Investments

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The board decided not to tender its GM Preferred Stock.

## Public Comment

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No public Comment.

The next meeting is June 24, 2009 at 12 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:45 p.m.

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Mark Calice, Chairman

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John M. Lamerato, Secretary

## PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, May 21, 2009 at the Troy Community Center, room 503. Vice Chair, Jan Zikakis called the meeting to order at 7:05 p.m.

Present:                   Jo Ann Thompson, member                   Gary Hauff, member  
                               Kathleen Fejes, member                   Rusty Kaltsounis, member  
                               Stuart Redpath, member                   Janice Zikakis, member  
                               Stuart Alderman, staff                   Jeff Biegler, staff  
                               Carol K. Anderson, staff

Absent: Tom Krent, Jeff Stewart, Tod Gazetti, Meaghan Kovacs

Visitors:

Resolution # PR - 2009 - 05 - 07

Moved by Fejes

Seconded by Redpath

RESOLVED, that the minutes from April 8, 2009 are approved as submitted.

Yes:                   All

No:                   None

MOTION CARRIED

### **OLD BUSINESS**

- A. Budget Update – When compared to the proposed budget distributed to the Park Board, the budget approved by City Council included a \$750,000 transfer from the Civic Center development to Streets for street projects.
- B. Park Naming Policy – Revisions to the Park Naming Policy was discussed.

Resolution # PR – 2009 – 05 – 08

Moved by: Redpath

Seconded by: Fejes

RESOLVED, that the Parks and Recreation Advisory Board recommends to City Council adoption of the Park Naming Revised Policy.

Yes:                   All

No:                   None

MOTION CARRIED

- C. Elections – No elections were held at this time. The current board remains.

### **Member Comments**

Gary Hauff asked about the amusement ride vendors for Troy Daze and if they pay the City a percentage of their earnings. It was explained that the City gets approximately \$40,000 to \$70,000 from amusement ride vendors at Troy Daze.

Jan Zikakis commented that the tree trimming on Judy Dr. has been done and looks beautiful.

## **Staff Reports**

### Directors Report

- In response to correspondence received by this body, staff has requested the Streets department quote the cost for a pathway from Northfield Parkway to Boulan Park.
- Park Board members were asked to observe the City this summer as there will be decreased mowing, watering and maintenance throughout the City. Also, there will be no annuals planted at park entrances, cemeteries, or fire stations as cost saving measures for the City.

### Recreation Report

- The Aquatic Center opens May 22. Season pass sales are slightly behind last year but ahead of 2007.
- Two tennis courts at Baker Middle School and two at Smith Middle School have had pickleball lines added to them and may be used for either tennis or pickleball.
- June 6 is the Kids and Senior garage sale in the parking garage of the Liberty Center.
- The Great Troy Camp-out will be held at the Troy Farm on June 27 and 28. There will be a backpacking demonstration and hiking along with other activities.
- The Troy Farm will be hosting a Flea Market on Saturdays throughout August.

### Parks Report

- Spring tree planting is complete with approximately 3500 trees planted
- June 6 is River Day at the Nature Center.
- The parking lot at Jaycee Park was repaved this month and the parking lot at Sylvan Glen golf course will get new seal coating and restriping.

The meeting adjourned at 8:20 p.m.

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Janice Zikakis, Vice-Chair

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Mary Williams, Recording Secretary

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 be 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.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary

**CHARTER REVISION COMMITTEE MINUTES - Draft****July 13, 2009**

A meeting of the Troy Charter Revision Committee was held July 13, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:35 PM.

**ROLL CALL:**

**PRESENT:** Maryann Bernardi, Daniel Bliss, Jerry E. Bloom, Shirley Kanoza, William Weisgerber  
**ABSENT:** Mark Solomon, Cynthia A. Wilsher  
**ALSO PRESENT:** Acting City Manager John Szerlag, City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

**APPROVE THE AGENDA:**

Resolution #CR-2009-07-008  
 Moved by Bliss  
 Seconded by Kanoza

RESOLVED, That the Agenda for the July 13, 2009 Charter Revision Committee meeting be **APPROVED** as placed on the table.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber  
 No: None  
 Absent: Solomon, Wilsher

**MOTION CARRIED****APPROVAL OF MINUTES: March 20, 2009**

Resolution #CR-2009-07-009  
 Moved by Kanoza  
 Seconded by Bernardi

RESOLVED, That the Charter Revision Committee Minutes of March 5, 2009 are hereby **APPROVED** as amended.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber  
 No: None  
 Absent: Solomon, Wilsher

**MOTION CARRIED****PROPOSED CHARTER AMENDMENT: Section 3.7 – Election of Mayor Pro Tem**

City Attorney Bluhm gave a brief overview of the proposed amendment. She noted that the amendment was overlooked back in 2005 when the State Law changes tied to Election Consolidation forced Charter amendments to bring the Charter into compliance.

Discussion continued on the impact of the amendment. Member Weisgerber suggested that the election of Mayor Pro Tem be by the electorate. He indicated that he also believes that the members of Council should be elected by Ward.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.7 – Election of Mayor Pro Tem**

Resolution #CR-2009-07-010

Moved by Bliss

Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.7, Election of Mayor Pro Tem, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification**

Member Kanoza questioned if there is really a problem with the length of time of 120 days or was the issue really with the Council process?

Member Bernardi indicated that the recent process was botched by the Council, however she believes that there really is a problem with insufficient days to do a thorough job. She noted that the process is much different today than it was when the original Charter language was drafted. She noted that the process often reaches far outside of Troy's boundaries and there are also many more opportunities in the process; such as the public Town Hall meeting. She said she supports placing the 180 day option before the voters.

Member Bloom noted that he would not like to see the position vacant for that length of time.

Member Kanoza agreed that 180 days it too long. She noted that if the process were extended too long, the public would lose track of what was going on with the process.

Member Bernardi referenced comments made at the Council meeting by Council Member Beltramini. She noted that Council Member Beltramini's husband works for higher education and they have a process built into the hiring of senior staff members that allows for an extension of a vacancy whenever there is a failed hiring process.

Member Weisgerber questioned what would happen if the Council did not fill the vacancy and how long could a vacancy exist? He suggested that the Mayor take over for a vacant City Manager.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification:**

Resolution #CR-2009-07-011

Moved by Bernardi

Seconded by Bliss

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.10, City Manager; Appointment and Qualification, as presented referencing the length of time a vacancy in the office of City Manager be increased from 120 days to 180 days, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss

No: Bloom, Kanoza, Weisgerber

Absent: Solomon, Wilsher

**MOTION FAILED****PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification**

City Attorney Bluhm gave a brief overview of the proposed amendment. She noted that the State Law changed 9 years ago. She noted that the amendment would mirror State Law. She informed the Committee that should the amendment not be placed on the ballot for voter's consideration or should the ballot question not receive sufficient votes, State Law would be referenced in the Charter and take precedence over the Charter provision.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification:**

Resolution #CR-2009-07-012

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.10, City Manager; Appointment and Qualification, as presented referencing the Residency Requirement for the Troy City Manager, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification**

Member Bernardi repeated her concerns voiced at the last meeting and indicated that she believes the proposal could result in more elections. She indicated that the amendment could discourage Council Members from running for the office of Mayor. She stated also believes the amendment adds complexity and grows the role of government. Member Bernardi stated that the amendment could result in as many as 6 vacant seats if all Council Members decided to run for the office of Mayor. However removing the Charter requirement entirely could result in only one vacancy and that seat could be filled by an appointment of Council.

Member Bloom indicated that he will be voting “no” as he has come up with a better solution. He noted that intent is to prevent surprises at the filing deadline and to make the process fair. The purpose is to attract good candidates.

Member Kanoza stated that she is a firm believer that Council Members should have to resign his or her position if they wish to seek another elective office. They should give their all either to the position they were elected to serve or 100% as a potential candidate. She does not believe you can do both.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2 (g) – Vacancies in Elective Office:**

Resolution #CR-2009-07-013  
Moved by Bliss  
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 6.2 (g), Vacancy in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza,  
No: Bernardi, Bloom, Weisgerber  
Absent: Solomon, Wilsher

**MOTION FAILED**

**CHARTER REVISION COMMITTEE MEETING SCHEDULE:**

Member Bernardi indicated she prefers days, but can be available evenings.

Member Kanoza indicated she is available both days and evenings. She informed the Committee that Member Wilsher prefers evenings.

Member Bloom noted that he is available both days and evenings. He also stated that he will not be available the Month of March.

Member Weisgerber stated he is available at either time.

Chair Bliss stated he prefers late afternoon meetings, but could be available early evenings.

City Attorney Bluhm reminded the Committee that Member Solomon is a professor at Walsh and has evening classes.

**MOTION TO INDICATE MEETING SCHEDULE PREFERENCES:**

Moved by Bliss

Seconded by Weisgerber

RESOLVED, That the Charter Revision Committee hereby **REQUESTS** that future Committee meetings be scheduled in an alternating fashion, beginning with the next meeting in the evening and then rotating between day and evening meetings.

**AMENDMENT:**

Resolution #CR-2009-07-014

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the motion be **AMENDED** by **SUBSTITUTING** “**REQUESTS** that” with “**PREFERS** that their”.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**AMENDMENT:**

Resolution #CR-2009-07-015

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the motion be **AMENDED** by **INSERTING** “*the second Thursday of the month*” following “alternating fashion”.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**VOTE ON AMENDED MAIN MOTION:**

Resolution #CR-2009-07-016

Moved by Bliss

Seconded by Weisgerber

RESOLVED, That the Charter Revision Committee hereby **PREFERS** that their future Committee meetings be scheduled in an alternating fashion the second Thursday of the month, beginning with the next meeting in the evening and then rotating between day and evening meetings.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

**MOTION CARRIED**

**CHARTER REVISION COMMITTEE MEETING PUBLIC COMMENT RULES:**

Member Bernardi noted that she believes the public should be allowed to address the Committee at both the beginning and end of the meeting.

Member Kanoza noted that the Committee is just an advisory committee and she believes the placement of Public Comment at the end of the agenda is correct.

Member Bloom suggested allowing public comment prior to every item.

Member Bernardi stated she does not understand the relevance of the statement that the "Committee is just an advisory committee". She believes the committee is pretty important. She indicated she agrees that public comment at each item would give the public an opportunity to comment prior to the committee voting.

Discussion continued on the placement of Public Comment on the Committee's Agenda and the length of time individuals would have to address the Committee. It was noted that the length of time could be at the discretion of the Chair.

City Attorney Bluhm advised the Committee that the Open Meetings Act does provide opportunity for committees to set rules for public comment. She cautioned giving the Chair the unlimited authority to establish time constraints, which could appear that the time limit was directed at the substance of the public comment and possibly quash any comment. She recommended that the committee establish a time frame by resolution and to consider adjusting the time frame at the beginning of a meeting if the committee had a large agenda or the large number of individuals wishing to address the committee.

**MOTION TO ESTABLISH RULES FOR PUBLIC COMMENT AT CHARTER REVISION COMMITTEE MEETINGS:**

Moved by Weisgerber

Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **ALTERS** the Charter Revision Committee's Agenda Format to allow for Public Comment at the beginning of the agenda and prior to a vote on any motion that could result in a change to the Charter with the time limitation to be determined by the Chair at the beginning of each meeting.

**MOTION TO POSTPONE:**

Resolution #CR-2009-07-017  
Moved by Kanoza  
Seconded by Bernardi

RESOLVED, That the motion to establish Public Comment Rules be **POSTPONED** until the next meeting of the Charter Revision Committee.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber  
No: None  
Absent: Solomon, Wilsher

**MOTION CARRIED**

City Clerk Bartholomew to provide the Committee with the City Council's Rules of Procedure Public Comment Section.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2 (g) – Vacancies in Elective Office:**

Resolution #CR-2009-07-018  
Moved by Bloom  
Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the following proposed Amendment to Section 6.2 (g), Vacancy in Elective Office, to be forwarded to City Council for placement on the November 3, 2009 General Election Ballot:

- (g) Any member of City council who want to run for a City office at the next General City Election shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election, and which shall be filed with the City Clerk no later than 4:00 PM on the 120<sup>th</sup> day prior to the next General City Election.*

Yes: Bernardi, Bloom, Kanoza, Weisgerber  
No: Bliss  
Absent: Solomon, Wilsher

**MOTION CARRIED**

**AUDIENCE PARTICIPATION:** None.

**ADJOURNMENT:**

Resolution #CR-2009-07-019

Moved by Bloom

Seconded by Bliss

RESOLVED, That the Charter Revision Committee Meeting of Monday, July 13, 2009 be  
**ADJOURNED.**

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

Meeting ADJOURNED at 5:10 PM.

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Daniel Bliss, Chair

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Tonni L. Bartholomew, City Clerk

DATE: July 2, 2009

TO: John Szerlag, Acting City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued June 2009

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Accessory Structure	1	\$159,539.00	\$1,715.00
Add/Alter	6	\$285,000.00	\$3,540.00
Wreck	1	\$0.00	\$110.00
<b>Sub Total</b>	<b>8</b>	<b>\$444,539.00</b>	<b>\$5,365.00</b>
<b><u>COMMERCIAL</u></b>			
Add/Alter	10	\$894,063.00	\$10,040.00
Wreck	1	\$0.00	\$100.00
<b>Sub Total</b>	<b>11</b>	<b>\$894,063.00</b>	<b>\$10,140.00</b>
<b><u>RESIDENTIAL</u></b>			
New	2	\$382,900.00	\$4,070.00
Add/Alter	34	\$579,991.00	\$8,470.00
Garage/Acc. Structure	11	\$28,647.00	\$805.00
Pool/Spa/Hot Tub	1	\$2,100.00	\$75.00
Ent. Wall/Masonry Fence	1	\$1,250.00	\$55.00
Repair	3	\$56,867.00	\$885.00
Fire Repair	1	\$268,992.00	\$2,805.00
Wreck	2	\$3,500.00	\$110.00
<b>Sub Total</b>	<b>55</b>	<b>\$1,324,247.00</b>	<b>\$17,275.00</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
Add/Alter	2	\$1,000.00	\$1,105.00
<b>Sub Total</b>	<b>2</b>	<b>\$1,000.00</b>	<b>\$1,105.00</b>
<b><u>MISCELLANEOUS</u></b>			
Satellite/Antennas	9	\$45,000.00	\$1,035.00
Signs	37	\$0.00	\$3,968.50
Fences	26	\$0.00	\$420.00
<b>Sub Total</b>	<b>72</b>	<b>\$45,000.00</b>	<b>\$5,423.50</b>
<b>TOTAL</b>	<b>148</b>	<b>\$2,708,849.00</b>	<b>\$39,308.50</b>

**PERMITS ISSUED DURING JUNE 2009**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	111	\$1,110.00
Cert. of Occupancy	14	\$864.75
Plan Review	71	\$3,215.00
Microfilm	14	\$121.00
Building Permits	148	\$39,308.50
Electrical Permits	131	\$5,412.00
Heating Permits	76	\$3,095.00
Air Cond. Permits	48	\$2,245.00
Refrigeration Permits	2	\$70.00
Plumbing Permits	92	\$3,844.00
Storm Sewer Permits	11	\$498.00
Sanitary Sewer Permits	4	\$158.00
Sewer Taps	5	\$766.00
<b>TOTAL</b>	<b>727</b>	<b>\$60,707.25</b>

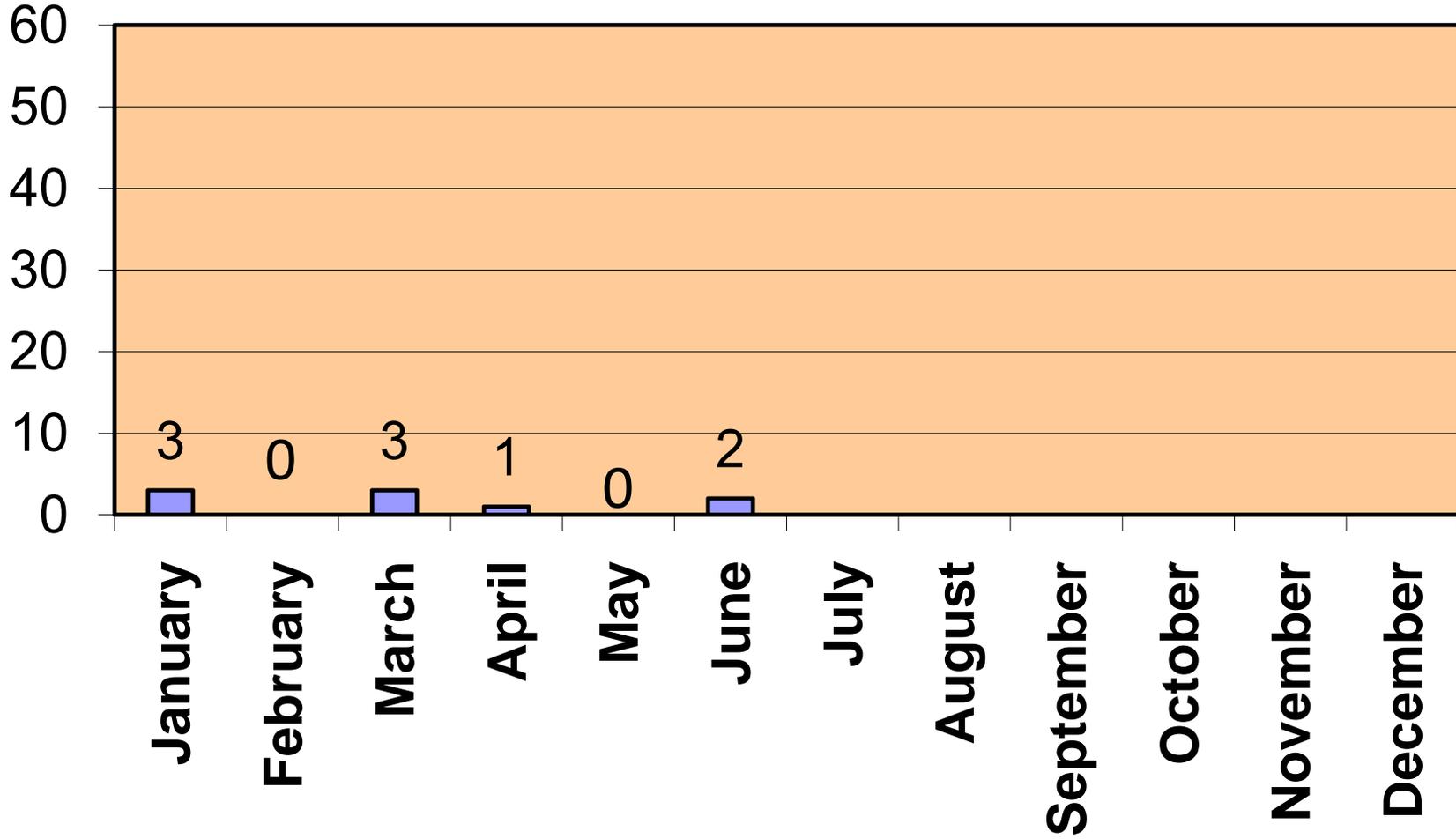
**LICENSES & REGISTRATIONS ISSUED DURING JUNE 2009**

	NO.	LICENSE FEE
Mech. Contr.-Reg.	24	\$120.00
Elec. Contr.-Reg.	20	\$300.00
Master Plmb.-Reg.	25	\$125.00
Sign Inst. - Reg.	4	\$40.00
E. Sign Contr-Reg.	1	\$15.00
Fence Inst.-Reg.	9	\$90.00
Bldg. Contr.-Reg.	28	\$280.00
F.Alarm Contr.-Reg.	3	\$45.00
<b>TOTAL</b>	<b>114</b>	<b>\$1,015.00</b>

## BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2008</u>	<u>PERMIT VALUATION 2008</u>	<u>BUILDING PERMITS 2009</u>	<u>PERMIT VALUATION 2009</u>
JANUARY	71	\$4,678,432.00	66	\$5,215,813.00
FEBRUARY	81	\$5,464,681.00	39	\$2,463,134.00
MARCH	107	\$3,480,525.00	76	\$3,344,007.00
APRIL	141	\$10,518,298.00	95	\$3,005,226.00
MAY	161	\$4,357,036.00	122	\$1,679,112.00
JUNE	161	\$8,178,329.00	148	\$2,708,849.00
JULY	160	\$10,497,107.00	0	\$0.00
AUGUST	122	\$15,981,779.00	0	\$0.00
SEPTEMBER	134	\$13,136,548.00	0	\$0.00
OCTOBER	114	\$3,760,152.00	0	\$0.00
NOVEMBER	109	\$35,574,774.00	0	\$0.00
DECEMBER	66	\$1,762,444.00	0	\$0.00
<b>TOTAL</b>	<b>1427</b>	<b>\$117,390,105.00</b>	<b>546</b>	<b>\$18,416,141.00</b>

# SINGLE FAMILY DWELLING PERMITS 2009



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF JUNE 2009

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	EMMES REALTY SERVICES	700 TOWER 550	155,000
Commercial, Add/Alter	OSPREY CONSTRUCTION & DEVELOPME	2800 LIVERNOIS E 150	210,000
Commercial, Add/Alter	BREN-MAR CONSTRUCTION CO	2801 W BIG BEAVER D-116	120,000
Commercial, Add/Alter	SYNERGY GROUP INC	755 W BIG BEAVER 1200	200,000
Total Commercial, Add/Alter			685,000
Industrial, Access. Structure	CMA CONSTRUCTION SERVICES	1930 STEPHENSON	159,539
Total Industrial, Access. Structure			159,539
Industrial, Add/Alter	GLOBAL INVESTMENT HOLDINGS	1765 W MAPLE	105,000
Total Industrial, Add/Alter			105,000
Records 7			Total Valuation: 949,539

DATE: July 2, 2009

TO: John Szerlag, Acting City Manager  
FROM: Mark Stimac, Director of Building & Zoning  
SUBJECT: Permits issued January 2009 - June 2009

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Accessory Structure	1	\$159,539.00	\$1,715.00
Add/Alter	21	\$1,206,136.00	\$14,445.00
Wreck	1	\$0.00	\$110.00
Parking Lot	1	\$75,000.00	\$865.00
Repair	1	\$12,000.00	\$235.00
<b>Sub Total</b>	<b>25</b>	<b>\$1,452,675.00</b>	<b>\$17,370.00</b>
<b><u>COMMERCIAL</u></b>			
New	1	\$920,000.00	\$9,315.00
New Less Tenant	1	\$527,100.00	\$5,395.00
Completion (New)	1	\$765,000.00	\$7,765.00
Tenant Completion	3	\$276,000.00	\$3,105.00
Add/Alter	78	\$9,172,311.00	\$98,795.00
Wreck	1	\$0.00	\$100.00
Kiosk	2	\$500.00	\$70.00
<b>Sub Total</b>	<b>87</b>	<b>\$11,660,911.00</b>	<b>\$124,545.00</b>
<b><u>RESIDENTIAL</u></b>			
New	9	\$1,537,160.00	\$16,425.00
Add/Alter	93	\$1,574,149.00	\$23,345.00
Garage/Acc. Structure	29	\$67,417.00	\$2,015.00
Pool/Spa/Hot Tub	8	\$142,095.00	\$2,090.00
Ent. Wall/Masonry Fence	1	\$1,250.00	\$55.00
Repair	23	\$633,972.00	\$8,375.00
Fire Repair	7	\$811,155.00	\$8,905.00
Wreck	4	\$3,500.00	\$210.00
<b>Sub Total</b>	<b>174</b>	<b>\$4,770,698.00</b>	<b>\$61,420.00</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
Add/Alter	6	\$45,000.00	\$1,865.00
Repair	7	\$64,507.00	\$1,255.00
<b>Sub Total</b>	<b>13</b>	<b>\$109,507.00</b>	<b>\$3,120.00</b>
<b><u>MULTIPLE</u></b>			
Garage/Acc. Structure	3	\$43,000.00	\$735.00
Repair	1	\$6,850.00	\$155.00
<b>Sub Total</b>	<b>4</b>	<b>\$49,850.00</b>	<b>\$890.00</b>

**INSTITUTIONAL/HOSPITAL**

Add/Alter	1	\$200,000.00	\$2,115.00
<b>Sub Total</b>	<b>1</b>	<b>\$200,000.00</b>	<b>\$2,115.00</b>

**RELIGIOUS**

Add/Alter	3	\$127,500.00	\$1,505.00
<b>Sub Total</b>	<b>3</b>	<b>\$127,500.00</b>	<b>\$1,505.00</b>

**MISCELLANEOUS**

Satellite/Antennas	9	\$45,000.00	\$1,035.00
Signs	149	\$0.00	\$16,639.50
Fences	81	\$0.00	\$1,315.00
<b>Sub Total</b>	<b>239</b>	<b>\$45,000.00</b>	<b>\$18,989.50</b>

<b>TOTAL</b>	<b>546</b>	<b>\$18,416,141.00</b>	<b>\$229,954.50</b>
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**PERMITS ISSUED JANUARY THROUGH JUNE 2009**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	1215	\$12,150.00
Cert. of Occupancy	101	\$7,670.75
Plan Review	289	\$13,354.25
Microfilm	103	\$1,039.00
Building Permits	546	\$229,954.50
Electrical Permits	657	\$33,237.00
Heating Permits	449	\$21,435.00
Air Cond. Permits	174	\$7,990.00
Refrigeration Permits	8	\$440.00
Plumbing Permits	408	\$23,416.00
Storm Sewer Permits	52	\$1,925.00
Sanitary Sewer Permits	24	\$762.00
Sewer Taps	22	\$3,220.00
<b>TOTAL</b>	<b>4048</b>	<b>\$356,593.50</b>

**LICENSES & REGISTRATIONS ISSUED JANUARY THROUGH JUNE 2009**

	NO.	LICENCE FEE
Mech. Contr.-Reg.	131	\$655.00
Elec. Contr.-Reg.	181	\$2,715.00
Master Plmb.-Reg.	97	\$485.00
Sign Inst. - Reg.	24	\$240.00
E. Sign Contr-Reg.	18	\$270.00
Fence Inst.-Reg.	18	\$180.00
Bldg. Contr.-Reg.	71	\$710.00
F.Alarm Contr.-Reg.	18	\$270.00
<b>TOTAL</b>	<b>558</b>	<b>\$5,525.00</b>

DATE: July 2, 2009

TO: John Szerlag, Acting City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued July 2008 through June 2009

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Accessory Structure	2	\$166,039.00	\$1,870.00
Add/Alter	43	\$6,454,738.00	\$59,008.00
Wreck	2	\$0.00	\$210.00
Parking Lot	4	\$555,000.00	\$6,010.00
Repair	3	\$109,000.00	\$1,435.00
Fire Repair	2	\$9,927.00	\$250.00
<b>Sub Total</b>	<b>56</b>	<b>\$7,294,704.00</b>	<b>\$68,783.00</b>
<b><u>COMMERCIAL</u></b>			
New	1	\$920,000.00	\$9,315.00
Fnd. New	1	\$225,900.00	\$2,375.00
Shell New	1	\$211,000.00	\$2,225.00
Fnd./Shell New	1	\$347,676.00	\$3,595.00
New Less Tenant	1	\$527,100.00	\$5,395.00
Completion (New)	2	\$886,422.00	\$9,100.00
Completion Less Tenant	1	\$231,784.00	\$2,435.00
Tenant Completion	9	\$1,084,748.00	\$10,388.00
Add/Alter	182	\$16,696,262.00	\$183,930.00
Wreck	2	\$50,000.00	\$200.00
Parking Lot	1	\$50,000.00	\$615.00
Repair	1	\$5,000.00	\$115.00
Kiosk	8	\$500.00	\$281.00
<b>Sub Total</b>	<b>211</b>	<b>\$21,236,392.00</b>	<b>\$229,969.00</b>
<b><u>RESIDENTIAL</u></b>			
New	31	\$6,006,400.00	\$63,715.00
Add/Alter	243	\$4,068,196.00	\$60,305.00
Garage/Acc. Structure	59	\$246,595.00	\$5,885.00
Pool/Spa/Hot Tub	22	\$356,395.00	\$5,190.00
Ent. Wall/Masonry Fence	2	\$2,250.00	\$90.00
Repair	39	\$881,936.00	\$12,115.00
Fire Repair	10	\$986,507.00	\$11,010.00
Wreck	19	\$3,500.00	\$860.00
<b>Sub Total</b>	<b>425</b>	<b>\$12,551,779.00</b>	<b>\$159,170.00</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
Add/Alter	15	\$71,610.00	\$3,170.00
Garage/Acc. Structure	1	\$600.00	\$390.00
Repair	10	\$92,707.00	\$1,840.00
<b>Sub Total</b>	<b>26</b>	<b>\$164,917.00</b>	<b>\$5,400.00</b>
<b><u>MULTIPLE</u></b>			
Garage/Acc. Structure	4	\$45,921.00	\$810.00
Repair	6	\$256,850.00	\$3,230.00
<b>Sub Total</b>	<b>10</b>	<b>\$302,771.00</b>	<b>\$4,040.00</b>

**INSTITUTIONAL/HOSPITAL**

New	2	\$6,500,000.00	\$40,760.00
Completion	3	\$45,821,825.00	\$235,550.00
Add/Alter	6	\$4,522,000.00	\$24,395.00

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<b>Sub Total</b>	<b>11</b>	<b>\$56,843,825.00</b>	<b>\$300,705.00</b>
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**RELIGIOUS**

Add/Alter	12	\$633,557.00	\$7,420.00
Garage/Acc. Structure	1	\$50,000.00	\$615.00
Repair	1	\$4,000.00	\$95.00

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<b>Sub Total</b>	<b>14</b>	<b>\$687,557.00</b>	<b>\$8,130.00</b>
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**MISCELLANEOUS**

Satellite/Antennas	12	\$47,000.00	\$1,141.00
Signs	334	\$0.00	\$35,733.00
Fences	152	\$0.00	\$2,470.00

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<b>Sub Total</b>	<b>498</b>	<b>\$47,000.00</b>	<b>\$39,344.00</b>
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<b>TOTAL</b>	<b>1251</b>	<b>\$99,128,945.00</b>	<b>\$815,541.00</b>
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**PERMITS ISSUED JULY 2008 THROUGH JUNE 2009**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	2533	\$25,330.00
Cert. of Occupancy	252	\$30,464.40
Plan Review	685	\$56,599.24
Microfilm	275	\$3,336.00
Building Permits	1251	\$815,541.00
Electrical Permits	1568	\$83,422.00
Heating Permits	1041	\$51,875.00
Air Cond. Permits	417	\$19,055.00
Refrigeration Permits	15	\$1,175.00
Plumbing Permits	867	\$52,356.00
Storm Sewer Permits	121	\$5,421.00
Sanitary Sewer Permits	67	\$2,223.00
Sewer Taps	68	\$24,270.00
<b>TOTAL</b>	<b>9160</b>	<b>\$1,171,067.64</b>

**LICENSES & REGISTRATIONS ISSUED JULY 2008 THROUGH JUNE 2009**

	NO.	LICENSE FEE
Mech. Contr.-Reg.	361	\$1,805.00
Elec. Contr.-Reg.	289	\$4,335.00
Master Plmb.-Reg.	208	\$1,040.00
Sewer Inst.-Reg.	0	\$0.00
Sign Inst. - Reg.	45	\$450.00
E. Sign Contr-Reg.	25	\$375.00
Fence Inst.-Reg.	29	\$290.00
Bldg. Contr.-Reg.	176	\$1,760.00
F.Alarm Contr.-Reg.	29	\$435.00
<b>TOTAL</b>	<b>1162</b>	<b>\$10,490.00</b>

June 22, 2009

Chief of Police  
Troy Police Department  
500 W. Big Beaver Road  
Troy, MI 48084

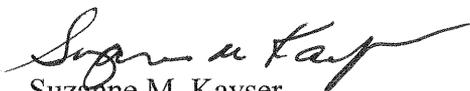
Dear Sir:

I am writing to say thank you to your wonderful officers and to ask you to thank them for my husband and I for there above and beyond service to our son. On Saturday, June 20, we traveled to Troy from Flint, MI to help our son and we requested your departments support. I will not go into the details, but at about 11:00 p.m. we received a follow-up call from your officer Ms. Janice Pokley, #106. Officer Pokley told us that our son was safe.

There were several officers that came to help and to the person they were truly wonderful, professional, and caring. My family has been very blessed in life, nevertheless, sometimes difficulty arises. Your team did an outstanding job in helping us. I hope through saying thank you your officers will grow in there commitment to the "right stuff" that they exhibit as a great team.

Sir, there were several officers involved, please help me say thank you to each and every one.

Sincerely yours,



Suzanne M. Kayser  
2630 Parkside Drive  
Flint, MI 48503  
skayser@patsylou.com

OFFICER JANICE POKLEY  
SERGEANT MICHAEL GIORGI  
SERGEANT FRANK NASTASI  
OFFICER JOSEPH MORGAN  
OFFICER JOSEPH MOUCH

THANKS FOR YOUR WORK AND THE  
GREAT SERVICE LEADING TO THIS SATISFIED  
GRATEFUL CITIZEN.



CITY MGR  
DIVISION COMMANDERS  
OFFICERS / FILES

Dear AQUATIC Center Staff-

I just wanted to express how happy our family has been with the pool and our first summer membership. I've lived in Troy since 1989, and graduated the year the pool was built, but never attended until I had kids a few years ago. After a few years of purchasing punch passes, this year we purchased a family membership. I am VERY IMPRESSED with 1) the cleanliness 2) the amount of staff 3) the high level of ongoing training and 4) how beautifully the park is maintained.

I have been so impressed, I have told as many friends and co-workers how happy our time here always is.

Keep up the Great work!!

Many Thanks,

The Giorgi Family

CLAWSON FIRE DEPARTMENT

111 GARDNER  
CLAWSON, MICHIGAN 48017  
(248) 435-4500  
FAX (248) 585-2841

*All Personnel -  
Good Job!  
THANKS  
801*

July 9, 2009

Chief William Nelson  
Troy Fire Department  
500 Big Beaver  
Troy, Michigan 48084

Subject: Clawson Fourth of July Celebration and June 19<sup>th</sup> Station Coverage

Bill,

Many thanks to you and the members of the Troy Fire Department and Explorers for participating in this years Clawson Fourth of July Parade, Water Battle and standby coverage during the Fourth of July Celebrations. Congratulations to your department on winning the annual water battle. It was a great battle and we are looking forward to next year trying to reclaim the bucket.

Also please express my thanks to all of your members who provided station coverage for our annual Tigers game outing on June 19th.

As always, we appreciate your department's assistance.

*Doug Ballard*

Douglas Ballard  
Chief  
Clawson Fire Department



## CITY COUNCIL REPORT

July 8, 2009

**TO:** John Szerlag, Acting City Manager

**FROM:** Gary Mayer, Chief of Police  
James Feld, Police Officer

**SUBJECT:** Proof of TIPS/TAMS Server Training

- During the Troy City Council Hearings scheduled March 2, 2009 and March 23, 2009 the following establishments were given notice to appear for a series of public hearings regarding alleged violations of **SALES TO MINOR (DPU)** (Compliance Test):
  - 7-Eleven, Inc. – 1650 Crooks Road (*date of violation February 21, 2008*)
  - Agrusa International Marketplace LLC (*date of violation December 30, 2008*)
  - Aldi, Inc. (*date of violation October 2, 2008*)
  - Arbor Drugs – CVS Pharmacy Store #8162 – 2045 West South Blvd. (*date of violation May 21, 2008*)
  - Adi Realty – CVS Pharmacy Store #8242 – 4963 John R (*date of violation February 21, 2008*)
  - Kmart of Michigan (*date of violation December 30, 2008*)
  - MK2, LLC – Lucky's Market (*date of violation May 21, 2008*)
  - NLM, Inc. – Manny's Liquor Shoppe (*date of violation May 29, 2008*)
  - Rite Aide of Michigan – Rite Aide Pharmacy #2731 – 1981 West South Blvd. (*date of violation May 21, 2008*)
  - Rite Aide of Michigan – Rite Aide Pharmacy #4305 – 2971 West Maple. (*date of violation October 10, 2008*)
  - Troy Cheese and Wine Market (*date of violation May 21, 2008*)
  - Wal-Mart Stores East (*date of violation October 10, 2008*)
  - Good Food Company East, Inc (*date of violation October 10, 2008*)
- The City Council of Troy, after due notice, **RECOMMENDED** to the Michigan Liquor Control Commission that the thirteen above establishments in the City of Troy, have their appropriate liquor licenses **BE RENEWED** with the **STIPULATION** that all employees be TIPS or TAMS

trained and that the Licensees provide proof of training to the Troy Police Department within ninety (90) days.

- Twelve of the above thirteen establishments provided the Troy Police Department with proof of TIPS or TAMS training within the required 90 days.
- Good Food Company East, Inc failed to provide proof of TIPS or TAMS training by June 21, 2009 as required.
  - On May 26, 2009, a letter was sent to the Good Food Company East, Inc., reminding them that proof of the TIPS or TAMS training had not been submitted and that proof needed to be sent by June 21, 2009.
  - On June 30, 2009 Officer Feld appeared at the business which is located at 74 West Maple and noted that it had closed. The Directed Patrol Unit of this department attempted to perform an underage decoy operation at the business on May 7, 2009 and also noted that the business had closed . *(Officer Feld has yet to receive official notice from the Liquor Control Commission that the liquor license has been placed into escrow).*
- The above businesses, with the exception of Good Food Company East, Inc., all passed a recent underage decoy operation conducted by the Directed Patrol Unit of this department on May 7, 2009.



## CITY COUNCIL REPORT

Date: July 14, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Timothy Richnak, Public Works Director

SUBJECT: Review of Recent Sidewalk and Drive Approach Bids

### Background:

- During the City Council Meeting of June 15, 2009, Item F-04a was pulled from the consent agenda for comment before approval by City Council. The comment addressed extending the current prices for concrete sidewalk replacement and if they were favorable.
- A favorable market survey was conducted by the Purchasing Department in 2008. A review of the Producer Price index (PPI) shows a drop in commodities and industry data for 2009 but still higher than prices originally bid in 2007.
- A survey of local communities bidding sidewalk replacement in the first six months of 2009, are listed and attached. They are Madison Heights, Royal Oak, Sterling Heights and the most recent bid opened June 22, 2009 is the City of Birmingham.
- When reviewing the bid results from the four communities it revealed a variety in specifications and quantities. Due to these variances and locations which would require movement of equipment and a greater amount of traffic control prices vary in accordance.
- This survey supports the recommendation that no benefit would have been derived from soliciting additional sealed bids.

## July 2009 Sidewalk Bid Comparison

	4"REMOVE AND REPLACE	6"REMOVE AND REPLACE	8"REMOVE AND REPLACE	HANDICAP RAMPS
CITY OF TROY EXTENDED PRICES	\$2.98 SQ.FT.	\$3.15 SQ.FT.	\$3.95 SQ.FT.	\$298 EACH
CITY OF MADISON HEIGHTS	\$3.10 SQ.FT.	\$3.50 SQ.FT.	\$6.00 SQ.FT.	
CITY OF ROYAL OAK	\$4.20 SQ.FT.	\$4.70 SQ.FT.	\$4.70 SQ.FT	\$361 EACH
CITY OF STERLING HEIGHTS	\$2.60 SQ.FT.	\$2.87 SQ.FT.	\$3.75 SQ.FT.	\$339 EACH
CITY OF BIRMINGHAM	\$2.75 SQ.FT.+ .25 SQFT FOR SAW CUTTING \$3.00 SQ.FT. TOTAL	\$3.00 SQ.FT. + .25 SQ.FT. FOR SAW CUTTING \$3.25 SQ.FT. TOTAL		\$421 EACH



## CITY COUNCIL REPORT

July 14, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Current Local Road Conditions and Analysis of Road Maintenance Funding

For the last several years we have utilized our Pavement Management System (PMS) to project the overall condition of our local roads based on our current \$2 million/year funding level for maintenance work. The results that were presented during the '09-10 budget study meetings and the previous two years showed that \$2 million/year did not keep up with needed repairs. An additional \$637,000 was budgeted this year, which brings the total budget for '09-10 to \$2.637 million. Despite the additional funds our overall road conditions are projected to decline from Moderate (Fair) to Poor over the next 5 years, as can be seen in the attached Local Road Condition graph.

The funding amount needed to maintain the system within the Fair range throughout the next 5 years is estimated at \$5 million per year.

### Current Local Road Condition Estimate:

The attached map of Current Local Road Conditions for 2009 represents an estimate of current road conditions based on a 2003 field inventory of pavement defects, estimates of deterioration based on pavement deterioration curves and manual data entries from each year's pavement maintenance work since 2003. When the Pavement Management System (PMS) was initiated in 2003 the plan was to resurvey the roads every 3-5 years to ensure accuracy in the data model results. The accuracy of the output from the system depends largely on the pavement defects survey and the accuracy of the pavement deterioration curves. Since streets degrade at different rates due to a variety of factors such as pavement type, thickness, original concrete quality, drainage, traffic and unique factors such as the presence or absence of ASR, the pavement deterioration models may not be accurate for all streets. Therefore, it is important to periodically resurvey the streets to recalibrate the deterioration models and assure accuracy of the output.

### Comparison of 2009 and 2014 Local Road Condition Estimate:

The map of Current Local Road Conditions for 2009 indicates that 2% of the local road system is rated poor, 15% is Fair and 83% is rated Good. These overall ratings, as discussed in more detail above, are an estimate of the current condition based on our historical data and augmented with field reviews by staff. These rating categories are based on the Overall Condition Index (OCI) for each road segment (block) being less than 70 for Poor, between 70 and 85 for Fair, and greater than 85 for Good.

The overall rating of the entire local road system for 2009 (see attached graph) is within the Moderate range. This overall rating is a weighted average of all street OCI ratings for the entire local road system and for an overall Moderate rating the weighted average OCI for the system falls between 70 and 85.

With the funding level for maintenance at \$2.637 million for this year and \$2.0 million each year thereafter the future condition 5 years from now in 2014 is estimated to decline due to an inability to keep pace with needed repairs. In 2014 the overall condition rating of the roads in Troy falls into the Poor range. The map of Projected Local Road Conditions for 2014 indicates that roads in the Poor category increase to 10%, Fair increases to 38% and Good decreases to 52% based on the foregoing funding levels. At \$5.0 million per year the overall road condition is estimated to remain in the Moderate (Fair) category.

In summary, we can conclude that the current \$2.0 million funding level will not be adequate to keep up with needed repairs to keep the overall condition of our roads from slipping into the poor range

#### **Pavement Management System Accuracy Issues and Future Condition Assessments:**

Due to operations budget reductions and a change in budget requirements, which now require the field inventory work to be an operating expense, the \$45,000 cost to perform the road inventory work by an outside contractor has not been budgeted since 2003. Since the condition data is old and since we know there are some ASR affected streets that have deteriorated more rapidly than others, some streets may be shown as Fair on the attached map rather than their true condition which may be in the Poor range. Fortunately, the mileage of ASR affected local streets in Troy is relatively small so the overall condition map we believe is a fair approximate representation of the overall condition of our local road system, but certainly not as accurate as it could be. It is estimated that approximately 5% of our local road system has ASR, but just because a pavement has ASR does not mean that it will automatically fail. Some roads identified as having ASR have deteriorated very slowly while others have experienced rapid deterioration.

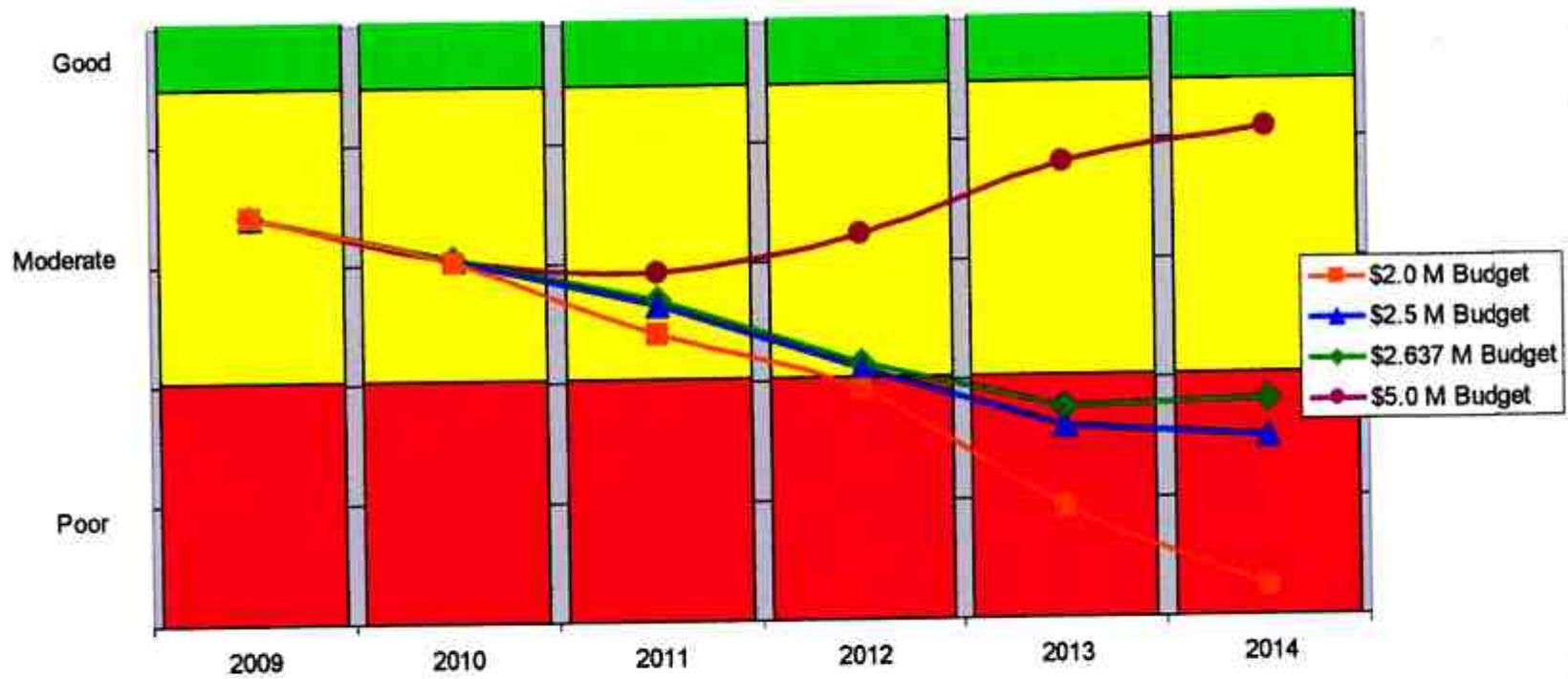
The Engineering Department has taken steps to establish a new rating system for all local streets based on the PASER road rating system. This system has been adopted by the State of Michigan Asset Management Council; is currently used by the Road Commission for Oakland County for major roads (Troy map attached) and is accepted by MDOT on submittals for federal funding consideration. Although it is not as sophisticated as our current PMS, it is capable of providing similar results at a much lower cost.

PASER is a "windshield" road rating system that uses a 1 to 10 rating scale, with a value of 10 representing a new road and a value of 1 representing a failed road. Condition ratings are assigned by monitoring the type and amount of visual defects along a road segment while driving the segment. The PASER system interprets these observations into a condition rating.

Some of the advantages to this survey system aside from its lower cost are: 1) The ability of in house staff to do the survey work after receiving training; 2) The ability to do the survey every year to maintain accuracy; and 3) The software, RoadSoft GIS, that's used to analyze the data is free. RoadSoft GIS is an asset management software package created and distributed free of charge by the Michigan Technology Institute's Technology Development Group. The current version of the program was designed with a special module to collect PASER rating data. Attached is a PASER rating table that describes each pavement surface rating.

We will be moving toward this new system in the '09-10 budget year and plan to utilize it for the next budget preparation phase in 2010.

### Local Road Condition



# Current Local Road Conditions 2009



**LOCAL ROAD  
Pavement Analysis Results  
Estimated Current Condition  
Paved City Owned Local Streets**

- Poor - 5.90 miles
- Fair - 36.39 Miles
- Good - 212.27 miles

# Projected Local Road Conditions 2014

Analysis based on \$2.637M for 2009, & \$2M for maintenance each succeeding year.



**LOCAL ROAD  
Pavement Analysis Results  
Projected Condition 2014  
Paved City Owned Local Streets**

- Poor - 25.54 miles
- Fair - 96.64 miles
- Good - 132.39 miles

## PASER Rating System

This chart describes the PASER rating system.

Surface Rating		Visible Distress	General Condition / Treatment Measures
10	Excellent	None	New construction
9	Excellent	None	Recent overlay, like new.
8	Very Good	No longitudinal cracks except reflection of paving joints.  Occasional transverse cracks, widely spaced (40' or greater).	Recent sealcoat or new road mix. Little or no maintenance required.
7	Good	Very slight or no raveling, surface shows some traffic wear.  Longitudinal cracks (open 1/4") spaced due to reflection or paving joints.  Transverse cracks (open 1/4") spaced 10 feet or more apart, little or slight crack raveling.  No patching or very few patches in excellent condition.	First signs of aging. Maintain with routine crack filling.
6	Good	Slight raveling (loss of lines) and traffic wear.  Longitudinal cracks (open 1/4" - 1/2") due to reflection and paving joints.  Transverse cracking (open 1/4" - 1/2") some spaced less than 10 feet.  Slight to moderate flushing or polishing.  Occasional patching in good condition.	Show signs of aging, sound structural condition. Could extend life with sealcoat.
5	Fair	Moderate to severe raveling (loss of lines and coarse aggregate).  Longitudinal cracks (open 1/2") show some slight raveling and secondary cracks. First signs of longitudinal cracks near wheel path or edge.  Transverse cracking and first signs of block cracking. Slight crack raveling (open 1/2").  Extensive to severe flushing or polishing.  Some patching or edge wedging in good condition.	Surface aging, sound structural condition. Needs sealcoat or non-structural overlay.

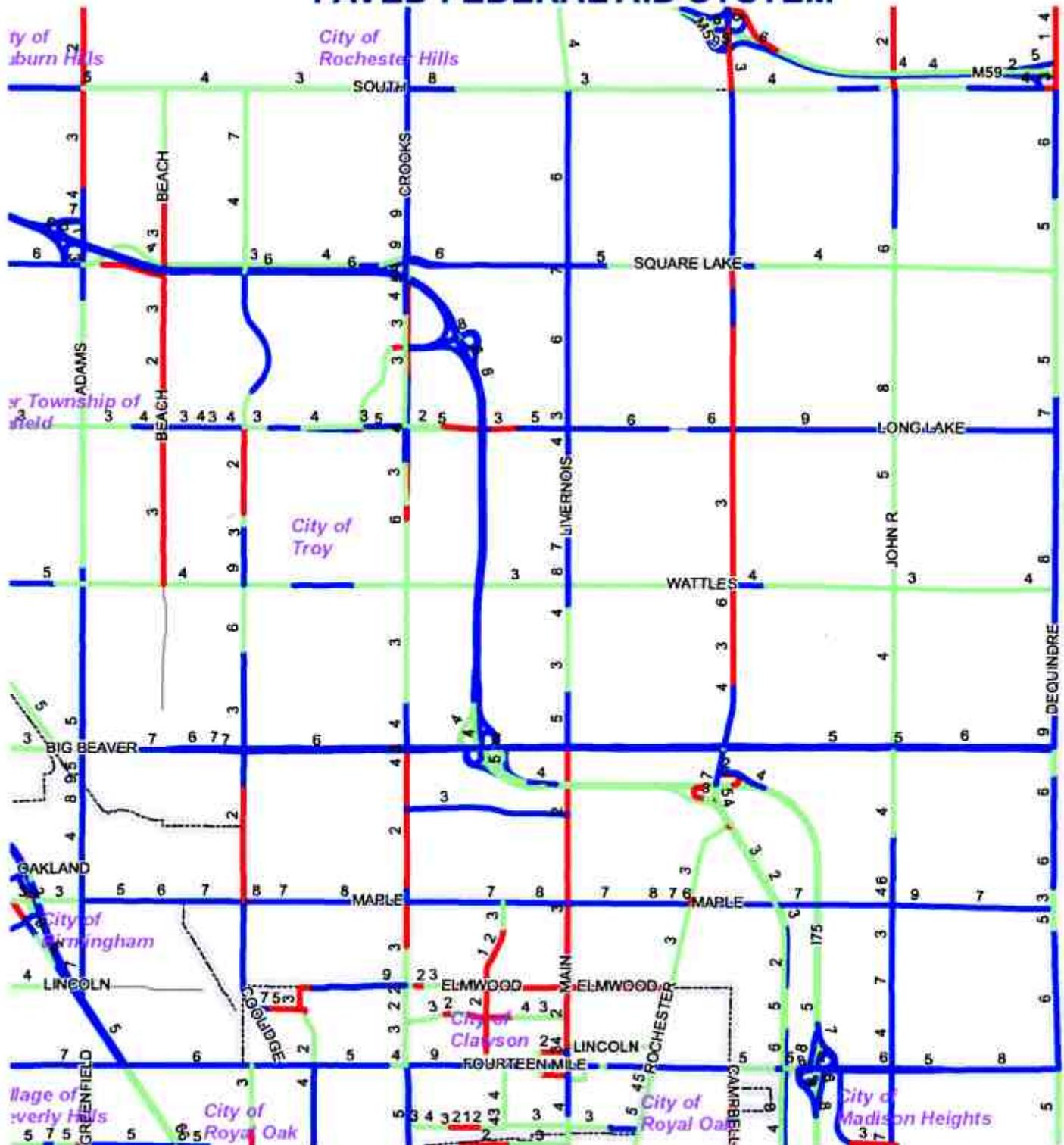
4	Fair	<p>Severe surface raveling.</p> <p>Multiple longitudinal and transverse cracking with slight raveling.</p> <p>Block cracking (over 25 - 50% of surface).</p> <p>Patching in fair condition.</p> <p>Slight rutting or distortions (1" deep or less).</p>	<p>Significant aging and first signs of need for strengthening. Would benefit from recycling or overlay.</p>
3	Poor	<p>Closely spaced longitudinal and transverse cracks often showing raveling and crack erosion.</p> <p>Block cracking over 50% of surface.</p> <p>Some alligator cracking (less than 25% of surface).</p> <p>Patches in fair to poor condition.</p> <p>Moderate rutting or distortion (1" or 2" deep).</p> <p>Occasional potholes.</p>	<p>Need patching and major overlay or complete recycling.</p>
2	Very Poor	<p>Alligator cracking (over 25% of surface).</p> <p>Severe distortions (over 2" deep).</p> <p>Extensive patching in poor condition.</p> <p>Potholes.</p>	<p>Severe deterioration. Need reconstruction with extensive base repair.</p>
1	Failed	<p>Severe distress with extensive loss of surface integrity.</p>	<p>Failed. Needs total reconstruction.</p>

Note: Individual pavements will not have all of the types of distress listed for any particular rating. They may have only one or two types.

# 2008 PAVEMENT CONDITION

## ROAD COMMISSION FOR OAKLAND COUNTY

### PAVED FEDERAL AID SYSTEM



**Legend**

2008 PASER Data

- 1 - 3 (Poor)
- 4 - 5 (Fair)
- 6 - 10 (Good)
- - - Municipal Boundary
- - - Rail Route



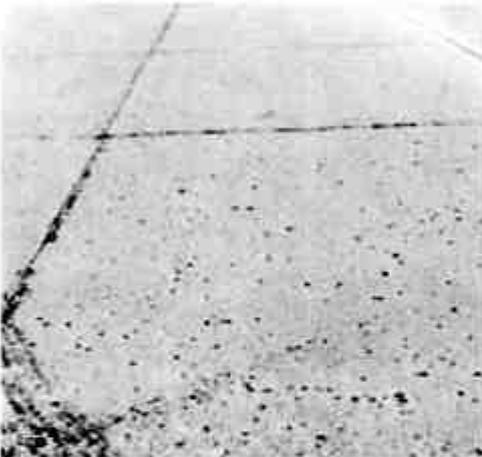


## RATING 7

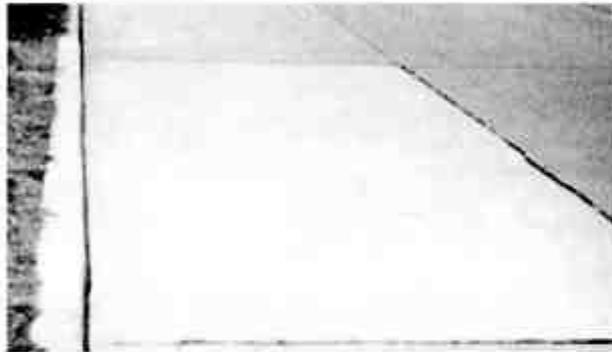
**GOOD** — May require some routine sealing or maintenance

First signs of transverse cracking, patching or repair; more extensive pop-outs or scaling; some manhole displacement, isolated heave or settlement. May need some sealing or routine maintenance.

◀ Residential street pavement in good condition after many years of service. May only need periodic joint sealing maintenance.



◀ Extensive pop-outs. Pavement is unsightly but still provides good level of service.



◀ Recent full depth pavement repair. In very good condition.



◀ Transverse crack. Tight, sound pavement.



◀ Well sealed transverse crack. Joint repairs in good condition.

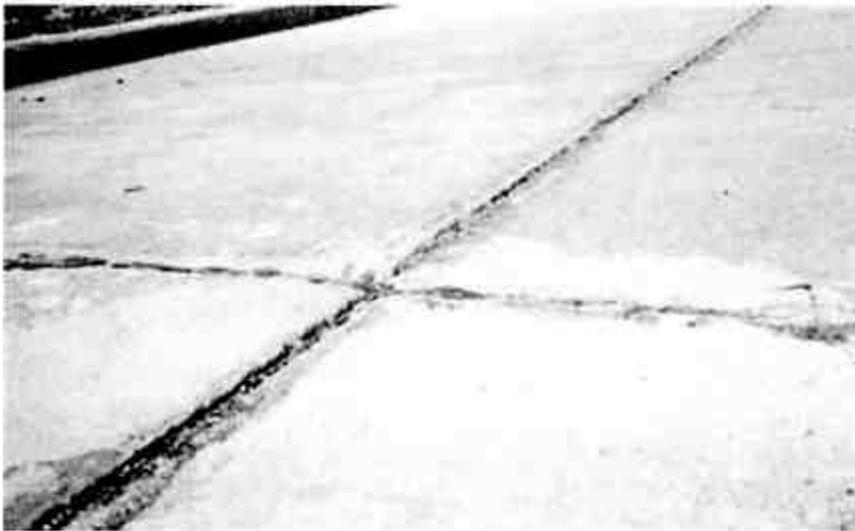
## RATING 5

**FAIR — Partial depth patching and joint repairs may be needed**

First signs of joint or crack spalling, or faulting. Multiple cracking at corners with broken pieces. Patching in fair condition. Surface texturing repairs may be necessary. Some partial depth patching and joint repairs may be needed.

◀  
**Faulting at longitudinal joint and spalling along joint edge.**

◀  
**First signs of transverse joint faulting. Grinding will improve ride.**



▲ **Open cracks with edge spalling. Corner crack and broken corner piece.**



▲ **Isolated manhole problems and joint spalling. Full depth repair required adjacent to manhole.**

# PASER Rating System

## RATING 3

**POOR — Extensive full depth patching plus some full slab replacement required**

Most joints and cracks are open (1"), spalled, or patched. D-cracking is evident. Severe (1") faulting. Extensive full depth patching required plus some full slab replacement.

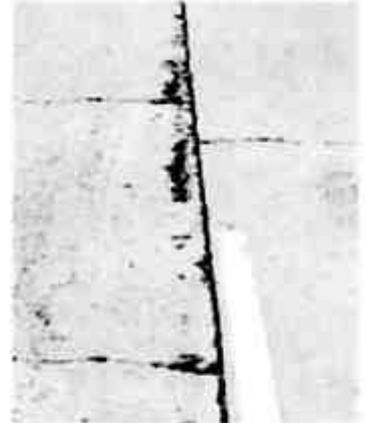
▶ Joints and cracks badly spalled. Patching is failing. Full depth repairs required.

▶ D-cracking (discoloration) at transverse joint and corner cracking. Needs full-depth repair.

▶ Discoloration at joints indicates D-cracking. Slab replacement needed.

▶ Badly spalled joint and open crack. Slab or joint replacement needed.

Multiple transverse cracks. Poor longitudinal joint with spalling. ▼



▲ Failed joint needs replacement.

## RATING 2

**VERY POOR** — Pavement recycling and reconstruction necessary



◀  
Failed patches.  
Replace entire  
portion of lane.



▲ Remove and replace  
pavement around  
manhole and inlet.

◀  
Closely spaced  
transverse cracks and  
poor longitudinal  
joint. Replace slab.



◀  
Severe  
deterioration.  
Requires  
extensive  
reconstruction.

▲ Extensive joint  
failure. Major  
rehabilitation or  
complete replace-  
ment needed.

