AGENDA

Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

AUGUST 17, 2009
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, 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.

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

Respectfully submitted,

John Szerlag, City Manager

CITY COUNCIL

AGENDA

August 17, 2009 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Jeff Totten – Troy Police Department Chaplain 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

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b) On behalf of the City of Troy Employees' *Casual for a Cause* Program (May/June), Community Affairs Director Cindy Stewart will present a check in the amount of $1,019.00 to Valerie Michrina, Executive Director from *On My Own of Michigan* 1
c) Achievement of Excellence in Procurement Award – Susan Leirstein 1
d) 2009 Membership Achievement Award for Troy Employee/Retiree Wellness Program - Presented by Mayor Schilling to Risk Manager Stephen Cooperrider and Community Affairs Director Cindy Stewart 1
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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: **Jeff Totten – Troy Police Department Chaplain**

ROLL CALL:

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

ABSENT:

(b) Absent Council Members

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Welcome Home Proclamation – Army Staff Sergeant Mark Strickland

b) On behalf of the City of Troy Employees' *Casual for a Cause* Program (May/June), Community Affairs Director Cindy Stewart will present a check in the amount of $1,019.00 to Valerie Michrina, Executive Director from *On My Own of Michigan*

c) Achievement of Excellence in Procurement Award – Susan Leirstein

d) 2009 Membership Achievement Award for Troy Employee/Retiree Wellness Program - Presented by Mayor Schilling to Risk Manager Stephen Cooperrider and Community Affairs Director Cindy Stewart

e) 2009 Public Risk Management Association Chapter Service Award – Presented by Mayor Schilling to Risk Manager Stephen Cooperrider

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

E-1 Appointments to Boards and Committees: (a) Mayoral Appointments: None Scheduled; (b) City Council Appointments: Advisory Committee for Persons with Disabilities

a) Mayoral Appointments – None Scheduled

b) City Council Appointments

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

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

Advisory Committee for Persons with Disabilities
Appointed by Council (7-Regular) - 3-Year Terms; Student – 1-Year Term

Raagini Suresh - **Student**	Term Expires 07/01/2010

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 #2009-08-
Moved by
Seconded by

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

Downtown Development Authority
Appointed by Mayor (13-Regular) - 4-Year Terms

Unexpired Term 09/30/2011

Yes:
No:

b) City Council Nominations

Suggested Resolution
Resolution #2009-08-
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 Designation of Voting Delegates at the Annual Meeting of the Michigan Municipal League 2009 Annual Conference

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **DESIGNATES** _____ as the Principal Official Representative (Official Voting Delegate) and hereby **DESIGNATES** _____ as the Alternate Official Representative (Official Alternate Voting Delegate) to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 22 through September 25, 2009 in Kalamazoo, Michigan.

Yes:
No:

E-4 Resolution to Revoke an Industrial Facilities Exemption Certificate (IFEC) and Vacate an Industrial Development District (IDD) Previously Granted and Established – Grid4 Communications, 2107 Crooks Road

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

WHEREAS, After due notice and proper hearing, the Troy City Council, on October 23, 2006, established an Industrial Development District (IDD), and granted an Industrial Facilities Exemption Certificate (IFEC), Certificate # 06.683, for property known as 2107 Crooks, Troy MI, 48084-5534, Parcel # 88-20-29-426-046, in the name of Grid4 Communications;

WHEREAS, Per the Letter of Agreement, between Grid4 Communications and the City of Troy, and per Public Act 198 of 1974, Grid4 Communications was allowed until December 31, 2008 to purchase all of the personal property to be abated, as reported on their application for exemption; and

WHEREAS, Grid4 Communications has not purchased any of the personal property that was to be abated, contrary to the terms of the Letter of Agreement between Grid4 Communications and the City of Troy, and in violation of Public Act 198 of 1974;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **REVOKES** the Industrial Facilities Exemption Certificate (IFEC), certificate # 06-683, and hereby **VACATES** the Industrial Development District (IDD), previously granted to Grid4 Communications, for property at 2107 Crooks, Troy, MI., 48084-5534, Parcel # 88-20-29-426-046, effective December 31, 2009; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward**,** by certified mail, a copy of this Resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971, and to Grid4 Communications at 2107 Crooks, Troy, MI. 48084-5534.

Yes:
No:

E-5 Revisions to Policy for Naming Public Places Specific to Parks and Recreation Park Naming – Section 36 Park

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** the revised Policy for Naming Public Spaces Specific to Parks and Recreation as presented; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** staff to initiate the process for naming the park in Section 36 (Milverton).

Yes:
No:

E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

WHEREAS, The Planning Commission recommended Preliminary Site Plan Approval of the Troy Museum and Historic Village Expansion, at the July 28, 2009 Regular meeting;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a reduction in the number of required parking spaces on the Troy Museum and Historic Village site to 120 when a total of 202 spaces are required based on the off-street parking space requirements for the facility, as per Article XL and this 82-space reduction is justified based on careful programming and the use of shuttle parking off-site for large events, as outlined in the Parking Needs Statement dated June 2, 2009; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval, pursuant to Section 18.20.02 of the Zoning Ordinance, as requested for the proposed Troy Museum and Historic Village Expansion, located on the north side of Wattles, west of Livernois, in Section 16, within the C-F zoning district.

Yes:
No:

E-7 Bid Waiver – Sole Source Purchase – TSI PortaCount

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

WHEREAS, Argus-Hazco is the sole known authorized representative for TSI Health & Safety products in the State of Michigan;

WHEREAS, In accordance with the OSHA Respiratory Protection Standard on Quantitative Fit Testing Protocols and the NFPA 1500 2007 Standard, respiratory protection equipment (RPE) must be tested annually before qualified members are permitted to use RPE in a hazardous atmosphere; and

WHEREAS, The Troy Fire Department has been testing all of its members and their RPE since 1998, when the OSHA standard went into effect utilizing TSI PortaCount Pro Respirator Fit Tester;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the purchase of the TSI PortaCount 8038 system from Argus-Hazco of Chesterfield, MI, for $11,725.00 less a $1,000.00 trade-in allowance for obsolete equipment at an estimated net total cost of $10,725.00.

Yes:
No:

E-8 Proposed Charter Amendments (Resolutions and Back-up Documentation to be Transmitted Electronically as a Late Submittal)

- Section 6.2(g) – Vacancies in Elective Office
- Section 6.2.1 – Irrevocable Letter of Resignation
- Section 6.7 – Filling Vacancies in Elective Office
- Section 6.7.1 – Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Regular Election
- Section 6.7.2 – Filing Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Primary Election
- Section 7.0 - Nominations

CONSENT AGENDA:

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

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

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

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

Yes:
No:

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

F-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 3, 2009 as submitted.

F-3 Proposed City of Troy Proclamation:

Suggested Resolution
Resolution #2009-08-

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

a) Welcome Home – Army Staff Sergeant Mark Strickland

F-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal Services – Home Chore Program

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional year to the low total bidders MVP Environmental, LLC of Troy, as primary contractor and Brantley Development, LLC of Westland, as secondary contractor, at unit prices contained in the bid tabulation opened July 21, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of May 1, 2010; and

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

b) Standard Purchasing Resolution 4: MITN Purchasing Cooperative – City of Southfield – SCBA Cylinder Bottles

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all necessary materials, labor and equipment to provide three-year requirements of repairs and general maintenance of overhead doors to the low total bidder, Michigan Independent Door Company of Troy, Michigan, at unit prices contained in the bid tabulation opened April 23, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire May 31, 2012; and

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

c) Standard Purchasing Resolution 1: Award to Low Bidders – Concrete Pavement Repair

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to complete the concrete pavement repair program for 2009/10 with an option to renew for two (2) additional one-year periods to the four lowest total bidders: Hard Rock Concrete, Inc. of Westland, for proposal A, Local Roads; Dominic Gaglio Construction, Inc. of Southgate, for proposal B, Industrial Roads; Major Cement Company of Detroit, for proposal C, Major Roads; and Dilisio Contracting, Inc. of Clinton Township for proposal D, Tri-Party County Roads at unit prices contained in the bid tabulation opened July 29, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting based on scope of work and ability to add additional locations up to, but not exceeding amounts budgeted; and

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

d) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Community Center Treadmills

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install eight (8) new commercial treadmills at the Community Center and to purchase the City's eight (8) Precor trade-ins to the overall lowest bidder meeting specifications, Fitness Things, Inc. of Plymouth, MI, at an estimated net total cost of $30,400.00, at prices contained in the bid tabulation opened July 9, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

F-5 Nancy Huntley, Legal Guardian of Carolyn Huntley v. City of Troy

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *Nancy Huntley, Legal Guardian of Carolyn Huntley, a Protected Person v. City of Troy*; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

F-6 Revised Appointment of SOCRRA Representative and Alternate Member

Suggested Resolution
Resolution #2009-08-

WHEREAS, On June 15, 2009 Troy City Council appointed Brian P. Murphy as the SOCRRA representative and Timothy L. Richnak as the alternate representative for the term beginning July 1, 2009 and expiring on June 30, 2010; and

WHEREAS, Brian P. Murphy is leaving the City of Troy and it is therefore necessary to appoint a replacement SOCRRA representative and alternate representative;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DESIGNATES** Timothy L. Richnak as the SOCRRA representative and Mark F. Miller as the alternate SOCRRA representative for the term expiring on June 30, 2010.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Advisory Committee for Persons with Disabilities/Draft – May 6, 2009
b) Advisory Committee for Persons with Disabilities/Final – May 6, 2009
c) Planning Commission Special/Study/Final – June 23, 2009
d) Building Code Board of Appeals/Final – July 1, 2009
e) Board of Zoning Appeals/Draft – July 21, 2009
f) Troy Daze Advisory Committee/Draft – July 28, 2009

J-2 Department Reports:

a) Police Department – 2009 Mid-Year Calls for Police Service Report
b) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – May 2009
c) City Attorney's Office – 2009 Second Quarter Litigation Report
d) Parks and Recreation – Golf Course Monthly Operations Summary

J-3 Letters of Appreciation:

a) Letter of Thanks to Fire Station #3 Captain Chris Roberts from Greg and Kathy Sherman Regarding Fire Department Attendance at Block Party
b) Telephone Message to Chief Mayer from Marilyn Bailey Regarding the Assistance Received from Officer Bednard
c) Letter of Appreciation to Chief Mayer from Officer James Burns, US Army, Regarding Assistance of Lt. Livingston, Sgt. Schaufler, Officer Redmond and Officer Minton during a Conference

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Oakland County Board of Commissioners Resolution #09116 – Requiring Oakland County Contractors and Vendors to Register and Participate in the Federal E-Verify Program

J-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Natural Gas Customers of Consumers Energy Company – Case No. U-15454-R

J-6 Communication from Parks and Recreation Director Carol Anderson and Nature Center Manager Stacy Yankee Regarding National Honey Bee Awareness Day Donation to Lloyd A. Stage Nature Center

J-7 Communication from Parks and Recreation Director Carol Anderson Regarding Path Bhaban Request for Waiver of Non-Profit Group Meeting Room Policy at Community Center

J-8 Communication from City Manager John Szerlag Regarding Organizational Restructuring

J-9 Report from Gabriel Roeder Smith & Company – City of Troy Incentive Plan for Volunteer Firefighters – 29th Annual Actuarial Valuation – December 31, 2008

STUDY ITEMS:

K-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

PUBLIC COMMENT: Address of "K" Items

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 Closed Session

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – *Steeg v City of Troy, et al* and *Mary Ann Hennig v. City of Troy et al*.

Yes:
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, August 31, 2009 ..... Regular City Council
Monday, September 14, 2009..... Regular City Council
Monday, September 28, 2009..... Regular City Council
Monday, October 5, 2009..... Regular City Council
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Monday, December 7, 2009..... Regular City Council
Monday, December 21, 2009..... Regular City Council

WELCOME HOME PROCLAMATION
ARMY STAFF SERGEANT MARK STRICKLAND

WHEREAS, Whenever called upon to defend our nation's security at home or abroad, the men and women who serve in the United States Armed Forces respond immediately, placing this Nation's interests above their own. **Army Staff Sergeant Mark Strickland** is one such hero; and

WHEREAS, The contributions and sacrifices made by our military personnel are vital to maintaining America's blessings of freedom and liberty; and

WHEREAS, The families of those serving in our nation's military make meaningful sacrifices and provide the support, love and dedication essential to their well-being and service, such as Mark's wife JinSun and their son Julian; and

WHEREAS, **Army Staff Sergeant Mark Strickland** joins the great heritage of the brave warriors serving for freedom around the world, in such places as Yorktown and Lexington, Gettysburg and Appomattox, Normandy and the Argonne, Iwo Jima and Okinawa, Seoul and the Chosin Reservoir, Saigon and Keh Sanh, and now in places like Fallujah, Kabul and Baghdad; and

NOW THEREFORE BE IT RESOLVED, That the City Council of the City of Troy does hereby proclaim **August 17, 2009** as an official date in the City of Troy to most gratefully honor, sincerely appreciate, and wholeheartedly thank **Army Staff Sergeant Mark Strickland** for his seven years in the Army most recently in Afghanistan; and

BE IT FURTHER RESOLVED, That the City of Troy encourages citizens, schools, businesses, and the media of the City of Troy to use this occasion to recognize, honor, and show appreciation to **Army Staff Sergeant Mark Strickland** for his dedicated service and sacrifice to our Nation.

Presented this 17th day of August 2009.

A-01c

National Purchasing Institute

Achievement of Excellence in Procurement®

July 23, 2009

John M. Lamerato, Assistant City Manager Finance and Administration
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Subject: Achievement of Excellence in Procurement Award

Dear Mr. John M. Lamerato:

The Achievement of Excellence in Procurement award is designed to recognize organizational excellence in procurement. The award is achieved by those organizations that demonstrate excellence in procurement by obtaining a high score on a rating of standardized criteria. The program is designed to measure innovation, professionalism, e-procurement, productivity, and leadership attributes of the procurement function. The Achievement of Excellence in Procurement is sponsored by the National Purchasing Institute (NPI), the California Association of Public Purchasing Officers (CAPPO), the Florida Association of Public Purchasing Officers (FAPPO), the Institute of Supply Management (ISM), the National Institute of Governmental Purchasing (NIGP), the National Association of State Procurement Officials (NASPO), the National Association of Educational Procurement (NAEP), and the Texas Public Purchasing Association (TxPPA).

It is my pleasure to notify you that the Procurement Department of your agency has earned the 14th Annual Achievement of Excellence in Procurement Award for 2009. Moreover, the City of Troy is one of only 59 cities in the US and has received the award for 7 consecutive years.

A beautiful trophy, which has developed into the AEP icon, will be presented to your entity at either the conference specified or mailed as indicated on the application.

Congratulations on the Achievement of Excellence in Procurement Award!

Sincerely,

Beth Fleming, C.P.M., CPPO
Chairperson
Achievement of Excellence in Procurement Award Committee

cc: Susa A Leirstein, CPPB, Purchasing Director
Achievement of Excellence in Procurement Award Committee

NATIONAL PURCHASING INSTITUTE, INC.
P.O. Box 370192, Las Vegas, NV 89137
Tel 702.989.8095 * Fax 702.967.0744*Toll Free 866.877.7641
www.nipconnection.org

A-01d

Michigan Public Risk Management Association

July 1, 2009

Steve Cooperrider, Risk Manager
City of Troy
500 W. Big Beaver Road
Troy, MI 48084-5285

RE: 2009 Membership Achievement Award

Dear Steve:

Congratulations! Our committee has selected your submission on the City of Troy Employee/Retiree Wellness Program for our 2009 Membership Achievement Award.

With the rising cost of health care, we believe other entities are looking for ways to reduce costs and just need a boost to get a wellness program off the ground. Your ideas seem to cover all the bases. Our committee felt your program was well thought out and had great participation from employees and retirees. It was a low cost program with long term benefits.

Since you cannot attend our summer conference, MIPRIMA is providing you with free registration for our fall conference and are asking you to present your program to our members.

As Risk Managers, it is all about finding a cost effective way to protect our bottom line. Keep up the good work and we are glad to have you on our team at MIPRIMA.

Sincerely,

Leigh Stepaniak
President

Michigan Public Risk Management Association

2009 MEMBERSHIP ACHIEVEMENT AWARD

MIPRIMA is interested in your outstanding achievements within your organization. We believe that hard work along with results should be recognized and shared with your peers. We want to hear about your ideas and perseverance for implementation and the benefits it provides to your organization. Whether it is time saving, cost saving or 'a better way to do things", MIPRIMA would like to reward you for your achievement.

Please complete this Application. MIPRIMA will select the most creative and rewarding outstanding achievement and select the public entity for the 2009 MIPRIMA MEMBERSHIP ACHIEVEMENT AWARD. As part of this award, your public entity will receive a plaque, your spotlight in our newsletter and an opportunity to share your accomplishment as our guest at our summer conference.

Public Entity _____*City of Troy*_____

Name: _____*Stephen Cooperrider*_____

Title: _____*Risk Manager*_____

Please provide simple and direct answers to each question. Provide specific data (budget, number of people, hours, etc.) where appropriate. If necessary, use additional pages.

1. **General description:** Provide a brief general description of the product or program being submitted.
City of Troy Employee/Retiree Wellness Program

2. **Describe the local problem** or circumstances that led to the development of this product/program.
Increases in Health Insurance Costs

3. **Who participated**, and how much time did each participant devote to developing this product/program? Were outside consultants used?
*The Risk Manager contacted 6 employees (one from PD **Captain**, 2 from P+R the **Facility Manager and the Fitness Coordinator**, one from Community Affairs **Community Affairs Director**, one from DPW **Supt of Motor Pool**, one from the City Manager's Office the **Administrative Assistant to the City Manager**) and one retiree (**former Police Lieutenant**) to make up the Wellness Committee. No outside consultants were used. Meetings are held once a month to develop plans, determine how to promote programs, and exchange ideas. All members help to implement and promote programs. We have had outside guests come to talk with and exchange ideas with, i.e. Beaumont Hospitals Director of their employee wellness program.*

4. **Significance:** Explain why this entry is important in the public sector. What concepts, standards or techniques are displayed or advanced?
This is important to reduce costs (to the employee, retiree and City) and increase productivity of employees. To help create an atmosphere of changes in thought processes and hopefully behavioral changes in the way employees and retirees look at their own health, activities, and eating habits. A concept of teamwork and a creation of positive thought (can do) atmosphere is developed without pressure to employees and retirees. Educational opportunities and how ones health affects their own personal outlook and wellbeing.

5. **Transferability:** Describe how this product/program can be adapted for use by other organizations. What other types of entities could benefit from this program? Would significant modification be required for implementation?
This program can easily be adapted and used by other public entities. This is low cost, and low start up. The key is to select the right people to be part of your Committee. (Those that are motivated for their own sake and care about others without expecting anything in return). You can make this a fun experience and not make it too time consuming. There are a lot of programs out there for very minimal cost if not zero. Only time involvement is by the Committee members and employees participating during working hours. Some programs are after hours. You also need to get top management support.

6. **Cost/Benefit:** How much did the project/program cost? Be sure to include time invested. Identify the value added (both tangible and intangible) as a result of its undertaking. Quantify this value when possible.
The budget for the first year of the program was $5000. The second year is $3000. Because we are self-insured for parts of our health insurance benefits it is difficult to say exactly what the cost saving are. However, rate increases projected by BCBS and other

offered health insurance was 9.9% in the first year of the program. Actual was 5.3%. The City spent $6.9 million on health insurance benefits the first year of the program. It is hard to say if any of the programs help reduce the years projected costs, but they certainly could not hurt. The benefit of camaraderie with other staff has its pluses also. See ***Optional*** *below.*

7. **Originality/Innovation:** What makes your approach unique?

I believe what makes this a unique Wellness Program is the fact we are not providing any monetary incentive to participate, yet we are getting participation from employees and a few retirees. Again, this is only the second year of the program and people are finding their way to it. We continue to promote through various avenues (people, the web, newsletters, etc.) I believe bringing retirees into the program is unique and gives our retirees another way to communicate with current staff.

8. **Optional:** Use this space to highlight any other noteworthy features about the program/product.

In the first year we:

1. Distributed 172 Healthier at Home Self-Help Medical Guides to employees (having the guide available helps reduce the need to visit a doctor for minor things that employees can read about themselves).

2. We promoted and participated in the Michigan Cities Challenge fun-run in Hazel Park (six employees represented the City as a team)

3. We promote a Weight Watcher's at Work program with employees participating losing over 300 pounds as a group.

4. We developed and set-up a wellness webpage for employees and retirees to visit with numerous links to wellness sites on the web in addition to making this web a message board regarding good health and providing a location for activities and promotions.

5. We coordinated and presented a diet and nutrition program to employees through our Employee Academy program.

6. We promoted and participated in the National Start Walking program – the kickoff of the program lead to over 100 participants. Pedometers were donated by HAP and given to participants.

7. We promoted and participated in the Cardio Challenge – this is Troy vs. Worthington Ohio in conjunction with the U of M vs. Ohio State football game. Employee's record time spent working out, the work outs are assigned points based on time recorded, point totals between Worthington and Troy determine a winner. Troy blew Worthington away last year and is the owner of the Cardio Cup. Program is ongoing for this year as well.

8. We conducted a Wellness Fair with over 25 vendors and over 150 employees and retirees in attendance.

9. We also offer a free after hour aerobics class to employees and retirees that meet twice a week. The instructor is a current employee and volunteers his time. We have 20+

participants in this program. In addition this year, we added a blood drive competition. (Help save a life)

Again, we do not provide any incentive ($$$) to employees or retirees to participate in these programs. We preach the incentive is to be healthier, and more positive. In the long-run employees and retirees as well as the City will save money.

Submit your original application and supporting material to:

Tom Wolff, Claim Manager
Michigan Municipal League
1675 Green Rd.
Ann Arbor, MI 48105
Phone: 734-669-6343
FAX: 734-741-1774

A-01e

PUBLIC RISK MANAGEMENT ASSOCIATION

CHAPTER SERVICE AWARD

This Certificate Hereby Grants

Stephen Cooperrider, ARM

the 2009 PRIMA Chapter Service Award,
in recognition of demonstrating leadership, commitment and outstanding service to the chapter.

Presented on this 1st day of June 2009

Sarah Perry, ARM-P
President, PRIMA 2008-2009

Lisa Lopinsky, CAE
Executive Director, PRIMA

Public Risk Management Association

Chapter Service Award

2009 Information Form Each year PRIMA gives chapter presidents the opportunity to select someone from their chapter to be recognized at PRIMA's Annual Conference. Chapter presidents are encouraged to select someone from within their chapter that has dedicated their time to and provided their chapter with exemplary service. Individuals selected will be recognized at the PRIMA Annual Conference and will be awarded by their chapters.

Contact Information

PRIMA Chapter	Michigan
Name of Award Recipient	Stephen Cooperrider
Title	Risk Manager
Entity	City of Troy
Address	500 West Big Beaver
City, State, Zip	Troy, MI 48084-5285
Email Address	CooperriSL@troymi.gov
Phone	248-526-5127
Fax	248-526-5129

PRIMA Experience

National PRIMA Member: [X] Yes [ ] No

If yes, number of years active: To my knowledge member since 1988___

Served as Chapter Officer: [X] Yes [ ] No

If yes, position and years of service: ___ 6___ ___ ___ ___ ___ ___

Stephen has served as a Trustee for 3 years, Secretary 1 year, Treasurer for 1 year and is currently the Vice President

Reason for selection

Stephen is dedicated to MIPRIMA and has taken on many responsibilities that have made MIPRIMA a successful organization. He chaired the Membership Committee from 2003-2008 and continues to prepare the annual membership directory. He has minimized the overall cost by acquiring funds for advertising from sponsors and affiliate members. He has chaired the By-Law Committee and in 2008 made significant changes which were approved by the board to reflect current language to coincide with technology. But most of all, he has done an outstanding job with the annual MIPRIMA Donald P. Althoff Memorial Scholarship Golf Outing. Don, a former MIPRIMA Committee Chairperson, educator, and mentor to many MIPRIMA members was tragically killed in an auto accident in 2002. MIPRIMA established this fund in his memory to provide scholarships for students pursuing an education in risk management and the insurance field. Since 2003, Stephen has been the driving force to organize, collect donations, obtain hole sponsors and more bringing in more than $30,000 for scholarships. 2009 will be the 7th Annual Donald P. Althoff Scholarship Memorial Golf Outing. Stephen continues to make it a success. The receipt ants are so grateful and share the day with us. I can attest that these students look up to MIPRIMA members and have asked for guidance for their careers. A job well done and we believe he should be recognized for his talent and dedication.

Please submit application to **Jessica Konrath, Membership Coordinator at jkonrath@primacentral.org** or via fax (703) 739-0200 by **Friday, April 10, 2009.**

CITY COUNCIL ACTION REPORT

July 27, 2009

TO: John Szerlag, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: MML Delegate and Alternate 2009 Annual Conference Kalamazoo

Background:

- Attached is the MML request to for designation of Voting Delegates. The 2009 Annual Michigan Municipal League Conference is Scheduled for September 22 through 25, 2009 in Kalamazoo, Michigan.

michigan municipal league

Better Communities. Better Michigan.

August 4, 2009

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held in Kalamazoo, September 22-25, 2009. **The annual meeting is scheduled for 11:00 a.m. on Wednesday, September 23rd, at the Radisson Plaza Hotel. The meeting will be held for the following purposes:**

1. **Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see page 2).**

2. **Policy. To vote on Core Legislative Principles document and resolutions properly brought before the annual meeting. All member municipalities planning on submitting resolutions for consideration at the annual meeting are reminded that under the Bylaws, the deadline for League trustees to receive resolutions for their review is August 24, 2009. (please see page 2).**

3. **Other Business. To transact such other business as may properly come before the meeting.**

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than September 9, 2009.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the MML Bylaws:

> "Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary Members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative."

1. Election of Trustees

Regarding election of officers, under Section 5.3 of the MML Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions *

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the MML Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the MML to receive resolutions is August 24.

"Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership are available on the League website*, to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Tuesday, September 22 at the Kalamazoo Radisson Plaza Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

* The proposed MML Core Legislative Principles document is available on the League website at http://www.mml.org. If you would like to receive a copy of the proposed principles by fax, please call Susan at the League at 800-653-2483.

Sincerely,

Robin Beltramini

Robin E. Beltramini
President

Daniel P. Gilmartin

Daniel P. Gilmartin
Executive Director & CEO

Enc.

OFFICIAL VOTING DELEGATES
ANNUAL BUSINESS MEETING
Michigan Municipal League

In accordance with the accompanying MML Annual Meeting Notice, each member municipality is to appoint one Official Voting Delegate and one Official Alternate Voting Delegate to represent the municipal at the Annual Business Meeting of the Michigan Municipal League.

The purpose of these instructions is to familiarize the voting delegate, especially those officials serving in this capacity for the first time, with the procedure to be followed during the Annual Business Meeting.

1. Prior to entering the Business Meeting, Official Voting Delegates should check-in at the registration desk located just outside of the meeting room. Official Voting Delegates will then be given a pass to enter in the reserved seating area for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate should check-in at the registration desk to be given the Voting Delegate pass.

   Only the Official Voting Delegate will be seated in the area reserved for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate will take the Delegate's place in the reserved area as the Voting Delegate. Therefore, each member municipality will have only one person seated in the reserved area. All other municipal officials, and all other Alternate Voting Delegates, may be seated outside the reserved area.

2. In general, Robert's Rules of Order, Newly Revised, will govern the conduct of the Annual Business Meeting. Parliamentary decisions will be made by the President of the League who will preside at the Annual Business Meeting. The President will be assisted by a Parliamentarian. Parliamentary decisions by the Chair, if challenged from the floor, are subject to be sustained or overturned by a majority of the voting delegates.

3. The Bylaw governing the submission of policy resolutions provides:

   Section 4.5 - Resolutions

   A. No resolution or motion shall be submitted to debate or vote at the annual meeting or any special meeting unless it is germane to the functions and purposes of the League.

   B. No resolution or motion, excepting procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either: 1) submitted to the meeting by the Board of Trustees; or 2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting**.

C. Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof. If time permits, each such resolution with the recommendation of the Board shall be printed in the *Michigan Municipal Review*.

** The deadline for receiving resolutions this year is August 24, 2009.

4. If a Voting Delegate wishes to speak, the Delegate should rise and proceed to one of the microphones available in the reserved area and after recognition by the Chair, may then speak. Since the Annual Business Meeting is being recorded, each Voting Delegate who wishes to speak for any reason, after being recognized by the Chair, should first announce the Delegate's name, title and municipality slowly and clearly into the microphone.

   A member of the Board of Trustees, an Honorary Life Member, or a Chair or a designated member of a League Standing or Special Committee may speak on a question, but may not vote unless serving also as a Voting Delegate. If a question is raised about a proposed policy or resolution, or an amendment is offered and seconded, the Chair or designated member of the proper League Standing or Special Committee or a member of the Board of Trustees will be called upon to speak at an appropriate time to explain the Committee's views *before the vote* is put on the question. In addition, upon request of the Chair, a member of the League staff may speak on a question. Any other person present may speak only with the approval of the Voting Delegate body.

5. If a Voting Delegate who has been seated wishes to have the Alternate Voting Delegate from the Delegate's municipality speak on an issue, the Voting Delegate should request, after being recognized by the Chair, to be excused from the reserved area and that the other person be permitted to take the Delegate's place temporarily or for the balance of the meeting. Upon being excused by the Chair, the Alternate Voting Delegate may then take the Voting Delegate's place in the reserved seating area and may speak and vote as the Official Voting Delegate.

6. The above procedure is necessary to assure that, in the event of a vote on a question by show of hands or by voice vote of the Delegates, no municipality will have more than one person seated in the reserved area.

CITY COUNCIL ACTION REPORT

July 29, 2009

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager - Finance/Administration
Mark Miller, Acting Assistant City Manager - Economic Dev. Services
Nino Licari, City Assessor

SUBJECT: Resolution to Revoke an Industrial Facilities Exemption Certificate (IFEC) and Vacate an Industrial Development District (IDD) previously Granted and Established; Grid4 Communications, 2107 Crooks, Troy MI 48084-5534

Background:

On October 23, 2006, the City Council established an Industrial Development District (IDD) at 2107 Crooks, Troy, MI. 48084-5534, parcel #88-20-29-426-046, and granted an Industrial Exemptions Certificate (IFEC) to Grid4 Communications, at that same location, for tax abatement.

Per Grid4 Communications' application, and the terms of the Letter of Agreement between the City and Grid4 Communications, the total investment in new personal property for the abatement was to be $750,000.

The tax abatement was also to be considered a local match for Grid4 Communications in order for them to be eligible for MEGA incentives.

Per State law (PA 198 of 1974), Grid4 Communications has until December 31, 2008 to complete the purchase and installation of the total investment, and notify the Assessor of compliance.

As Grid4 Communications never filed a Personal Property Statement, an audit was conducted by an Appraiser from the Assessing Department. This audit disclosed that Grid4 Communications had not purchased any of the equipment listed on the application, as of December 31, 2008.

This is in violation of State Law and the terms of the Letter of Agreement between the City of Troy and Grid4 Communications.

Financial Considerations:

The City would have abated approximately $10,762.00 of City taxes over the twelve (12) year life of the abatement. Subsequently, the City would have gained approximately $10,762.00 in new taxes over the life of the abatement (as the building was vacant at the time of the application, the City was not receiving any taxes from personal property at the time).

Legal Considerations:

Per PA 198 of 1974 (pertinent section attached), the City may revoke the Industrial Facilities Exemption Certificate (IFEC), which granted the abatement, for failure to proceed, and for failure to follow the terms of the Letter of Agreement.

Policy Considerations:

The failure of Grid4 Communications to honor the terms of the Letter of Agreement is contrary to the City Policy Resolution concerning tax abatement.

Options:

Council has the option to vacate the Industrial Development District (IDD) and revoke the Industrial Facilities Exemption Certificate (IFEC) at this location, and for Grid4 Communications. This is staff's strong recommendation.

The State Tax Commission (STC) will allow a hearing for Grid4 to explain their violation of the Act.

Grid4 may apply for another exemption, but the process must start anew.

NL/nl H:\I.F.T.\Grid4\CouncilPak Revoke IDD IFEC

CITY OF TROY
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE LETTER OF AGREEMENT

This agreement between **Grid4 Communications**, ("Company") and the **City of Troy**, is for the purpose of fulfilling the requirements of Public Act 198, as amended in Public Act 334, Section 22.

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Grid4 Communications**, understands that through its investment of $ 750,000 and its qualification for Michigan Economic Growth Authority incentives, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

1.) The length of time for which the abatement is approved is __ years after either completion of construction of the facilities, or December 31, 2008, whichever is sooner.

2.) At the end of two (2) years or no later than December 31, 2008, **Grid4 Communications** will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.

3.) **Grid4 Communications,** agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy.**

Grid4 Communications, further understands that if it chooses to leave the City of Troy without permission for relocation prior to the end of the term of the IFT, the **City Council of the City of Troy** has the right to recapture from the Company the total amount of taxes abated by the IFT.

4.) **Grid4 Communications,** understands that the City of Troy may reduce the term of the IFEC, revoke the IFEC and/or recover from the Company, the amount of taxes which were abated if the project has not been completed, expenditures made, as represented by the Company, in Section 12'C of its application, by sending a copy of this Agreement along with a copy of the City Council Resolution authorizing such action to the State Tax Commission.

5.) **Grid4 Communications,** agrees that it will operate the Project in accordance with all applicable Federal, State and Local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, noise control, other environmental regulations, and all of the terms and conditions of the Consent Judgment governing the parcel.

6.) By execution of the Agreement, it is understood that the Company's investment in the Project, and the City of Troy's investment in the granting of the IFEC is to encourage economic growth within the City of Troy.

The City of Troy acknowledges that in some instances economic conditions may prevent the Company from complying fully with this Agreement, and the terms of the Application. The City of Troy will give the Company an opportunity to explain the reasons for any variations from the representations contained in the Application and will evaluate the Company's situation prior to taking any action authorized by Paragraph 4 and 5 of this Letter of Agreement.

7.) This Agreement constitutes the entire Agreement between the parties and there are no other remedies for breach of this Agreement other than as specified in this Agreement or as provided for in Public Act 198.

This agreement may only be altered upon mutual consent of both parties.

CITY OF TROY
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE LETTER OF AGREEMENT
(Signature page)

Signed: _____ _____
(date)

Name:

Title:

Signed: _____ _____
Louise E. Schilling , Mayor (date)
City of Troy
500 W Big Beaver
Troy, MI 48084-5285

Signed: _____ _____
Tonni L. Bartholomew (date)
City Clerk

PLANT REHABILITATION AND INDUSTRIAL DEVELOPMENT DISTRICTS (EXCERPT)
Act 198 of 1974

207.565 Revocation of exemption certificate; request; grounds; notice; hearing; order; effective date; revocation of certificate issued for speculative building; reinstatement of certificate.

Sec. 15.

(1) Upon receipt of a request by certified mail to the commission by the holder of an industrial facilities exemption certificate requesting revocation of the certificate, the commission shall by order revoke the certificate in whole or revoke the certificate with respect to its real property component, or its personal property component, whichever is requested.

(2) The legislative body of a local governmental unit may by resolution request the commission to revoke the industrial facilities exemption certificate of a facility upon the grounds that, except as provided in section 7a, completion of the replacement facility or new facility has not occurred within 2 years after the effective date of the certificate, unless a greater time has been authorized by the commission for good cause; that the replacement, restoration, or construction of the facility has not occurred within 6 years after the date the initial industrial facilities exemption certificate was issued as provided in section 7a, unless a greater time has been authorized by the commission for good cause; that completion of the speculative building has not occurred within 2 years after the date the certificate was issued except as provided in section 7a, unless a greater time has been authorized by the commission for good cause; that a speculative building for which a certificate has been issued but is not yet effective has been used as other than a manufacturing facility; that the certificate issued for a speculative building has not become effective within 2 years after the December 31 following the date the certificate was issued; or that the purposes for which the certificate was issued are not being fulfilled as a result of a failure of the holder to proceed in good faith with the replacement, restoration, or construction and operation of the replacement facility or new facility or with the use of the speculative building as a manufacturing facility in a manner consistent with the purposes of this act and in the absence of circumstances that are beyond the control of the holder.

(3) Upon receipt of the resolution, the commission shall give notice in writing by certified mail to the holder of the certificate, to the local legislative body, to the assessor of the assessing unit, and to the legislative body of each local taxing unit which levies taxes upon property in the local governmental unit in which the facility is located. The commission shall afford to the holder of the certificate, the local legislative body, the assessor, and a representative of the legislative body of each taxing unit an opportunity for a hearing. The commission shall by order revoke the certificate if the commission finds that completion except as provided in section 7a of the replacement facility or new

facility has not occurred within 2 years after the effective date of the certificate or a greater time as authorized by the commission for good cause; that completion of the speculative building has not occurred within 2 years after the date the certificate was issued except as provided in section 7a, unless a greater time has been authorized by the commission for good cause; that a speculative building for which a certificate has been issued but is not yet effective has been used as other than a manufacturing facility; that the certificate issued for a speculative building has not become effective within 2 years after the December 31 following the date the certificate was issued; or that the holder of the certificate has not proceeded in good faith with the replacement, restoration, or construction and operation of the facility or with the use of the speculative building as a manufacturing facility in good faith in a manner consistent with the purposes of this act and in the absence of circumstances that are beyond the control of the holder.

(4) The order of the commission revoking the certificate shall be effective on the December 31 next following the date of the order and the commission shall send by certified mail copies of its order of revocation to the holder of the certificate, to the local legislative body, to the assessor of the assessing unit in which the facility is located, and to the legislative body of each taxing unit which levies taxes upon property in the local governmental unit in which the facility is located.

(5) A revocation of a certificate issued for a speculative building shall specify and apply only to that portion of the speculative building for which the grounds for revocation relate.

(6) Notwithstanding any other provision of this act, upon the written request of the holder of a revoked industrial facilities exemption certificate to the local unit of government and the commission and the submission to the commission of a resolution of concurrence by the legislative body of the local unit of government in which the facility is located, and if the facility continues to qualify under this act, the commission may reinstate a revoked industrial facilities exemption certificate.

History: 1974, Act 198, Imd. Eff. July 9, 1974 ;-- Am. 1982, Act 417, Imd. Eff. Dec. 28, 1982 ;-- Am. 1996, Act 513, Imd. Eff. Jan. 13, 1997 ;-- Am. 2008, Act 170, Imd. Eff. July 2, 2008
Popular Name: Act 198

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CITY COUNCIL ACTION REPORT

August 11, 2009

TO: Honorable Mayor and City Council

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

SUBJECT: Revisions to Policy for Naming Public Places Specific to Parks and Recreation
Park Naming – Section 36 Park

Background:

- The City has several parcels of park land that are unnamed.
- It is anticipated that these parks will be named as they are developed.
- Development of Section 36 (Milverton) park land has begun.
- At the November 20, 2008 Parks and Recreation Advisory Board meeting, the Board recommended that the process for naming the park be initiated.
- Naming the park will bring visibility and distinctiveness to the site.
- The request to begin the park naming of Section 36 park was presented at the January 26, 2009 meeting.
- No action was taken at the January 26, 2009 meeting as the request was made to clarify and simplify the policy.
- At the May 21, 2009 Parks and Recreation Advisory Board meeting, the Board recommended to City Council adoption of the revised policy.
- After that meeting, the city attorney reviewed the policy and suggested language regarding the renaming of an amenity. The revisions have been included.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- There are no legal considerations.

Policy Considerations:

- Adopting the revised Policy For Naming Public Places Specific to Parks and Recreation will allow the process for naming Section 36 park to commence. (Outcome Statement II).

Options:

- City management recommends adoption of the revised Policy For Naming Public Places Specific to Parks and Recreation.
- City management recommends City Council direct staff to initiate the process for naming the park by following the procedure as outlined in the Policy For Naming Public Places Specific To Parks and Recreation.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

CKA

DRAFT – revised August 11, 2009

POLICY FOR NAMING PUBLIC PLACES SPECIFIC TO PARKS AND RECREATION

The following criteria are established for proposed names of parks and/or public places.

1. Parks and recreational facilities can be named for any of the following: a deceased person, a group, the function of the park or facility, neighborhood, location or other appropriate name.

2. All Troy Parks and Recreational facilities should ultimately be named. The City Council of the City of Troy reserves unto itself the authority and responsibility of naming public places including, but not limited to, public grounds and buildings.

3. Park names are permanent and shall not be changed unless the name is deemed inappropriate or reflects poorly on the image of the City.

4. Parks shall carry the name of the original property owner, if such was specified in the deed or purchase agreement.

5. Parks shall not be referred to as “Memorial” in that such term generally becomes the common name and therefore would detract from the intent of naming the park after the individual being honored.

6. Naming a park after a group or organization may be considered if that group contributes 60% or more of the cost of development of that park and demonstrates significant dedication and/or contributes to the improvement, advancement and furtherance of the facility and/or the Troy community.

7. Parks may be named for the neighborhood, abutting streets, schools or other well-known landmark.

8. Names featuring, representing or including alcohol or tobacco products, or other places or products deemed unsuitable shall be rejected.

DRAFT – revised August 11, 2009

Procedure for Naming Parks

The City of Troy will publicly post a request for Troy citizens to name parks and recreational facilities as the need arises. This public request for names should reach as many Troy citizens as possible and be made through multiple forms of communication. A special effort should be made to notify those neighborhoods or citizens that would most likely use the park or facility.

Names will be submitted to the Parks and Recreation department and submissions will be accepted for a minimum of sixty (60) days.

Persons or groups recommending a park name shall follow this procedure:

1. Submit a letter outlining the request and reasons for the name.

    a. If the name proposed is for an individual, any or all of the following should be submitted: a biographical sketch, proof of significant contribution to Parks and Recreation or the Troy community, photo journal of family, projects, community contributions, awards, media articles, testimonial letters, etc. Parks may be named after a person (and only after death) when such person has made an outstanding, generally recognized contribution to the community.

    b. Organizations/Groups recommending a park name must submit excerpts of organization's minutes approving the request and an assurance that they would pay at least 60% of the park development costs. Communications suggesting an organizational name must be accompanied by background information on the organization, its affiliation with the community, its contributions to the community and evidence of same including its charter, and any other appropriate information.

    c. Proposed names for the neighborhood, landmark, streets, school, etc. should be submitted in writing by any resident with reasons the name is appropriate.

The City Council shall follow the procedure below:

1. Upon receipt of a request and accompanying background information the City Council will cause same to be on display and available for public inspection at public places selected by the city council for not less than 60 days during which time the public will be given the opportunity to submit written comments regarding the proposed name.

    a. During its consideration, the City Council shall refer the request, all supporting material and public comments to the Parks and Recreation Advisory Board.

2. A public hearing shall be held by the Parks and Recreation Advisory Board prior to any recommendation. The Parks and Recreation Advisory Board will review proposed names and public comments, and recommend a name to the City Council, together with reasons for the recommendation.

3. After expiration of the 60 day period for public review and comment, the City Council will reserve an additional 30 days for public review of comments received after which time the matter will be available for consideration by the City Council.

4. The City Council may approve the name or, at its discretion, postpone a final decision.

5. All records, documents, photographs and papers emanating from this process shall be forever retained in the records of the City of Troy and its archives.

Naming Park Amenities

A facility, amenity or section of a park within an existing park may be named after an individual, group or organization, if the purchase and installation of the facility, amenity or equipment proposed for the section of the park is fully funded. Any request of this type shall be submitted to the Parks and Recreation Advisory Board. The board will determine if the proposed facility conforms to or meets the intentions of the master park plan as defined by the Parks and Recreation department.

Once an official naming has occurred, a name can only be changed pursuant to criteria set forth herein for naming a park.

The Parks and Recreation Advisory Board may rename a facility, amenity or section within an existing park(regardless of the time period since its previous naming) that carries the name of an individual, group, or organization which has become linked to criminal activity or bad behavior to a degree that justifies, in the judgment of the Board, such renaming.

The names will be reviewed by the Parks and Recreation Advisory Board after five years. Should the effort and contribution of the group and the conditions of the amenity be satisfactory, the name will be renewed.

Any amenity/facility donated by a group, organization or individual may have a recognition sign, funded by the group/organization. All signs must conform to the City of Troy's sign ordinance. City management will approve signage location, size and type, etc.

CITY COUNCIL ACTION REPORT

January 6, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Park Naming of Section 36 Park Land

Background:

- The City has several parcels of park land that are unnamed.
- It is anticipated that these parks will be named as they are developed.
- Development of Section 36 (Milverton) park land has begun.
- At the November 20, 2008 Parks and Recreation Advisory Board meeting, the Board recommended that the process for naming the park be initiated.
- Naming the park will bring visibility and distinctiveness to the site.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- There are no legal considerations.

Policy Considerations:

- The City Council adopted a policy for naming public places specific to Parks and Recreation (attached).
- Implementing the policy for naming this site enhances the value to properties through maintenance or upgrades of infrastructure and quality of life venues. (Outcome Statement 1)

Options:

- City management recommends City Council direct staff to initiate the process for naming the park by following the procedure as outlined in the Policy For Naming Public Places Specific To Parks And Recreation.

December 10, 2008

To: Phillip L. Nelson, City Manager

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

Subject: Parks and Recreation Advisory Board Recommendation

At the November 20, 2008 meeting of the Parks and Recreation Advisory Board the following action was taken.

Resolution # PR – 2008 – 11 -12
Moved by Redpath
Seconded by Kovacs

RESOLVED, that the Parks and Recreation Advisory Board recommends to City Council that the process for naming what is now known as Section 36 park be initiated.

Yes: All

MOTION CARRIED

POLICY FOR NAMING PUBLIC PLACES SPECIFIC TO PARKS AND RECREATION

Criteria Overview

The following criteria is established for proposed names of parks and/or public places.

1. The City Council must be satisfied that the proposed names are or have been:

A. A deceased, one time resident of the City of Troy

OR

B. A group or organization located in Troy

AND

That the group or individual has demonstrated significant dedication and/or contribution to the improvement, advancement and furtherance of the facility and/or the Troy community.

2. All Troy Parks and Recreational facilities should ultimately be named. The City Council of the City of Troy reserves unto itself the authority and responsibility of naming public places including, but not limited to, public grounds and buildings.

3. Parks and recreational facility names can be that of a deceased person, a group, the function of the park or facility, or other appropriate name.

4. Park names are permanent and shall not be changed unless the name is deemed inappropriate or reflects poorly on the image of the City.

5. Park amenities/facilities within a park may be named after an individual, group or organization. If such, the names will be reviewed by the Parks and Recreation Advisory Board every five years. Should the effort and contribution of the individual/group and the condition of the amenity be satisfactory, the name will be renewed.

Guidelines For Naming Parks After Groups/Organizations

1. A new park may be named after a group (or organization) if that group contributes 60% or more of the cost of development of that park. Any such group requesting a park be named after it shall submit the request to the Parks and Recreation Advisory Board together with reasons supporting the proposed name and documentation of a financial commitment.

2. A facility, amenity or section of a park within an existing park may be named after a group/organization, if that group fully funds the purchase and installation of the facility, amenity or equipment proposed for the section of the park. Any group requesting a facility or section of a park be named after it shall submit the request to the Parks and Recreation Advisory Board. The board will determine if the proposed facility conforms to or meets the intentions of the master park plan as defined by the Parks and Recreation department.

If such, the names will be reviewed by the Parks and Recreation Advisory Board after five years. Should the effort and contribution of the group and the conditions of the amenity be satisfactory, the name will be renewed.

3. Names featuring, representing, or including alcohol or tobacco products, or other places or products deemed unsuitable shall be rejected.

4. Parks shall not be referred to as "Memorial" in that such term generally becomes the common name and therefore would detract from the intent of naming the park after the individual being honored.

Guidelines For Naming After A Person

1. Parks shall carry the name of the original property owner, if such was specified in the deed or purchase agreement.

2. Parks shall be named after deceased people only when such person has made an outstanding, generally recognized contribution to the community.

Other Guidelines

1. Neighborhood parks may be identified with the name of the neighborhood, abutting streets, schools or other well-known landmark.

2. Any amenity/facility donated by a group, organization or individual may have a recognition sign, funded by the group/organization. Signage, plaques, etc. for individuals will not have this requirement. All signs must conform to the City of Troy's sign ordinance. City management will approve signage location, size and type, etc.

Procedure

The City of Troy will publicly post a request for Troy citizens to name parks and recreational facilities as the need arises. This public request for names should reach as many Troy citizens as possible and be made through multiple forms of communication. A special effort should be made to notify those neighborhoods or citizens that would most likely use the park or facility. To aid in the name selection process, people submitting a name should be informed that they should include reasons that support the name submitted.

Persons or groups recommending a park name shall follow this procedure:

1. Submit a letter outlining the request and reasons for the name.

    a. If the name proposed is for an individual, any or all of the following should be submitted: a biographical sketch, proof of significant contribution to Parks and Recreation or the Troy community, photo journal of family, projects, community contributions, awards, media articles, testimonial letters, etc.

b. Organizations/Groups recommending a park name must submit excerpts of organization's minutes approving the request and an assurance that they would pay at least 60% of the park development costs. Communications suggesting an organizational name must be accompanied by background information on the organization, its affiliation with the community, its contributions to the community and evidence of same including its charter, photographs of projects and photo copies of independent information sources (e.g. news articles, awards, etc.) confirming community efforts.

The City Council shall follow the procedure below:

1. Upon receipt of a request and accompanying background information the City Council will cause same to be on display and available for public inspection at public places selected by the city council for not less than 60 days during which time the public will be given the opportunity to submit written comments regarding the proposed name.

a. During its consideration, the City Council shall refer the request, all supporting material and public comments to the Parks and Recreation Advisory Board or any committee so designated by the City Council. Written comments will be forwarded to the Park Board or other advisory board involved in the naming process.

2. A public hearing shall be held by the Parks and Recreation Advisory Board or other committee prior to any recommendation. The Parks and Recreation Advisory Board or other committee will review proposed names and public comments, and recommend a name to the City Council, together with reasons for the recommendation.

3. After expiration of the 60 day period for public review and comment, the City Council will reserve an additional 30 days for public review of comments received after which time the matter will be available for consideration by the City Council.

4. The City Council may approve the name or, at its discretion, postpone a final decision.

5. All records, documents, photographs and papers emanating from this process shall be forever retained in the records of the City of Troy and its archives.

Revised 8-2003

Resolution #2003-08-417

CITY COUNCIL ACTION REPORT

DATE: August 12, 2009

TO: John Szerlag, City Manager

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

SUBJECT: PRELIMINARY SITE PLAN APPLICATION (SP 679-C) – Troy Museum and Historic Village Expansion, North side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange), Section 16, C-F (Community Facilities) District

The applicant, City of Troy, is proposing to expand the facilities at the Troy Museum and Historic Village. Proposed improvements include relocation of the Barnard House to the site, adding the Historic Barn and Visitors Center, adding an addition to the Museum Building, and adding additional drives and parking areas on the north and east sides of the site.

The Planning Commission recommended Preliminary Site Plan Approval at the July 28, 2009 Regular meeting. The applicant proposes an 8-foot wide sidewalk on the north side of Wattles, as recommended by the Planning Commission. The Engineering Department determined that it is not necessary to construct an 8-foot wide sidewalk on the west side of Wattles, given the significant cost that would be needed to move the utility poles located next to the existing 5-foot wide sidewalk.

The Planning Commission recommended approval of an 82-space parking reduction to 120 spaces, when 202 spaces were required based on Zoning Ordinance standards. Article 40.20.12 provides the Planning Commission with the authority to reduce the parking space requirements if an applicant demonstrates that meeting the requirements would create excess parking. Because City Council has the authority to approve the Preliminary Site Plan Application for this public project, they also have the authority to approve the parking space reduction. The applicant provided a Parking Needs Statement for Troy Museum & Historic Village dated June 2, 2009.

City Management recommends approval of the Preliminary Site Plan, as submitted.

Attachments:

1. Minutes from July 28, 2009 Planning Commission Regular meeting.
2. Planning Commission Report, dated July 20, 2009 (with attachments).

Prepared by RBS/MFM

G:\SITE PLANS\SP 679-C Troy Museum Sec 16\CC Approval Troy Museum 08 17 09.doc

SITE PLAN APPROVALS

7. PRELIMINARY SITE PLAN APPLICATION (File Number SP 679-C) – Troy Museum and Historic Village Expansion, North side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange), Section 16, C-F (Community Facilities) District

Mr. Miller presented a summary of the Planning Department report on the proposed Troy Museum and Historic Village Expansion preliminary site plan application. He explained that the City Council is the authoritative body for site plan approval of sites located in the C-F (Community Facilities) district. He addressed the proposed parking reduction and noted that the City Council would be the authoritative body for approval. Mr. Miller reported the Planning Department recommends approval of the preliminary site plan as submitted, with a condition to provide an 8-foot sidewalk along the north side of Wattles and west side of Livernois.

Eugene Hopkins of HopkinsBurns Design, 4709 N. Delhi Road, Ann Arbor, and Ryan Poduin of JJR, LLC, 110 Miller Avenue, Ann Arbor, were present.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

Mr. Strat commended the good planning and architectural design efforts on the project.

Resolution # PC-2009-07-066
Moved by: Sanzica
Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that a reduction in the number of required parking spaces on the Troy Museum and Historic Village site to 120 when a total of 202 spaces are required based on the off-street parking space requirements for the facility, as per Article XL. This 82-space reduction is justified based on careful programming and the use of shuttle parking off-site for large events, as outlined in the Parking Needs Statement dated June 2, 2009. The parking reduction request meets the standards of Article 40.20.12.

BE IT FINALLY RESOLVED, That the Planning Commission hereby recommends to City Council that Preliminary Site Plan Approval, pursuant to Section 18.20.02 of the Zoning Ordinance, as requested for the proposed Troy Museum and Historic Village Expansion, located on the north side of Wattles, west of Livernois, in Section 16, within the C-F zoning district, be granted, subject to the following condition:

1. The applicant provide an 8-foot wide sidewalk on the north side of Wattles and west side of Livernois, as per Section 39.70.03.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

DATE: July 20, 2009

TO: The Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner

SUBJECT: PRELIMINARY SITE PLAN APPLICATION (SP 679-C) – Troy Museum and Historic Village Expansion, North side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange), Section 16, C-F (Community Facilities) District

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is the City of Troy.

Location of Subject Property:
The property is located on the north side of Wattles Road, west of Livernois Road, in section 16.

Size of Subject Parcel:
The parcel is approximately 4.89 acres in size.

Proposed Use of Subject Parcel:
The applicant is proposing to expand the facilities at the Troy Museum and Historic Village. Proposed improvements include relocation of the Barnard House to the site, adding the Historic Barn and Visitors Center, adding an addition to the Museum Building, and adding additional drives and parking areas on the north and east sides of the site.

Current Zoning Classification:
The property is zoned C-F Community Facilities.

Current Use of Adjacent Parcels:
North: Single family residential neighborhood.
South: Single family residential neighborhood.
East: Single family residential neighborhood and convenience store.
West: Convenience store.

Zoning Classification of Adjacent Parcels:
North: R-1B One Family Residential.
South: R-1B One Family Residential.
East: B-1 Local Business and P-1 Vehicular Parking.
West: R-1B One Family Residential.

Future Land Use Plan Designation:
The property is located in the Neighborhood Node H Future Land Use Plan designation.

ANALYSIS

Area and Bulk Requirements:
Front, rear and side yards are required to be at least 50 feet wide and free of parking, as per Section 18.50.01. On May 19, 2009 the applicant received a variance from the BZA permitting the Barnard House to be located within 40 feet of the front property line along Wattles and within 40 feet of the side property line to the west. On June 16, 2009 the applicant received a variance from the BZA permitting the addition of parking lots within 10 feet of the front property line on Wattles and within 15 feet of the property line along Livernois.

Off-Street Parking and Loading Requirements:
The applicant proposes 120 spaces on the subject property. The required number of spaces is 202. A breakdown of the off street parking requirements is provided in a letter from HopkinsBurns dated July 14, 2009. The applicant seeks a parking space reduction of 82 spaces from the Planning Commission.

Article 40.20.12 provides the Planning Commission with the authority to reduce the parking space requirements if an applicant demonstrates that meeting the requirements would create excess parking. The applicant provided a Parking Needs Statement for Troy Museum & Historic Village dated June 2, 2009.

Vehicular and Non-motorized Access:
Vehicular access is provided to the south side of the site by two entry drives on Wattles Road. Vehicular access to the north side of the site is provided by two entry drives on Lange Avenue.

There is an existing 5-foot wide sidewalk along Wattles and Livernois, both major thoroughfares. Section 39.70.03 requires an 8-foot wide sidewalk along all major thoroughfares.

Environmental Provisions:
The applicant proposes a screened dumpster in the northeast corner of the parcel.

The applicant exceeds the minimum requirement for greenbelt trees and landscaped area. In addition, the applicant proposes a number of non-required landscaping improvements within the museum site including wetland plantings, rain garden plantings and native plantings. Typical plant species for these areas are listed on the Landscape Plan, Sheet L-4.1.

Storm Water Detention:
The applicant is proposing to utilize a number of storm water techniques including permeable paving, rain gardens, and underground detention systems.

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

CITY MANAGEMENT RECOMMENDATION

The Planning Department recommends approval of the site plan, subject to the applicant providing an 8-foot wide sidewalk along the north side of Wattles and west side of Livernois.

Attachments:
1. Maps.
2. Letter from HopkinsBurns, dated July 14, 2009.
3. Parking Needs Statement, dated June 2, 2009.
4. Minutes from May 19, 2009 BZA meeting (Final).
5. Minutes from June 16, 2009 BZA meeting (Draft).

cc: File/SP 679-C

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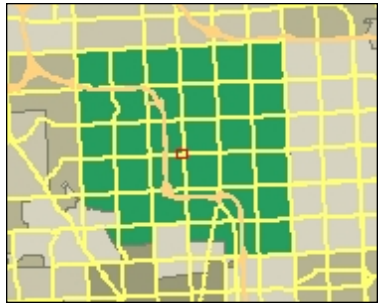
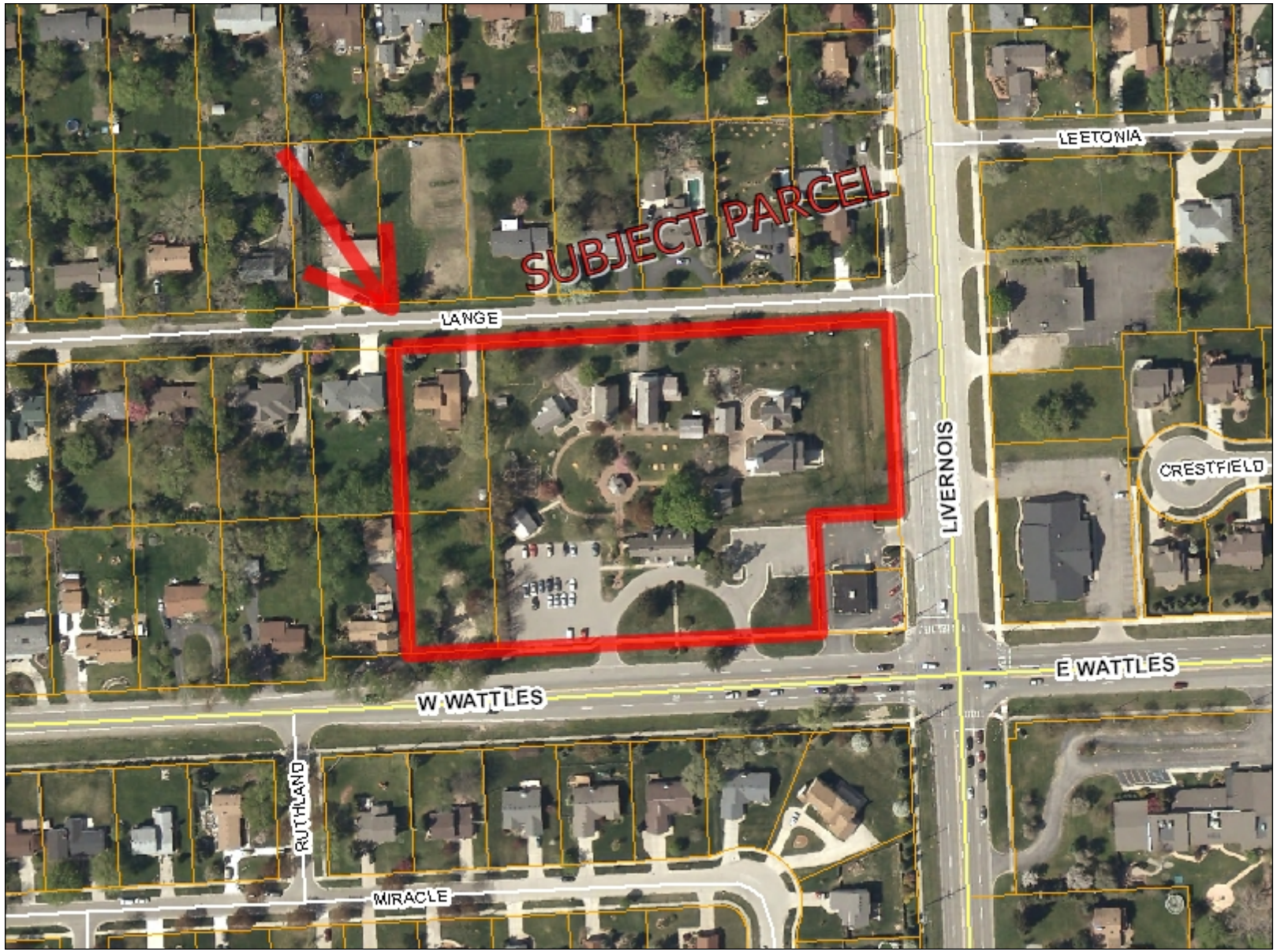




Legend

- 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: 2,209

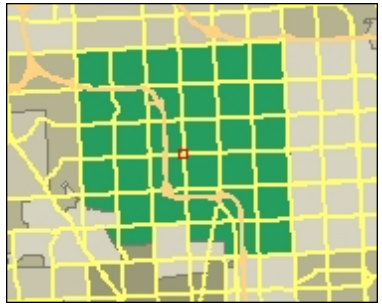
368 0 184 368 Feet

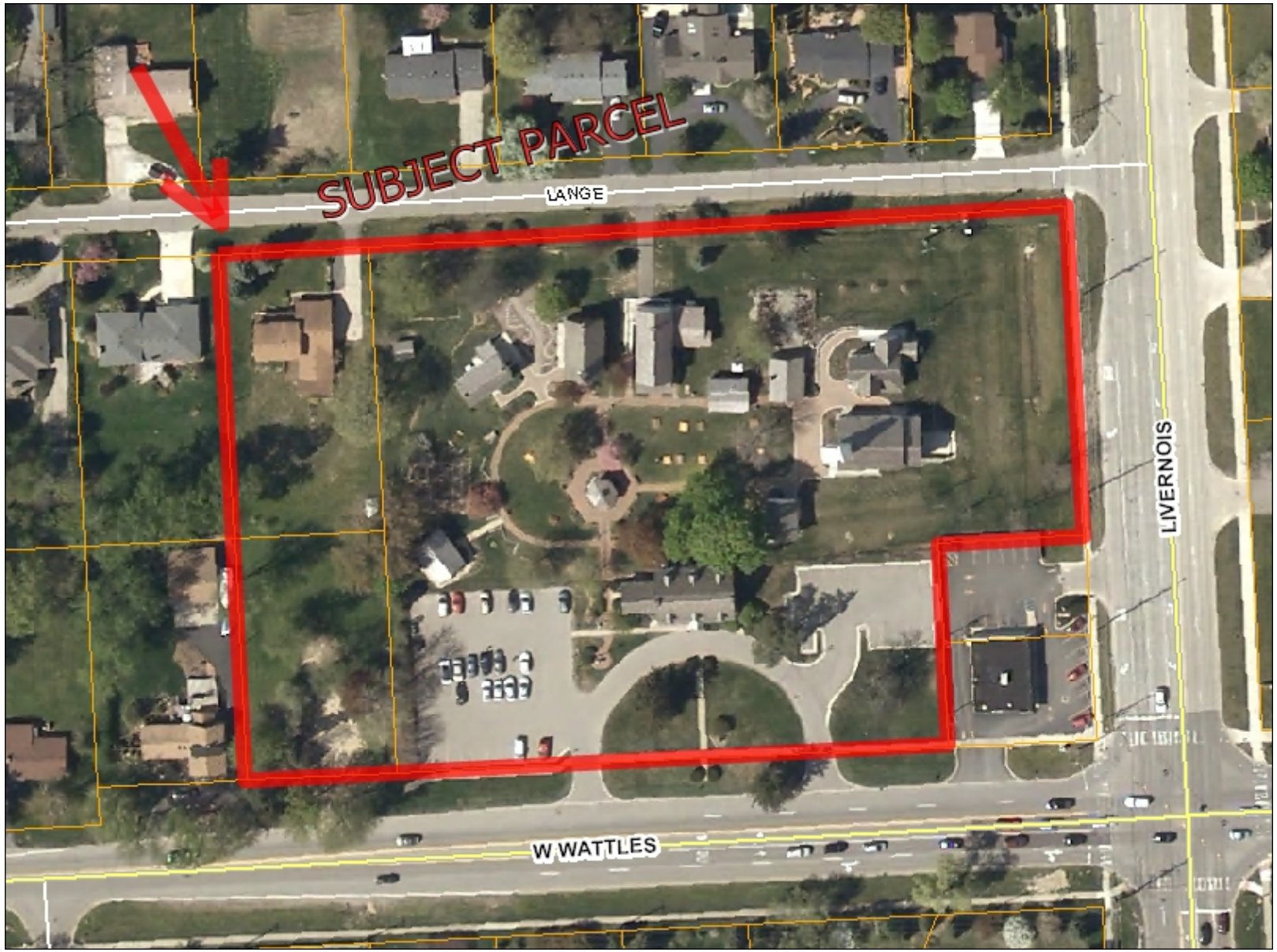
NAD_1983_StatePlane_Michigan_South_FIPS_2113_IntlFeet
City of Troy Geographical Information Systems - Department of Information Technology

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

SITE PLAN (SP 679-C) TROY MUSEUM AND HISTORIC VILLAGE EXPANSION, 60 W WATTLES, 100 W WATTLES, 109 LANGE. SECTION 16. C-F





Legend

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

1: 1,289

215 0 107 215 Feet

NAD_1983_StatePlane_Michigan_South_FIPS_2113_IntlFeet
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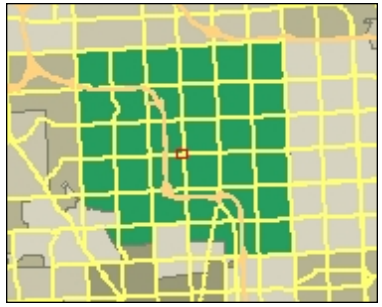
SITE PLAN (SP 679-C) TROY MUSEUM AND HISTORIC VILLAGE EXPANSION, 60 W WATTLES, 100 W WATTLES, 109 LANGE. SECTION 16. C-F



Legend

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

1: 2,209

368 0 184 368 Feet

NAD_1983_StatePlane_Michigan_South_FIPS_2113_IntlFeet
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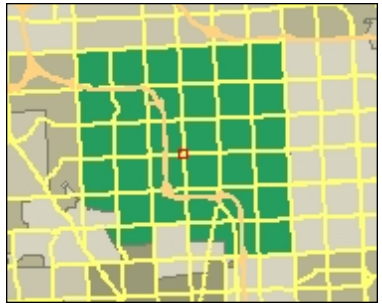
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Notes

SITE PLAN (SP 679-C) TROY MUSEUM AND HISTORIC VILLAGE EXPANSION, 60 W WATTLES, 100 W WATTLES, 109 LANGE. SECTION 16. C-F



Legend

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

1: 1,289

215 0 107 215 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

SITE PLAN (SP 679-C) TROY MUSEUM AND HISTORIC VILLAGE EXPANSION, 60 W WATTLES, 100 W WATTLES, 109 LANGE. SECTION 16. C-F

HopkinsBurns
DESIGN STUDIO
historic preservation & communities by design

July 14, 2009

Mr. Brent Savidant
City of Troy
500 West Big Beaver Road
Troy, MI 48084

REC'D
JUL 15 2009
PLANNING DEPT

RE: **Troy Museum & Historic Village**
Response to Planning Department Comments

Dear Mr. Savidant,

In response to your May 27, 2009 letter regarding comments on the preliminary site plan application, we provide the following:

1. The front loop drop-off area located south of the proposed Historic Barn will be one way. Bus traffic will be allowed through the front loop. Traffic directions for entrances/exits and maneuvering lanes are shown on the site plan.

2. The bus loop drop-off area south of Lange Avenue will be one way. Traffic directions for entrances/exits and maneuvering lanes are shown on the site plan. It has been confirmed that this area conforms to AASHTO bus turning movements.

3. During normal, daily operations, buses will park in the drop-off loop south of Lange Avenue.

4. An emergency access gate will be provided in the fence between the barn and museum and is shown on the site plan.

5. The front bus loop will be posted as a fire lane per the Troy Fire Department.

6. A hydrant on the south side of the complex will be provided per the Troy Fire Department.

7. Automatic fire suppression will be provided in the Barn Visitor Center per the Troy Fire Department.

8. Dimensions from the property line for all buildings and parking areas that are adjacent to the property line are shown on the site plan.

9. A Landscape Plan has been provided.

10. Conflicts between the BZA and Preliminary Site Plan submittal have been resolved.

4709 N. Delhi Road, Ann Arbor, Michigan 48103
T| 734.424.3344 F| 734.864.5746

11. Trash receptacles will be screened per Section 39.70.09 as noted on the plan.

12. Estimated parking requirements were calculated as outlined below:

Historic Barn and Visitors Center: 104 spaces required

Second Floor:
Multi-Purpose Room - Seating for 175 max. @ 1 per 2 seats plus 1 per employee = 89 spaces
Historic Barn – 1200 SF Exhibit @ 1 per 200 SF = 6 spaces
First Floor:
Office – 2,114 SF * 0 .80 of GFA @ 1 per 200 SF = 8 spaces
Gift Shop – 280 SF @ 1 per 200 SF = 1 space
Basement:
0 spaces

Barnard House: 11 spaces required

First Floor:
Museum Support – 570 SF * 0.80 @ 1 per 200 SF = 2 spaces
Exhibits – 975 SF @ 1 per 200 SF = 5 spaces
Second Floor:
Support – 1,025 SF * 0.8 @ 1 per 200 SF = 4 spaces
Basement:
0 spaces

Church: 37 spaces required

110 seats @ 1 space per 3 seats

Other Buildings: 34 spaces required

6,887 SF @ 1 per 200 SF

Museum and Addition: 16 spaces required

First Floor:
2,339 SF @ 1 per 200 = 12 spaces
Second Floor:
0 spaces
Basement:
800 SF exhibits @ 1 per 200 SF = 4 spaces

Total Parking Required: 202 spaces

Total Parking Provided: 120 spaces

Parking Reduction Required: 82 spaces

End of Response

Sincerely,

Tamara E. L. Burns, AIA
Principal

4709 N. Delhi Road, Ann Arbor, Michigan 48103
T| 734.424.3344 F| 734.864.5746

To: Planning Commission

From: Cathy Russ, Library Director

Loraine Campbell, Museum Manager

Re.: Parking Needs Statement for Troy Museum & Historic Village

Date: June 2, 2009

The following statistics are provided to the Planning Commission as the application for the Troy Museum & Historic Village is reviewed.

1. Approximately **11,000 students and chaperones visited the museum each year** for the past three years. This number represents field trip reservations at 95% capacity for available school days.
    a. This number will only increase modestly with the expansion as the limiting factors on students visits include the number of field trip days during the academic year, the number of program sites, and staff available to provide programs.
    b. There is concern for the safety of children in the parking lots.
2. **15,000 members of the general public visit the museum annually**. This number is expected to increase when the expansion is complete.
3. The number of weddings and facilities rentals has steadily increased, and is expected to grow when the visitor center, including the multi-purpose room, is completed. This service is limited by other mission-focused programs, staffing and hours of operation.
4. For many years the Museum has provided shuttle service to and from off-site parking for 4 major annual events.
    a. These **events draw 300-900 visitors in three hours**. Most visitors stay ½- 1 hour.
    b. **The record number of visitors was 1,200 in two hours** for Trick or Treating on the Green. The ratio of young children to adults was approximately 4:1 for that event.
5. Museum staff estimates that current **parking is inadequate for 20-30 non-event days per year**. This number has increased from recent years.

The goal of the Museum is to provide the safest, highest quality, most accessible experience for all museum visitors. The Museum Expansion Team composed of City and Museum staff, Historical Society,

Historical Commission and Historic District Commission members and the architects of Hopkins Burns Design Studio and JJR, concur that providing safe, adequate parking is a an important issue that must be solved as the Museum is expanded.

The parking calculations prepared for the Preliminary Site Plan for the expanded Museum facility indicate the following:

Total Parking Required:	202 spaces
Total Parking Provided:	120 spaces
Parking Reduction Required:	82 spaces

There are currently only 56 parking spaces on site. The proposed expansion project increases the number of parking spaces on site by 64. The proposed 120 parking spaces outlined in the Preliminary Site Plan will meet the parking demand for current patrons and the increased numbers of patrons for typical programming and events, following the completed expansion.

The two separate parking zones greatly improve the effectiveness of parking on site through the following:

1. Increased accessibility and safety:
    a. The drop-off drive delivers students directly into the visitor's center. On days when afternoon program traffic enters the Wattles Road parking area, students can exit the Village via the north gate directly to the bus turn around.
    b. Handicapped parking is adjacent to sidewalk access to the visitor's center.
    c. The proposed bus drop-off area improves maneuverability for buses and provides an area for bus parking. This in turn improves the effectiveness of parking in the southern lots.
2. Flexible use of parking zones:
    a. The east Wattles Rd. lot and/or the Livernois parking area behind the church are available for weddings or other programs held in the church.
    b. All parking lots and overflow parking in the bus turn out can be used for major events. Volunteer parking attendants communicate by radio and direct patrons to available parking.
    c. Access to the bus loop and Livernois parking area can be restricted during non-event days to minimize impact to Lange Street neighbors.

3. Increased efficiency and customer service:
    a. The need for shuttle service to off-site parking is eliminated.
    b. The number of concurrent programs offered can be increased within new available parking limits.
    c. Facilities rentals can be expanded to include receptions in the multi-purpose room.

Parking for typical museum events can be accommodated on site with the expanded parking areas. For relatively large events to be held at the Museum, where the demand for parking cannot be met on-site, the Museum will coordinate off-site parking and shuttle bus services for visitors. However, events of this magnitude are infrequent and occur only a few times per year.

ITEM #7 – con't.

- Variance would have a negative impact to surrounding property.
- Petitioner has other options to construct a covered structure.

Yeas: 6 – Lambert, Ullmann, Bartnik, Courtney, Kempen, Kovacs
Absent: 1 – Clark

MOTION TO DENY REQUEST CARRIED

ITEM #8 – VARIANCE REQUESTED. CITY OF TROY, 60 W. WATTLES, for relief of the Ordinance to move various buildings and expand the parking lots at the Troy Museum and Village Green. The changes will result with the relocated Barnard House within 40' of the front property line along Wattles; and, new and expanded parking lots within 20' of the front property line of Wattles, 35' of the property line along Livernois and within 10' of the property line of Lange. Paragraph A of Section 18.50.01 requires a 50' front setback adjacent to any public street and requires this setback be free of parking.

The site plan submitted also indicates that the relocated Barnard House will be located within 40' of the west property line where the adjacent property is in the R-1B (One-Family Residential) Zoning District. Paragraph B of Section 18.50.01 requires a 50' side yard setback from adjacent residential property.

Mr. Stimac explained that the petitioner is requesting to move various buildings and expand the parking lot at the Troy Museum and Village Green. This site is located in the C-F (Communities Facilities) Zoning District. Paragraph A of Section 18.50.01 requires a 50' front setback adjacent to any public street. This section further requires this setback be free of parking. Also, Paragraph B of Section 18.50.01 requires a 50' side yard setback from adjacent residential property. The site plan indicates the relocated Barnard House within 40' of the front property line of Wattles Road and 40' from the side property line of the adjacent R-1B (One Family Residential) zoned property to the west. The site plan also indicates new and expanded parking lots within 20' of the front property line of Wattles, 35' of the property line along Livernois and within 10' of the property line of Lange.

Mr. Courtney asked if this site plan had been approved by the Planning Commission.

Mr. Stimac said that the plan is in the process of being reviewed and approved. Since this is a City owned property, City Council has the final approval of the site plan. The Planning Commission will make its recommendations to City Council and this is the first stop in that process.

Mr. Courtney asked if the plan took into consideration a new right of way line.

ITEM #8 – con't.

Mr. Stimac explained that the dimensions were based on a 60' right of way for both Livernois and Wattles. This plan complies with the Master Thoroughfare plan.

Mr. Lambert asked if the only thing the Board was considering was the new Barnard house and the re-location of the Town Hall.

Mr. Stimac stated that the plans also make reference to the proposed rear setback variance required for the location of the Town Hall. Further review of the Ordinance regarding that indicates that since the southeast corner of the property is in the B-1 Zoning District, the 50' setback does not apply.

Ms. Tamara Burns was present and asked if the Board had any questions for her regarding this request.

Mr. Bartnik stated that his only concern is the bus entrance and turn around on Lange as is it a residential street.

Ms. Burns stated that the main bus drop off is on Wattles and one of the reasons they wanted to add this area for the buses was so that the children could be dropped off and the buses would come around and park in a designated parking space. They will also use this area to get back on the buses. They have contacted the neighbors and they do not object to this proposal although they would like additional landscaping added.

Mr. Bartnik asked who was involved with the meetings regarding this expansion.

Loraine Campbell, the Museum Manager was present. Ms. Campbell stated that since they have begun this process they have approached the neighbors to the west and also the property owners on Lange and basically their only concern was that the property continues to be maintained as it is because they like the view of the museum from their home. There are a number of children arriving by private car and they have found that often there is a conflict between the buses and these children. By providing the bus pick-up on the north side of the property the children getting on the bus will not be next to the private vehicles coming in. 50% of the children come by bus. Ms. Campbell also indicated that one of their main concerns was the safety of the patrons visiting this site. Ms. Campbell said that they want to maximize the parking for the other patrons coming to this site and indicated that they have not received any negative feedback from the surrounding neighbors. Ms. Campbell also sent out three (3) letters to the homeowners to come to meetings regarding this proposal.

Mr. Bartnik asked if anyone came to the meetings.

Ms. Campbell indicated that no one from the area came to the last meeting and she has not received any negative feedback from the surrounding property owners.

ITEM #8 – con't.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Courtney
Supported by Ullmann

MOVED, to grant the City of Troy, 60 W. Wattles relief of the Ordinance to move various buildings and expand the parking lots at the Troy Museum and Village Green. The changes will result with the relocated Barnard house within 40' of the front property line of Wattles Road and 40' from the side property line of the adjacent R-1B (One Family Residential) zoned property to the west. The site plan also indicates new and expanded parking lots within 20' of the front property line of Wattles, 35' of the property line along Livernois and within 10' of the property line of Lange.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance does not establish a prohibited use in a zoning district.
- Variance applies only to the property described in this petition.
- Variance will improve this property.

Yeas: 6 – Ullmann, Bartnik, Courtney, Kempen, Kovacs, Lambert
Absent: 1 – Clark

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUESTED. MR. & MRS. LEO LENNOX, 2117 KIRKTON, for relief of the Ordinance for a major reconstruction of the existing house and to construct a rear yard addition that would extend an existing 3.8' side yard setback for an additional 16' towards the rear. Section 30.10.06 requires a minimum 5' side yard set back. This home is a legal non-conforming structure. Section 40.50.04 (A) prohibits expansions of non-conforming structures in a way that increases the non-conformity.

This proposed reconstruction work exceeds 60% of the replacement cost of the existing house. Section 40.50.04 (B) requires that the house be reconstructed to comply with all provisions of the Zoning Ordinance including a 5' minimum side yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance for alterations and an addition to their home. The plans submitted indicate major reconstruction of the existing house and constructing an addition on the rear of the home which would extend an existing 3.8' side yard setback an additional 16'. The existing 3.8' side yard setback exists where Section 30.10.06 requires a minimum 5' side yard setback. Due to the age of this house, this condition makes it a legal non-

ITEM #10 – con't.

- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Literal enforcement of the Ordinance precludes full enjoyment of the property and would be unnecessarily burdensome.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. CITY OF TROY, 60 W. WATTLES, for relief of the Ordinance to add new and expanded parking lots within 10' of the front property line of Wattles and within 15' of the property line along Livernois, where Paragraph A of Section 18.50.01 requires a 50' front setback free of parking adjacent to any public street.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to add to and expand the parking lots at the Troy Museum and Village Green. This site is located in the C-F (Community Facilities) Zoning District. Paragraph A of Section 18.50.01 requires a 50' front setback adjacent to any public street. This section further requires this setback be free of parking. The site plan submitted indicates new and expanded parking lots within 10' of the front property line of Wattles and within 15' of the property line along Livernois.

Previous action of the Board of Zoning Appeals at the meeting of May 19, 2009 allowed parking within 20' of the front property line of Wattles and within 35' of the property line along Livernois.

Mr. Kovacs asked how many parking spaces are on this site and how many parking spaces were proposed to be added.

Mr. Stimac said that presently there are 48 parking spaces in the existing parking lot and they are proposing to add 120 more parking spaces.

Mr. Kovacs asked the petitioner why more parking was needed.

Mr. Gene Hopkins of Hopkins Burns Design Studio was present. Mr. Hopkins stated that with the expansion of the site additional parking will be required depending on the type of functions that are held at the site. Mr. Hopkins said that they have studied the site and determined this was the best solution to splitting up the parking.

Mr. Courtney said that actually 30 parking spaces are on the lawn.

ITEM #11 – con't.

Mr. Hopkins said that was correct and this would be considered overflow parking as they do not plan on using them very often. Mr. Hopkins apologized to the Board and said that the dimensions originally presented were a technology error and the dimensions were shifted because the drawings were shifted. Mr. Stimac had found the error and this is the reason they are before the Board again.

Mr. Kovacs stated that he concerned that there is a lot of additional parking proposed that may not be required and asked if the petitioner had entertained any thoughts to asking for less parking.

Mr. Hopkins said that in their Planning Commission request they had asked for less parking. Mr. Hopkins further stated that they do have an agreement signed for overflow parking and busing to take people off site if the need arises for special events. In the design process they broke down the parking and really looked at what requirements would be needed to meet 75% of the demand for parking and this is where the additional parking came in at the front of the site. They have also added additional overflow parking on Lang Street. Mr. Hopkins said that it is not their intent to have a "sea of asphalt" and are trying to create a safe situation by not allowing any parking in the turnaround site. The parking lots will align with the existing parking lots of the adjacent business and they are hoping to add a light landscape buffer that will not obstruct the view of the site from people driving by this area.

Mr. Kovacs said that he is not opposed to the parking along Wattles, but does not want to see a lot of asphalt along Livernois Road.

Mr. Hopkins said that the amount of the parking was based on the use and functions of the Church and not as much from the Ordinance criteria. Mr. Hopkins indicated that they want to be able to provide parking for people using that Church.

Mr. Bartnik said that the drawings and plans are the same as what was submitted except for the numbers on the plans.

Mr. Hopkins said that was correct and the numbers shown near Livernois were actually switched.

Mr. Bartnik said that the parking line along Wattles coincides with the business to the east on Wattles and asked where the 15' setback was from Livernois.

Mr. Hopkins said that the parking is from the property line and it will be a sustainable parking lot that will look more natural and also provide parking for people that are using this site. Mr. Hopkins indicated that they are working with the Planning Department to determine what type of material they can use in this area to not only provide parking but also easily accommodate walking in that area.

ITEM #11 – con't.

Mr. Kempen believes that this is an asset to the City of Troy and believes it is important to maintain visibility along Livernois.

Mr. Clark opened the Public Hearing.

Ms. Margaret Pence, 106 Miracle was present. Ms. Pence stated that she lives across Wattles and asked where the setback was on Wattles and asked if the proposed parking was going to come out closer to Wattles.

Mr. Stimac explained that the current parking lot to the west of the entrance goes right out to the front property line and that line will go back 10' and that the new parking lot at the east end of the site will move closer to the property line along Wattles.

No one else wished to be heard and the Public Hearing was closed.

There are no additional approvals or objections on file.

Motion by Kovacs
Supported by Courtney

MOVED, to grant the City of Troy, 60 W. Wattles relief of the Ordinance to add new and expanded parking lots within 10' of the front property line of Wattles and within 15' of the property line along Livernois, where Paragraph A of Section 18.50.01 requires a 50' front setback free of parking adjacent to any public street.

- Variance will not have an adverse effect to surrounding property.
- Variance does not establish a prohibited use in a Zoning District.
- This is a historical site for all of the City of Troy and the variance will allow full enjoyment for the entire City.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- The setbacks for the parking lot are at least equal to the setbacks for the parking lot on the adjacent commercial property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #12 – (ITEM #7) – VARIANCE REQUESTED. KIRCO DEVELOPMENT LLC, 153 W. BIG BEAVER (PROPOSED ADDRESS), for relief of the Ordinance to construct a new one-story restaurant that would result in a total gross building area per acre of 31,425 square feet where Section 26.70.00 limits developments in the O-S-C Zoning District to not more than 30,000 square feet of gross building acre of land.

City of Troy Museum & Historic Village

Troy, MI

Preliminary Site Plan Application

August 17, 2009

Site Plan

No Scale

North

Index of Drawings

Sheet Number	Sheet Title
L-0	COVER SHEET
L-1	SURVEY
L-2	SITE PLAN
L-3	GRADING PLAN
L-4	LANDSCAPE PLAN
SK 1-6	PRELIMINARY ARCHITECTURE

Prepared For:

CITY OF TROY
60 W. WATTLES ROAD
TROY, MI 48098
CONTACT: LORAINE CAMPBELL
248.524.3570 T

Prepared By:

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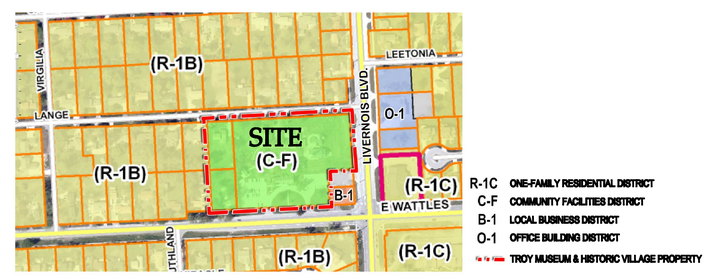
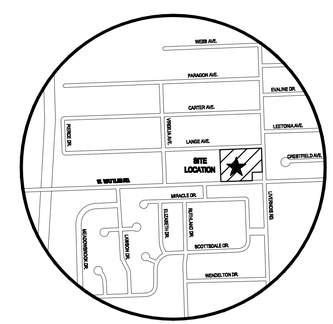


Zoning Map

1"=300'

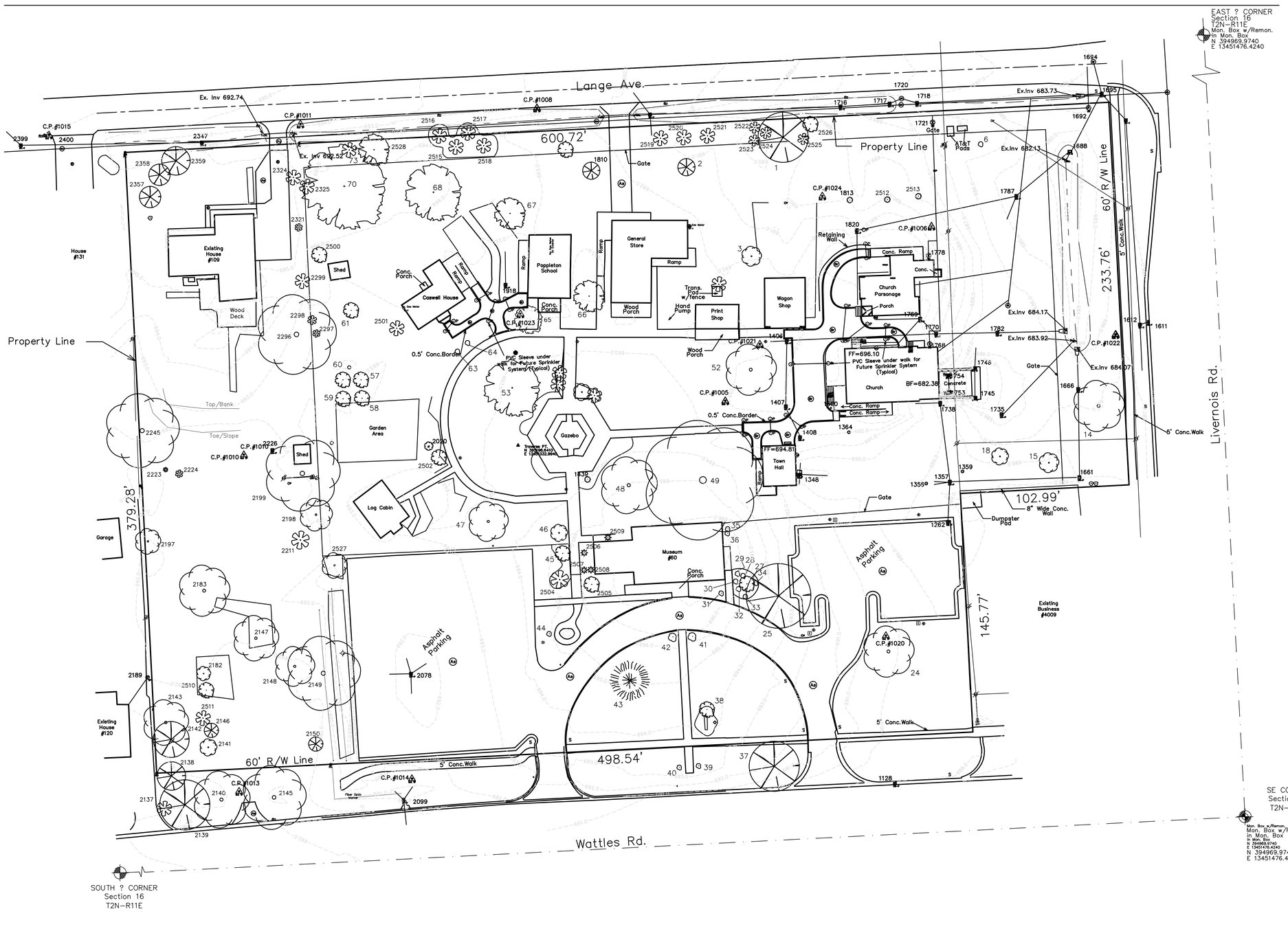
North



Location Map

No Scale

North



TREE & BUSH IDENTIFICATION CHART			
Tree ID	Common Name	Botanical Name	Size
1	White Spruce	Picea glauca	8"-18" dia.
2	Blue Spruce	Picea pungens	8" dia.
3	Pin Oak	Querous palustris	8" dia.
6	Norway Maple	Acer platanoides	
14	Black Locust	Robinia pseudoacacia	8"-18" dia.
15	Black Locust	Robinia pseudoacacia	8"-18" dia.
18	Black Locust	Robinia pseudoacacia	8"-18" dia.
24	Catalpa	Catalpa speciosa	37" dia.
25	Scotch Pine	Pinus sylvestris	19"-36" dia.
28	Burning Bush	Euonymus alata	
29	Burning Bush	Euonymus alata	
30	Burning Bush	Euonymus alata	
31	Yew	Taxus spp.	
32	Juniper	Juniperus	
34	Yew	Taxus spp.	
35	Cranberry bush	Viburnum trilobum spp.	
36	Cranberry bush	Viburnum trilobum spp.	
37	White Spruce	Picea glauca	37" dia.
38	Crab	Malus spp.	less than 8" dia.
39	Yew	Taxus spp.	
40	Yew	Taxus spp.	
41	Yew	Taxus spp.	
42	Yew	Taxus spp.	
43	White Spruce	Picea glauca	19"-36" dia.
45	Japanese Lilac	Syringa reticulata	
46	Pin Oak	Querous palustris	9"-18" dia.
47	Pin Oak	Querous palustris	9"-18" dia.
48	Norway Maple	Acer platanoides	19"-36" dia.
49	Norway Maple	Acer platanoides	37" dia.
52	Norway Maple	Acer platanoides	19"-36" dia.
53	Pin Oak	Querous palustris	9"-18" dia.
57	Heirloom Apple	Malus pumila	less than 8" dia.
58	Heirloom Apple	Malus pumila	less than 8" dia.
59	Heirloom Apple	Malus pumila	less than 8" dia.
60	Heirloom Apple	Malus pumila	less than 8" dia.
61	Maple	Acer spp.	less than 8" dia.
63	Smokebush	Cotinus coggygria	
64	Smokebush	Cotinus coggygria	
65	Norway Maple	Acer platanoides	8"-18" dia.
66	Norway Maple	Acer platanoides	less than 8" dia.
67	Maple	Acer spp.	less than 8" dia.
68	Black Locust	Robinia pseudoacacia	8"-18" dia.
70	Silver Maple	Acer saccharinum	8"-18" dia.
73	Lilac	Syringa vulgaris	
2137	Rose	Rosa spp.	10' spread
2138	Scotch Pine	Pinus sylvestris	14" dia.
2139	White Spruce	Picea glauca	18" dia.
2140	Silver Maple	Acer saccharinum	20" dia.
2141	White Birch	Betula papyrifera	12" dia.
2142	Scotch Pine	Pinus sylvestris	12" dia.
2143	Sugar Maple	Acer saccharum	16" dia.
2145	Silver Maple	Acer saccharinum	30" dia.
2146	White Spruce	Picea glauca	12" dia.
2147	Elm	Ulmus spp.	16" dia.
2148	Norway Maple	Acer platanoides	14" dia.
2149	Silver Maple	Acer saccharinum	26" dia.
2150	White Cedar	Thuja occidentalis	4" dia.
2182	Apple Tree	Malus pumila	10" dia.
2183	Norway Maple	Acer platanoides	18" dia.
2197	Silver Maple	Acer saccharinum	18" dia.
2198	Horsechestnut	Aesculus hippocastanum	23" dia.
2199	Silver Maple	Acer saccharinum	63" dia.
2211	Black Currant	Ribes americanum	
2245	Norway Maple	Acer platanoides	26" dia.
2296	White Oak	Quercus alba	28" dia.
2297	Cherry	Prunus spp.	5' spread
2298	Honey Suckle	Lonicera spp.	6' spread
2299	Lilac	Suringa vulgaris	10' spread
2324	Bridal Veil Spiraea	Spiraea japonica	10' spread
2325	Bridal Veil Spiraea	Spiraea japonica	10' spread
2357	Blue Spruce	Picea pungens	12" dia.
2358	Blue Spruce	Picea pungens	12" dia.
2359	Blue Spruce	Picea pungens	16" dia.
2500	Mulberry	Morus alba	
2501	Lilac	Syringa vulgaris	
2502	Crab Apple	Malus spp.	
2503	Weeping Cherry	Prunus spp.	
2504	Weeping Mulberry	Morus spp.	
2505	Crab Apple	Malus spp.	
2506	Yew	Taxus spp.	
2507	Yew	Taxus spp.	
2508	Juniper	Juniperus spp.	
2509	Viburnum	Viburnus spp.	
2510	Apple Tree	Malus pumila	
2511	Magnolia	Magnolia spp.	
2512	Serviceberry	Amelanchier arborea	
2513	Serviceberry	Amelanchier arborea	
2514	Serviceberry	Amelanchier arborea	
2515	Bridal Veil Spiraea	Spiraea japonica	
2516	Bridal Veil Spiraea	Spiraea japonica	
2517	Bridal Veil Spiraea	Spiraea japonica	
2518	Bridal Veil Spiraea	Spiraea japonica	
2519	Lilac	Syringa vulgaris	
2520	Serviceberry	Amelanchier arborea	
2521	Lilac	Syringa vulgaris	
2522	Bridal Veil Spiraea	Spiraea japonica	
2523	Bridal Veil Spiraea	Spiraea japonica	
2524	Bridal Veil Spiraea	Spiraea japonica	
2525	Bridal Veil Spiraea	Spiraea japonica	
2526	Crab Apple	Malus spp.	
2527	White Cedar	Thuja occidentalis	
2528	Serviceberry	Amelanchier arborea	

Survey Legend

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

Survey Completed by
City of Troy Survey Team
Field Crew: B.Sanders, B.Bialik Date:09-20-07
Office Processing: B.P. Olesek Date:10-01-07
Checked By: G.J. Bollard III, P.S. Date:10-02-07

NOTE:

TOPOGRAPHIC AND BOUNDARY SURVEY AND TREE AND BUSH IDENTIFICATION CHART PROVIDED BY CITY OF TROY.

City of Troy Museum & Historic Village

60 W. Wattles
Troy, MI 48098

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ISSUED FOR	REV	DATE
PRELIMINARY SITE PLAN		08/17/09

SEALS AND SIGNATURES

NOT FOR CONSTRUCTION

KEY PLAN

PROJECT NORTH

0' 30' 60' 90'

DRAWING TITLE

TOPOGRAPHIC AND BOUNDARY SURVEY

1" = 30'

SCALE 50043.000

PROJECT NUMBER

DRAWING NUMBER L-1

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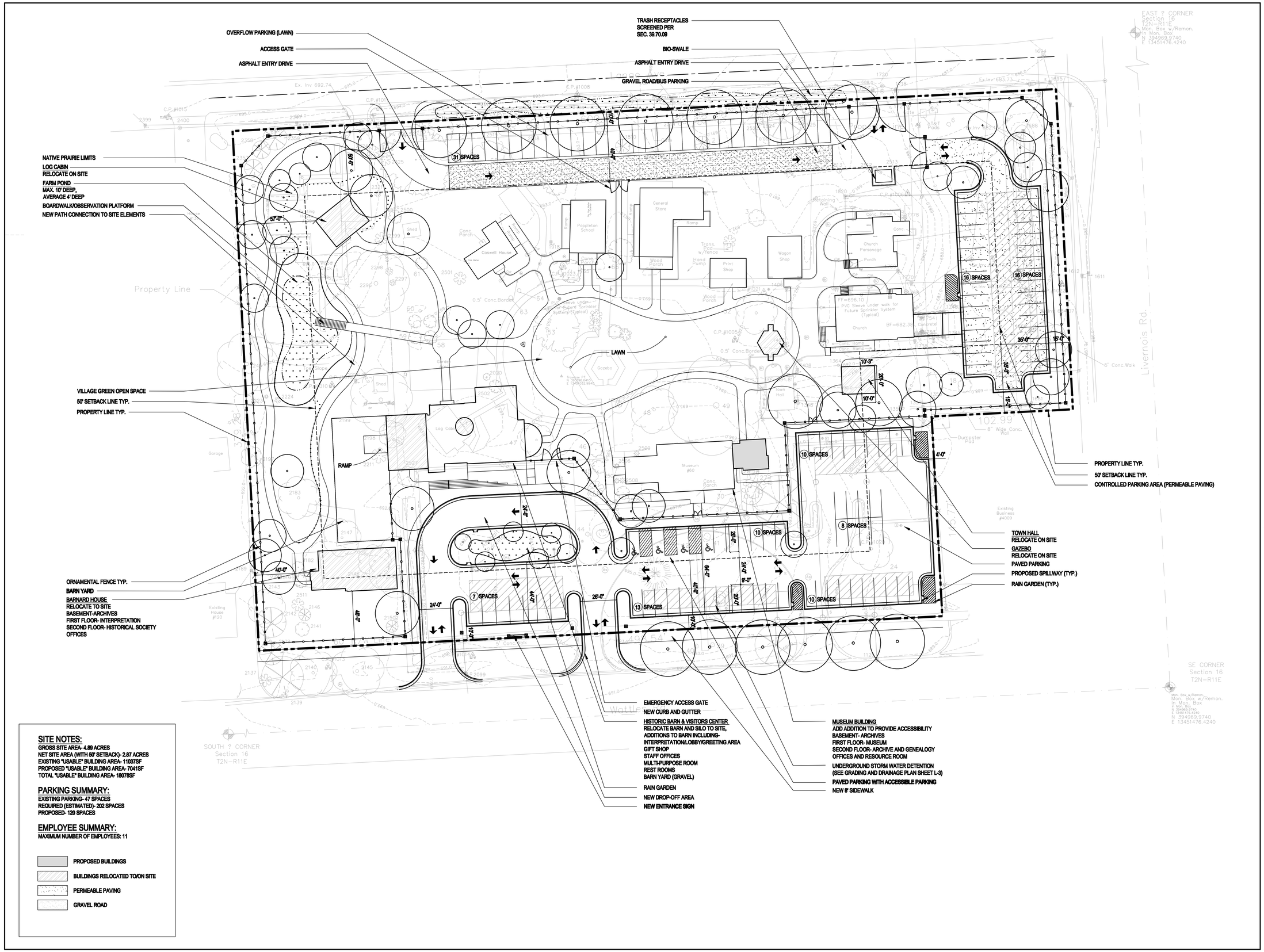

SITE NOTES:

GROSS SITE AREA- 4.89 ACRES
NET SITE AREA (WITH 50' SETBACK)- 2.87 ACRES
EXISTING "USABLE" BUILDING AREA- 11037SF
PROPOSED "USABLE" BUILDING AREA- 7041SF
TOTAL "USABLE" BUILDING AREA- 18078SF

PARKING SUMMARY:

EXISTING PARKING- 47 SPACES
REQUIRED (ESTIMATED)- 202 SPACES
PROPOSED- 120 SPACES

EMPLOYEE SUMMARY:

MAXIMUM NUMBER OF EMPLOYEES: 11

- PROPOSED BUILDINGS
- BUILDINGS RELOCATED TO/ON SITE
- PERMEABLE PAVING
- GRAVEL ROAD

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ISSUED FOR	REV	DATE
PRELIMINARY SITE PLAN		08/17/09

SEALS AND SIGNATURES

NOT FOR CONSTRUCTION

KEY PLAN

PROJECT NORTH

0' 30' 60' 90'

DRAWING TITLE

SITE PLAN

1" = 30'

SCALE 50043.000

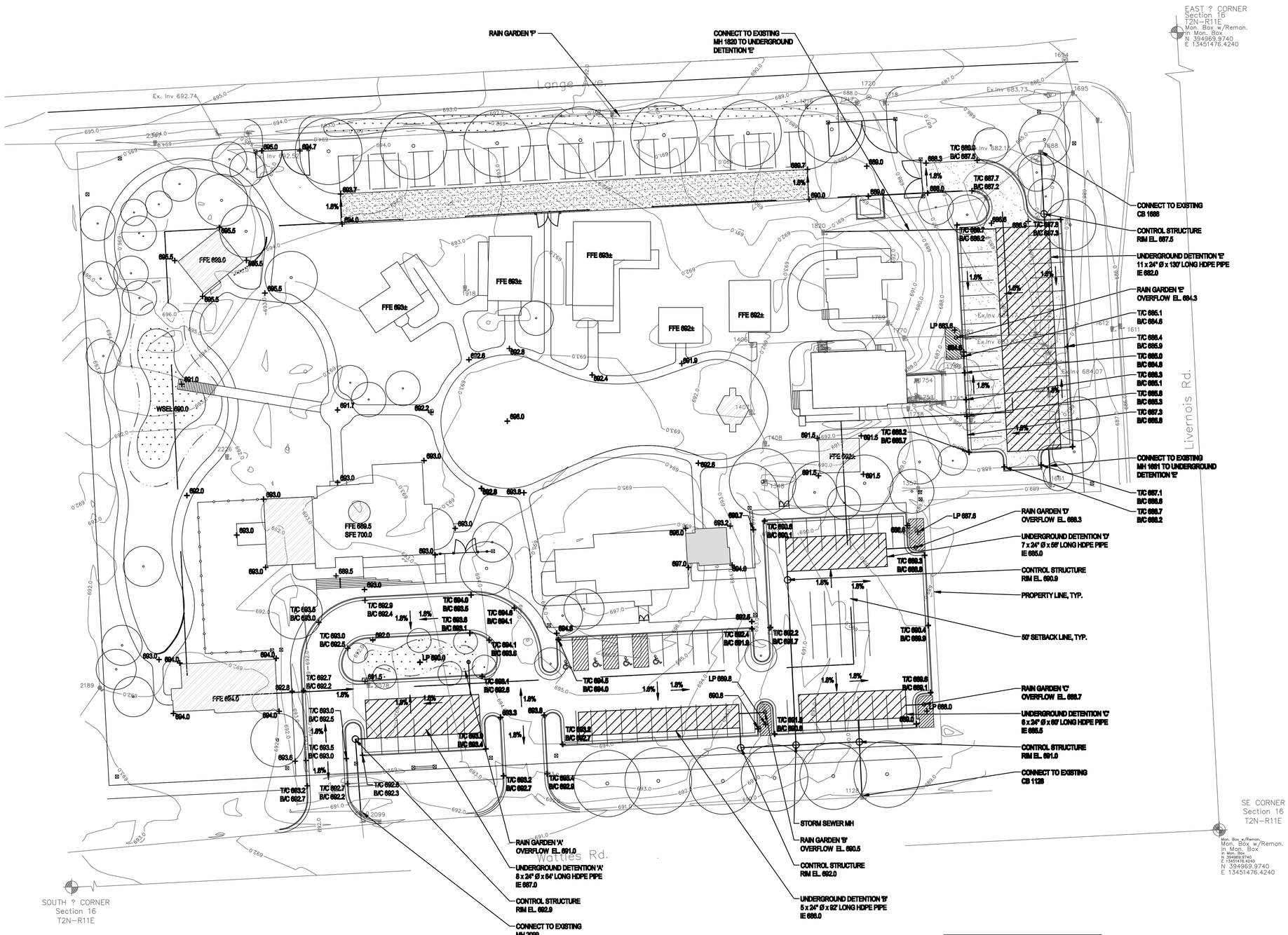
PROJECT NUMBER

DRAWING NUMBER L-2

FILE:P:\50043\000\CAD\sheet\50043-L-4-SITE PLAN_FINAL.dwg USER:rpodvin DATE:Aug. 10 2009 TIME: 05:21 pm

Storm Structure Report

1128	Rim	688.45			
	12"	RCP	I.E.	684.50	S00°E
1262	Rim	687.69			
	12"	RCP	I.E.	685.06	N03°E
	06"	Plas	I.E.	685.40	S00°W
1348	Rim	688.79			
	08"	Plas	I.E.	687.89	N03°E
	08"	Plas	I.E.	687.89	S87°E
	08"	Plas	I.E.	687.91	S03°W
1357	Rim	688.34			
	08"	Plas	I.E.	685.05	N07°W
	12"	RCP	I.E.	684.69	N88°E
	12"	RCP	I.E.	684.69	S03°W
	04"	PVC	I.E.	685.19	S80°W
	08"	Plas	I.E.	685.26	N87°W
1406	Rim	691.77			
	12"	RCP	I.E.	685.29	N87°E
	08"	Plas	I.E.	685.40	S01°W
	08"	Plas	I.E.	685.64	S87°W
1407	Rim	691.84			
	08"	Plas	I.E.	686.00	N01°E
	08"	Plas	I.E.	686.01	S25°E
1408	Rim	691.70			
	08"	Plas	I.E.	686.38	N25°W
1661	Rim	687.83			
	12"	RCP	I.E.	684.26	N01°W
	12"	RCP	I.E.	684.28	S88°W
1666	Rim	686.22			
	12"	RCP	I.E.	684.25	N02°W
	12"	RCP	I.E.	684.29	S01°E
1688	Rim	684.02			
	04"	PVC	I.E.	680.95	N29°E Restrictor
	06"	PVC	I.E.	682.16	S20°W
	08"	Plas	I.E.	681.12	S50°W
1695	Rim	685.47			
	15"	RCP	I.E.	679.97	N00°E
	12"	RCP	I.E.	679.92	S30°E
	12"	CMP	I.E.	679.77	S29°W
	12"	CMP	I.E.	681.72	S87°W
	12"	RCP	I.E.	680.37	S87°W
1716	Rim	687.49			
	12"	RCP	I.E.	684.51	N87°E
	06"	Plas	I.E.	685.79	S30°W
	12"	RCP	I.E.	684.52	S87°W
1717	Rim	686.82			
	12"	CMP	I.E.	683.77	N67°E
	12"	RCP	I.E.	683.91	S87°W
1718	Rim	686.55			
	12"	RCP	I.E.	683.45	N87°E
	12"	CMP	I.E.	683.33	N74°W
1720	Rim	687.95			
	12"	CMP	I.E.	683.64	S74°E
	12"	CMP	I.E.	683.64	S67°W
1735	Rim	685.43			
	06"	Plas	I.E.	684.26	N44°E
1738	Rim	688.50			
	08"	Plas	I.E.	686.65	S07°E
	08"	Plas	I.E.	687.07	N90°W
1745 - 1746	Top of Trough/Grate 683.33				
	Depth of 0.74				
1746	Top of Trough/Grate 683.33				
	04"	PVC	I.E.	682.51	N60°W
1753 - 1754	Top of Trough/Grate 682.10				
	Depth of 0.30				
1769	Rim	691.97			
	08"	Plas	I.E.	690.33	N00°E
	08"	Plas	I.E.	690.27	S45°E
	08"	Plas	I.E.	690.29	N90°W
1770	Rim	690.20			
	12"	RCP	I.E.	684.55	N89°E
	04"	PVC	I.E.	685.35	S60°E
	12"	RCP	I.E.	684.67	S87°W
	08"	Plas	I.E.	689.35	N45°W
1782	Rim	686.26			
	12"	RCP	I.E.	684.36	N88°E
	12"	RCP	I.E.	684.41	S89°W
1787	Rim	684.25			
	08"	Plas	I.E.	681.43	N50°E
	06"	Plas	I.E.	681.46	S00°E
	08"	Plas	I.E.	681.47	S78°W
1820	Rim	690.92			
	08"	Plas	I.E.	689.06	N78°E
	08"	Plas	I.E.	689.13	S00°E
1918	Rim	692.58			
	08"	PVC	I.E.	690.27	N00°E
2078	Rim	691.10			
	06"	Plas	I.E.	689.24	N00°E
	06"	Plas	I.E.	689.23	N90°E
	06"	CMP	I.E.	689.30	S00°W
	06"	CMP	I.E.	689.18	N90°W
2099	Rim	690.38			
	06"	CMP	I.E.	688.13	N00°E
	06"	Plas	I.E.	688.22	N90°E
	18"	RCP	I.E.	686.00	S00°E
	06"	Plas	I.E.	688.08	N75°W



LEGEND

T/C	TOP OF CURB
B/C	BOTTOM OF CURB
IE	INVERT ELEVATION
FFE	FIRST FLOOR ELEVATION
SFE	SECOND FLOOR ELEVATION
MH	MANHOLE
WSEL	WATER SURFACE ELEVATION
+ 693.0	PROPOSED SPOT ELEVATION
1.8%	PROPOSED SLOPE
	PROPOSED BUILDINGS
	BUILDINGS RELOCATED TO/ON SITE

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ISSUED FOR	REV	DATE
PRELIMINARY SITE PLAN		08/17/09

SEALS AND SIGNATURES

NOT FOR CONSTRUCTION

KEY PLAN

PROJECT NORTH

0' 30' 60' 90'

DRAWING TITLE

GRADING AND DRAINAGE PLAN

1" = 30'

SCALE 50043.000

PROJECT NUMBER

DRAWING NUMBER L-3

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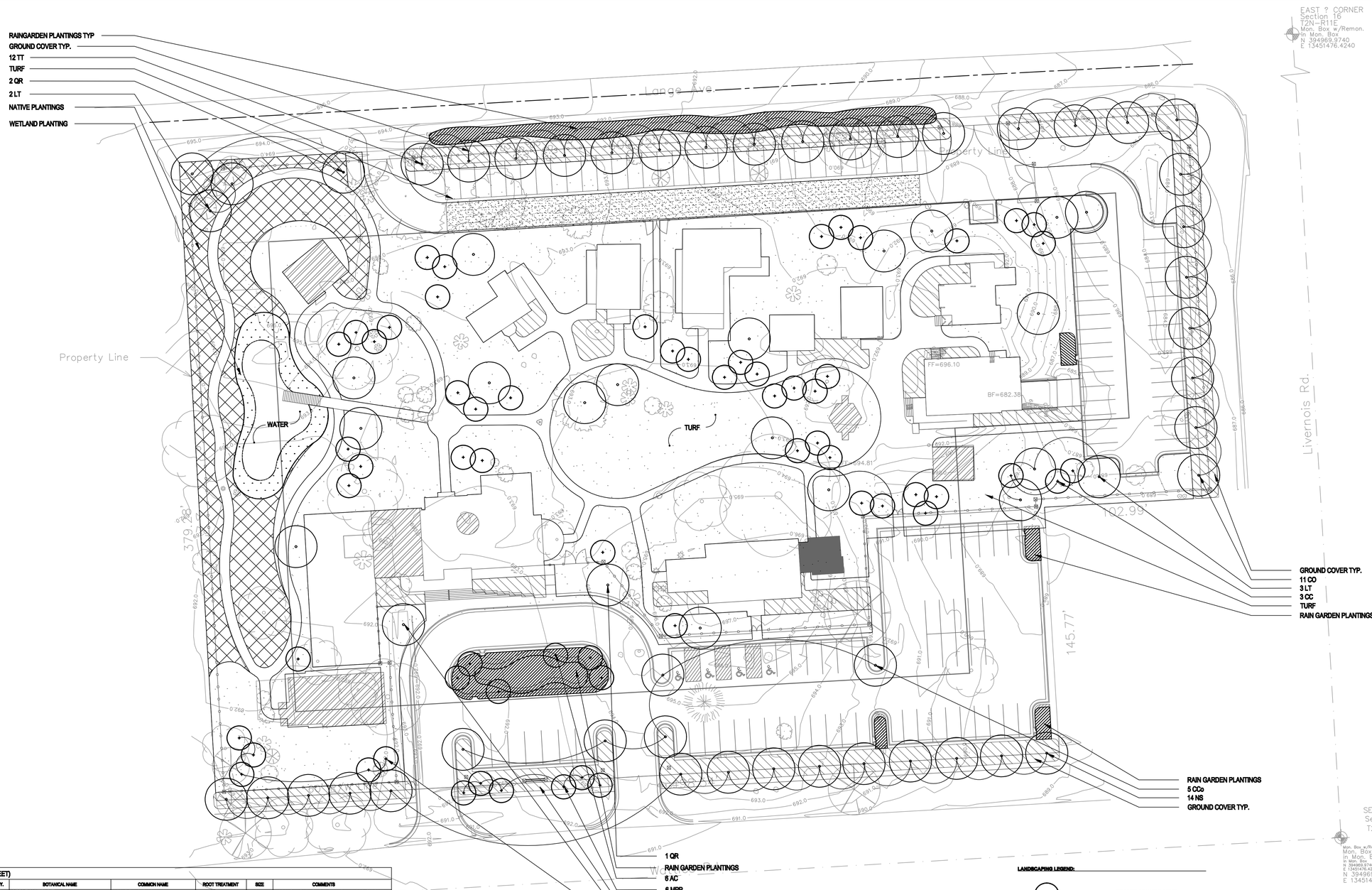

PLANT LIST (THIS SHEET)

PLANT TYPE	QTY.	BOTANICAL NAME	COMMON NAME	ROOT TREATMENT	SIZE	COMMENTS
DECIDIOUS TREES	17	NYSSA SYLVATICA (NS)	TUPELO (BLACKGUM)	B&B	3" CAL.	5' BRANCHING HT., SINGLE-CENTERAL LEADER, SPECIMEN
	11	CELTIS OCCIDENTALIS (CO)	HACKBERRY	B&B	3" CAL.	4' BRANCHING HT., SINGLE-CENTERAL LEADER, SPECIMEN
	5	LIRIODENDRON TULIPIFERA (LT)	TULIP TREE	B&B	3" CAL.	5' BRANCHING HT., SINGLE-CENTERAL LEADER, SPECIMEN
	6	CORYLUS COLURNA (COC)	TURKISH FILBERT	B&B	2.5" CAL.	4' BRANCHING HT., SINGLE-CENTERAL LEADER, SPECIMEN
	12	TILIA TOMENTOSA 'STERLING' (TT)	STERLING SILVER LINDEN	B&B	2.5" CAL.	4' BRANCHING HT., SINGLE-CENTERAL LEADER, SPECIMEN
	2	QUERCUS RUBRA (QR)	RED OAK	B&B	3" CAL.	4' BRANCHING HT., SINGLE-CENTERAL LEADER, SPECIMEN
ORNAMENTAL TREES	8	CERCIS CANADENSIS (CC)	EASTERN RED BUD	B&B	2.5" CAL.	SINGLE-CENTERAL LEADER, SPECIMEN
	6	AMELANCHIER CANADENSIS (AC)	SERVICEBERRY	B&B	8' TALL	MULTI-STEM VARIETY, SPECIMEN
	6	MALUS "PURPLE PRINCE" (MPP)	PURPLE PRINCE CRABAPPLE	B&B	2.5" CAL.	5' BRANCHING HT., SPECIMEN
TYP. NATIVE PLANTINGS	-	ANDROPOGON GERARDII	BIG BLUESTEM	CONTAINER	1 QT.	WELL-ROOTED
	-	ASCLEPIAS TUBEROSA	BUTTERFLY WEED	CONTAINER	1 QT.	WELL-ROOTED
	-	ASTER LAEVIS	SMOOTH ASTER	CONTAINER	1 QT.	WELL-ROOTED
	-	CORDOPSIS TRIPTERIS	TALL CORDOPSIS	CONTAINER	1 QT.	WELL-ROOTED
	-	DESMODIUM CANADENSE	SHOWY TICK TREFOIL	CONTAINER	1 QT.	WELL-ROOTED
	-	ECHINACEA PURPUREA	PURPLE CONEFLOWER	CONTAINER	1 QT.	WELL-ROOTED
	-	ELYMUS CANADENSIS	CANADA WILD RYE	CONTAINER	1 QT.	WELL-ROOTED
	-	LIATRIS SPICATA	DENSE BLAZING STAR	CONTAINER	1 QT.	WELL-ROOTED
	-	MONARDA FISTULOSA	BEEBALM	CONTAINER	1 QT.	WELL-ROOTED
	-	PANICUM VIRGATUM	SWITCHGRASS	CONTAINER	1 QT.	WELL-ROOTED
	-	PENSTEMON DIGITALIS	FOXGLOVE BEARDTONGUE	CONTAINER	1 QT.	WELL-ROOTED
	-	RATIBIDA PINNATA	YELLOW CONEFLOWER	CONTAINER	1 QT.	WELL-ROOTED
	-	RUDBECKIA HIRTA	BLACK-EYED SUSAN	CONTAINER	1 QT.	WELL-ROOTED
	-	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	CONTAINER	1 QT.	WELL-ROOTED
	-	SOLIDAGO RIGIDA	STIFF GOLDENROD	CONTAINER	1 QT.	WELL-ROOTED
	-	TRADESCANTIA OHIENSIS	COMMON SPIDERWORT	CONTAINER	1 QT.	WELL-ROOTED
TYP. GROUND COVERS	-	PACHYSANDRA TERMINALIS	PACHYSANDRA	CONTAINER	1 QT.	SPECIMEN
	-	HEDERA HELIX	ENGLISH IVY	CONTAINER	1 QT.	SPECIMEN
	-	EUONYMUS FORTUNEI	WINTERCREEPER (EUONYMUS	CONTAINER	1 QT.	SPECIMEN
TYP. WETLAND PLANTS	-	IRIS VIRGINICA	BLUE FLAG IRIS	CORM	-	LARGE SPROUTED, STAPLED BUNDLE
	-	SAGITTARIA LATIFOLIA	ARROWHEAD	TUBER	-	LARGE SELECT SPROUTED, BUNDLE W/O STAPLE
	-	NUPHAR ADVENA	YELLOW WATERLAY	TUBER	-	LARGE SELECT SPROUTED, BUNDLE W/O STAPLE
	-	NYMPHAEA ODORATA	WHITE WATERLLY	TUBER	-	LARGE SELECT SPROUTED, BUNDLE W/O STAPLE
	-	PONTEDERIA CORDATA	PICKERELWEED	ROOTSTOCK	-	LARGE SPROUTED, STAPLED BUNDLE
	-	POTAMOGETON PECTINATUS	SAGO PONDWEED	TUBER	-	LARGE SELECT SPROUTED, BUNDLE W/O STAPLE
	-	SCIRPUS ACUTUS	HARDSTEM BULRUSH	ROOTSTOCK	-	LARGE SPROUTED, STAPLED BUNDLE
	-	VALNERIA AMERICANA	WILD CELERY	TUBER	-	LARGE SPROUTED, STAPLED BUNDLE
TYP. RAIN GARDEN PLANTS	-	ASTER NOVAE-ANGLIAE	NEW ENGLAND ASTER	CELL	-	WELL ROOTED
	-	CAREX VULPINOIDEA	FOXTAIL SEDGE	CELL	-	WELL ROOTED
	-	HELENIUM AUTUMNALE	SNEEZEWEED	CELL	-	WELL ROOTED
	-	HIBISCUS MOSCHEUTOS	SWAMP MALLOW	CELL	-	WELL ROOTED
	-	LIATRIS SPICATA	MARSH BLAZING STAR	CELL	-	WELL ROOTED
	-	RUDBECKIA LACINIATA	CUTLEAF CONE FLOWER	CELL	-	WELL ROOTED
	-	SCIRPUS ATROVIRENS	DARK GREEN BULRUSH	CELL	-	WELL ROOTED
	-	ZIZEA AUREA	GOLDEN ALEXANDERS	CELL	-	WELL ROOTED

LANDSCAPING LEGEND:

- PROPOSED ORNAMENTAL TREE
- PROPOSED DECIDIOUS TREE
- PROPOSED LANDSCAPE (GROUNDCOVER)
- PROPOSED NATIVE PLANTINGS
- PROPOSED TURF
- RAIN GARDEN PLANTINGS
- WETLAND PLANTINGS

LANDSCAPING NOTES:

1. RESIDENT ENGINEER WILL REVIEW PLANT MATERIAL PRIOR TO INSTALLATION AND RESERVES THE RIGHT TO REJECT ANY MATERIAL THAT DOES NOT MEET THE SPECIFICATIONS OR DESIGN REQUIREMENTS OF THE PROJECT.
2. ALL MATERIAL SUPPLIED FOR AN INDIVIDUAL ITEM ON THE PLANT LIST SHALL MATCH IN SIZE, SHAPE AND FORM AND SHALL CONFORM TO THE SPECIFICATIONS AND SUPPLEMENTARY REQUIREMENTS LISTED UNDER THE PLANT LIST 'COMMENTS'.
3. RESIDENT ENGINEER SHALL REVIEW PLACEMENT OF PLANT MATERIAL PRIOR TO AND AFTER INSTALLATION, AND RESERVES THE RIGHT TO ADJUST LAYOUT TO ACCOMMODATE SITE CONDITIONS AND DESIGN INTENT. ALL PLANTINGS SHALL BE INSTALLED IN A LOGICAL SEQUENCE WITHIN THE SAME PLANTING TIME FRAME.
4. CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT PLANTS AND ENSURE HEALTH AND PLANT QUALITY DURING SHIPMENT, HANDLING, INSTALLATION AND ESTABLISHMENT.
5. ALL PLANT BEDS SHALL RECEIVE 6" OF TOPSOIL.
6. ALL PLANTINGS SHALL RECEIVE A MIN. OF 3" OF COMPOSTED DOUBLE PROCESSED SHREDDED HARDWOOD BARK MULCH.
7. REFER TO SHEET L-4.2 FOR PLANTING AND INSTALLATION DETAILS.
8. ALL DISTURBED AREAS (EXCEPT LANDSCAPE BEDS AND HARDSCAPE AREAS) SHALL RECEIVE 4" MIN. OF TOPSOIL AND HYDROSEED.

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ISSUED FOR	REV	DATE
PRELIMINARY SITE PLAN		08/17/09

SEALS AND SIGNATURES

NOT FOR CONSTRUCTION

KEY PLAN

PROJECT NORTH

0' 30' 60' 90'

DRAWING TITLE

LANDSCAPE PLAN

1" = 30'

SCALE

50043.000

PROJECT NUMBER

L-4

DRAWING NUMBER

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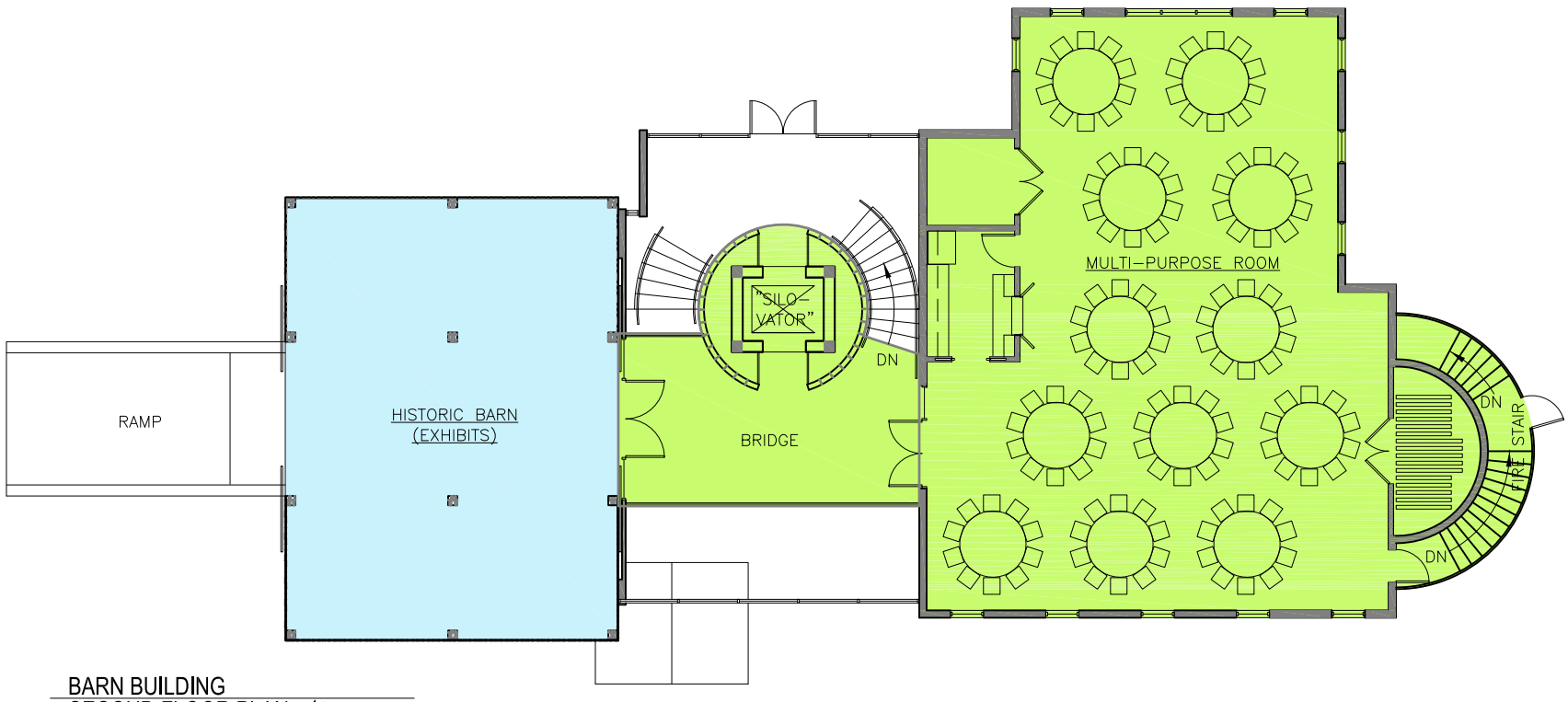
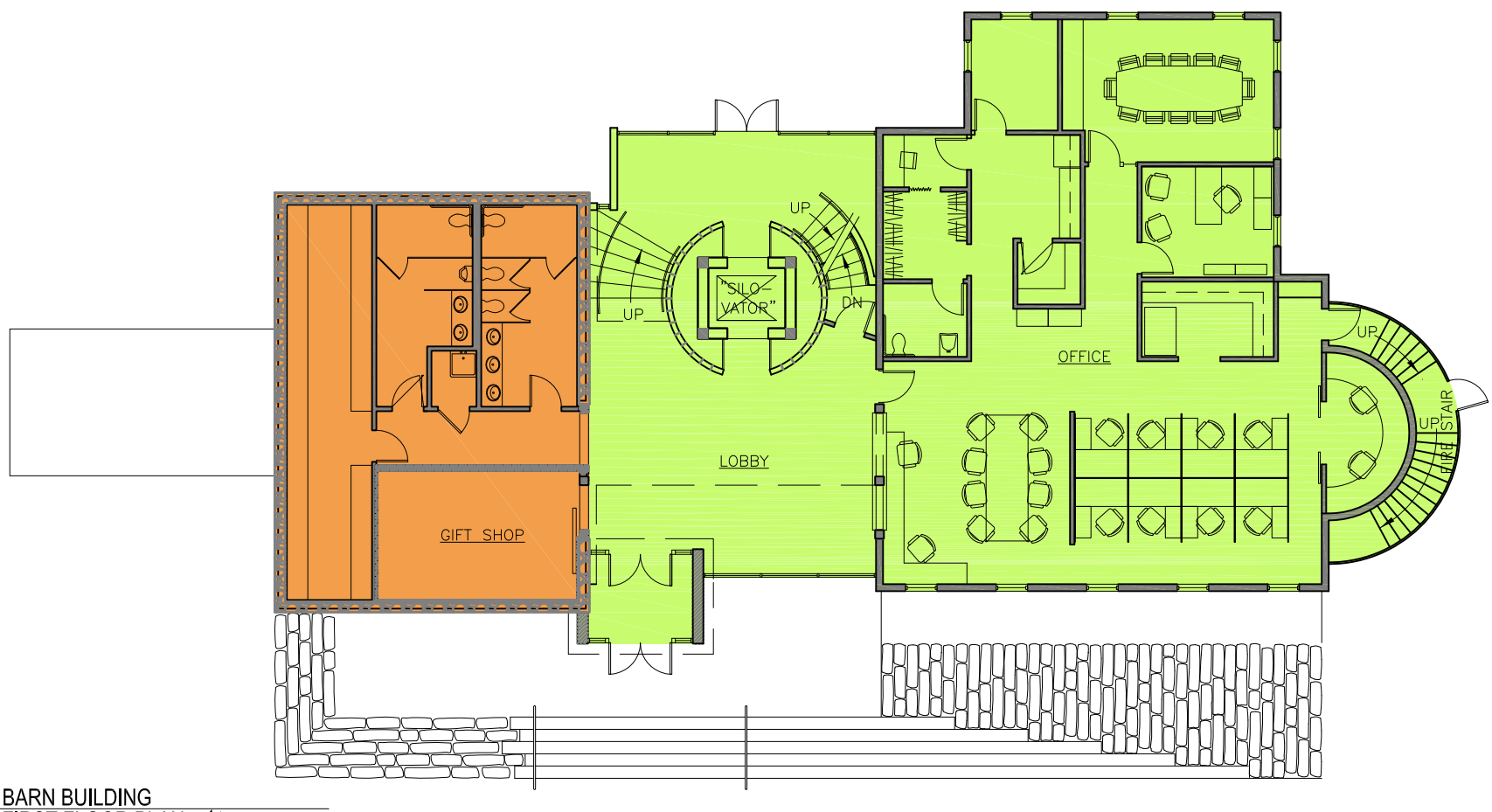
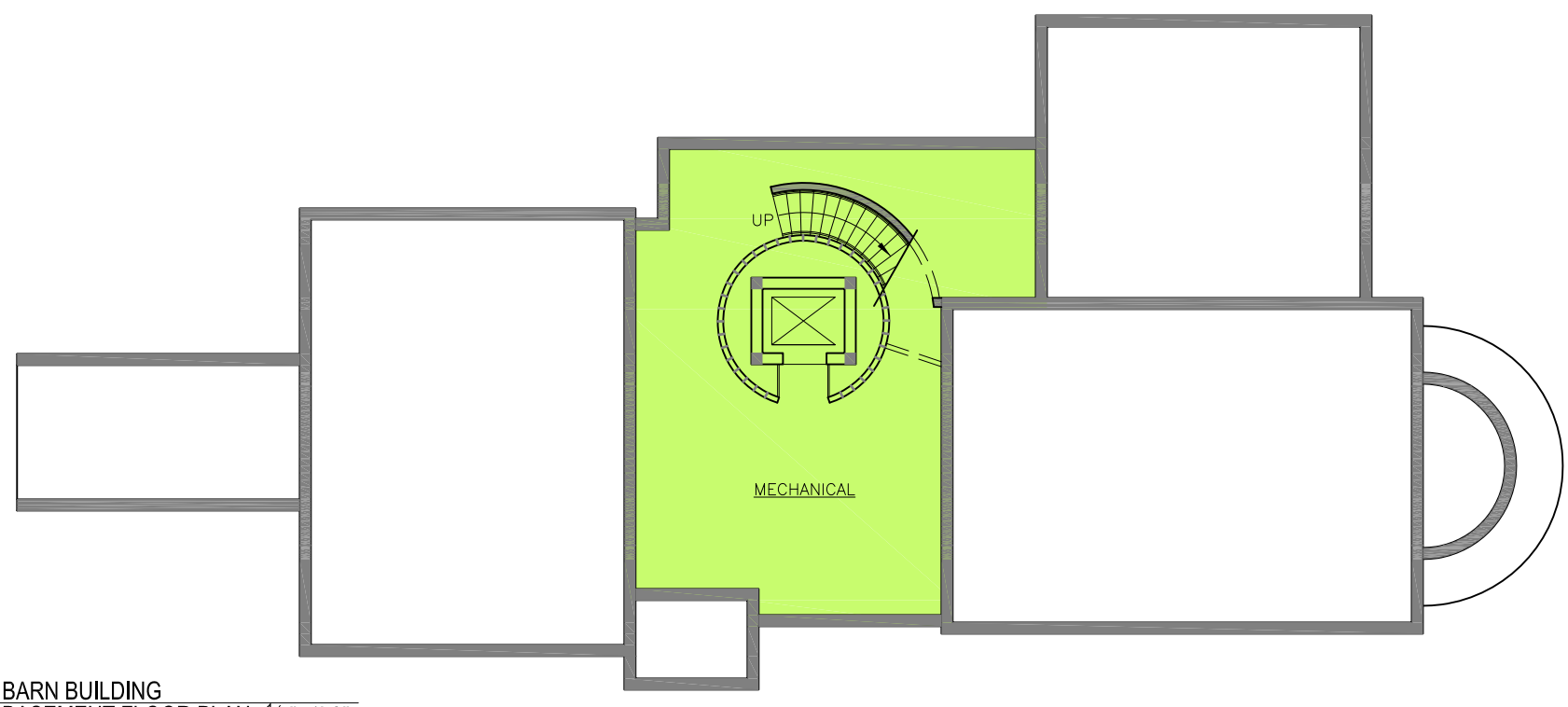


BARN BUILDING
SECOND FLOOR PLAN 1/16"=1'-0"



BARN BUILDING
FIRST FLOOR PLAN 1/16"=1'-0"



BARN BUILDING
BASEMENT FLOOR PLAN 1/16"=1'-0"

LEGEND

- ADAPTIVE REUSE
- PRESERVATION
- NEW CONSTRUCTION

HISTORIC BARN AND VISITOR CENTER

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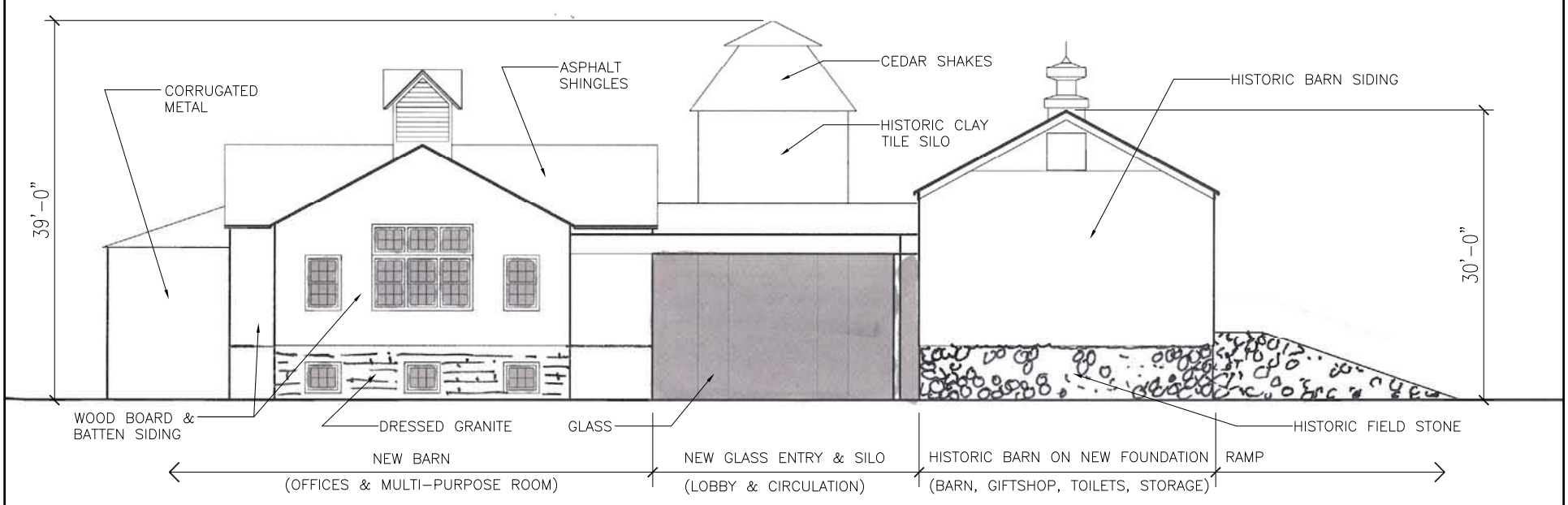
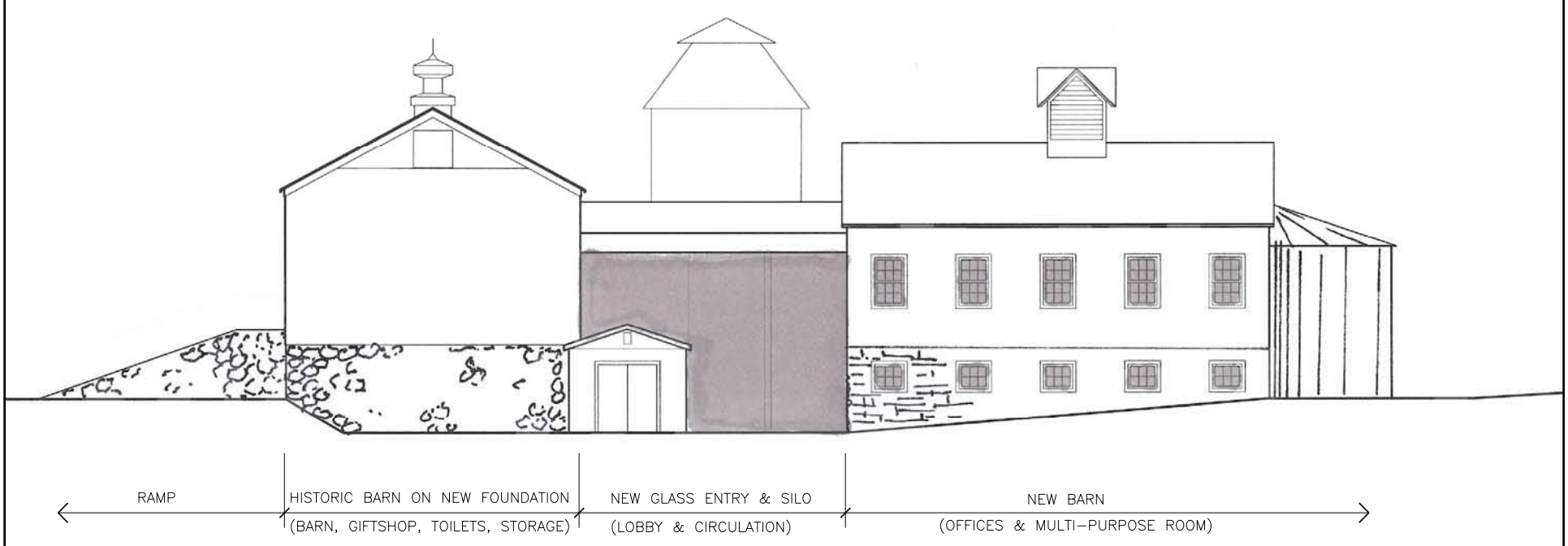
BARN/VISITOR CENTER
1/16" = 1'-0"
July 16, 2009

City of Troy Museum & Historic Village
NOT FOR CONSTRUCTION

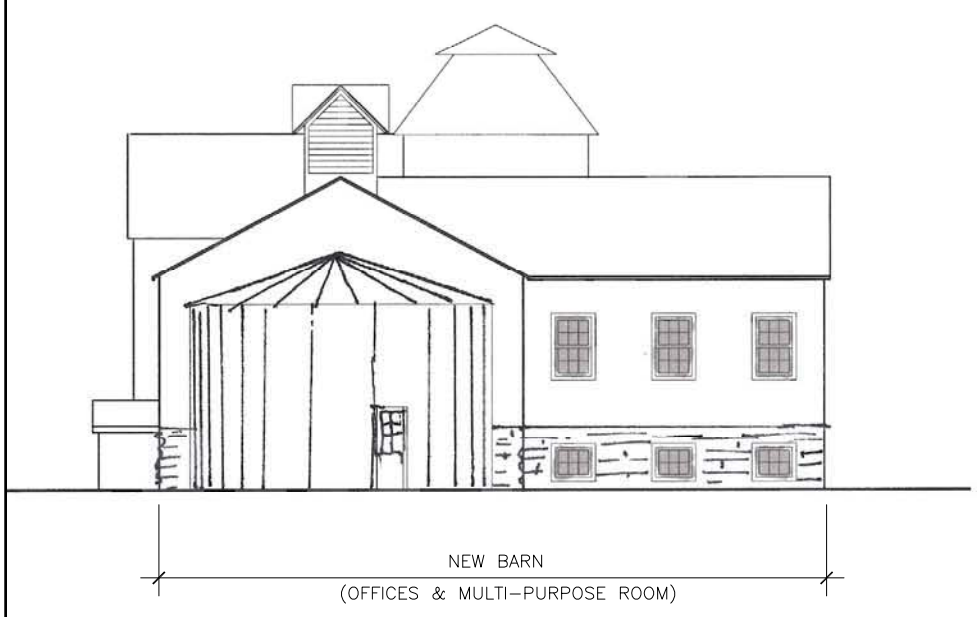
SK1



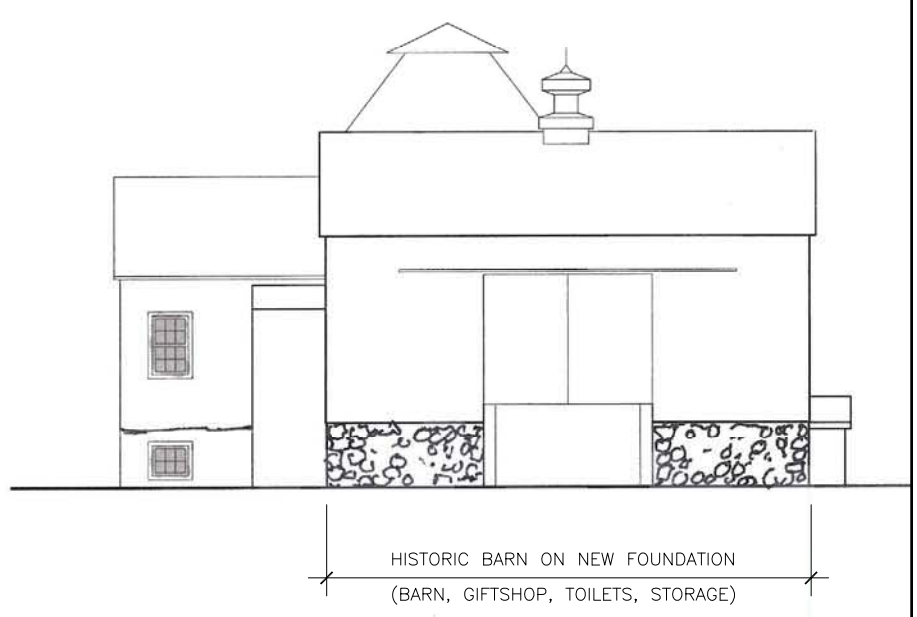
BARN BUILDING
NORTH ELEVATION



BARN BUILDING
SOUTH ELEVATION



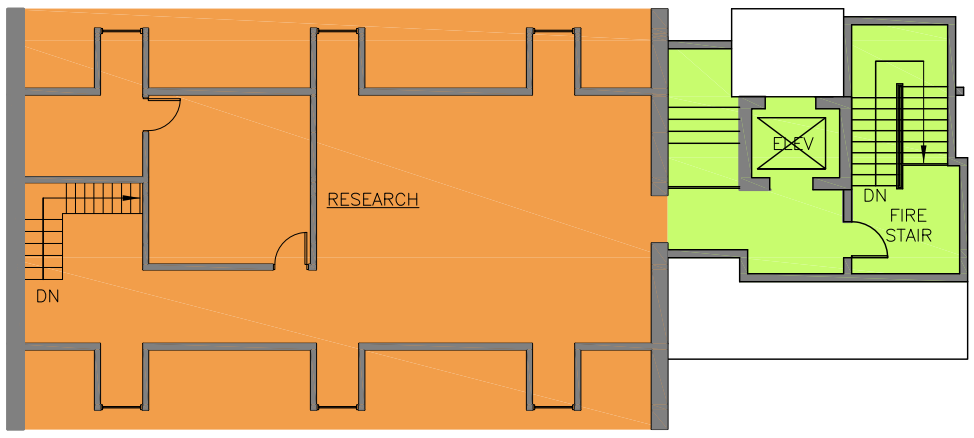
BARN BUILDING
EAST ELEVATION



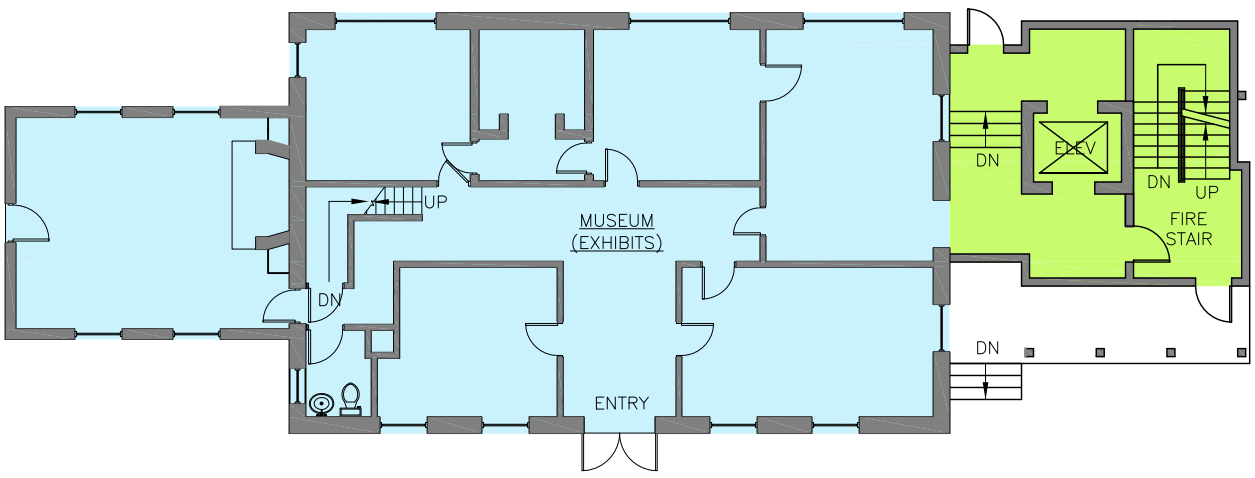
BARN BUILDING
WEST ELEVATION

HISTORIC BARN AND VISITOR CENTER

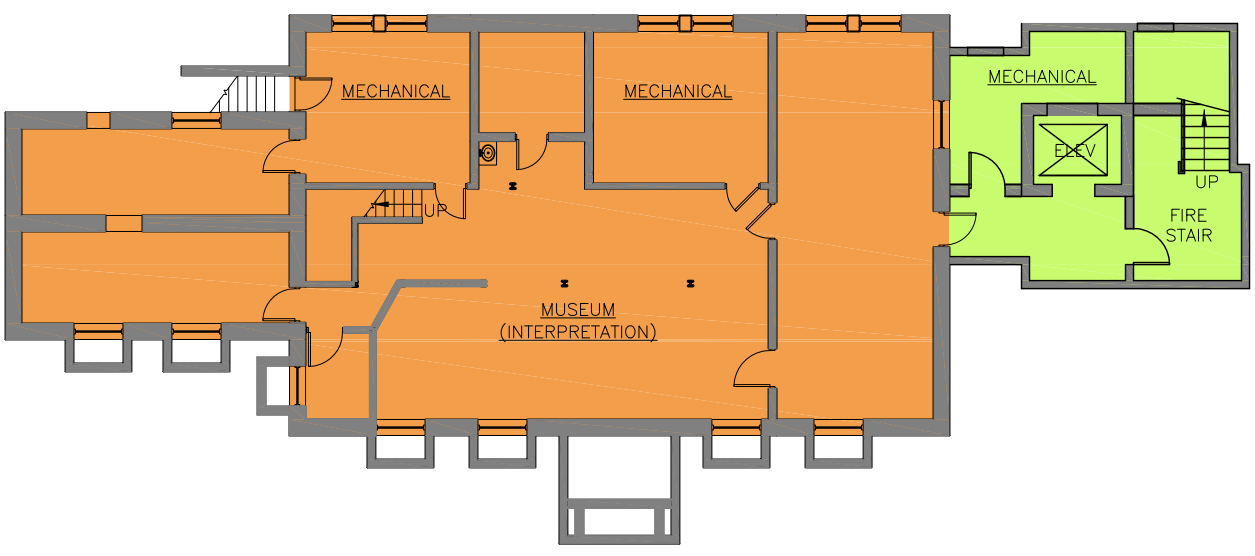
HopkinsBurns DESIGN STUDIO historic preservation & communities by design	JJR	BARN/VISITOR CENTER 1/16" = 1'-0" July 16, 2009	City of Troy Museum & Historic Village NOT FOR CONSTRUCTION	SK2



MUSEUM
SECOND FLOOR PLAN 1/16"=1'-0"



MUSEUM
FIRST FLOOR PLAN 1/16"=1'-0"



MUSEUM
BASEMENT FLOOR PLAN 1/16"=1'-0"

LEGEND

- ADAPTIVE REUSE
- PRESERVATION
- NEW CONSTRUCTION

TROY MUSEUM AND ADDITION

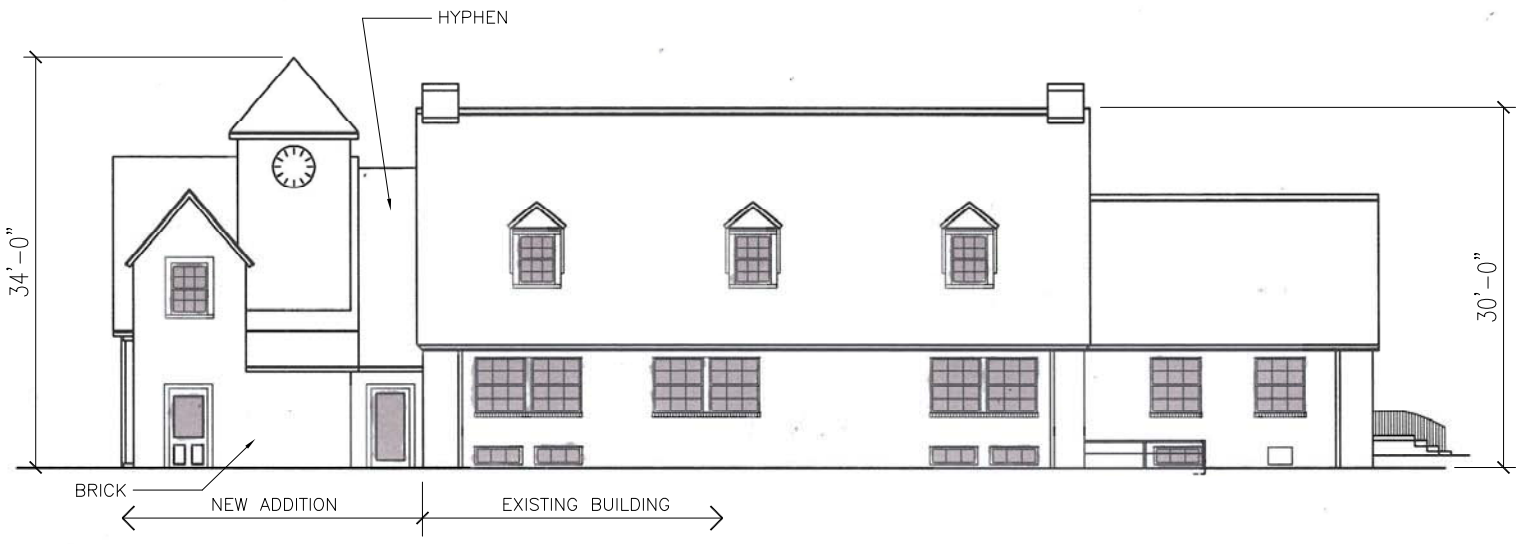
HopkinsBurns DESIGN STUDIO
historic preservation & communities by design

JJR

MUSEUM
1/16" = 1'-0"
July 16, 2009

City of Troy Museum & Historic Village
NOT FOR CONSTRUCTION

SK3



MUSEUM
NORTH ELEVATION

MUSEUM
SOUTH ELEVATION

MUSEUM
EAST ELEVATION

TROY MUSEUM AND ADDITION

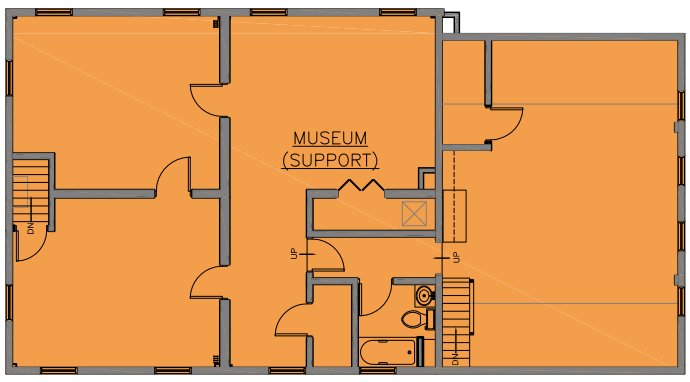
HopkinsBurns DESIGN STUDIO
historic preservation & communities by design

JJR

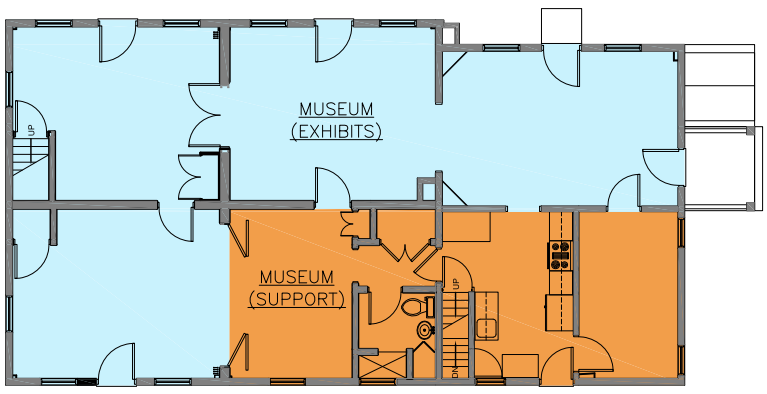
MUSEUM
1/16" = 1'-0"
July 16, 2009

City of Troy Museum & Historic Village
NOT FOR CONSTRUCTION

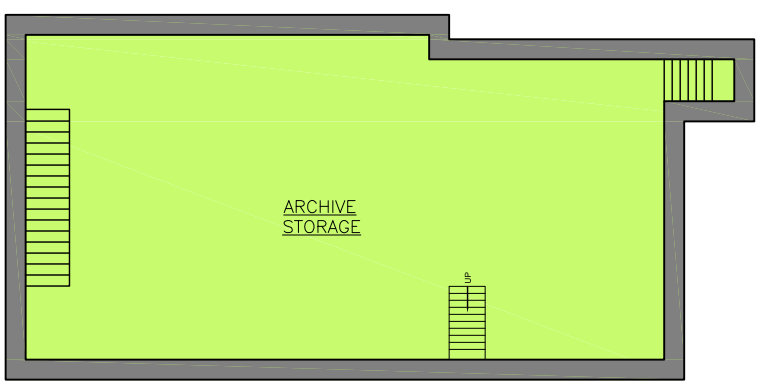
SK4



BARNARD HOUSE
SECOND FLOOR PLAN 1/16"=1'-0"



BARNARD HOUSE
FIRST FLOOR PLAN 1/16"=1'-0"



BARNARD HOUSE
BASEMENT FLOOR PLAN 1/16"=1'-0"

LEGEND

- ADAPTIVE REUSE
- PRESERVATION
- NEW CONSTRUCTION

NILES-BARNARD HOUSE

HopkinsBurns DESIGN STUDIO
historic preservation & communities by design

JJR

BARNARD HOUSE
1/16" = 1'-0"
July 16, 2009

City of Troy Museum & Historic Village
NOT FOR CONSTRUCTION

SK5

BARNARD HOUSE
EAST ELEVATION

BARNARD HOUSE
NORTH ELEVATION

BARNARD HOUSE
WEST ELEVATION

BARNARD HOUSE
SOUTH ELEVATION

NILES-BARNARD HOUSE

HopkinsBurns DESIGN STUDIO
historic preservation & communities by design

JJR

BARNARD HOUSE
1/16" = 1'-0"
July 16, 2009

City of Troy Museum & Historic Village
NOT FOR CONSTRUCTION

SK6

CITY COUNCIL ACTION REPORT

August 11, 2009

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Bid Waiver - Sole Source Purchase - TSI PortaCount

Background

- Per the OSHA Respiratory Protection Standard on Quantitative Fit Testing Protocols and the NFPA 1500 2007 Standard, respiratory protection equipment (RPE) must be tested annually before personnel are permitted to use RPE in a hazardous atmosphere.
- The standard indicates that only quantitative fit testing is allowed.
- The Troy Fire Department has been testing all of its members and their RPE since 1998, when the OSHA standard went into effect utilizing the TSI PortaCount Pro Respirator Fit Tester.
- The existing unit has is worn out and cannot be repaired.
- The replacement unit proposed for purchase is compatible with all existing RPE specific adapters and the existing computer database.
- Argus-Hazco is the sole known authorized representative for TSI Health & Safety products in the state of Michigan.

Financial Considerations

- Funds are budgeted in the Fire Capital account # 4013377978010 for the purchase of this item.
- The cost of the TSI system is $11,725.00 plus a trade-in allowance of $1,000.00 for old equipment.

Legal Considerations

- Formal bidding procedures are waived, as no benefit would be derived from soliciting formal bids.

Policy Considerations

- The purchase of TSI PortaCount supports the volunteer firefighters and police officers who help to make this a safe community. (Outcome Statement I)

Recommendation

- City management recommends awarding a contract to purchase the TSI PortaCount 8038 system from Argus-Hazco for $11,725.00 less a $1,000.00 trade-in allowance for obsolete equipment at an estimated net total cost of $10,725.00.

Information provided by: Peter Hullinger, Fire Technician

TRUST. SCIENCE. INNOVATION.

TSI Incorporated

500 Cardigan Road, Shoreview, MN 55126 USA
tel 651 490 2811 *toll free* 800 874 2811 *fax* 651 490 3824 *web* www.tsi.com

May 16, 2008

To Whom It May Concern:

This letter will confirm that Argus-Hazco is the authorized representative for TSI Health & Safety products and their accessories in the State of Michigan. This includes:

PORTACOUNT
N95-COMPANION
Q-TRAK
DUSTTRAK
P-TRAK
AeroTrak 9000

TSI is the sole source of the referenced products and has agreements with independent representatives throughout the United States and Canada to provide local sales, service, and training support to end users.

Thank you for your interest in TSI products. Please contact me with any questions.

Best regards,

Stephen Buerkle
North American T&M Sales Manager
TSI INCORPORATED

Chesterfield Office
46400 Continental Drive
Chesterfield, MI 48047
Fax: 586.840.3201
Toll Free: 800.873.0456
www.argus-hazco.com

REGISTERED
ISO 9001:2000

July 9, 2009

Mr. Peter Hullinger
City of Troy Fire Department
500 W Big Beaver Road
Troy, MI 48084

Ref: NEW - TSI Model 8030 PortaCount Pro Respirator Fit Tester

Dear Mr. Hullinger:

Thank you for your interest in our Occupational Safety, Health and Environmental monitoring products. We distribute a variety of the finest respiratory protection products available to meet the requirements of your application. It is my pleasure to submit the following price information for your consideration:

1 ea. **TSI 8030 PortaCount Pro Fit Test System**, 115V **$8,170.00 ea.**
Includes: Model 8030 PortaCount Pro, AC adapter, alcohol cartridge, alcohol fill, capsule, storage cap, two 1602066 zero check filters, operation & service manual, Model 8016 alcohol supplies, 3/16 and 1/4 inch hose adapters, two spare alcohol wicks, carrying case, FitPro Fit Test software CD & training video, USB Cable and two-year warranty.

1 ea. **TSI 8038 PortaCount Pro+ Fit Test System**, 115V **$11,725.00 ea.**
Includes: Model 8038 PortaCount Pro+, AC adapter, alcohol cartridge, alcohol fill, capsule, storage cap, two 1602066 zero check filters, operation & service manual, Model 8016 alcohol supplies, 3/16 and 1/4 inch hose adapters, two spare alcohol wicks, carrying case, FitPro Fit Test software CD, Model 8927 RS-232 interface cable, USB-to-serial converter, training video, and two-year warranty.

1 ea. Current Portacount Trade-In (model year 1998) *($1000.00) ea.*

Terms:	Net 30 Days
F.O.B.:	Prepaid and Added to Invoice
Delivery:	2-3 Weeks ARO
Expiration Date:	August 20, 2009

Prices quoted by the **Argus/HAZCO** include our **GOLD Value Start-up Service** during which your people will be instructed regarding the manufacturers recommendations for the proper use, care, calibration, and maintenance of the equipment being purchased. This service will also provide your personnel with the required training to familiarize them with the OSHA Respiratory Protection Standard and the Quantitative Fit Testing Protocols (29 CFR 1910.134, Appendix A) employed using the **TSI**

PortaCount Pro. Documentation of this training can be used to satisfy the training requirements for fit test technicians defined in the OSHA standard.

Argus/HAZCO has technical staff that is committed to providing you with long-term solutions to Occupational Safety & Health issues. We can assist you with sales, leasing, rental, training, repair, asset management, and Industrial Hygiene consultation services.

If you have any questions please give me a call.

Sincerely,

Mark Boggess

Mark Boggess
Sales Representative

MB/bs

(RPE), medical surveillance, training in respirator use, and the assurance of air quality.

7.9.1.1* the selection, care, and maintenance of open-circuit SCBA shall be as specified in NFPA 1852, *Standard on Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA).*

7.9.1.2 Training in respirator use shall include knowledge of hazards, hazard assessment, selection of RPE based on hazard exposure levels, fit testing of respirators, and respirator inspection.

7.9.2 The fire department shall develop and maintain standard operating procedures that are compliant with this standard and that address the use of respiratory protection.

7.9.3 Members shall be qualified at least annually in the use of RPE that they are authorized to use.

7.9.4* Reserve SCBA shall be provided to maintain the re-quired number in service when maintenance or repairs are being conducted.

7.9.5 A reserve air supply shall be provided by use of reserve cylinders or by an on-scene refill capability, or both.

7.9.6 RPE shall be stored in a ready-for-use condition and shall be protected from damage or exposure to rough handling, excessive heat or cold, moisture, or other elements.

7.9.7* When engaged in any operation where they could encounter atmospheres that are IDLH or potentially IDLH, or where the atmosphere is unknown, the fire department shall provide and require all members to use SCBA that has been certified as being compliant with NFPA 1981, *Standard on Open- Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services*

7.9.8* Members using SCBA shall not compromise the protective integrity of the SCBA for any reason when operating in IDLH, potentially IDLH, or unknown atmospheres by remov-ing the facepiece or disconnecting any portion of the SCBA that would allow the ambient atmosphere to be breathed.

7.10 Breathing Air. Breathing air used to fill SCBA cylinders shall meet the requirements specified in NFPA 1989, *Standard on Breathing Air Quality for Fire and Emergency Services Respiratory Protection.*

7.11 Respiratory Protection Equipment.

7.11.1 SCBA.

7.11.1.1 All open-circuit SCBA that is purchased new shall be certified as compliant with NFPA 1981 and shall also be certified by NIOSH as compliant with NIOSH *Standard for Chemical, Biological, Radiological, and Nuclear (CBRN) Open Circuit Self-Contained Breathing Apparatus (SCBA).*

7.11.1.2* Open-circuit SCBA that does not meet the 1992 or later editions of NFPA 1981 shall be removed from fire service use.

7.11.1.3* Closed-circuit SCBA shall be permitted when long-duration SCBA is required.

7.11.1.4 Closed-circuit SCBA shall be NIOSH certified with a minimum rated service life of at least 2 hours and shall operate in the positive-pressure mode only.

7.11.2 Supplied-Air Respirators.

7.11.2.1 Supplied-air respirator units used shall be of the type and manufacture employed by the AHJ.

7.11.2.2 Supplied-air respirators other than SCBA shall not be used in IDLH atmospheres unless equipped with a NIOSH-certified emergency escape air cylinder and a pressure-demand facepiece.

7.11.2.3 Supplied-air respirators, Type C Pressure-Demand Class, shall not be used in IDLH atmospheres unless they meet manufacturers' specifications for that purpose.

7.11.3 Full Facepiece Air-purifying Respirators.

7.11.3.1 Full facepiece air-purifying respirators (APRs) shall be used only in non-IDLH atmospheres for those contaminants that NIOSH certifies them against.

7.11.3.2 The AHJ shall provide NIOSH-certified respirators that protect the user and ensure compliance with all other OSHA requirements.

7.11.3.3* The AHJ shall establish a policy to ensure canisters and cartridges are changed before the end of their service life.

7.12 Fit Testing.

7.12.1* The facepiece seal capability of each member qualified to use RPE shall be verified by quantitative fit testing on an annual basis and whenever new types of RPE or facepieces are issued.

7.12.2 The fit of the RPE of each new member shall be tested before the members are permitted to use RPE in a hazardous atmosphere.

7.12.2.1 Only members with a properly fitting facepiece shall be permitted by the fire department to function in a hazardous atmosphere with RPE.

7.12.3 Fit testing of tight-fitting atmosphere-supplying respirators and tight-fitting powered air-purifying respirators shall be accomplished by performing quantitative fit testing in the negative-pressure mode, regardless of the mode of operation (negative or positive pressure) that is used for respiratory protection.

7.12.4* Quantitative test protocols shall be conducted as required by the AHJ.

7.12.5 Records of facepiece fitting tests shall include at least the following information:

(1) Name of the member tested
(2) Type of fitting test performed
(3) Specific make and model of facepieces tested
(4) Pass/fail results of the tests

7.12.6* For departments that perform quantitative fitting tests, the protection factor produced shall be at least 500 for negative-pressure facepieces for the person to pass the fitting test with that make of full facepiece.

7.13 Using Respiratory Protection.

7.13.1 Respirators shall not be worn when a member has any conditions that prevent a good face seal.

7.13.2 Nothing shall be allowed to enter or pass through the area where the respiratory protection facepiece is designed to seal with the face, regardless of the specific fitting test measurement that can be obtained.

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seal requirement with equipment currently used by the AHJ, individually fitted facepieces should be provided.

Fit testing is a procedure used to evaluate how well a given respirator fits a given person by assessing leakage around the face seal. Without fit testing, persons unknowingly can have poor face seals, allowing contaminants to leak around the mask and be inhaled. Poor face seals are due to certain facial characteristics (facial size, beards, large sideburns, scars, or other facial uniqueness) that prevent direct contact between the skin and the sealing surface of the respirator and result in leakage or inadequate respiratory protection.

Improper use of a respirator or improper fit testing of any respirator can lead to a false sense of security and possibly result in injury or death to the user.

A.7.12.4 In quantitative fit testing, the testing machine provides a numerical value of each test exercise and then a computed fit factor that can be used as a benchmark for future fit testing the following year. The test subject must obtain at least a fit factor of 500 for the person to pass the fit test with the full facepiece. The strip chart that the test machine provides becomes the written record, and a computer-generated record can be done at the same time. There is little judgment required by the operator of the fit test other than to make sure the test subject and the procedures are followed to the letter.

A.7.12.6 A protection factor of at least 10,000 in the positive-pressure mode is recommended for positive-pressure SCBA. The quantitative test can be used to determine which facepieces fit an individual well and thus aids in selecting the facepiece that best conserves the amount of air in the cylinder.

If a satisfactory fit cannot be achieved for an individual with one make of facepiece, another make of the device should be bought for that member.

WARNING: If a facepiece from one manufacturer is used on a unit from another manufacturer, the NIOSH approval will be voided.

A.7.13.3 The following is an except from 29 CFR 1910.134(g):

"(g) *Use of respirators.* This paragraph requires employers to establish and implement procedures for the proper use of respirators. These requirements include prohibiting conditions that may result in facepiece seal leakage, preventing employees from removing respirators in hazardous environments, taking actions to ensure continued effective respirator operation throughout the work shift, and establishing procedures for the use of respirators in IDLH atmospheres or in interior structural firefighting situations.

(1) *Facepiece seal protection.* (i) The employer shall not permit respirators with tight-fitting facepieces to be worn by employees who have:

(A) Facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function; or

(B) Any condition that interferes with the face-to-facepiece seal or valve function."

This prohibition applies to any negative- or positive-pressure personal respiratory protection device of a design relying on the principle of forming a face seal to perform at maximum effectiveness. A beard growing on the face at points where the seal with the respirator is to occur is a condition that has been shown to prevent a good face seal. This is so regardless of what fit test measurement can be obtained. However, if the beard is styled so no hair underlies the points where the SCBA facepiece is designed to seal with the face, then the employer may use the SCBA to protect the employee.

A.7.13.6 The user should be able to demonstrate the successful use of an SCBA with contact lenses in a nonhazardous training environment before being allowed to use them in an incident. Successful long-term soft contact lens use should be measured by the ability to wear soft contact lenses for at least 6 months without any problems.

A.7.14.1 Given the considerable amount of stored energy in- side an SCBA cylinder, cylinders should always be filled using manufacturers' recommendations and following any existing NIOSH, CGA, or other regulatory agency guidelines.

Because of the failure during refilling of 11 cylinders using aluminum alloy 6351-T6, SCBA cylinders made of this alloy should be diligently inspected, both externally and internally, by properly trained inspectors at least annually.

Most of these failed cylinders had not been maintained properly. Some were being used beyond their DOT-defined hydrostatic test period. Some had not been retrofitted with a special neck-ring that the manufacturer had recommended to reduce the possibility of failure.

For additional information, refer to the United States Department of Transportation (DOT) Research and Special Programs Administration (RSPA) Safety Advisory Notice of 1994 (Federal Register Vol.59, July 26, 1994), DOT Safety Advisory Notice of 1999 (Federal Register Vol. 64, October 18, 1999), and the NIOSH Respirator User Notice of December 7, 1999.

Several of the ruptured cylinders were made using aluminum alloy 6351-T6 This alloy has been identified as being susceptible to sustained load cracking (SLC) in the neck and shoulder area of the cylinder. The NIOSH Respirator User Notice of December 7, 1999, states: "It is important to note that only a small percent- age of cylinders made from aluminum alloy 6351-T6 have actu-ally been found to exhibit sustained load cracking. Moreover, out of several million cylinders manufactured from this alloy by sev-eral companies, NIOSH and the U.S. Department of Transporta-tion (DOT) are aware of only 12 ruptures within the United States. Eleven of the 12 ruptures occurred during refilling, six of these 12 ruptures involved SCBA cylinders. Forensic analysis has determined that most of these cylinders failed due to SLC failure. However, in some cases, evidence of other factors such as exter-nal mechanical damage was also present."

Changes have now been made in materials specification and design of cylinders. Since 1988, manufacturers have been using aluminum alloy 6061-T6 in the manufacture of all of their cylinders and cylinder liners. Alloy 6061-T6 has become the "standard of the industry" because it is not susceptible to sustained load cracking.

The failed cylinders belong to relatively small population of a particular type of cylinder, and there has been no occur-rence of cylinder failure during filling of any other type of SCBA cylinders. Full-wrapped composite cylinders, which are predominantly being purchased by the fire service at this time, have been used since 1988 without failure during refilling. There is, therefore, reason to believe that these other types of SCBA cylinders can continue to be used in the fire service without risk of failure during filling.

A.7.14.5 To facilitate this, it is recommended that industry develop an inexpensive, lightweight chamber, or other means, to provide protection at the fire scene during routine cylinder filling. There is no current commonly accepted standard or

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A Regular Meeting of the Troy City Council was held Monday, August 3, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Howrylak called the Meeting to order at 7:32 PM.

Pastor Randy Vinson of Bridge Community Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin

ABSENT:

Mayor Louise E. Schilling – Due to illness

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) A presentation was given by Community Affairs Director, Cindy Stewart regarding the Troy Traffic Jam Classic Car Show.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Establishment of an Industrial Development District (IDD) – X-Ray Industries, 1961 Thunderbird

The Public Hearing was opened for comment from the Public.
The Public Hearing was closed after no comment was received.

Resolution #2009-08-225
Moved by Fleming
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for X-Ray Industries, Inc., for property known as 1961 Thunderbird, Troy, MI. 48084, Parcel #s 88-20-28-402-026 and 88-20-28-402-027, in accordance with City Council Policy Resolution #2009-02-042; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

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

MOTION CARRIED

C-2 Granting of an Industrial Facilities Exemption Certificate (IFEC) to X-Ray Industries, 1961 Thunderbird

The Public Hearing was opened for comment from the Public.
The Public Hearing was closed after no comment was received.

Resolution #2009-08-226
Moved by Beltramini
Seconded by Fleming

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on August 3, 2009, established an Industrial Development District (IDD) for property known as 1961 Thunderbird, Troy MI, 48084, Parcel #s 88-20-28-402-026 and 88-20-28-402-027;

WHEREAS, An Application has been submitted by X-Ray Industries, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1961 Thunderbird, Troy, MI. 48084, for six (6) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on August 3, 2009, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for X-Ray Industries, Inc., at 1961 Thunderbird, Troy, MI. 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for X-Ray Industries, Inc., at 1961 Thunderbird Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for X-Ray Industries, Inc., at 1961 Thunderbird, Troy, MI. 48084, Parcel #s 88-20-28-402-026 and 88-20-28-402-027, for personal property for a term of six (6) years, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and X-Ray Industries, Inc., and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Letter of Agreement between the City of Troy and X-Ray Industries, Inc., a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to complete the Application and transmit same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

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

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Paul Beck
Gary King
Marvin Reinhardt
James Savage
Jack Witt

REGULAR BUSINESS:

E-1 Appointments to Boards and Committees: None Scheduled

E-2 Nominations for Appointments to Boards and Committees: (b) City Council Nominations: Advisory Committee for Persons with Disabilities

b) City Council Nominations

Resolution #2009-08-227
Moved by Howrylak
Seconded by Kerwin

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

Advisory Committee for Persons with Disabilities
Appointed by Council (7-Regular) - 3-Year Terms; Student – 1-Year Term

Raagini Suresh - Student Term Expires 07/01/2010

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

MOTION CARRIED

E-3 Traffic Committee Recommendations – July 15, 2009

Resolution #2009-08-228
Moved by Eisenbacher
Seconded by Kerwin

(a) Installation of NO PARKING Signs on Cypress Court

Resolution #2009-08-228a

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-01-P be issued for the installation of NO PARKING signs on Cypress Court.

(b) Installation of Additional Advance Intersection Lane Control Sign North of Henrietta for Northbound Rochester Road

Resolution #2009-08-228b

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-01-MR be issued for the installation of an additional advance intersection lane control sign to be placed just north of Henrietta for northbound Rochester Road.

(c) Installation of YIELD Sign on Eastbound Barton Way at Falcon Drive

Resolution #2009-08-228c

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-02-SS (Y) be issued for the installation of a YIELD sign on eastbound Barton Way at Falcon Drive.

(d) Traffic Operations at Barnard Elementary School – Establishment of NO STOPPING, STANDING, PARKING Zone on the South Side of Forge from the School Property to Anvil

Resolution #2009-08-228d

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-02-P be issued for the establishment of a NO STOPPING, STANDING, PARKING zone on the south side of Forge from the school property to Anvil, during the hours of 7:45 to 8:45 AM and 2:45 to 3:45 PM, school days only.

(e) Establishment of Fire Lanes/Tow Away Zones – 3150 Adams

Resolution #2009-08-228e

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-02-MR be issued for the establishment of fire lanes/tow away zones at 3150 Adams as recommended by the Fire Department.

(f) Establishment of Fire Lanes/Tow Away Zones – 1075 Rankin

Resolution #2009-08-228f

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-03-MR be issued for the establishment of fire lanes/tow away zones at 1075 Rankin as recommended by the Fire Department.

(g) Establishment of Fire Lanes/Tow Away Zones – 637 John R

Resolution #2009-08-228g

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-04 MR be issued for the establishment of fire lanes/tow away zones at 637 John R as recommended by the Fire Department.

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

MOTION CARRIED

E-4 Michigan Municipal League, Michigan Green Communities Challenge, An Energy Efficiency and Conservation Strategy, Resolution to Participate

Resolution #2009-08-229
Moved by Beltramini
Seconded by Fleming

WHEREAS, The City of Troy wants to emphasize the benefits of energy efficiency and conservation;

WHEREAS, The City of Troy wants to demonstrate that energy efficiency and conservation practices can be applied to the daily governmental operations and to infrastructure projects;

WHEREAS, The City of Troy seeks to find methods of service delivery and operations that conserve energy and resources, saving taxpayer dollars and protecting and preserving the environment;

WHEREAS, The City of Troy recognizes that sound energy efficiency and conservation practices can reduce government costs over the long-term;

WHEREAS, The City of Troy will lead by example to show the practicality and effectiveness of these practices; and

WHEREAS, The City of Troy seeks to encourage its citizens and businesses to initiate stewardship activities that benefit the environment and their community;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** the Michigan *Green Communities Challenge* and pledges to work toward achieving the goals of the *Basic Challenge* over the next three years.

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

MOTION CARRIED

E-5 Charter Section 6.2 (g) Recommendation

Vote on Resolution to Postpone Agenda Item *E-5 Charter Section 6.2 (g) Recommendation* **Until After Discussion of Item** *H-1 Proposed City Charter Amendments as Requested by Council Member Eisenbacher and Council Member Howrylak Pertaining to Vacancies in Office*

Resolution #2009-08-230
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **POSTPONES** Agenda Item *E-5 Charter Section 6.2 (g) Recommendation* until after discussion of *H-1 Proposed City Charter Amendments as Requested by Council Member Eisenbacher and Council Member Howrylak Pertaining to Vacancies in Office.*

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

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-08-231F-1a
Moved by Beltramini
Seconded by Fleming

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-4a and F-14, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

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

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2009-08-231-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 6:00 PM Special City Council Meeting of July 20, 2009 as submitted; and the 7:30 PM Regular City Council Meeting of July 20, 2009 as corrected.

F-3 City of Troy Proclamations: None Submitted

F-4 Standard Purchasing Resolutions

b) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance

Resolution #2009-08-231-F-4b

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2009/2010 fiscal year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of $5,820.00, paid in one installment; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

c) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Common Ground

Resolution #2009-08-231-F-4c

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2009/2010 fiscal year to Common Ground to provide community service programs to the residents of the City of Troy in the amount of $2,040.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

d) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition

Resolution #2009-08-231-F-4d

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2009/2010 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of $97,000.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

e) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – HAVEN

Resolution #2009-08-231-F-4e

RESOLVED, That Troy City Council **GRANTS** approval to expend funds budgeted in the 2009/2010 fiscal year to the HAVEN Program to provide community services to support victims of domestic assault for the residents of the City of Troy in the amount of $4,370.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

f) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities – Finance, Administration and Intergovernmental Affairs (FAIR) Steering Committee Fall Meeting

Resolution #2009-08-231-F-4f

RESOLVED, That Troy City Council hereby **AUTHORIZES** Council Member Robin Beltramini to attend the NLC - FAIR Steering Committee's fall meeting from October 8 - 11, 2009 in Mountainview, California, in accordance with accounting procedures of the City of Troy.

g) Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.)

Resolution #2009-08-231-F-4g

RESOLVED, That Troy City Council hereby **APPROVES** the Proprietary Maintenance Service contract to provide software maintenance for Microstation, InRoads, InRoads Survey, PowerSurvey and InRoads Storm and Sanitary Sewer software through July 13, 2010 to Bentley Systems, Inc., 685 Stockton Drive, Exton, PA 19341 for an estimated total cost of $14,440.00.

h) Standard Purchasing Resolution 4: Award – State of Michigan MiDEAL Program – Lawn and Garden, Commercial and Agricultural Equipment

Resolution #2009-08-231-F-4h

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2009 John Deere Backhoe from JDE Equipment Company, of New Hudson, MI, through the State of Michigan MiDEAL program for $91,297.00 plus additional options not covered under MiDEAL of $5,050.00, and dealer installed items at $615.00 less trade-ins of $14,700.00 and $14,000.00, for an estimated net total cost of $68,262.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Fleet Maintenance Division to accept or reject the trade-in offers of $14,700.00 and $14,000.00 for two backhoes, pending the results to offer the equipment for sale on the open market at an amount greater than $14,700.00 and $14,000.00 respectively.

i) Standard Purchasing Resolution 1: Award to Low Bidder – Marcite/Grouting Tile – Troy Community Center Pools

Resolution #2009-08-231-F-4i

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all material, labor, tools and equipment to re-marcite and re-grout tiles at the indoor pools of the Troy Community Center to the low total bidder, Clearwater Pools and Service of Ann Arbor, MI, for an estimated total cost of $24,500.00, at pricing as contained in the bid tabulation opened July 16, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

F-5 Recognition as a Nonprofit Organization Status from Alexandria Whitney, President of Guardians For Animals

Resolution #2009-08-231-F-5

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

F-6 Acceptance of a Permanent Storm Sewer and Drainage Easement – McComb Construction Company, Inc. – Sidwell #88-20-03-401-053, -052 and -051

Resolution #2009-08-231-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for storm sewer and drainage from McComb Construction Company, Inc., owner of the property having Sidwell #88-20-03-401-053, 052 and 051; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Acceptance of a Permanent Sidewalk Easement – Michael J. Lamb – Sidwell #88-20-15-376-036

Resolution #2009-08-231-F-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for sidewalk from Michael J. Lamb, owner of the property having Sidwell #88-20-15-376-036; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Acceptance of Two Permanent Easements – Michael J. Lamb – Sidwell #88-20-15-377-052

Resolution #2009-08-231-F-8

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easements for water main and public utilities from Michael J. Lamb, owner of the property having Sidwell #88-20-15-377-052; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-9 Acceptance of a Permanent Water Main Easement – West Maple Ventures, LLC – Sidwell #88-20-32-126-004

Resolution #2009-08-231-F-9

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main from West Maple Ventures, LLC, owner of the property having Sidwell #88-20-32-126-004; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-10 Acceptance of Two Permanent Storm Sewer and Drainage Easements, Subhash and Sandhya Subhedar – Sidwell #88-20-22-102-022 and Neil G. and Donna L. Mitchell – #88-20-22-102-023

Resolution #2009-08-231-F-10

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easements for storm sewer and surface drainage from Subhash and Sandhya Subhedar, owners of the property having Sidwell #88-20-22-102-022 and Neil G. and Donna L. Mitchell, owners of the property having Sidwell #88-20-22-102-023; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-11 Municipal Credit and Community Credit Agreement

Resolution #2009-08-231-F-11

RESOLVED, That Troy City Council hereby **APPROVES** the request that the City transfer Municipal Credit funds in the amount of $76,084.00 and Community Credit funds in the amount of $110,732.00 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities 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-12 Recognition as a Nonprofit Organization Status from Michael Lanctot, Trustee for Friends of Jacob Foundation

Resolution #2009-08-231-F-12

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

F-13 Fireworks Permit – Troy Daze Festival

Resolution #2009-08-231-F-13

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mad Bomber Fireworks Productions, Inc., of Kingsbury, IN for the display of fireworks at the conclusion of the 2009 Troy Daze Festival on September 20, 2009.

F-15 Granting of a Permanent Drain Easement to McCulloch Drain Drainage District – Sidwell #88-20-22-478-007 and 88-20-23-354-047

Resolution #2009-08-231-F-15

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** a Permanent Easement to the McCulloch Drain Drainage District for the construction, operation, maintenance, repair or replacement of the McCulloch Drain, said easement to encumber City of Troy owned parcels having Sidwell #88-20-22-478-007 and 88-20-23-354-047.

F-16 McCulloch Drain License and Use Agreement

Resolution #2009-08-231-F-16

RESOLVED, That Troy City Council hereby **APPROVES** the attached McCulloch Drain License and Use Agreement with the McCulloch Drain Drainage District for the construction, operation and maintenance of a city park partially within a sixty (60) foot wide permanent easement for the McCulloch Drain at the northeast corner of Rochester and Big Beaver Roads; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

F-17 Approval of Transfer Ownership through Merger of 2009 B-Hotel Licensed Business for Drury Hotels Company, LLC 575 W Big Beaver (Step 1) {MLCC Request #491090}

(a) <u>Transfer Ownership</u>

Resolution #2009-08-231-F-17a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request to transfer ownership through merger of 2009 B-Hotel licensed business located at 575 W Big Beaver, Troy MI 48084, Oakland County, from Drury Inns, Inc. to Drury Hotels Company, LLC (A Nevada Limited Liability Company) (Step 1) {MLCC Request #491090} “above all others”; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** “above all others” for issuance.

(b) <u>Agreement</u>

Resolution #2009-08-231-F-17b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with DDC Hotels, Inc. (A Missouri Corporation), to transfer ownership through merger of 2009 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, MI 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and a new official permit (food), and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

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

a) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Youth Assistance

Resolution #2009-08-232
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2009/2010 fiscal year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of $33,950.00, paid in quarterly installments; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

F-14 Traffic Signal Agreements – Rochester, Torpey to Barclay and Wattles, East and West of Rochester – Project No. 99.203.5 and 01.106.5

Public Comment was received from James Savage.

Resolution #2009-08-233
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the attached traffic signal agreements with the Road Commission for Oakland County (RCOC) for the removal, modernization and installation of traffic signals as part of the Rochester, Torpey to Barclay and Wattles, East and West of Rochester Road projects at the following locations: Rochester Road and Charrington Drive (Co. #583); Rochester Road (NB) and Bishop Drive (Co. #641); Rochester Road (SB) and South of Torpey Drive, Pedestrian Crossing (Co. # 1291); Rochester Road (NB) and Torpey Drive (Co. # 1292); Rochester Road (SB) and Troywood Drive (Co. # 1293); Rochester Road (NB) and X-Over South of Wattles Road (Co. # 1294); Rochester Road (SB) and X-Over North of Wattles Road (Co. # 1295); Wattles Road (EB) and X-Over West of Rochester Road (Co. # 1296); Wattles Road (WB) and X-Over East of Rochester Road (Co. # 1297); and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements, copies of which shall be **ATTACHED** to the original Minutes of the meeting.

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

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 Proposed City Charter Amendments as Requested by Council Member Eisenbacher and Council Member Howrylak Pertaining to Vacancies in Office

Resolution #2009-08-234
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **REFERS** the attached Charter Amendments listed in the memo dated July 31, 2009 to the Charter Revision Committee for input and to City Administration to prepare draft ballot language to be returned to City Council on the August 17, 2009 City Council Agenda for authorization to place the ballot items on the November 3, 2009 ballot.

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

MOTION CARRIED

E-5 Charter Section 6.2 (g) Recommendation

Vote on Resolution to Postpone Agenda Item *E-5 Charter Section 6.2 (g) Recommendations for Ballot Language*

Resolution #2009-08-235
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES** Agenda Item *E-5 Charter Section 6.2 (g) Recommendations for Ballot Language* until the August 17, 2009 Regular City Council meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to schedule Agenda Item *E-5 Charter Section 6.2 (g) Recommendations for Ballot Language* after discussion on August 17, 2009 of other proposed Charter Amendments.

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

MOTION CARRIED

The meeting **RECESSED** at 9:43 PM.

The meeting **RECONVENED** at 9:51 PM.

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Traffic Committee/Final – January 21, 2009
b) Special Joint Birmingham Planning Board/Troy Planning Commission – April 16, 2009
c) Troy Daze Advisory Committee/Final – April 23, 2009
d) Brownfield Redevelopment Authority/Final – May 5, 2009
e) Board of Zoning Appeals/Final – June 16, 2009
f) Planning Commission Special/Study/Draft – June 23, 2009
g) Building Code Board of Appeals/Draft – July 1, 2009

Noted and Filed

J-2 Department Reports:

a) Parks and Recreation – Monthly Golf Course Operations

Noted and Filed

J-3 Letters of Appreciation:

a) Letter of Appreciation to Chief Mayer from Officer Craig White, Madison Heights Police Department, Commending the Troy Police Department Color Guard in Honoring Officer Ryan Settlemoir and His Family

b) Letter of Appreciation to Chief Mayer from Tpr. Denis McGuckin Regarding the Professionalism and Dedication of Sgt. Kowalski, Officers Brazel and Drewek, and PSA Ann Scherlinck

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Oakland County Board of Commissioners Resolution #09130 – Support for Safe Passage of Great Lakes Migrating Birds in Oakland County

Noted and Filed

J-5 Communication from Assistant City Manager Brian Murphy Regarding Downtown Development Authority Membership

Noted and Filed

J-6 Communication from Housing and Zoning Inspector Supervisor Paul Evans in Response to Comments made at July 20, 2009 City Council Meeting Regarding 89 E. Long Lake

Noted and Filed

J-7 Communication from Housing and Zoning Inspector Supervisor Paul Evans in Response to Comments made at July 20, 2009 City Council Meeting Regarding 4977 Livernois

Noted and Filed

STUDY ITEMS:

K-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

There was a consensus of Council Members present to defer this item to the August 17, 2009 Regular City Council Meeting.

PUBLIC COMMENT: Address of "K" Items

The meeting **RECESSED** at 9:53 PM.

The meeting **RECONVENED** at 10:03 PM.

CLOSED SESSION:

L-1 Closed Session

Resolution #2009-08-236
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – *Troy v. Uncle Ed's Oil Shoppe (UEOS)* and *Troy vs. Sunset Excavating/Eclipse Excavating, LLC.*

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

MOTION CARRIED

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

Martin Howrylak, Mayor Pro Tem

Barbara A. Pallotta, CMC
Deputy City Clerk

WELCOME HOME PROCLAMATION
ARMY STAFF SERGEANT MARK STRICKLAND

WHEREAS, Whenever called upon to defend our nation's security at home or abroad, the men and women who serve in the United States Armed Forces respond immediately, placing this Nation's interests above their own. **Army Staff Sergeant Mark Strickland** is one such hero; and

WHEREAS, The contributions and sacrifices made by our military personnel are vital to maintaining America's blessings of freedom and liberty; and

WHEREAS, The families of those serving in our nation's military make meaningful sacrifices and provide the support, love and dedication essential to their well-being and service, such as Mark's wife JinSun and their son Julian; and

WHEREAS, **Army Staff Sergeant Mark Strickland** joins the great heritage of the brave warriors serving for freedom around the world, in such places as Yorktown and Lexington, Gettysburg and Appomattox, Normandy and the Argonne, Iwo Jima and Okinawa, Seoul and the Chosin Reservoir, Saigon and Keh Sanh, and now in places like Fallujah, Kabul and Baghdad; and

NOW THEREFORE BE IT RESOLVED, That the City Council of the City of Troy does hereby proclaim **August 17, 2009** as an official date in the City of Troy to most gratefully honor, sincerely appreciate, and wholeheartedly thank **Army Staff Sergeant Mark Strickland** for his seven years in the Army most recently in Afghanistan; and

BE IT FURTHER RESOLVED, That the City of Troy encourages citizens, schools, businesses, and the media of the City of Troy to use this occasion to recognize, honor, and show appreciation to **Army Staff Sergeant Mark Strickland** for his dedicated service and sacrifice to our Nation.

Presented this 17th day of August 2009.

CITY COUNCIL ACTION REPORT

July 28, 2009

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidders-
Snow Removal Services – Home Chore Program

Background

- Bids were received and publicly read on July 21, 2009, for seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional year.
- 201 vendors were notified via the Michigan Intergovernmental Trade Network website (MITN system). Five (5) bid responses were received.
- Based on historical data, the City anticipates four (4) call-outs for snow removal and salting per season.
- The bid allowed for a primary and secondary contractor to be awarded in the event the primary was unable to provide services as needed.
- A tie bid resulted between MVP Environmental and Brantley Development. City management recommends awarding the primary contract to MVP Environmental, the local Troy vendor, all other things being equal.

Financial Considerations

- Funds for snow removal services for the Home Chore Program are available initially through the Public Works operating budget, then reimbursed by Oakland County through the Community Development Block Grant Program (CDBG).

Legal Considerations

- ITB-COT 09-28, Seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional year was competitively bid, in accordance with City Charter and Code.
- Awards are contingent upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

Policy Considerations

- CDBG improves the quality of life and property to qualified residents in the City of Troy. (Outcome Statement II)
- All bidders were given the opportunity to respond with their level of interest in supplying services for the City of Troy. (Outcome Statement III)

Options

- City management and the Pubic Works department recommend Troy City Council award contracts for seasonal requirements of snow removal services for Troy residents using the Home Chore Program with an option to renew for one (1) additional year to the low total bidders, MVP Environmental LLC, of Troy, MI, as the primary contractor and Brantley Development LLC, of Westland, MI, as the secondary contractor at unit prices contained on the bid tabulation, which expires May 1, 2010.

Opening Date -- 7/21/09
Date Prepared -- 7/28/09 sl

CITY OF TROY
BID TABULATION
SNOW REMOVAL SERVICES/HOME CHORE PROGRAM

VENDOR NAME:	PRIMARY **MVP Environmental**		SECONDARY **Brantley Development LLC**		Meticulous Maintenance LLC	
	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL
PROPOSAL: Snow & Ice Removal						
EST # 80 Snow Removal & Salting at residential City of Troy Homes	$ 18.00	$ 7.00	$ 20.00	$ 5.00	$ 19.00	$ 8.00
(Based on four call-outs per Year)	$ 5,760.00	$ 2,240.00	$ 6,400.00	$ 1,600.00	$ 6,080.00	$ 2,560.00
ESTIMATED GRAND TOTAL:		**$ 8,000.00**		**$ 8,000.00**		$ 8,640.00
DAYTIME PHONE #	248-330-1602		810-610-0427		248-421-6493	
24- HR PHONE #	248-249-5711		810-610-0427		248-421-6490	
INFORMATION:						
Visited the Locations	Yes - 7/14, 7/18, & 7/20/09				Yes - 2/28/09	
Did not visit the locations			No			
Business Location	Troy		Westland		Hazel Park	
EQUIPMENT LIST: Y or N	Yes		Yes		Yes	
CDBG EXPERIENCE: Y or N	No		No		Yes	
EMPLOYEES: FULL-TIME		2		2		6
PART-TIME		3		8		6
PAYMENT TERMS:		Blank		30 Days		Net 30
EXCEPTIONS:	None		Blank		Blank	
ACKNOWLEDGEMENT:	Signed	Yes		Yes		Yes
AGREEMENT:	Signed	Yes		Yes		Yes

PROPOSAL: Seasonal Requirements of Snow Removal Services for the Home Chore Program with an Option to Renew for One (1) Additional Year

BOLDFACE TYPE DENOTES LOW TOTAL BIDDERS

ATTEST:
Cheryl Stewart
Vicki Richardson
Linda Bockstanz

Susan Leirstein CPPB
Purchasing Director

G:SnowRemovalHomeChoreProgram ITB-COT 09-28

Opening Date -- 7/21/09
Date Prepared -- 7/28/09

CITY OF TROY
BID TABULATION
SNOW REMOVAL SERVICES/HOME CHORE PROGRAM

VENDOR NAME:	ULTRA Professional Outdoor Services, LLC		Zimmerman Lawn & Snow			
	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL
PROPOSAL: Snow & Ice Removal						
EST # 80 Snow Removal & Salting at residential City of Troy Homes	$ 19.50	$ 8.00	$ 23.00	$ 12.50		
(Based on four call-outs per Year)	$ 6,240.00	$ 2,560.00	$ 7,360.00	$ 4,000.00		
ESTIMATED GRAND TOTAL:		$ 8,800.00		$ 11,360.00		
DAYTIME PHONE #	248-373-3668		586-484-1721			
24- HR PHONE #	248-361-3039		586-484-1721			
INFORMATION:						
Visited the Locations	Yes - 7/10/09		Yes - June 2009			
Did not visit the locations						
Business Location	Auburn Hills		Roseville			
EQUIPMENT LIST: Y or N	Yes		Yes			
CDBG EXPERIENCE: Y or N	No		Yes			
EMPLOYEES: FULL-TIME		20		4		
PART-TIME		5		3		
PAYMENT TERMS:		Net 30		Blank		
EXCEPTIONS:	None		Blank			
ACKNOWLEDGEMENT:		Yes		Yes		
AGREEMENT:		Yes		Yes		

CITY COUNCIL ACTION REPORT

August 10, 2009

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 4: MITN Purchasing Cooperative-
City of Southfield - SCBA Cylinder Bottles

Background

- On June 29, 2009, the City of Southfield obtained bids for Sperian Self Contained Breathing Apparatus (SCBA) and accessory equipment via the Michigan Intergovernmental Trade Network (MITN) website of which the City of Troy is part.
- Forty-four companies were notified of this opportunity with only one bid received.
- The City of Southfield accepted the sole bid received from Southeastern Equipment Company Inc of Troy, MI for complete SCBA units, additional bottles and masks.
- The City of Troy Fire department has been using Sperian SCBA since 1994. The cylinders purchased at that time have only a 15 year service life. Many of these were replaced when new SCBA were purchased in 2007; however, there are still (98) cylinders that have an end of service date of December 2009.
- The purchase of these cylinders is essential to the safety of our fire fighters, and is required by NFPA Standard.

Financial Considerations

- Funds are budgeted for this purchase in the Fire Operations, Fire Equipment Account #338.7740.115 for $70,000.00.
- Due to the MITN program the total purchase is estimated at $45,000.00.

Legal Considerations

- The new equipment will be in compliance with the most updated safety standards.

Policy Considerations

- Cooperative purchasing minimizes costs and increases the efficiency and effectiveness of the City government. (Goal II)

Suggested Recommendation

- City management and the Fire department request authorization to purchase from the sole bidder, Southeast Equipment Company, Inc of Troy, MI, as a result of a MITN Cooperative award, (98) SCBA cylinder bottles for an estimated total cost of $45,000.00, at unit prices as contained on the attached bid tabulation opened June 29, 2009.

Prepared by Peter Hullinger, Fire Technician

G:/Bid Award 08-09 New Format/Award Standard Purchasing Resolution 4 SCBA Cylinders Sfld 08.09.doc

Southeast Equipment Company Inc.

PHOENIX RESCUE EQUIPMENT – SPERIAN FIRE – CHEMGUARD FOAM
DRAGER THERMAL IMAGERS - AIRETEX COMPRESSORS
SALES AND SERVICE

July 1, 2009

Troy Fire Department
Mr. P. Hullinger
400 W. Big Beaver Rd.
Troy, MI 48084

Dear Pete:

Southeast Equipment will extend all items from ITB-09-00067, City of Southfield bid for Self Contained Breathing Apparatus to all members of MITN.

If you have any questions, please contact me.

R. Sinclair

Southeast Equipment – 6408 Montclair – Troy, Michigan 48085 – Ph: 248-895-7531 Fax 248-835-1192

July 13, 2009

Honorable Mayor and Council
Municipal Building
Southfield Michigan

Re: Receipt of Bids on a Replacement Self Contained Breathing Apparatus (SCBA) System for the Fire Department

Dear Sirs and Mesdames:

Background: The Fire Department received authorization in the 2009-10 budget to purchase components for a replacement Self Contained Breathing apparatus (SCBA) system. This is personal protective equipment required for firefighters to operate within an environment that is immediately dangerous to life and health. This equipment is necessary to enable firefighters to safely enter toxic environments to save lives, fight fires, and protect property.

The SCBA system consists of a mask, bottle, and harness for each firefighter. All of these components must adhere to strict safety standards; the bottles in particular may only be kept in service for fifteen (15) years. Replacement at this time is optimal because: 1) the current bottles will have 15 years of service by December 2009; and 2) the new equipment will be in compliance with the most updated safety standards.

The Fire Department is currently using Sperian Warriors brand equipment and has other components of the system that will continue to be used. Therefore, bids were solicited on this brand only so that the existing items will be compatible with the new items being purchased. Forty-four companies were notified of this opportunity; however, only one bid was received.

Fiscal Impact: The current equipment harnesses were purchased in 1999, and the bottles were purchased in 1994. Both items are fully depreciated. Funds are provided for this purchase in the 2009-10 Fire Department budget.

Goals Impacted:

Top Quality City Services

Financially Sound and Sustainable City Government

Recommendation: The sole bid was received from Southeast Equipment Company Inc. of Troy, MI in the total amount of $267,900.76. This purchase will cover 50 complete units of masks, bottles, and harnesses; 52 additional bottles; 58 additional masks, 18 of which contain radio communication devices. In addition, sixteen hours of training will be provided for five (5) service technicians. This company is an authorized distributor and has authorized service facilities for the specified brand. Therefore, this office recommends that Council approve the purchase of Sperian Warriors brand SCBA equipment as indicated in the attached resolution.

Respectfully submitted,

James G. Scharret
City Administrator

RECOMMENDED RESOLUTION:

RESOLVED: That Council does hereby approve the purchase of Sperian Warriors brand Self Contained Breathing Apparatus (SCBA) equipment in the total amount of $267,900.76 from Southeast Equipment Company, Inc. of Troy, MI. Funds are provided for this purpose in the 2009-10 Fire Department Budget, (account numbers 666-1773, $250,000 and 101-400-4005-27400, $17,900.76).

BE IT FURTHER RESOLVED: That Council authorizes the Purchasing Agent to dispose of the equipment being replaced in the manner most advantageous to the City.

CITY OF SOUTHFIELD
BID TABULATION SHEET
AS READ

Title: Self Contained Breathing Apparatus (SCBA), Sperian Warrior Brand Only
Bids Opened: June 29, 2009 @ 10:30 a.m. **FILE:** 09-00067
Room: Purchasing Conference Room

Southeast Equipment, Inc. **6408 Montclair** **Troy, MI 48085**	**Quantity** **(Each)**	**Unit Price**	**Ext. Price**	**Payment Terms - Net 30**			
Complete SCBA units which include mask bottle & harness	50	$4,446.00	$222,300.00				
Additional SCBA bottles	52	$458.32	$23,832.64				
SCBA masks	58	$101.79	$5,903.82				
SCBA masks with radio communication system (RCS)	18	$404.50	$7,281.00				
#961999 Tracker	5	$916.66	$4,583.30				
#963000 Exit Beacon	5	$400.00	$2,000.00				
#963001 Auk Beacon	5	$400.00	$2,000.00				
Total			$267,900.76				

Dear Prospective Bidders:

Re: The Enclosed Request for Bids

The City of Southfield is now accepting bids as described in the enclosed request. Please place your response to these specifications in a sealed envelope and mark the name of the bid and the name of your company on the outside

When mailing bids, address them to:

Purchasing Agent,
c/o City Clerk's Office
City of Southfield
P.O. Box 2055
Southfield, MI 48037

When delivering bids, address them to:

Purchasing Agent,
c/o City Clerk's Office
City of Southfield
26000 Evergreen Road
Southfield, MI 48076

Please call the Purchasing Department at (248) 796-5250 if you need additional information.

We look forward to receiving your response.

Sincerely,

Rae L. Townsel, CPPB
Purchasing Agent

CITY OF SOUTHFIELD

26000 EVERGREEN ROAD **P.O. BOX 2055** **SOUTHFIELD, MI 48037**
Rae L. Townsel, CPPB, Purchasing Agent
Telephone: (248) 796-5250
Fax: (248) 796-5256

FORMAL BID

We_____,
(Insert Name of Bidder)

The undersigned submit this bid for

Bid Name:

Self Contained Breathing Apparatus (SCBA), Sperian Warrior Brand Only
File No.09-00067

Which is to be opened and publicly read on:

Date:
Monday, June 29, 2009 at 10:30 AM Local Time

PLEASE SEE ATTACHED SHEETS

CASH DISCOUNT WILL BE ALLOWED FOR PROMPT PAYMENT AS FOLLOWS:

_20_ CALENDAR DAYS _____PER CENT _30_CALENDAR DAYS _____PER CENT

SIGNED THIS _____ DAY OF _____

Mailing Address: _____

City: _____ State and Zip Code: _____

Phone Number: ( ) _____ Fax Number: ( ) _____

E-mail Address: _____

PLEASE SIGN

Authorized Signature: _____

Typed or Printed Name and Title of Signer: _____

SUPPLEMENTAL INSTRUCTIONS TO ALL BIDDERS

1. BID DEADLINE: **In order for a bid to receive consideration, it must be received prior to the specified time of opening as indicated on the bid form. No bid will be accepted after the time specified for the bid opening. The City reserves the right to postpone the bid opening for its own convenience. Bidders should use the bid documents furnished; failure to do so will be considered as an alternate offer and may be cause for rejection. Bids are considered received when in possession of the City Clerk's office. It is the bidder's responsibility to ensure that documents are received in the proper location.**

2. WITHDRAWAL: No bid will be withdrawn for 60 days from its opening date. Bidders may reduce this period if he states so in his bid; however, he runs the risk of being declared non-responsive to the specifications.

3. RIGHT TO REJECT: The City reserves the right to waive any irregularity in any bid, to split awards by items or lots (unless otherwise stipulated either in the specifications or by the bidder) or to award to other than the low bidder, should any of the foregoing be deemed in its best interests.

4. FAILURE TO ENTER INTO CONTRACT: If a bidder fails to formally acknowledge and accept purchase order or to execute the contract within ten (10) working days after notification, the deposit, if any, may be forfeited as liquidated damages.

5. TO COMPLY: For failure to deliver or perform in accord with the accepted bid, the City may consider the contractor in default and take steps to protect the City's interest. The City may, without impairing its other rights and benefits, purchase all or part of the contract goods or services on the open market and charge any additional costs to the contractor or his surety.

6. PATENTS: Contractors will protect and indemnify against expense of any nature, will bear cost of any suits which may arise and will pay all damages which may be awarded against the City for the use, under this specification, of any patented device, process, apparatus, material or invention.

7. ERRORS OR OMISSIONS: Bidders are not permitted to take advantage of any errors or omissions in specifications since full instructions will be given should they be called to our attention in a reasonable amount of time before the bids are due.

8. LOWEST RESPONSIBLE BIDDER IS ONE WHO:
   a. Submits no restrictions or qualifications beyond those permitted in the proposal request.
   b. Have the skill, quality and ability to conscientiously, faithfully and promptly fulfill the contract to its letter and spirit.
   c. Have integrity, judgment, reputation and experience.
   d. Has sound financial resources as well as the ability to furnish any and all bonding and insurance documents required.
   e. Is able to comply with all terms and conditions stipulated in the proposal requests.
   f. Can show the intent and ability to cooperate efficiently and effectively with all Government departments involved in the contractual purchase or service.
   g. Has the knowledge of applicable existing laws and ordinances of the City of Southfield necessary to provide smooth and efficient relations.
   h. Has unquestionable ability to provide maintenance and service on the contractual items purchased.

9. NON-COLLUSION CLAUSE: By signing and submitting this proposal, bidder states that his proposal is genuine and not collusive or sham; such proposer has not colluded, conspired, connived, or agreed, directly or indirectly, with any proposer or person, to put in a sham bid, or that such other person will refrain from proposing and has not in any manner, directly or indirectly, colluded, conspired, connived, or agreed, with any person, to fix the price of affiant or any other proposer, or to fix any overhead, profit or cost element of said proposal price.

10. NON-DISCRIMINATION CLAUSE: By signing and submitting this bid for consideration of an award by the City of Southfield, the contractor and any subcontractor covenants not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Breach of this covenant may be regarded as a material breach of the contract.

11. DOCUMENT DISTRIBUTION: The City of Southfield, Michigan officially distributes bid documents from the Purchasing Department or through the **Michigan Intergovernmental Trade Network (MITN) at www.mitn.info.** The City of Southfield cannot guarantee the accuracy and is not responsible for any errors contained in any information received from alternate sources.

L:\purch\forms\instructions to bidders short form

City of Southfield Purchasing Department
Request for Bids for Self-Contained Breathing Apparatus (SCBA),
Sperian Warriors Brand Only

1. **Purpose**
   1.1. The City of Southfield is soliciting bids for the purchase of self-contained breathing apparatus (SCBA) equipment in accordance with the attached specifications. Bids are requested on Sperian Warriors brand equipment only; no substitutions will be allowed.

   1.2. Bids will be accepted from authorized dealers with warranty repair centers.

   1.3. Prices must included delivery F.O.B. to City of Southfield Fire Headquarters, 24477 Lahser Road, Southfield, MI 48033, ATTN: Peter Healy, Fire Chief.

   1.4. Please indicate: delivery will be made within _____ days after receipt of order. Note that product must be delivered no later than December 1, 2009.

   1.5. The successful bidder will be required to provide sixteen hours of training for up to five (5) SCBA technicians. This training must be conducted at Fire Headquarters at a schedule to be determined.

2. **Type** The open-circuit self-contained breathing apparatus covered by this specification shall be of the type using compressed air.

3. **Approvals**
   3.1. The apparatus shall be certified by the National Institute for Occupational Safety and Health (NIOSH) under Title 42, Part 84 of the Code of Federal Regulations for 30-, 45-, or 60-minute rated service life and for storage at temperatures between -25°F and 160°F. The apparatus shall also be certified by NIOSH as "CBRN Agent Approved" for use in chemical, biological, radiological, and nuclear (CBRN) environments.

   3.2. The apparatus shall be compliant with all performance requirements of the National Fire Protection Association's 2007 edition of NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services.

   3.3. All electronic components shall be certified as intrinsically safe per UL 913 for use in Classes I, II, III, Division 1, Groups C through G hazardous locations.

4. **Face piece** The face piece shall:
   4.1. Be constructed (in the rims, Air Klic, and nozzle cover) of a durable, fire-resistant material. The bottom of the nozzle cover shall have a molded lip to serve as an anchor point for flash hoods. The nozzle cover shall have two openings through which the Heads-Up Display (HUD), mounted on the second stage regulator, may be easily viewed by the user. Two wireforms that attach at the juncture of the upper and lower face piece rims shall be available as an option, providing two additional flash hood anchor points.

   4.2. Be available in black butyl rubber in three sizes to fit various facial shapes and sizes. The face piece shall have a mask skirt sealing area of not less than 1 Y;" in width. A letter (S, M, or L) shall be molded into the top of the skirt to denote the size.

4.3. Contain a replaceable, non-shatter-type, polycarbonate, conical-shaped lens located to provide a satisfactory field of vision. The lens shall be coated on the outside surface to help prevent abrasion. The lens shall be secured in the face piece by a durable plastic retainer. The lens shall have anti-fog appliqués installed on the exterior of each side of the flat surface at the bottom of the lens and shall have a permanent anti-fog coating applied to the inside.

4.4. Allow air to enter the face piece in a manner that will reduce the possibility of moisture accumulation on the lens.

4.5. Employ an adjustable 5-strap silicone rubber headband assembly held in place by buckles designed to prevent inadvertent loosening. An optional 5-strap Headnet mesh-style assembly shall be available and shall be interchangeable with the silicone rubber headband. It shall be necessary to tighten the chin straps and the temple straps to secure the Headnet to the face. The top strap shall be stationary. All straps for both the silicone headband assembly and the Headnet shall be attached to the rim of the face piece, rather than the face piece skirt, to reduce distortion of the sealing surface when tightened.

4.6. Contain an easily removable exhalation module which employs a neoprene exhalation valve designed for easy cleaning.

4.7. Utilize a Kapton material speaking diaphragm which is retained by the facepiece nozzle and is easily removable for cleaning and maintenance.

4.8. Have field-replaceable components throughout.

4.9. Employ a factory-installed, removable nose cup. The nosecup shall be able to be removed and re-installed without special tools. The nosecup shall be available in three sizes and shall have a letter (8, M, or L) molded into the right side to denote the size.

4.10. Have provision for mounting corrective lenses inside the facepiece. The corrective lens kit shall not require tools for installation.

4.11. Have a removable adapter (Air Klic), onto which the second stage regulator attaches, which has an opening that is small enough to be easily covered by one hand for a negative pressure fit check.

5. Regulator System, Intermediate Pressure Hose, and RIC UAC

5.1. The regulator system shall be designed to operate in two independent stages. The first stage reducer shall be installed inside the backpack so that it is completely protected from damage. The second stage shall be designed to provide positive pressure during an NFPA breathing machine test at 70 psi inlet pressure.

5.2. The first stage regulator shall:

5.2.1. Contain an over-pressurization relief valve designed to vent relief pressure to the

atmosphere should failure of the regulator's primary elements occur.

5.2.2. Contain a pressure-reducing valve to reduce pressure from the cylinder to 80-150 psig. The reducing valve assembly shall be a balanced valve design and shall provide uniform flow performance throughout the full cylinder pressure range. This valve shall have an inlet filter to retain particles of 120 microns or greater, shall be in an open position against the high pressure inlet, and shall seat in the direction of airflow.

5.2.3. Be joined via a short, rugged, braided high pressure hose to a CGA handwheel with a threaded stainless steel core. This handwheel shall secure the hose to the cylinder valve. The handwheel shall incorporate a multiple swivel mechanism for easy alignment and connection to the cylinder.

5.2.4. Incorporate a Rapid Intervention Crew/Company Universal Air Connection (RIC UAC). The RIC UAC shall be located at the bottom left of the backpack, protected by the backplate and not protruding as a snag hazard. The RIC UAC system shall consist of a male fitting, a dust plug, and a relief valve designed to vent excess pressure during filling operations. The relief valve shall be designed to activate at the correct pressure in 2216 and 4500 psig versions.

5.2.5. Utilize a fill hose with a mating female fitting, which shall be purchased as a separate item and shall not be deemed part of the RIC UAC; it shall be available as a 10-foot component of the UAC Rapid Intervention Kit.

5.2.6. Incorporate quick-disconnect fittings on the fill hose and the RIC UAC assembly, which shall be able to be coupled and uncoupled with pressure in the fill hose and with the SCBA activated. The RIC UAC system shall accomplish fully filling a 30-minute SCBA cylinder in approximately 45-60 seconds.

5.3. The second stage regulator shall:

5.3.1. Be constructed of a durable, fire-resistant material. The upper portion of the regulator, including the shutoff button, shall be covered by an easily replaceable rubber boot for protection and impact absorption.

5.3.2. Be a "pilot valve" type. It shall contain a spring-biased diaphragm, responsive to respiration demand, to actuate a pilot valve which, in turn, operates a flexible main valve to meet the user's flow demand during inhalation.

5.3.3. Utilize a .030-inch hole and a flapper valve in the diaphragm plate to flush the second stage cover with clean air in order to keep CBRN agents away from the diaphragm.

5.3.4. Reduce pressure from 80-150 psi to .036-.054 psi.

5.3.5. Produce a static pressure in the facepiece of 0.8 to 1.5 inches of water.

5.3.6. Contain a 40-mesh metal screen filter at the outlet port to prevent entrance of particles into the regulator.

5.3.7. Contain a bypass valve that provides a separate flow path around the regulator primary demand valve. In the event of a failure or blockage of the primary, the bypass valve shall be operable by either of the user's gloved hands.

5.3.8. Employ a two-point fastening system which allows the regulator to be quickly mounted into the facepiece by pushing and turning the regulator until the two fasteners attach to the facepiece adapter. The regulator shall remain secured to the facepiece should one of the fasteners inadvertently be released.

5.3.9. Employ a first-breath-on feature which allows the user to actuate regulator flow by inhaling after the regulator is secured to the mask.

5.3.10. Contain a safety override button which allows the wearer to manually start the regulator flow.
5.3.11. Not obstruct the wearer's downward vision.
5.3.12. Contain a manual shutoff button located directly in front of the top release button to prevent loss of air after removal from the mask.

5.4. The second stage regulator intermediate pressure hose shall:
5.4.1. Be attached to the second stage regulator with a swivel connector.
5.4.2. Attach to the first stage regulator intermediate pressure hose by a two-step, push-pull pneumatic and electrical quick-disconnect fitting. The quick-disconnect fitting shall be designed so that it cannot be connected just pneumatically or just electrically; both connections must be made in order for the wearer to be able to use the SCBA.
5.4.3. Be protected by a butyl rubber and silicone sleeve throughout its entire length.

6. Primary Audible Alarm

6.1. Shall be a warbling whistle alarm.
6.2. All alarms shall be installed inside the top left of the backpack so that they are completely protected from damage. They shall be air-actuated, automatically operating when air pressure in the supply cylinder reaches approximately 25% of original full pressure. The alarms shall work off intermediate pressure (the pressure after reduction by the first stage regulator) and shall have a discrete start, rather than a "ramping up" effect, with constant performance across the pressure range. They shall operate without interruption until the cylinder pressure reaches approximately 100 psig. The warbling whistle shall incorporate a "shuttling piston" to create a distinctive chirping effect through frequency variations, so that the alarm is easily differentiated from other sounds in the user's proximity.

7. Heads-Up Display (HUD) and Secondary (Redundant) Alarm

The SCBA shall incorporate an electronic visual alarm system that informs the user of remaining cylinder pressure and acts as a redundant end-of-service-time indicator (EOSTI). The HUD shall:

7.1. Utilize a transducer module, installed inside the top of the backpack and protected from damage, to sense cylinder pressure and generate an electronic signal to the HUD module. The transducer module shall be joined to the first stage via a high pressure, low volume hose. The first stage regulator shall incorporate a restrictor that limits leakage to a maximum of 15 liters per minute should the hose be severed.

7.1.1. The transducer module and all other electronic components integrated into the SCBA shall utilize 4 C-cell batteries, located inside the bottom right of the backpack, protected from damage, for power. The battery compartment shall be easily accessible via a spring-loaded, slotted cap, which can be removed or secured by using a coin or a flat blade screwdriver. The batteries shall last a minimum of one year if the SCBA is used for 30 minutes a day. A picture of the correct battery orientation within the transducer module shall be molded into the outside of the battery compartment.

7.1.2. An amber LED shall be integrated into the backpack to indicate battery status prior to activating the SCBA. The battery status indicator shall flash once every 10 seconds to indicate a "battery OK" mode, once every two seconds to indicate a low battery mode, and not at all to indicate a dead battery. When the low battery mode initiates, a minimum of 8 hours of battery life shall remain. The amber LED on the transducer module shall no longer show battery status once the cylinder valve has been activated, except when batteries are low (it shall continue flashing once every two seconds).

7.2. Utilize an electronic cable, routed through the left shoulder strap, to join the transducer module to the HUO module.

7.3. Incorporate a HUO module mounted to the second stage regulator. When docked in the Air Klic in the facepiece, the HUO module and second stage regulator shall align with the openings in the facepiece nozzle cover so that the user shall have an unobstructed view of the HUO while wearing the facepiece. The HUO module shall contain a "gas gauge"-style, wide-span LED display of pressure remaining. The HUO module shall:

7.3.1. Incorporate an amber square LED to inform the user of a low battery condition. When the low battery mode initiates, signified by the flashing of the amber LED, a minimum of 8 hours of battery life shall remain.

7.3.2. Contain four green LEDs. When the pressure in the cylinder is full and the cylinder valve is activated, all four green LEDs shall be lit. All four shall be continuously lit until 75% of full pressure remains. At 75% pressure remaining, the fourth green LED shall no longer be lit; the remaining three green LEDs shall be lit. All three shall be continuously lit until 52% of full pressure remains. At 52% of full pressure, the third and fourth green LEDs shall no longer be lit; the remaining two green LEDs shall be lit. At 50% pressure remaining, the second green LED shall flash for 20 seconds to indicate that the 50% level has been reached. After 20 seconds of flashing, the second green LED shall return to a continuous mode, and the two LEDs shall be continuously lit until 27% of full pressure remains. At 27% pressure remaining, the second, third, and fourth green LEDs shall no longer be lit; the remaining green LED shall be lit. At 25% pressure remaining, the remaining LED shall change color to red and shall commence flashing to indicate that the 25% level has been reached" This flashing red LED shall serve as the redundant alarm. The red LED shall flash continuously until 10% of full pressure remains. At 10% pressure remaining, the red LED shall commence flashing significantly faster to indicate that the 10% level has been reached. The red LED shall flash continuously until all the air in the cylinder has been consumed. At that point, all LEDs shall flash simultaneously several times; then no LEDs shall be lit.

7.3.3. Incorporate a red flashing LED on the front of the exterior of the module to inform other personnel within eyesight that the user has reached the 25% and 10% low air levels. The exterior LED shall flash significantly faster to indicate that the 10% level has been reached. A red flashing low air LED shall also be integrated into the top right side of the back of the backpack.

7.4. Utilize a photodiode on the top of the exterior of the module to brighten or dim the HUD pressure level LEDs in relation to the ambient light level. In bright ambient light

conditions, the LEDs shall operate in the bright setting so that they can be easily seen. In low-light conditions, the LEDs shall operate in the dim setting so that they are not distracting to the user.

7.5. Use photoluminescent labels to identify Full ("F"), "%," "~, "'1/4," and the low battery icon.

8. Integrated PASS Device

The SCBA shall incorporate an optional electronic, integrated PASS (Personal Alert Safety System) device. The PASS shall meet the following requirements:

8.1. It shall be certified as compliant with all performance requirements of the National Fire Protection Association's 2007 edition of NFPA 1982, Standard on PASS Devices.

8.2. All electronic components shall be certified as intrinsically safe per UL 913 for use in Classes I, II, III, Division 1, Groups C through G hazardous locations.

8.3. When exposed to 500^0 F for 5 minutes, the PASS shall function at or above the required 95 dBA sound pressure level.

8.4. The PASS shall be constructed of a durable, fire-resistant material.

8.5. The PASS shall have data logging capabilities that log the following 2,000 most recent events, with a time and date stamp for each event, and with the ability to download the information:

8.5.1. When the device is turned on.
8.5.2. When the device is turned off.
8.5.3. When the device is changed from sensing to alarm mode manually.
8.5.4. When the device changes from sensing to pre-alarm mode.
8.5.5. When the device changes from pre-alarm to alarm mode.
8.5.6. When the device is reset.
8.5.7. When the device goes to alarm mode from off mode.
8.5.8. When the device has low power.

8.6. The PASS device shall consist of two components, one on the front of the SCBA and one on the back of the SCBA. These two components shall have both audible and visual alarms on both the front and the back of the SCBA and shall not be in violation of any other SCBA manufacturer's patents.

8.7. The front PASS component shall incorporate the following:

8.7.1. A redundant photo luminescent gauge face (see specifications in paragraph 9 below).
8.7.2. A protective silicone boot.
8.7.3. Mounting on the right shoulder strap.
8.7.4. An amber LED to inform the user of battery condition.
8.7.5. LEDs that act as a visual PASS status alarm and that flash green for sensing mode; alternating green and red for the first, second and third pre-alarm mode; and red for full alarm mode. These shall be at chest height on the user for easier identification.

8.7.6. Two piezoelectric audible alarms on the front of the SCBA that are angled for better sound dispersion, and two piezoelectric audible alarms on the rear of the SCBA that are angled for better sound dispersion. These shall be at chest mid-back height on the user for easier identification.
8.7.7. A manual PASS full alarm activation button that takes one finger to activate.
8.7.8. A manual reset button located on the side of the front PASS that resets the PASS alarm with two pushes of the button. Upon two additional pushes of the button, it shall turn the system off if the unit is not pressurized. The reset button shall be activated with one finger,
8.7.9. One slot on the front PASS and two slots on the back PASS for installation of the Pathfinder firefighter locator system.

9. Redundant Pressure Gauge

9.1. The PASS device shall incorporate a mechanical, analog gauge.
9.2. The gauge shall:
9.3. Have a photo luminescent gauge face.
9.4. Have pressure increments marked in psig and "Empty," "1/4," "1/2," "3/4," and "Full."
9.5. Employ a protective silicone boot.
9.6. Be mounted on the right shoulder strap.

10. Cylinder

10.1. The volume of the 45-minute cylinder shall be approximately 66 cubic feet when filled to 4500 psig pressure and shall conform to the DOT exemption numbers listed in paragraph 10.4.1 below.
10.2. The cylinder shall contain a closing valve which incorporates a pressure gauge to indicate the cylinder pressure at all times. The handwheel shall be at a 90° angle from the longitudinal axis of the cylinder.
10.3. The cylinder shall be, fully wrapped carbon fiber design. Wrapped cylinders shall be constructed of a deep-drawn, seamless aluminum liner wound with high-strength carbon filaments impregnated with epoxy resin.
10.4. Cylinders with valves, less air shall not exceed the following weight:
10.4.1.1. 45-minute, carbon fully wrapped, 4500 psig: 8.81b (DOT-E-1091

11. Cylinder Valve

11.1. The cylinder valve shall be fitted with a two-sided luminous boldface dial-type gauge with rubber and metal protective guards. The cylinder valve body shall be permanently coated to prevent galling and corrosion.
11.2. The cylinder valve shall have a large rubber-coated handwheel with a safety locking collar device to keep the handwheellocked open during use.
11.3. The cylinder valve outlet shall conform with the Compressed Gas Association (CGA) standard for threaded connection for high pressure, number 347.

12. Harness and Backpack

12.1. The aluminum backplate and harness assembly shall weigh approximately 5

pounds.

12.2. The backpack shall be available in two sizes: standard and small. A large strap kit shall be available as an option. No tools shall be necessary to replace any harness components, with the exception of the grab handles. No adhesives shall be necessary to secure any replaceable components. The backpack harness shall be readily adjustable for various wearer sizes, and shall include the following components:

12.3. Harness straps of Kevlar®/Nomex® composite construction to provide maximum resistance to high temperatures, flame, and abrasion. The harness shall have a coating to prevent the straps from becoming limp. The edges of all harness straps shall be of a different color than the middle of the strap so that the straps are well-defined and can be differentiated from each other in low-light conditions. The reverse side of the strap shall be of a different color than the front of the strap in order to easily recognize twisted straps. The shoulder straps shall have thick, Kevlar/Nomex-covered closed-cell padding attached for user comfort. All harness straps shall secure to the backpack without fasteners. The shoulder straps shall utilize parachute-style retaining and loosening buckles. The shoulder straps shall incorporate a reflective band on each strap. The ends of the straps shall contain large grab handles for ease of adjustment. The grab handles for the shoulder straps shall be of a different color than the grab handles for the waist strap for easy differentiation.

12.4. A two-piece Kevlar/Nomex waist strap, adjustable from both sides, with a front-release metal automotive-style belt buckle. The waist strap shall be tightened by pull-forward -style straps with parachute-style retaining and loosening buckles.

12.5. A waist-strap-mounted holder for the second stage regulator so that the regulator may be kept actuated in a stand-by mode during use, and so that the regulator may be stored protected from the environment when not in use. The holder shall have a provision for relief of excess pressure when the regulator is actuated, and it shall have a vacuum breaker to prevent the regulator from being accidentally actuated upon removal from the holder.

12.6. An aluminum backplate contoured to the user's back. The backplate shall be capable of providing up to 1000 pounds of pull force without breakage. Three handles with carabiner attachment points shall be located on the top and sides of the backplate for ease of donning, for transport, or for pulling the SCBA in a rescue scenario.

12.7. An easily adjustable aluminum cylinder band to properly secure various sizes of cylinders. The cylinder band shall be secured to the backpack with a cam-over style buckle with a locking release mechanism.

12.8. A thick, Kevlar/Nomex-covered, closed-cell, padded lumbar support for user comfort and safety.

12.8.1. A thick, Kevlar/Nomex-covered, closed-cell, upper back pad for user comfort and safety.

12.8.2. A snap hook-style mask hanger situated on the left shoulder strap for attachment of the facepiece in a convenient, protected, stand-by position.

12.8.3. A protective bumper on the bottom of the backplate to prevent damage to the backplate.

12.8.4. A swivel/pivot mechanism that allows the backpack's weight to be ergonomically and comfortably placed on the user's lower back in all wearing positions, both vertical and horizontal.

13. Buddy Breather and Auxiliary RIT Connection

13.1. A buddy breather shall be available as an optional accessory. It shall utilize a two-step, push-pull, female quick-disconnect fitting designed to prevent accidental release. The female quick-disconnect fitting shall be attached at the terminus of a separate intermediate pressure hose routed from the first stage reducer into a pouch on the left side of the backpack at the user's waist. A separate male plug with a pressure shutoff shall be located adjacent to the female quick-disconnect fitting. The "buddy" shall attach his mating male fitting to the buddy breather female quick-disconnect fitting or his mating female fitting to the buddy breather male fitting in order for both users to share the remaining air supply in both cylinders.

13.2. As a separate option, an auxiliary connection utilizing the same two-step, push-pull, female quick-disconnect fitting used in the buddy breather described above shall be available on the backpack. This can be used for conventional supplied air; for accepting a remote air supply from a Rapid Intervention Team; or, in conjunction with the buddy breather described above, for "daisy chaining" multiple use

14. Carrying Case

14.1. If specified, a molded carrying case shall be provided to retain the complete apparatus and instruction card or booklet. The carrying case shall have replaceable front latches.

15. Instruction Card or Booklet

15.1. An instruction card or booklet shall be provided with each apparatus. Instructions shall contain complete operation and maintenance procedures.

16. Warranty, Flow Test, and Overhaul Cycle

16.1. The apparatus shall carry a limited warranty of not less than twelve (12) years, with the exception of the cylinder, which shall carry a limited warranty of not less than fifteen (15) years, the first stage regulator, which shall carry a limited warranty of not less than the lifetime of the SCBA, and the HUD, which shall carry a limited warranty of not less than two (2) years. Other electronic accessories may carry limited warranties of different durations.

16.2. An annual flow test shall be done by a Survivair-certified technician to meet the requirements of NFPA 1852. There shall be no mandatory overhaul cycle.

17. Accessories

17.1. The following NIOSH-certified accessories shall be available for the apparatus:

17.1.1. Wireless radio communication system
17.1.2. Mask-mounted voice amplification system
17.1.3. Haz-mat suit pass-through fitting
17.1.4. Neck strap
17.1.5. Chest strap
17.1.6. APR adapter
17.1.7. CN/CS adapter
17.1.8. Integrated ultrasound firefighter locating system

18. Future Accessories

18.1. The products being offered must have the ability to accommodate the following accessories:

18.1.1. Team communication system with a minimum of 72 selectable channels with unlimited people per channel.
18.1.2. Telemetry system with PC based software for air management, accountability, and tactical management.
18.1.3. Digital Heads-Up Display mounted inside the facepiece and using infrared data transmission.

City of Southfield Purchasing Department
Pricing Sheet for Self-Contained Breathing Apparatus (SCBA),
Sperian Warriors Brand Only

Item No.	Description	Qty	Unit Price	Total Price
1	Complete SCBA units which include mask, bottle, and harness	50 each	$_____	$_____
2	Additional bottles	52 each	$_____	$_____
3	Masks	58 each	$_____	$_____
4	Masks with Radio Communication System (RCS)	18 each	$_____	$_____
5	Training for up to 5 people	16 hours	$_____	
Grand Total Bid Amount			**$**_____	

Please indicate the address of the authorized repair facility as well as the service manager's name and contact information.

_____
_____
_____

_____ _____
Name of Bidder Authorized Signature

CITY COUNCIL ACTION REPORT

August 14, 2009

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidders – Concrete Pavement Repair

Background

- On July 29, 2009, bids were received for Concrete Pavement Repair under four proposals: A)- Local Roads, B)- Industrial Roads C)- Major Roads, and D)-Tri Party County Roads with an option to renew for two (2) additional one- year periods.
- 197 vendors were notified via the MITN website.
- Hard Rock Concrete Inc, Dominic Gaglio Construction Inc, Major Cement Company and Dilisio Contracting Inc were the four separate low bidders for each proposal category, A-D respectively.
- Additional locations may be added based on the scope of work up to, but not exceeding amounts budgeted.

Financial Considerations

- Funds for this project are available in the 2009/10 Capital Accounts for Public Works Construction.

Proposal	Account #	Budget Amount	Estimated Total Cost
A	401.447.499.7989.500 Local Roads	$2,637,000	$2,056,650
B	401.447.479.7989.300 Industrial Roads	$2,000,000	$1,516,150
C	401.447.479.7989.500 Major Roads	$1,000,000	$ 847,450
D	401.447.479.7989.091016 Tri-Party Cty Rd	$ 600,000	$ 563,325

Legal Considerations

- ITB-COT09-07, Concrete Pavement Repair was competitively bid as required by City Charter and Code.
- The awards are contingent upon the recommended bidders' submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

Policy Considerations

- Moving this work forward would improve public safety and also reduce the liability for the City. (Outcome Statement I)
- Troy adds value to properties through maintenance or upgrades of infrastructure. (Outcome Statement II)

Options

- City management and the Public Works department recommend contract awards to four separate low total bidders, Hard Rock Concrete Inc of Westland, for proposal A, Local Roads; Dominic Gaglio Construction Inc, of Southgate, for proposal B, Industrial Roads; Major Cement Company of Detroit, MI, for proposal C, Major Roads; and Dilisio Contracting Inc of Clinton Township for proposal D; Tri Party County Roads at unit prices contained in the bid tabulation based on scope of work and ability to add additional locations up to, but not exceeding amounts budgeted.

Prepared by: Marina Basta-Farouk, Project Construction Manager

VENDOR NAME:	Hard Rock Concrete Inc	Dominic Gaglio Construction, Inc.	Major Cement Company	Dilisio Contracting Inc.
Ck Number	530033281-3	15254580	343805248	15252566
Ck Amount	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00

Proposal A: Local Road Maintenance Section 5,6,8,10,13,15,19,20, 25 & scattered locations

NO.	DESCRIPTION	EST. QTY.	FY2009/2010 UNIT PRICE	FY2009/2010 UNIT PRICE	FY2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$33.00	$37.85	NO BID $0.00	$37.25
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	$32.00	$36.20	$0.00	$34.50
3	Remove & Replace with Concrete 7" Non-reinforced-	59,000 SY	$30.00	$34.00	$0.00	$32.50
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$4.00	$3.90	$0.00	$4.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$3.50	$3.85	$0.00	$4.00
6	Gatewell Adjustment	2 Each	$150.00	$190.00	$0.00	$125.00
7	Gatewell Repair - Per Foot	4 L.F.	$175.00	$100.00	$0.00	$200.00
8	Manhole or Catch Basin Adjustment	40 each	$150.00	$170.00	$0.00	$150.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$175.00	$100.00	$0.00	$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	3,600 C.Y.	$9.00	$20.00	$0.00	$18.00
11	Installation of 6" edge drain	200 L.F.	$12.00	$9.50	$0.00	$7.00
12	Remove and Replace Curb & Gutter	200 L.F.	$18.00	$25.00	$0.00	$20.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	$7.00	$6.00	$0.00	$8.00
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$20.00	$22.00	$0.00	$8.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal A		**$2,056,650.00**	**$2,352,305.00**	**$0.00**	**$2,258,100.00**

Proposal B: Industrial Road Maintenance - Lakeview, Golfview, Wilshire, Souter, Investment, Troy Center, Tower, Rankin, Chicago & Scattered Locations

NO.	DESCRIPTION	EST. QTY.	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	38,000 SY	$42.50	$38.00	NO BID $0.00	$41.50
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$42.00	$38.00	$0.00	$44.00
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$40.00	$34.00	$0.00	$43.00
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$4.50	$3.90	$0.00	$4.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$4.00	$3.80	$0.00	$4.00
6	Gatewell Adjustment	2 Each	$150.00	$190.00	$0.00	$125.00
7	Gatewell Repair - Per Foot	4 L.F.	$175.00	$100.00	$0.00	$200.00
8	Manhole or Catch Basin Adjustment	25 each	$175.00	$170.00	$0.00	$150.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$150.00	$100.00	$0.00	$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	2,000 C.Y.	$9.00	$20.00	$0.00	$18.00
11	Installation of 6" edge drain	100 L.F.	$12.00	$9.50	$0.00	$7.00
12	Remove and Replace Curb & Gutter	200 L.F.	$18.00	$25.00	$0.00	$20.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$7.00	$6.00	$0.00	$8.00
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$20.00	$22.00	$0.00	$8.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal B		**$1,667,525.00**	**$1,516,150.00**	**$0.00**	**$1,647,900.00**

VENDOR NAME:			Hard Rock Concrete, Inc.	Dominic Gaglio Construction, Inc.	Major Cement Company	Dilisio Contracting Inc.
Proposal C: Major Road Maintenance - Rochester Road, Coolidge, and scattered locations						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 9" Non-reinforced- 6 Sac	18,600 SY	NO BID $0.00	NO BID $0.00	$43.50	$44.90
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$0.00	$0.00	$37.00	$47.90
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$0.00	$0.00	$35.00	$46.90
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	$0.00	$0.00	$5.00	$4.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$0.00	$0.00	$4.00	$4.00
6	Gatewell Adjustment	1 Each	$0.00	$0.00	$250.00	$125.00
7	Gatewell Repair - Per Foot	2 L.F.	$0.00	$0.00	$125.00	$200.00
8	Manhole or Catch Basin Adjustment	2 each	$0.00	$0.00	$250.00	$150.00
9	Manhole or Catch Basin - Repair per Foot	2 L.F.	$0.00	$0.00	$125.00	$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	1,000 C.Y.	$0.00	$0.00	$15.00	$1.00
11	Installation of 6" edge drain	100 L.F.	$0.00	$0.00	$8.00	$7.00
12	Remove and Replace Curb & Gutter	100 L.F.	$0.00	$0.00	$15.00	$20.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$0.00	$0.00	$10.00	$8.00
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$0.00	$0.00	$10.00	$8.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal C		**$0.00**	**$0.00**	**$847,450.00**	**$863,425.00**

Proposal D: Tri Party Concrete Repair - Big Beaver, Dequindre, John R, Crooks, Long Lake, Livernois & scattered locations						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 10" Non-reinforced-	10,000 SY	NO BID $0.00	NO BID $0.00	$48.00	$45.90
2	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$0.00	$0.00	$43.50	$48.90
3	Remove & Replace with Concrete 8" Non-reinforced-	500 S.Y.	$0.00	$0.00	$37.00	$47.90
4	Remove & Replace with Concrete 7" Non-reinforced-	500 S.Y.	$0.00	$0.00	$35.00	$46.90
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	$0.00	$0.00	$5.00	$4.00
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	$0.00	$0.00	$4.00	$4.00
7	Gatewell Adjustment	1 Each	$0.00	$0.00	$250.00	$125.00
8	Gatewell Repair - Per Foot	2 L.F.	$0.00	$0.00	$125.00	$200.00
9	Manhole or Catch Basin Adjustment	2 each	$0.00	$0.00	$250.00	$150.00
10	Manhole or Catch Basin - Repair per Foot	2 L.F.	$0.00	$0.00	$125.00	$200.00
11	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	500 C.Y.	$0.00	$0.00	$15.00	$1.00
12	Installation of 6" edge drain	100 L.F.	$0.00	$0.00	$8.00	$7.00
13	Remove and Replace Curb & Gutter	100 L.F.	$0.00	$0.00	$25.00	$20.00
14	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$0.00	$0.00	$10.00	$8.00
15	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$0.00	$0.00	$9.00	$8.00
16	Restoration	Included	Included	Included	Included	Included
17	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal D		**$0.00**	**$0.00**	**$575,900.00**	**$563,325.00**

VENDOR NAME:			Hard Rock Concrete, Inc.	Dominic Gaglio Construction, Inc.	Major Cement Company	Dilisio Contracting Inc.
PROGRESS PAYMENTS:			Bi-Weekly	Every 2 Weeks or once a month	Every 2 Weeks	Monthly
CONTACT INFORMATION		Hrs of Oper.	M-Sat 8 AM to 8 PM	7 AM to 6 PM	7 AM to 5 PM	9 AM to 5 PM
		Phone	(734) 564-0925	(734) 216-2051	(248) 388-1168	(586) 405-4578
AWARD	100% of Contract					
	Partial Contract:	Proposal A	X	X		
		Proposal B	X	X		X
		Proposal C			X	X
		Proposal D			X	X
						X
COMPLETION SCHEDULE:			**BY JUNE 30th OF ANY CONTRACT YEAR**			
INSURANCE:	Can Meet		XX	XX	XX	XX
	Cannot Meet					
PAYMENT TERMS:			Bi-Weekly	Once a Month	2 Weeks	Monthly
WARRANTY:			As in Contract	1 year	1 year	1 year
EXCEPTIONS:			Blank	N/A	Blank	N/A
ACKNOWLEGEMENT:		Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE		Y or N	Yes	Yes	Yes	Yes
FORMS:	Legal Staus of Bidder	Y or N	Yes	Yes	Yes	Yes
	Non-Collusion Affidavit	Y or N	Yes	Yes	Yes	Yes
Addenda #1 & #2		Y or N	No	Yes	No	Yes

PROPOSAL: City of Troy Concrete Pavement Repair Program for Local, Major, Industrial Roads with an Option to Renew for Two (2) Additional One-Year Periods.

ATTEST:
Marina Basta Farouk
Debra Painter
Tom Rosewarne
Linda Bockstanz

HIGHLIGHTED AREAS DENOTES LOW TOTAL BIDDERS BY PROPOSAL

Susan Leirstein CPPB
Purchasing Director

VENDOR NAME:	Florence Cement Co	Major Cement Paving	Giorgi Concrete L.L.C.	Lacaria Concrete & Audia Construction Companies
Ck Number	343813467	343805249	100438	#0180543 - $5,000 #15247757 - $5,000
Ck Amount	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00

Proposal A: Local Road Maintenance Section 5,6,8,10,13,15,19,20,25 & scattered locations

NO.	DESCRIPTION	EST. QTY.	FY2009/2010 UNIT PRICE	FY2009/2010 UNIT PRICE	FY2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$40.40	$45.00	$44.00	$43.66
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	$36.60	$37.00	$39.00	$41.10
3	Remove & Replace with Concrete 7" Non-reinforced-	59,000 SY	$32.95	$33.00	$35.50	$38.20
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$3.75	$5.00	$4.11	$11.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$3.45	$4.00	$4.11	$10.00
6	Gatewell Adjustment	2 Each	$190.00	$250.00	$250.00	$500.00
7	Gatewell Repair - Per Foot	4 L.F.	$220.00	$125.00	$250.00	$250.00
8	Manhole or Catch Basin Adjustment	40 each	$215.00	$200.00	$250.00	$195.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$230.00	$125.00	$250.00	$150.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	3,600 C.Y.	$12.00	$24.00	$20.00	$19.00
11	Installation of 6" edge drain	200 L.F.	$12.00	$12.00	$10.00	$18.00
12	Remove and Replace Curb & Gutter	200 L.F.	$19.30	$15.00	$20.00	$25.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	$6.30	$9.50	$13.00	$7.00
14	Sidewalk Ramp, Detectable Warning, Retrofit, .	100 S.F.	$16.80	$10.00	$30.00	$20.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal A		**$2,271,570.00**	**$2,339,200.00**	**$2,509,822.00**	**$2,638,860.00**

Proposal B: Industrial Road Maintenance - Lakeview, Golfview, Wilshire, Souter, Investment, Troy Center, Tower, Rankin, Chicago & Scattered Locations

NO.	DESCRIPTION	EST. QTY.	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	38,000 SY	$41.10	$39.00	NO BID $0.00	$45.66
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$38.25	$37.00	$0.00	$44.66
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$35.65	$35.00	$0.00	$44.41
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$3.75	$5.00	$0.00	$11.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$3.45	$4.00	$0.00	$10.00
6	Gatewell Adjustment	2 Each	$190.00	$250.00	$0.00	$500.00
7	Gatewell Repair - Per Foot	4 L.F.	$220.00	$100.00	$0.00	$250.00
8	Manhole or Catch Basin Adjustment	25 each	$215.00	$175.00	$0.00	$195.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$230.00	$100.00	$0.00	$150.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	2,000 C.Y.	$12.00	$15.00	$0.00	$19.00
11	Installation of 6" edge drain	100 L.F.	$12.00	$10.00	$0.00	$18.00
12	Remove and Replace Curb & Gutter	200 L.F.	$19.30	$15.00	$0.00	$25.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$6.30	$10.00	$0.00	$7.50
14	Sidewalk Ramp, Detectable Warning, Retrofit, .	100 S.F.	$16.80	$5.00	$0.00	$20.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal B		**$1,621,165.00**	**$1,542,075.00**	**$0.00**	**$1,813,919.00**

VENDOR NAME:			Florence Cement Co	Major Cement Paving	Giorgi Concrete L.L.C.	Lacaria Concrete & Audia Construction Companies
Proposal C: Major Road Maintenance - Rochester Road, Coolidge, and scattered locations						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 9" Non-reinforced-	18,600 SY	$45.95	NO BID $0.00	NO BID $0.00	$51.50
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$38.00	$0.00	$0.00	$49.75
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$36.00	$0.00	$0.00	$48.25
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	$3.75	$0.00	$0.00	$11.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$3.45	$0.00	$0.00	$10.00
6	Gatewell Adjustment	1 Each	$190.00	$0.00	$0.00	$500.00
7	Gatewell Repair - Per Foot	2 L.F.	$220.00	$0.00	$0.00	$250.00
8	Manhole or Catch Basin Adjustment	2 each	$215.00	$0.00	$0.00	$500.00
9	Manhole or Catch Basin - Repair per Foot	2 L.F.	$230.00	$0.00	$0.00	$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	1,000 C.Y.	$12.00	$0.00	$0.00	$19.00
11	Installation of 6" edge drain	100 L.F.	$12.00	$0.00	$0.00	$18.00
12	Remove and Replace Curb & Gutter	100 L.F.	$19.30	$0.00	$0.00	$25.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$6.30	$0.00	$0.00	$7.50
14	Sidewalk Ramp, Detectable Warning, Retrofit, .	100 S.F.	$16.80	$0.00	$0.00	$20.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal C		**$890,785.00**	**$0.00**	**$0.00**	**$1,010,650.00**

Proposal D: Tri Party Concrete Repair - Big Beaver, Dequindre, John R, Crooks, Long Lake, Livernois & scattered locations						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 10" Non-reinforced-	10,000 SY	$52.90	NO BID $0.00	NO BID $0.00	$57.75
2	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$49.05	$0.00	$0.00	$56.00
3	Remove & Replace with Concrete 8" Non-reinforced-	500 S.Y.	$38.00	$0.00	$0.00	$54.75
4	Remove & Replace with Concrete 7" Non-reinforced-	500 SY.	$36.00	$0.00	$0.00	$52.75
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	$3.75	$0.00	$0.00	$11.00
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	$3.45	$0.00	$0.00	$10.00
7	Gatewell Adjustment	1 Each	$190.00	$0.00	$0.00	$500.00
8	Gatewell Repair - Per Foot	2 L.F.	$220.00	$0.00	$0.00	$200.00
9	Manhole or Catch Basin Adjustment	2 each	$215.00	$0.00	$0.00	$500.00
10	Manhole or Catch Basin - Repair per Foot	2 L.F.	$230.00	$0.00	$0.00	$200.00
11	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	500 C.Y.	$12.00	$0.00	$0.00	$25.00
12	Installation of 6" edge drain	100 L.F.	$12.00	$0.00	$0.00	$20.00
13	Remove and Replace Curb & Gutter	100 L.F.	$19.30	$0.00	$0.00	$29.00
14	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$6.30	$0.00	$0.00	$10.00
15	Sidewalk Ramp, Detectable Warning, Retrofit, .	100 S.F.	$16.80	$0.00	$0.00	$20.00
16	Restoration	Included	Included	Included	Included	Included
17	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal D		**$629,630.00**	**$0.00**	**$0.00**	**$713,000.00**

VENDOR NAME:			Florence Cement Co	Major Cement Paving	Giorgi Concrete L.L.C.	Lacaria Concrete & Audia Construction Companies
PROGRESS PAYMENTS:			Bi-Weekly	Every 2 Weeks	Every 30 Days	Monthly
CONTACT INFORMATION		Hrs of Oper.	Per City Ordinance	7 AM to 5 PM	7 AM to 5 PM	7 AM to 7 PM
		Phone	(810) 560-4141	(248) 207-7819	(313) 300-3599	(313) 218-6834
AWARD	100% of Contract		X			X
	Partial Contract:	Proposal A		X	X	
		Proposal B		X		
		Proposal C				
		Proposal D				
COMPLETION SCHEDULE:			**BY JUNE 30th OF ANY CONTRACT YEAR**			
INSURANCE:	Can Meet		XX	XX	XX	XX
	Cannot Meet					
PAYMENT TERMS:			Bi-Weekly	2 Weeks	Every 30 Days	Monthly
WARRANTY:			Mtnce Bond 1 year	1 year	1 year	Blank
EXCEPTIONS:			None	Blank	Blank	None
ACKNOWLEGEMENT:		Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE		Y or N	Yes	Yes	Yes	Yes
FORMS:	Legal Status of Bidder	Y or N	Yes	Yes	Yes	Yes
	Non-Collusion Affidavit	Y or N	Yes	Yes	Yes	Yes
Addenda #1 & #2		Y or N	No	No	No	Yes

VENDOR NAME:			Tony Angelo Cement Construction Co	Walter Toebe Construction Co	Hartwell Cement Co	Angelo Iafrate Construction Co
		Ck Number	1542500	9244200729	343805333	9227002917
		Ck Amount	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00

Proposal A: Local Road Maintenance Section 5,6,8,10,13,15,19,20,25 & scattered locations

NO.	DESCRIPTION	EST. QTY.	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$56.00	$47.12	$48.95	$62.80
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	$50.00	$46.37	$47.10	$60.30
3	Remove & Replace with Concrete 7" Non-reinforced-	59,000 SY	$41.29	$45.87	$46.25	$50.25
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$4.90	$5.20	$7.25	$8.80
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$4.40	$7.04	$6.25	$8.80
6	Gatewell Adjustment	2 Each	$337.00	$176.05	$200.00	$430.00
7	Gatewell Repair - Per Foot	4 L.F.	$337.00	$176.05	$200.00	$190.00
8	Manhole or Catch Basin Adjustment	40 each	$337.00	$176.05	$125.00	$320.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$337.00	$283.64	$125.00	$143.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	3,600 C.Y.	$44.00	$15.00	$5.00	$18.00
11	Installation of 6" edge drain	200 L.F.	$11.85	$9.34	$12.00	$12.10
12	Remove and Replace Curb & Gutter	200 L.F.	$19.00	$21.46	$28.00	$25.20
13	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	$14.15	$6.27	$16.00	$8.70
14	Sidewalk Ramp, Detectable Warning, Retrofit, .	100 S.F.	$22.75	$31.58	$30.00	$24.10
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal A		**$3,017,027.00**	**$3,101,233.10**	**$3,148,250.00**	**$3,474,960.00**

Proposal B: Industrial Road Maintenance - Lakeview, Golfview, Wilshire, Souter, Investment, Troy Center, Tower, Rankin, Chicago & Scattered Locations

NO.	DESCRIPTION	EST. QTY.	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	38,000 SY	$53.00	$47.45	$50.95	$55.00
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$52.00	$39.13	$47.10	$70.10
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$51.55	$37.39	$46.25	$64.40
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$4.90	$5.27	$7.25	$8.80
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$4.40	$4.84	$6.25	$8.80
6	Gatewell Adjustment	2 Each	$337.00	$170.80	$200.00	$430.00
7	Gatewell Repair - Per Foot	4 L.F.	$337.00	$170.80	$200.00	$190.00
8	Manhole or Catch Basin Adjustment	25 each	$337.00	$170.80	$125.00	$320.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$337.00	$273.14	$125.00	$143.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	2,000 C.Y.	$44.05	$15.00	$5.00	$18.00
11	Installation of 6" edge drain	100 L.F.	$11.85	$9.28	$12.00	$12.10
12	Remove and Replace Curb & Gutter	200 L.F.	$28.10	$20.44	$28.00	$25.20
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$14.20	$6.30	$16.00	$8.20
14	Sidewalk Ramp, Detectable Warning, Retrofit, .	100 S.F.	$22.75	$31.69	$30.00	$24.10
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal B		**$2,154,267.00**	**$1,870,247.60**	**$1,987,545.00**	**$2,178,260.00**

VENDOR NAME:	Tony Angelo Cement Construction Co	Walter Toebe Construction Co	Hartwell Cement Company	Angelo Iafrate Construction Co

Proposal C: Major Road Maintenance - Rochester Road, Coolidge, and scattered locations

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	18,600 SY	$50.40	$51.06	NO BID $0.00	$62.20
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$47.90	$39.00	$0.00	$69.80
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$43.05	$38.82	$0.00	$57.90
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	$4.60	$5.50	$0.00	$8.80
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$4.25	$5.11	$0.00	$8.80
6	Gatewell Adjustment	1 Each	$271.00	$176.05	$0.00	$430.00
7	Gatewell Repair - Per Foot	2 L.F.	$271.00	$176.05	$0.00	$190.00
8	Manhole or Catch Basin Adjustment	2 each	$271.00	$176.05	$0.00	$320.00
9	Manhole or Catch Basin - Repair per Foot	2 L.F.	$271.00	$283.64	$0.00	$143.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	1,000 C.Y.	$31.00	$15.00	$0.00	$18.00
11	Installation of 6" edge drain	100 L.F.	$11.85	$9.55	$0.00	$12.10
12	Remove and Replace Curb & Gutter	100 L.F.	$18.40	$21.26	$0.00	$25.20
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$13.75	$6.46	$0.00	$8.50
14	Sidewalk Ramp, Detectable Warning, Retrofit, .	100 S.F.	$21.90	$31.81	$0.00	$24.80
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal C		**$999,212.00**	**$991,538.53**	**$0.00**	**$1,213,596.00**

Proposal D: Tri Party Concrete Repair - Big Beaver, Dequindre, John R, Crooks, Long Lake, Livernois & scattered locations

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete 10" Non-reinforced-	10,000 SY	$55.20	$58.50	NO BID $0.00	$64.90
2	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$52.00	$48.95	$0.00	$65.80
3	Remove & Replace with Concrete 8" Non-reinforced-	500 S.Y.	$51.00	$44.50	$0.00	$69.30
4	Remove & Replace with Concrete 7" Non-reinforced-	500 S.Y.	$50.00	$42.18	$0.00	$58.90
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	$7.95	$5.56	$0.00	$8.80
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	$4.55	$5.15	$0.00	$8.80
7	Gatewell Adjustment	1 Each	$268.40	$179.90	$0.00	$430.00
8	Gatewell Repair - Per Foot	2 L.F.	$268.40	$179.91	$0.00	$190.00
9	Manhole or Catch Basin Adjustment	2 each	$268.40	$179.91	$0.00	$320.00
10	Manhole or Catch Basin - Repair per Foot	2 L.F.	$288.25	$291.35	$0.00	$143.00
11	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	500 C.Y.	$32.00	$15.00	$0.00	$18.00
12	Installation of 6" edge drain	100 L.F.	$11.85	$9.76	$0.00	$12.10
13	Remove and Replace Curb & Gutter	100 L.F.	$22.40	$21.52	$0.00	$25.20
14	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$13.70	$6.47	$0.00	$10.10
15	Sidewalk Ramp, Detectable Warning, Retrofit, .	100 S.F.	$21.09	$31.84	$0.00	$24.10
16	Restoration	Included	Included	Included	Included	Included
17	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal D		**$682,687.50**	**$695,060.74**	**$0.00**	**$799,686.00**

VENDOR NAME:			Tony Angelo Cement Construction Co	Walter Toebe Construction Co	Hartwell Cement Co	Angelo Iafrate Construction Co
PROGRESS PAYMENTS:			Bi-Weekly	Bi-Weekly	Monthly Payments	Per Specification
CONTACT INFORMATION		Hrs of Oper.	7 AM to 8 PM	Dennady Bilzon	7 AM to 6 PM	7 AM to 6 PM
		Phone	(248) 756-1168	(248) 640-0018	(248) 789-4156	(586) 756-1070
AWARD	100% of Contract		X			X
	Partial Contract:	Proposal A		X	X	
		Proposal B		X	X	
		Proposal C		X		
		Proposal D		X		
COMPLETION SCHEDULE:			**BY JUNE 30th OF ANY CONTRACT YEAR**			
INSURANCE:	Can Meet		XX	XX	XX	XX
	Cannot Meet					
PAYMENT TERMS:			Net 10 Days	Blank	Monthly	Per Specification
WARRANTY:			Maintenance Bond	Blank	1 year	1 year
EXCEPTIONS:			Blank	Blank	Blank	Will accept Proposal
						A & B together/Separately
						Will not accept Proposal
						C & D Seperately
ACKNOWLEGEMENT:		Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE		Y or N	Yes	Yes	Yes	Yes
FORMS:	Legal Status of Bidder	Y or N	Yes	Yes	Yes	Yes
	Non-Collusion Affidavit	Y or N	Yes	Yes	Yes	Yes
Addenda #1 & #2		Y or N	Yes	No	No	No

CITY COUNCIL ACTION REPORT

August 6, 2009

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Community Center Treadmills

Background

- On July 9, 2009, bids were received and opened for a supplier to furnish eight (8) Treadmills and purchase eight (8) City treadmill trade-ins from the Troy Community Center.
- 32 vendors were notified via the MITN system, with seven (7) bid responses received; as well as one statement of no bid.
- Bids were examined and compared to the specifications. Fitness Things submitted two proposals for two different treadmill models, True and Cybex. Even though the step-up height is approximately 2" higher than specified, staff will accept the low bid on the True model as a minor deviation to the original specifications.
- Other vendors withdrew their bid from consideration on the purchase of City equipment because they failed to state an all or none award as required by the bid documents.
- City management will continue to evaluate bid requirements and determine whether it's in the City's best interest to award on an all or none basis, or split-up the award between the purchase of new equipment and vendor's purchase of trade-ins. In this particular bid process, vendors were given the option to bid on an all or none basis, or have each item considered separately. Many vendors failed to disclose their intentions on the bid documents and therefore, had to be eliminated from consideration for failing to meet bid requirements. (see Letter attached)

Financial Considerations

- The Parks and Recreation department has budgeted funds in the101.751.31.755.7740.010 - Operating Supplies General account for this purchase.

Legal Considerations

- ITB-COT 09-26, Treadmills was competitively bid as required by City charter and code.
- The award is contingent upon the company's submission of properly executed bid and contract documents including insurance certificates and all other specified requirements.

August 6, 2009

To: John Szerlag, City Manager
Re: Bid Award – Community Center Treadmills

Policy Considerations

- The purchase of this equipment will help the Community Center maintain the highest level of safe service that meets the public's physical fitness needs. (Outcome Statement I)

Recommendation

- City management and the Parks and Recreation department recommend awarding the contract to furnish eight (8) treadmills and purchase the City's eight (8) trade-ins from the lowest bidder meeting specifications, Fitness Things, Inc of Plymouth, MI, for an estimated net total cost of $30,400.00.

G:/Bid Award 08-09 New Format/Award Standard Purchasing Resolution 2 – Treadmills 07.09.doc

July 17, 2009

Re: New Commercial
Treadmills & Trade-Ins
ITB-COT 09-26

Direct Fitness Solutions
Attn: Mark Kwiatkowski
600 Tower Road
Mundelein, IL 60060

Dear Mr. Kwiatkowski:

I am in receipt of your letter dated July 16, 2009, regarding ITB-COT 09-26 New Commercial Treadmills and the purchase of eight (8) City trade-ins. It is unfortunate Direct Fitness overlooked the areas that described in detail how the bid was to be awarded. Excerpts from the bid document follow:

- Instructions to Bidders (Page 2 of 2) under Special Instructions
  If your bid is <u>not</u> to be broken up by item i.e. 1) treadmills and 2) trade-ins and based on an all or none award, please indicate this on your bid proposal under the "Exceptions" section, page 5 of 5.
- Bid Proposal – Page 2 of 5
  AWARD: The evaluation and award of this bid shall be a combination of factors, including but not limited to: cost, professional competence, references, warranties, and the correlation of the proposal submitted to the needs of the City of Troy.
  The City of Troy reserves the right to award this bid to the lowest responsible bidder meeting specifications for the treadmills and to the highest responsible bidder for the trade-ins or to combine the items in whatever manner is deemed to be in the City of Troy's best interest; to reject low bids which have major deviations from the specifications; to accept a higher bid which has only minor deviations.

Since the bid submitted by Direct Fitness did not indicate an all of none award and after bids have opened cannot be changed, the City's only options are to put Direct Fitness in default for not honoring their bid, or simply have them withdraw. It is in both parties best interest to have Direct Fitness withdraw their pricing on all items or only that of the trade-ins, as it only means a mistake was made in the submittal that cannot be fulfilled; but the company can continue to bid on future projects. If the City places a vendor in default, we cannot conduct business with them for three years. Please take a moment to reconsider your position and advice.

If you have any questions, please contact the Purchasing Department at (248) 524-3338.

Sincerely,

Susan Leirstein, CPPB
Purchasing Director

cc: File

G://Purchasing/Letters – Memos – Options – Various/Ltr – Treadmills ITB-COT 09-26 – Direct Fitness.doc

DIRECT FITNESS SOLUTIONS

ILLINOIS OFFICE:
600 Tower Road
Mundelein, IL 60060
IL 1-800-838-2819
Ph: (847) 680-9300
Fax: (847) 680-8906

July 17, 2009

To: Susan Leirstein- City of Troy Purchasing Department
From: Mark Kwiatkowski- Direct Fitness Solutions
Re: Treadmill Bid for Recreation Center

Susan-

Per our conversation this morning, we have no choice but to withdraw our bid for the trade in of the treadmills. I understand that you are simply following the policy set forth by the City Council and the Council's intent with the way the bid was structured was to try and get the best possible deal for the city. I ask that you please forward this letter to the City Council so they can understand the ramifications of the policy they set up.

As you now realize, you will not find a vendor willing to buy trade in pieces of equipment without getting the sale of new equipment as well. Any vendor who submits a bid that includes a trade in will always insist on the condition that they get the sale of new equipment as well. Because no vendor was willing to go along with the way the bid was structured, you are being forced to either change the terms of your bid or to re-bid the project. However, because of the technicality you have imposed (ignoring which would give no vendor any advantage), multiple vendors have been forced to withdraw their bids. This reduces the opportunity for the city to get the best possible deal for this bid. If one of the eliminated bidders actually has the best combined bid, then doesn't that actually hurt the city and nullify the intent of doing the bid in the first place?

In addition, by forcing my company to withdraw, you are eliminating the only bidder submitting an American made product. Precor treadmills are 100% manufactured and assembled in Woodinville, Washington. In these tough economic times, shouldn't American cities make every effort to help support American companies?

If the City Council changes its mind and decides to allow all of the bidders to stay in the bidding process with "all or nothing" bids, then we would greatly appreciate the opportunity to have our bid considered for award. Please feel free to call me at 248-755-5748 if you have any questions.

Sincerely,

Mark Kwiatkowski

August 13, 2009

Re: New Commercial
Treadmills & Trade-Ins
ITB-COT 09-26

Mr. Mark Kwiatkowski
Direct Fitness Solutions
600 Tower Road
Mundelein, IL 60060

Dear Mr. Kwiatkowski,

I am writing in response to your letter regarding to ITB-COT 09-26 New Commercial Treadmills and purchase of eight (8) City trade-ins, as stated in the previous notification letter sent to you on July 17, 2009, the bid document described in detail the manner in which the bid was to be awarded (see attached City of Troy letter dated July 17, 2009)

As stated in the previous notification letter, it is unfortunate Direct Fitness overlooked both areas and did not indicate an all of none award. As I am sure you understand that in order to maintain integrity of the bidding process once opened, bids cannot be changed. Since you could not honor your proposal as presented, the City had no other option but provide the opportunity to allow for withdrawal of the proposal or be forced to place you in default.

Although the City appreciates your concerns, the bid document did provide ample opportunities for all bidders to present proposals that met their industries bidding practices.

We would like to thank you for taking the time to submit a proposal, and hope that you will continue to submit proposals for future projects that may be needed by the City of Troy.

If you have any questions, please contact the Purchasing Department at (248) 524-3338.

Sincerely,

Susan Leirstein, CPPB
Purchasing Director

cc: File

G://Purchasing/Letters – Memos – Options – Various/Ltr – Treadmills ITB-COT 09-26 – Direct Fitness.doc

Opening Date -- 07/9/09
Date Prepared -- 8/6/09 sl

CITY OF TROY
BID TABULATION
TREADMILLS

VENDOR NAME:	Fitness Things Inc	Fitness Things Inc	All-Pro Exercise	ProMaxina Mfg
PROPOSAL: TO FURNISH EIGHT (8) TREADMILLS AND PURCHASE THE CITY'S (8) TRADE-INS				
PROPOSAL:				
Furnish & Install Eight(8) Commerical Grade Treadmills in the Troy Community Center - Fitness Room in accordance with the specifications	**$ 4,250.00**	$ 4,450.00	$ 4,395.00	Withdrew
COMPLETE FOR THE SUM OF:	**$ 34,000.00**	$ 35,600.00	$ 35,160.00	Withdrew
Quoting On:	Treadmills	Treadmills	Matrix	Stex 8025 TW
Manufactured by:	TRUE	Cybex		ProMaxina/Stex
Model Number:	CS6.0	750T	T5X-09	CV-8025TW
AUTHORIZED DEALER: Y or N	Blank	Blank	Yes	Yes
# of Years -	Blank	Blank	4	6
PURCHASE OF CITY TRADE-INS:				
Eight (8) Precor C956i	**$ (450)**	$ (450)	$ (300)	
Treadmills - (Aug 2005)	**$ (3,600.00)**	$ (3,600.00)	$ (2,400.00)	Withdrew
NET TOTAL:	**$ 30,400.00**	$ 32,000.00	$ 32,760.00	Withdrew
DELIVERY SCHEDULE:	**Week of August 24, 2009**			
Can Meet	XX	XX	XX	XX
Cannot Meet				
SERVICE FACILITY: Location	Plymouth, MI	Plymouth, MI	Farmington Hills Michigan	Milford, MI
# of Miles	39.7	39.7	30	40
Response Time	48 Hours	48 Hours	48 Hours	24 Hours
CONTACT INFORMATION:				
Names:	Rachelle Lohrer	Rachelle Lohrer	Don King	Deborah Churm
	Kristin Szymanski	Kristen Szymanski	Dan Coyee	Dan Strohl
Hours of Operation	9AM to 5PM	9AM to 5PM	M-F 9AM to 6PM	8AM to 5PM
24 Hr. Phone Number	734-737-8423	734-737-8423	248-789-0469	800-231-6652
WARRANTY: ***Y or N***	INCLUDED IN BID PRICE:			
AC Motor Controller 3 yrs	Yes	Yes	Yes	Yes
Mileage Deck & Belt 3 yrs	Yes	Yes	Yes	Yes
All Parts & Labor 3 yrs	Yes	Yes	Yes	Yes
Free shipping 2nd day 3 yrs	Yes	Yes	Yes	Yes
Free Service call/travel 3 yrs	Yes	Yes	Yes	Yes
AC Motor Lifetime	Yes	Yes	Yes	Yes
Additional Warranty Costs - Marked	N/A	N/A	No Charge	Blank
INSURANCE: Can Meet	XX	XX	XX	XX
Cannot Meet				
but offer - Additional Cost				
PAYMENT TERMS:	Net 30	Net 30	Blank	Net 30
WARRANTY:	**As Specified**			
DELIVERY DATE:	**As Specified**			

Opening Date -- 07/9/09
Date Prepared -- 8/6/09

CITY OF TROY
BID TABULATION
TREADMILLS

VENDOR NAME:	**Fitness Things Inc**	Fitness Things Inc	All-Pro Exercise	ProMaxina Mfg
EXCEPTIONS:	See Comparison Sheet only take trade in equipment if awarded	See Comparison Sheet only take trade in on equipment if awarded	Trade in of (2,400) for 8 Treads only w/bid award	N/A
ACKNOWLEDGEMENT: Signed Y or N	Yes	Yes	Yes	Yes

NO BIDS:
Commercial Fitness LLC

BOLDFACE TYPE DENOTES LOWEST BIDDER MEETING SPECIFICATIONS

ATTEST:
Debra Doyle
John Hug
Linda Bockstanz

Susan Leirstein CPPB
Purchasing Director

G: ITB-COT 09-26 Treadmills - less trade-in

VENDOR NAME:	Direct Fitness Solutions, LLC	Exercise Warehouse, Inc	Exercise Warehouse	
PROPOSAL: TO FURNISH EIGHT (8) TREADMILLS AND PURCHASE THE CITY'S (8) TRADE-INS				
PROPOSAL:				
Furnish & Install Eight(8) Commerical Grade Treadmills in the Troy Community Center - Fitness Room in accordance with the specifications	$ 4,700.00	$ 4,874.00	$ 5,474.00	
	DMS - hp and width of walking deck	DMS Warranty	DMS Warranty	
COMPLETE FOR THE SUM OF:	$ 37,600.00	$ 38,992.00	$ 43,792.00	
Quoting On:	Treadmills	SK6900	SK6900TV	
Manufactured by:	Precor	BH Fitness	BH Fitness	
Model Number:	954i Experience	SK6900	SK6900TV	
AUTHORIZED DEALER: Y or N	Yes	Yes	Yes	
# of Years -	8	2	2	
PURCHASE OF CITY TRADE-INS: Eight (8) Precor C956i Treadmills - (Aug 2005)	Withdrew	Withdrew	Withdrew	
NET TOTAL:	DMS	DMS	DMS	
DELIVERY SCHEDULE:	Week of August 24, 2009			
Can Meet	XX	XX	XX	
Cannot Meet				
SERVICE FACILITY: Location	Manchester, MI	Livonia, MI	Livonia, MI	
# of Miles	81	25	25	
Response Time	24 to 48 hours	48 Hours	48 Hours	
CONTACT INFORMATION: Names:	Jack Summers	Matt Miller	Matt Miller	
		Danny Sherbin	Danny Sherbin	
Hours of Operation	7AM to 7PM	10AM to 8PM	10AM to 8PM	
24 Hr. Phone Number	800-838-2819	248-476-2213	248-476-2213	
WARRANTY: *Y or N*	INCLUDED IN BID PRICE:			
AC Motor Controller 3 yrs	Yes	Yes	Yes	
Mileage Deck & Belt 3 yrs	Yes	Yes	Yes	
All Parts & Labor 3 yrs	Yes	No	No	
Free shipping 2nd day 3 yrs	Yes	Yes	Yes	
Free Service call/travel 3 yrs	Yes	No	No	
AC Motor Lifetime	Yes	No	No	
Additional Warranty Costs - Marked	Blank	Extended Warranty	Extended Warranty	
INSURANCE: Can Meet	XX	XX	XX	
Cannot Meet				
but offer - Additional Cost				
PAYMENT TERMS:	Net 30	Net 30	Net 30	
WARRANTY:	As Specified			
DELIVERY DATE:	As Specified			

Opening Date -- 07/9/09
Date Prepared -- 8/6/09

CITY OF TROY
BID TABULATION
TREADMILLS

VENDOR NAME:	Direct Fitness Solutions, LLC	Exercise Warehouse, Inc.	Exercise Warehouse	
EXCEPTIONS:		Blank	Blank	
	Bidding the Precor			
	954i Experience			
ACKNOWLEDGEMENT: Signed Y or N	Yes	Yes	Yes	

G: ITB-COT 09-26 Treadmills - less trade-in

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: August 5, 2009
SUBJECT: Nancy Huntley, Legal Guardian of Carolyn Huntley v. City of Troy

---

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Nancy Huntley, Legal Guardian of Carolyn Huntley, a Protected Person. According to the allegations in the complaint, on June 29, 2007, Carolyn Huntley sustained a fall on the sidewalk in front of "511" Cardinal. We believe the actually address is "5117" Cardinal. The complaint alleges that the City is liable for her injuries under the defective highway exception to governmental immunity. The complaint alleges that the City failed to inspect and maintain the public sidewalk and permitted an "elevated concrete slab to remain in unreasonable repair for a considerable and unreasonable length of time".

Carolyn Huntley's damages are described in the complaint as a "fractured foot; severe injuries to ankle, right leg, knee, foot, inability to walk steady/altered gait; permanent limp, injuries to her back and neck; injuries to her upper and lower extremities; severe shock, as well as physical pain and suffering as a result of being violently thrown to the ground". She is seeking damages in excess of $25,000, the circuit court jurisdictional limit. Our office will defend the City of Troy absent contrary direction.

If you have any questions concerning the above, please let us know.

Original - Court 1st copy - Defendant 2nd copy - Plaintiff 3rd copy - Return

STATE OF MICHIGAN 6th JUDICIAL DISTRICT JUDICIAL CIRCUIT	SUMMONS AND COMPLAINT	CASE NO. OAKLAND COUNTY 09-101140-NO

Court Address
1200 N. Telegraph Rd, Pontiac, MI

Telephone no.
8-1000

Plaintiff name(s), address(es) and telephone no(s).		Defendant name(s), ad
NANCY HUNTLEY, Legal Guardian of CAROLYN HUNTLEY, a Protected Person	v	CITY OF TROY
Plaintiff attorney, bar no., address, and telephone no.		
MICHAEL G. KELMAN (P39135) BRIAN L. FANTICH (P60935) 30833 Northwestern Highway, Suite 206 Farmington Hills, MI 48334 (248) 855-0100		

JUDGE RUDY J. NICHOLS
HUNTLEY,NANCY v CITY OF TROY
AUG 03 2009 AM 10:11

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

Issue	This summons expires*	Court clerk
MAY 28 2009	AUG 27 2009	RUTH JOHNSON

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

X There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the Complaint.
___ A civil action between these parties or other parties arising out of the transaction or occurrence as alleged in the complaint has been previously filed in_____.
___ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
___ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
The docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.

The civil/domestic relations action __ remains __ is no longer pending.

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Oakland County, MI	Oakland County, MI

Place where action arose or business conducted
Oakland County, MI

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

5/14/09
Date

Signature of attorney/plaintiff Brian L. Fantich P60935

COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

OAKLAND COUNTY 09-101140-NO

JUDGE RUDY J. NICHOLS

HUNTLEY,NANCY v CITY OF TROY

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY O

NANCY HUNTLEY, Legal Guardian of
CAROLYN HUNTLEY, a Protected Person,

Plaintiff,

-vs- Case No. NO

CITY OF TROY, a
Municipal Corporation,

Defendant.

/

MICHAEL G. KELMAN P39135
BRIAN L. FANTICH P60935
LAW OFFICE OF KELMAN & FANTICH
Attorneys for Plaintiff
30833 Northwestern #206
Farmington Hills, MI 48334
(248) 855-0100
FAX (248) 855-3557

/

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
2009 MAY 26 PM 3:56
DEPUTY COUNTY CLERK

COMPLAINT

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil actions, nor between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is ether pending or was previously field and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

NOW COMES the above-named Plaintiff, by and through his attorneys, LAW OFFICES OF KELMAN & FANTICH, and files this Complaint against the Defendant, CITY OF TROY, and states as follows:

1. That Plaintiff is a resident of the City of Detroit, County of Wayne, State of Michigan.

2. That at all times hereinafter mentioned, prior and subsequent thereto, Defendant, CITY OF TROY, is a municipal corporation existing under the laws of the State of Michigan.

3. That the amount in controversy herein exceeds the sum of Twenty Five Thousand ($25,000.00) Dollars exclusive of costs, interest and attorney fees.

4. That on or about June 29, 2007, Plaintiff was walking on the public sidewalk "highway" located in front of 511 Cardinal, City of Troy, County of Oakland, Michigan, when she

tripped and fell on a elevated concrete slab, causing her to sustain severe and debilitating injuries.

5. That the public sidewalk "highway" where the incident occurred, at the time of the incident herein complained, was owned, under the control of and/or maintained by Defendant, CITY OF TROY, and Defendant, CITY OF TROY, was responsible for the safety of those persons lawfully thereon and permitted the elevated concrete slab to remain in unreasonable repair for a considerable and unreasonable length of time.

6. That at the time, place and location aforesaid, it was the duty of the Defendant, CITY OF TROY, by its agents and employees on its behalf, to exercise reasonable care and caution in about the management, construction, maintenance and design of the public sidewalk "highway" in that area, and to keep the same in a reasonably safe condition for Plaintiff, and other persons in accordance with the laws of the State of Michigan, the ordinances of the City of Troy and the rules of common law.

7. That disregarding those duties, Defendant, CITY OF TROY, by its agents and employees, was then and there guilty of one or more of the following negligent acts or omissions in violation of its duty to Plaintiff:

a. Failed to maintain the public sidewalk "highway" which is the subject of this lawsuit in a reasonably safe condition for pedestrians when the Defendant knew or should have known in the exercise of reasonable care and diligence that the above specified sidewalk was a hazardous condition for pedestrians;

b. Failed to provide adequate inspection procedures in the area and/or repair and maintain the existing sidewalk;

c. Failed to adequately and reasonably give notice or warning or provide the proper identification of the above described dangerous conditions;

d. Otherwise failed to use reasonable care to design and maintain the sidewalk "highway" in a reasonable safe condition for the reasonable foreseeable use by pedestrians.

8. That the negligent acts and/or omissions of Defendant, CITY OF TROY, constitute exceptions to the statutory governmental immunity by way of the defective highway/sidewalk exception and Defendant, CITY OF TROY, is liable in tort to Plaintiff for same, pursuant to MCL 691.1402 et al.

9. That the area where Plaintiff fell constituted a public nuisance and nuisance per se.

10. That in the happening of the incident complained of herein, Plaintiff was not guilty of negligence or comparative negligence but that, as a direct and proximate result of the gross negligence and carelessness of the Defendant, CITY OF TROY, by and through its agents and/or employees, your Plaintiff suffered severe personal injuries as follows:

a. Fractured foot; severe injuries to ankle, right leg, knee, foot, inability to walk steady/altered gait; permanent limp, injuries to her back and neck; injuries to her upper and lower extremities; severe shock, as well as physical pain and suffering as a result of being violently thrown to the ground;

b. Extensive contusions and abrasions all over her body as a result of being violently thrown to the ground;

c. The requirement of months of intense therapy, which injury is permanent in nature;

d. Severe humiliation and embarrassment, which is of an ongoing and permanent nature;

e. Loss of full ability to perform the normal vocational and avocational activities of life, and which prevent Plaintiff from participating in recreational activities, which loss is permanent;

f. Past, present and future hospital, medical, and pharmaceutical bills for treatment and medication;

g. Severe, frequent and persistent pain which is of a continuing and permanent nature;

h. Loss of earnings and earning capacity.

11. That in the event that Plaintiff was suffering from any other medical and/or emotional condition, then in that event, Plaintiff claims that those conditions were precipitated, aggravated and/or accelerated by reason of the foregoing incident herein described.

WHEREFORE, Plaintiff, NANCY HUNTLEY, Legal Guardian of CAROLYN HUNTLEY, a Protected Person, prays for Judgment against the Defendant, CITY OF TROY, in whatever amount above Twenty Five Thousand Dollars ($25,000.00) that Plaintiff may be found to be entitled plus costs, interest and attorney fees so wrongfully sustained.

LAW OFFICES OF KELMAN & FANTICH

By: _____

MICHAEL G. KELMAN P-39135
BRIAN L. FANTICH P-60935
Attorney for Plaintiff
30833 Northwestern Hwy., Ste. 206
Farmington Hills, MI 48334
(248) 855-0100

Dated: May 13, 2009

CITY COUNCIL ACTION REPORT

August 10, 2009

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Revised Appointment of SOCRRA Representative and Alternate Members

On June 15, 2009 City Council reappointed Assistant City Manager Brian Murphy as the SOCRRA representative and DPW Director Tim Richnak as the alternate member.

As Brian Murphy is leaving the City of Troy this month, it is necessary to appoint a replacement SOCRRA representative and alternate member.

I recommend that City Council appoint DPW Director Tim Richnak as the SOCRRA representative and Acting Assistant City Manager/Economic Development Services Mark Miller as the alternate rep.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – ROUGH –
MAY 6, 2009

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, May 6, 2009 in the lower level Conference Room at City Hall. Done called the meeting to order at 7:10 p.m.

Present:	C. Buchanan	M. Chaffee
	B. Harrell	E. Kempen
	P. Lin	L. Patton
	A. Vasudevan	

Present: Mitch Grusnick, staff

Absent: Daniel Chong
Kelly Clark
Angela Done
Kristin Mayer
Jeffrey Stewart
Michael Wilson

ITEM III – APPROVAL OF MINUTES OF MEETING OF APRIL 1, 2009
Chaffee made a motion to approve the minutes of April 1, 2009; supported by Patton; all voted in favor.

ITEM IV – PUBLIC COMMENT

ITEM V - SCHEDULED PRESENTATIONS

ITEM VI – UNFINISHED BUSINESS
Buchanan and Done met and composed a preliminary draft of an ACPD commendation letter to be sent out by Cindy Stewart and also the criteria and procedure for these letters. Kempen motioned to amend letter with grammar corrections; Harrell motioned to accept the changes. All in favor.

Harrell will email her draft of an ACPD informational letter she created to be used as a press publication for local papers. The Committee will then make suggestions.

Kempen brought copies of preliminary plans for 2222 Stephenson Hwy and 1225 Naughton to review for parking and accessibility. Kempen motioned that we as a Committee make recommendations to be presented to the Planning Commission on Tuesday, May 13. The Committee requests handicap parking spaces be provided outside the east end of 2222 Stephenson where the retail space is located. It was also

requested that barrier free restrooms be provided in the rental area. 2nd by Buchanan, all in favor. Patton will email Brent Savidant with this Committee's comments and suggestions prior to this meeting.

ITEM VII – NEW BUSINESS

ITEM VIII – REPORTS

ITEM IX – MEMBER COMMENT
Done is making arrangements for this committee to share space at Troy Daze.

ITEM X – ADJOURNMENT
Buchanan adjourned the meeting at 8:30 p.m.

_____
Cynthia Buchanan, member

_____
Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –
MAY 6, 2009

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, May 6, 2009 in the lower level Conference Room at City Hall. Done called the meeting to order at 7:10 p.m.

Present:	C. Buchanan	M. Chaffee
	B. Harrell	E. Kempen
	P. Lin	L. Patton
	A. Vasudevan	

Present: Mitch Grusnick, staff

Absent: Daniel Chong
Kelly Clark
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_____
Cynthia Buchanan, member

_____
Kathy Jearls, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 23, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck (arrived 7:36 p.m.)

Absent:
Philip Sanzica

Also Present:
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Richard Carlisle, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Chair Schultz requested to revise the agenda, as follows:
1) Remove Agenda item #6, Downtown Development Authority (DDA) Meeting.
2) Add Agenda item #10(a), Joint Planning Commission Meeting with City of Birmingham.

Resolution # PC-2009-06-056
Moved by: Strat
Seconded by: Edmunds

RESOLVED, To approve the Agenda as revised.

Yes: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle, Ullmann
Absent: Sanzica, Vleck (arrived 7:36 p.m.)

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-06-057
Moved by: Edmunds
Seconded by: Maxwell

RESOLVED, To approve the minutes of the June 2, 2009 Special/Study meeting and the June 9, 2009 Regular meeting as prepared.

Yes: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle, Ullmann
Absent: Sanzica, Vleck (arrived 7:36 p.m.)

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Ullmann gave a report on the June 16, 2009 Board of Zoning Appeals (BZA) meeting. He specifically addressed the three variances approved for the proposed Sonic Restaurant.

[Mr. Vleck arrived at 7:36 p.m.]

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Note: Item removed from the Agenda because there was no meeting.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on:

- June 15-16 Transit Oriented Design Charrette.
- City Council action items taken on June 15, 2009.
  - Approval of Big Beaver Kilmer PUD #10, Amendment to Preliminary Development Plan.
  - Approval of ZOTA 238, Social Service Facilities in M-1 District.

Chair Schultz announced construction started on the Huntington Bank approved on the southwest corner of Troy Center Drive and Big Beaver.

SPECIAL USE REQUEST

8. SPECIAL USE REQUEST (SU 366) – Proposed Sonic Restaurant, East side of John R, North of Fourteen Mile Road, Section 36, H-S (Highway Service) District

Mr. Savidant briefly reviewed the status of the proposed Sonic Restaurant. Mr. Savidant explained the time constraints involved relating to the variances granted by the BZA and the report prepared by the Planning Consultant.

Richard Carlisle reviewed the report and addressed the following noted deficiencies:

- Speaker and menu board locations.
- Loading area in relation to truck delivery times.
- Affidavit from property owner for outdoor seating. *(Affidavit received by Planning Department via facsimile, and original Affidavit hand delivered at meeting)*.

Mr. Carlisle said the site in terms of position and arrangement makes for a very intensive project. He reported the site plan meets all Zoning Ordinance requirements and it is recommended to approve the application as submitted, with a condition that truck deliveries are limited to non-operational hours.

The petitioner, Jim Butler of Professional Engineers Associates (PEA), 2430 Rochester Court, Troy, was present. Mr. Butler submitted the original Affidavit signed by the property owner required for the outdoor seating. He distributed twelve (12) letters of endorsement from Oakland Plaza tenants as well as site plan exhibits and colored pictures relating to the variances granted by the BZA. Also displayed was a colored rendering of the proposed Sonic Restaurant.

Mr. Butler addressed the latest site plan revisions relating to the taper and deceleration lane on John R, the 8-foot wide sidewalk and greenbelt landscaping. Mr. Butler also addressed concerns outlined in the letter submitted to the BZA from Douglas Mossman, former managing partner for Oakland Mall and Oakland Plaza, relating to the greenbelt, visibility, traffic congestion and cut-through traffic. He stated there is an existing reciprocal cross access easement on the site.

Mr. Butler said the franchisee and representatives from the traffic consulting firm and Sonic corporate office were in the audience and available for questions.

Mr. Ullmann voiced concern with planting deciduous trees in the greenbelt. His concern is with potential problems to the sidewalk and driveway caused by the roots so close to the sidewalk.

Discussion continued on the species, height and width of the proposed landscaping.

Doug Hailey, Senior Director of Design for Sonic Industries, Oklahoma City, Oklahoma, was present. Mr. Hailey briefly described the internal traffic flow and specifically addressed the stacking of vehicles, canopies and menu boards. He said usually demand determines the hours of operation.

Chair Schultz opened the floor for public comment.

Kevin Barnes, operator of the Burger King on 14 Mile Road near the proposed Sonic Restaurant, was present. Mr. Barnes spoke in opposition of the proposed development. He addressed the potential for increased traffic congestion, stacking of cars, cut-through traffic and safety concerns because of the tight site layout. Mr. Barnes shared his experience at the Sonic Restaurant located in Clinton Township this past February.

Mr. Hailey responded that most Sonic Restaurants are located on three-quarter acre sites and are very successful. He said the traffic volume will be a challenge during the honeymoon period. Mr. Hailey addressed the traffic count numbers and the "energy" that a Sonic Restaurant generates.

Carl Chandler, an accountant for Sonic, addressed traffic counts and does not anticipate any safety concerns.

Chair Schultz closed the floor for public comment.

Discussion continued on:

- Proposed landscaping.
  - Species of trees, planting within proximity of sidewalk, maintenance.
  - Yews and viburnums, maintain at 30-36 inches.
- Unloading area as relates to delivery schedule.

Ben Cheshire of 5388 Ridge Court, Troy, addressed the hours of operation and the schedule of truck deliveries. He gave a brief explanation of "key drop delivery" system. Mr. Cheshire agreed with a stipulation for deliveries during off peak hours when drive-up services are not offered.

Resolution # PC-2009-06----
Moved by: Tagle
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.06 of the Zoning Ordinance, as requested for the proposed Sonic Restaurant, located on the east side of John R, north of Fourteen Mile Road, in Section 36, within the H-S zoning district, be granted, subject to the following conditions:

1. The exact speaker locations be shown on the plans.
2. Deliveries only accepted during non-operational hours.
3. Tree species along John R be determined with the Planning Consultant and City Landscape Architect.

Discussion on the motion on the floor.

There was a lengthy discussion on defining "non-operational hours".

Mr. Cheshire said hours of operation would be from 6 a.m. to midnight. He would use the "key drop delivery" system for major deliveries, but asked to allow small deliveries until 10 a.m.

It was determined to specify no deliveries between the hours of 10 a.m. and 12 midnight.

Amendment to the motion on the floor.

Resolution # PC-2009-06-058
Moved by: Vleck
Seconded by: Edmunds

To amend the delivery hours to state that there will be no scheduled deliveries between 10 a.m. and 12 a.m.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

Vote on the motion on the floor as amended.

Resolution # PC-2009-06-059
Moved by: Tagle
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.06 of the Zoning Ordinance, as requested for the proposed Sonic Restaurant, located on the east side of John R, north of Fourteen Mile Road, in Section 36, within the H-S zoning district, be granted, subject to the following conditions:

1. The exact speaker locations be shown on the plans.
2. No scheduled deliveries between 10 a.m. and 12 a.m.
3. Tree species along John R be determined with the Planning Consultant and City Landscape Architect.

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

MOTION CARRIED

Mr. Ullmann said it is his belief that the site is too small for the proposed development. He wished success in the operation of the restaurant.

STUDY ITEMS

9. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Review of Draft Nonconforming Uses/Structures Article and Amendments Article

Mr. Savidant gave a brief review and introduction of the item.

Mr. Carlisle reviewed the draft of Article 13, Nonconforming Uses/Structures. He pointed out inconsistencies in the current Zoning Ordinance (Section 13.03 D., Section 13.04 B, Section 13.05 C, and Section 13.05 E).

There was discussion on the following:

- Place mechanisms that would give owner ability to bring property into conformity.
- Add value to the property; intent is not to devalue property.
- Building Department and Zoning Board of Appeals (BZA) involvement.
- Obtain count of existing nonconforming uses from Building Department.
- Eliminate and/or make consistent specified timeframes (i.e., 30 day, 6 months, 6 consecutive months).
- Identify classifications for nonconforming uses. Class A nonconformities are permitted to expand; Class B are not.
- Look at Section 13.03 D.5.
- Provision not to preclude someone from building up to code.

Resolution # PC-2009-06-060
Moved by: Edmunds
Seconded by: Tagle

RESOLVED, To suspend the rules, and table Agenda item #9 to later in the evening and move Agenda item #10 forward.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

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10. POTENTIAL ZONING ORDINANCE TEXT AMENDMENT – Used Car Sales in M-1

Mr. Hutson disclosed that his law firm represents an automobile dealer located in Troy that is situated in the M-1 Zoning District. He asked to recuse himself from discussion on this item to avoid any appearance of impropriety.

Mr. Forsyth agreed it would be appropriate to recuse Mr. Hutson from discussion.

[Mr. Hutson exited meeting.]

Mr. Strat disclosed his relationship with the petitioners, but indicated he has no financial interest in the matter.

Mr. Forsyth said he sees no conflict of interest.

Mr. Savidant gave a brief introduction to the item. He advised members that used car sales are not permitted in the M-1 zoning district as a principal use. They are permitted as an accessory use to a new cars sales agency, provided that agency is in a planned automobile center. Mr. Savidant said used car sales are permitted in the B-3 and H-S districts, subject to Special Use Approval. He reported an amendment to the Zoning Ordinance would be necessary to permit used car sales as a principal use or as accessory to a towing or automobile storage facility in the M-1 district. Mr. Savidant identified questions to consider and generate discussion.

Mr. Strat said the primary interest of the petitioner is to operate a wholesale car dealership. Pre-ordered upscale cars would be displayed on a temporary basis for retail. Mr. Strat said some cars might be repaired on site and then put on the market for sale.

Carrie Heichel and Jack Youhana of Global Towing Company, 5878 E. Maple Road, Troy, were present. Ms. Heichel and Mr. Youhana are seeking the City's approval so they can move forward with a Class B License application. They provided a brief description of the proposed wholesale operation relating to the type, number, repair, storage and retail display of vehicles on site.

Mr. Savidant reviewed the Zoning Ordinance standards for used car sales in the B-3 zoning District. He indicated the Planning Department could work on similar standards for the M-1 Zoning District.

Discussion followed.

The Planning Department will work on language for the proposed Zoning Ordinance Text Amendment. Mr. Savidant indicated the process would take approximately 90 to 120 days.

[Mr. Hutson returned to the meeting.]

9. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) *(continued)*

Mr. Savidant gave a brief review and introduction of the item.

Mr. Carlisle reviewed the draft of Article 15, Amendments.

Discussion followed on:

- Dimensional concept plans.
- Incentive for conditional rezonings.
- Checklists.
- Guide flow charts and appropriate linkage.
- PUD approval process as guideline.

10 (a). JOINT PLANNING COMMISSION MEETING – CITY OF TROY AND CITY OF BIRMINGHAM

Chair Schultz introduced the item.

Resolution # PC-2009-06-061

Moved by: Edmunds
Seconded by: Tagle

WHEREAS, The City of Troy Planning Commission has the opportunity to participate in a joint meeting with the City of Birmingham Planning Board.

THEREFORE BE IT RESOLVED, The intent of the meeting is to update both boards on the design of the proposed Troy/Birmingham Transit Center.

BE IT FURTHER RESOLVED, That the Planning Commission shall hold a joint Special Meeting with the City of Birmingham Planning Board on Tuesday, July 14, 2009, at 7:30 p.m. in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084.

BE IT FINALLY RESOLVED, That the July, 2009 Planning Commission Regular meeting shall be held on Tuesday, July 28, 2009, at 7:30 p.m. in the Council Chambers of Troy City Hall.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

OTHER BUSINESS

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

12. PLANNING COMMISSION COMMENT

Mr. Edmunds was commended for a well-written and informative report on the APA National Conference.

Mr. Edmunds addressed the Planning Commission recommendation to rezone and subsequent City Council approval to rezone Harlan Plaza (File Number Z-736) from B-1 to B-3, as relates to a nonconforming use.

Mr. Savidant acknowledged the inconsistency in measuring the setbacks for that particular rezoning request, and apologized for the unintentional error and misleading information.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:02 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:33 A.M., on Wednesday, July 1, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Keith Lenderman
Tim Richnak
Mark Stimac

ALSO PRESENT: Paul Evans, Inspector Supervisor
Pamela Pasternak, Recording Secretary

ABSENT: Frank Zuazo

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 3, 2009

Motion by Lenderman
Supported by Stimac

MOVED, to approve the minutes of the meeting of June 3, 2009 as written.

Yeas: 4 – Dziurman, Lenderman, Richnak, Stimac
Absent: 1 – Zuazo

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – 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.

This item first appeared before this Board at the meeting of June 3, 2009 and was postponed to allow the petitioner to mark her property as to the location of the fence; to allow the petitioner to discuss this variance request with her neighbors to see if they would approve of the request; and to allow Building Department staff to provide a map of this area indicating the neighbors that were opposed to this request.

Ms. Shantry was present and passed out the documents that the Board had asked for, which included a letter from the veterinarian as well as a petition signed by several of her neighbors indicating approval of this request.

ITEM #2 – con't.

Mr. Stimac asked if the flags and fence posts on the property were in the proposed location of the fence and if the fence material was the same as that of the fence installed along the south property line. Ms. Shantry said that was correct.

Mr. Dziurman questioned the petition that Ms. Shantry brought in.

Ms. Shantry stated that there are eight (8) homeowners that have indicated approval.

Mr. Dziurman asked if the hardship was the fact that the dog could jump a fence that was less than 6' and Ms. Shantry said that was correct.

Mr. Lenderman said that in reading the material Ms. Shantry brought in, a 6' high chain link fence was recommended so that the dog could see what was outside of the fence.

Ms. Shantry said this was not a privacy fence but a picket fence so that the dog would be able to see out of the yard.

Mr. Stimac asked if Ms. Shantry had indicated to the people she approached with her petition that the measurement of the location of the fence would be from the edge of the pavement.

Ms. Shantry said that the only people that had concerns were people that thought the fence was going to block the corner.

Mr. Stimac said that documents had been submitted that a 6' high fence was required to contain the dog, but indicated that the fence could be placed farther back on the property line. Mr. Stimac also said that the house is 40' from the property line.

Ms. Shantry said that if the fence is moved back it would cut off her yard and she wants to be able to use all of it. The distance from the corner of the house to the pavement is 59'. Ms. Shantry said that she would lose 40' of her property that she would like to be able to use.

Mr. Stimac stated that Ms. Shantry would still have an 82' wide fenced yard.

Ms. Shantry passed out pictures of her yard and stated that she would like to be able to enjoy the yard and not cut it in half.

Mr. Lenderman asked what the height restriction was and Mr. Stimac said that the Ordinance limits the height of fences in the front yard to not more than 30" in height. Mr. Lenderman further stated that he believes that dog could be trained to stay in the yard and did not see a lack of training as a hardship.

ITEM #2 – con't.

Ms. Shantry indicated that she had just gotten the dog and has been working with him on her own as well as in obedience school.

Mr. Stimac said that from the pictures and site visits that it appears that this property is lower than the road on Aspinwall.

Ms. Shantry said that there is a drainage ditch that runs along Aspinwall although she had never noticed that her property was lower.

Mr. Richnak asked how far the fence would be from the property line.

Mr. Stimac said that he thought it would be about 3 ½' back. Ms. Shantry said that they had measured 24' from the Road and thought the distance would be 5' from the property line.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Ms. Shantry presented a petition with eight (8) homeowners indicating approval of this request.

Motion by Stimac
Supported by Richnak

MOVED, to grant Christine Shantry, 6195 Blackwall, relief of Chapter 83 to install a 6' high picket style fence located 3.5' from the north property line along Aspinwall.

- This property has a significant amount of trees between the fence and the front property line.
- This fence is a non-obscuring type of fence.
- This property is lower than the level of the street pavement on Aspinwall giving the appearance of a shorter fence.

Yeas: 4 – Lenderman, Richnak, Stimac, Dziurman
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. & MRS. KENNETH BUDRY, 884 HIDDEN RIDGE, for relief of Chapter 83 to install a 5' high privacy fence.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a privacy fence. Because of the location of this lot and the orientation of the adjacent homes, this lot is classified as a double front corner lot. As such, it has front yard

ITEM #3 – con't.

requirements along Hidden Ridge Drive both on the north and east side of the property. Because of the common rear yard relationship with the property to the west, Chapter 83 limits fences in the yard to the north of this house to a non-obscuring fence not more than 48" in height. The site plan submitted indicates a 5' high obscuring fence at the front property line along the north property line adjacent to Hidden Ridge.

Ms. Olivia Olsztyn-Budry was present. Ms. Budry stated that she and her husband have two (2) young children that play in the yard most of the day and she wants to put up this fence in order to protect her children from people walking and driving by. Although the children are not alone when they are outside, they are visible to people passing by. Ms. Budry has chosen a white PVC fence in order to eliminate any type of maintenance and it carries a lifetime warranty. Ms. Budry said that she had spoken to the people across the street and one person said that they did not care, but the homeowner at 859 Hidden Ridge indicated that they would not approve a 6' high fence but would be in favor of a 5' high fence. There is an existing chain link fence around the property and the 5' fence would be put in that location.

The Chairman opened the Public Hearing.

Ms. Jan Duzzie, 827 Hidden Ridge was present. Ms. Duzzie indicated that her home was near this home and stated that this is a very difficult corner. Ms. Duzzie said that this neighborhood is relatively safe and if a variance is granted for a 5' high fence at this location, other owners of corner lots could come in and ask for the same thing. Ms. Duzzie feels that a privacy fence will make this property look like a fort. There is an existing fence around this property and another neighbor had created a hedge along his chain link fence which increased the privacy of this yard.

Ms. Budry said that she had contacted the Deputy Engineer for the City regarding traffic problems at this location and the City had done both a traffic study and a traffic count. This is what is considered an "eyebrow" turn and is quite wide. In order for this curve to be changed it would require a special assessment and due to the economic climate Ms. Budry decided not to pursue this. The City Engineer did put up a reflector to help and slow down traffic. Ms. Budry also stated that the homeowner at 859 Hidden Ridge said that they would not approve a 6' high fence but would consider a fence that is 5' high. Ms. Budry further stated that she and her husband do not like hedges or arborvitae. They do not want to maintain this type of shrubbery and this is one of the reasons that they chose to put up a PVC fence.

Ms. Duzzie stated that in her opinion if you buy a house on a corner lot, then that is what you have. Ms. Duzzie does not think that a child's safety is enough of a hardship to put up a 5' high fence. Child safety is up the parents. Ms. Duzzie said that she has lived in her home for twenty-nine (29) years and has not witnessed any type of problem. Ms. Duzzie also stated that she believes additional shrubbery will add to the screening

ITEM #3 – con't.

of the yard and would be aesthetically pleasing. Ms. Duzzie said that she is opposed to this request.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Dziurman asked if the existing fence was permitted by Ordinance and Mr. Stimac said that a 4' high non-obscuring fence was permitted.

Mr. Stimac asked if Ms. Budry would be willing to start the fence at the northwest corner of the property and go back, which would provide privacy for the rear yard.

Ms. Budry said that if they did that, a great deal of their yard would be cut and they would not be able to see the children. They have a swing set, a patio and a garage behind the house and Ms. Budry did not believe this would add enough security.

Mr. Stimac said that presently the children could walk around the fence and end up on the street.

Ms. Budry said that they keep the fence locked and the area that Mr. Stimac is proposing is used to play sports and she does not want to enclose that area.

Mr. Stimac stated that this lot is 100' wide while most of the lots in this subdivision are 76.5' wide. Corner lots are made larger with the knowledge that the area cannot always be used 100%. Mr. Stimac stated that if they maintain a 4' high fence the whole yard would be enclosed.

Ms. Budry said that she is aware of people in the area that have criminal records and she wants to be able to provide a secure back yard for her children.

Ms. Budry was asked if this was the only place the fence could be located.

Ms. Budry indicated that she would be willing to move it back a few feet, but their plan was to take out the existing fence and put the new fence in the same location.

Mr. Stimac asked if there was any location that Ms. Budry would be willing to compromise regarding the location of this fence and Ms. Budry said that she would be willing to move it back 5'.

Ms. Budry said that her front yard is very well maintained and landscaped. She and her husband do not like obscuring vegetation and feels that it requires a lot of work.

ITEM #3 – con't.

Mr. Richnak stated that personal preferences are not always considered when this Board grants a variance. In many cases, this Board requires obscuring vegetation along a fence line to soften the appearance along the property line. There is a lot of plant material available that may not require as much care. Mr. Richnak said that he would have a hard time approving this request if Ms. Budry did not accept the fact that obscuring vegetation would be required.

Mr. Stimac asked if this fence came in different colors. Ms. Budry said that it comes in khaki like color and a darker brown, but these colors are more expensive.

Mr. Stimac said that in his opinion the worst thing you can do aesthetically is put up a solid white fence at the property line without screening. Mr. Stimac suggested that Ms. Budry contact a landscaping company to see what type of plant material would be available.

Ms. Budry asked if she could move the fence back 5' and put in hostas. Mr. Richnak stated that there would not be any type of screening in the winter.

Mr. Stimac said that the Board would want to have some type of screening year round.

Mr. Lenderman said that he is not comfortable granting this variance as it appears that approval would mean that Ms. Budry's children would be guaranteed to be kept safe. Mr. Lenderman said that he is opposed to the assumption that a 5' high fence would keep them safe.

Ms. Budry said that she understands that and the 5' high fence would keep them screened from traffic, and she does not like the idea that people can see her children in the yard. Ms. Budry said that she would also like another child so they will have young children for quite some time.

Mr. Stimac said that Ms. Budry is very close to the outside corner clearance triangle and people do come around the corner very fast.

Ms. Budry indicated that she would be willing to move the fence back.

Mr. Stimac said that it would still require a variance. This fence will have a greater impact on the southern portion of Hidden Ridge.

Motion by Stimac
Supported by Richnak

ITEM #3 – con't.

MOVED, to postpone the request of Mr. & Mrs. Kenneth Budry, 884 Hidden Ridge, for relief of the Chapter 83 to install a 5' high privacy fence.

- To allow the petitioner to investigate landscape alternatives.
- To allow the petitioner to consider moving the fence back off of the property line.

Yeas: 4 – Richnak, Stimac, Dziurman, Lenderman
Absent: 1 – Zuazo

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF AUGUST 5, 2009 CARRIED

ITEM #4 – VARIANCE REQUESTED. ROBERT MOORHOUSE, OF R.E. MOORHOUSE & ASSOCIATES, 767 W. BIG BEAVER, for relief of Chapter 85 to erect a third ground sign that is proposed to be thirty-six (36) square feet in area.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect a third ground sign at 767 W. Big Beaver. This property is located in the Office-Service-Commercial (O-S-C) Zoning District. Section 85.02.05 of the Troy Sign Ordinance allows two (2) ground signs per building in the O-S-C Zoning District. There is an existing ground sign on this parcel that is fifty (50) square feet and a second ground sign that is thirty-six (36) square feet in area. This proposed third ground sign exceeds the allowable number of signs.

Mr. Moorhouse of R.E. Moorhouse & Associates and Mr. Tony Antone of 755 Tower Associates were present. Mr. Moorhouse stated that the hardship is the fact that Ruth Chris Steakhouse, 755 W. Big Beaver, is setback 400' from Big Beaver. In the future another restaurant, Granite City will be constructed in front of 755 W. Big Beaver and the view to this restaurant will be blocked.

Mr. Antone stated that his company is the management-owner of National City Center, 755 W. Big Beaver. Granite City is a 1.9 acre site that is not yet developed. Ruth Chris has just extended their lease significantly and they have increased the size of their restaurant by approximately 2000 square feet and have updated the look of the restaurant. Mr. Antone said that once Granite City goes in they will not have the visibility they will need.

Mr. Dziurman asked if other tenants in the building have ground signs.

Mr. Antone said that other tenants would not be allowed to have other signs.

Mr. Richnak asked how long the petitioner believes the "For Lease" ground sign would remain on the property.

ITEM #4 – con't.

Mr. Antone said that it will probably be there forever. There is a lot of tenant turnover at this location and there is always space for lease. Even if the building was at a 70% - 85% capacity, Mr. Antone would have the "For Lease" sign remain.

Mr. Lenderman asked if they had acquired a lot of tenants through the "For Lease" sign.

Mr. Antone said that a lot of folks do not want to go through a broker and they do come in because of that sign.

Mr. Dziurman asked what the normal size of a ground sign was.

Mr. Stimac stated that depending on the location of the sign, the primary sign could measure up to 200 square feet. A second ground sign would be limited to 36 square feet. If the Real Estate sign was removed this proposed sign would not require a variance.

Mr. Dziurman asked how large the National City Center sign is and Mr. Stimac stated that it is 50 square feet.

Mr. Richnak asked if Granite City would be allowed to have two (2) ground signs and Mr. Stimac stated that was correct.

Mr. Antone stated that originally Granite City wanted to be located farther back from Big Beaver, but the Planning Commission stated that as part of the Big Beaver Corridor study they wanted it closer to Big Beaver. When this proposed location was moved closer to Big Beaver a hardship was created for Ruth Chris. Morton Steakhouse is much closer to Big Beaver and Ruth Chris is at a disadvantage as it is set farther back.

Motion by Lenderman
Supported by Stimac

MOVED, to grant Robert Moorhouse, R.E. Moorhouse & Associates, 767 W. Big Beaver, relief to Chapter 85 to erect a third (3) ground sign that is proposed to be thirty-six (36) square feet in area.

- The sale of the front parcel of property has created a hardship as to visibility for Ruth Chris.
- New sign will aid in identifying this restaurant.
- If the "For Lease" sign were ever removed, the proposed sign would be conforming.

Mr. Stimac questioned the location of the proposed sign as it is past the turnaround for Ruth Chris.

ITEM #4 – con't.

Mr. Antone said that they have done a number of studies and believe this is the best location because it will be visible for people heading westbound on Big Beaver and coming off of I-75.

Mr. Stimac said that he believes most of the people coming to this restaurant are coming past on West Big Beaver.

Mr. Antone said this is not a "way finding tool". Once people know that the sign is there it is directional. The only other location it could be placed was in the location of the existing "For Lease" sign.

Mr. Richnak asked if there was any thought to moving the "For Lease" sign and insert "For Lease" on the National City sign.

Mr. Antone said that presently there are two (2) panels available on that sign. They are reserved for any tenant that leases an entire floor.

Mr. Richnak asked if the sign could be increased to 200 square feet rather than 50 square feet.

Mr. Stimac stated that right now the sign is located at a 0' setback, which limits it to 50 square feet. Mr. Stimac also stated that he was somewhat concerned in the fact that the Granite City parcel was sold off so that there was no longer any frontage on Big Beaver and that is now being submitted as a hardship to the property.

Mr. Antone said that they did not make this a requirement of the sale and that they are under no obligation to do this for Ruth Chris. Ruth Chris will be blocked off because of Granite City, which will be a great addition to this location.

Mr. Dziurman asked if Morton's Steakhouse required a variance. Mr. Stimac said that he did believe a variance was granted for the wall signage but not for the ground sign.

Mr. Richnak pointed out that Morton's does not have a Real Estate Sign in place.

Mr. Stimac stated that the corporate colors for Ruth Chris are red and black and asked why the name on the National City Center sign was in different colors.

Mr. Moorhouse stated that the color scheme was dictated by the owners.

Mr. Stimac said that he thought the Ruth Chris name on the existing sign would be more recognizable if it was done in their corporate colors.

ITEM #4 – con't.

Mr. Antone said that the manager of Ruth Chris approached him and stated that he could remove their name from the sign whenever they wanted as he feels it does not help them at all.

A discussion began as to how Ruth Chris designates their location in their advertising and it is hoped that they state that they are located in the National City building.

Yeas: 4 – Stimac, Dziurman, Lenderman, Richnak
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals adjourned at 9:45 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

The Chairman, Glenn Clark, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, July 21, 2009 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Glenn Clark
Kenneth Courtney
Ed Kempen
Matthew Kovacs
Dave Lambert
Lon Ullmann

ALSO PRESENT: Mitch Grusnick, Plan Analyst
Allan Motzny, Assistant City Attorney
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 16, 2009

Motion by Bartnik
Supported by Lambert

MOVED, to approve the minutes of the meeting of June 16, 2009 as written

Yeas: All - 7

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4

Motion by Courtney
Supported by Kempen

RESOLVED, that Items #3 and #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: All - 7

ITEM #3 – RENEWAL REQUESTED. MR. & MRS. RICHARD VARKLE, 54 E. SQUARE LAKE, for relief of the requirement to provide hard surface parking and an access drive.

MOVED, to grant Richard & Melanie Varkle, 54 E. Square Lake, a three-year (3) renewal of relief of the requirement to provide hard surface parking and an access drive.

- Conditions remain the same.
- We have no objections or complaints on file.

ITEM #4 – RENEWAL REQUESTED. KENSINGTON COMMUNITY CHURCH, 1825 E. SQUARE LAKE, for relief of the 4'-6" high masonry screening wall required along the north and west side of off-street parking.

MOVED, to grant Kensington Community Church, 1825 E. Square Lake, a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required along the north and west side of off-street parking.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #5 – APPROVAL REQUESTED. STEVE KALMAR, 411 LEETONIA, for approval under Section 43.74.01 to store a GMC semi tractor outside on residential property.

Mr. Grusnick explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. This GMC semi tractor does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

The petitioner was not present.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are two (2) written objections on file.

Motion by Kovacs
Supported by Courtney

MOVED, this item to the end of the Agenda, Item #8, to allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO MOVE THIS ITEM TO ITEM #8 CARRIED

ITEM #6 – APPROVAL REQUESTED. ANDREW PUMA, 951 E. SQUARE LAKE, for approval under Section 43.74.01 to store an enclosed utility trailer outside on residential property.

Mr. Grusnick explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. This enclosed utility trailer does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

ITEM #6 – con't.

The petitioner was not present.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Kovacs
Supported by Courtney

MOVED, this item to the end of the Agenda, Item #9, to allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO MOVE THIS ITEM TO ITEM #9 CARRIED

ITEM #7 – VARIANCE REQUESTED. MR. & MRS. JOSEPH D'ANGELO, 3100 WENDOVER, for relief of the Ordinance to construct an addition to their home. This home is a legal non-conforming structure in that it does not meet the current front yard setback requirements and the proposed addition will result in a 25'-1 ¾" front setback to the garage and a 22'-7" setback to the covered porch, where Section 30.10.02 requires a 40' front yard setback. Section 40.50.04 prohibits expansions on non-conforming structures in a way that increases the non-conformity.

Mr. Grusnick explained that the petitioner is requesting relief of the Ordinance to construct an addition to their existing home. This house is a legal non-conforming structure. It has an existing 24'-7 ¾" front yard setback where Section 30.10.02 requires a 40' minimum front yard setback. The site plan submitted indicates a proposed 25'-1 ¾" front setback to the garage and second floor addition and 22'-7" to the expanded covered porch. Section 40.50.04 prohibits expansions on non-conforming structures in a way that increases the non-conformity.

Mr. Courtney asked if the only part of this construction that will increase the non-conformity is the front porch and the fact that there is more building area. Mr. Grusnick said that was correct.

Mr. Bartnik asked if the other homes in the area were built before the 40' setback requirement and Mr. Grusnick said the subdivision was developed prior to the current zoning yard regulations and that several other properties have been before this Board for setback variances.

Mr. Joe Roman, the Architect for this project was present. Mr. Roman stated that the owners are trying to expand their home to meet the needs of a growing family. They are

ITEM #7 – con't.

proposing to add a second story addition over the garage, which is a continuation of their existing second story. In order to balance the look of the home they are proposing to bump out the front of the garage to create more storage space. In the rear yard they are proposing to add a larger family room, dining room and kitchen area. There is a large tree in the middle of the yard and they are trying to preserve it. A wood deck will be put in this area, but will not affect this tree. The existing porch is covered all the way across the front of the house and the height of the porch from the slab to the ceiling is very low. This is a legal non-conforming structure and the 40' setback comes through the middle of the house. Also, due to the fact it is on a cul-de-sac the lot has an irregular shape and does not have a lot of frontage.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Kovacs
Supported by Courtney

MOVED, to grant Mr. & Mrs. Joseph D 'Angelo, 3100 Wendover, relief of the Ordinance to construct an addition to their home, which will result in a 25'-1 ¾" front setback to the garage and a 22'-7" setback to the covered porch, where Section 30.10.02 requires a 40' front yard setback.

- Variance is not detrimental to surrounding property.
- The shape of the lot is unique and creates a hardship.
- Variance is not contrary to public interest.
- Literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – (ITEM #5) – APPROVAL REQUESTED. STEVE KALMAR, 411 LEETONIA, for approval under Section 43.74.01 to store a GMC semi tractor outside on residential property.

Mr. Grusnick explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. This GMC semi tractor does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

ITEM #8 – con't.

Mr. Kalmar was present and stated that he felt he should be approved for the temporary storage of this vehicle. Mr. Kalmar said that he feels he meets both B and C of the criteria needed. The garage door cannot accommodate this truck as the clearance required is 10' for that vehicle. Because of the location on the property it does not cause an adverse effect to surrounding property. Mr. Kalmar had submitted pictures indicating the location of this vehicle at the rear of the property. The vehicle is not visible except from the west when approaching his home. Mr. Kalmar said that it is not his intention to keep the vehicle on his property, but will be moved to a farm in Midland.

Mr. Courtney asked how long Mr. Kalmar thought it would take to fix the truck.

Mr. Kalmar said that he works full time and is also a volunteer fireman and he would like a few months and thought it should be done by the end of September.

Mr. Clark asked if there was a minimum time frame regarding this approval.

Mr. Motzny explained that the time frame is at the discretion of the Board.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There are two (2) written approvals on file.

Mr. Lambert asked if Mr. Kalmar drives the vehicle back and forth to work.

Mr. Kalmar said that he has only driven it once to the DPW to get it weighed.

Mr. Kovacs asked what the vehicle was used for and Mr. Kalmar stated that the designation from the Michigan Secretary of State is that it can only be operated as a log farm vehicle. Mr. Kalmar went on to say that it is used to haul farm machinery, grain, etc.

Mr. Bartnik asked how long this vehicle has been in this location and Mr. Kalmar said that it has been about 1 ½ years.

Mr. Bartnik asked if it has been sitting all that time.

Mr. Kalmar said that it runs, however it needs to have parts replaced to make the vehicle safer such as the tires and other parts in the engine.

Mr. Bartnik asked why Mr. Kalmar didn't take it up to Midland before.

ITEM #8 – con't.

Mr. Kalmar said that he got home with the truck around 2 AM from Illinois. During that drive he noted there were deficiencies in the way it ran and felt that they should be fixed before moving it another long distance. The truck was built in 1979 and parts are hard to get. Mr. Kalmar said that he got the parts from New Paris, Indiana from a salvage vehicle.

Mr. Bartnik said that the vehicle either could have been driven to Midland or Mr. Kalmar could have had it towed.

Mr. Kalmar said that he doesn't know the cost involved in towing the vehicle that distance. Mr. Kalmar said that it was never his intention to leave the vehicle here that long.

Mr. Bartnik asked how loud the vehicle was and Mr. Kalmar stated that he did not think it was any louder than a new tractor. Mr. Bartnik asked what the decibel reading was and Mr. Kalmar said that he had never taken a decibel reading and had no idea. Mr. Bartnik asked Mr. Kalmar why he needed an extension when the vehicle has been in this location for one and one-half years. Mr. Kalmar said that he only acquired the parts he needed last week.

Mr. Kovacs said that he thinks it is a much fairer assessment for Mr. Kalmar to say that he just ran out of time.

Mr. Courtney stated that sometimes it takes a long time to get parts for a vehicle this old. Mr. Courtney also stated that he could understand why Mr. Kalmar would rather drive the vehicle than have it towed.

Mr. Ullmann said that he owned a 1979 tractor and it would be very difficult to find thirty-year old parts.

Motion by Ullmann
Supported by Bartnik

MOVED, to grant Mr. Steve Kalmar, 411 Leetonia, approval under Section 43.74.01 to store a GMC semi tractor outside on residential property for a period of two (2) months.

- If the vehicle is not moved by that time, it is up to the petitioner to have the vehicle towed off of the property.

Motion by Kovacs
Supported by Kempen

ITEM #8 – con't.

MOVED, to amend the motion to change the approval period to three (3) months.

Mr. Bartnik stated that he has not seen any evidence presented by the petitioner that would support this approval. This vehicle has a negative effect to this residential property. Mr. Bartnik said that this vehicle has to be moved. The street is narrow and Mr. Bartnik said that he does not feel Mr. Kalmar meets any of the criteria provided in the application.

Vote on the motion to amend.

Yeas: 5 – Ullmann, Clark, Courtney, Kempen, Lambert
Nays: 2 – Bartnik, Kovacs

MOTION TO AMEND CARRIED

Vote on amended motion.

MOVED, to grant Mr. Steve Kalmar, 411 Leetonia, approval under Section 43.74.01 to store a GMC semi tractor outside on residential property for a period of three (3) months.

- If the vehicle is not moved by that time, it is up to the petitioner to have the vehicle towed off of the property.

Yeas: 6 – Clark, Courtney, Kempen, Kovacs, Lambert, Ullmann
Nays: 1 – Bartnik

MOTION TO GRANT APPROVAL CARRIED

ITEM #9 – (ITEM #6) – APPROVAL REQUESTED. ANDREW PUMA, 951 E. SQUARE LAKE, for approval under Section 43.74.01 to store an enclosed utility trailer outside on residential property.

Mr. Grusnick explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. This enclosed utility trailer does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

Andrew Puma and Judy Woodhouse were present. Ms. Woodhouse said that she also resides at this home and stated that they had spoken to the neighbors and they had no objection to this trailer. The trailer is parked next to the masonry screening wall and the commercial sign on the trailer does not show. Mr. Puma no longer has this landscaping business. Mr. Puma only uses the trailer a couple of days a week to do landscaping for

ITEM #9 – con't.

his family. Since it is no longer being used for a commercial vehicle, they would like to remove the sign and keep it in this location. They cannot put it in the back yard because it gets stuck and it will not fit into the garage. Mr. Puma said that he sold his business to a friend of his.

Mr. Grusnick stated that property could accommodate a utility trailer but it cannot be parked in the front yard.

Ms. Woodhouse asked if it could be parked in this location if the sign was off and Mr. Grusnick said that it cannot extend past the front of the house.

Ms. Woodhouse said that normally it is parked farther back. Mr. Grusnick said that the vehicle has been parked in different locations and that sometimes it is in the driveway and sometimes on the grass. Ms. Woodhouse confirmed that it has to be parked behind the front of the garage.

Mr. Clark asked about the truck that is parked on this property. Mr. Puma said that he has a Ford pickup truck.

Mr. Courtney said that the pickup truck is parked legally.

Motion by Courtney
Supported by Kovacs

MOVED, to postpone the request of Andrew Puma, 951 E. Square Lake, for approval under section 43.74.01 to store an enclosed utility trailer outside on residential property until the meeting of August 18, 2009.

- To allow the petitioner to remove the signage from the side of the trailer.
- To allow the petitioner the opportunity to determine if this trailer can be parked behind the front of the house.

Mr. Kempen asked if the petitioner could add landscaping in front of the trailer to increase screening of the trailer from the street.

Mr. Puma said that he was not sure about adding more landscaping as he backs the trailer up next to the arborvitae.

Mr. Kempen said that he thought parking it near the screen wall was a good location, but he would like to see some screening added.

Mr. Lambert asked if the Board would be the body to grant a variance for the use of this vehicle as a utility trailer or if this was something that would be addressed by City Staff.

ITEM #9 – con't.

Mr. Grusnick said that the petitioner could meet with City Staff to discuss this option.

Vote on the motion to postpone this request.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF AUGUST 18, 2009 CARRIED

The Board of Zoning Appeals meeting adjourned at 8:14 P.M.

_____
Glenn Clark, Chairman

_____
Pamela Pasternak, Recording Secretary

A. CALL TO ORDER

A meeting of the Troy Daze Festival Advisory Committee was held Tuesday, July 28, 2009 at the Troy Community Center at 7:02 pm.

B. ROLL CALL

Members Present: Jeff Stewart
Sandy Macknis
Bob Berk
Mike Gonda
Jeff Super
Bob Preston
Dan O'Brien
Jim Hattan

City Staff Present: Cindy Stewart
Jeff Biegler
Tonya Perry
Mike Lyczkowski

Others Present: Doris Schuchter
Poncho Massaini
Margaret Julian
Jeff Winiarski

Members Absent: Alison Miller
Sarah Wunderlich, student rep

C. ADDITIONS/DELETIONS TO AGENDA

Deletion to agenda: Introduction of new student (move to 08/25/09 meeting).

D. APPROVAL OF MINUTES

Motion by: Jeff Super
Seconded by: Mike Gonda

RESOLVED, that the minutes of April 28, 2009 are approved. MOTION CARRIED.

E. NEW BUSINESS

a. Event Chairpersons Report

Shuttles:
Order: 6 standard 2 passenger; 4 utility with box; 7 utility L's; 12 4-person; 4 6-person.

Student Art:
Tim McAvoy will coordinate this event with assistance from Jeanne Stine.

Senior Sensation:
Margaret Julian is coordinating this event. She will start collecting prizes for Bingo. Cindy will figure out what to do for lunch and also coffee and donuts and cost to seniors.

Photo Contest:
Bill Cowger is considering running this event. Cindy has been in touch with him.

Fireworks:
Contract is set.

Petting Zoo:
Jeff Biegler sent petting zoo contract to Tammy, Carousel Acres (Saturday and Sunday only). We need to have a wash station at the petting zoo area.

Poncho will not be available September 1-14.

Operations:
Jeff Biegler will get quotes regarding scissor lifts.

Student Volunteers:
34 students are scheduled already. Need 150 this year. Sandy will go to Troy High School on August 24 to recruit. Jeff and Sandy are going to Troy Youth Council August 26, 2009.

Sponsors:
Henry Ford Health System, HealthPlus of Michigan, Michigan Schools & Government Credit Union, Tringali, Genisys Credit Union, ITC Holdings, Beaumont, Comcast, and Arnold Amusements are the sponsors to date

Cleanup:
Troy Democratic Club has offered volunteers to do cleanup, pick up trash/litter in the park and put in trash cans. Jeff also met a Scout Leader (Steve Bower) who would like to help. Bob will coordinate the two groups for the four days.

Entertainment:
All contracts are in for both stages. Special Needs is all set. The new pavilion has electricity.

Public Relations:
Everything is on track. Information will be in the Fall Troy Today which will go out in August. All of the information is updated on the web site.

Talent Show:
Applications have been steady. There will be three age groups again: 5-9 years, 10-13 and 14-18. The 10-13 age group is full.

Water Fight:
Clawson-Troy fire departments water fight is still scheduled. Tonya will confirm.

Booths:
Inside Tent: 78% sold
Food: 86% sold
Outside: 50% sold

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Additional details:
- No storage trailer this year.
- Move tent for volunteers 5-10 feet away from Headquarters.
- Birch shirts from last year, no need to order new ones.
- Tri-fold information brochure again this year.
- Don't need any more balloons or ribbon; order six tanks of helium
- No Kids Corner games.
- Move Kids Crafts over.
- EthniCity Tent gone.
- Student Art/Photo moved north 20-30 feet away from trees.
- EthniCity Poster Contest will be in the art/photo tent.
- Schedule a turnaround meeting with Operations, Police and DPW
- Parking Stickers: get to Jeff Biegler; ready to sell.

b. Contracts

- Pony Ride contract sent to Carousel Acres July 28.
- City Council awarded the tent contracts at the July 20 meeting.

S & R Tent Rentals (Orion Twp.) – 2 large tents
Ace Canvas – smaller tents

- Fireworks Permit will go to the August 3 City Council meeting
- Request for quotes: awards/trophy quote is completed; has been reconfigured. Also completed or in process are requests for: PortaJohns, stage and lighting, tables and chairs, carts, light towers and scissor lifts, and audio.

F. OLD BUSINESS

There was no old business.

Adjourn

A motion to adjourn was made by Jeff Super and seconded by Jim Hattan. The motion passed unanimously. Meeting adjourned at 8 pm.

The next meeting is Tuesday, August 25, 2009.

_____
Bob Berk, Co-Chairperson

_____
Cindy Stewart, Community Affairs Director

J-02a

CITY COUNCIL REPORT

July 28, 2009

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police
Wendell Moore, Research & Technology Administrator

SUBJECT: 2009 Mid-Year Calls for Police Service Report

Each quarter the police department publishes a year-to-date report comparing the current year's data to the previous year. This data includes calls for police service, criminal offenses, arrests, clearance rates, traffic crashes and citations issued. The police department data reporting complies with the National Incident Based Reporting System (NIBRS).

The second quarter statistics continue to reflect an overall decrease in Group A crimes in 2009. Group A crimes are typically the most serious offenses and closely correspond to the categories the FBI uses to determine serious crime rates for a community. Of additional interest are several areas that depict increasing trends, specifically drugs/narcotics offenses, drunk driving incidents/arrests, and traffic citations. Rising numbers in these categories typically reflect increased found-on-patrol activity by officers engaged in problem solving rather than an underlying increase in criminal activity. Examples would include traffic law enforcement related to accident causing behaviors, traffic enforcement at locations with high accident frequencies, responding to traffic complaints reported by citizens, detecting and arresting intoxicated drivers, as well as finding and taking enforcement actions against persons violating drug/narcotics laws by officers on patrol.

- Group A Crime decreased 3.7% (60 incidents) from the 2008 level. Within the group, the following categories show notable variations:
  - Breaking and Entering: Down 34.7% (50 incidents)
  - Destruction/Damage to Property/Vandalism: Down 12.4% (19 incidents)
  - Larceny/Theft Offenses: Up 13.9% (91 incidents)
  - Drug/Narcotics Offenses: Up 12.1% (12 incidents)
  - Fraud Offenses: Down 22.1% (23 incidents)
  - Motor Vehicle Theft: Down 55.1% (43 incidents)
- Group B Crime increased 10.2% (56 incidents). Significant variations from the 2008 levels occurred in the following:
  - Drunk Driving: Up 15.9% (29 incidents)
- Total incidents of crime (Group A & B combined) decreased by .2% (4 incidents).

- Clearance rates, the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted, continue to be high:
  - 35.5% of reported Group A Crime
  - 82.6% of reported Group B Crime
  - 49.9% of all reported crime has been cleared
- Total Arrests increased 13.3% (142 arrests)
  - Group A Crime Arrests: Increased 11.2% (65 arrests)
  - Group B Crime Arrests: Increased 15.9% (77 arrests)
- Group C (non-criminal) calls for police service decreased by 11.1% (1909 incidents).
- Year to date reported traffic crashes and citations issued are:
  - Property Damage crashes decreased 15.5% (198 crashes)
  - Injury crashes decreased 6.1% (17 crashes)
  - Fatal crashes decreased from 3 to 1
- Total traffic citations issued increased 11.2% (722 citations):
  - Hazardous traffic citations issued decreased 2.8% (134 citations)
  - Non-hazardous citations increased 91.9% (385 citations)
  - License/title/registration citations increased 14.6% (157 citations)
  - Parking citations increased 134.2% (314 citations)
- Overall crimes and non-criminal calls for police service are down 9.9% (1913 crimes/calls for service)

Troy Police Department

Midyear 2009/2008 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent	Y-T-D		Percent	Y-T-D		Percent	Y-T-D	
Group A Crime Categories	2009	2008	Change	2009	2008	Change	2009	2008	Change	2009	Percent
Arson	2	2	NC	2	2	NC	0	0	NC	0	0.0%
Assault Offenses	297	297	NC	301	308	-2.3%	78	70	11.4%	74	24.6%
Bribery	0	1	-	0	2	-	0	0	NC	0	0.0%
Breaking and Entering	94	144	-34.7%	95	144	-34.0%	20	13	53.8%	8	8.4%
Counterfeiting/Forgery	15	19	-21.1%	15	19	-21.1%	4	5	26.2%	3	20.0%
Destruction/Damage/Vandalism	134	153	-12.4%	143	163	-12.3%	2	8	-75.0%	6	4.2%
Drug/Narcotic Offenses	111	99	12.1%	181	158	14.6%	140	110	27.3%	173	95.6%
Embezzlement	23	36	-36.1%	24	37	-35.1%	17	34	-50.0%	10	41.7%
Extortion/Blackmail	0	0	NC	0	1	-	0	0	NC	0	0.0%
Fraud Offenses	81	104	-22.1%	87	113	-23.0%	14	31	-54.8%	12	13.8%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	0	1	-	0	2	-	0	2	-	0	0.0%
Kidnapping/Abduction	2	0	+	4	0	+	0	0	NC	0	0.0%
Larceny/Theft Offenses	746	655	13.9%	765	676	13.2%	356	282	26.2%	295	38.6%
Motor Vehicle Theft	35	78	-55.1%	36	79	-54.4%	1	2	-50.0%	1	2.8%
Pornography/Obscene Material	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Prostitution Offenses	0	3	-	1	3	-66.7%	1	3	-66.7%	1	100.0%
Robbery	7	7	NC	7	7	NC	3	2	50.0%	2	28.6%
Sex Offenses, Forcible	13	20	-35.0%	13	20	-35.0%	1	5	-80.0%	1	7.7%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	4	6	-33.3%	11	11	NC	5	9	-44.4%	8	72.7%
Weapon Law Violations	6	5	20.0%	7	10	-30.0%	5	6	-16.7%	6	85.7%
Group A Total	1,570	1,630	-3.7%	1,692	1,755	-3.6%	647	582	11.2%	600	35.5%
Group B Crime Categories											
Bad Checks	32	26	23.1%	33	27	22.2%	8	12	-33.3%	6	18.2%
Curfew/Loitering/Vagrancy	2	0	+	2	0	+	0	0	NC	0	0.0%
Disorderly Conduct	52	52	NC	65	58	12.1%	9	19	-52.6%	14	21.5%
Driving Under the Influence	211	182	15.9%	247	220	12.3%	226	193	17.1%	244	98.8%
Drunkenness	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Family Offenses, Nonviolent	5	13	-61.5%	5	13	-61.5%	1	0	+	0	0.0%
Liquor Law Violations	24	40	-40.0%	56	74	-24.3%	65	67	-3.0%	56	100.0%
Peeping Tom	0	1	-	0	1	-	0	1	-	0	0.0%
Runaway (Under 18)	4	8	-50.0%	4	8	-50.0%	0	0	NC	0	0.0%
Trespass of Real Property	10	9	11.1%	10	13	-23.1%	3	8	-62.5%	3	30.0%
All Other	267	220	21.4%	323	281	14.9%	250	185	35.1%	292	90.4%
Group B Total	607	551	10.2%	745	695	7.2%	562	485	15.9%	615	82.6%
Group A and B Total	2,177	2,181	-0.2%	2,437	2,450	-0.5%	1,209	1,067	13.3%	1,215	49.9%

Above data includes both completed and attempted offenses.

Troy Police Department

Midyear 2009/2008 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent	Y-T-D		Percent	Y-T-D		Percent	Y-T-D	
Description	2009	2008	Change	2009	2008	Change	2009	2008	Change	2009	Percent
Alarms	1,666	1,827	-8.8%	1,666	1,827	-8.8%	NA	NA	NA	NA	NA
All Other	13,653	15,401	-11.3%	13,880	15,594	-11.0%	230	259	-11.2%	NA	NA
Group C Miscellaneous Total	15,319	17,228	-11.1%	15,546	17,421	-10.8%	230	259	-11.2%	NA	NA
Group E Fire Total	54	108	-50.0%	54	108	-50.0%	NA	NA	NA	NA	NA
Grand Totals	17,550	19,517	-10.1%	18,037	19,979	-9.7%	1,439	1,326	8.5%	1,215	49.9%

Traffic Crashes and Citations

Reportable Traffic Crashes			
Personal Injury	261	278	-6.1%
Property Damage	1,081	1,279	-15.5%
Fatal	1	3	-66.7%
Total Reportable	1,343	1,560	-13.9%
Private Property Crashes	445	477	-6.7%
Crashes Grand Total	1,788	2,037	-12.2%

2009 Alcohol Involved Crashes

7 Incidents--2.7% involved alcohol.

12 Incidents--1.1% involved alcohol.

0 Incidents--0.0% involved alcohol.

19 Incidents--1.4% of all reportable crashes involved alcohol.

Traffic Citations			
Hazardous	4,608	4,742	-2.8%
Non-hazardous	804	419	91.9%
License, Title, Registration	1,231	1,074	14.6%
Parking	548	234	134.2%
Traffic Citations Total	7,191	6,469	11.2%

CITY COUNCIL REPORT

August 11, 2009

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director

SUBJECT: Final Reporting – BidNet On-Line Auction Services – May 2009

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is the Purchasing department's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement website would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for one (1) purse and video, one (1) Compaq Laptop, one (1) autographed baseball, one (1) Satellite Radio, three (3) drivers, one (1) bike lock, one set (1) perfumes, one (1) earring and rings, one lot (1) of miscellaneous cosmetics, one (1) bottle of Dunhill cologne, one (1) bottle of Burberry cologne, Two (2) lots of miscellaneous new clothing, one (1) AC Delco Jack, one (1) hedge shears, one (1) socket set, one (1) small air compressor, one set (1) of bed sheets, one lot (1) of necklaces, earrings, and bracelet, one (1) DG digital video camera, one (1) All-Trade hydraulic Jack, two (2) stainless steel men's watches, one (1) tool bag and emergency ladder, one (1) Tool bag and socket set, (1) Shop Force floor jack, one (1) electric hedger, one (1) Kodak digital camera, one (1) lot of miscellaneous perfumes, one (1) lot of silver bracelets, one (1) Louisville aluminum extension ladder, one (1) lot of three digital video cameras, and one (1) Canon digital camera, which were auctioned on-line through BidNet, the City's e-procurement website on May 6, 2009 and closed on May 12, 2009.

- Ten (10) vehicles and one (1) guard shack were also auctioned on-line through BidNet, on April 30, 2009 and closed on May 12, 2009.

August 11, 2009

To: John Szerlag, City Manager
Re: Final Reporting – BidNet On-Line Auction Services – May 2009

Financial Considerations - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
Perfume, jacks, sheets, watches, cameras, etc	2,221.56		
10 Vehicles and Guard Shack	36,362.50		
SUB-TOTAL:		**$38,584.06**	
	FEES:		
5% on Vehicles and Guard Shack + Featured Item	(1,913.13)		
5% (Perfume, jacks, sheets, watches, etc.) & Fee	(111.14)		
SUB-TOTAL:		**($2,024.27)**	
Sales Tax (None on Vehicles)	0.00		
Sales Tax + 6% (Perfume, jacks, sheets, watches):	133.31		
SUB-TOTAL:		**$133.31**	
			$36,693.10

Legal Considerations

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- Sale of surplus property is a statutory requirement of the Purchasing Department. (Chapter 7, Sec 8), no perceived Policy consideration is associated with this item.

Options

- To report final results of May 2009 auctions to the City management.

- No action required

Michigan Inter-governmental Trade Network

MITN

MITN Auctions	National Auctions	Auctions Main Menu	HELP/FAQ	Contact Support	MITN Admin Menu

Report for the City of Troy, MI

Detailed Report for Seller: ALL

Reported on 5/14/2009 **From: 5/1/2009 To: 5/31/2009**

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
4727	5/12/2009	39.01	2.34	1.95	Sale	Purse and Video	Bockstanz
4995	5/12/2009	239.50	14.37	11.98	Sale	Compaq Presario Laptop	Bockstanz
4999	5/12/2009	20.00	1.20	1.00	Sale	Autographed Baseball	Bockstanz
5000	5/12/2009	29.77	1.79	1.49	Sale	Satellite Radio	Bockstanz
4998	5/12/2009	15.00	0.90	0.75	Sale	Three Drivers	Bockstanz
5015	5/12/2009	12.00	0.72	0.60	Sale	Bike Lock	Bockstanz
5017	5/12/2009	36.00	2.16	1.80	Sale	Perfume	Bockstanz
5024	5/12/2009	132.50	7.95	6.63	Sale	One Earring and Rings	Bockstanz
5026	5/12/2009	12.75	0.77	0.64	Sale	Cosmetics	Bockstanz
5018	5/12/2009	27.00	1.62	1.35	Sale	Cologne	Bockstanz
4724	5/12/2009	81.25	4.88	4.06	Sale	Miscellaneous New Clothing - Lot 4	Bockstanz
4993	5/12/2009	57.77	3.47	2.89	Sale	Hydraulic Jack	Bockstanz
4997	5/12/2009	13.50	0.81	0.68	Sale	Hedge Shears	Bockstanz
5020	5/12/2009	20.50	1.23	1.03	Sale	Socket Set	Bockstanz
5022	5/12/2009	91.00	5.46	4.55	Sale	Air Compressor	Bockstanz
5016	5/12/2009	43.50	2.61	2.18	Sale	Bed Sheets	Bockstanz
5025	5/12/2009	310.00	18.60	15.50	Sale	Necklaces, earrings, bracelet	Bockstanz
5004	5/12/2009	77.51	4.65	3.88	Sale	DXG Digital Video Camera	Bockstanz
4992	5/12/2009	38.00	2.28	1.90	Sale	Hydraulic Jack	Bockstanz
5023	5/12/2009	43.50	2.61	2.18	Sale	Watches	Bockstanz
4726	5/12/2009	20.00	1.20	1.00	Sale	Miscellaneous New Clothing - Lot 5	Bockstanz
4989	5/12/2009	42.00	2.52	2.10	Sale	Tool Bag and Emergency Ladder	Bockstanz
4990	5/12/2009	43.00	2.58	2.15	Sale	Tool Bag and Socket Set	Bockstanz
4994	5/12/2009	43.50	2.61	2.18	Sale	Hydraulic Jack	Bockstanz
4996	5/12/2009	12.50	0.75	0.63	Sale	Electric Hedger	Bockstanz
5001	5/12/2009	113.00	6.78	5.65	Sale	Kodak Digital Camera	Bockstanz
5019	5/12/2009	83.00	4.98	4.15	Sale	Perfume	Bockstanz
5021	5/12/2009	137.50	8.25	6.88	Sale	Silver Bracelets	Bockstanz
4991	5/12/2009	137.50	8.25	6.88	Sale	Ladder	Bockstanz
5002	5/12/2009	178.50	10.71	8.93	Sale	Three Digital Video Cameras	Bockstanz
5003	5/12/2009	71.00	4.26	3.55	Sale	Canon Digital Camera	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
$2,221.56	$133.31	$111.14	$0.00	$111.14	$111.14

Michigan Inter-governmental Trade Network

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Report for the City of Troy, MI

Detailed Report for Seller: ALL

REVISED **Reported on 5/30/2009** **From: 5/1/2009 To: 5/31/2009**

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
4936	5/1/2009	0	0.00	5.00	Featured Item	1992 Ford Van - Vehicle #41	Lamerato
4937	5/1/2009	0	0.00	5.00	Featured Item	1997 GMC SIERRA PICK-UP 4X4 - Vehicle 44	Lamerato
4938	5/1/2009	0	0.00	5.00	Featured Item	1997 Ford E-250 Econoline Cargo Van - VEH #205	Lamerato
4939	5/1/2009	0	0.00	5.00	Featured Item	2001 DODGE RAM 1500 ST PICKUP - VEH 215	Lamerato
4940	5/1/2009	0	0.00	5.00	Featured Item	1998 FORD CLUB WAGON - VEHICLE #220	Lamerato
4941	5/1/2009	0	0.00	5.00	Featured Item	2001 DODGE RAM 1500 ST PICKUP - VEH 222	Lamerato
4942	5/1/2009	0	0.00	5.00	Featured Item	2001 DODGE RAM 1500 ST PICKUP - VEH 240	Lamerato
4943	5/1/2009	0	0.00	5.00	Featured Item	2001 DODGE RAM 1500 ST PICKUP - VEH 261	Lamerato
4944	5/1/2009	0	0.00	5.00	Featured Item	2001 IMPALA LS SEDAN - VEHICLE #822	Lamerato
4945	5/1/2009	0	0.00	5.00	Featured Item	2001 EXPRESS PASSENGER VAN, EXTENDED Veh 825	Lamerato
4946	5/1/2009	0	0.00	5.00	Featured Item	2003 TRAILBLAZER LS 4WD Veh. - 835	Lamerato
4947	5/1/2009	0	0.00	5.00	Featured Item	2003 JEEP LIBERTY SPORT 4X4 - Veh. 838	Lamerato
4961	5/1/2009	0	0.00	5.00	Featured Item	2003 CROWN VICTORIA - Veh. 962	Lamerato
4967	5/1/2009	0	0.00	5.00	Featured Item	2003 FORD – CROWN VICTORIA Veh. 963	Lamerato
4973	5/1/2009	0	0.00	5.00	Featured Item	2003 FORD – CROWN VICTORIA Veh. 979	Lamerato
4974	5/1/2009	0	0.00	5.00	Featured Item	2005 FORD – CROWN VICTORIA Veh. 990	Lamerato
4975	5/1/2009	0	0.00	5.00	Featured Item	2005 FORD – CROWN VICTORIA Veh. 993	Lamerato
4976	5/1/2009	0	0.00	5.00	Featured Item	2002 DODGE RAM 1500 ST - Veh. 232	Lamerato
4977	5/4/2009	0	0.00	5.00	Featured Item	Guard Shack	Lamerato
4939	5/12/2009	2,524.99	126.25	126.25	Sale	2001 DODGE RAM 1500 ST PICKUP - VEH 215	Lamerato
4942	5/12/2009	2,800.00	140.00	140.00	Sale	2001 DODGE RAM 1500 ST PICKUP - VEH 240	Lamerato
4947	5/12/2009	5,651.50	282.58	282.58	Sale	2003 JEEP LIBERTY SPORT 4X4 - Veh. 838	Lamerato
4945	5/12/2009	3,900.00	195.00	195.00	Sale	2001 EXPRESS PASSENGER VAN, EXTENDED Veh 825	Lamerato
4946	5/12/2009	5,300.00	265.00	260.00	Sale	2003 TRAILBLAZER LS 4WD Veh. - 835	Lamerato
4967	5/12/2009	2,600.00	130.00	130.00	Sale	2003 FORD – CROWN VICTORIA Veh. 963	Lamerato
4961	5/12/2009	2,650.00	132.50	132.50	Sale	2003 CROWN VICTORIA - Veh. 962	Lamerato
4977	5/12/2009	228.01	11.40	11.40	Sale	Guard Shack	Lamerato
4944	5/12/2009	4,333.00	216.65	216.65	Sale	2001 IMPALA LS SEDAN - VEHICLE #822	Lamerato
4937	5/12/2009	3,550.00	177.50	177.50	Sale	1997 GMC SIERRA PICK-UP 4X4 - Vehicle 44	Lamerato
4943	5/12/2009	2,825.00	141.25	141.25	Sale	2001 DODGE RAM 1500 ST PICKUP - VEH 261	Lamerato

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
$36,362.50	$1,818.13	$1,913.13	$0.00	$1,913.13	$1,913.13

VEHICLE AUCTION REPORT

NUMBER	*MAKE*	*MODEL*	*YEAR*	*AUCTION FEE*	*AUCTION PRICE*
044	G.M.C. K15	4X4 PICKUP	97	$177.50	$3,550.00
215	DODGE/RAM	PICKUP 1500 2WD	01	$126.25	$2,524.99
240	DODGE/RAM	PICKUP 1500 2WD	01	$140.00	$2,800.00
261	DODGE/RAM	PICKUP 1500 2WD	01	$141.25	$2,825.00
822	CHEVY	IMPALA L/S	01	$216.65	$4,333.00
825	CHEVY	EXPRESS WIN-VAN	01	$195.00	$3,900.00
823	CHEVY	TRAILBLAZER	03	$265.00	$5,300.00
838	JEEP	FORD CROWN VIC	03	$132.50	$2,650.00
963	FORD	FORD CROWN VIC	03	$130.00	$2,600.00
	MISC. ITEM	GUARD SHACK		$11.40	$ 228.01
		FEATURE ITEM FEE ($5.00 x 19)		$95.00	
			TOTALS	**$1,913.13***	**$36,362.50**

*** Feature Item fees are included in Numbers**

Prepared by: Samuel P. Lamerato, Superintendent of Fleet

TO: Members of the Troy City Council

FROM: Lori Grigg Bluhm, City Attorney
Robert F. Davisson, Assistant City Attorney
Christopher J. Forsyth, Assistant City Attorney
Susan M. Lancaster, Assistant City Attorney
Allan T. Motzny, Assistant City Attorney

DATE: July 15, 2009
SUBJECT: 2009 Second Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the SECOND quarter of 2009 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. *Troy v. Papadelis and Papadelis v. Troy* - This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order was entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the court's order, and therefore a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen

O'Brien determined that the defendants were in contempt of court, and required them to pay $1,000 to the City of Troy. However, the court also determined that the defendants were in compliance with the City of Troy zoning ordinances as of the date of the court decision. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow**.** Troy filed a counterclaim in the Federal Court case but it was dismissed by Judge Tarnow, who refused to exercise jurisdiction over the counter-complaint, since it would require him to interpret the opinion of the Oakland County Circuit Court Judge. Troy has subsequently filed two separate motions to dismiss the Papadelis complaint. One of the motions asserted the same jurisdictional claim that was raised against the counter-complaint. The Court granted Troy's motion based on jurisdictional issues and dismissed the case without prejudice. The court did not rule on the other motion, but instead, directed the Papadelises to re-file their case in state court. The Papadelis family then re-filed its lawsuit in Oakland County Circuit Court. Troy filed an answer and a counterclaim. Troy also immediately filed a motion for summary disposition seeking dismissal of the complaint and a judgment in favor of Troy. The counterclaim seeks an order requiring the Papadelis family to remove two greenhouses and other structures that have been built upon the property without approvals that are required under the zoning ordinance. The Court scheduled an early intervention conference (settlement conference) for October 18, 2005. The Court has set the hearing date for the Motion for Summary Disposition for January 4, 2006. Subsequent to the filing of Troy's Motion for Summary Disposition, Plaintiffs' filed a Cross Motion for Summary Disposition, and the hearing was rescheduled for January 18, 2006. On February 17, 2006, the Court entered its written Opinion and Order, dismissing the Papadelis claim for money damages and their claim for injunctive relief. However, the Court also granted Summary Disposition in favor of the Plaintiffs on their claim for declaratory relief, and held that "retail" activity was not occurring on the northern parcel, and that the "agricultural" activities on the northern parcel were protected under the Right to Farm Act. Additionally the Court ruled the Plaintiffs' were exempt from City permitting requirements under the agricultural building permit exemption of the State Construction Code Act. The Court also dismissed the City's counterclaim. Troy has filed an appeal with the Michigan Court of Appeals. Plaintiffs' have filed a cross appeal challenging the dismissal of their claims for money damages and injunctive relief. All the required briefs have been filed with the Court of Appeals, which will either schedule an oral argument or will inform the parties that the case will be decided without oral argument. Since this case was assigned to the expedited track for summary disposition appeals, a final decision on appeal is expected before the end of September of this year. On June 16, 2006, the

Building Department discovered that the Papadelis family was erecting a new, large pole barn structure on the property at 3301 John R. Road. This structure was likely in violation of local and/or state law. The Building Department followed the procedure for issuing a Stop Work Order. In addition, our office filed an emergency motion with the Court of Appeals, seeking to enjoin construction of the building pending final outcome of the appeal. On June 21, 2006, the Court of Appeals granted the motion for immediate consideration, but denied the motion to enjoin construction of the building. The denial of the motion has no bearing on the final outcome of this appeal, and if Troy ultimately prevails on appeal, the new building will have to be removed. Despite the issuance of the Stop Work Order, the construction continued on the new building. The Papadelis Family then filed a Motion to hold the City Attorney and the Director of Building and Zoning in contempt of court. In this Motion, the Papadelis family argued that the Circuit Court ruling (Judge Colleen O'Brien) allows the construction of the new building without a permit and without having to comply with the zoning ordinance provisions regulating the size and location of buildings. Judge O'Brien denied this Motion on June 28, 2006, and ruled that her earlier ruling (the ruling on appeal) was limited to the buildings on the property at the time of the ruling, and did not extend to allow for new construction on the site. On September 19, 2006, the Court of Appeals affirmed the decisions of the Circuit Court. Thus, the Court affirmed the declaratory judgment in favor of the plaintiffs, but it also affirmed the dismissal of plaintiff's civil rights claims against the City, Mark Stimac, and Marlene Struckman. Troy has filed an Application for Leave to Appeal with the Michigan Supreme Court. The Michigan Municipal League is also filing an amicus brief in support of the City's Application for Leave to Appeal. The Papadelis family filed a Cross Application for Leave to Appeal. If the Supreme Court denies both the Application for Leave to Appeal and the Cross Application for Leave to Appeal, the Court of Appeals decision becomes the final decision in this case. The Supreme Court may grant both the Application and Cross Application for Leave to Appeal, or it may grant one and deny the other, or it may grant either Application in part and limit the issues that it will review. The Michigan Municipal League (MML) has prepared an Amicus Brief in support of the municipal position, and the Papadelis family has opposed the MML's Motion for Leave To File the Amicus Brief. The parties are now waiting for the Michigan Supreme Court to take action. On June 29, 2007, in lieu of granting leave to appeal, the Michigan Supreme Court ruled in favor of the City, and reversed the decisions of the Oakland County Circuit Court and the Court of Appeals. The case will now be remanded back to the Oakland County Circuit Court for an order requiring the Papadelis family to comply with Troy's zoning ordinances. The Michigan Supreme Court declared that the greenhouses and pole barn are not "incidental to the use for agricultural purposes of the land on which they are located." Plaintiff's cross appeal against the City was denied. Troy filed a motion in Circuit Court to enforce the Supreme Court's ruling, which requires all of the buildings constructed on the Papadelis property to be in compliance with Troy's zoning ordinance. In the alternative, the structures need to be removed. The Court scheduled an evidentiary hearing on our Motion for October 17, 2007.

A hearing/bench trial began on October 17th and continued on October 23rd. The City presented evidence in support of its request for an Order requiring the Papadelis family to remove two large greenhouses, eight smaller greenhouse type structures (cold frames) and a pole barn from the subject property. The Papadelis Family has started to present evidence in support of their defense and opposition to the City's requested relief. They contend the zoning ordinance is not applicable to the buildings. The Court has set the next hearing/ bench trial continuation date for January 30, 2008. The hearing/bench trial continued on January 30, 2008 and closing arguments were scheduled for March 5, 2008. After closing arguments were made, Judge O'Brien indicated she would prepare a written opinion. On May 22, 2008, Judge O'Brien issued an Opinion and Order dismissing the City's counterclaim. On June 4, 2008, the City filed a Motion for Reconsideration, which was denied on June 10, 2008. On June 23, 2008, the City filed a Claim of Appeal with the Michigan Court of Appeals. The City's Brief on Appeal is due November 25, 2008. The City's brief was timely filed. The Plaintiffs filed their appellate brief and the City filed a Reply Brief. On February 11, 2009, the Michigan Farm Bureau filed a Motion to File an Amicus Curiae Brief in support of Plaintiffs claims. The City filed a response to that motion requesting that it be denied. On March 4, 2009, the Court of Appeals entered its Order granting the request of the Michigan Farm Bureau, but allowing the City to file a Reply to the Amicus Curiae Brief. On March 23, 2009, the Michigan Farm Bureau filed its Amicus Curiae Brief. **On April 3, 2009, Troy filed a Reply to the Amicus Curiae Brief of the Michigan Farm Bureau. We are waiting for the Court to schedule the case for oral argument.**

2. *Behr America v. City of Troy, et. al.*- This case is a plat revision action filed by Behr America against the City of Troy, the Road Commission for Oakland County, the Oakland County Drain Commission, the Michigan Department of Transportation, the Michigan Department of Environmental Quality, The Michigan Department of Natural Resources, the Treasurer of State of Michigan, the Detroit Edison Company and owners within 300 feet of the Behr America property located at 2700 Daley Drive. Behr America is requesting a revision of Supervisor's Plat No. 11, in order to remove the plat's roadway designation of a portion of Daley Street, which has already been vacated by resolution of the Troy City Council. The City of Troy has filed an Answer to the Complaint, and the parties are now conducting discovery. Witness and Exhibit Lists have been filed by the parties in the discovery phase. The State of Michigan has required clarification of the easement that was granted to the City of Troy reserving a vehicular turn around. A public hearing will be scheduled as soon as possible on a new proposed vacation. The parties continue to negotiate an acceptable Consent Judgment, which could be entered immediately after Council action on the proposed vacation. Case evaluation was waived by Court order. **A draft of a Consent Judgment is being reviewed by the Defendants, and will be submitted to City Council for its review and approval.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

JOHN R. ROAD IMPROVEMENT PROJECT

1. *City of Troy v. Munchiando - The* City filed this condemnation lawsuit in connection with the John R. Road widening project. The City's complaint was filed on August 4, 2008. The Court entered the Order of Possession on September 22, 2008, giving the City legal title to the property. Through this Order, the Munchiandos can temporarily remain in the house, as long as they pay rent to the City. This means that only the amount of just compensation remains at issue in this case. The parties are now exchanging discovery. **Discovery continues.**

ROCHESTER ROAD IMPROVEMENT PROJECT

2. ***City of Troy v RCU Independence Inc and Sentry Inc.*** **The City filed this condemnation action to acquire property located at 3688 Rochester Road in connection with the Rochester Road Improvement Project. The case was assigned to Judge Bowman of the Oakland County Circuit Court. Defendants filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction. In this Motion, they argued that the City did not engage in sufficient negotiations after making the written good faith offer for the property. The City argued that it was in compliance with all the statutory requirements. After oral argument, the Court dismissed the case, relying on the alleged lack of jurisdiction. The City filed an Appeal with the Michigan Court of Appeals, which is pending. In the meantime, the City filed a second condemnation complaint after additional discussions with the attorney representing the property owner.**

3. ***City of Troy v Sentry Inc. and RCU Independence.*** **The City filed this condemnation action to acquire property located at 3785 Rochester Road in connection with the Rochester Road Improvement Project. The case was assigned to Judge Grant of the Oakland County Circuit Court. Defendants filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction on the basis of alleged insufficient negotiations after the written good faith offer was made. The City argued was in compliance with all statutory requirements. After oral argument, the Court dismissed the case, relying on the alleged lack of jurisdiction. The City filed a Motion for Reconsideration, which is still pending with the Court. In the meantime,**

the City filed a second condemnation complaint after additional discussions with the attorney representing the property owner.

4. ***City of Troy v Midwest Master Investment*. The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3525-3529 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

5. ***City of Troy v MNAD Property LLC.* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3424 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

6. ***City of Troy v Troywood Shops*. The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3718-3736 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

7. ***City of Troy v Lukich Realty*. The City of Troy filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3900 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

8. ***City of Troy v Century Plaza, LLC.* The City of Troy filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3614-3675 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

9. ***City of Troy v Picano Land Limited Partnership* (Case No 09-097975). The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3775 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

10. ***City of Troy v Picano Land Limited Partnership*** **(Case No 09-097982). The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is also with the address of 3775 Rochester Road (one Picano's parcel is vacant without its own address). The City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

11. ***City of Troy v JMT Properties.*** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3381 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

12. ***City of Troy v P/G Equities.*** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3921 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

13. **City of Troy v 3385 Rochester Associates, LLC. The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3385 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

14. ***City of Troy v William H. Price*** **(Price Funeral Home). The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3725 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

15. ***City of Troy v William H. Price*** **(Property Adjoining Funeral Home. The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is addressed at 3725 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

16. ***City of Troy v. Atto Construction*.** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3921 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

17. ***City of Troy v. Space Station of Troy, Inc.*.** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3410 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

18. ***City of Troy v. Rochester Square Associates, et. al..*** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3946 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

19. ***City of Troy v. Susan Sandleman as Trustee for the Ester Jeffrey Trust.*** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3914 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

20. ***City of Troy v. Old Troy, LLC.*.** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3278 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

21. ***City of Troy v. UEOS Troy, LLC.*** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3801 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

22. ***City of Troy v. Ida Rudack Trust, et. al..*** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3615 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

23. ***City of Troy v. Diajeff, LLC..*** **The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3754 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

WATTLES ROAD IMPROVEMENT PROJECT

16. ***City of Troy v Firas and Reeta Ibrahim.*** **The City filed this condemnation action in connection with the Wattles Road Improvement project. This property is at 1131 E. Wattles Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase.**

D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. *Gerald Molnar v. Janice Pokley, the City of Troy et al*.- Plaintiff filed this lawsuit against the City and Troy Detective Janice Pokley, after a jury found him not guilty of the charge of Criminal Sexual Conduct in the Second Degree. Plaintiff alleges that the City and Detective Pokley violated his constitutional rights to be from an unreasonable seizure, due process, and equal protection. These constitutional violations allegedly occurred during the criminal sexual conduct investigation of Plaintiff. Plaintiff also claims that the Troy defendants conspired with other named defendants to violate his constitutional rights, and intentionally inflicted emotional distress on Plaintiff. Plaintiff is requesting an unspecified amount of compensatory, exemplar, and punitive damages. On February 27, 2007, Troy filed a motion to dismiss, or in the alternative summary judgment. Plaintiff filed his response to our motion to dismiss on May 21, 2007. On August 28, 2008, the Court listened to the oral arguments on our motion to dismiss. On September 4, 2008, the Court issued an opinion and order granting our motion to

dismiss Detective Pokely and the City. On September 10, 2008, Plaintiff filed a notice of appeal, and is seeking a reversal of this dismissal with the United States Court of Appeals for the Sixth Circuit (includes Michigan, Tennessee, Kentucky, and Ohio). After hosting a telephonic pre-trial conference, the Court will provide the briefing schedule for the parties. **Plaintiff filed his appellate brief on June 18, 2009. Troy's response brief is due July 17th.**

2. *Steeg v City of Troy, et al.* – Plaintiff Donald Joseph Steeg filed this lawsuit against the City of Troy, Troy Police Chief Charles Craft, and Troy Police Officers Christina Giovannoni, Michael Giordano, and Scott Smith. Plaintiff alleges he suffered damages as a result of his contact with Troy police officers, who stopped his vehicle based on a citizen's complaint of erratic driving. The officers investigated to determine if Steeg was a drunk driver. Steeg alleges the officers violated his fourth amendment rights (alleged unlawful seizure and excessive force). The lawsuit was filed in the United States District Court for the Eastern District of Michigan and assigned to Judge Bernard A. Friedman. The Plaintiff is seeking over $75,000 in damages. The City Attorneys Office is representing the City and Chief Craft. The individual defendant police officers from Troy are being represented by the insurance company's designated attorney, Michael Rosati of Johnson, Rosati, LaBarge, Aseltyne, & Field, P.C. The case is in the discovery phase. Discovery continues. **We have filed a Motion for Summary Judgment on behalf of the City and Chief Craft. Attorney Rosati's office has filed a Motion for Summary Judgment on behalf of the individual officers.**

3. *Christine Kendricks v. the Troy Police Department, Troy Police Officer Theresa Harrison et. al-* This case was filed against Officer Harrison and the Troy Police Department, as well as Oakland County Probate Court Judge Eugene Moore, the Oakland County Prosecutor's Office, the Oakland County Probate Court referee, a couple of Guardian Ad Litem attorneys, Oakland County Children's Village, and others. The case was received during the fourth quarter, with the City's first responsive pleading due in January 2009. Plaintiff's father was suspected (and later convicted) of child abuse, and Officer Harrison assisted with the removal of the minor Plaintiff from her home and into foster care. After becoming an adult, Plaintiff filed this case against all persons who participated in the Probate Court proceedings. She alleges that she suffered injuries while in foster care. She also alleges that Officer Harrison coerced her into making statements against her father. Our office filed a Motion for Summary Judgment on behalf of the City and Officer Harrison. **On May 13, 2009, the Court granted summary judgment and dismissed the case.**

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception,

which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. *Mary Ann Hennig v. City of Troy-* Plaintiff has filed this lawsuit, claiming that the City is liable for injuries she sustained after her vehicle was struck by a Troy Police Officer as he was pursuing a suspected drug dealer. Her complaint alleges serious impairment of a bodily function, in that she has neurological damages. The City has filed an answer to the complaint, and the parties are now conducting discovery. The parties have exchanged witness list, expert witness lists and exhibit lists. The parties are continuing to do discovery including updating medical records and deposing witnesses. The Plaintiff has been examined by an orthopedic physician chosen by the City and is scheduled to be examined during the week of October 22, 2008 by a clinical neuropsychologist chosen by the City. Discovery is continuing. On December 12, 2007, the Court ordered facilitation of the case, which is scheduled for March 4, 2008. If the parties are unable to settle the case with facilitation, then a jury trial is scheduled to start on April 22, 2008. The Court ordered facilitation was conducted on March 28, 2008. In the interim, the City filed a Motion for Summary Disposition, alleging that Plaintiff cannot establish negligence, or that Ms. Hennig's injuries satisfy the no-fault minimum threshold standard, which is that the injuries constitute a "serious impairment of a bodily function." Troy's Motion will be heard on April 23, 2008. The jury trial date has been adjourned to July 29, 2008. Judge Mester denied our motion for summary disposition, finding an issue of fact that would need to be resolved at trial. The City filed a motion for reconsideration of this decision, which was denied by Judge Mester in a written opinion. As allowed under the governmental immunity state statute, the circuit court case has now been stayed so that the City can pursue an appeal with the Michigan Court of Appeals prior to the conclusion of a trial. The City timely filed its appeal on June 3, 2008. The City's Brief is due on or before October 8, 2008. The City timely filed its appellate brief, as well as a reply to Plaintiff/ Appellee's brief. **Oral argument in the Court of Appeals is scheduled for July 7, 2009.**

2. *Rome Love v. City of Troy*- This lawsuit has been filed in the Wayne County Circuit Court, which is the county where the Plaintiff resides, as well as the location of the accident. Plaintiff argues in his complaint that the City is liable for his alleged injuries that were caused when a City of Troy tour bus hit the rear corner panel of a SMART bus on April 6, 2006. The Troy bus was driving on Woodward Avenue, returning from a senior field trip. The Troy bus sustained minor damage, including a broken mirror. Plaintiff claims to have been a passenger on the SMART bus. Plaintiff seeks damages in excess of $25,000 for alleged pain, disability, and mental anguish, although the alleged injuries are not

specified. The City's answer to the complaint is due on April 14, 2008. Arguing that the City is entitled to governmental immunity, we filed a motion for summary disposition as our first responsive pleading. This motion argues that the Plaintiff's injuries do not meet the no-fault serious injury threshold standard under state statute. Troy's motion was heard on July 18, 2008 and was denied. We are now in the discovery phase. Discovery continues. **As a result of the Court's facilitation, the case was settled for a nominal amount. The Court has entered an order dismissing Plaintiff's lawsuit, and the case is now closed.**

3. *City of Troy v. Sunset Excavating, Inc. and Eclipse Excavating, LLC* – This lawsuit was filed by the City in the 52-4th District Court, since the damages are less than the $25,000 jurisdictional amount. On July 11, 2006, there was a major water main break near the intersection of Crooks Road and Wattles Road. Just prior to the water main break, employees of Eclipse Excavating LLC, a subcontractor for Sunset Excavating, Inc. were working in Troy's pressure reducing valve ("PRV") vault #3, located north of the water main break. This work was related to Oakland County's Crooks Road construction project. One of Eclipse's employees admits that he inadvertently moved one of the valves in the PRV vault, and tried to immediately self correct it by completely closing the valve, when it actually should have remained completely open. The City was not aware of this mistake until several hours later, as our employees were responding to the water main break. Since the actions of the employee from Eclipse Excavating actually caused the water main break, Troy is now seeking reimbursement for the $24,445.60 in labor and costs for the repair and necessary traffic control. We have served all of the parties with the complaint, and are now waiting for them to file answers. The parties are engaging in discovery. A pre-trial conference is set for January 26, 2009. **After depositions and discovery, the matter will be sent to Case Evaluation on July 9, 2009.**

F. MISCELLANEOUS CASES

1. *Kocenda v City of Troy*- David Kocenda has filed a complaint against the City of Troy, Chief Craft, Captain Murphy, Captain Mott, Lieutenant Hay, Lieutenant Pappas, and Lieutenant Rossman, alleging Defamation and Intentional Infliction of Emotional Distress. Plaintiff, a Troy police officer, claims he was offered a job as a police officer with the City of Palm Beach Gardens, Florida, but the offer was retracted because of false information provided by Troy and its officers. He contends remarks made by Troy employees constitute both Defamation and Intentional Infliction of Emotional Distress. He is seeking damages in excess of $25,000. The lawsuit was filed in Oakland County Circuit Court and assigned to Judge Fred Mester. Troy's responsive pleading is due December 18, 2007. The City has filed a Motion for Summary Disposition, seeking a dismissal of the lawsuit against the City and its officers. The Court will set the date for the hearing on our motion. The Court granted the Motion for Summary Disposition and dismissed the case. Several months after the dismissal of his lawsuit, Kocenda filed an untimely Motion for Reconsideration. The Motion for Reconsideration was denied. Kocenda has now filed a Claim of Appeal

with the Michigan Court of Appeals, seeking a reversal of the dismissal and/or the denial of the Motion for Reconsideration. The City filed a Motion to Dismiss the Claim of Appeal for lack of jurisdiction on the basis it was untimely. The Court of Appeals granted the motion and dismissed the appeal on August 27, 2008. We then filed a motion seeking costs from Kocenda and/or his attorney. This motion was pending as of the end of the quarter. The Court granted our motion for costs, and $100.00 was paid to the City. Kocenda subsequently filed a Motion for Relief from Order in Oakland County Circuit. In that motion, he alleged there was newly discovered evidence and that the original Order Granting Summary Disposition should be set aside. The motion was denied. Kocenda filed a delayed application for leave to appeal with the Michigan Court of Appeals. **On May 21, 2009, the Court of Appeals granted the delayed application for leave to appeal but limited Kocenda's appeal to whether or not Judge Mester abused his discretion in denying Kocenda's motion to amend his complaint to allege a claim for tortious interference with a business relationship.**

2. *Frank Lawrence v City of Troy* – Mr. Lawrence is the brother of Thomas Lawrence who was issued two civil infraction traffic citations on October 4, 2008 for "no proof of insurance" and "failure to change address on driver's license". Frank Lawrence filed a FOIA request with Troy Police Department asking for a number of items, including but not limited to: all video recordings, radio transmissions, records and the officer's disciplinary file (if any), and the police policy on issuing "quota' tickets. Under Michigan Court Rule 2.303 (A)(3) discovery is not permitted in civil infraction actions. Additionally, FOIA does not require the release of information which would constitute an unwarranted invasion of personal privacy or law enforcement information such a, but not limited to, disciplinary files of police officers, personal telephone numbers, and operational manuals. Mr. Lawrence's FOIA was denied for these reasons. Instead of filing an appeal of the FOIA denial to the City Manager, Mr. Lawrence appealed the denial to the Oakland County Circuit Court. Mr. Lawrence filed a Motion for Summary Disposition and the City responded. Without requiring oral arguments, Judge Steven Andrews denied Mr. Lawrence's Motion for Summary Disposition in an Opinion and Order dated December 1, 2008. Judge Andrews also granted Summary Disposition in the City's favor. Mr. Lawrence filed a Claim of Appeal with the Michigan Court of Appeals on December 22, 2008. **The Court of Appeals in an unpublished opinion partially reversed the trial court, and remanded the matter for further proceedings including a determination by the trial court of whether or not specific documents are exempt from disclosure.**

G. CRIMINAL APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

1. *City of Troy v Chowdhury.* In this case, the Defendant challenged the validity of Section 98.10.03 of Chapter 98 of the City of Troy Code, which authorizes a

police officer to require a person less than 21 years of age to submit to a preliminary chemical breath analysis (PBT) if the police officer has reasonable cause to believe the person has consumed alcoholic liquor. Under the ordinance, the results of the PBT are admissible in a criminal prosecution to determine whether a minor consumed alcoholic liquor.
On July 22, 2008, the District Court granted the Defendant's Motion to Suppress Evidence and ruled the results of a PBT administered to the Defendant were inadmissible because Troy's ordinance was unconstitutional. The City appealed this decision to the Oakland County Circuit Court. The City timely filed its appellate brief during this quarter. **Oral Argument is scheduled for August 5, 2009.**

2. ***City of Troy v Sandu*. On June 6, 2008, Defendant was ticketed for speeding on I-75. Troy Police Officer Warzecha issued Defendant a speeding ticket for speeding in excess of 30 miles over the limit, after tracking Defendant's motor vehicle with a speed laser device. The laser test result showed that Defendant was traveling 120 m.p.h. This case proceeded to a formal hearing. At the hearing, Defendant challenged the admission of the laser test result arguing that Officer Warzecha was not properly trained in using the laser device. The District Court Judge rejected Defendant's challenge and found him responsible for the speeding violation. Defendant then appealed to the Oakland County Circuit Court. On April 10th, Circuit Court Judge Gorcyca heard oral argument. Judge Gorcyca then issued a written opinion, affirming the lower court, and ruling that the District Court Judge did not err in admitting the test result of the laser device.**

3. ***City of Troy v Slewa*. In this case, the Defendant was arrested for operating while intoxicated. Troy Police Sgt. Diane Salter stopped Defendant's automobile based solely upon information provided by a concerned citizen who observed Defendant driving erratically on Rochester Road. Defendant filed a motion to suppress the evidence and dismiss the charge, arguing that Sgt. Salter lacked reasonable suspicion to stop Defendant. On March 9, 2009, the District Court granted Defendant's motion. The City appealed this decision to the Oakland County Circuit Court. On June 17, Circuit Court Judge Colleen O'Brien heard oral argument, and then orally ruled from the bench that Sgt. Salter's stop was proper. The drunk driving charge has been reinstated, and the case has been sent back to the District Court for a jury trial.**

ADMINISTRATIVE PROCEEDINGS

1. *In the Matter of the Application of International Transmission Company, d/b/a ITCTransmission, for a Certificate of Public Convenience and Necessity for the Construction of a Major Transmission Line Running From and Through Sterling Heights, Troy, Clawson, and Royal Oak, MI.* ITCTransmission has requested permission to construct a new major transmission line- the Bismark- Troy Project.

After meeting with City Administration, ITC's proposed location for this new transmission line is primarily through industrial properties, and underground. Previously, a route traversing Maple Road was considered. Before any construction can commence, ITCTransmission needs to obtain a Certificate of Public Convenience and Necessity from the Public Service Commission (PSC). In this proceeding, the PSC determines whether the public benefits justify the construction of the new transmission line; whether the proposed route is feasible and reasonable; and whether the proposed line presents an unreasonable threat to public health or safety. In this particular case, Detroit Edison and Consumers Power filed to intervene. On appeal, these petitions were granted. The parties are now conducting discovery. The expert witnesses of the parties were cross examined on September 27 and 28, 2007. The parties are now preparing written legal briefs for the Administrative Law Judge. Briefs have been filed, and the Administrative Law Judge issued his Notice of Proposal for Decision on December 5, 2007, concluding that ITC has not demonstrated that the quantifiable and nonquantifiable public benefits justify the line's construction, and/or that the proposed route is reasonable. Since Exceptions to this Notice of Proposal for Decision have been timely filed with the Michigan Public Service Commission, the Administrative Law Judge's Decision is not final, and the case will continue. On February 22, 2008, the Michigan Public Service Commission denied ITC's application for a Certificate of Public Necessity. On March 24, 2008, ITC timely filed its appeal of this decision with the Michigan Court of Appeals. ITC filed its appellate brief on July 14, 2008. The City's brief is due on October 13, 2008. The City timely filed its brief in this Court of Appeals matter. The Court also granted the motion of the Midwest Independent Transmission System Operator, Inc. to file an amicus curaie brief in the case. **Briefs have been filed, and the parties are waiting for the Court to schedule oral argument.**

2. *In the matter of the Petitions on National Pollution Discharge Elimination Systems (NPDES Phase II General Permits).* The City has joined several other municipalities in challenging several of the mandates in the NPDES Phase II General Permit, which was recently issued by the MDEQ. The new NPDES permit requires some storm water management techniques that exceed the federal mandates, and/or are not justified, based on the high cost of the mandate, in relation to the nominal environmental benefits. A status conference for the parties is set for October 1, 2008. The municipalities are currently exploring the coordination of efforts with other parties. Community representatives are meeting with representatives from the MDEQ to discuss possible resolutions of this matter without the necessity of a full blown administrative hearing. **The parties are continuing to negotiate with the MDEQ.**

If you have any questions concerning these cases, please let us know.

CITY COUNCIL REPORT

August 12, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager
John Lamerato, Assistant City Manager/Finance and Administration
James Nash, Financial Services Director
Carol Anderson, Parks and Recreation Director

SUBJECT: Golf Course Monthly Operations Summary

Sanctuary Lake Operations Summary				
	July 08-09 ACTUAL	**July 09-10 PRELIMINARY**	**2008-2009 YTD ACTUAL**	**2009-2010 YTD**
Revenues	$168,108.59	$154,838.82	$168,108,59	$154,838.82
Expenses	$109,204.26	$75,673.00	$109,204,26	$75,673.00
Rounds	4,632	4,363	4,632	4,363

Sylvan Glen Operations Summary				
	July 08-09 ACTUAL	**July 09-10 PRELIMINARY**	**2008-2009 YTD ACTUAL**	**2009-2010 YTD**
Revenues	$305,892.80	$222,984.27	$305,892.80	$222,984.27
Expenses	$128,406.54	$73,361.00	$128,406.54	$73,361.00
Rounds	8,402	6,861	8,402	6,861

Unaudited revenue/expenses as of July 31, 2009

J-03a

July 30, 2009
Paddington Street
Troy, MI.

STA 3 -
GOOD JOB!
801

TO: Captain Chris Roberts -

Chris

A HUGE thank you to you and your colleagues for the time you spent at our block party last Saturday. You were the "hit" of the day. Adults and kids enjoyed their experience riding up in the ladder and meeting real firemen! We truly appreciate your volunteer capacity and your willingness to spend some time with residents.

Many thanks -

Greg & Kathy Sherman
3361

cc: Chief William Nelson

J-03b

City of Troy

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

MEMORANDUM

DATE: July 30, 2009

TO: Chief Gary Mayer

FROM: Pat Gladysz

RE: Telephone message

I received a call today from Marilyn Bailey who stated that she and her friend Joyce Cunniff, both of Birmingham, were traveling through Troy on West Square Lake Road on July 29, 2009 at approximately 1:20 pm when they experienced a flat tire.

According to Mrs. Bailey, Officer Paul Bednard observed their situation and "came to their rescue". She stated that Officer Bednard was extremely polite and courteous, and they were very grateful for his assistance.

Mrs. Bailey did not want to leave a telephone number for a return call, but instead asked that I inform the Chief of Police of Officer Bednard's outstanding service to citizens.

CITY MANAGER
DIVISION COMMANDERS
OFFICER BEDNARD/FILE
FILE

RECEIVED
CHIEF OF POLICE
7-30-09

PAUL - THANKS FOR YOUR WORK HELPING THESE LADIES. Gary

O:\Administration\Command Staff\Mayer\Correspondence-I\Memo re Paul Bednard.doc

J-03c

DEPARTMENT OF THE ARMY
US ARMY TACOM LIFE CYCLE MANAGEMENT COMMAND
6501 EAST 11 MILE ROAD
WARREN, MICHIGAN 48397-5000

July 1, 2009

REPLY TO
ATTENTION OF:

AMSTA-CSS-A

RECEIVED
CHIEF OF POLICE
8-3-09

Mr. Gary Mayer
Chief of Police
500 W. Big Beaver Rd.
Troy, Michigan 48084

Subject: Commendation for;
Lt. David Livingston
Sgt. John Schaufler
Officer Peter Minton
Officer Matt Redmond

LT. LIVINGSTON, SGT. SCHAUFLER,
P.O. REDMOND + P.O. MINTON -
THANK YOU FOR REPRESENTING
TROY PD SO WELL AND MAKING
SUCH A PROFESSIONAL IMPRESSION
ON THE MAJOR GENERAL.
Gary

Dear Chief Mayer:

On 24 June, 2009, Major General Scott West, Commander, US Army TACOM LCMC hosted a Program Management Review at the Troy Marriott Hotel. This conference was attended by several members of the Senior Leadership of the Army. Recent events caused an elevated concern in our threat environment.

I shared these concerns with Lt. Livingston who worked with me on a coordinated security plan for this event. This plan was executed efficiently and professionally by Sgt. Schaufler and Officers Minton and Redmond.

I respectfully request that you relay the enclosed Commanding Generals Letters of Appreciation with commendations for these officers for a job well done. Their performance of duty reflects great credit on their profession, their department, and the City of Troy MI.

CITY MANAGER
DIVISION COMMANDERS
LT. LIVINGSTON / FILE
SGT. SCHAUFLER / FILE
OFFICER REDMOND / FILE
OFFICER MINTON / FILE
FILE

The point of contact for this action is the below signed, at (586) 574-8672.

Sincerely,

James A. Burns
Antiterrorism Officer

Enclosures

J-04a

Ruth Johnson
Oakland County Clerk/Register of Deeds
www.oakgov.com/clerkrod

Elections Division

August 3, 2009

To Whom It May Concern:

Enclosed please find a certified copy of MISCELLANEOUS RESOLUTION #09116 – BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY CONTRACTORS AND VENDORS TO REGISTER AND PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM which was adopted by the Oakland County Board of Commissioners on July 30, 2009.

As the County Clerk/Register, I have been instructed to provide you with a certified copy of this adopted resolution. Please forward the resolution to the appropriate person. Thank you for your cooperation.

Sincerely,

Ruth Johnson

Ruth Johnson
Clerk/Register of Deeds
County of Oakland

Enclosure (1)

Administrative Offices
1200 N Telegraph, Dept 415
Pontiac MI 48341-0415
(248) 858-0560
clerk@oakgov.com

Elections Division
1200 N Telegraph, Dept 417
Pontiac MI 48341-0417
(248) 858-0564
elections@oakgov.com

Legal & Vital Records
1200 N Telegraph, Dept 413
Pontiac MI 48341-0413
(248) 858-0581
clerklegal@oakgov.com

Register of Deeds Office
1200 N Telegraph, Dept 480
Pontiac MI 48341-0480
(248) 858-0605
deeds@oakgov.com

REPORT (MISC. #09116) **July 30, 2009**

BY: GENERAL GOVERNMENT COMMITTEE – Christine Long, Chairperson

RE: MR #09116 – BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY CONTRACTORS AND VENDORS TO REGISTER AND PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The General Government Committee, having considered the above titled resolution on July 20, 2009, recommends that the resolution be adopted with the following amendments.

MISCELLANEOUS RESOLUTION #09116

BY: Commissioners Jim Runestad, Tim Burns, Bill Bullard, Tim Greimel

IN RE: BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY CONTRACTORS AND VENDORS TO REGISTER AND PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS according to the Pew Hispanic Center, a non-profit, non-partisan research organization, there are approximately 7.2 million undocumented workers in the United States and Michigan has an estimated 150,000 immigrants living within the state illegally; and

WHEREAS According to the United States Department of Labor, Michigan has the highest unemployment rate in the nation at 12.6% (Bureau of Labor Statistics Report 4/17/2009), including Oakland County at almost 12% and climbing; and

WHEREAS research by the Mackinac Center for Public Policy suggests the true unemployment rate, including those who have been reduced to part-time work, stopped looking for work, or have dropped off the unemployment rolls may be significantly higher than that reported by the U.S. Department of Labor; and

WHEREAS the Detroit News (4/2/2009) has reported that Michigan has lost nearly half a million residents to other states over the last 8 years looking for employment; and

WHEREAS Michigan and Oakland County are suffering from an economic recession with citizens and legal aliens having difficulty gaining employment within the state; and

WHEREAS the Wall Street Journal (7/30/2008) reported more than $11 billion in wages last year earned by unauthorized foreign workers in the United States was sent back to their home countries and therefore was not spent to stimulate the United States economy; and

WHEREAS businesses that hire illegal workers undercut honest competitors, contribute to increased unemployment for U.S. citizens and legal aliens, and financially burden local communities with additional health and social services costs; and

WHEREAS it is in the best interests for the security and economic well-being of Oakland County residents for the county government to be proactive in upholding federal immigration and employment laws with the companies that it contracts with; and

WHEREAS according to U.S. Citizenship and Immigration Services (USCIS) the federal E-Verify program is 99.6% accurate, instantaneous, free and its use by government vendors is required by all federal agencies and 15 states **effective September 8, 2009**.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby establishes a county policy that every future **services** contract (including both new and renewing contracts) between Oakland County and **service** contractors**/vendors** ~~and vendors~~ shall require the contractors**/vendors** ~~and vendors~~ contracting with Oakland County to register with, participate in, and utilize the E-Verify Program (or any successor program implemented by the federal Department of Homeland Security and Social Security Administration) when hiring their employees.

BE IT FURTHER RESOLVED that Oakland County shall not enter into any future **service** contracts (including both new and renewing contracts) for ~~goods and/or~~ services with any contractors or vendors unless the contractors**/vendors** ~~and vendors~~ **first certify they** have registered with, participate in, and utilize the E-Verify Program (or any successor program implemented by the federal Department of Homeland Security and Social Security Administration) to verify the work authorization status of all newly hired employees employed by the contractors and vendors.

BE IT FURTHER RESOLVED that the County executive shall formulate rules and procedures that include a clause that all contracts must implement the provisions of this resolution.

GENERAL GOVERNMENT COMMITTEE

Motion carried unanimously on a roll call vote.

BE IT FURTHER RESOLVED that the County Executive may exempt individuals who are contracted to perform legal, medical, consulting, or other professional services on behalf of Oakland County.
BE IT FURTHER RESOLVED that said rules and procedures be presented to the Board of Commissioners by October 1, 2009 for approval **before implementation**.
BE IT FURTHER RESOLVED that the administration shall report to the General Government Committee on the anniversary of the implementation of the E-Verify policy for contractors as to its effectiveness, accuracy and burden on contractors and that upon receipt of this report and the review and approval by the General Government Committee that the Oakland County Board of Commissioners' approval be required for continued effect.
BE IT FURTHER RESOLVED that copies of this resolution approving enforcement of the E-Verify program be sent to Michigan's Congressional delegation, its State Legislative delegation and all its local units of government in support for our nation's immigration laws.
Chairperson, we move the foregoing resolution.

Chairperson, on behalf of the General Government Committee, I move the acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

Christine A Long

MISCELLANEOUS RESOLUTION #09116
BY: Commissioners Jim Runestad, District #6; Tim Burns, District #19; Bill Bullard, District #2; Tim Greimel, District #11

IN RE: BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY CONTRACTORS AND VENDORS TO REGISTER AND PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM

TO THE OAKLAND COUNTY BOARD OF COMMISSIONERS
Chairperson, Ladies and Gentlemen:

WHEREAS according to the Pew Hispanic Center, a non-profit, non-partisan research organization, there are approximately 7.2 million undocumented workers in the United States and Michigan has an estimated 150,000 immigrants living within the state illegally; and

WHEREAS According to the United States Department of Labor, Michigan has the highest unemployment rate in the nation at 12.6% (Bureau of Labor Statistics Report 4/17/2009), including Oakland County at almost 12% and climbing; and

WHEREAS research by the Mackinac Center for Public Policy suggests the true unemployment rate, including those who have been reduced to part-time work, stopped looking for work, or have dropped off the unemployment rolls may be significantly higher than that reported by the U.S. Department of Labor; and

WHEREAS the Detroit News (4/2/2009) has reported that Michigan has lost nearly half a million residents to other states over the last 8 years looking for employment; and

WHEREAS Michigan and Oakland County are suffering from an economic recession with citizens and legal aliens having difficulty gaining employment within the state; and

WHEREAS the Wall Street Journal(7/30/2008) reported more than $11 billion in wages last year earned by unauthorized foreign workers in the United States was sent back to their home countries and therefore was not spent to stimulate the United States economy; and

WHEREAS businesses that hire illegal workers undercut honest competitors, contribute to increased unemployment for U.S. citizens and legal aliens, and financially burden local communities with additional health and social services costs; and

WHEREAS it is in the best interests for the security and economic well-being of Oakland County residents for the county government to be proactive in upholding federal immigration and employment laws with the companies that it contracts with; and

WHEREAS according to U.S. Citizenship and Immigration Services (USCIS)the federal

E-Verify program is 99.6% accurate, instantaneous, free and its use by government vendors is required by all federal agencies and 15 states.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby establishes a county policy that every future contract (including both new and renewing contracts) between Oakland County and contractors and vendors shall require the contractors and vendors contracting with Oakland County to register with, participate in, and utilize the E-Verify Program (or any successor program implemented by the federal Department of Homeland Security and Social Security Administration) when hiring their employees.

BE IT FURTHER RESOLVED that Oakland County shall not enter into any future contracts (including both new and renewing contracts) for goods and/or services with any contractors or vendors unless the contractors and vendors have registered with, participate in, and utilize the E-Verify Program (or any successor program implemented by the federal Department of Homeland Security and Social Security Administration) to verify the work authorization status of all newly hired employees employed by the contractors and vendors.

BE IT FURTHER RESOLVED that the County executive shall formulate rules and procedures that include a clause that all contracts must implement the provisions of this resolution.

BE IT FURTHER RESOLVED that the County Executive may exempt individuals who are contracted to perform legal, medical, consulting, or other professional services on behalf of Oakland County.

BE IT FURTHER RESOLVED that said rules and procedures be presented to the Board of Commissioners by October 1, 2009 for approval.

Chairperson, we move the foregoing resolution.

Commissioner, District #

Thomas F Middlebrook

Commissioner, District # 4

Jim Runestad

Jim Runestad, District #6

Bill Bullard Jr

Bill Bullard, District #2

Resolution #09116 May 7, 2009

Moved by Runestad supported by Greimel to suspend the rules and vote on MISCELLANEOUS RESOLUTION #09116 – BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY CONTRACTORS AND VENDORS TO REGISTER AND PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM.

Vote on motion to suspend the rules:
AYES: Greimel, Runestad, Schwartz, Burns, Gershenson. (5)
NAYS: Gingell, Gosselin, Hatchett, Jackson, Jacobsen, Long, McGillivray, Middleton, Nash, Potter, Scott, Woodward, Zack, Bullard, Capello, Coleman, Coulter, Douglas. (18)

A sufficient majority having not voted in favor, the motion to suspend the rules and vote on MISCELLANEOUS RESOLUTION #09116 – BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY CONTRACTORS AND VENDORS TO REGISTER AND PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM did not carry.

The Chairperson referred the resolution to the General Government Committee. There were no objections.

Discussion followed.

STATE OF MICHIGAN)
COUNTY OF OAKLAND)
I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on May 7, 2009, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 7th day of May, 2009.

Ruth Johnson

Ruth Johnson, County Clerk

Resolution #09116 July 30, 2009

Moved by Runestad supported by Burns the resolution be adopted.

Moved by Runestad supported by Burns the General Government Committee Report be accepted.

A sufficient majority having voted in favor, the report was accepted.

Moved by Runestad supported by Burns the resolution be amended to coincide with the recommendation in the General Government Committee Report.

A sufficient majority having voted in favor, the amendment carried.

Discussion followed.

Vote on resolution, as amended:

AYES: Gershenson, Gingell, Gosselin, Greimel, Hatchett, Jackson, Jacobsen, Long, McGillivray, Middleton, Nash, Potter, Potts, Runestad, Schwartz, Scott, Taub, Woodward, Zack, Bullard, Burns, Coulter, Douglas. (23)
NAYS: None. (0)

A sufficient majority having voted in favor, the resolution, as amended, was adopted.

COUNTY EXECUTIVE WILL NEITHER APPROVE NOR VETO

STATE OF MICHIGAN)
COUNTY OF OAKLAND)
I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on July 30, 2009, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 30th day of July, 2009.

Ruth Johnson

Ruth Johnson, County Clerk

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING
FOR THE NATURAL GAS CUSTOMERS OF
CONSUMERS ENERGY COMPANY

CASE NO. U-15454-R

- Consumers Energy Company proposes to reconcile its gas cost recovery costs and revenues for the 12-month period April 2008 through March 2009, if the Michigan Public Service Commission approves its request.

- The information below describes how a person may participate in this case.

- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201-2276, (800) 477-5050 for a free copy of its application. Any person may review the application at the offices of Consumers Energy Company.

- The first public hearing in this matter will be held:

DATE/TIME: August 25, 2009, at 9:00 a.m.
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge Mark E. Cummins

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, MI

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the June 30, 2009 application of Consumers Energy Company (Consumers Energy) for reconciliation of gas cost recovery costs and revenues for the 12-month period April 2008 through March 2009.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets Website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to

mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 241-6170 or by e-mail at mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by August 18, 2009. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's attorney, H. Richard Chambers, One Energy Plaza, Jackson, Michigan 49201-2276.

Any person wishing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his/her wish to make a statement of position. All information submitted to the Commission in this matter will become public information: available on the Michigan Public Service Commission's Web site, and subject to disclosure.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of Consumers' request may be reviewed on the Commission's Web site at michigan.gov/mpscedockets, and at the office of Consumers Energy Company, One Energy Plaza, Jackson, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Energy, Labor & Economic Growth, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

[Consumers Energy has calculated that it has an underrecovery for the 12-month period April 2008 through March 2009 of approximately $16 million. Consumers Energy proposes to use a roll-in methodology to recover the underrecovery.]

[THE MICHIGAN PUBLIC SERVICE COMMISSION MAY GRANT OR DENY CONSUMERS ENERGY'S GAS COST RECOVERY RECONCILIATION AND OTHER PROPOSALS, IN WHOLE OR IN PART, AND MAY APPROVE LESSER OR GREATER AMOUNTS THAN THOSE REQUESTED.]

CITY COUNCIL REPORT

August 10, 2009

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Carol Anderson, Parks and Recreation Director
Stacey Yankee, Nature Center Manager

SUBJECT: National Honey Bee Awareness Day Donation to
Lloyd A. Stage Nature Center

Background:

- August 22, 2009 is National Honey Bee Awareness Day.
- In the fall of 2008, Faith Tiberio, President of Woman's National Farm & Garden Association, sponsored a national competition among all the local branches for the promotion of education regarding the "Plight of the Bumble Bee." She recognized that our world of fruits, flowers and vegetables is being threatened by the honey bee decline.
- Mary Hrynik, a member of the Troy Garden Club, a branch of the WNF&GA in Troy, submitted an entry on behalf of the club and it was chosen as winner of a $500 prize at the national meeting in Boston, MA on June 13, 2009.
- The Troy Garden Club has donated this award money to the Lloyd A. Stage Nature Center to be used for education about honey bees. Apiary teaching equipment has been purchased for classes and exhibits at the center. The Nature Center site currently has bee hives on the trails as well as an educational observation honey bee hive inside the facility where the working bees can be observed by children and adults.
- This award was presented on August 7, 2009 in conjunction with National Honey Bee Awareness Day on August 22, 2009.

CITY COUNCIL REPORT

DATE: August 12, 2009

TO: Honorable Mayor and City Council

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

SUBJECT: Path Bhaban Request for Waiver of Non-Profit Group Meeting Room Policy at Community Center

Path Bhaban, a Michigan based non-profit Learning Center for Bengali Language and Culture, has submitted an appeal (exhibit 1) for free use of a room at the Community Center on a weekly basis in order to conduct a Bengali language and culture class beginning September 4, 2009.

Background:

- Under the current room usage policy which expires on August 31, 2009, any 501 (C) non-profit tax exempt corporation, community/civic organization, church, fraternal body, educational unit, or government organization that consists of at least 75% Troy residents are allowed free use of Community Center meeting rooms during regular business hours (Monday – Friday, 8 am – 10 pm; Saturday 8 am – 1 pm). In addition, these groups are not required to pay for use of the audio visual equipment and are exempt from the Community Center Food Policy (Exhibit 2). Although groups are limited to one reservation per day, there is no limit to the number of days a group can reserve a room.
- This policy was developed prior to the renovation of the existing Community Center in 2002 when the rooms in the facility were not available for rent to the general public and fewer programs were offered by the Parks and Recreation Department. The intent was for non-profit groups to be able to use the rooms primarily for monthly meetings.
- After the renovation was complete and additional rooms were added to the Community Center, the total number of reservations increased from 2,116 in 2001-02 to 10,782 in 2007-08. Of this total, 27% were reserved for non-profit groups, 54% for parks and recreation sponsored activities/programs and 19% for public groups who pay a rental fee.
- There are approximately 50 non-profit organizations that reserve rooms under the no fee policy (Exhibit 3). A majority of these groups reserve one or more rooms on a weekly basis and run programs that are advertised to be free to their members.
- Approximately 20 non-profit groups (i.e. High School Sport Teams, Scout Groups, Homeowner Associations, Ethnic Organizations) hold special events such as banquets and holiday parties for no charge despite set up, take down and cleaning conducted by staff.

- The number of non-profit group meetings has increased to the point that it has become difficult for new Parks and Recreation programs or other new groups to find space for their activity at peak times.
- The cost to provide services and utilities to these non-profit groups has also increased since 2002 yet the general fund subsidy to accommodate these groups has remained the same.
- In order to increase revenue, City Council adopted revenue enhancements on February 16, 2009 that included the establishment of a room rental fee for non-profit groups who stage meetings and activities at the Community Center (Resolution #2009-02-045).
- On May 18, 2009 Carol Anderson reported to City Council the revised non-profit room rental fee policy that was to become effective September 1, 2009.
- Under this new policy, non-profit groups will be limited to one reservation per month and be charged $20 per hour (50% of the Troy Business Rate) to reserve space for any additional meetings during the month. This will impact the groups that are listed in Exhibit 3 that meet weekly or bi-weekly. In addition, non-profit groups that hold events in Room 304-305 will be charged a $30 set up/cleaning fee.
- As a result of this change, it is anticipated that $27,500 of additional revenue would be earned (Exhibit 4).
- Path Bhaban would incur a $1,200 charge to use a room on a weekly basis as they have requested for 2009-10 under the new non-profit policy. There would be 12 free monthly meetings and 24 meetings that would require a fee to be paid.

Policy Considerations:

- Approval of additional use by Path Bhaban to use the room for no charge would be inequitable to the other non-profit groups who have the same type of programs and are paying the rental fee. An exception to this group would in effect rescind the directive by City Council to establish a room rental fee for non-profit groups.

Prepared by Kraig Schmottlach, Community Center Facility Manager

Exhibit 1

August 10, 2009

Honorable Members of Troy City Council,
Civic Center Drive,
Troy MI 48084

Subject: Path Bhaban, the Bengali Learning Center

Respectable Members!

Path Bhaban is a Michigan Based Non-Profit Learning Center for Bengali Language and Culture. Bengali is the National Language of Bangladesh and a Sate Language in India. Bengali is the Sixth Largest Spoken Language in the World.

Path Bhaban has served the residents of Troy and other cities in Michigan for over 26 years. The Teachers, Trainers and Staff are all volunteers and have been devoting their time in exposing Bengali Language, History, Heritage, and Culture to all interested people at virtually No-Cost Basis. Students pay only a nominal part of the books and material, required for study. All other costs provided by community organizations like Troy Community Center and others. We would like to emphasize that Path Bhaban is Open to every individual, interested in learning Bengali Language,

Path Bhaban Management appreciates very much the City of Troy as well as acknowledges the staff at the Community Centre for supporting Path Bhaban Bengali Learning Center activity for the past 26 years. We have been very fortunate and grateful to be able to run our classes for so long and have been able to do so only as a result of your help.

Path Bhaban students of different backgrounds traditionally learn (a) adequate communication skill during Assignments/Visits to India or Bangladesh; (b) language, and culture on Friendship/Relationship/Marriage to a Bengali Family; (c) roots of Bengali history and heritage. Some of the Ex-students reached literary excellence and received Tomkins Award, New Century Writers Award, Ray Bradbury Fellowship, for articles and stories on Bengali Cultures. Examples can be found in Best New American Voices 2001.

Path Bhaban also benefits Troy Community Center. Students, Teachers, Parents and supporters of Path Bhaban traditionally become members of Troy Community Center Athletics, Water World, Tennis and others games and generate Revenue for the City. Path Bhaban and other Bengali organizations have been directly paying for many events in the Community Center through the year.

Harsh economic conditions have hit the entire country, but especially so in Troy and the rest of southeastern Michigan. Communities are suffering from unemployment and other difficulties associated with the economic downturn and the Bengali Community is no different. We really need the help of the Troy Community Center to continue running Path Bhaban at a low cost to students.

Please include Path Bhaban Appeal in the agenda for Troy Council Meeting, August 17, 2009, and allow the Organizers to appeal for free building facility to the Honorable Members of the Troy City Council.

Yours Sincerely,

8/10/09

(Sat Basu)
For and on behalf of Path Bhaban
P. O. Box # 4928, Troy MI 48099
248-524-0058

RECEIVED
AUG 11 2009
CITY OF TROY
CITY MANAGER'S OFFICE

Exhibit 2

Troy Community Center Food/Beverage Policy

Groups that would like to serve food or beverages at their events in the Troy Community Center have the following options:

1. Order from the Community Center "preferred" caterer(s). If a qualifying meal is ordered, the group will receive a 35% discount on the room rental charges (excluding labor) provided the following minimum conditions are met:
   - Qualifying food order must be $5 or more per person
   - Group size of 20
   - Two hour room rental

2. Order from a caterer that is not "preferred". Groups may hire another caterer to provide food and beverages but are subject to the following charges and conditions:
   - Cleaning Fee - $30
   - Service Fee (per person) - $.75 for breakfast, $1 for lunch, $2 for dinner (There is no service fee if beverage or snacks are served)
   - Breakfast items include bagels, muffins and pastries. Snack foods include pre-packaged non-perishable items and desserts.
   - Caterer must have valid kitchen license.
   - Caterer or group will not have access to the kitchen area.

3. Carry in food prepared from home, store or restaurant. Groups, with the exception of non-profit groups (see below) may bring in their own food and beverages but are subject to the following charges and conditions:
   - Cleaning Fee - $30
   - Service Fee (per person) - $.75 for breakfast, $1 for lunch, $2 for dinner (There is no service fee if beverage or snacks are served)
   - Breakfast items include bagels, muffins and pastries. Snack foods include pre-packaged non-perishable items and desserts.
   - Group will not have access to the kitchen area.
   - The food being served is only available to members of the group. It cannot be served to the public.

Other Information

1. Any non-profit tax exempt (501c) corporations, community/civic organizations, churches, fraternal bodies, educational units or government organizations that consist of at least 75% Troy residents in attendance are permitted to carry in food prepared from home without incurring the service fee and will be subject to the cleaning fee if the room does not pass a post event inspection.
2. Individuals visiting the Community Center may consume food brought from home or purchased at a restaurant without incurring a cleaning fee or service fee as long as the food is not being served for a group function. For example, a patron may eat their individual lunch anywhere in the facility.
3. The kitchen is not available for use by any group except by a "preferred" caterer who may use it in the process of staging their meal.

Exhibit 3

The following non-profit groups meet at the Community Center under the no-fee policy.

Groups That Meet Weekly or More (22)

Troy Noontimers (Alcoholics Anonymous) - Monday, Friday
Nothin But the Book (Alcoholics Anonymous) – Wednesday
Al-Anon (Alcoholics Anonymous) - Friday
Church in Troy - Monday, Saturday
Indian Dance Club - Monday, Saturday
Troy Chinese School - Tuesday, Friday
ACACAE/CAGD (Chinese Association of Greater Detroit) – Tuesday, Wednesday, Friday, Saturday
Chinese Dance Club - Thursday
Michigan Chinese Folk Dance Club - Thursday, Friday
Performing Arts Club - Wednesday
Nadanta - Wednesday
ARC of Oakland County (Weight Watchers for the Disabled) - Thursday
Wattles Robotics Club - Thursday
Charity Cup (Religious Group) - Thursday
Path Bhaban (Bengali Organization) - Friday
Buddha's Light International Association - Friday, Saturday
Girl Scout Troop (Multiple Troops) – Various days
Waray-Waray International Organization (Philippine Dance Group) - Friday
Falun Dafa (Chinese Meditation Group) - Saturday
Oriental Art - Saturday
Hindu Swayamsevak Organization - Saturday
Mizuno Dance Club – Saturday
Troy High School Cheerleaders - Monday to Friday
Troy High School Winterguard – Monday to Friday

Groups That Meet Twice per Month (4)

Cub Scout Troop (Multiple Groups) – Monday, Wednesday
Democratic Club - Wednesday
American Romanian School – Saturday

Groups That Meet Monthly (16)

AAII Fast Track – Monday
AAII Fast Track - Tuesday
Community Chorus - Monday
Troy Soccer League- Monday, Tuesday
Primrose Garden - Tuesday
Troy Women's Association - Tuesday
Girl Scout Troop – Tuesday, Thursday
Troy Garden Club -Wednesday
Leadership Troy - Wednesday
Beachwood Recreation - Wednesday
Troy Youth Soccer League -Thursday

Troy Newcomers - Thursday
Senator Pappageorge - Saturday
Homeowner Associations (Multiple Associations)

Special Events and Banquets in Room 304 - 305
Troy School Sports Teams Annual Banquet (6)
Boy Scout Blue and Gold Banquet (3)
Pine Wood Derby (3)
Indus Science Fair
Troy Elementary School Fun Fairs and Dances (6)
Community Coalition Banquet

Exhibit 4

Revenue Projections

New Policy – One reservation per month for no charge, $20 per hour room rental for other reservations, cleaning charge

Source of New Revenue	**Estimated Revenue Calculation**	**Amount**
Non Profit Groups	10 groups renting space x $40 per meeting x 3 per month x 12 months	$14,400
Private Rentals	2 new rentals per week x $100 per meeting x 50 weeks	$10,000
Recreation Programs	1 new program per week x $50 per meeting x 50 weeks	$2,500
Cleaning Fee	20 banquet events x $30 cleaning fee	$600
Total Revenue		$27,500

CITY COUNCIL ACTION REPORT

August 13, 2009

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Organizational Restructuring

The departure of Assistant City Manager Brian Murphy has led me to initiate a series of events:

1) Planning Director Mark Miller will be promoted to Acting Assistant City Manager of Economic Development Services. This temporary appointment will be evaluated after six months. At that point a decision will be made whether Mr. Miller's temporary appointment should become full-time.

2) Because of the importance of economic development to the sustainability of Troy, Economic Development Specialist Pamela Valentik is now a direct report. Additionally, Mrs. Valentik has moved to the office of the City Manager.

3) Principal Planner R. Brent Savidant will be promoted to Acting Planning Director on a temporary basis. Mr. Savidant's career path in Troy will be contingent upon two factors; his performance, and what happens with the Assistant City Manager of Economic Development Services position.

4) The organizational restructuring I have already advanced leaves one full-time professional in the Planning Department. And as opposed to hiring an employee to assist in the work load, I'm going to utilize the services of Mr. Richard Carlisle of Carlisle-Wortman Associates. Mr. Carlisle will be initially scheduled to come in to Troy during regular business hours one day per week and will work on the following projects:

- Zoning ordinance re-write
- Big Beaver design guidelines
- Capital improvement planning (CIP)
- Development approval review
- Rapid energy assessment program
- Transit Center landscape plan
- General consultation regarding the Downtown Development Authority (DDA), Brownfield Redevelopment Authority (BRA) and SmartZone Local Development Finance Authority (LDFA)
- Planned unit development (PUD) review when applicable

Attached is a letter from Richard Carlisle indicating his hourly rate of $95.00 per hour, which has not changed since April 2005. So too, the City will not be charged for travel time as long as we schedule more than five hours at a clip. Also know that the contract with Carlisle-Wortman Associates expires in the spring of 2010, so I'll be able to judge the degree of success in this endeavor as well.

This organization restructuring is going to provide us with our first full hybrid department; namely, in-house retention paired with privatization. In six months I'll report back indicating the results of this endeavor using the criteria of cost savings, and level of service.

JS/mr\AGENDA ITEM\2009\08.17.09 – Organizational Restructuring

c: Richard Carlisle, Carlisle-Wortman Associates
John M. Lamerato, Assistant City Manager/Finance and Administration
Brian P. Murphy, Assistant City Manager/Economic Development Services
Department Directors
Time File: January 2010

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

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

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

July 27, 2009

John Szerlag, City Manager
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Re: Office Hours

Dear Mr. Szerlag:

In response to your request, I would be pleased to schedule regular hours in the City of Troy offices. I understand that you would like me to be there one full day to assist with the Planning Department and with other assignments requested by you.

Our current contract allows the City to assign whatever work to us that you deem necessary. I will change my rate of $95/hr. and due to the predictability of this assignment, I will not charge for travel time provided I am scheduled for at least 5 hours.

For the most part, I can be there during your normal business hours but would appreciate being able to adjust my departure time based on traffic. However, I can be flexible if I am needed for late afternoon meetings.

I am available to begin the week of August 17th. Please let me know if there are any questions.

Yours truly,

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

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Richard K. Carlisle, *President* R. Donald Wortman, *Vice President* Douglas J. Lewan, *Principal* John L. Enos, *Principal*
Jennifer L. Coe, *Associate* Sally M. Elmiger, *Associate* David Scurto, *Associate* Brian Oppmann, *Associate* Zachary Branigan, *Associate*

J-09

GRS Gabriel Roeder Smith & Company
Consultants & Actuaries

CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS

29TH ANNUAL ACTUARIAL VALUATION REPORT

DECEMBER 31, 2008

Table of Contents

Page	Items
1	Cover Letter
2	Summary of Plan Provisions
3	Active Participant Data
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6	Actuarial Accrued Liabilities and Assets
7	City's Computed Contribution for the Fiscal Year Beginning July 1, 2009
8	Derivation of Actuarial Gain (Loss)
9	Comparative Schedule
10-13	Actuarial Assumptions
14-16	Actuarial Accrued Liability

GRS

Gabriel Roeder Smith & Company
Consultants & Actuaries

One Towne Square
Suite 800
Southfield, MI 48076-3723

248.799.9000 phone
248.799.9020 fax
www.gabrielroeder.com

August 6, 2009

Mr. John M. Lamerato
Assistant City Manager - Finance
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear John:

Submitted in this report are the results of the 29th Annual Actuarial Valuation of the assets, benefit values, reserves and contribution requirements associated with payments provided by the City of Troy Incentive Plan for Volunteer Firefighters. The valuation was based upon data, furnished by your staff, concerning financial operations and individual participants and vested former participants.

The date of the valuation was December 31, 2008.

This report was prepared by actuaries who have substantial experience valuing public employee retirement plans. To the best of our knowledge, this report is complete and accurate and the valuation was conducted in accordance with standards of practice prescribed by the Actuarial Standards Board. The actuarial assumptions used for the valuation produce results which, individually and in the aggregate, are reasonable.

Both of the undersigned actuaries submitting this report are Members of the American Academy of Actuaries (M.A.A.A.) as indicated, and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

Respectfully submitted,

Brad Lee Armstrong
A.S.A., E.A., M.A.A.A.

Randall J. Dziubek
A.S.A., E.A., M.A.A.A.

BLA:RJD:bd

SUMMARY OF PLAN PROVISIONS
(DECEMBER 31, 2008)

NORMAL PAYMENT CONDITIONS

Eligibility - Attainment of age 55 with 10 or more years of incentive service or 30 years of service regardless of age, or attainment of age 50 with 25 or more years of service.

Annual Amount - $518 per year of incentive service, retiring on or after January 1, 2005, $539 per year of incentive service, retiring on or after January 1, 2006, $560 per year of incentive service, retiring on or after January 1, 2007, $582 per year of incentive service, retiring on or after January 1, 2008, $605 per year of incentive service, retiring on or after January 1, 2009. Optional forms of payment include a lump sum payment of the actuarial value using valuation assumptions for interest and male mortality.

VESTING

Eligibility - 10 years of incentive service. Payments commence at age 60.

Annual Amount - See above.

PAYMENTS IN EVENT OF PARTICIPANT'S DEATH

Eligibility - Death of an active participant after 10 years of incentive service.

Annual Amount - Widow receives the amount computed as above but reduced to reflect a 100% joint and survivor election.

POST-RETIREMENT PAYMENT INCREASES

An ad-hoc 10% increase in each current payment was granted in 1986 and 1987.

An ad-hoc 7-1/2% increase in each current payment was granted in 1988.

An ad-hoc 7-1/2% increase in each current payment was granted in 1989, along with a prorated increase based on the difference between the actual incentive service and the twenty-five year maximum which was provided for in Ordinance No. 62.

An ad-hoc $10 per month increase in each current payment was granted in 1990 through 1994, inclusive.

An ad-hoc $5 per month increase in each current payment was granted in 1995.

An ad-hoc $15 per month increase in each current payment was granted in 1996.

An ad hoc $10 per month increase in each current payment was granted in 1997 through 2008, inclusive.

ACTIVE PARTICIPANTS - DECEMBER 31, 2008
BY NEAR AGE AND YEARS OF SERVICE

Near Age	Years of Accrued Service							Totals No.
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	
15-19	1							1
20-24	11							11
25-29	7	10	1					18
30-34	10	7	6					23
35-39	3	4	2	4				13
40-44	4	4	3	2	6			19
45-49	4	5	7	5	3	3	1	28
50-54	2	2	4	8	8			24
55-59	1	1	1	2	4	2	2	13
60			1					1
62			1			1		2
Totals	**43**	**33**	**26**	**21**	**21**	**6**	**3**	**153**

While not used in the financial computations, the following group averages are computed and shown because of their general interest.

Group Averages:

Age: 40.8 years.
Service: 11.4 years.

Note: In addition, there are also 3 members currently on leave of absence.

INACTIVE PARTICIPANTS - BY ATTAINED AGES
DECEMBER 31, 2008

Near Ages	Current Payments		Deferred Payments	
	No.	Annual Payments	No.	Annual Payments
30-34			1	$ 7,857
35-39				
40-44			2	6,492
45-49			10	37,917
50-54	4	$ 55,986	7	25,779
55-59	7	63,078	4	11,193
60-64	9	45,940		
65-69	9	48,222		
70-74	24	112,949		
75-79	6	22,374		
80+	15	55,279		
Totals	**74**	**$403,828**	**24**	**$89,238**

DEVELOPMENT OF FUNDING VALUE OF ASSETS

	Year Ended December 31,	2005	2006	2007	2008	2009	2010	2011
A.	Funding Value Beginning of Year	$ 6,261,188	$ 6,571,524	$ 6,006,600	$ 6,412,626			
B.	Market Value End of Year	6,261,583	5,768,679	6,245,711	6,066,814			
C.	Market Value Beginning of Year	6,307,100	6,261,583	5,768,679	6,245,711			
D.	Non Investment Net Cash Flow# (EE + ER cont.) - (Ret. Ben.+Refunds+Admin. Exp.)	(133,671)	(785,379)	127,423	(375,392)			
E.	Investment Income							
E1.	Market Total: B - C - D	88,154	292,475	349,609	196,495			
E2.	Assumed Rate	6.50%	6.50%	6.50%	6.50%			
E3.	Amount for Immediate Recognition	402,633	401,624	394,570	404,620			
E4.	Amount for Phased-In Recognition	(314,479)	(109,149)	(44,961)	(208,125)			
F.	Phased-In Recognition of Investment Income							
F1.	Current Year: 0.25 x E4	(78,620)	(27,287)	(11,240)	(52,031)			
F2.	First Prior Year	1,181	(78,620)	(27,287)	(11,240)	$ (52,031)		
F3.	Second Prior Year	(76,444)	1,181	(78,620)	(27,287)	(11,240)	$ (52,031)	
F4.	Third Prior Year	195,257	(76,443)	1,180	(78,619)	(27,288)	(11,241)	$ (52,032)
F5.	Total Recognized Investment Gain/(Loss)	41,374	(181,169)	(115,967)	(169,177)	(90,559)	(63,272)	(52,032)
G.	Funding Value: A + D + E3 + F5	6,571,524	6,006,600	6,412,626	6,272,677			
H.	Difference Between Market & Funding Values	(309,941)	(237,921)	(166,915)	(205,863)			
I.	Recognized Rate of Return	7.2%	3.6%	4.6%	3.8%			

 # Net of investment expenses.

The Funding Value of Assets recognizes assumed investment income (line E3) fully each year. Differences between actual and assumed investment income (line E4) are phased in over a closed 4-year period. During periods when investment performance exceeds the assumed rate, Funding Value of Assets will tend to be less than market value. During periods when investment performance is less than the assumed rate, Funding Value of Assets will tend to be greater than market value. The Funding Value of Assets is **unbiased** with respect to Market Value. At any time it may be either greater or less than Market Value. If actual and assumed rates of investment income are exactly equal for 3 consecutive years, the Funding Value will become equal to Market Value.

DEVELOPMENT OF UNFUNDED ACTUARIAL ACCRUED LIABILITY AS OF DECEMBER 31, 2008

Actuarial Accrued Liabilities For:	
Active Participants*	$8,593,091
Inactive Participants	
Current payments	3,960,920
Deferred payments	483,832
Total Actuarial Accrued Liabilities	13,037,843
Funding Value of Assets	6,272,677
Unfunded Actuarial Accrued Liabilities	**$6,765,166**

* *Includes participants on leave of absence.*

MARKET VALUE INCOME STATEMENT FOR CALENDAR YEAR 2008

Plan Assets at Beginning of Year	$ 6,245,711
plus Employer Contributions	885,365
plus Investment Income	196,495
less Monthly Retirement Benefits	506,570
less Lump Sum Retirement Benefits	745,031
less Administrative Expenses	9,156
Plan Assets at End of Year	$ 6,066,814

CITY'S COMPUTED CONTRIBUTION FOR THE FISCAL YEAR BEGINNING JULY 1, 2009

Contribution for:

NORMAL COST	
Age and service payments	$ 305,973
Death-in-service payments	20,856
Total	326,829
UNFUNDED ACCRUED LIABILITIES	
Present recipients	0
Active participants and vested former participants*	537,338
Total	537,338
CITY'S TOTAL CONTRIBUTION	**$ 864,167**

* *Financed over an open period of 25 years.*

Comment A: This plan has a history of benefit increases and allows lump sums to be paid at retirement. The total contribution shown above does not reflect recognition of potential future increases in benefits beyond 2009. The current funding policy of recognizing pension increases as they happen will usually lead to persistent annual increases in the computed contribution requirement and persistent decreases in the funded ratio. In the case of this Plan that has a popular lump sum option, this can also lead to negative cash flows which could exhaust the Plan Assets in less than 10 years. This would drive contributions to the level of expenditures, which would create extreme volatility and on average, much higher contributions.

Comment B: The plan's current assumed interest rate assumption can be considered aggressive since the plan is 100% invested in fixed income instruments. The plan has experienced investment losses in each of the last 4 years. If the pattern of losses continues in 2009, we recommend lowering the interest rate assumption to at least 6%, thereby increasing the future contribution requirements. An interest rate assumption of 6% would increase the City Contribution from $864,167 to $950,797 for the fiscal year beginning July 1, 2009.

Recommendation: If it is the intention of policymakers to continue the practice of annual benefit increases, we recommend that a policy be established of advance funding for each year's benefit increase. If this type of policy had been in effect for this valuation, the resulting contribution would have been as much as 50% higher.

DERIVATION OF ACTUARIAL GAIN (LOSS)
PENSION BENEFITS
YEAR ENDED DECEMBER 31, 2008

1)	UAAL at start of year	$ 6,827,069
2)	Normal cost	343,110
3)	Actual employer contributions	885,365
4)	Interest accrual	426,136
5)	Expected UAAL before changes	6,710,950
6)	Change from benefit increases#	74,675
7)	Change from revised actuarial assumptions	0
8)	Expected UAAL after changes	6,785,625
9)	Actual UAAL at end of year	6,765,166
10)	Gain (Loss) (8)- (9)	20,459
11)	Gain (Loss) as percent of actuarial accrued liabilities at start of year $13,239,695	0.2%

 # $10 per month ad-hoc COLA for current retiree's benefits.

CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS
COMPARATIVE SCHEDULE

Valuation Date December 31,	Vested Former Participants				Accrued Liability	Actuarial Value of Assets	Percent Funded	Unfunded Accrued Liability	Computed City Contribution
	Current Payments		Deferred Payments						
	No.	Annual $	No.	Annual $					
1994 *	51	$ 136,187	22	$ 39,750	$ 3,749,683	$ 3,236,057	86.3 %	$ 513,626	$ 171,556
1995	54	145,049	21	40,587	4,393,900	3,512,240	79.9	881,660	216,567
1996 *	56	163,321	21	44,897	4,935,993	3,761,590	76.2	1,174,403	262,950
1997 *	57	178,421	22	47,885	5,635,119	4,211,224	74.7	1,423,895	301,412
1998 *	58	182,869	24	59,570	6,034,103	4,680,711	77.6	1,353,392	304,480
1999 *#	58	189,829	24	59,570	6,789,910	5,051,720	74.4	1,738,190	349,404
2000 *	60	201,427	27	73,879	7,397,365	5,137,078	69.4	2,260,287	413,432
2001 *	62	225,030	28	79,743	8,160,180	5,109,422	62.6	3,050,758	512,973
2002 *	61	232,881	28	86,384	9,598,244	5,720,336	59.6	3,877,908	623,348
2003 *	63	246,090	26	79,680	11,786,697	6,083,672	51.6	5,703,025	795,904
2004 *	64	263,767	26	82,834	11,936,051	6,261,188	52.5	5,674,863	774,795
2005 *	67	302,477	27	92,676	12,052,272	6,571,524	54.5	5,480,748	762,121
2006 *	70	346,539	25	79,601	11,931,905	6,006,600	50.3	5,925,305	788,742
2007 *	73	372,705	23	75,828	13,239,695	6,412,626	48.4	6,827,069	885,365
2008	**74**	**403,828**	**24**	**89,238**	**12,963,168**	**6,272,677**	**48.4**	**6,690,491**	**858,236**
2008 *	**74**	**403,828**	**24**	**89,238**	**13,037,843**	**6,272,677**	**48.1**	**6,765,166**	**864,167**

* *After changes in benefit provisions.*
\# *After changes in actuarial assumptions.*

COMMENT: It is the actuary's opinion that the required contribution amounts determined by the most recent actuarial valuation are sufficient to meet the System's financial objective, presuming continued timely receipt of required contributions when due, and no changes in benefit provisions.

VALUATION ASSUMPTIONS

The **entry-age normal cost valuation method** was used in determining payment liabilities and costs.

The **interest rate** used in making the valuation was 6.5% per annum, compounded annually. This rate was first used for the December 31, 1999 valuation.

The **mortality table** used was the 1983 Group Annuity Mortality Table. This table was first used for the December 31, 1999 valuation.

	Single Life Values			
	Present Value of $1 Monthly for Life		Future Life Expectancy (Years)	
Sample Ages	Men	Women	Men	Women
50	$151.83	$163.46	29.18	34.92
55	141.54	155.23	24.82	30.24
60	129.07	144.87	20.64	25.67
65	114.32	132.18	16.69	21.29
70	98.49	116.95	13.18	17.13
75	82.32	100.05	10.15	13.37
80	66.65	83.11	7.64	10.20

Probabilities of retirement for members eligible for immediate incentive payments were:

Ages	Percent of Eligible Active Participants Separating Within Next Year
48	20%
49	20
50	20
51	20
52	20
53	20
54	20
55	20
56	20
57	20
58	20
59	15
60	15
61	15
62	25
63	100

SAMPLE RATES OF SEPARATION FROM ACTIVE EMPLOYMENT BEFORE AGE 55

Sample Ages	Years of Service	% of Active Participants Separating Within Next Year
ALL	1	15.00 %
	2	10.00
	3	8.00
	4	7.00
	5	6.00
25	5 & Over	5.00
30		4.50
35		3.55
40		1.45
45		0.75
50		0.75

SUMMARY OF ASSUMPTIONS USED
DECEMBER 31, 2008

Pensions in an Inflationary Environment

VALUE OF $1,000/MONTH RETIREMENT BENEFIT TO AN INDIVIDUAL WHO RETIRES AT AGE 55 IN AN ENVIRONMENT OF 4.00% INFLATION

Age	Value
55	$1,000
56	962
57	925
58	889
59	855
60	822
65	676
70	556
75	457
80	375

The life expectancy of a 55 year old male retiree is age 80. The life expectancy for a 55 year old female retiree is age 85. Half of the people will outlive their life expectancy. The effects of even moderate amounts of inflation can be significant for those who live to an advanced age.

SUMMARY OF ASSUMPTIONS USED
MISCELLANEOUS AND TECHNICAL ASSUMPTIONS
DECEMBER 31, 2008

Marriage Assumption. 100% of males and 100% of females are assumed to be married for purposes of death-in-service benefits.

Pay Increase Timing. Beginning of (Fiscal) year. This is equivalent to assuming that reported pays represent amounts paid to members during the year ended on the valuation date.

Decrement Timing. Decrements of all types are assumed to occur mid-year.

Eligibility Testing. Eligibility for benefits is determined based upon the age nearest birthday and service nearest whole year on the date the decrement is assumed to occur.

Benefit Service. Exact fractional service is used to determine the amount of benefit payable.

Decrement Relativity. Decrement rates are used without adjustment for multiple decrement table effects.

Decrement Operation. Disability and mortality decrements do not operate during the first 5 years of service. Disability and withdrawal do not operate during retirement eligibility.

Normal Form of Benefit. The assumed normal form of benefit is the straight life form.

Optional Forms of Payment. 6.5% interest, 1983 Group Annuity male mortality for members and 1983 Group Annuity female mortality for beneficiaries.

Incidence of Contributions. Contributions are assumed to be received continuously throughout the year based upon the computed dollar amounts shown in this report. New entrant normal cost contributions are applied to the funding of new entrant benefits.

ACTUARIAL ACCRUED LIABILITY

The actuarial accrued liability is a measure intended to help users assess (i) a pension fund's funded status on a going concern basis, and (ii) progress being made toward accumulating the assets needed to pay benefits as due. Allocation of the actuarial present value of projected benefits between past and future service was based on service using the individual entry-age actuarial cost method. Assumptions, were the same as used to determine the Plan's level dollar annual required contribution between entry-age and assumed exit age. Entry-age was established by subtracting credited service from current age on the valuation date.

The preceding methods comply with the financial reporting standards established by the Governmental Accounting Standards Board.

The entry age actuarial accrued liability was determined as part of an actuarial valuation of the plan as of December 31, 2008. Significant actuarial assumptions used in determining the actuarial accrued liability include (a) a rate of return on the investment of present and future assets of 6.5% per year compounded annually, and (b) the assumption that benefits will not increase after retirement.

Actuarial Accrued Liability	
Active members*	$ 8,593,091
Retired members and beneficiaries currently receiving benefits	3,960,920
Vested terminated members not yet receiving benefits	483,832
Total Actuarial Accrued Liability	13,037,843
Actuarial Value of Assets (market value was $6,066,814)	6,272,677
Unfunded Actuarial Accrued Liability	$ 6,765,166

* *Including members on leave of absence.*

During the year ended December 31, 2008, the Plan experienced a net change of ($201,852) in the actuarial accrued liability, of which $74,675 was attributable to changes in benefit provisions. There were no changes in actuarial assumptions during the year.

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF FUNDING PROGRESS
($ AMOUNTS IN THOUSANDS)

Actuarial Valuation Date December 31,	Actuarial Value of Assets# (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (b)-(a)	Funded Ratio (a)/(b)
1995 *	$3,512	$ 4,394	$ 882	79.9 %
1996 *	3,816	4,936	1,120	77.3
1997 *	4,211	5,635	1,424	74.7
1998	4,681	6,034	1,353	77.6
1999 *&	5,052	6,790	1,738	74.4
2000 *	5,137	7,397	2,260	69.4
2001 *	5,109	8,160	3,051	62.6
2002 *	5,720	9,598	3,878	59.6
2003 *	6,084	11,787	5,703	51.6
2004 *	6,261	11,936	5,675	52.5
2005 *	6,572	12,052	5,481	54.5
2006 *	6,007	11,932	5,925	50.3
2007 *	6,413	13,240	6,827	48.4
2008 *	**6,273**	**13,038**	**6,765**	**48.1**

\# *Prior to 1996, Book Value was used.*
* *After changes in benefit provisions.*
& *After changes in actuarial assumptions.*

Analysis of the dollar amounts of actuarial value of assets, actuarial accrued liability, or actuarial accrued liability in isolation can be misleading. Expressing the actuarial value of assets as a percentage of the actuarial accrued liability provides one indication of the system's funded status on a going-concern basis. Analysis of this percentage over time indicates whether the system is becoming financially stronger or weaker. Generally, the greater this percentage, the stronger the plan. The unfunded actuarial accrued liability and annual covered payroll are both affected by inflation. Expressing the unfunded actuarial accrued liability as a percentage of covered payroll approximately adjusts for the effects of inflation and aids analysis of the progress being made in accumulating sufficient assets to pay benefits when due. Generally, the smaller this percentage, the stronger the plan.

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER CONTRIBUTIONS

Fiscal Year Ending June 30,	Actuarial Valuation Date December 31,	Annual Required Contribution (In thousands)	Percent Contributed
1995	1993	$139	100 %
1996	1994	172	100
1997	1995	217	100
1998	1996	263	100
1999	1997	320	100
2000	1998	330	100
2002	2000	413	100
2003	2001	513	100
2004	2002	623	100
2005	2003	796	100
2006	2004	775	105
2007	2005	762	104
2008	2006	789	101
2009	**2007**	**885**	**100**

NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
SUMMARY OF ACTUARIAL METHODS AND ASSUMPTIONS

Valuation Date	12/31/2008
Actuarial Cost Method	Individual Entry Age
Amortization Method	Level dollar, open
Remaining Amortization Period	25 years
Asset Valuation Method	4-year smoothed market
Actuarial Assumptions:	
Investment Rate of Return	6.50%
Projected Salary Increases	N/A

City of Troy

CITY COUNCIL REPORT

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services BPM MR

DATE: August 3, 2009

RE: STUDY SESSION – PROPERTY MAINTENANCE CODE

Following the July 6th City Council meeting, City Management met with Councilmember Cristina Broomfield to discuss the issues brought up regarding the Property Maintenance Code.

Ms. Broomfield suggested adding another point of redress in to the Property Maintenance Code, whereby the City Manager may hear complaints. It was also suggested that the City Manager provide a regular (perhaps quarterly) update to the City Council on the number and nature of property maintenance cases that come before the City Manager. City staff is reviewing options on how to implement the suggestion, and will likely have more information at the Study Session.

There was also concern that the Property Maintenance Code requires dead bolts on residential rental properties only. Ms. Broomfield's contention is that the question of dead bolts should apply equally to all residential units. Either the City requires them in all residential units, or doesn't require their use in any residential unit. City staff understands Ms. Broomfield's argument of equal application, and is amenable to the outcome of Council's direction on this matter.

CITY COUNCIL REPORT

DATE: June 30, 2009

TO: John Szerlag, Acting City Manager

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

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

Background:

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

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

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

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

Policy Considerations:

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

Options:

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

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

CITY OF TROY

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

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment

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

CHAPTER 1 ADMINISTRATION

101 GENERAL.

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

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

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

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

SECTION 102 APPLICABILITY

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

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

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

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

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

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

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

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare shall be determined by the code official if not specifically covered by this code. The details of any such determination shall be recorded and entered in the department files.

SECTION 103 BUILDING DEPARTMENT

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

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

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

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

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

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

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

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

104.3.1 Multiple Family Dwellings. Structures with three or more dwelling units

are subject to periodic inspections to insure compliance with this code as set forth in *Chapter 82A, Rental and Dwelling Inspections and Enforcement, of the City of Troy Code of Ordinances.*

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

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

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

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

SECTION 105 APPROVAL

105.1 Modifications. Existing buildings or structures will not be subject to adhere to all or some of the Property Maintenance code requirements when the code officer determines that unique circumstances makes the strict enforcement of this code impractical, provided that such modification does not lessen health, life and fire safety requirements. The details of any such modifications shall be recorded and entered in the department files.

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

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not

conform to the requirements of this code, or when necessary to substantiate requests for alternative materials or methods, the code official shall have the authority to require tests in order to verify compliance. Any such required test shall be paid for by the person charged with demonstrating compliance, and shall not be charged to the City of Troy.

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

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

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

SECTION 106 VIOLATIONS AND PENALTIES

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

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

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

SECTION 107 NOTICES AND CITATIONS

107.1 Notice or Citation to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe

that a violation has occurred, a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation may be given to the person responsible for the violation in the manner prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances.*

107.2 Form and Method of Service. A Municipal Civil Infraction Notice or Municipal Civil Infraction Citation shall be in a form as prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and shall be served in a method prescribed in Chapter 100.

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

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

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

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

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

108.1.1 Dangerous or Unsafe Building or structure. A dangerous or unsafe

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

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

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

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

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

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

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

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

h. An owner has been previously notified of existing code violation(s), according to the provisions of the Troy Code of Ordinances and after said

notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days.

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

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

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

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

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

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

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

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

108.1.1.5 Public Hearing. If the code official receives a written appeal of the

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

108.1.1.6 City Council action. If the City Council determines that the building or structure is a dangerous or unsafe building or structure, and that the building or structure should be demolished or made habitable, Council shall order either demolition within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days after the hearing and/or resolution, unless the City Council determines that the conditions justify a longer time period to complete the necessary repairs.

108.1.1.7 Failure to demolish or repair. If the ordered demolition or repairs are not completed within the allocated time period, as set forth in the resolution, City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the building or structure or any part of the building or structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real property upon which the building or structure is located and shall be a lien upon such real property. Such lien shall be enforced against the real property as a special assessment.

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

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

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

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

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

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

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

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

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

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official or fire official, there is imminent danger of failure or collapse of a building or structure which

endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any building or structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official or fire official or designee are hereby authorized and empowered to order and require the occupants to vacate the premises immediately. At each entrance to such a building or structure, the code official or his/her designee shall post a notice declaring the building or structure unsafe and prohibiting occupancy. It shall be unlawful for any person to enter such building or structure except for the purpose of securing the building or structure, making the required repairs, removing the hazardous condition or of demolishing the building or structure.

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

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

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

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

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

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

set forth below.

SECTION 110 Reserved

SECTION 111 APPEAL TO BUILDING CODE BOARD OF APPEALS

111.1 Application for appeal. Except for individuals filing an appeal under Section 108.1.1.5 – Public Hearing (Dangerous or Unsafe Buildings, Structures or Conditions)**,** any person directly affected by a decision of the code official or a notice of violation issued under this code shall have the right to appeal to the Building Code Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision or notice of violation was served. An application for appeal shall be based on a claim that the true intent of this code been incorrectly interpreted; the provisions of this code do not fully apply; or the requirements of this code have been adequately satisfied.

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

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

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

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

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

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

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

201.4 Terms not defined. Where terms are not defined through the methods

authorized by this section, such terms shall have ordinarily accepted meanings taken in light of the context.

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

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

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

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

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

CITY COUNCIL. The Troy City Council.

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

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

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

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

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

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

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

FIRE OFFICIAL. The fire official charged with the administration and

enforcement of this code is the City of Troy Fire Chief or his/her designee.

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

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

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

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

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

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

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

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

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

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

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

OPERATOR. Any owner, occupant, tenant, lessee, landlord, agent or person

who has charge, care, control or responsibility over a structure, premises or any private property which is let or offered for occupancy.

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

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

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

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

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

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

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

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

residue and other similar materials.

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

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

301.2 Responsibility. The owner of a premise shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided in this code. A person shall not occupy as owner-occupant or permit another person to occupy a premise that is not in a sanitary and safe condition and which does not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premise which they occupy and control.

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

SECTION 302 EXTERIOR PROPERTY AREAS

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

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

> **Exception:** Approved retention areas and reservoirs.

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

302.4 Turf Grass, Weeds and Plant Growth.

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

Exceptions:

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

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

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

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

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

302.4.4 Published Notice. It shall be the duty of the Public Works Director or his/her designee to give general notice to every owner, occupant, or person having control or management of any premises of the cutting and weed prevention requirements of this section. Such duty shall be satisfied if publication is made of the cutting and weed prevention requirements in the newspaper of record in the City during the month of March notifying the owners, occupants or persons having control or management of any premises that failure to cut turf grass or weeds or failure to prevent the perpetuation of weeds as required under this section during the period of May 1 to November 1 of each year, may result in the issuance of a Municipal Civil Infraction Notice or Citation under *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and/or the entry on the premises by the City to cut said turf grass and/or weeds or to prevent the perpetuation of weeds. The general notice shall also inform owners, occupants and persons having control or management of any premises that if the City is required to enter onto the premises to cut turf grass and/or weeds or to take an action to prevent the perpetuation of weeds, the property owner designated on the City assessment or tax rolls shall be assessed the cost, payable to the City, for each required abatement. The City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds or treat weeds and charge the cost to the property owner

for each such cutting or treatment. The City has the discretion to send via first class mail a ten (10) day notice to the last property owner of record and/or to attach a notice to the premises stating that the City intends to cut said turf grass and/or weeds or treat weeds, and if the turf grass and/or weeds are not cut or the weeds are not treated within ten (10) days from the date of the notice, the City may proceed to cut the turf grasses and/or weeds or treat the weeds. Failure to send such a warning notice does not in any way prevent the City from entering on the premises to cut turf grass and/or weeds or to treat weeds, as long as a general notice has been published, as set out herein.

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

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

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

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not

discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

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

302.8 Motor vehicles. No person shall permit the accumulation of one or more inoperable vehicles outside of a completely enclosed building for a period of more than fourteen (14) days. Inoperable vehicles are those that are not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being MCL 257.1 through 257.925. These minimum conditions include, but are not limited to: an engine that runs, four wheels and four pneumatic tires capable of holding air, working battery, and current license plates. This prohibition applies to owners, tenants, managers of private property, last registered owners of motor vehicles or transferees on a bill of sale covering a vehicle.

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

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

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

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

SECTION 304 EXTERIOR STRUCTURE

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

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

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

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

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

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

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

304.9 Overhang extensions. All overhang extensions including, but not limited

to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

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

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

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

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

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

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

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

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

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

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

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

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

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

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

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

SECTION 305 INTERIOR STRUCTURE

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

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

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

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

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

good condition.

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

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

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

SECTION 307 RUBBISH AND GARBAGE

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

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

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

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

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

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

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

307.3.2 Containers. The operator of every establishment producing garbage

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

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

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

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

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

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

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from rodent or pest infestation.

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

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

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

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

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

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

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

SECTION 402 LIGHT

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

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

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

is occupied with a minimum of 1 foot-candle at floors, landings and treads.

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

SECTION 403 VENTILATION

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

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

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

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

> **Exceptions:**
>
> 1. Where specifically approved in writing by the code official.
>
> 2. Devices such as coffee pots, hot plates, toaster ovens and microwave ovens shall not be considered cooking appliances.

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

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

SECTION 404 OCCUPANCY LIMITATIONS

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

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

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

Exceptions:

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

2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.

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

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

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

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

Exception: Units that contain fewer than two bedrooms.

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

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

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

facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

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

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

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

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

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

4. The maximum number of occupants shall be three.

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

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

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

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

SECTION 502 REQUIRED FACILITIES

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

as a substitute for the required lavatory.

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

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

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

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

SECTION 503 TOILET ROOMS

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

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

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

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

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

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

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

All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

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

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

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Michigan Plumbing Code*.

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

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

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

SECTION 506 SANITARY DRAINAGE SYSTEM

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

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, sub soil collection systems, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

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

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

SECTION 602 HEATING FACILITIES

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

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Michigan Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to June 1 to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

> **Exception:**
>
> When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *Michigan Plumbing Code*.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to June 1 to maintain a temperature of not less than 65°F during the period the spaces are occupied.

> **Exceptions:**
>
> 1. Processing, storage and operation areas that require cooling or special

temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

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

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

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

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

603.7 Portable cooking equipment Unless otherwise approved, portable cooking equipment shall not be used on the interior of a structure in any area other than an area designated as a cooking room.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Michigan Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

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

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

> **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises,

including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Fire Prevention Code of the City of Troy, Chapter 93 of the Troy Code of Ordinances*, hereafter referred to as the *Troy Fire Code.*

702.2 Aisles. The required width of aisles in accordance with the *Troy Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Michigan Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *Troy Fire Code*.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *Troy Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Such interconnection shall be permitted to be through wired or approved wireless methods. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME — American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1—2000	Safety Code for Elevators and Escalators with A17.1a 2002 Addenda	606.1

ASTM — ASTM International, 100 Barr Harbor Drive West, Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

DELEG — Michigan Department of Energy Labor and Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, MI 48864

Standard reference number	Title	Referenced in code section number
MEC—06	Michigan Electrical Code	102.3, 201.3, 604.2
MBC—06	Michigan Building Code	102.3, 201.3, 401.3, 702.3
IMC—06	Michigan Mechanical Code	102.3, 201.3
IPC—06	Michigan Plumbing Code	102.3, 201.3, 505.1, 602.2, 602.3

City of Troy	City of Troy 500 W. Big Beaver Troy, MI 48084	
Standard reference number	Title	Referenced in code section number
Charter	Charter of the City of Troy	104.3
Chapter 2	Address Numbering and Street Naming	304.3
Chapter 39	Troy Zoning Ordinance	102.3, 201.3
Chapter 60	Fees and Bonds Required	103.5
Chapter 79	General Building Regulations	111.2
Chapter 82A	Rental and Dwelling Inspection and Enforcement	104.3.1
Chapter 88	Nuisances	302.8
Chapter 93	Troy Fire Prevention Code	108.1, 201.3, 702.1, 702.2, 704.1 704.2
Chapter 100	Municipal Civil Infractions	106.1, 106.2, 106.3, 107.1, 107.2, 108.1.1.2, 302.4.3, 302.4.4, 307.4.3

ICC	International Code Council 5203 Leesburg Pike, Suite 600 Falls Church, VA 22041	
Standard reference number	Title	Referenced in code section number
IFGC-06	International Fuel Gas Code	102.3

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective on August 1, 2009.

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

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, City Clerk

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

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare shall be determined by the code official if not specifically covered by this code. The details of any such determination shall be recorded and entered in the department files.

104.4 Right of entry. ~~The code official and his or her designated representatives are authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional and legal restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.~~ Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

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

108.1.1.6 City Council action. If the City Council determines that the building or structure is a dangerous or unsafe building or structure, and that the building or structure should be demolished or made habitable, Council shall order either demolition within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days ~~by a specified time, which shall not exceed 21 days~~ after the hearing and/or resolution, unless the City Council determines that the ~~weather~~ conditions justify a longer time period to complete the necessary repairs.

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

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

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

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Such interconnection shall be permitted to be through wired or approved wireless methods. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

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

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

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

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

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

Existing Text of Chapter 82 that is proposed to be deleted

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

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

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

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

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

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

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

~~(03-01-06)~~

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

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

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

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

~~(01-29-96)~~

~~PM-106.2 Section deleted.~~

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

~~PM-107.4 Section deleted.~~

~~(01-29-96)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~PM-111 Section deleted.~~

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

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

~~(Dwellings)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~SECTION PM-708.1. COMPLIANCE DATE~~

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

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

CHAPTER 1

ADMINISTRATION

SECTION PM-101.0 GENERAL

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

PM-101.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing *premises* by establishing minimum requirements and standards for *premises,* structures, equipment, and facilities, for light, *ventilation,* space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of *owners, operators and occupants;* regulating the *occupancy* of existing structures and *premises,* and providing for administration, enforcement and penalties.

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

PM-101.4 Referenced standards: The standards referenced in this code and listed in Chapter 8 shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

PM-101.5 Existing remedies: The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

PM-101.6 Workmanship: All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner.

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

SECTION PM-102.0 VALIDITY

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

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

SECTION PM-103.0 MAINTENANCE

PM-103.1 Required: All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or *premises* when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

SECTION PM-104.0 APPROVAL

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

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

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

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

PM-104.4 Alternative materials and equipment: The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the

intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fireresistance, durability and safety.

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

SECTION PM-105.0 DUTIES AND POWERS OF CODE OFFICIAL

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

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

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

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

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

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

PM-105.7 Rule-making authority: The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the

intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

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

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

PM-105.10 Relief from personal responsibility: The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

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

SECTION PM-106.0 VIOLATIONS

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

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

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

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

SECTION PM-107.0 NOTICES AND ORDERS

PM-107.1 Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be give to the *owner* or the *person* or *persons* responsible therefore in the manner prescribed in Sections PM-107.2 and PM-107.3. Notices for condemnation procedures shall also comply with Section PM-108.3

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

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

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

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

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

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

SECTION PM-108.01 UNSAFE STRUCTURES AND EQUIPMENT

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

PM-108.1.1. Unsafe structure: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

PM-108.1.2 Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

PM-108.1.3 Structure unfit for human occupancy: A structure is unfit for human *occupancy* whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation,* illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

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

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

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

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

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

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

SECTION PM-109.0 EMERGENCY MEASURES

PM-109.1 Imminent danger: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any *person* to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

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

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

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

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

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

SECTION PM-110.0 DEMOLITION

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

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

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

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

SECTION PM-111.0 MEANS OF APPEAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 2

DEFINITIONS

SECTION PM-201.0 GENERAL

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

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

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

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

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

SECTION PM-202.0 GENERAL DEFINITIONS

Approved: Approved by the code official.

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

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

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

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

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

Condemn: To adjudge unfit for *occupancy.*

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

Dwellings: (See Section PM-201.5)

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

Exterior property: See Section PM-302.0.

Extermination: See Section PM-302.0.

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

Garbage: See Section PM-302.0.

Habitable space: See Section PM-402.0.

Infestation: See Section PM-302.0.

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

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

Occupant: See Section PM-302.0.

Openable area: See Section PM-402.0.

Operator: See Section PM-302.0.

Owner: See Section PM-302.0.

Person: See Section PM-302.0.

Plumbing: See Section PM-502.0.

Plumbing fixture: See Section PM-502.0.

Premises: See Section PM-302.0.

Public nuisance: See Section PM-302.0.

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

Rubbish: See Section PM-302.0.

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

Toilet room: See Section PM-502.0.

Ventilation: See Section PM-402.0.

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

Yard: See Section PM-302.0.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION PM-301.0 GENERAL

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

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

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

SECTION PM-302.0 DEFINITIONS

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

> ***Basement:*** That portion of a structure which is partly or completely below grade.
>
> ***Exterior property:*** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises.*
>
> ***Extermination:*** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.
>
> ***Garbage:*** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
>
> ***Infestation:*** The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.
>
> ***Let for occupancy or let:*** To permit possession or *occupancy* of a dwelling, *dwelling unit, rooming unit,* building or structure by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement

or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

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

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

Owner: Any *person,* agent, *operator,* firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person,* and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

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

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

Public nuisance: Includes the following:

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

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

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

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

SECTION PM-303.0 EXTERIOR PROPERTY AREAS

PM-303.1 Sanitation: All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

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

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

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

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

PM-303.5 Rat harborage: All structures and *exterior property* shall be kept free from rat *infestation.* Where rats are found, they shall be promptly *exterminated* by approved processes which will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *reinfestation.*

PM-303.6 Exhaust vents: Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

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

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

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

SECTION PM-304.0 EXTERIOR STRUCTURE

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

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

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

PM-304.4 Foundation walls: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

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

PM-304.6 Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a *public nuisance*.

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

PM-304.8 Overhang extensions: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.9 Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and

against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.10 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

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

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

PM-304.12 Insect screens: During the period from [DATE] to [DATE], every door, window and outside opening utilized or required for *ventilation* purposes serving any structure containing *habitable* rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

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

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

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

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

SECTION PM-305.0 INTERIOR STRUCTURE

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

house, a *hotel,* a *dormitory,* two or more *dwelling units* or two or more nonresidential *occupancies,* shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property.*

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

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

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

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

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

SECTION PM-306.0 RUBBISH AND GARBAGE

PM-306.1 Accumulation of rubbish or garbage: All *exterior property* and *premises,* and the interior of every structure shall be free from any accumulation of *rubbish* or *garbage.*

PM-306.2 Disposal of rubbish: Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in approved containers.

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

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

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

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

SECTION PM-307.0 EXTERMINATION

PM-307.1 Infestation: All structures shall be kept free from insect and rat *infestation.* All structures in which insects or rats are found shall be promptly *exterminated* by approved processes that will not be injurious to human health. After *extermination,* proper precautions shall be taken to prevent *reinfestation.*

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

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

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

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

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION PM-401.0 GENERAL

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

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

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

SECTION PM-402.0 DEFINITIONS

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

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

SECTION PM-403.0 LIGHT

PM-403.1 Habitable spaces: Every *habitable space* shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every *habitable space* shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the *building code* listed in Chapter 8. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

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

PM-403.3 Other spaces: All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION PM-404.0 VENTILATION

PM-404.1 Habitable spaces: Every *habitable space* shall have at least one openable window. The total *openable area* of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section PM-403.1.

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

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

PM-404.3 Cooking facilities: Unless approved through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or *dormitory* unit, and a cooking facility or appliance shall not be permitted to be present in a *rooming unit* or *dormitory* unit.

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

PM-0404.4 Process ventilation: Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

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

SECTION PM-405.0 OCCUPANCY LIMITATIONS

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

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

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

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

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

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

Table PM-405.5
MINIMUM OCCUPANCY AREA REQUIREMENTS

Minimum occupancy area in square feet[b]

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

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

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

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

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

Exceptions

1. Beams or girders spaced not less that 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height, provided that the minimum clear height is not less than 6 feet 8 inches (2033 mm).
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than 7 feet (2134 mm) in height.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
4. *Basement* rooms in *one-* and *two-family dwellings* occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

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

PM-405.10 Food preparation: All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION PM-501.0 GENERAL

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

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

SECTION PM-502.0 DEFINITIONS

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

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

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

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

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

SECTION PM-503.0 REQUIRED FACILITIES

PM-503.1 Dwelling units: Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

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

PM-503.3 Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants.*

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

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

SECTION PM-504.0 TOILET ROOMS

PM-504.1 Privacy: *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

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

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

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

SECTION PM-505.0 PLUMBING FIXTURES

PM-505.1 General: All *plumbing fixtures* shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such *plumbing fixtures* are designed. All *plumbing fixtures* shall be maintained in a safe, sanitary and functional condition.

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

SECTION PM-506.0 WATER SYSTEM

PM-506.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other *plumbing fixture* shall be property connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

PM-506.2 Contamination: The water supply shall be maintained free from contamination, and all water inlets for *plumbing fixtures* shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

PM-506.3 Supply: The water supply system shall be installed and maintained to provide a supply of water to *plumbing fixtures,* devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

PM-506.4 Water heating facilities: Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less that 110 degrees F. (43 degrees C.). A gas-burning water heater shall not be located in any *bathroom, toilet room,* bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be property installed and maintained on water heaters.

SECTION PM-507.0 SANITARY DRAINAGE SYSTEM

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

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

SECTION PM-508.0 STORM DRAINAGE

PM-508.1 General: Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a *public nuisance.*

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-601.0 GENERAL

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

PM-601.2 Responsibility: The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION PM-602.0 HEATING FACILITIES

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

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

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

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

Exceptions

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which *persons* are primarily engaged in vigorous physical activities.

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

SECTION PM-603.0 MECHANICAL EQUIPMENT

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

PM-603.2 Cooking and heating equipment: All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

PM-603.3 Flue: All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

> **Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

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

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

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

PM-603.7 Energy conservation devices: Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION PM-604.0 ELECTRICAL FACILITIES

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

PM-604.2 Service: The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFiPA 70 listed in Chapter 8. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

PM-604.3 Electrical system hazards: Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION PM-605.0 ELECTRICAL EQUIPMENT

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

PM-605.2 Receptacles: Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every *bathroom* shall contain at least one receptacle.

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

SECTION PM-606.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

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

PM-606.2 Elevators: In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

> **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION PM-701.0 GENERAL

PM-701.1 Scope: The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises,* including fire safety facilities and equipment to be provided.

PM-701.2 Responsibility: The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION PM-702.0 MEANS OF EGRESS

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

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

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

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

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

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

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

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

Exceptions

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

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

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

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

of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony.

PM-702.10 Information signs: A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be marked with approved signs in accordance with the requirements for new buildings in the *building code* listed in Chapter 8.

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

PM-702.11 Locked doors: All means of egress doors shall be readily *openable* from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section PM-702.11.1.

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

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

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

SECTION PM-703.0 ACCUMULATIONS AND STORAGE

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

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

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

SECTION PM-704.0 FIRERESISTANCE RATINGS

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

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

SECTION PM-705.0 FIRE PROTECTION SYSTEMS

PM-705.1 General: All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

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

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

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

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

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

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

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

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

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

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

SECTION PM-706.0 ELEVATOR RECALL

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

SECTION PM-707.0 MECHANICAL EQUIPMENT CONTROL

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

CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 48 of the Troy City Code
Litter Ordinance

Background:

- With the adoption of the new Property Maintenance Code certain provisions of the existing Litter Ordinance will no longer be necessary.
- Section 6.107 will be covered by Section 302.1 of the Property Maintenance Code.
- Other current text of the Litter Ordinance will still be necessary to address issues of litter placed upon public property or streets.
- We have attached the current text of the Litter Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Litter Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- Once the new Property Maintenance Code is adopted the existing text of portions of the Litter Ordinance can be deleted.
- Council can retain the existing text of the Litter Ordinance.

- Council can adopt revised text of the Litter Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 48 revision memo 6-15-09

The text of Chapter 48, Litter, Shall be amended as follows:

6.107 ~~Owner to Maintain Premises Free of Litter~~ Enforcement.
The Public Works Director is hereby charged with the enforcement of this Chapter. ~~The owner or person in control of any private premises shall at all times maintain the premises free of litter; Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.~~

~~6.108 Enforcement - Notice to Abate~~.

~~The City Superintendent of Public Works is hereby charged with the enforcement of this Chapter. No person being the owner or person in charge of or occupant of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by him in a manner prohibited by the provisions of this Chapter. When any litter shall be accumulated or permitted to accumulate on any private premises in a manner prohibited by this Chapter, the enforcing officer shall notify the owner, person in control or occupant of such private premises to remove the litter and clear said private premises within a time limited in the notice, such time not to be less than two (2) days nor more than ten (10) days from the time said notice is served. Such notice shall be served as provided in section 1.11 of this Code.~~

~~If the owner, person in charge or occupant of any premises notified to abate a nuisance consisting of the accumulation of litter on any private premises shall fail to abate the same within the time limited in said notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate said nuisance by removing said litter and clearing said private premises. The cost of abating such nuisance plus an additional fifteen (15%) percent for overhead and other expenses shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such charges is rendered, such charges may be collected as a single lot assessment against said premises in the manner provided by the City Charter or in any other manner authorized for the collection of debts owed the City.~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 48 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 48, Litter, of the Code of the City of Troy.

Section 2. Amendment

Chapter 48, Litter, shall be amended as follows:

Section 6.107 shall be amended to read as follows:

6.107 Enforcement

The Public Works Director is hereby charged with the enforcement of this Chapter.

Section 6.108 Enforcement – Notice to Abate, shall be deleted in its entirety.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

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

_____

Louise E. Schilling, Mayor

_____

Tonni L. Bartholomew, City Clerk

CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 82-B of the Troy City Code
Dangerous Buildings Ordinance

Background:

- With the adoption of the new Property Maintenance Code the current provisions of the Dangerous Buildings Ordinance will no longer be necessary.
- Dangerous Buildings will be covered by Section 108 of the Property Maintenance Code.
- We have attached the current text of the Dangerous Buildings Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to delete the Dangerous Buildings Ordinance under the Housing Laws of the State of Michigan, the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- Once the new Property Maintenance Code is adopted the existing text of the Dangerous Buildings Ordinance can be deleted.
- Council can retain the existing text of the Dangerous Buildings Ordinance.
- Council can adopt revised text of the Dangerous Buildings Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 82B revision memo 6-15-09

~~DANGEROUS BUILDINGS~~

~~1. Purpose and Reference to State Act~~

~~The procedures set forth in this Chapter are established in the public interest, to secure the health and safety of the occupants of dwellings, structures, and the general public.~~

~~This Chapter is enacted pursuant to the Housing Law of Michigan, found at Michigan Compiled Laws §125.401 et. seq., and is to be construed in conjunction therewith and interpreted to comply with the language of said law and any subsequent amendments.~~

~~2. Designation of Enforcement Body~~

~~The Director of Building and Zoning, his authorized representatives and employees, shall enforce the provisions of this Chapter, and shall have jurisdiction to establish the inspection and violation procedures to implement said enforcement.~~

~~3. Joint Implementation~~

~~This Chapter may be enforced by any other governmental agency by joint agreement where joint enforcement is practicable.~~

~~4. Dangerous Building, Prohibition.~~

~~It is unlawful for any owner or agent thereof to keep or maintain any structure or part thereof which is a dangerous building as defined in Section 5 (3).~~

~~5. Definitions.~~

~~(1) "City Council" shall mean the legislative body to hear appeals at the local level.~~

~~(2) "Owner" means any person, firm, partnership, association or corporation and/or their legal successors. All proceedings, actions, or prosecutions hereunder in which the owner of any building, structure, or part thereof, shall be subject to the provisions of this ordinance.~~

~~(3) "Dangerous Building" means a building or structure which has one or more of the following defects or is in one or more of the following conditions:~~

~~(a) A door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the City of Troy.~~

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

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

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

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

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

~~(g) A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise is in a condition that the Director of Building and Zoning or his authorized representatives or employees determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in the residence.~~

~~(h) An owner has been previously notified of existing code violation(s), according to the provisions of this Chapter and after said notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days, then the structure shall be declared a dangerous building.~~

~~3. Notice of Dangerous and Unsafe Condition, Issuance, Recipient, Contents, Filing, Form, Service; City Council~~

~~(1) When the whole or any part of any building or structure is found to be in a dangerous building the Director of Building and Zoning or his authorized representatives or employees shall issue a notice declaring that the building or structure is a dangerous building. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish the building or structure.~~

~~(2) The notice shall be served on the owner of record or the registered agent and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or holder of an encumbrance of record cannot be found, the notice may be served by posting it on the main entrance of the building and publishing it once a week for three (3) successive weeks in a newspaper authorized to provide service by publication.~~

~~(3) The notice shall specify the right of the owner to appeal to City Council the dangerous building determination of the Director of Building and Zoning or his authorized representatives or employees. The notice shall also set forth the administrative appeal procedure, including the requirement that any appeal under this section shall be filed in writing to the Director of Building and Zoning or his authorized representatives or employees within ten days of service of the notice.~~

~~4. Waiver of Hearing; Testimony; Determination to Close Proceedings or Order Building Demolished or Made Safe, Compliance, Hearing, Cost of Compliance As Lien Collection.~~

~~(1) If a written appeal of the dangerous building determination is not received within ten days of the date of service of the notice, as described in section 3, then a public hearing will not be necessary, and the matter shall be referred to the City Council for resolution.~~

~~(2) If a written appeal of the dangerous building determination is received within the allocated ten day period, then a public hearing will be scheduled before City Council as soon as administratively possible. At the public hearing, the City Council shall take the testimony from the Director of Building and Zoning and/or his authorized representatives and employees, testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous building pursuant to this Chapter.~~

~~(3) If it is determined by the City Council that the building or structure is a dangerous building and therefore should be demolished or made habitable, Council shall order the demolition or necessary repairs be completed. The repairs shall be ordered to be completed by a specified time, which shall not exceed 21 days after the hearing and/or the resolution.~~

~~(4) If the ordered demolition or repairs are not completed within the allocated time period, as set forth in section (3), City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the structure or any part of the structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(5) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the the cost of the necessiated repairs or demolition by first class mail at the address shown on the records. If the owner fails to pay the same within thirty (30) days after mailing by the Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessitated demolition and/or repair. If the City receives a favorable judgment, then said judgment may be assessed against all of the assets of the owner of the property, not just the real estate that is the subject of the dangerous building determination.~~

~~5. Appeal to Circuit Court.~~

~~An owner aggrieved by any final decision or order of the City Council, made pursuant to this Chapter, may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.~~

~~(4-17-00)~~

~~6. Emergency:~~

~~The Fire Chief or Director of Building and Zoning or his authorized representatives or employees shall have the power to abate any public nuisance from any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this section. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment hereof shall be enforced as a special assessment.~~

~~(4-17-00)~~

CITY OF TROY

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

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 82-B, Dangerous Buildings, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82-B, Dangerous Buildings, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

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

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 88 of the Troy City Code
Nuisance Ordinance

Background:

- With the adoption of the new Property Maintenance Code certain provisions of the existing Nuisance Ordinance will no longer be necessary.
  - Section 9.2, and 9.3, of the Nuisance Ordinance on Dangerous Buildings will now be covered by Section 108 of the Property Maintenance Code.
  - Section 9.4, of the Nuisance Ordinance on Emergency Abatement will now be covered by Section 109 of the Property Maintenance Code.
  - Section 9.14 of the Nuisance Ordinance is already covered by the provisions of the Sign Ordinance.
  - Section 9.17 on Privies and Cesspools is already covered by Section 19.03 of the Sanitary Sewer Service Ordinance.
  - Section 9.18 on Drainage of Premises will be covered by Section 302.2 of the Property Maintenance Code.
  - Section 9.20 on Junk Cars will be covered by Section 302.8 of the Property Maintenance Code.
- We have attached the current text of the Nuisance Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Nuisance Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- Once the new Property Maintenance Code is adopted the existing text of portions of the Nuisance Ordinance can be deleted.
- Council can retain the existing text of the Nuisance Ordinance.
- Council can adopt revised text of the Nuisance Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 88 revision memo 6-15-09

The following text is proposed to be deleted from Chapter 88 – Nuisances, of the Troy City Code.

~~9.2 Dangerous Structures. No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.~~

~~9.3 Disregarding Notice or Orders.~~

~~(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this Code to give such notice or order shall be guilty of a violation of this Code.~~

~~(b) The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice given, as provided for in this Code, shall be guilty of a violation of this Code.~~
~~(Rev. 03-26-79)~~

~~9.4. Dangerous Structures - Emergency Abatement. The Fire Chief or Building Official shall have the power to abate any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this Chapter. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment thereof shall be enforced through special assessment as provided in the Charter.~~
~~(Rev. 04-12-82)~~

~~9.14 Billposting. No person shall himself or by another post, attach, place, print, paint or stamp any placard, circular, show bill or advertisement of any description whatever, except such as what may be expressly authorized by law, on any street, or sidewalk, or upon any election booth or other public place or object, with the exception of legally permitted billboards, in the City, or upon any fence, building or property belonging to the City, or upon any telegraph pole, telephone pole, electric light pole, or tower, or bridge or curb stone in any public street or alley in the City; provided, however, that a service, religious or charitable organization may make application to the Board of Appeals for the erection of a sign upon City property, and the Board of Appeals may in their discretion grant such application and designate the size, type and place at which said sign is to be erected, and shall be removed upon written notice at the discretion of the City Council; provided further that the Engineering Department shall first make a recommendation on the location, type and size of signs.~~
~~(Rev. 03-26-79)~~

~~PRIVIES AND CESSPOOLS~~

~~9.17 Privies, Vaults, Regulations.~~

~~(1) No person shall construct or cause to be constructed a privy, outhouse, cesspool or privy vault within the City if there be a public sewer within one hundred and fifty feet of the property line. Nothing herein contained shall prevent the construction of privies on property with the nearest lot line more than one hundred and fifty (150) feet from a public sewer.~~

~~(2) Privies shall at all times be kept by the owner or occupant of the premises upon which it is located in a condition not offensive to the public or to any person.~~

~~(3) Any privy or cesspool that emits any foul or offensive odor is hereby declared a nuisance and the health officer and/or building inspector shall abate the same, and no owner or occupant of any premises shall permit any privy to become a nuisance, emitting any foul or offensive odor, or shall permit any open or exposed privy vault or cesspool to exist on any premises owned or occupied by him.~~

~~9.18. Drainage of Premises. If any lands, excavations, cellar, vault, sewer, drain, place or premises within the City shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the health officer and/or building inspector may require the same to be drained, filled, up, cleansed or purified by the owner or occupant, or person in charge of such lot, premises or place.~~

~~9.20. Junk Cars. Unless otherwise permitted, no person or corporation whether he be the owner, tenant or manager of private property, or whether he be the last registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the accumulation on private property of one or more vehicles which do not meet the following conditions:~~

~~(a) Any motor vehicle must be in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code being MCL 257.1 through 257.925; provided that any such vehicle will be permitted not to comply with these requirements for any period not to exceed fourteen (14) days.~~

~~(b) These minimum conditions, except for any fourteen (14) day period will include, but are not limited to, an engine that runs, four wheels and four pneumatic tires capable of holding air working battery., current license plates, and~~

~~c) Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request and extension of the fourteen (14) day limitation above described by filing a timely request with the Office of the Police Chief or Director of Building and Zoning who may, after review of all of the circumstances, grant a reasonable extension of time for compliance.~~
~~(Rev. 07-12-99)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 88 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 88, Nuisances, of the Code of the City of Troy.

Section 2. Amendment

Chapter 88, Nuisances, shall be amended by deleting the following sections in their entirety:

Section 9.2 Dangerous Structures

Section 9.3 Disregarding Notice or Orders (including subparagraphs a and b)

Section 9.4 Dangerous Structures – Emergency Abatement

Section 9.14 Billposting

Section 9.17 Privies, Vaults, Regulations (including subparagraphs 1, 2, and 3)

Section 9.18 Drainage of Premises

Section 9.20 Junk Cars (including subparagraph a, b, and c)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

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

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, City Clerk

CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Deletion of Chapter 89 of the Troy City Code
Weed Control Ordinance

Background:

- With the adoption of the new Property Maintenance Code the existing provisions of the Weed Control Ordinance will no longer be necessary.
- Weed control will now be regulated by Section 302.4 of the Property Maintenance Code.
- We have attached the current text of the Weed Control Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Weed Control Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- Once the new Property Maintenance Code is adopted the existing text of the Weed Control Ordinance can be deleted.
- Council can retain the existing text of the Weed Control Ordinance.
- Council can adopt revised text of the Weed Control Ordinance.

Approved as to Form and Legality: _____

Lori Grigg Bluhm, City Attorney

mss/ Chapter 89 revision memo 6-15-09

The text of Chapter 89, Weed Control, shall be amended by deleting the chapter in its entirety.

~~CHAPTER 89 WEED CONTROL~~

~~9.21 Commissioner of Noxious Weeds. Pursuant to the provisions of Act 359, Public Acts of 1941 (Michigan Compiled Laws of 1948, Sections 247.61 - 247.72), there is hereby created the office of "Commissioner of Noxious Weeds". Said Commissioner of Noxious Weeds shall be appointed by the City Manager in accordance with the provisions of the aforesaid Act 359 of the Public Acts of 1941, and shall possess all rights and be subject to all duties as prescribed in said Act.~~

~~9.22 Definition of Noxious Weeds. For the purpose of this Chapter, "Noxious Weeds" shall include~~
~~Canada thistle (circium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard and Indian mustard, species of Brassica or Sinapis), wild carrot (Daucus Carota), bindweed (convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (ambrosia elatior 1.) and poison ivy (rhus toxicondendron), poison sumac (toxicondendron vernix) or other plant which, in the opinion of the City Council, is regarded as a common nuisance.~~

~~9.23 Destruction of Noxious Weeds. It shall be the duty of all owners of land on which noxious weeds are found growing within one hundred (100) feet of any occupied building, or within 100 feet of a platted subdivision, or within the boundaries of any subdivision in which buildings have been erected on thirty percent (30%) of the lots included in that subdivision, or within 100 feet of any major road, to destroy the same before they reach a seed-bearing state and to prevent such weeds from perpetuating themselves or to prevent such weeds from becoming a detriment to the public health.~~

~~In case owner, agent or occupant fails or refuses to comply with the provisions of this Ordinance, the Commissioner of Noxious Weeds will enter upon the land and destroy the weeds as many times as necessary during the growing season, not to exceed four cuttings.~~
~~(Rev. 5-12-80)~~

~~9.24 Exemptions. Nothing herein shall apply to fields devoted to the growing of small grain crops such as corn, wheat, oats or rye.~~
~~(Rev. 4-21-69)~~

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 89 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 89, Weed Control, of the Code of the City of Troy.

Section 2. Amendment

Chapter 89, Weed Control, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective on July 1, 2009.

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

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk