



AGENDA

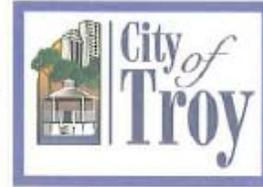
Regular Meeting of the

CITY COUNCIL OF THE CITY OF TROY

**NOVEMBER 23, 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,

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

John Szerlag, City Manager

MEMBERS OF THE PUBLIC AND VISITORS

(City Council Rules of Procedure – Rule 16)

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *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*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five (5) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five minutes to address Postponed, Regular Business or Consent Agenda items or any other item as permitted under the Open Meetings Act during the Public Comment portion of the agenda.
- City Council may waive the requirements of this section by a majority of the City Council members.
- City Council may wish to schedule a Special Meeting for Agenda items that are related to topics where there is significant public input anticipated.
- Through a request of the Chair and a majority vote of City Council, public Comment may be limited when there are fifteen (15) or more people signed up to speak either on a Public Hearing item or for the Public Comment period of the agenda.



**CITY COUNCIL
AGENDA**

November 23, 2009 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor Scott LeLaCheur - Zion Christian Church **1**

PLEDGE OF ALLEGIANCE **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

C. CERTIFICATES OF RECOGNITION: **1**

C-1 Presentations: 1

(a) On behalf of the City of Troy Employees' Casual for a Cause Program (July/August), Community Affairs Director Cindy Stewart will present a check in the amount of \$970.00 to *Leader Dogs for the Blind*..... 1

(b) National Red Ribbon Campaign – Nancy Morrison, Troy Families for Safe Homes; Student Representatives and Teachers from the Troy School District will be on hand to bring their signed petitions to City Council..... 1

(c) Citizens Academy Class 14 Graduation/Presentation of Certificates to Don Barnes, Craig Chamberlain, Gary Downen, Tina Downen, Belinda Duggan, Dan Duggan, Carl Fucinari, Cathy Fucinari, Sue Kazmierczak, Ted Kazmierczak, Beth Messacar, Kim Rosseter, Geoffrey Sarna, Tony Sarna, Karen Yelder and Diane Zygmuntowicz 1

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(b) City Council Nominations: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Employee Retirement System Board of Trustees; Retiree Health Care Benefits Plan & Trust; Historic District Commission; Historic District Study Committee; Municipal Building Authority; Parks & Recreation Board; Southeastern Michigan Council of Governments (SEMCOG); Troy Daze Committee; and Youth Council 3

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INVOCATION: Pastor Scott LeLaCheur - Zion Christian Church**PLEDGE OF ALLEGIANCE****A. CALL TO ORDER:****B. ROLL CALL:**

- (a) Mayor Louise E. Schilling
Robin Beltramini
Mayor Pro Tem Wade Fleming
Martin Howrylak
Mary Kerwin
Maureen McGinnis
Dane Slater

- (b) Absent Council Members:

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of Monday, November 23, 2009 due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION:**C-1 Presentations:**

- (a) On behalf of the City of Troy Employees' Casual for a Cause Program (July/August), Community Affairs Director Cindy Stewart will present a check in the amount of \$970.00 to *Leader Dogs for the Blind*
- (b) National Red Ribbon Campaign – Nancy Morrison, Troy Families for Safe Homes; Student Representatives and Teachers from the Troy School District will be on hand to bring their signed petitions to City Council
- (c) Citizens Academy Class 14 Graduation/Presentation of Certificates to Don Barnes, Craig Chamberlain, Gary Downen, Tina Downen, Belinda Duggan, Dan Duggan, Carl Fucinari, Cathy Fucinari, Sue Kazmierczak, Ted Kazmierczak, Beth Messacar, Kim Rosseter, Geoffrey Sarna, Tony Sarna, Karen Yelder and Diane Zygmuntowicz

D. CARRYOVER ITEMS:**D-1 No Carryover Items**

E. PUBLIC HEARINGS:**E-1 No Public Hearings****F. PUBLIC COMMENT: In accordance with the Rules of Procedure of the City Council, Article 16 – Members of the Public and Visitors**

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- City Council may wish to schedule a Special Meeting for Agenda items that are related to topics where there is significant public input anticipated.
- Through a request of the Chair and a majority vote of City Council, public Comment may be limited when there are fifteen (15) or more people signed up to speak either on a Public Hearing item or for the Public Comment period of the agenda.

G. POSTPONED ITEMS:**G-1 No Postponed Items****H. REGULAR BUSINESS:****H-1 Appointments to Boards and Committees: None Scheduled****H-2 Nominations for Appointments to Boards and Committees:**

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:** Local Development Finance Authority (LDFA)

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

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

Local Development Finance Authority (LDFA)

Appointed by Mayor, Council Approval - Council Alternates (2) - Term expires with term of office

City Council Alternate Term Expires 11/11/2013

City Council Alternate Term Expires 11/11/2013

Yes:

No:

(b) **City Council Nominations:** Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Employee Retirement System Board of Trustees; Retiree Health Care Benefits Plan & Trust; Historic District Commission; Historic District Study Committee; Municipal Building Authority; Parks & Recreation Board; Southeastern Michigan Council of Governments (SEMCOG); Troy Daze Committee; and Youth Council

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

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

Advisory Committee for Persons w/Disabilities

Appointed by Council (9-Regular) – 3-Year Terms: 3-Regular-w/disabilities; 3-Regular-general populace; 3-Regular in need of transportation (3-Alternate) - 3-Year Terms

Unexpired Term 11/01/2011

Term Expires 11/01/2012

Term Expires 11/01/2012

Term Expires 11/01/2012

Term Expires 11/01/2012

Alternate Term Expires 11/01/2012

Alternate Term Expires 11/01/2012

Advisory Committee for Senior Citizens

Appointed by Council (9-Regular) – 3-Year Terms

Unexpired Term 04/30/2011

Unexpired Term 04/30/2012

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

Appointed by Council - City Council Representative

Unexpired Term 04/15/2010

Historic District Commission

Appointed by Council (7-Regular) - 3-Year Terms; Student – 1-Year Term
(All Troy residents; at least 2 chosen by a duly organized history group & 1 architect, if available.)

Student Term Expires 07/01/2010

Architect (if available) Unexpired Term 05/15/2012

Historic District Study Committee

Appointed by Council (7-Regular-Ad Hoc) - 3-Year Terms (1-Historic District Comm. Member; & 1-Local Historic Preservation Organization)

Ad Hoc

Ad Hoc

Historical Society Member Ad Hoc

Historic District Comm. Member Ad Hoc

Note: Historic District Commission notified and will forward their recommendation asap.

Municipal Building Authority

Appointed by Council (5-Regular) - 3-Year Terms

Unexpired Term 01/31/2012

Parks & Recreation Board

Appointed by Council (7-Regular) 3-Year Terms

Jeffrey Stewart - Troy Daze Rep.**

Term Expires 11/30/2010

****Rec'd resolution recommendation from Troy Daze Committee; Requests reappointment**

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council (1-Delgate & 1-Alternate) Appointment Every Odd Year Election

Delegate Term Expires 11/08/2011

Alternate Term Expires 11/08/2011

Troy Daze Committee

Appointed by Council (9-Regular) 3-Year Terms

Term Expires 11/30/2012

Term Expires 11/30/2012

Term Expires 11/30/2012

Youth Council

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

Term Expires 06/01/2010

Term Expires 06/01/2010

Yes:

No:

H-3 Proposed Troy City Code Ordinance Amendment – Chapter 98 – Criminal Code Under 21 – Purchase, Consume or Possess Alcohol and Under 21 - PBT Refusal

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 98, Criminal Code, by amending Section 98.10.03 and repealing Section 98.10.04 as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

H-4 Candlewood Second Amended and Restated Consent Judgment

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached Second Amended and Restated Consent Judgment in *Candlewood Hotel Company, Inc. and Rosso Development v. City of Troy*, Oakland County Circuit Court, Case Number 80-207200CZ; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the document and file it with the Oakland County Register of Deeds upon entry by the Court, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

H-5 February 23, 2010 Special Election Proposed Millage Question

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Millage Question language for the Special Election scheduled by the City Council, Resolution #2009-11-328, for Tuesday, February 23, 2010:

CITY OF TROY GENERAL OPERATING MILLAGE PROPOSAL

THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO 1.9 MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:

Shall the City of Troy levy a new additional millage of up to 1.9 mills against all taxable property for a five-year period of time, 2010 through 2014, for general operating purposes, including but not limited to, police, fire, and quality of life purposes? 1.9 mills are equal to \$1.90 on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$9,129,000.00 the first year it is levied.

Yes:

No:

Yes:

No:

H-6 Recovery Zone Facility Bond – North American BanCard Project PlanSuggested Resolution

Resolution #2009-11-

Moved by

Seconded by

RESOLVED, That Troy City Council has reviewed and hereby **APPROVES** the attached Economic Development Corporation of the County of Oakland Project Plan for North American Bancard, Inc., which is located at 250 Stephenson Highway, in the City of Troy, as provided for in MCL 125.1608, the Economic Development Corporation Act (PA 1974 No. 338); and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a certified copy of this resolution to the Oakland County Economic Development Corporation Board of Directors.

Yes:

No:

I. CONSENT AGENDA:

I-1a Approval of “I” Items NOT Removed for DiscussionSuggested Resolution

Resolution #2009-11-

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 (I) items, as printed.

Yes:

No:

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

I-2 Approval of City Council MinutesSuggested Resolution

Resolution #2009-11-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of November 9, 2009 as submitted.

I-3 Proposed City of Troy Proclamations: None Submitted

I-4 Request for Recognition as Nonprofit Organization Status from Kristine Casko, Member of the Board of Directors for the Pink Rose Inspirational Foundation, Inc.

Suggested Resolution
Resolution #2009-11-

RESOLVED, That Troy City Council hereby **APPROVES** the request from the *Pink Rose Inspirational Foundation, Inc.*, 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.

I-5 Final Addendum #2 – Charnwood Phase 1 and 2 Chip Seal Contract 07-4

Suggested Resolution
Resolution #2009-11-

RESOLVED, That Troy City Council hereby **APPROVES** the Final Addendum #2 to Contract No. 07-4, Charnwood Hills Phase 1 and 2 Chip Seal to Pavement Recycling, Inc., 210 S. Blacks Corners Rd., Imlay City, MI 48444, for \$5,979.16.

I-6 Request from Square Lake – Livernois Business, Inc. for a New SDM License with Gas Pumps to be Located at 5997 Livernois – MLCC Request #518636**(a) New License**

Suggested Resolution
Resolution #2009-11-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Square Lake – Livernois Business, Inc. for a new SDM License with Gas Pumps to be located at 5997 Livernois, Troy, MI 48098, Oakland County {MLCC Request #518636} “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) Agreement

Suggested Resolution
Resolution #2009-11-

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 Square Lake – Livernois Business, Inc., for a new SDM License with Gas Pumps to be located at 5997 Livernois, Troy, MI 48098, Oakland County {MLCC Request #518636}, 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.

I-7 Designation of Act 51 Street Administrator

Suggested Resolution

Resolution #2009-11-

WHEREAS, Section 13(7) of Act 51, Public Acts of 1951 requires that each incorporated city and village (to which funds are returned under the provisions of this section) designate a single Street Administrator who shall be responsible for and shall represent the municipality in transactions with the Michigan Department of Transportation pursuant to this act;

WHEREAS, The Street Administrator shall be responsible for and coordinate street improvements, maintenance, traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting; and

WHEREAS, It has historically been the City Manager who serves as the designated Street Administrator for the City of Troy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DESIGNATES** City Manager John Szerlag as the single Street Administrator for the City of Troy in all transactions with the Michigan Department of Transportation.

I-8 City of Troy Investment Policy and Establishment of Investments Accounts

Suggested Resolution

Resolution #2009-11-

RESOLVED, That Troy City Council hereby **APPROVES** the attached investment policy and establishment of investment accounts, and copies shall be **ATTACHED** to the original Minutes of this meeting.

I-9 Proposed 2010 City Council Meetings

Suggested Resolution

Resolution #2009-11-

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings in 2010 according to the following schedule at 7:30 PM:

Monday, January 4 & 25
Monday, February 1 & 15
Monday, March 1 & 15
Monday, April 5 & 19
Monday, May 10 & 17
Monday, June 7 & 21
Monday, July 12 & 26
Monday, August 9 & 23

Monday, September 13 & 27
 Monday, October 4 & 18
 Monday, November 8 & 22
 Monday, December 6 & 20

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Special Study Sessions for the purpose of budget discussions in 2010 according to the following schedule at 7:30 PM:

Monday, April 26
 Monday, May 3

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Regular Liquor Violation Hearing Meetings in 2010 according to the following schedule at 7:30 PM:

Wednesday, February 10
 Wednesday, February 17

BE IT FINALLY RESOLVED, That Troy City Council **MAY SCHEDULE** other Special Meetings as needed.

J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

J-1 Announcement of Public Hearings: None Submitted

J-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted

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

K-1 No Council Referrals Advanced

L. COUNCIL COMMENTS

L-1 No Council Comments Advanced

M. REPORTS

M-1 Minutes – Boards and Committees:

- (a)** Board of Zoning Appeals/Final – September 15, 2009
- (b)** Building Code Board of Appeals/Final – October 7, 2009
- (c)** Liquor Advisory Committee/Final – October 12, 2009
- (d)** Employees' Retirement System Board of Trustees/Final – October 14, 2009
- (e)** Planning Commission Special/Study/Draft – October 27, 2009
- (f)** Planning Commission Special/Study/Final – October 27, 2009
- (g)** Building Code Board of Appeals/Draft – November 4, 2009
- (h)** Liquor Advisory Committee/Draft – November 9, 2009
- (i)** Library Advisory Board/Draft – November 12, 2009

M-2 Department Reports:

- (a) Police Department – 2009 Year-To-Date Calls for Police Service Report
 - (b) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – October, 2009
 - (c) Building Department – Permits Issued October 2009
-

M-3 Letters of Appreciation:

- (a) Letter of Thanks to Sam Lamerato from Sue Kazmierczak Regarding the Presentation
-

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

M-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Electric Customers of The Detroit Edison Company – Case No. U-16047

M-6 Communication from Wayne State University, Congratulating City Attorney Lori Grigg Bluhm on her Inclusion in this Year’s Edition of *Michigan Super Lawyers* Magazine

M-7 Communication from City Attorney Lori Grigg Bluhm Regarding Certification as International Municipal Lawyers Association (IMLA) Local Government Fellow

N. STUDY ITEMS

N-1 No Study Items Submitted

O. CLOSED SESSION:

O-1 Closed Session

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) Pending Litigation – *City of Troy v. Century Plaza* and *City of Troy v. JMT Properties, LLC*.

Yes:

No:

P. ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, December 7, 2009 Regular City Council

Monday, December 21, 2009 Regular City Council



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: November 17, 2009
SUBJECT: Amendment to Minor in Possession of Alcohol Ordinance

In 1995, the Michigan legislature enacted tougher laws to curb underage drinking. Several communities, including Troy, adopted regulations that mirrored these state statutory provisions. For example, Chapter 98, Section 10.03 and Section 10.04 is very similar to MCL 436.1703 (1) and (7).

These ordinance provisions were recently challenged as unconstitutional in a case of first impression, *People of the City of Troy v. Chowdhury*. In *Chowdhury*, Troy police officers were dispatched to a party where underage minors were drinking alcohol. When the officers arrived at the scene, there were several young adults, under the legal drinking age, who were leaving the party. Several of these young adults admitted that they illegally consumed alcohol at the party. Troy's police officers then administered a PBT (Preliminary Breath Test) to these persons who were outside the residence, including Mr. Chowdhury. Since the PBT results indicated that Mr. Chowdhury had consumed alcohol, and since he was under 21 years old, he was charged as a minor in possession of alcohol, in violation of Chapter 98.10.03. Subsequently, he filed a motion in the 52-4 District Court to suppress the PBT results, arguing that the administration of the PBT test was in violation of his Fourth Amendment right against unlawful search and seizure. The District Court Judge granted his motion, and this was affirmed by the Oakland County Circuit Court Judge, who determined that the trial court judge had not abused his discretion. However, since this was an issue of first impression in the Michigan state courts, the Michigan Court of Appeals granted the City's application for leave to appeal.

The Michigan Court of Appeals affirmed the trial court in the *Chowdhury* case. This decision directly impacts both state statutory provisions and local ordinances that allow police officers to administer PBT tests to minors who are suspected of illegally drinking alcohol.

Since the City has not filed an application for leave to appeal with the Michigan Supreme Court, the City now needs to amend its ordinance. A proposed amendment to Chapter 98, Section 10.03 and a repeal of Chapter 98.10.04 is attached for your review and consideration. The amendment substitutes the word "request" for the word "require." If a minor does not consent to a PBT test, then the police officer can still request a warrant to preserve the evidence. The proposed revision also corrects a grammatical error, and deletes Section 98.10.04, which provided a penalty for refusing to submit to a PBT test.

Please let us know if you have any questions concerning this matter.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 98 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 98 of the Code of the City of Troy.

Section 2. Amendment

Section 98.10.03 is amended and Section 98.10.04 is repealed as follows: (*Underlining and strikeout denote changes*)

98.10.03 Under 21 – Purchase, Consume or Possess Alcohol. A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable as follows:

- a. For the first violation a fine of not more than \$100.00, and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.
- b. For a second violation of this section or a local ordinance or state law which substantially corresponds to this section a fine of not more than \$200.00 and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.
- c. For a third or subsequent violation of this section or a local ordinance or state law which substantially corresponds to this section a fine of not more than \$500.00 and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.

A ~~peace-police~~ officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor may ~~require-request~~ the person to submit to a preliminary chemical breath analysis. A ~~peace~~ police officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol

test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor.

A police officer who witnesses a violation of this ordinance may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic liquor, and issuing an appearance ticket.

This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor where permitted by state law.

~~98.10.04 Under 21 PBT Refusal. A peace officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A person less than 21 years of age who refuses to submit to a preliminary chemical breath analysis as required in this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00.~~

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

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

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: November 18, 2009
SUBJECT: Candlewood Amended and Restated Consent Judgment

On October 20, 1981, the City of Troy entered into a consent judgment to settle a lawsuit filed by Candlewood Hotel Company, Inc. and Rosso Development, Inc.. The original consent judgment re-zoned the property from O-S-C (office-service-commercial district) to O-1 (office building district). On July 2, 1997, this consent judgment was amended by the parties to allow for the construction of a three story extended stay hotel and a 47,200 square foot single story office building. Since extended stay hotels were not required by the zoning ordinance to have public meeting rooms, the 1997 amendment required the office building to have a meeting room available for rent to the public.

In preparation for a new occupancy, the successor owner of the office building, Kirts Office Center Associates, LLC., has requested an elimination of the requirement to provide a public meeting room. In order to accomplish this, there needs to be an amendment to the consent judgment. The attached proposed Second Amended and Restated Consent Judgment makes this change, as well as updating the successor owners of the property and making other non-substantive changes. If approved, this document would be recorded with the Oakland County Register of Deeds, and would be controlling for the property.

Kirts Office Center Associates has approved and executed the document. The other successor party in interest is Candlewood Portfolio I, L.L.C., a real estate investment trust, which complicates the approval of a consent judgment. With a real estate investment trust, there are several persons with financial interest in the property. It is not anticipated that any of these persons will oppose the amendment. However, past experience has demonstrated that there are persons in real estate investment trusts with either a minimal financial interest or persons who are unaware that their investment portfolio contains a financial interest in a real estate investment trust. In order to protect their interests, and to minimize inconvenience to the persons with a financial interest in the real estate investment trust, if City Council approves the second amended and restated consent judgment, then it is our intent to file a motion for entry of the amended and restated consent judgment with the Oakland County Circuit Court. This motion would be served on all persons with a financial interest. A consent form would also be sent to each owner in the real estate investment trust for their convenience. If a financially interested person is opposed to the amended consent judgment, then they will have an opportunity to voice these objections prior to the Court's entry of the judgment. By filing a motion for entry of the amended and restated consent judgment, the Court has the ability to enter the second amended and restated consent judgment, even if some of the partial owners in the real estate investment trust have not provided either consent or objection.

Please let me know if you have any questions or concerns about this proposed amendment.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CANDLEWOOD HOTEL COMPANY,
INC., a Delaware Corporation, and
ROSSO DEVELOPMENT, INC., a
Michigan Corporation,

Case No. 80-207200 CZ

Hon.

Plaintiffs,

v

CITY OF TROY, a Michigan
municipal corporation,

Defendant.

BUTZEL LONG
By: Carl Rashid, Jr. (P23915)
Danielle J. Hessell (P68667)
Attorneys for Kirts Office Center
Associates, L.L.C.
150 W. Jefferson, Suite 100
Detroit, MI 48226-4430
(313) 225-7000

CITY OF TROY
By: Lori Grigg Bluhm (P46908)
City Attorney, City of Troy
Attorney for Defendant
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

SECOND AMENDED AND RESTATED CONSENT JUDGMENT

At a session of said Court held
In the Courthouse, in the City of
Pontiac, Oakland County, MI,
on: _____

PRESENT: HONORABLE _____
CIRCUIT JUDGE

The PARTIES, CANDLEWOOD PORTFOLIO I, L.L.C., successor in interest to CANDLEWOOD HOTEL COMPANY, INC., AND KIRTS OFFICE CENTER ASSOCIATES, L.L.C., successors in interest to ROSSO DEVELOPMENT INC. (Plaintiffs) and CITY OF TROY (Defendant) agree to the terms and conditions of this SECOND AMENDED AND RESTATED CONSENT JUDGMENT, which is controlling for the real property at the Northeast corner of Kirts Boulevard and Troy Center Drive, as described below.

RECITALS

A. On October 20, 1981, this Court entered a Consent Judgment (“Original Judgment”) affecting certain property (the “Property”) and more particularly described as:

City of Troy, Oakland County, Michigan, Lots 31 (20-28-101-021), 32 (20-28-101-020), 33 (20-28-101-019) and 34 (20-28-101-018) of F. J. Kirts Farms Subdivision, except the South 60 ft taken for Kirts Road.

B. The Plaintiffs for the Original Judgment were Rosso, Messer, Schell Partnership, a Michigan Co-Partnership, which subsequently transferred its interest in the Property to successor Plaintiff, Rosso Development Company, Inc. (Rosso). Rosso entered into an agreement with Candlewood Hotel Company, Inc. for a portion of the Property, and Candlewood Portfolio I, L.L.C. (Candlewood) is successor in interest by merger to Candlewood Hotel Company, Inc., therefore Candlewood is also a successor Plaintiff. Rosso subsequently transferred its interest in the Property to Kirts Office Center Associates, LLC (Kirts), making Kirts a successor Plaintiff.

C. Under the terms of the Original Judgment, the Property was rezoned from the O-S-C zoning classification (Office-Service- Commercial District) to the O-1 zoning classification

(Office Building District). The parties agree that these zoning classifications for the Property are both constitutional and reasonable.

D. Subsequent to the entry of the Original Judgment, the parties negotiated a First Amended and Restated Consent Judgment regarding the Property, which was entered by the Court on July 2, 1997. The First Amended and Restated Consent Judgment allowed Plaintiffs to construct a three story extended stay hotel and a 47,200 square foot single story office building.

E. According to the last sentence of paragraph 5 (a), “The office building to be constructed on the Property shall have a meeting room available for rent to the public.” Plaintiffs have requested the deletion of this requirement, and the City is in agreement.

F. The parties therefore desire to amend the First Amended and Restated Consent Judgment to reflect this agreement, and therefore incorporate this modification into a Second Amended and Restated Consent Judgment.

IT IS ORDERED AND ADJUDGED AS FOLLOWS:

1. This Second Amended and Restated Consent Judgment shall completely replace the First Amended and Restated Consent Judgment, which replaced the Original Judgment. These previous versions of the consent judgment (the Original Judgment and the First Amended and Restated Consent Judgment) are no longer controlling for the Property.

2. The term Plaintiffs in this Second Amended and Restated Consent Judgment refers to KIRTS OFFICE CENTER ASSOCIATES, L.L.C. and CANDLEWOOD PORTFOLIO I, L.L.C., and any subsequent successor in interest.

3. The Recitals, as set forth above in Paragraphs A through F, are incorporated into this Second Amended and Restated Consent Judgment.

4. After the date of this Amended Judgment, the Property may be used, developed, occupied, and divided, subject to the terms of this Second Amended and Restated Consent Judgment.

5. The Property may be used and developed in accordance with the provisions of Article XXIV of Chapter 39 of the City of Troy Ordinances (O-1- Low Rise Office District), a copy of which is attached as Exhibit A, and incorporated by reference. However, an extended stay hotel shall be permitted, as depicted on the Site Plan, Elevation Plan and Floor Plans (a copy of which is attached as Exhibit B).

6. The first two stories of the extended stay hotel, as referenced in paragraph 5, shall have a brick exterior material, and the exterior of the third story of the extended stay shall be EFIS (Exterior Insulation and Finish System).

7. Although the manager for the extended stay hotel (set forth in paragraph 5) may reside on the premises in a manager's suite, there shall be no other permanent residences in the extended stay hotel.

8. All height limitations, building setbacks, interior building configurations, intensity of development and similar matters are controlled by the provisions of the City of Troy Zoning Ordinance (Chapter 39), unless otherwise specifically provided for in this Second Amended and Restated Consent Judgment or as otherwise indicated on the Site Plan or Floor Plans, which are attached as Exhibit B and incorporated by reference. In the event that there is a conflict between the Site Plan or Floor Plans and the text of this Second Amended and Restated Consent Judgment, the Site Plan or Floor Plan shall control. However, minor modifications to the Site Plan or Floor Plans that are not inconsistent with the spirit of this Second Amended and Restated Consent Judgment may be made with the written agreement of the parties to any such

modifications, and amendment of the Second Amended and Restated Consent Judgment shall not be required.

9. Plaintiffs shall adhere to all codes, ordinances and design standards of the City without variances except as otherwise provided in this Second Amended and Restated Consent Judgment.

10. When required by the City of Troy Development standards, Plaintiffs were required to construct deceleration lanes on Kirts Road and Troy Center Drive in connection with the construction of any buildings or structures on the Property.

11. The provisions of this Second Amended and Restated Consent Judgment shall be covenants running with the land, and shall be binding upon and inure to the benefit of the parties, their officers, employees, representatives, heirs, successors and assigns and all others acting under their direction and control.

12. Plaintiffs agree to hold the City of Troy, its officials, employees and agents harmless from any and all claims made, including attorney fees and other costs incurred by the City that arise from this Second Amended and Restated Consent Judgment, the Original Judgment, or the First Amended and Restated Consent Judgment.

13. A certified copy of this Second Amended and Restated Consent Judgment shall be recorded against the Property in the Office of the Register of Deeds for the County of Oakland, Michigan, and the Oakland County Register of Deeds is directed to accept this document for recordation.

14. In order to effectuate the intent of this Second Amended and Restated Consent Judgment and to reconcile any differences of the parties that may arise in connection with the

performance of this Second Amended and Restated Consent Judgment, this Court shall retain jurisdiction of this action.

Circuit Judge

(signatures continued on the following page)

Approved as to form and substance
for entry:

KIRTS OFFICE CENTER ASSOCIATES, L.L.C.,
a Michigan Limited Liability Company,

By: Kirts Development, L.L.C., Managing Member

By: _____

A. Matthew Kiriluk

Its: Managing Member_____

CITY OF TROY

By: _____

Louise E. Schilling, Mayor

By: _____

Tonni L. Bartholomew, City Clerk

Approved as to form:

Danielle J. Hessel (P68667)
Attorney for Kirts Office Center Associates, L.L.C.

Lori Grigg Bluhm (P46908)
City Attorney, City of Troy

Approved as to form and substance
for entry:

KIRTS OFFICE CENTER ASSOCIATES, L.L.C.,
a Michigan Limited Liability Company.

By: ~~Kirts Development, L.L.C.~~ Managing Member

By: A. Matthew Smith, II

is Managing Member

CITY OF TRUY

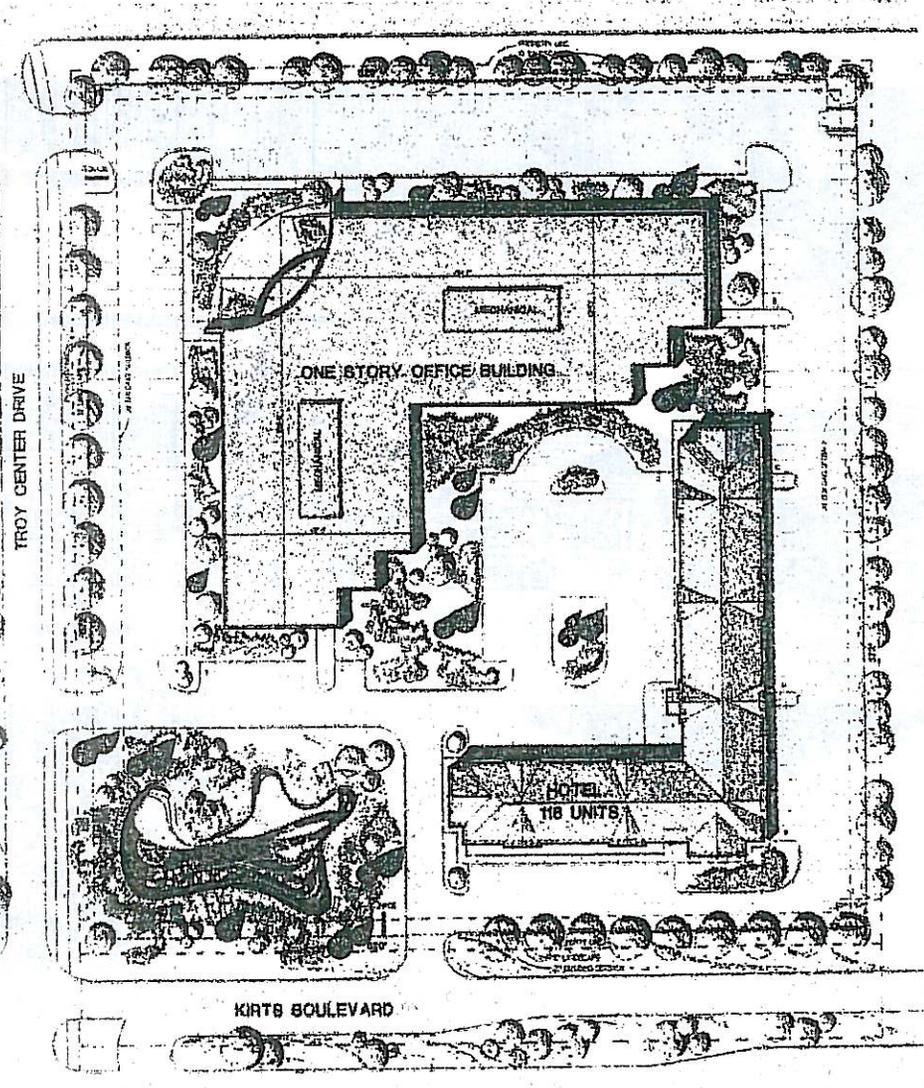
By: Leslie E. Schilling, Mayor

By: Tyoni L. Bartholomew, City Clerk

Approved as to form:

Daniel J. Howell
Daniel J. Howell (Attorney)
Attorney for Kirts Office Center Associates, L.L.C.

Les Grigg (Sharon (PARRON))
City Attorney, City of Tuy



SITE PLAN DATA:

ZONING: O-1 Office District
 DENSITY: 15,000 GSF/ Net Acre
 SITE AREA: 0.83 Acres (287,500 SF) (no R.O.W. deductions)
 HOTEL SITE: 3.0 Acres
 OFFICE BUILDING SITE: 3.83 Acres

BUILDING AREA:
 ALLOWABLE OFFICE USE AREA: 15,000 GSF/Acre x 3.83 acres = 57,480 GSF
 HOTEL: 60,800 SF
 NO. OF KEYS - (UNITS): 118 (30 suites and 88 studios)
 OFFICE BUILDING: 47,200 GSF of 30,000 NSF

PARKING:
 HOTEL: 126 Spaces required, including 6 PHDC spaces
 OFFICE BUILDING: 100 spaces required, 200 spaces provided, including 0 PHDC spaces.

LANDSCAPE AREA: Required 10% of site or 0.663 acres

LANDSCAPE AREA PROVIDED: 0.13 Acres

STORM RETENTION: Approximately 32,000 cubic feet
 Permanent water depth 2ft with extra 3 foot overflow
 Pond/area of 141 slips
 This area is counted as part of required landscape

MINORU
 YAMASAKI
 ASSOCIATES

Architects
 Interior
 Designers

CANDI WOOD
 PARK HOTEL
 AND
 OFFICE
 BUILDING

SITE PLAN

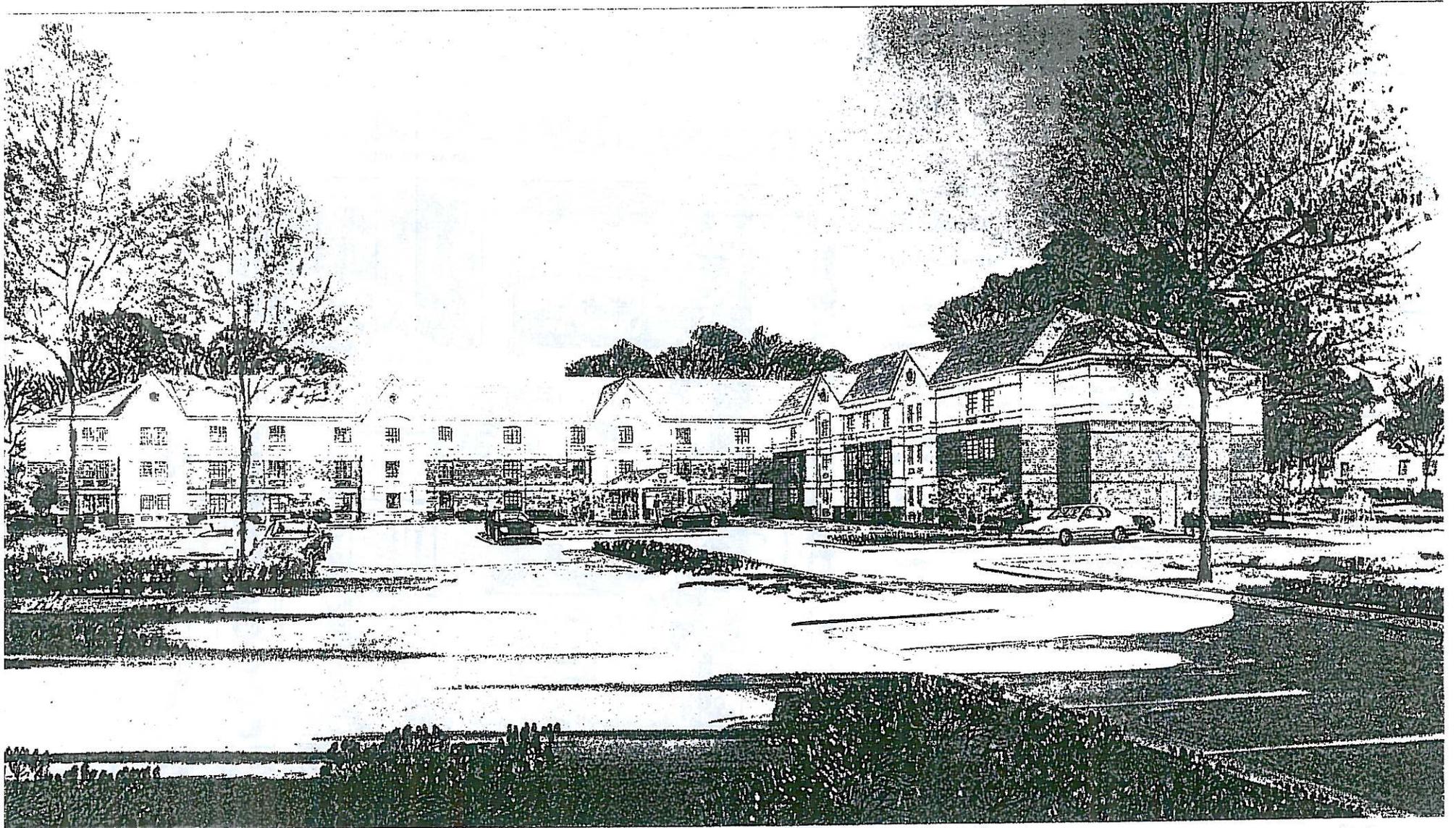
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27 JANUARY 2007

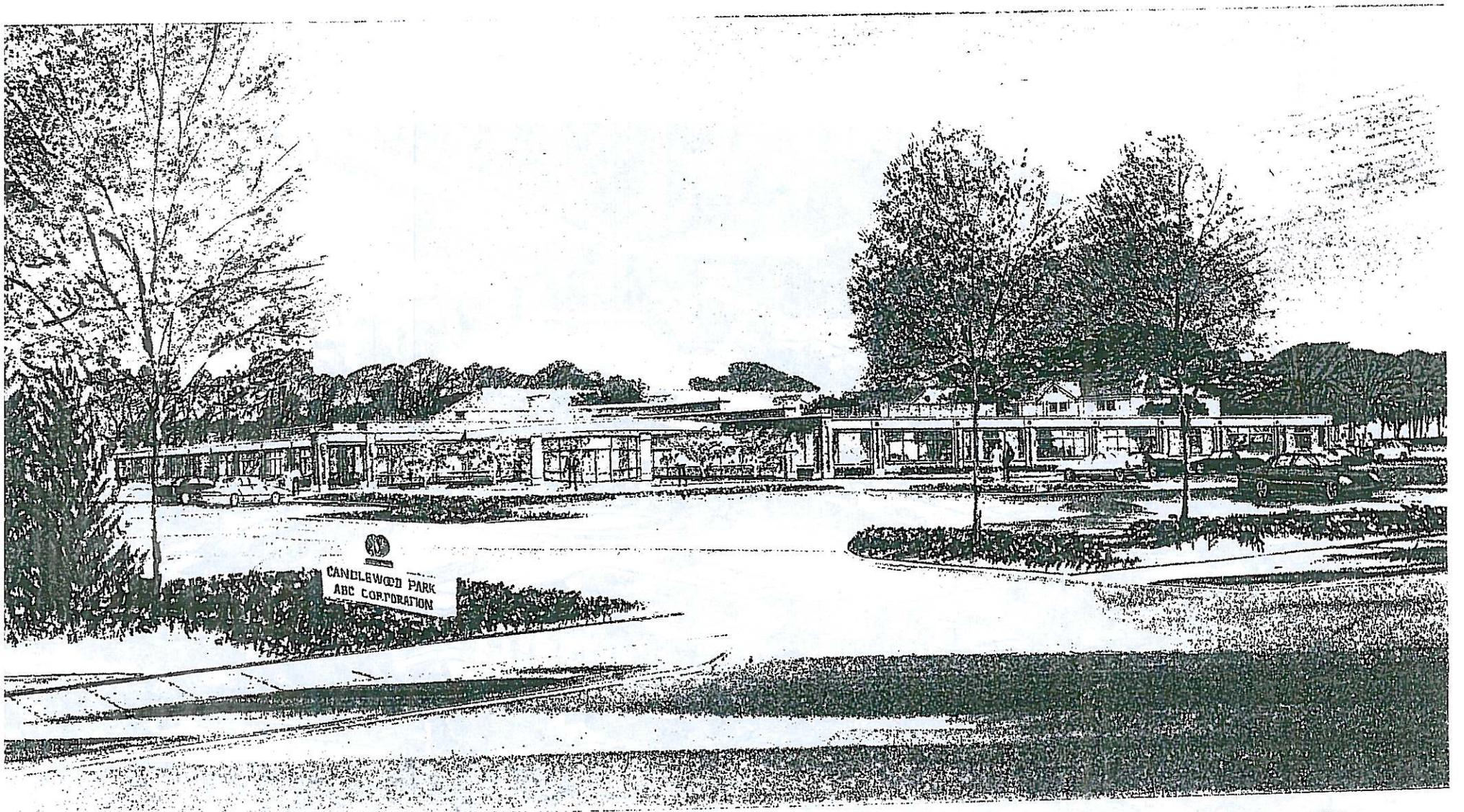
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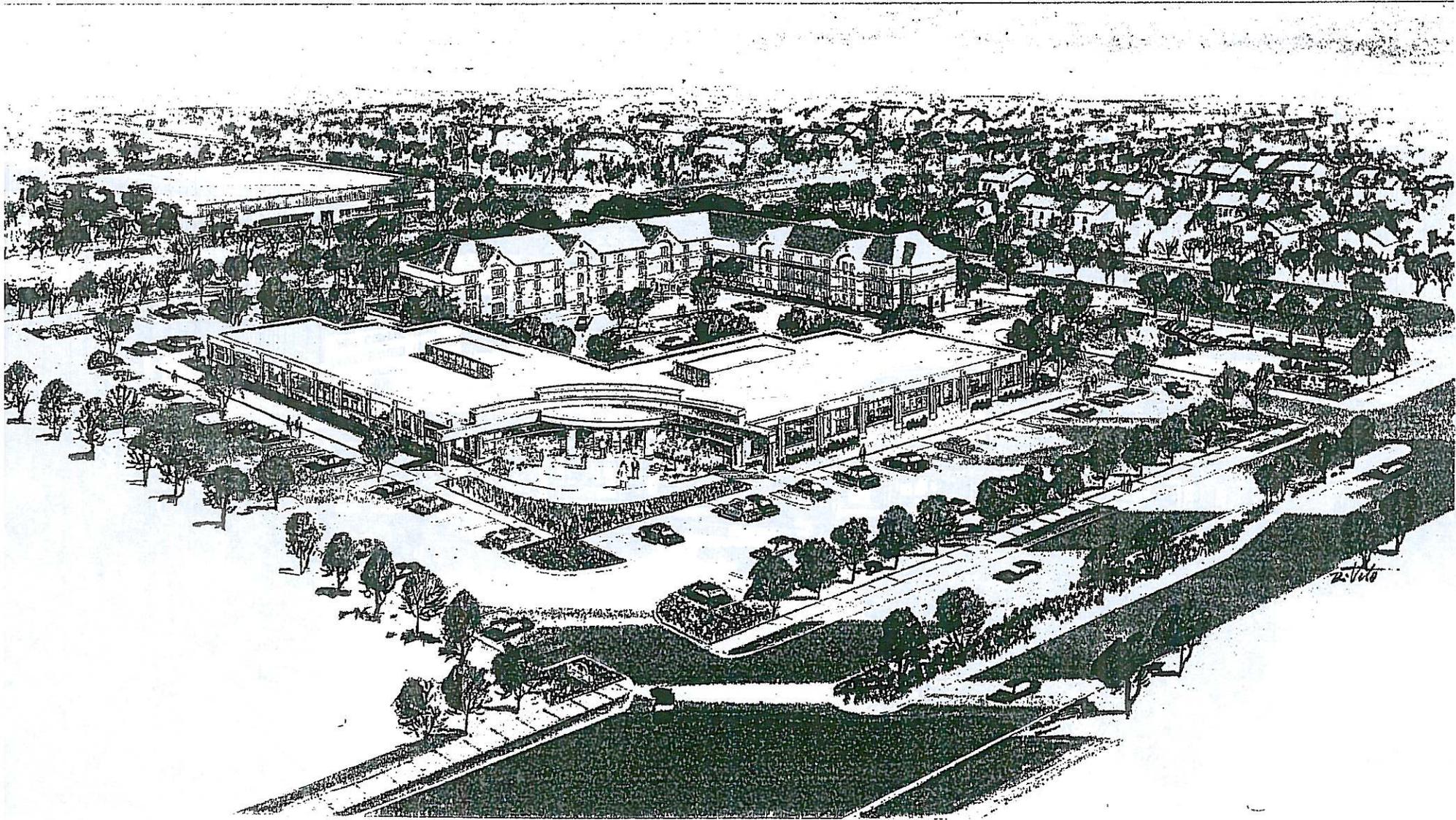
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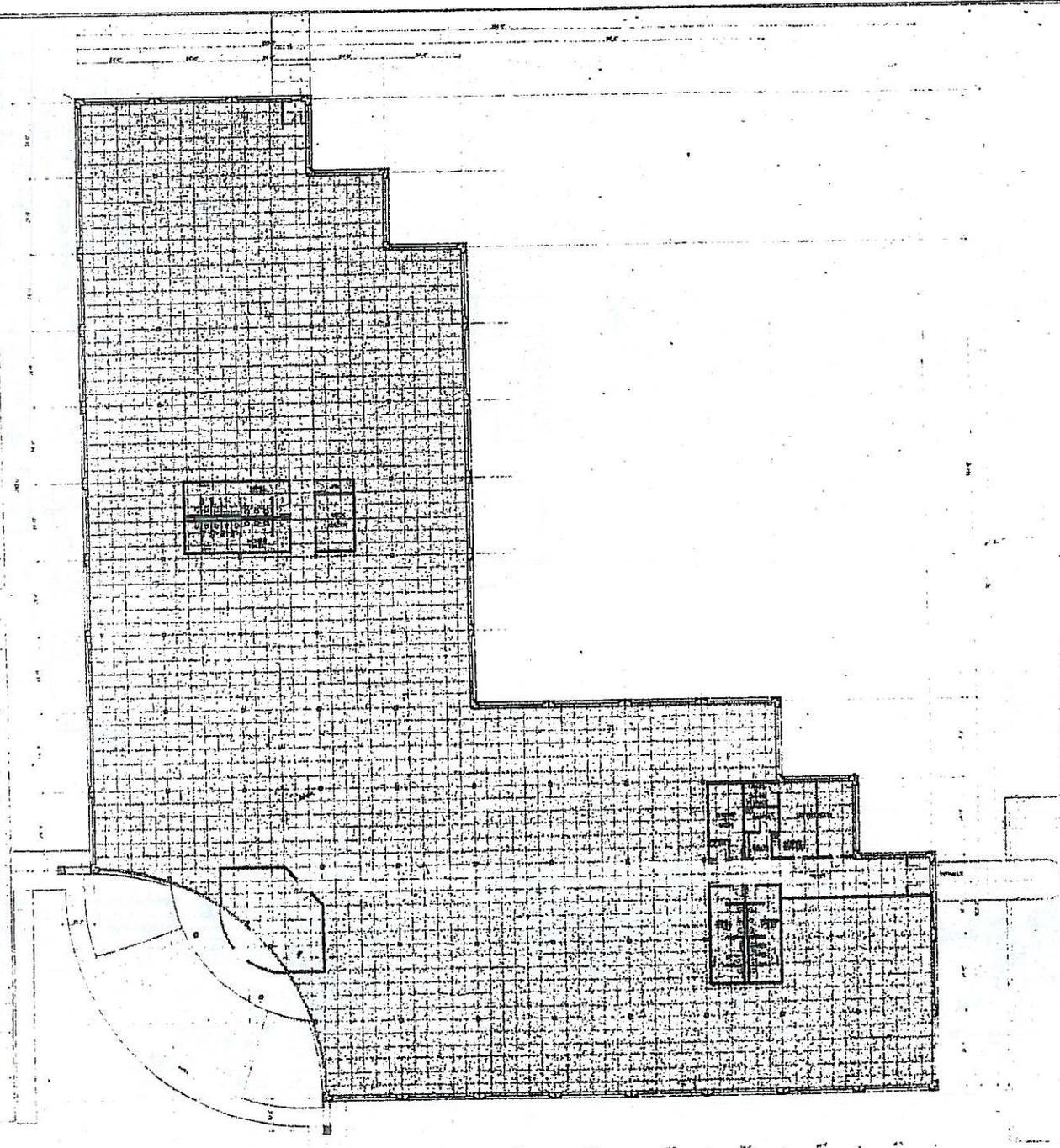
CANDLEWOOD HOTEL




CANDLEWOOD PARK
OFFICE BUILDING



CANDLEWOOD PARK
HOTEL & OFFICE BUILDING



GROSS BUILDING AREA
47,560 SQ FT
PLANNING MODULE 4'-0" x 4'-0"

MINORU
YAMASAKI
ASSOCIATES

Architects
Interior
Designers

THIS PLAN IS THE PROPERTY OF MINORU YAMASAKI ASSOCIATES AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MINORU YAMASAKI ASSOCIATES. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS PLAN IS STRICTLY PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

CANDLEWOOD
PARK HOTEL
AND
OFFICE
BUILDING

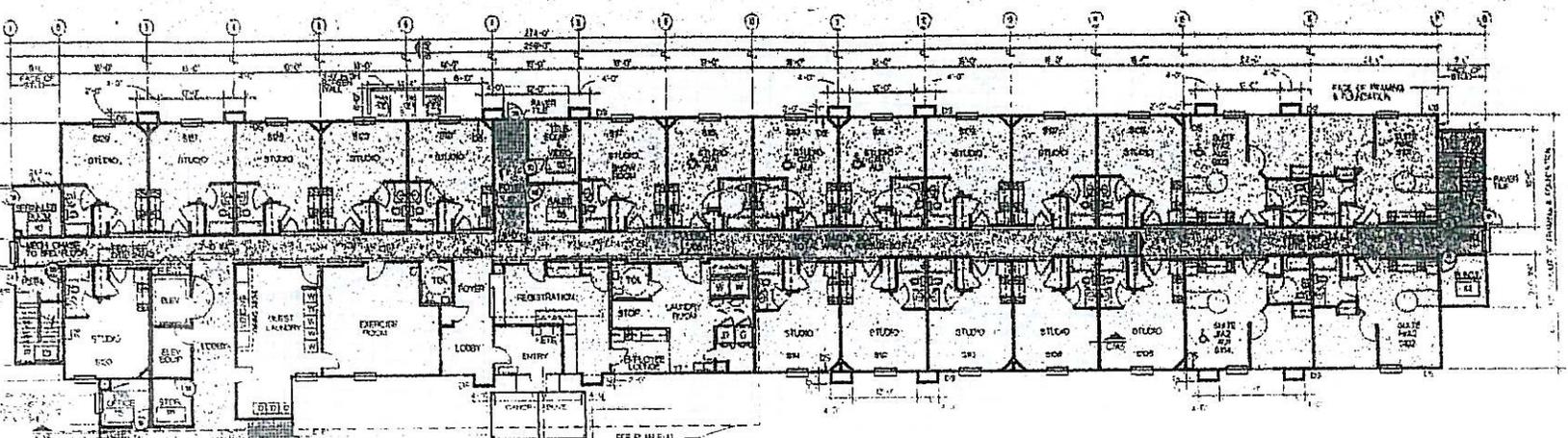
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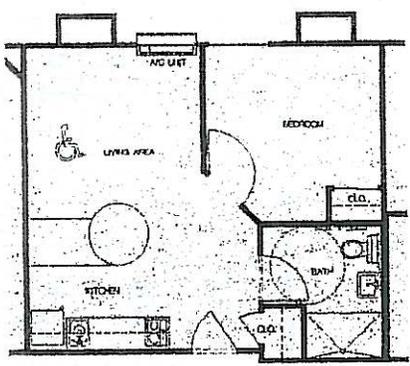
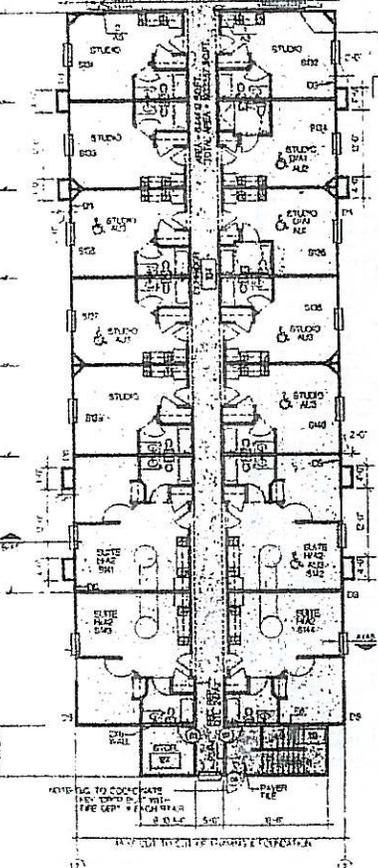
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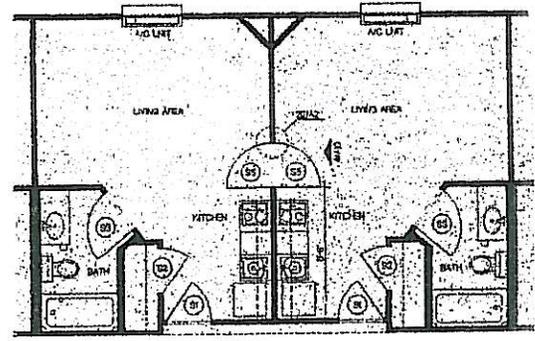


A FIRST FLOOR PLAN
337' x 10'

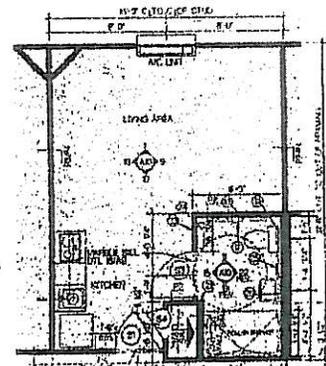
TOTAL NO. OF STUDIOS & RES. SUITES ON ALL THREE FLOORS - 119
 TOTAL NO. OF STUDIO UNITS - 80
 TOTAL NO. OF SUITE FLOOR UNITS - 39
 TOTAL NO. OF CONNECTING UNITS & PARK - 0
 TOTAL AREA OF ALL THREE FLOORS - 374,000 SQ FT



C TYPICAL SUITE FLOOR PLAN
17' x 11'



E CONNECTING ROOMS FLOOR PLAN
17' x 11'



D TYPICAL ACCESSIBLE STUDIO FLOOR PLAN
17' x 11'

AL-1 GREENWAY UNIT
 AL-2 ACCESSIBLE UNIT WITH PRIVATE BATH
 AL-3 ACCESSIBLE UNIT WITH PRIVATE BATH

<p>LAWRENCE, SOKELAND & ASSOCIATES, INC. 1000 WEST 10TH AVENUE, SUITE 1000 DENVER, COLORADO 80202</p>
<p>DATE: 11/15/88 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO.: [Number]</p>
<p>CANDLEWOOD Your Studio Hotel PRELIMINARY DRAWINGS</p>
<p>119 UNITS / 3 STORIES</p>

Chapter 39 - Zoning Ordinance

24.00.00 ARTICLE XXIV O-1 OFFICE BUILDING DISTRICT

(Rev. 10-16-06)

24.10.00 INTENT:

The O-1 Office Building Districts are designed to accommodate office uses, office sales uses, and certain basic personal services. These districts are mapped typically in major shopping center locations related to the activity of the larger establishments generating greater volumes of vehicular and pedestrian traffic. The following regulations shall apply in all "O-1" Districts and no building, structure or premises except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following uses:

24.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

24.20.00 PRINCIPAL USES PERMITTED:

24.20.01 Office Buildings for any of the following occupations: executive, administrative; professional; accounting; writing; clerical stenographic; drafting; and sales, subject to the limitations contained below in Sub-section 24.50.00 Development Standards.

24.20.02 Medical office, including clinics.

24.20.03 Banks, credit unions, savings and loan associations, and similar uses. Such uses may include drive-in facilities only as an accessory use, subject to the provision of back-up or waiting space, apart from required off-street parking areas, at the rate of four (4) car spaces for each service window or pedestal, in addition to the space at the window or pedestal.

24.20.04 Publicly owned buildings, exchanges, and public utility offices.

24.20.05 Medical equipment sales and service.

(10-16-06)

24.20.06 Other uses similar to the above uses.

24.25.00 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use:

24.25.01 Uses customarily supporting or serving the Principal Uses permitted in this District, such as pharmacies or drug stores, optical services, copy services, office supplies, book stores, art galleries, or restaurants; provided that these uses are within the building housing the Principal Uses which they support, and provided that there is no direct outside entrance for these uses separate from the entrance serving the Principal Uses. Such uses shall, in total, occupy no more than twenty (20) percent of the floor area of the building complex of which they are a part.

(Rev. 07-22-96)

Chapter 39 - Zoning Ordinance

24.25.02 Data processing and computer centers, including sales support, service and maintenance of electronic data processing equipment. The sales support, service and maintenance functions, shall be accessory or secondary to the Principal Uses permitted in this District, and thus shall not be operated as independent businesses.

(06-03-96)

24.25.03 Technical training uses, when such are accessory or secondary to the Principal Uses permitted in this District, and thus not operated as independent businesses.

Additional parking (in accordance with Section 40.21.32) shall be provided for that floor area devoted to technical training (classrooms) which is in excess of thirty (30) percent of the total area of the Principal Use.

(06-03-96)

24.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in O-1 Districts, subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the use by the Planning Commission, or by the City Council where indicated. Before approving any such uses, the Planning Commission or the City Council where indicated, shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development or use of adjacent land and Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

(Rev. 01-25-93)

24.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

24.30.02 Mortuary Establishments subject to the following:

- A. The minimum lot area shall be twenty-five thousand (25,000) square feet and so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession.
- B. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way width, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access service drive thereof.
- C. Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.

Chapter 39 - Zoning Ordinance

- D. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the District when said property line abuts any residential District.
 - E. A caretaker's residence may be provided within the main building of the mortuary establishment.
 - F. Loading and unloading areas used by ambulance, hearses, or other such service vehicles shall be obscured from all residential view with a wall six (6) feet in height and said wall, plus any other required walls, shall be further subject to the requirements of Article XXXIX, "Environmental Provisions".
- 24.30.03 Private Service Clubs Fraternal Organizations and Lodge Halls, Including Accessory Structures and Uses Customarily Incidental to Such Uses, Racquet and Athletic Clubs, subject to the following:
- A. The minimum lot area shall be three (3) acres. In the case of racquet and athletic clubs, a five (5) acre minimum lot shall be required.
 - B. The site shall have at least one (1) property line abutting a major or secondary thoroughfare.
 - C. All vehicular ingress and egress to the site shall be directly from a major or secondary thoroughfare, except in those instances where the Planning Commission and the City Council find that traffic safety conditions in the area would be improved, while having no adverse effects on adjacent properties, by permitting ingress and egress to streets other than major or secondary thoroughfares.
 - D. The minimum distance of any principal or accessory building from any adjacent residential District boundary line or street right-of-way shall be one hundred (100) feet.
 - E. The Planning Commission and the City Council shall determine that the nature and design of a building intended for racquet and/or athletic club use is fully compatible with buildings in adjacent or typical office areas, particularly as to exterior design and materials.
 - F. Racquet and athletic club facilities shall be permitted only after the further determination by the Planning Commission and the City Council that such are necessary in order to adequately serve the recreation needs of the adjacent area.
- 24.30.04 Utility Sub-Stations, Transformer Stations or Gas Regulator Stations (Without Storage Yards) subject to the following:
(Renumbered: 11-13-06)
- A. The Planning Commission shall determine that operating requirements necessitate the location of such uses within the District in order to serve the immediate vicinity.
 - B. All proposed uses and facilities shall be contained within masonry buildings or structures similar to or compatible with buildings in adjacent or typical office areas.

Chapter 39 - Zoning Ordinance

- C. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.
- D. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.
 - 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.
- E. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least equal to five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- F. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

24.30.05 Mechanical or Laboratory Research Involving Testing and Evaluation of Products, or Prototype or Experimental Product or Process Development.

(Renumbered: 11-13-06)

- A. Such research areas may be permitted only in office buildings developed within areas designated for the use of the Office Development Options, in accordance with Sections 36.00.00 and 36.40.00 of this Chapter.
- B. Such research areas shall occupy no more than twenty-five (25) percent of the gross floor area occupied by any individual or corporate office occupant or tenant, and shall be contiguous with the office area of the occupant or tenant.
- C. Such research areas shall be located and designed so as to minimize any negative impact on adjacent office occupants from effects such as noise, dust, vibration and odor.
- D. Such research activities shall not involve vehicles or engines containing fuel.

Chapter 39 - Zoning Ordinance

- E. Such research activities shall be limited to uses which do not require building construction having a higher fire rating than that required for office uses.

(Rev 05-03-99)

- 24.30.06 Childcare centers, nursery schools, or day nurseries (not including dormitories), subject to the following conditions:

(Renumbered: 11-13-06)

- A. For each child so cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced or screened from adjoining properties in a manner acceptable to the Planning Commission.
- B. The site layout shall be designated so as to minimize vehicular traffic conflicts both on and adjacent to the site and to provide the highest level of pedestrian/child safety within the site.

(06-07-99)

24.40.00 LOCATION STANDARDS

- 24.40.10 Location Standards: the O-1 (Office Building) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Planning and policies related thereto, and therefore involves the following types of areas:

- 24.40.11 Areas indicated as low-rise office.

- 24.40.12 Portions of areas designated as community service centers or neighborhood service centers.

- 24.40.13 Areas designated for commercial or other non-residential development, or higher intensity office development, when one or more of the following determinations are made:

- A. When the adjacent area and/or the total community would be more effectively served by the application of O-1 zoning than by the application of a commercial or other non-residential zoning District of a more intense office District.
- B. When development in accordance with O-1 zoning would serve as a transitional element and would thus be more compatible with adjacent properties than would development under commercial or other office classifications.

24.50.00 DEVELOPMENT STANDARDS:

- 24.50.01 No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25) percent of the usable floor area of either the first or second story, or in the basement.

Chapter 39 - Zoning Ordinance

- 24.50.02 The outdoor storage of goods or materials shall be prohibited.
- 24.50.03 Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.
- 24.50.05 See Section 40.20.00 for parking requirements.
- 24.50.06 The Planning Commission may permit the provision of landscaped area in lieu of and within the area which would otherwise provide for up to twenty (20) percent of the total required parking spaces, subject to the following conditions and findings:
- A.. That the subject office development consists of one or more buildings which together have gross floor area of 50,000 square feet or greater.
 - B. That the proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
 - C. That the owner agrees to install such parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
 - D. That the consequent reduction in off-street parking provided will not impair the functioning of the subject office development or have a negative effect on traffic flow on and/or adjacent to the site.
 - E. That the improvements within the subject landscaped area shall be in accordance with the requirements of Section 39.20.00 of this Chapter.
 - F. That the landscaped area thus provided shall be in addition to that required by other provisions of this Chapter.

(Rev. 06-07-99)

- 24.50.07 The Planning Commission may require the provision of the following kinds of circulation and access facilities, when they determine that such will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and that the uses to be served by such facilities are compatible and that no interior circulation problems will result:
- A. Joint-access driveways or driveways located so as to provide access to more than one site.
 - B. Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

In instances where the provision of such facilities will require the grant of easements between abutting property owners to assure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the City of Troy Legal Department prior to the granting of a building permit, and shall be recorded prior to the granting of any Certificate of Occupancy.

Chapter 39 - Zoning Ordinance

No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no Certificates of Occupancy shall be issued until the construction of such facilities within the applicant's site is complete.

- 24.50.08 See Section 39.95.00 of the General Provisions for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.
- 24.60.00 ENVIRONMENTAL STANDARDS:
- 24.60.01 See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.
- 24.60.02 An Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for rezoning or site plan approval, whichever shall first occur, which is intended to enable a development of fifty thousand (50,000) square feet of floor area or greater. This provision is also applicable to multi-state developments whose total building area will ultimately meet or exceed this amount.
- 24.70.00 INTENSITY CONTROL:
- 24.70.01 The intensity of office development within the O-1 (Low-Rise Office) District shall not exceed 15,000 square feet of gross building area per net acre of site area (apart from existing and proposed thoroughfare rights-of-way), not including that portion of the building used for vehicular parking purposes, and basement areas whose functions are limited to mechanical rooms and long term storage. These areas shall not be used for any other purpose. (09-11-00)
- 24.80.00 SITE PLAN REVIEW:
In an O-1 District, all development proposals shall be subject to the review and approval of the site plan by the Planning Commission.
- 24.80.01 Persons seeking Site Plan Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.
- 24.90.00 AREA AND BULK REQUIREMENTS:
See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

CANDLEWOOD HOTEL COMPANY,
INC., a Delaware Corporation, and
ROSSO DEVELOPMENT, INC., a
Michigan Corporation,

Plaintiffs,

v

Case No. 80-207200 CZ

CITY OF TROY, a Michigan
municipal corporation,

Hon. Jessica R. Cooper

Defendants.

_____/

BUTZEL LONG
By: Carl Rashid, Jr. (P23915)
Attorney for Plaintiffs
150 W. Jefferson, #900
Detroit, MI 48226-4430
(313) 225-7026

CITY OF TROY - DEPARTMENT OF LAW
By: Peter A. Letzmann (P16587)
John J. Martin, III (P25888)
Attorneys for Defendant
500 W. Big Beaver Road
Troy, MI 48084
(810) 524-3320

_____/

FIRST AMENDED AND RESTATED CONSENT JUDGMENT

At a session of said Court held
in the Courthouse, in the City of
Pontiac, Oakland County, MI,

on: _____ JUL 02 1997

PRESENT: HONORABLE _____ JESSICA R. COOPER CIRCUIT JUDGE
CIRCUIT JUDGE

The facts on which this First Amended and Restated Consent Judgment ("Amended Judgment") is based are as follows:

RECITALS

A. On October 20, 1981, this court entered a Consent Judgment ("Original Judgment") affecting certain property (the "Property") and more particularly described as:

City of Troy, Oakland County, Michigan, Lots 31,
32, 33 and 34 of F. J. Kirts Farms Subdivision

B. The parties to the Original Judgment were Rosso, Messer, Schell Partnership, a Michigan Co-partnership, (collectively , the "Original Plaintiffs"), as plaintiffs, and the City of Troy, a Michigan Municipal Corporation, (the "City"), as defendant.

C. Subsequent to entry of the Original Judgment, the Property was sold to Rosso Development Company, Inc., ("Rosso") and Rosso has entered into an agreement with Candlewood Hotel Company, Inc., ("Candlewood") for development of a portion of the Property. (Rosso and Candlewood are collectively referred to as the "Plaintiffs").

D. Pursuant to this Amended Judgment, Plaintiffs are being substituted for the Original Plaintiffs in this case.

E. The parties desire to amend and restate the Original Judgment with respect to the Property in order to allow the Property to be developed, used and occupied for general offices , and an extended stay hotel all as more particularly described in this Amended Judgment. A site plan (the "Site Plan") for development of the Property

prepared by Yamasaki & Associates, dated March 21, 1997, is represented by the reduced copy attached as Exhibit A. An elevation plan (the "Elevation Plan") for development of the Property prepared by Yamasaki & Associates is represented by the reduced copy attached as Exhibit B.

F. The existing O-1, Low Rise Office District zoning of the Property is constitutional and reasonable.

G. The parties desire to amend and restate the Original Judgment to reflect changes in conditions which have occurred in the 15 years since the entry of the Original Judgment and in order to permit Plaintiffs to develop the Property in accordance with the terms of this Amended Judgment.

IT IS ORDERED AND ADJUGED AS FOLLOWS:

1. Plaintiffs are substituted for the Original Plaintiffs in this case.
2. This Amended Judgment shall replace the Original Judgment and shall constitute the Judgment of the Court in this case. The Original Judgment shall be of no further force or effect.
3. The recitals in paragraphs A through G above are made a part of this Amended Judgment.
4. After the date of this Amended Judgment, the Property may be used, developed, occupied, and divided, subject to the terms of this Amended Judgment.
5. The Property may be used and developed and buildings, structures and improvements constructed thereon for the purposes now set forth and any additional uses and purposes which may be permitted in the future in:

a. Article XXIV, O-1, Low Rise Office District of Chapter 39 of the Troy City Code (a copy of which article is attached as Exhibit C); provided, however, that an extended stay hotel shall be permitted as depicted on the Site Plan, Elevation Plan and Floor Plans (a copy of which is attached as Exhibit D). The exterior materials used on the extended stay hotel shall be brick on the first two stories and efise on the third story. No permanent residence shall be established in the extended stay hotel other than the manager's suite. The office building to be constructed on the Property shall have a meeting room available for rent to the public.

6. All height limitations, building setbacks, interior building configurations, intensity of development and similar matters are controlled by the provisions of the City's Zoning Ordinance, unless otherwise specifically provided in this Amended Judgment or as otherwise indicated on the Site Plan and Floor Plans. In the event there is a conflict between the Site Plan or Floor Plans, and the text of this Amended Judgment, the Site Plan and Floor Plans shall control. However, minor modifications to the Site Plan and Floor Plans not inconsistent with the spirit of this Amended Judgment may be made without the necessity of amending this Amended Judgment so long as the City and Plaintiffs agree to such modifications in writing.

7. Plaintiffs shall adhere to all codes, ordinances, and design standards of the City without variances except as otherwise modified by this Amended Judgment and the Site Plan.

8. Plaintiffs shall construct deceleration lanes on Kirts Road and Troy Center Drive, as may be required by the City of Troy Development Standards, or deposit the

necessary amount in accordance with the City's general engineering requirements in conjunction with any building constructed on the Property.

9. The provisions of this Amended Judgment shall be covenants running with the land, and shall be binding upon and inure to the benefit of the parties, their officers, partners, employees, representatives, heirs, successors and assigns and all others acting under their direction and control.

10. Plaintiffs in this cause of action shall hold harmless the City of Troy, its officials, employees and agents from any and all claims made including attorney fees and other costs incurred by the City arising from this Amended Judgment.

11. A certified copy of this Amended Judgment shall be recorded by Plaintiffs in the Office of the Register of Deeds for the County of Oakland, Michigan with regard to the Property and the Register of Deeds is directed to accept the same for recordation.

12. In order to effectuate the intent of this Amended Judgment and to reconcile any differences of the parties that may arise in connection with the performance of this Amended Judgment, this Court shall retain jurisdiction of this action.

~~JESSICA B. COOPER~~
Circuit ~~Circuit~~ JUDGE

(signatures continued on the following page)

A TRUE COPY
LYNN D. ALLEN
Oakland County Clerk - Register of Deeds
By B. Steba
Deputy

Approved as to form and substance
for entry:

ROSSO DEVELOPMENT COMPANY, INC.

By: John M. Rosso
Its: President 3/18/97

CANDLEWOOD HOTEL COMPANY, INC.

By: Jeffrey J. Hill 3/17/97
Its: Vice President

CITY OF TROY,

By: Jeanne M. Stine
Jeanne M. Stine, Mayor
By: Tamara A. Renshaw
Tamara A. Renshaw, City Clerk



CITY COUNCIL ACTION ITEM

Date: November 19, 2009
 TO: Mayor and City Council
 FROM: John Szerlag, City Manager
 Lori Grigg Bluhm, City Attorney
 Tonni L. Bartholomew, City Clerk
 SUBJECT: February 23, 2010 Special Election Proposed Millage Question

Background:

City Council requested City Administration to draft a proposed ballot question for recommendation to Council. Taking into consideration Council's concerns voiced at City Council Meetings, City Administration drafted the following proposed ballot question, which includes a 5-year time limitation and clarifies that it is for general operating purposes, including but not limited to: police, fire, and quality of life purposes.

Outside legal counsel reviewed the proposal and made slight modifications to the proposal which are contained in the submittal.

A preamble has been included with the millage question to clarify that Council will have the authority to levy an amount up to the 1.9 mills with the successful passage of the question.

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Millage Question language for the Special Election scheduled by the City Council, Resolution #2009-11-328, for Tuesday, February 23, 2010:

CITY OF TROY GENERAL OPERATING MILLAGE PROPOSAL

THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO 1.9 MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:

Shall the City of Troy levy a new additional millage of up to 1.9 mills against all taxable property for a five-year period of time, 2010 through 2014, for general operating purposes, including but not limited to, police, fire, and quality of life purposes? 1.9 mills are equal to \$1.90 on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$9,129,000.00 the first year it is levied.

Yes:

No:

Yes:

No:



CITY COUNCIL ACTION REPORT

November 19, 2009

TO: John Szerlag, City Manager 

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration 
 Mark F. Miller, Acting Assistant City Manager/Economic Development Services 
 Pamela Valentik, Economic Development Specialist 

SUBJECT: Recovery Zone Facility Bond - North American BanCard Project Plan

In July 2009, Oakland County received \$155.8 million from the American Recovery and Reinvestment Act of 2009 in order to issue tax-exempt private activity bonds called Recovery Zone Facility Bonds. The purpose of this program is to spur economic development and job creation through the means of financing property and equipment investment by private businesses. The Economic Development Corporation (EDC) of Oakland County administers this program and received its first complete application from an existing business in Troy.

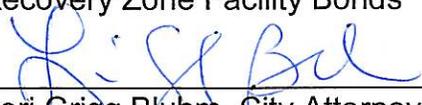
North American BanCard is located at 250 Stephenson Hwy. In 2008, North American BanCard purchased this facility to house their fast growing company. The company is requesting \$2.5 million in bond financing to finance renovations/reconstruction of the first and third floor of the building and purchase additional furniture, fixtures and equipment. This investment will allow North American BanCard to retain their current 290 employees and hire an additional 50 employees within the near future.

Attached you will find a copy of:

1. Project Plan for North American BanCard
2. Resolution by Oakland County Board of Commissioners Designating Oakland County as a Recovery Zone to Issue Recovery Zone Facility Bonds

On November 17, 2009, the EDC of Oakland County approved the Project Plan which then shall be approved by the City of Troy City Council. Approval of the project plan is limited to City Council's review of the project to make sure it complies with Troy's economic development plan. It should also be noted that the approval of this Project Plan does not have any effect on the ability of the City of Troy to issue other bonds. The EDC of Oakland County is the issuer of this bond and the City of Troy will not be financially responsible for the Recovery Zone Facility Bonds

Approved as to Form and Legality:


 Lori Grigg Bluhm, City Attorney

**THE ECONOMIC DEVELOPMENT CORPORATION
OF THE COUNTY OF OAKLAND
Oakland County, Michigan**

Project

PROJECT PLAN

CONTENTS

1. Summary Description of Project (Page 1)
2. Project Plan Certification by Company (Page 2)
3. Statutorily Required Information (Page 3)
4. Exhibits

"A" - Project Area Legal Description

"B" - Letter of Credit or Bond Purchaser's Commitment Letter

"C" - Company Certificate Regarding Transfer of Employment

"D" - Company Certificate Regarding Payment of Prevailing Wages

Other

PROJECT PLAN

SUMMARY DESCRIPTION OF 250 STEPHENSON PROJECT

OWNER OF PROJECT:

North American Bancard, Inc.

CONTACT PERSON: (Name, address, telephone number)

Howard N. Morof, CFO
North American Bancard, Inc.
250 Stephenson Hwy.
Troy, MI 48083

LOCATION OF PROJECT: (Local municipality)

Troy, Michigan

PROJECT AREA/DISTRICT AREA: See Exhibit A

Building located at 250 Stephenson Hwy., Troy, Michigan

NATURE OF PROJECT:

Reconstruction and retrofit of interior space at 250 Stephenson Hwy.

EMPLOYMENT CREATED OR RETAINED:

Approximately 290 retained employees with additional capacity to add in excess of 50 additional staff over the next year, plus capacity for expansion thereafter.

TOTAL PROJECT COST:

\$2,500,000

BONDS TO BE ISSUED:

\$2,500,000

LETTER OF CREDIT ISSUER OR BOND PURCHASER:

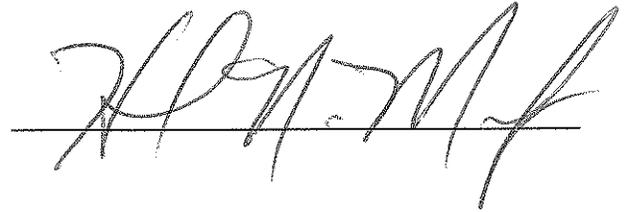
Letter of Credit Issuer: Comerica Bank

PROJECT PLAN CERTIFICATION

THIS PROJECT PLAN WAS PREPARED FOR THE ECONOMIC DEVELOPMENT CORPORATION OF THE COUNTY OF OAKLAND IN ACCORDANCE WITH THE REQUIREMENTS OF THE ECONOMIC DEVELOPMENT CORPORATIONS ACT, ACT NO. 338 OF THE MICHIGAN PUBLIC ACTS OF 1974, AS AMENDED.

THE UNDERSIGNED HAS PROVIDED ALL OF THE INFORMATION CONTAINED HEREIN AND HEREBY CERTIFIES AS TO THE ACCURACY AND VALIDITY OF SUCH INFORMATION AS OF THIS DATE.

THE UNDERSIGNED UNDERSTANDS THAT THIS PROJECT PLAN IS STATUTORILY REQUIRED AND, IF IT CONTAINS ANY MATERIAL MISREPRESENTATION OR INACCURACY, COULD RESULT IN THE INVALIDATION OF THE ECONOMIC DEVELOPMENT CORPORATION PROCEEDINGS REGARDING THE PROJECT TO WHICH THE PROJECT PLAN PERTAINS.



By: Howard N. Morof
North American Bancard, Inc.

Its: Chief Financial Officer

Dated: 11/10/09

**PROJECT PLAN
STATUTORILY REQUIRED INFORMATION REGARDING
250 STEPHENSON PROJECT**

I. THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES WITHIN THE PROJECT DISTRICT AREA; THE LOCATION, CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND USES NOW EXISTING AND PROPOSED FOR THE PROJECT AREA, INCLUDING RESIDENTIAL, RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES; AND A LEGAL DESCRIPTION OF THE PROJECT AREA:

Project is within the 250 Stephenson Hwy building on the northwest corner of 14 mile road and Stephenson Hwy. and located in the three building complex known as the Troy Concept Center.

Legal description of Project Area attached as Exhibit A.

II. A DESCRIPTION OF EXISTING IMPROVEMENTS IN THE PROJECT AREA TO BE DEMOLISHED, REPAIRED, OR ALTERED; A DESCRIPTION OF REPAIRS AND ALTERATIONS; AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION:

Within the existing building, parts of the third floor shall be demolished and reconstructed to suit the specific use of North American Bancard, Inc. This includes substantial improvements to the data center, backup power generation capabilities and installation of new work stations, employee break areas, and conference rooms. Additional project scope will include improvements to the first floor for supplies storage, employee break and cafeteria, office build out and related electrical, sprinkler, heating and cooling improvements required throughout the building. Project will also include enhancements to the building's security systems.

Completion is expected June, 2010.

III. THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF THE IMPROVEMENTS, INCLUDING REHABILITATION CONTEMPLATED FOR THE PROJECT AREA, AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION:

Location will be at the 250 Stephenson Hwy facility, and total estimated project cost is \$2,500,000. Completion is expected June, 2010.

IV. A DESCRIPTION OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE:

Plans are presently being finalized and substantial construction is expected to commence in January, 2010. Definitive timeline will be established by the general contractor but has not yet been determined.

V. A DESCRIPTION OF THE PARTS OF THE PROJECT AREA TO BE LEFT AS OPEN SPACE AND THE USE CONTEMPLATED FOR THE SPACE:

All work will be within the existing facility and there is expected to be no changes to any open space within the Troy Concept Center.

VI. A DESCRIPTION OF PORTIONS OF THE PROJECT AREA WHICH THE ECONOMIC DEVELOPMENT CORPORATION OR THE COMPANY DESIRES TO SELL, DONATE, EXCHANGE OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS:

Not Applicable

VII. A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREET, STREET LEVELS, INTERSECTIONS AND UTILITIES:

None Expected/Not Applicable.

VIII. A DESCRIPTION OF THE PROPOSED METHOD OF FINANCING THE PROJECT, INCLUDING ATTACHMENT OF A COPY OF THE LETTER OF CREDIT OR BOND PURCHASER'S COMMITMENT LETTER:

Issuance of \$2,500,000 EDC bonds

Copy of Letter of Credit or bond purchaser's commitment letter attached as Exhibit B.

IX. A STATEMENT REGARDING THE PAYMENT OF PREVAILING WAGE AND FRINGE BENEFIT RATES AS DETERMINED PURSUANT TO ACT NO. 166 OF THE MICHIGAN PUBLIC ACTS OF 1965, AS AMENDED (REGARDING WAGES ON STATE CONTRACTS):

See Exhibit D

X. A LIST OF PERSONS WHO WILL MANAGE OR BE ASSOCIATED WITH THE MANAGEMENT OF THE PROJECT FOR A PERIOD OF NOT LESS THAN 1 (ONE) YEAR FROM THE DATE OF APPROVAL OF THE PROJECT PLAN:

Officers and Executives of North American Bancard, Inc.

Marc A. Gardner, CEO/President
Howard N. Morof, CFO
Gordon Rimal, VP of IT
Gary Rutledge, COO

XI. DESIGNATION OF THE PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM THE PROJECT IS TO BE LEASED, SOLD OR CONVEYED AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN, TO THE EXTENT THAT INFORMATION IS PRESENTLY AVAILABLE:

North American Bancard, Inc. is presently the sole tenant in the facility. Mr. Gardner is the sole shareholder of North American Bancard, Inc., and 250 Stephenson Associates, LLC, the owner of the 250 Stephenson facility.

XII. IF THERE IS NOT AN EXPRESS OR IMPLIED AGREEMENT WITH A PERSON OR PERSONS, NATURAL OR CORPORATE, THAT THE PROJECT WILL BE LEASED, SOLD, OR CONVEYED TO THOSE PERSONS, THE PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING OR CONVEYING OF THE PROJECT UPON ITS COMPLETION:

Not Applicable.

XIII. ESTIMATES OF THE NUMBER OF PERSONS RESIDING IN THE PROJECT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED. IF OCCUPIED RESIDENCES ARE DESIGNATED FOR ACQUISITION AND CLEARANCE, INCLUDE A SURVEY OF THE FAMILIES AND INDIVIDUALS TO BE DISPLACED, INCLUDING THEIR INCOME AND RACIAL COMPOSITION, A STATISTICAL DESCRIPTION OF THE HOUSING SUPPLY IN THE COMMUNITY, INCLUDING THE NUMBER OF PRIVATE AND PUBLIC UNITS IN EXISTENCE OR UNDER CONSTRUCTION, THE CONDITION OF THOSE IN EXISTENCE, THE NUMBER OF OWNER-OCCUPIED AND RENTER-OCCUPIED UNITS, THE ANNUAL RATE OF TURNOVER OF THE VARIOUS TYPES OF HOUSING AND THE RANGE OF RENTS AND SALE PRICES, AN ESTIMATE OF THE TOTAL DEMAND FOR HOUSING IN THE COMMUNITY, AND THE ESTIMATED CAPACITY OF PRIVATE AND PUBLIC HOUSING AVAILABLE TO DISPLACED FAMILIES AND INDIVIDUALS:

Not Applicable.

XIV. A PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE PROJECT IN NEW HOUSING IN THE PROJECT AREA:

Not Applicable

XV. PROVISION FOR THE COSTS OF RELOCATING PERSONS DISPLACED BY THE PROJECT AND FINANCIAL ASSISTANCE AND REIMBURSEMENT OF EXPENSES, INCLUDING LITIGATION EXPENSES AND EXPENSES INCIDENT TO THE TRANSFER OF TITLE, IN ACCORDANCE WITH THE STANDARDS AND PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, 42 U.S.C. 4601 TO 4655:

Not Applicable

XVI. A PLAN FOR COMPLIANCE WITH ACT NO. 227 OF THE MICHIGAN PUBLIC ACTS OF 1972, WHICH PERTAINS TO PROVIDING FINANCIAL ASSISTANCE, ADVISORY SERVICES AND REIMBURSEMENT OF CERTAIN EXPENSES TO DISPLACED PERSONS:

Not Applicable

XVII. OTHER MATERIAL AS THE ECONOMIC DEVELOPMENT CORPORATION, LOCAL PUBLIC AGENCY, OR GOVERNING BODY CONSIDERS PERTINENT:

Not Applicable

Exhibit A

PROJECT AREA LEGAL DESCRIPTION

EXHIBIT A

LEGAL DESCRIPTION OF THE LAND

[Real estate located in the City of Troy, Oakland County, Michigan described more particularly as follows:

Unit 2, Troy Concept Center, a condominium, according to the Master Deed recorded in Liber 24972, page 416 and amendments thereto (if any), Oakland County Records, and designate as Oakland County Condominium Subdivision Plan No. 1418, together with rights in general common elements and limited common elements as set forth in the above Master Deed, and amendments thereto, and as described in Act 59 of the Public Acts of 1978, as amended.

Commonly known as: 250 Stephenson Highway, Troy, MI 48083-1117
Tax Parcel Number: 20-35-327-025]¹

¹ To be updated with updated title

Exhibit B

**LETTER OF CREDIT OR
BOND PURCHASER'S COMMITMENT LETTER**

November 6, 2009

Mr. Marc Gardner
President
North American Bancard, Inc.
250 Stephenson
Troy, MI 48083

Dear Marc,

We are pleased to confirm that Comerica Bank ("Bank") has approved a Letter of Credit ("LOC") to support an Economic Development Corporation of the County of Oakland ("EDC") tax exempt bond financing of up to \$2,500,000 principal amount for renovation and improvements to your existing facility within the City of Troy, Michigan and operated by North American Bancard, Inc. (the "Obligor"). This letter is the Bank's offer to commit to said LOC to support such financing, subject to the terms and conditions described in the approval and to documentation satisfactory in form and content to Bank, Butzel Long, PC, as Bond Counsel, the EDC, and subject to an appropriate volume cap allocation by Michigan Department of Treasury.

This offer to commit shall expire at Bank's option if (a) Bank has not received Obligor's acceptance by the Acceptance Date, or (b) there is a material adverse change in the financial condition and affairs of Obligor from that represented to Bank.

We will help in any way we can and look forward to working with you on this Project. Please call me at any time if there are any questions on the content of this letter or the contemplated transaction.

Very truly yours,

COMERICA BANK



Daniel J. Roesner
Vice President

Exhibit C

**COMPANY CERTIFICATE REGARDING
TRANSFER OF EMPLOYMENT**

250 Stephenson Project

The undersigned, North American Bancard, Inc., a Michigan corporation (the "Company"), hereby certifies to The Economic Development Corporation of the County of Oakland (the "EDC") as follows:

1. This Certificate is made and based upon the best of the Company's knowledge and belief, only after thorough investigation and discussion with all owners of the Company and others who might have knowledge regarding the subject matter.

2. The Company acknowledges that this Certificate will be employed by the EDC as the sole basis for the EDC's certification to the Board of Commissioners of the County of Oakland as to transfer of employment as required by Section 8(3) of the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act").

3. The Company understands that the EDC's Certification to the Board of Commissioners of the County of Oakland is a statutory requirement which, if improperly made or based upon any material misrepresentation or inaccuracy, might invalidate the proceedings regarding the 250 Stephenson Project (the "Project") pursuant to which the EDC expects ultimately to issue its limited obligation economic development revenue bonds to finance all or part of the Project.

4. As of the date hereof, the Project shall not have the effect of transferring employment of more than 20 full-time persons from a municipality (as that term is defined in the Act) of this State to Troy, Michigan, the municipality in which the Project will be located.

5. The Company understands that a covenant to effectuate the purposes of this Certificate will be included in those covenants to be made by the Company when bonds are issued by the EDC for the benefit of the Project.

North American Bancard, Inc., a
Michigan Corporation

By: _____

Its: _____



CHIEF FINANCIAL OFFICER

Dated: 11/10/04

Exhibit D

**COMPANY CERTIFICATE REGARDING
PAYMENT OF PREVAILING WAGES**

250 Stephenson Project

The undersigned, North American Bancard, Inc., a Michigan Corporation (the "Company"), hereby certifies to The Economic Development Corporation of the County of Oakland (the "EDC") as follows:

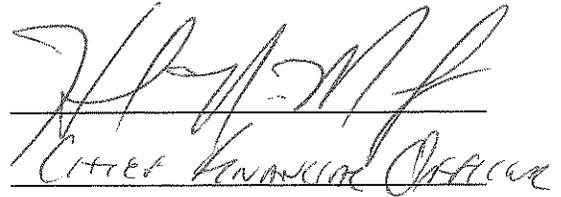
1. The Company understands that this Certificate is a statutory requirement under the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") which, if improperly made or based upon any material misrepresentation or inaccuracy, might invalidate the proceedings regarding the 250 Stephenson Project (the "Project") pursuant to which the EDC expects ultimately to issue its limited obligation economic development revenue bonds to finance all or part of the Project.

2. Within the meaning and intent of Section 8(4)(h) of the Act, all persons performing work on the construction of the Project will be paid the prevailing wage and fringe benefit rates for the same or similar work in the locality in which the work is to be performed, as determined pursuant to Act No. 166 of the Michigan Public Acts of 1965, as amended.

North American Bancard, Inc., a
Michigan Corporation

By:

Its:


Citicorp Financial Officer

Dated:

11/14/09

BH 561467v1

MISCELLANEOUS RESOLUTION #09141

July 15, 2009

BY: PLANNING AND BUILDING COMMITTEE, JOHN SCOTT, CHAIRPERSON

IN RE: PLANNING AND ECONOMIC DEVELOPMENT SERVICES' DIVISION RESOLUTION
REGARDING RECOVERY ZONE FACILITY BONDS

To the Oakland County Board of Commissioners
Chairperson, Ladies and Gentlemen:

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") was passed by Congress on February 13, 2009, and was signed by the President on February 17, 2009; and

WHEREAS, the ARRA provides Counties and large municipalities (an "Issuer" or the "Issuers") with a new economic development tool, which will permit the Issuers, including the County of Oakland (the "County") and its economic development corporation, to issue tax-exempt "private activity bonds" called "Recovery Zone Facility Bonds" ("RZFBs") for the benefit of a variety of private businesses for which tax-exempt bonds have not been available in the past to finance plant and equipment; and

WHEREAS, RZFBs may be issued to finance certain depreciable property for any trade or business, commercial or industrial, but only if the property is located in a "Recovery Zone" designated by the Issuer and is purchased or constructed after such designation; and

WHEREAS, under the ARRA, a "Recovery Zone" is an area designated by the Issuer as having significant poverty, unemployment, home foreclosures or general distress; and

WHEREAS, the dramatic economic meltdown of the economy across the United States, and in the State of Michigan in particular, and the ensuing adverse effects on manufacturing and other businesses in the State and the County, including the bankruptcies of Chrysler Corporation and General Motors Corporation, both of which have substantial presence in the County, have directly caused employment in the County to decline, layoffs to increase dramatically and home foreclosures to rise to all-time highs, all directly resulting in unemployment and economic and general distress throughout the County; and

WHEREAS, the breadth of the distress suffered by the County, as represented by the loss of jobs, home foreclosures and rapidly declining property values, supports a finding by the Board of Commissioners that the entire County qualifies as a "Recovery Zone" as contemplated by ARRA; and

WHEREAS, to remain in the forefront of economic development in the State and to continue to provide businesses within the County and those wishing to locate in the County the most favorable financing vehicles available in the United States today, and on the basis of the Board's finding that the conditions precedent for qualifying as a "Recovery Zone" exist throughout the County, the Board of Commissioners deems it in the best interests of the County to designate the entire County a "Recovery Zone" within the meaning of ARRA; and

WHEREAS, the Board's formal designation of the County as a "Recovery Zone", as required under the ARRA, will hereafter permit the acquisition or construction by businesses located and doing business within the County of property qualifying as "recovery zone property" in the County to take advantage of RZFBs, subject to the \$155.8 million aggregate amount of "recovery zone facility bond limitation" allocated under ARRA to the County; and

WHEREAS, the action of the Board of Commissioners in designating the County a "Recovery Zone" reflects the County's desire to assist qualifying businesses through the issuance of RZFBs, but such action does not and will not ever constitute a desire or ability on the part of the Board of Commissioners to directly or indirectly lend the credit or any property of the County to any RZFBs issued by the County, and any and all RZFBs issued by the County will clearly and unequivocally state that the RZFBs are payable solely and only out of the security provided by the businesses benefited thereby and that the County shall not be liable for any reason or under any circumstances on, or as a result of the issuance of or failure to issue, RZFBs, the acquisition or construction of recovery zone property within the County or the operation of such property within the County.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that:

1. The Board of Commissioners finds that the conditions set forth in the ARRA for qualification of a geographic area as a "Recovery Zone", viz., poverty, unemployment, home foreclosures and general distress, exist throughout the County of Oakland.

PLANNING & BUILDING COMMITTEE VOTE:

Motion carried unanimously on a roll call vote.

2. The Board of Commissioners hereby designates the County of Oakland, State of Michigan, as a "Recovery Zone" within the meaning of the ARRA, effective immediately.

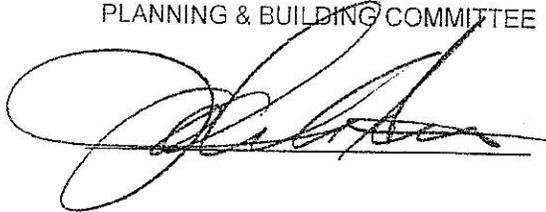
3. Recovery Zone Facility Bonds issued by the County shall in each and every case clearly and unequivocally state on their face that they are payable solely and only out of the security provided by the business benefited by them and that the County shall not be liable for any reason or under any circumstances on, or as a result of the issuance of or failure to issue, the Recovery Zone Facility Bonds, or for any action taken by any person relating to the acquisition or construction of "recovery zone property" or for the operation of any such property.

4. The County Executive and/or his designees are hereby authorized on behalf of the Board of Commissioners to take such action as may be necessary or appropriate to fulfill the purposes of this resolution, including but not limited to notification of the State of Michigan and the United States Government that the County Board of Commissioners has designated the County as a "Recovery Zone" under ARRA, and to establish procedures and conditions for the issuance by the County or the County Economic Development Corporation of RZFBs, and to take such other action as may be necessary or desirable to satisfy any additional conditions or qualifications now existing or hereafter established under ARRA relating to Recovery Zone Facility Bonds and the allocation of bond limitation therefor.

5. The provisions of this resolution shall take precedence over all or any portion of any resolution heretofore adopted by this Board of Commissioners in conflict herewith.

Chairperson, on behalf of the Planning & Building Committee, I move the adoption of the foregoing resolution.

PLANNING & BUILDING COMMITTEE



Resolution #09141

July 15, 2009

Moved by Scott supported by Middleton the resolution be adopted.

AYES: Douglas, Gershenson, Gingell, Gosselin, Greimel, Hatchett, Jackson, Jacobsen, Long, McGillivray, Middleton, Nash, Potter, Potts, Runestad, Schwartz, Scott, Taub, Woodward, Zack, Bullard, Burns, Capello, Coleman. (24)

NAYS: None. (0)

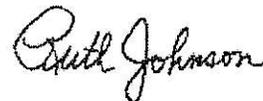
A sufficient majority having voted in favor, the resolution was adopted.


I HEREBY APPROVE THE FOREGOING RESOLUTION
ACTING PURSUANT TO 1973 PA 139

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 15, 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 15th day of July, 2009.



Ruth Johnson, County Clerk

A Regular Meeting of the Troy City Council was held Monday, November 9, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:29 PM.

Father Ron Jozwiak of St. Elizabeth Ann Seton Catholic Church gave the Invocation. The Pledge of Allegiance to the Flag was given.

INSTALLATION CEREMONY: 2009-2011 City Council Convenes: a) Installation of New Members; b) Adoption of Rules of Procedure; c) Appointment of Mayor Pro Tem

(a) Installation of New Members

Members of the City Council who begin new terms were administered the Oath of Office.

ROLL CALL

Mayor Louise E. Schilling
Robin Beltramini
Wade Fleming
Martin Howrylak
Mary Kerwin
Maureen McGinnis
Dane Slater

(b) Adoption of Rules of Procedure

Resolution
Moved by Howrylak
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** the Rules of Procedure of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

Vote on Resolution to Amend Adoption of Rules of Procedure Rule 1 Appointment of Mayor Pro Tem

Resolution #2009-11-318
Moved by Kerwin
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** *Rule 1. APPOINTMENT OF MAYOR PRO TEM* of the Rules of Procedure of the City Council of the City of Troy to read: "The Mayor Pro Tem shall be elected by the Council from among its members, annually in November."

Yes: Schilling, Fleming, Kerwin, McGinnis, Slater
No: Beltramini, Howrylak

MOTION CARRIED

Vote on Resolution to Amend Adoption of Rules of Procedure Rule 6 Order of Business and Rule 16 Members of the Public and Visitors

Resolution #2009-11-319

Moved by Kerwin

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **AMENDS** *Rule 6 ORDER OF BUSINESS* and *Rule 16 MEMBERS OF THE PUBLIC AND VISITORS* of the Rules of Procedure of the City Council of the City of Troy as presented.

Yes: Beltramini, Fleming, Kerwin, McGinnis, Slater, Schilling

No: Howrylak

MOTION CARRIED

Vote on Resolution to Amend Adoption of Rules of Procedure Rule 12 Withdrawal of Motions Prior to Voting

Resolution #2009-11-320

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ADOPTS** *Rule 12 WITHDRAWAL OF MOTIONS PRIOR TO VOTING* of the Rules of Procedure of the City Council of the City of Troy.

Yes: All-7

No: None

MOTION CARRIED

Vote on Resolution to Adopt Rules of Procedure as Amended

Resolution #2009-11-321

Moved by Howrylak

Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** the Rules of Procedure of the City Council of the City of Troy as **AMENDED** and recorded by the City Clerk in the Minutes of this meeting.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini, Fleming

No: Howrylak

MOTION CARRIED

(c) Appointment of Mayor Pro Tem

Resolution #2009-11-322
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPOINTS** Wade Fleming to serve as Mayor Pro Tem for the City Council of the City of Troy.

Yes: Kerwin, McGinnis, Slater, Beltramini, Fleming, Howrylak
No: Schilling

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Cathy Russ, Library Director provided a Library update and presented the 2008-2009 Troy Public Library Annual Report.
- b) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Pam Brady recognizing her participation in *America Recycles 2009*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Community Development Block Grant (CDBG) 2010 Application

The Mayor opened the public hearing.
The Mayor closed the public hearing after receiving no public comment.

Resolution #2009-11-323
Moved by Kerwin
Seconded by Beltramini

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs;

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan;

WHEREAS, The City of Troy has duly advertised and conducted a public hearing on November 09, 2009 for the purpose of receiving public comments regarding the proposed use of PY 2010

Community Development Block Grant funds (CDBG) in the approximate amount of \$167,960.00; and

WHEREAS, The City of Troy found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
172170-730744	Flood Drain Improvements	\$115,072.00
172160-732170	Public Services (Yard Services)	\$ 50,388.00
172140-730789	General Program Administration	\$ 2,500.00

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy CDBG application be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and hereby **AUTHORIZES** the Mayor and City Clerk to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yes: All-7

No: None

MOTION CARRIED

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

The Mayor opened the public hearing.

The Mayor closed the public hearing after receiving public comment from:

Dennis Urick	City of Royal Oak Hospital Finance Authority
Lisa Higgin	Miller Canfield for City of Royal Oak Hospital Finance Authority
Marvin Reinhardt	Opposed

Resolution #2009-11-324

Moved by Slater

Seconded by Fleming

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

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) and Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$305,000,000 to provide funds with which to make loans to the Hospital;

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

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

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

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

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

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

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$305,000,000 in aggregate principal amount of the Bonds by the Authority.
2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority.

Yes: All-7
No: None

MOTION CARRIED

PUBLIC COMMENT:

Harry Philo	Item D-2
Marvin Reinhardt	Miscellaneous Issues
James Savage	Transit Center
Patty Koerner	Council Absences, Library

The Meeting **RECESSED** at 8:54 PM.

The Meeting **RECONVENED** at 9:00 PM.

POSTPONED ITEMS:

D-1 Nomination and Appointment to Personnel Board

a) City Council Nomination

Resolution #2009-11-325
 Moved by Schilling
 Seconded by Kerwin

RESOLVED, That Troy City Council hereby **NOMINATES** Ann M. Comiskey for consideration for appointment to the Personnel Board to fill the unexpired term of April 30, 2011.

Yes: Schilling, Beltramini, Howrylak, Kerwin, McGinnis, Slater
 No: Fleming

MOTION CARRIED

b) City Council Appointment

Resolution #2009-11-326
 Moved by Kerwin
 Seconded by Slater

RESOLVED, That Troy City Council hereby **APPOINTS** the following person to serve on the Personnel Board with an unexpired term of April 30, 2011 as indicated:

<u>ROLL CALL VOTE:</u>	<u>NOMINATIONS</u>	
	<u>Gerard T. Staeger</u>	<u>Ann M. Comiskey</u>
Schilling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Beltramini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fleming	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Howrylak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kerwin	<input type="checkbox"/>	<input checked="" type="checkbox"/>
McGinnis	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Slater	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Vote on Resolution to Confirm the Appointment to the Personnel Board

Resolution #2009-11-327
 Moved by Kerwin
 Seconded by Slater

RESOLVED, That Troy City Council hereby **CONFIRMS** the appointment of Ann M. Comiskey to serve on the Personnel Board to fill the unexpired term of April 30, 2011.

Yes: All-7
 No: None

MOTION CARRIED

D-2 Scheduling of a Special Election for February 23, 2010 and Direct City Administration to Prepare Ballot Language

Resolution #2009-11-328
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SCHEDULES** a February 23, 2010 Special Election for voters to vote on a proposed millage question and **DIRECTS** City Administration to draft ballot language with a proposed millage rate increase of 1.9 mills for the next five years, to be utilized to restore Public Safety and Quality of Life venues, with the language to be provided to the City Council on the next Regular City Council Meeting Agenda for Council Action.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini
No: Fleming, Howrylak

MOTION CARRIED

Vote on Resolution to Suspend City Council Rules

Resolution #2009-11-329
Moved by Slater
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** *Rule #6 ORDER OF BUSINESS* of the City Council Rules to allow City Council to take action on resolutions directing City Administration regarding the 6-Year Organizational Plan.

Yes: All-7
No: None

MOTION CARRIED

Vote on Resolution to Table Discussion

Resolution #2009-11-330
Moved by Schilling
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **TABLES** the discussion until after a resolution is drafted by Administration.

Yes: All-7
No: None

MOTION CARRIED

The Meeting **RECESSED** at 10:10 PM.

The Meeting **RECONVENED** at 10:22 PM.

Vote on Resolution Authorizing the Use of General Fund Balance

Resolution #2009-11-331
 Moved by Beltramini
 Seconded by Kerwin

WHEREAS, City Council has a Budget policy of maintaining a general fund balance between 10% and 17% of the general fund; and

WHEREAS, There is a need to use general fund to balance future budgets, as long as the unreserved undesignated fund balance does not fall below 15% of the adopted general fund budget;

NOW THEREFORE, BE IT RESOLVED, That City Administration is **AUTHORIZED** to utilize general fund balance to balance budgets as long as the undesignated unreserved general fund balance remains at 15% or greater.

Yes: All-7
 No: None

MOTION CARRIED

REGULAR BUSINESS:

E-1 **Appointments to Boards and Committees: (a) Mayoral Appointments: None Scheduled (b) City Council Appointments: Liquor Advisory Committee**

a) **Mayoral Appointments – None Scheduled**

b) **City Council Appointments**

Resolution #2009-11-332
 Moved by Kerwin
 Seconded by Howrylak

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

Liquor Advisory Committee

Appointed by Council (7 Regular) - Student 1-Year Term

Lauren E. Harden - Student

Term Expires 07/01/2010

Yes: All-7
 No: None

MOTION CARRIED

E-2 **Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Forwarded (b) City Council Nominations: None Forwarded**

- a) **Mayoral Nominations** – None Forwarded
- b) **City Council Nominations** – None Forwarded

E-3 **Troy City Code Ordinance Amendments – Chapter 103 – Alarm Ordinance; Chapter 60 – Fees and Bonds Required; and Chapter 88 – Nuisances**

a) **Adoption of Troy City Code Chapter 103 – Alarm Ordinance**

Resolution #2009-11-333
Moved by Slater
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 103, Alarm Ordinance, of the Troy City Code as recommended by the City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Schilling, Kerwin, McGinnis, Slater
No: Beltramini, Fleming, Howrylak

MOTION CARRIED

b) **Amendment of Troy City Code Chapter 60 – Fees and Bonds Required**

Resolution #2009-11-334
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required, of the Troy City Code as recommended by the City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

c) **Amendment to Troy City Code Chapter 88 – Nuisances**

Resolution #2009-11-335
Moved by Kerwin
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 88, Nuisances, of the Troy City Code, as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

Yes: Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling

No: Beltramini

MOTION CARRIED

E-4 Bid Waiver – Printing of Election and Voter Registration Materials

Resolution #2009-11-336

Moved by Beltramini

Seconded by Kerwin

WHEREAS, Printing Systems, Inc. provides Election related supplies and printed materials that comply with State of Michigan standards;

WHEREAS, Printing Systems, Inc. has provided the City of Troy with the required materials as a result of the lowest quote and regularly as the only vendor able to provide the materials requested in the quotes; and

WHEREAS, Printing Systems, Inc. holds the contract for ballot printing and supply kits with Oakland County and it is desirable to utilize Printing Systems, Inc. for ballot folding and specialized forms in conjunction with the County procurement;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the purchase of printing of election and voter registration materials from Printing Systems, Inc. at an estimated cost of \$40,000.00 per fiscal year, through December 31, 2012.

Yes: All-7

No: None

MOTION CARRIED

E-5 Winter Maintenance Agreement – Road Commission for Oakland County

Resolution #2009-11-337

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the 2009-2010 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for snow and ice control of certain primary and local roads, which are described and outlined in Exhibit A; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the necessary documents, and a copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-11-338
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-4c which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed, and Item F-2 as amended.

Yes: All-7
No: None

MOTION CARRIED

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

F-2 Approval of City Council Minutes

Resolution #2009-11-338-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of October 19, 2009 as amended.

F-3 City of Troy Proclamation:

Resolution #2009-11-338-F-3

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

- a) America Recycles 2009

F-4 Standard Purchasing Resolutions:

a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Elevator Weight Tests, Relief Valve Testing, Bi-Monthly Inspection, and Repairs**

Resolution #2009-11-338-F-4a

WHEREAS, On November 13, 2006, a three-year contract to provide elevator weight tests, relief valve testing, bi-monthly inspections and repairs with an option to renew for an additional three (3) years at four municipal buildings was awarded to the lowest acceptable bidder, Elevator Technology, Inc. of Detroit, Michigan (Resolution #2006-11-333-E-4c); and

WHEREAS, Elevator Technology, Inc. has agreed to exercise the option to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **EXERCISES** the option to renew the contract with Elevator Technology, Inc. to provide elevator inspection, weight testing, maintenance and repairs under the same prices, terms, and conditions for three-years at unit prices contained in the bid tabulation opened October 25, 2006, to expire December 31, 2012.

b) **Standard Purchasing Resolution 8: Best Value Award – Hall and Banquet Services**

Resolution #2009-11-338-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract beginning with fiscal year 2009/2010 to provide Hall and Banquet Services with an option to renew for three additional years to the highest rated bidder, the American Polish Cultural Center of Troy, MI, as a result of a best value process, which City Council has determined best serves the public interest at a cost of \$39.00 per plate including gratuity for the Fire Appreciation Banquet and \$20.00 per plate including gratuity for the Employee Holiday Party, as long as the events are budgeted annually for the Fire Appreciation Banquet, and funded through commissions from vending machines and ticket sales for the Employee Holiday Party; and

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

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

F-5 Acceptance of a Water Main Easement – HCR Manorcare Properties, LLC – Sidwell #88-20-03-102-022

Resolution #2009-11-338-F-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main from HCR Manorcare Properties, LLC, owner of the property having Sidwell #88-20-03-102-022; 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-6 Acceptance of a Water Main Easement – Kirts Office Center Associates, LLC – Sidwell #88-20-28-101-054

Resolution #2009-11-338-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main from Kirts Office Center Associates, LLC, owner of the property having Sidwell #88-20-28-101-054; 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 Approval of MDOT Subcontract with Hubbell, Roth & Clark, Inc. for Construction Engineering Services for the Reconstruction of Wattles Road, 1000' East and West of Rochester Road – Project No. 99.203.5

Resolution #2009-11-338-F-7

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Subcontract between the City of Troy and Hubbell, Roth & Clark, Inc. for construction engineering services for the reconstruction and widening of Wattles Road, 1,000' East and West of Rochester Road, at an estimated cost of \$310,458.27, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Approval of MDOT Subcontract with Hubbell, Roth & Clark, Inc. for Construction Engineering Services for the Reconstruction of Rochester Road from Torpey to Barclay – Project No. 99.203.5

Resolution #2009-11-338-F-8

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Subcontract between the City of Troy and Hubbell, Roth & Clark, Inc. for construction engineering services for the reconstruction and widening of Rochester Road, from Torpey to Barclay, at an estimated cost of \$1,241,042.95, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-9 Approval of 2009 Request to Waive Recapture Form

Resolution #2009-11-338-F-9

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th);

WHEREAS, The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation;

WHEREAS, All unobligated 2007 and older funds are at risk of recapture December 31, 2009;

WHEREAS, Troy may protect unobligated 2007 funds from recapture for one additional year by requesting a waiver; and

WHEREAS, A separate waiver request form must be submitted for each 2007 line item to the Manager of the Oakland County Community & Home Improvement Division no later than Monday, December 14, 2009;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **REQUESTS** to waive recapture of 2007 CDBG funds as follows:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
730744	Flood Drain Improvements	\$92,641.00
732170	Yard Services	\$70,000.00

F-10 Approval of Request to Permit Use of Shell Crackers to Disperse Migratory Waterfowl – Emerald Lakes Subdivision

Resolution #2009-11-338-F-10

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

1. Shell crackers shall not be discharged before 7:00 a.m. and not after dark in the evening;
2. The permittee(s) shall notify the Police Communications Section prior to discharging the shell crackers and shall provide the police with his/her name(s) and phone number(s);
3. A violation of either of the above limitations shall be cause for immediate revocation of the City authorization;
4. Authorization shall expire December 31, 2011.

F-11 Approval of Request from Walgreen Co. (An Illinois Corporation) for a New SDM License with Drive-up Window (without alcoholic beverage sales) to be Located at 2932 East Long Lake – MLCC Request #521903

(a) New License

Resolution #2009-11-338-F-11a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Walgreen Co. (An Illinois Corporation) for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 2932 East Long Lake, Troy, MI 48085 Oakland County {MLCC Request #521903} “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) **Agreement**

Resolution #2009-11-338-F-11b

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 Walgreen Co. (An Illinois Corporation), for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 2932 East Long Lake, Troy, MI 48085 Oakland County, 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 Approval of Request from Walgreen Co. (An Illinois Corporation) for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 1965 E Big Beaver – MLCC Request #521882

(a) **New License**

Resolution #2009-11-338-F-12a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Walgreen Co. (An Illinois Corporation) for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 1965 E Big Beaver, Troy, MI 48083 Oakland County {MLCC Request #521882} “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) **Agreement**

Resolution #2009-11-338-F-12b

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 Walgreen Co. (An Illinois Corporation), for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 1965 E Big Beaver, Troy, MI 48083 Oakland

County, 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-13 Contract Award: Informal Quote Process – Snow Removal Rental Equipment Including Operators

Resolution #2009-11-338-F-13

RESOLVED, That Troy City Council hereby **AWARDS** contract(s) to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season utilizing an informal quote process to the following vendors at the hourly rates contained in Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting:

<u>Company Name</u>	<u>Location</u>
Florence Cement Company	Shelby Township, MI
Diponio Contracting	Shelby Township, MI
Sterling Topsoil and Grading	Fraser, MI
ABC Paving Company	Trenton, MI

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to extend the hourly contract prices to other contractors, after the successful bidders have been employed, to speed the snow removal process during times of snow emergencies; and

BE IT FINALLY RESOLVED, That the contracts will expire April 15, 2010, and are **CONTINGENT** upon submission of properly executed contract documents, including insurance certificates, agreements, and all other specified requirements, and Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-14 Traffic Committee Recommendations – October 21, 2009

a) Installation of STOP Sign on Southbound Ruthland at Kirk Lane

Resolution #2009-11-338-F-14a

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-03-SS be issued for the installation of a STOP sign on southbound Ruthland at Kirk Lane.

b) Installation of STOP Sign on Norton at Quill Creek

Resolution #2009-11-338-F-14b

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-04-SS be issued for the installation of a STOP sign on Norton at Quill Creek.

c) Installation of STOP Sign on Marengo at Norton

Resolution #2009-11-338-F-14c

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-05-SS be issued for the installation of a STOP sign on Marengo at Norton.

d) Establishment of Fire Lanes/Tow Away Zones – 3039 Rochester Road

Resolution #2009-11-338-F-14d

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-05-MR be issued for the establishment of fire lanes/tow away zones at 3039 Rochester Road as recommended by the Fire Department.

e) Establishment of Fire Lanes/Tow Away Zones – 925 W. South Boulevard

Resolution #2009-11-338-F-14e

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-06-MR be issued for the establishment of fire lanes/tow away zones at 925 W. South Boulevard as recommended by the Fire Department.

f) Establishment of Fire Lanes/Tow Away Zones – 791 W. Big Beaver

Resolution #2009-11-338-F-14f

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-07-MR be issued for the establishment of fire lanes/tow away zones at 791 W. Big Beaver as recommended by the Fire Department.

g) Establishment of Fire Lanes/Tow Away Zones – 1026 Maplelawn

Resolution #2009-11-338-F-14g

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-08-MR be issued for the establishment of fire lanes/tow away zones at 1026 Maplelawn as recommended by the Fire Department.

F-4 Standard Purchasing Resolutions:**c) Standard Purchasing Resolution 4: US Communities Government Purchasing Alliance Program – Landscape Structures, Inc.**

Resolution #2009-11-339

Moved by Fleming

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase climbing boulder play equipment along with engineered wood fiber safety surface through the US Communities Government Purchasing Alliance Program Contract #040377 with Landscape Structures, Inc. for an estimated total cost of \$53,982.00, as detailed in project proposal #09-600A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and funded through the Community Development Block Grant Program; and

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon submission of properly executed insurance certificate(s) and any other specified requirements.

Yes: All-7

No: None

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums:

- a) City of Troy v Chowdhury/Proposed Amendment to Chapter 98 – Criminal Code
Noted and Filed

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments

Mayor Schilling encouraged all who can to come to the Veterans' Day Ceremony at Veterans' Plaza on Wednesday, November 11, 2009 from 11:00 AM to Noon.

Council Member Beltramini informed Council Members that she has the handbook on ethics for Michigan municipalities for any who are interested in reading it.

Council Member Slater commented on Item J-3a, and offered his gratitude to Sylvan Glen Pro Shop Staff.

Council Member Kerwin congratulated Mayor Pro Tem Fleming, and commented on training and orientation by the Michigan Municipal League.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Retiree Health Care Benefits Plan & Trust/Amended/Final – April 8, 2009
- b) Downtown Development Authority/Final – May 27, 2009
- c) Retiree Health Care Benefits Plan & Trust/Final – August 12, 2009
- d) Employees' Retirement System Board of Trustees/Final – September 9, 2009
- e) Liquor Advisory Committee/Final – September 14, 2009
- f) Historic Commission/Final – September 29, 2009
- g) Ethnic Issues Advisory Board/Draft – October 6, 2009
- h) Planning Commission Special/Study/Draft – October 6, 2009
- i) Planning Commission Special/Study/Final – October 6, 2009
- j) Liquor Advisory Committee/Draft – October 12, 2009
- k) Planning Commission/Draft – October 13, 2009
- l) Planning Commission/Final – October 13, 2009
- m) Library Advisory Board/Draft – October 15, 2009
- n) Troy Daze Advisory Committee/Draft – October 27, 2009

Noted and Filed

J-2 Department Reports:

- a) City Council Expense Report – October, November 2009
- b) Building Department – Permits Issued September 2009
- c) City Manager's Office – September 30, 2009 Quarterly Financial Report
- d) Golf Course Monthly Operations Summary for September 2009

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Kraig Schmottlach from Golf Course Patron Chris Coussens Regarding the Excellent Service Received from the Sylvan Glen Golf Course Staff
- b) Letter of Appreciation to Chief Mayer from Chief Nelson Regarding the Assistance and Support during Funeral for Fire Staff Technician Jack Schoenbeck
- c) Letter of Thanks to Chief Mayer from Old Navy Leadership Team Regarding Support during Kids Safety Event
- d) Telephone Call from Strathmore Village Resident Beryl Bradick in Appreciation of the Outstanding Service of the Police Department
- e) Letter of Appreciation to Chief Mayer from Royal Oak Police Chief Jahnke Regarding the Police Department Support at the 2009 Woodward Dream Cruise
- f) Letter of Thanks to Chief Mayer from Resident Victor Sandy Regarding the Efforts of the Police Department during Home Invasion
- g) Letter of Thanks to John Szerlag from Hills of Charnwood Homeowners Association
- h) Letter of Appreciation from Taniel Nishanian Regarding Tringali Sanitation
- i) Letter of Appreciation from the Family of Renee Barr Regarding the Professionalism and Kindness of Police Officers
- j) Letter of Appreciation to Chief Mayer from Peggy Ruffin Commending the Actions of Officer Giordano
- k) Letter of Appreciation to Timothy Richnak from Bob Schultz, Courtwood Villa Condominium Association President, Regarding the Dedication and Positive Attitudes of Public Works Staff

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Village of Beverly Hills Resolution Opposing the Elimination of 20J Funding for Certain School Districts
- b) City of Royal Oak Resolution Opposing House Bill 5056
- c) City of Royal Oak Resolution Requesting Local Control be Retained if House Bill 5056 Passes

Noted and Filed

J-5 Troy Youth Assistance Board Meeting Minutes – September 17, 2009

Noted and Filed

J-6 Communication from Public Works Director Timothy Richnak Regarding Program Year 2009 Community Development Block Grant (CDBG) Funds

Noted and Filed

J-7 Communication from City Attorney Lori Grigg Bluhm Regarding Stephanie Cobb v City of Troy d/b/a/ The Northridge Office Center

Noted and Filed

J-8 Communication from City Council Member Robin Beltramini Regarding NLC Finance, Administration and Intergovernmental Relations Steering Committee Meeting

Noted and Filed

J-9 Communication from Police Chief Gary Mayer Regarding Reimbursement Revenue

Noted and Filed

J-10 Communication from Michigan Liquor Control Commission Regarding Class C Liquor License Transfer out of Troy – Paragon of Michigan 2360 Rochester Road

Noted and Filed

J-11 Communication from Michigan Liquor Control Commission Regarding Wal-Mart Approval of Appeal

Noted and Filed

J-12 Rules of Procedure for the Charter Revision Committee

Noted and Filed

J-13 Communication from City Attorney Lori Grigg Bluhm Regarding Article on Constitutional and Charter Revision

Noted and Filed

J-14 Communication from Library Director Cathleen Russ Regarding Drive-up Materials Return at the Troy Public Library

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 11:03 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk



CITY COUNCIL ACTION REPORT

November 16, 2009

TO: John Szerlag, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Request for Recognition as a Nonprofit Organization Status from Kristine Casco, Member of the Board of Directors for the Pink Rose Inspirational Foundation, Inc.

Background:

- Attached is a request from Kristine Casco, Member of the Board of Directors for the Pink Rose Inspirational Foundation, Inc. seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes.
- It has been City Management's practice to support the approval of all such requests.

2009 NOV 9 PM 1:45

Pink Rose Inspirational Foundation, Inc.

920 East Lincoln

Birmingham, Michigan 48009

Telephone (248) 593-5308

Email Staff@pinkroseinspiration.org

Nicholas Pyykkonen, President
Beth Pyykkonen, Secretary
Tiffani Tuzzolino, Treasurer

Incorporated Nonprofit
Organization

October 10, 2009

City of Troy Mayor and City Council
500 West Big Beaver
Troy, MI 48084

Dear Mayor and City Council,

It is the request of the Pink Rose Inspirational Foundation that we obtain a Gaming License to operate a charity game room.

The mission of this foundation is to host fun and inspirational events so we may raise as much money as possible to help fund new research programs for breast cancer, while spreading awareness about this disease.

The Pink Rose Inspirational Foundation, Inc. was founded by Nicholas Pyykkonen after he lost two aunts to breast cancer and watched his mother experience the effects of the same disease. His Aunt Kathy, an inspiration, lost her battle on April 21, 2005 and his mother was diagnosed on March 17, 2006. Two sisters, best friends in life, outstanding teachers, daughters, wives, mothers and aunts. The youngest of three girls, Nick's mom has taken care of her entire family after they were diagnosed. Nick's grandfather lost his battle to prostate cancer and his grandmother, continues to fight metastasized colon cancer. Wanting to do something to stop this "beast" from invading the lives of other families, Nick launched the Pink Rose Inspirational Foundation in October, 2007 and Incorporated in July 2008.

The foundation is a non-profit organization and all donations are greatly appreciated. The Pink Rose Inspirational Foundation is focused on helping to find a cure for this cruel disease. We offer support to families in need and understand this journey.

Sincerely,



Kristine Casko
Board of Directors
The Pink Rose Inspirational Foundation, Inc.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
BUREAU OF STATE LOTTERY
LANSING



M. SCOTT BOWEN
COMMISSIONER

LOCAL CIVIC ORGANIZATION QUALIFICATION REQUIREMENTS

Please allow at least 8 weeks for the qualification process.

If the organization has never submitted qualifying information as a local civic organization, the following information shall be submitted in the name of the organization prior to being approved to conduct a bingo, millionaire party, raffle, or charity game. A previously qualified organization may be required to submit updated qualification information to assure its continued eligibility under the act.

1. A signed and dated copy of the organization's current bylaws or constitution, including membership criteria.
2. A complete copy of the organization's Articles of Incorporation that have been filed with the Corporations and Securities Bureau, if the organization is incorporated.
3. A copy of the letter from the IRS stating the organization is exempt from federal tax under IRS code 501(c)

OR

copies of one bank statement per year for the previous five years, excluding the current year.

4. A provision in the bylaws, constitution, or Articles of Incorporation that states should the organization dissolve, all assets, and real and personal property will revert:
 - A. If exempt under 501(c)3, to another 501(c)3 organization.
 - B. If not exempt under 501(c)3, to the local government.
5. A revenue and expense statement for the previous 12 month period to prove all assets are used for charitable purposes, i.e. 990's, treasurer's report, audit. Do not send check registers or cancelled checks. Explain the purpose of each expenditure made to an individual. Once the organization has conducted licensed gaming events, the Bureau may require the organization to provide additional proof that all assets are being used for charitable purposes.
6. A copy of a resolution passed by the local body of government stating the organization is a recognized nonprofit organization in the community (form attached).
7. A provision in the bylaws, constitution, or Articles of Incorporation indicating the organization will remain nonprofit forever.

Additional information may be requested after the initial documents submitted have been reviewed. If you have any questions or need further assistance, please call our office at (517) 335-5780.

Act 382 of the Public Acts of 1972, as amended, defines a local civic organization as an organization "that is organized not for pecuniary profit; that is not affiliated with a state or national organization; that is recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities; whose constitution, charter, articles of incorporation, or bylaws contain a provision for the perpetuation of the organization as a nonprofit organization; whose entire assets are used for charitable purposes; and whose constitution, charter, articles of incorporation, or bylaws contain a provision that all assets, real property, and personal property shall revert to the benefit of the local governmental subdivision that granted the resolution upon dissolution of the organization."

BSL-CG-1453(2/09)

All Lottery profits support K-12 public education in Michigan.

101 E. HILLSDALE • P.O. BOX 30023 • LANSING, MICHIGAN 48909
www.michigan.gov/cg • (517) 335-5780



Charitable Gaming Division
 Box 30023, Lansing, MI 48909
 OVERNIGHT DELIVERY:
 101 E. Hillsdale, Lansing MI 48933
 (517) 335-5780
 www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
 (Required by MCL.432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
 PENALTY: Possible denial of application.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 24 2009

Employer Identification Number:



THE PINK ROSE INSPIRATIONAL
FOUNDATION INC
C/O NICHOLAS R PYYKKONEN
2617 GLEN DR
TROY, MI 48098

Contact Person:

ALICE T LI

ID#

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

DECEMBER 31

Public Charity Status:

509(a)(2)

Form 990 Required:

YES

Effective Date of Exemption:

JULY 29, 2008

Contribution Deductibility:

YES

Addendum Applies:

NO

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

THE PINK ROSE INSPIRATIONAL

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Choi".

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Publication 4221-PC

**Application for Recognition of Exemption
 Under Section 501(c)(3) of the Internal Revenue Code**

Use the instructions to complete this application and for a definition of all bold items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at www.irs.gov for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

Part I Identification of Applicant

1 Full name of organization (exactly as it appears in your organizing document)		2 c/o Name (if applicable)	
The Pink Rose Inspirational Foundation Inc.		Nicholas R Pyykkonen	
3 Mailing address (Number and street) (see instructions)	Room/Suite	4 Employer Identification Number (EIN)	
2617 Glen Dr.		[REDACTED]	
City or town, state or country, and ZIP + 4		5 Month the annual accounting period ends (01 - 12)	
Troy, MI 48098		12	
6 Primary contact (officer, director, trustee, or authorized representative)		b Phone: 248-404-7221	
a Name: Nicholas R Pyykkonen		c Fax: (optional) N/A	
7 Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
9a Organization's website: N/A			
b Organization's email: (optional) PinkRoseInspiration@gmail.com			
10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY)		07/29/2008	
12 Were you formed under the laws of a foreign country? If "Yes," state the country. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Part II Organizational Structure

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. (See instructions.) **DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.**

- 1 Are you a corporation? If "Yes," attach a copy of your articles of incorporation showing certification of filing with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification. Yes No
- 2 Are you a limited liability company (LLC)? If "Yes," attach a copy of your articles of organization showing certification of filing with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application. Yes No
- 3 Are you an unincorporated association? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments. Yes No
- 4a Are you a trust? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments. Yes No
- b Have you been funded? If "No," explain how you are formed without anything of value placed in trust. Yes No
- 5 Have you adopted bylaws? If "Yes," attach a current copy showing date of adoption. If "No," explain how your officers, directors, or trustees are selected. Yes No

Part III Required Provisions in Your Organizing Document

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. **DO NOT file this application until you have amended your organizing document.** Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

- 1 Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document. Refer to the instructions for exempt purpose language. Location of Purpose Clause (Page, Article, and Paragraph): **Attach, Pg 1, Para 1**
- 2a Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c.
- 2b If you checked the box on line 2a, specify the location of your dissolution clause (Page, Article, and Paragraph). Do not complete line 2c if you checked box 2a. **Attach, Pg 1, Para 2**
- 2c See the instructions for information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state:

Part IV Narrative Description of Your Activities

Using an attachment, describe your *past, present, and planned* activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may summarize that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the instructions for information that must be included in your description.

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors

- 1a List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual compensation, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
Please see Attachment.			

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

b List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A		
		
		
		
		

c List the names, names of businesses, and mailing addresses of your five highest compensated independent contractors that receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A		
		
		
		
		

The following "Yes" or "No" questions relate to *past, present, or planned* relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, and 1c.

- 2a** Are any of your officers, directors, or trustees related to each other through family or business relationships? If "Yes," identify the individuals and explain the relationship. Yes No
 - b** Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees. Yes No
 - c** Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship. Yes No
- 3a** For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.
- b** Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through common control? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement. Yes No
- 4** In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.
- a** Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy? Yes No
 - b** Do you or will you approve compensation arrangements in advance of paying compensation? Yes No
 - c** Do you or will you document in writing the date and terms of approved compensation arrangements? Yes No

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

- d Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements? Yes No
- e Do you or will you approve compensation arrangements based on information about compensation paid by similarly situated taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation. Yes No
- f Do you or will you record in writing both the information on which you relied to base your decision and its source? Yes No
- g If you answered "No" to any item on lines 4a through 4f, describe how you set compensation that is reasonable for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.

5a Have you adopted a conflict of interest policy consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c. Yes No

- b What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?
- c What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?

Note: A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.

6a Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation. Yes No

b Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation. Yes No

7a Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at arm's length, and explain how you determine or will determine that you pay no more than fair market value. Attach copies of any written contracts or other agreements relating to such purchases. Yes No

b Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales. Yes No

8a Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f. Yes No

- b Describe any written or oral arrangements that you made or intend to make.
- c Identify with whom you have or will have such arrangements.
- d Explain how the terms are or will be negotiated at arm's length.
- e Explain how you determine you pay no more than fair market value or you are paid at least fair market value.
- f Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.

9a Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If "Yes," provide the information requested in lines 9b through 9f. Yes No

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

- b Describe any written or oral arrangements you made or intend to make.
- c Identify with whom you have or will have such arrangements.
- d Explain how the terms are or will be negotiated at arm's length.
- e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.
- f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to *past, present, and planned* activities. (See instructions.)

- 1a In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals. Yes No
- b In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations. Yes No
- 2 Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program. Yes No
- 3 Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds. Yes No

Part VII Your History

The following "Yes" or "No" questions relate to your history. (See instructions.)

- 1 Are you a successor to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to non-profit status. If "Yes," complete Schedule G. Yes No
- 2 Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E. Yes No

Part VIII Your Specific Activities

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to *past, present, and planned* activities. (See instructions.)

- 1 Do you support or oppose candidates in political campaigns in any way? If "Yes," explain. Yes No
- 2a Do you attempt to influence legislation? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a. Yes No
- b Have you made or are you making an election to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money spent on your attempts to influence legislation as compared to your total activities. Yes No
- 3a Do you or will you operate bingo or gaming activities? If "Yes," describe who conducts them, and list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Yes No
- b Do you or will you enter into contracts or other agreements with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you made or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies or any written contracts or other agreements relating to such arrangements. Yes No
- c List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.

Part VIII Your Specific Activities (Continued)

- 4a Do you or will you undertake fundraising? If "Yes," check all the fundraising programs you do or will conduct. (See instructions.) Yes No
- | | |
|--|--|
| <input checked="" type="checkbox"/> mail solicitations | <input type="checkbox"/> phone solicitations |
| <input checked="" type="checkbox"/> email solicitations | <input type="checkbox"/> accept donations on your website |
| <input type="checkbox"/> personal solicitations | <input type="checkbox"/> receive donations from another organization's website |
| <input checked="" type="checkbox"/> vehicle, boat, plane, or similar donations | <input type="checkbox"/> government grant solicitations |
| <input type="checkbox"/> foundation grant solicitations | <input checked="" type="checkbox"/> Other |
- Attach a description of each fundraising program.
- b Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements. Yes No
- c Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements. Yes No
- d List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.
- e Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors. Yes No
-
- 5 Are you affiliated with a governmental unit? If "Yes," explain. Yes No
-
- 6a Do you or will you engage in economic development? If "Yes," describe your program. Yes No
- b Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.
-
- 7a Do or will persons other than your employees or volunteers develop your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees. Yes No
- b Do or will persons other than your employees or volunteers manage your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees. Yes No
- c If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.
-
- 8 Do you or will you enter into joint ventures, including partnerships or limited liability companies treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate. Yes No
-
- 9a Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10. Yes No
- b Do you provide child care so that parents or caretakers of children you care for can be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). Yes No
- c Of the children for whom you provide child care, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). Yes No
- d Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k). Yes No
-
- 10 Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other intellectual property? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed. Yes No

Part VIII Your Specific Activities (Continued)

- 11** Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution. Yes No
-
- 12a** Do you or will you operate in a foreign country or countries? If "Yes," answer lines 12b through 12d. If "No," go to line 13a. Yes No
- b** Name the foreign countries and regions within the countries in which you operate.
- c** Describe your operations in each country and region in which you operate.
- d** Describe how your operations in each country and region further your exempt purposes.
-
- 13a** Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a. Yes No
- b** Describe how your grants, loans, or other distributions to organizations further your exempt purposes.
- c** Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract. Yes No
- d** Identify each recipient organization and any relationship between you and the recipient organization.
- e** Describe the records you keep with respect to the grants, loans, or other distributions you make.
- f** Describe your selection process, including whether you do any of the following:
- (i)** Do you require an application form? If "Yes," attach a copy of the form. Yes No
- (ii)** Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused. Yes No
- g** Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.
-
- 14a** Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15. Yes No
- b** Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.
- c** Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries. Yes No
- d** Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors. Yes No
- e** Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information. Yes No
- f** Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately. Yes No

Part VIII Your Specific Activities (Continued)

- 15 Do you have a close connection with any organizations? If "Yes," explain. Yes No
- 16 Are you applying for exemption as a cooperative hospital service organization under section 501(e)? If "Yes," explain. Yes No
- 17 Are you applying for exemption as a cooperative service organization of operating educational organizations under section 501(f)? If "Yes," explain. Yes No
- 18 Are you applying for exemption as a charitable risk pool under section 501(n)? If "Yes," explain. Yes No
- 19 Do you or will you operate a school? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity. Yes No
- 20 Is your main function to provide hospital or medical care? If "Yes," complete Schedule C. Yes No
- 21 Do you or will you provide low-income housing or housing for the elderly or handicapped? If "Yes," complete Schedule F. Yes No
- 22 Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H. Yes No

Note: Private foundations may use Schedule H to request advance approval of individual grant procedures.

Part IX Financial Data

For purposes of this schedule, years in existence refer to completed tax years. If in existence 4 or more years, complete the schedule for the most recent 4 tax years. If in existence more than 1 year but less than 4 years, complete the statements for each year in existence and provide projections of your likely revenues and expenses based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. If in existence less than 1 year, provide projections of your likely revenues and expenses for the current year and the 2 following years, based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. (See instructions.)

A. Statement of Revenues and Expenses

	Type of revenue or expense	3 prior tax years or 2 succeeding tax years				(e) Provide Total for (a) through (d)
		(a) From To	(b) From To	(c) From To	(d) From To	
Revenues	1 Gifts, grants, and contributions received (do not include unusual grants)					0
	2 Membership fees received					0
	3 Gross investment income					0
	4 Net unrelated business income					0
	5 Taxes levied for your benefit					0
	6 Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)					0
	7 Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)	Please see Attachment.				0
	8 Total of lines 1 through 7	0	0	0	0	0
	9 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)					0
	10 Total of lines 8 and 9	0	0	0	0	0
	11 Net gain or loss on sale of capital assets (attach schedule and see instructions)					0
	12 Unusual grants					0
	13 Total Revenue Add lines 10 through 12	0	0	0	0	0
Expenses	14 Fundraising expenses					
	15 Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)					
	16 Disbursements to or for the benefit of members (attach an itemized list)					
	17 Compensation of officers, directors, and trustees					
	18 Other salaries and wages					
	19 Interest expense					
	20 Occupancy (rent, utilities, etc.)					
	21 Depreciation and depletion					
	22 Professional fees					
	23 Any expense not otherwise classified, such as program services (attach itemized list)					
	24 Total Expenses Add lines 14 through 23	0	0	0	0	

Part IX Financial Data (Continued)

B. Balance Sheet (for your most recently completed tax year)

		Year End:	
		(Whole dollars)	
Assets			
1	Cash	1	0
2	Accounts receivable, net	2	0
3	Inventories	3	0
4	Bonds and notes receivable (attach an itemized list)	4	0
5	Corporate stocks (attach an itemized list)	5	0
6	Loans receivable (attach an itemized list)	6	0
7	Other investments (attach an itemized list)	7	0
8	Depreciable and depletable assets (attach an itemized list)	8	0
9	Land	9	0
10	Other assets (attach an itemized list)	10	0
11	Total Assets (add lines 1 through 10)	11	0
Liabilities			
12	Accounts payable	12	0
13	Contributions, gifts, grants, etc. payable	13	0
14	Mortgages and notes payable (attach an itemized list)	14	0
15	Other liabilities (attach an itemized list)	15	0
16	Total Liabilities (add lines 12 through 15)	16	0
Fund Balances or Net Assets			
17	Total fund balances or net assets	17	0
18	Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17)	18	0
19	Have there been any substantial changes in your assets or liabilities since the end of the period shown above? If "Yes," explain.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Part X Public Charity Status

Part X is designed to classify you as an organization that is either a private foundation or a public charity. Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a private operating foundation. (See instructions.)

1a Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed. Yes No
If you are unsure, see the instructions.

b As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document. Go to line 2.

2 Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI. Yes No

3 Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4. Yes No

4 Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation? Yes No

5 If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.

The organization is not a private foundation because it is:

- a 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A.
- b 509(a)(1) and 170(b)(1)(A)(ii)—a school. Complete and attach Schedule B.
- c 509(a)(1) and 170(b)(1)(A)(iii)—a hospital, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C.
- d 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D.

Part X Public Charity Status (Continued)

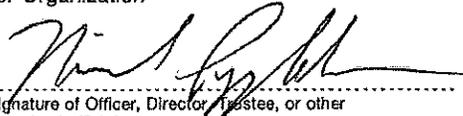
- e 509(a)(4)—an organization organized and operated exclusively for testing for public safety.
- f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit.
- g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public.
- h 509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross investment income and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions).
- i A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status.

6 If you checked box g, h, or i in question 5 above, you must request either an **advance** or a **definitive ruling** by selecting one of the boxes below. Refer to the instructions to determine which type of ruling you are eligible to receive.

- a **Request for Advance Ruling:** By checking this box and signing the consent, pursuant to section 6501(c)(4) of the Code you request an advance ruling and agree to extend the statute of limitations on the assessment of excise tax under section 4940 of the Code. The tax will apply only if you do not establish public support status at the end of the 5-year advance ruling period. The assessment period will be extended for the 5 advance ruling years to 8 years, 4 months, and 15 days beyond the end of the first year. You have the right to refuse or limit the extension to a mutually agreed-upon period of time or issue(s). Publication 1035, *Extending the Tax Assessment Period*, provides a more detailed explanation of your rights and the consequences of the choices you make. You may obtain Publication 1035 free of charge from the IRS web site at www.irs.gov or by calling toll-free 1-800-829-3676. Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled. If you decide not to extend the statute of limitations, you are not eligible for an advance ruling.

Consent Fixing Period of Limitations Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

For Organization


(Signature of Officer, Director, Trustee, or other authorized official)

Nicholas Pyykkonen
(Type or print name of signer)

9-23-08
(Date)

President/Director
(Type or print title or authority of signer)

For IRS Use Only

IRS Director, Exempt Organizations

(Date)

- b **Request for Definitive Ruling:** Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii).
- (i) (a) Enter 2% of line 8, column (e) on Part IX-A. Statement of Revenues and Expenses. _____
- (b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box.
- (ii) (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each **disqualified person**. If the answer is "None," check this box.
- (b) For each year amounts are included on line 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A. Statement of Revenues and Expenses, or (2) \$5,000. If the answer is "None," check this box.

7 Did you receive any unusual grants during any of the years shown on Part IX-A. Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual. Yes No

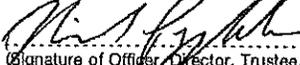
Part XI User Fee Information

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed \$10,000 annually over a 4-year period, you must submit payment of \$750. If your gross receipts have not exceeded or will not exceed \$10,000 annually over a 4-year period, the required user fee payment is \$300. See instructions for Part XI, for a definition of gross receipts over a 4-year period. Your check or money order must be made payable to the United States Treasury. User fees are subject to change. Check our website at www.irs.gov and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.

- 1 Have your annual gross receipts averaged or are they expected to average not more than \$10,000? Yes No
If "Yes," check the box on line 2 and enclose a user fee payment of \$300 (Subject to change—see above).
If "No," check the box on line 3 and enclose a user fee payment of \$750 (Subject to change—see above).
- 2 Check the box if you have enclosed the reduced user fee payment of \$300 (Subject to change).
- 3 Check the box if you have enclosed the user fee payment of \$750 (Subject to change).

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here


(Signature of Officer, Director, Trustee, or other authorized official)

Nicholas Pyykkonen
(Type or print name of signer)

9-23-08
(Date)

President/Director
(Type or print title or authority of signer)

Reminder: Send the completed Form 1023 Checklist with your filled-in-application.

Michigan Department of Labor & Economic Growth

Filing Endorsement

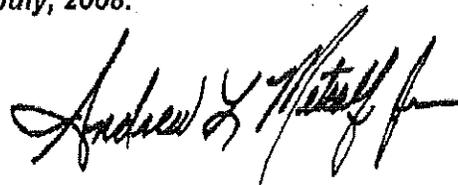
This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT
for
THE PINK ROSE INSPIRATIONAL FOUNDATION INC.

ID NUMBER: [REDACTED]

received by facsimile transmission on July 29, 2008 is hereby endorsed
Filed on July 29, 2008 by the Administrator.

The document is effective on the date filed, unless a
subsequent effective date within 90 days after
received date is stated in the document.

In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 29TH day
of July, 2008.



, Director



Bureau of Commercial Services

BCS/CO-902 (Rev. 12/03)

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH BUREAU OF COMMERCIAL SERVICES	
Date Received	(FOR BUREAU USE ONLY)
This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.	
Name Legalzoom.com, Inc. , Imelda Vasquez	
Address 7083 Hollywood Blvd. Ste. 180	
City Los Angeles	State CA
Zip Code 90028	
EFFECTIVE DATE:	

Document will be returned to the name and address you enter above.
 If left blank document will be mailed to the registered office.



ARTICLES OF INCORPORATION
 For use by Domestic Nonprofit Corporations
 (Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is: **The Pink Rose Inspirational Foundation Inc.**

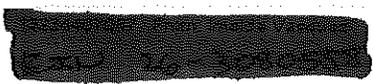
ARTICLE II

The purpose or purposes for which the corporation is organized are:
 Please see attachment.

ARTICLE III

1. The corporation is organized upon a nonstock basis.
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is _____ . If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:



Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We), the Incorporator(s) sign my (our) name(s) this 25th day of July, 2008

LegalZoom.com, Inc., By: Imelda Vasquez, Assistant Secretary

Attachment to
Articles of Incorporation of
The Pink Rose Inspirational Foundation Inc.

This corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code. This Corporation shall be a nonprofit corporation. The specific purpose for which this corporation is organized is to raise money for breast cancer research and awareness.

Upon the dissolution of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Section 501(h) of the Internal Revenue Code), and this corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of, or in opposition to, any candidate for public office.

No part of the net earnings of this corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these articles.

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

All references to sections of the Internal Revenue Code shall include such sections as of the date hereof and the corresponding section of any future federal tax code.

**Bylaws
of
Pink Rose Inspirational Foundation, Inc.**

**Article 1
Offices**

Section 1. Principal Office

The principal office of the corporation is located in Oakland County, State of Michigan.

Section 2. Change of Address

The designation of the county or state of the corporation's principal office may be changed by amendment of these bylaws. The board of directors may change the principal office from one location to another within the named county by noting the changed address and effective date below, and such changes of address shall not be deemed, nor require, an amendment of these bylaws:

New Address: _____

Dated: _____, 20__

New Address: _____

Dated: _____, 20__

Section 3. Other Offices

The corporation may also have offices at such other places, within or without its state of incorporation, where it is qualified to do business, as its business and activities may require, and as the board of directors may, from time to time, designate.

**Article 2
Nonprofit Purposes**

Section 1. IRC Section 501(c)(3) Purposes

This corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code.

Section 2. Specific Objectives and Purposes

The specific objectives and purposes of this corporation shall be:

1. To raise money for breast cancer research.
2. To raise awareness of breast cancer.
3. To host events that educates other people on the advances of breast cancer research.
4. To remain as a non-profit organization until the dissolution of this corporation.

5. To remain as a non-membership organization that will not have any members at any time.

Article 3 Directors

Section 1. Number

The corporation shall have three directors and collectively they shall be known as the board of directors.

Section 2. Qualifications

Directors shall be of the age of majority in this state. Other qualifications for directors of this corporation shall be as follows: Age 21 or older.

Section 3. Powers

Subject to the provisions of the laws of this state and any limitations in the articles of incorporation and these bylaws relating to action required or permitted to be taken or approved by the members, if any, of this corporation, the activities and affairs of this corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the board of directors.

Section 4. Duties

It shall be the duty of the directors to:

- a. Perform any and all duties imposed on them collectively or individually by law, by the articles of incorporation, or by these bylaws;
- b. Appoint and remove, employ and discharge, and, except as otherwise provided in these bylaws, prescribe the duties and fix the compensation, if any, of all officers, agents, and employees of the corporation;
- c. Supervise all officers, agents, and employees of the corporation to assure that their duties are performed properly;
- d. Meet at such times and places as required by these bylaws;

Section 5. Term of Office

Each director shall hold office for a period of volunteered time and until his or her successor is elected and qualifies.

Section 6. Compensation

Directors shall serve without compensation. They shall be allowed reasonable advancement or reimbursement of expenses incurred in the performance of their duties. Any payments to directors shall be approved in advance in accordance with this corporation's conflict of interest policy, as set forth in Article 9 of these bylaws.

Section 7. Place of Meetings

Meetings shall be held at the principal office of the corporation unless otherwise provided by the board or at such other place as may be designated from time to time by resolution of the board of directors.

Section 8. Regular Meetings

Regular meetings of directors shall be held quarterly at the principal office.

If this corporation makes no provision for members, then, at the regular meeting of directors held when deemed necessary directors shall be elected by the board of directors.

They will be elected by open discussion by the board.

Section 9. Special Meetings

Special meetings of the board of directors may be called by the chairperson of the board, the president, the vice president, the secretary, by any two directors, or, if different, by the persons specifically authorized under the laws of this state to call special meetings of the board. Such meetings shall be held at the principal office of the corporation or, if different, at the place designated by the person or persons calling the special meeting.

Section 10. Notice of Meetings

Unless otherwise provided by the articles of incorporation, these bylaws, or provisions of law, the following provisions shall govern the giving of notice for meetings of the board of directors:

- a. **Regular Meetings.** No notice need be given of any regular meeting of the board of directors.
- b. **Special Meetings.** At least one week prior notice shall be given by the secretary of the corporation to each director of each special meeting of the board. Such notice may be oral or written, may be given personally, by first class mail, by telephone or by facsimile machine, and shall state the place, date, and time of the meeting and the matters proposed to be acted upon at the meeting. In the case of facsimile notification, the director to be contacted shall acknowledge personal receipt of the facsimile notice by a return message or telephone call within twenty-four hours of the first facsimile transmission.
- c. **Waiver of Notice.** Whenever any notice of a meeting is required to be given to any director of this corporation under provisions of the articles of incorporation, these bylaws, or the law of this state, a waiver of notice in writing signed by the director, whether before or after the time of the meeting, shall be equivalent to the giving of such notice.

Section 11. Quorum for Meetings

A quorum shall consist of three of the members of the board of directors.

Except as otherwise provided under the articles of incorporation, these bylaws, or provisions of law, no business shall be considered by the board at any meeting at which the required quorum is not present, and the only motion which the chair shall entertain at such meeting is a motion to adjourn.

Section 12. Majority Action as Board Action

Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the board of directors, unless the articles of incorporation, these bylaws, or provisions of law require a greater percentage or different voting rules for approval of a matter by the board.

Section 13. Conduct of Meetings

Meetings of the board of directors shall be presided over by the chairperson of the board, or, if no such person has been so designated, or in his or her absence, the president of the corporation, or in his or her absence, by the vice president of the corporation, or in the absence of each of these persons, by a chairperson chosen by a majority of the directors present at the meeting. The secretary of the corporation shall act as secretary of all meetings of the board, provided that, in his or her absence, the presiding officer shall appoint another person to act as secretary of the meeting.

Section 14. Vacancies

Vacancies on the board of directors shall exist (1) on the death, resignation, or removal of any director, and (2) whenever the number of authorized directors is increased.

Any director may resign effective upon giving written notice to the chairperson of the board, the president, the secretary, or the board of directors, unless the notice specifies a later time for the effectiveness of such resignation. No director may resign if the corporation would then be left without a duly elected director or directors in charge of its affairs, except upon notice to the office of the attorney general or other appropriate agency of this state.

Directors may be removed from office, with or without cause, as permitted by and in accordance with the laws of this state.

Unless otherwise prohibited by the articles of incorporation, these bylaws, or provisions of law, vacancies on the board may be filled by approval of the board of directors. If the number of directors then in office is less than a quorum, a vacancy on the board may be filled by approval of a majority of the directors then in office or by a sole remaining director. A person elected to fill a vacancy on the board shall hold office until the next election of the board of directors or until his or her death, resignation, or removal from office.

Section 15. Nonliability of Directors

The directors shall not be personally liable for the debts, liabilities, or other obligations of the corporation.

Section 16. Indemnification by Corporation of Directors and Officers

The directors and officers of the corporation shall be indemnified by the corporation to the fullest extent permissible under the laws of this state.

Section 17. Insurance for Corporate Agents

Except as may be otherwise provided under provisions of law, the board of directors may adopt a resolution authorizing the purchase and maintenance of insurance on behalf of any agent of the corporation (including a director, officer, employee, or other agent of the corporation) against liabilities asserted against or incurred by the agent in such capacity or arising out of the agent's status as such, whether or not the corporation would have the power to indemnify the agent against such liability under the articles of incorporation, these bylaws, or provisions of law.

Article 4 Officers

Section 1. Designation of Officers

The officers of the corporation shall be a president, a secretary, and a treasurer.

Section 2. Qualifications

Officers shall be of the age of majority in this state. Other qualifications for directors of this corporation shall be as follows: Age 21 or older.

Section 3. Election and Term of Office

Officers shall be elected by the board of directors, at any time, and each officer shall hold office until he or she resigns or is removed or is otherwise disqualified to serve, or until his or her successor shall be elected and qualified, whichever occurs first.

Section 4. Removal and Resignation

Any officer may be removed, either with or without cause, by the board of directors, at any time. Any officer may resign at any time by giving written notice to the board of directors or to the president or secretary of the corporation. Any such resignation shall take effect at the date of receipt of such notice or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The above provisions of this section shall be superseded by any conflicting terms of a contract which has been approved or ratified by the board of directors relating to the employment of any officer of the corporation.

Section 5. Vacancies

Any vacancy caused by the death, resignation, removal, disqualification, or otherwise, of any officer shall be filled by the board of directors. In the event of a vacancy in any office other than that of president, such vacancy may be filled temporarily by appointment by the president until such time as the board shall fill the vacancy. Vacancies occurring in offices of officers appointed at the discretion of the board may or may not be filled as the board shall determine.

Section 6. Duties of President

The president shall be the chief executive officer of the corporation and shall, subject to the control of the board of directors, supervise and control the affairs of the corporation and the activities of the officers. He or she shall perform all duties incident to his or her office and such other duties as may be required by law, by the articles of incorporation, or by these bylaws, or which may be prescribed from time to time by the board of directors. Unless another person is specifically appointed as chairperson of the board of directors, the president shall preside at all meetings of the board of directors and, if this corporation has members, at all meetings of the members. Except as otherwise expressly provided by law, by the articles of incorporation, or by these bylaws, he or she shall, in the name of the corporation, execute such deeds, mortgages, bonds, contracts, checks, or other instruments which may from time to time be authorized by the board of directors.

Section 7. Duties of Secretary

The secretary shall:

Be second in line to the President

Certify and keep at the principal office of the corporation the original, or a copy, of these bylaws as amended or otherwise altered to date.

Keep at the principal office of the corporation or at such other place as the board may determine, a book of minutes of all meetings of the directors, and, if applicable, meetings of committees of directors and of members, recording therein the time and place of holding, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meeting, and the proceedings thereof.

See that all notices are duly given in accordance with the provisions of these bylaws or as required by law.

Be custodian of the records and of the seal of the corporation and affix the seal, as authorized by law or the provisions of these bylaws, to duly executed documents of the corporation.

Keep at the principal office of the corporation a membership book containing the name and address of each and any members, and, in the case where any membership has been terminated, he or she shall record such fact in the membership book together with the date on which such membership ceased.

Exhibit at all reasonable times to any director of the corporation, or to his or her agent or attorney, on request therefor, the bylaws, the membership book, and the minutes of the proceedings of the directors of the corporation.

In general, perform all duties incident to the office of secretary and such other duties as may be required by law, by the articles of incorporation, or by these bylaws, or which may be assigned to him or her from time to time by the board of directors.

Section 8. Duties of Treasurer

The treasurer shall:

Have charge and custody of, and be responsible for, all funds and securities of the corporation, and deposit all such funds in the name of the corporation in such banks, trust companies, or other depositories as shall be selected by the board of directors.

Receive, and give receipt for, monies due and payable to the corporation from any source whatsoever.

Disburse, or cause to be disbursed, the funds of the corporation as may be directed by the board of directors, taking proper vouchers for such disbursements.

Keep and maintain adequate and correct accounts of the corporation's properties and business transactions, including accounts of its assets, liabilities, receipts, disbursements, gains, and losses.

Exhibit at all reasonable times the books of account and financial records to any director of the corporation, or to his or her agent or attorney, on request therefor.

Render to the president and directors, whenever requested, an account of any or all of his or her transactions as treasurer and of the financial condition of the corporation.

Prepare, or cause to be prepared, and certify, or cause to be certified, the financial statements to be included in any required reports.

In general, perform all duties incident to the office of treasurer and such other duties as may be required by law, by the articles of incorporation of the corporation, or by these bylaws, or which may be assigned to him or her from time to time by the board of directors.

Section 9. Compensation

The salaries of the officers, if any, shall be fixed from time to time by resolution of the board of directors. In all cases, any salaries received by officers of this corporation shall be reasonable and given in return for services actually rendered to or for the corporation. All officer salaries shall be approved in advance in accordance with this corporation's conflict of interest policy, as set forth in Article 9 of these bylaws.

Article 6

Execution of Instruments, Deposits, and Funds

Section 1. Execution of Instruments

The board of directors, except as otherwise provided in these bylaws, may by resolution authorize any officer or agent of the corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

Section 2. Checks and Notes

Except as otherwise specifically determined by resolution of the board of directors, or as otherwise required by law, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of the corporation shall be signed by the president of the corporation and countersigned by the treasurer of the corporation.

Section 3. Deposits

All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the board of directors may select.

Section 4. Gifts

The board of directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for the nonprofit purposes of this corporation.

Article 7

Corporate Records, Reports, and Seal

Section 1. Maintenance of Corporate Records

The corporation shall keep at its principal office:

- a. Minutes of all meetings of directors, committees of the board, and, if this corporation has members, of all meetings of members, indicating the time and place of holding such meetings, whether regular or special, how called, the notice given, and the names of those present and the proceedings thereof;
- b. Adequate and correct books and records of account, including accounts of its properties and business transactions and accounts of its assets, liabilities, receipts, disbursements, gains, and losses;
- c. A record of its members, if any, indicating their names and addresses and, if applicable, the class of membership held by each member and the termination date of any membership;
- d. A copy of the corporation's articles of incorporation and bylaws as amended to date, which shall be open to inspection by the members, if any, of the corporation at all reasonable times during office hours.

Section 2. Corporate Seal

The board of directors may adopt, use, and at will alter, a corporate seal. Such seal shall be kept at the principal office of the corporation. Failure to affix the seal to corporate instruments, however, shall not affect the validity of any such instrument.

Section 3. Directors' Inspection Rights

Every director shall have the absolute right at any reasonable time to inspect and copy all books, records, and documents of every kind and to inspect the physical properties of the corporation, and shall have such other rights to inspect the books, records, and properties of this corporation as may be required under the articles of incorporation, other provisions of these bylaws, and provisions of law.

Section 4. Right to Copy and Make Extracts

Any inspection under the provisions of this article may be made in person or by agent or attorney and the right to inspection shall include the right to copy and make extracts.

Section 5. Periodic Report

The board shall cause any annual or periodic report required under law to be prepared and delivered to an office of this state or to the members, if any, of this corporation, to be so prepared and delivered within the time limits set by law.

Article 8 IRC 501(c)(3) Tax Exemption Provisions

Section 1. Limitations on Activities

No substantial part of the activities of this corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Section 501(h) of the Internal Revenue Code), and this corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of, or in opposition to, any candidate for public office. Notwithstanding any other provisions of these bylaws, this corporation shall not carry on any activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

Section 2. Prohibition Against Private Inurement

No part of the net earnings of this corporation shall inure to the benefit of, or be distributable to, its members, directors or trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes of this corporation.

Section 3. Distribution of Assets

Upon the dissolution of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation, shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or shall be distributed to the federal government, or to a state or local government, for a public purpose. Such distribution shall be made in accordance with all applicable provisions of the laws of this state.

Section 4. Private Foundation Requirements and Restrictions

In any taxable year in which this corporation is a private foundation as described in Section 509(a) of the Internal Revenue Code, the corporation 1) shall distribute its income for said period at such time and manner as not to subject it to tax under Section 4942 of the Internal Revenue Code; 2) shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code; 3) shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; 4) shall not make any investments in such manner as to subject the corporation to tax under Section 4944 of the Internal Revenue Code; and 5) shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

Article 9 Conflict of Interest and Compensation Approval Policies

Section I. Purpose:

The Pink Rose Inspirational Foundation, Inc. is a nonprofit, tax-exempt organization. Maintenance of its tax-exempt status is vital both for its continued financial stability and for public support. Therefore, the IRS as well as state regulatory and tax officials view the operations of The Pink Rose Inspirational Foundation, Inc. as a public charity, which is subject to scrutiny by and accountable to such governmental authorities as well as to members of the public.

Consequently, there exists between The Pink Rose Inspirational Foundation, Inc. and its Officers, Directors, Staff Members, and the public a fiduciary duty, which carries with it a broad and unbending duty of loyalty and fidelity.

The Officers, Directors, and Staff Members have the responsibility of administering the affairs of The Pink Rose Inspirational Foundation, Inc. honestly and prudently, and of exercising their best care, skill, and judgment for the sole benefit of The Pink Rose Inspirational Foundation, Inc.

Those persons shall exercise the utmost good faith in all transactions involved in their duties, and they shall not use their positions with The Pink Rose Inspirational Foundation, Inc. or knowledge gained there for their personal benefit. The interests of the organization must be the first priority in all decisions and actions.

Section 2. Persons Concerned

For Officers, Directors, and Staff Members of The Pink Rose Inspirational Foundation, Inc.

No member of The Pink Rose Inspirational Foundation, Inc., shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation with The Pink Rose Inspirational Foundation, Inc.

Each individual shall disclose to the organization any personal interest which he or she may have in any matter pending before the organization and shall refrain from participation in any decision on such matter.

Any Officers, Directors, and Staff Members of a client organization or vendor engaged in business with The Pink Rose Inspirational Foundation, Inc. shall identify his or her affiliation with such agency or agencies.

At this time, I am a board member, committee member, or an employee of the following organizations:

To certify this, that I, except as described below, am not now nor at any time during the past year have been:

1) A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party doing business with The Pink Rose Inspirational Foundation, Inc. which has resulted or could result in personal benefit to me. A recipient, directly or indirectly, of any salary payments or loans of any kind or any free service or discounts from or on behalf of any person or organization engaged in any transaction with The Pink Rose Inspirational Foundation, Inc. Any exceptions to this are stated below with a full description of the transactions, whether direct or indirect, which I have (or have had during the past year) in the persons or organizations having transactions with The Pink Rose Inspirational Foundation, Inc

**Article 10
Amendment of Bylaws**

Section I. Amendment

Subject to the power of the members, if any, of this corporation to adopt, amend, or repeal the bylaws of this corporation and except as may otherwise be specified under provisions of law, these bylaws, or any of them, may be altered, amended, or repealed and new bylaws adopted by approval of the board of directors.

**Article II
Construction and Terms**

If there is any conflict between the provisions of these bylaws and the articles of incorporation of this corporation, the provisions of the articles of incorporation shall govern.

Should any of the provisions or portions of these bylaws be held unenforceable or invalid for any reason, the remaining provisions and portions of these bylaws shall be unaffected by such holding.

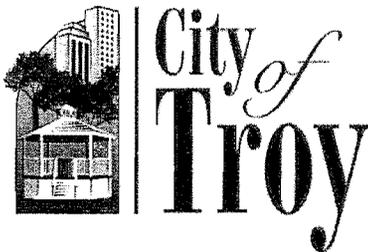
All references in these bylaws to the articles of incorporation shall be to the articles of incorporation, articles of organization, certificate of incorporation, organizational charter, corporate charter, or other founding document of this corporation filed with an office of this state and used to establish the legal existence of this corporation.

All references in these bylaws to a section or sections of the Internal Revenue Code shall be to such sections of the Internal Revenue Code of 1986 as amended from time to time, or to corresponding provisions of any future federal tax code.

ADOPTION OF BYLAWS

We, the undersigned, are all of the initial directors or incorporators of this corporation, and we consent to, and hereby do, adopt the foregoing bylaws, consisting of the eleven preceding pages, as the bylaws of this corporation.

Dated: _____



CITY COUNCIL ACTION REPORT

November 16, 2009

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Steven J. Vandette, City Engineer *SV*

SUBJECT: Final Addendum #2 - Charnwood Phase 1& 2 Chip Seal Contract 07-4

Recommendation:

- It is recommended that City Council approve Final Addendum #2 for road work by Pavement Recycling, Inc. within the Charnwood Phase 1&2 Sanitary Sewer project areas. The total cost of this final addendum is \$5,979.17. All project work is complete and the contract can be closed out following approval of this addendum.

Background:

- Pavement Recycling was awarded the Phase 1 Chip Seal contract in July 2007 by Resolution No. 2007-07-206-E-4c. Addendum #1 was approved in December 2007 by Resolution No. 2007-12-361, which extended the Chip Seal contract to include roads in Phase 2.
- All roads in the Phase 1 & 2 areas were reviewed in the spring of 2009 to identify winter related road surface damage, which is common on gravel roads with only a thin chip seal surface. The contractor was directed to make hot mix asphalt repairs throughout both Phase 1 & 2 areas. The work was completed in the summer of 2009.
- Since it is not practical or cost effective to stop construction for days or weeks until a change order can be processed for minor increases in contract quantities, construction continues until final completion of the project. If the contract contingency is sufficient to cover added costs, final payment to the contractor is made and the project is closed out. If, as in this case, the project cost exceeds the contract contingency, City Council approval is required prior to making the final payment to the contractor and closing out the contract.

Financial Considerations:

- Funds for this work are available in the 2009/010 Sewer Fund account No. 535.7973.044031. The budgeted amount includes funds for engineering, construction, inspection and contingencies.

Policy Considerations:

- Troy has enhanced the health and safety of the community (Goal I)
- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues (Goal II).



CITY COUNCIL ACTION REPORT

November 19, 2009

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police
Captain Gerard Scherlinck, Services Division
Lieutenant Michael Lyczkowski
Sergeant Russel Harden
Officer James Feld

SUBJECT: Application for new SDM License with Gas Pumps by Square Lake – Livernois Business, Inc.

Background:

- Square Lake – Livernois Business, Inc. requests a new SDM License with Gas Pumps to be located at 5997 Livernois, Troy, MI 48098, Oakland County {MLCC Request #518636}.
- On October 12, 2009, Majid Elias, Owner and representative for the applicants, answered questions for the Liquor Advisory Committee.
- Mr. Elias explained to the Committee that the purpose of this request is to allow the Square Lake – Livernois Business to sell beer and wine at their store.
- The Committee unanimously approved this request.

Legal Considerations:

- The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules.
- The Police Department did not find any disqualifying factors for this request.

Policy Considerations:

- This action supports Council's Outcomes Statement III: "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world."

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 10th day of July, 2009, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and Square Lake-Livernois Business, Inc., the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer ownership of New SDM License with Gas Pumps issued under MCL 436.1541(1) to be located at 5997 Livernois, Troy MI.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: [Signature]
Kristine E. Davis

By: [Signature]
Thamer Elias

Subscribed and sworn to before me this 10th day of July 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 9/23/14

KRISTEN E. DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Sep 23, 2014
ACTING IN COUNTY OF Oakland

CITY OF TROY

Witnesses: _____

By: _____
Louise Schilling, Mayor
By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 ____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____

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LICENSEE/ AUTHORIZED REPRESENTATIVE

Witnesses: [Signature] By: [Signature]
Kent E. Davis Majid Elias

Subscribed and sworn to before me this 10th day of July 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 09/23/2014

KRISTEN E. DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Sep 23, 2014
ACTING IN COUNTY OF Oakland

CITY OF TROY

Witnesses: _____ By: _____
Louise Schilling, Mayor
By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 _____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____

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LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: _____

[Signature]
Kristen E. Davis

By: _____

[Signature]
Ayad Elias

Subscribed and sworn to before me this 10th day of July, 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 9/23/14

KRISTEN E. DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES 9/23, 2014
ACTING IN COUNTY OF Oakland

CITY OF TROY

Witnesses: _____

By: _____

Louise Schilling, Mayor

By: _____

Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____, 200____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

MAILED 06/02/09
 TM

POLICE INVESTIGATION REQUEST
 [Authorized by MCL 436.1201(4)]

May 29, 2009

Troy Police Department
 Attn: Chief OF POLICE
 500 W Big Beaver Rd
 Troy, MI 48084-5285

Request ID #: 518636

Applicant: Square Lake-Livernois Business, Inc. requests a new SDM license with Gas pumps to be issued under MCL 436.1541(1) to be located at 5997 Livernois, Troy, MI 48098, Oakland County.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sjw

<p>LC-1972(Rev. 09/05) Authority: MCL 436.1201(4) Completion: Mandatory Penalty: No License</p>	<p>DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office</p>
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MAILED 06-02-09 707



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY
Request ID # 518636
Business ID # 218861

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST: (PAGE 1 OF 2)
SQUARE LAKE-LIVERNOIS BUSINESS, INC., 5997 LIVERNOIS, TROY, MI 48098 OAKLAND COUNTY

REQUEST: NEW SDM LICENSE WITH GAS PUMPS ISSUED UNDER MCL 436.1541(1)

Section 1. APPLICANT INFORMATION

APPLICANT #1: AYAD ELIAS
2978 EAGE DRIVE
ROCHESTER HILLS, MI 48309 (586) 634-6390
APPLICANT #2: MAJID ELIAS
3968 FAWN STREET
OAKLAND TWP, MI 48306 (248) 634-5487

DATE FINGERPRINTED**: NONE NEEDED

DATE OF BIRTH:
Is the applicant a U.S. Citizen: [] Yes [] No*
Does the applicant have permanent Resident Alien status? [] Yes [] No
*Does the applicant have a Visa? Enter status:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: [] Felony [] Misdemeanor
Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
[] No [] Yes, complete LC-1636
Are motor vehicle fuel pumps at or directly adjacent to the establishment? [] No [] Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? [] Yes [] No
If No, indicate which state and local ordinances the location does not meet: []
Building [] Plumbing [] Zoning [] Fire [] Sanitation [] Health

Section 4. RECOMMENDATION

- 1. Is this applicant qualified to conduct this business if licensed? [] Yes [] No*
2. Should the MLCC grant this request? [] Yes [] No*
*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.
3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? [] Yes [] No
4. Is this recommendation subject to any other conditions? [] Yes [] No
If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) Date
TROY POLICE DEPARTMENT



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION
 (MLCC)

7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

MAILED 06/02/09 *TM*

FOR MLCC USE ONLY
 Request ID # 518636
 Business ID # 218861

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST: (PAGE 2 OF 2)
 SQUARE LAKE-LIVERNOIS BUSINESS, INC., 5997 LIVERNOIS, TROY, MI 48098 OAKLAND COUNTY

REQUEST: NEW SDM LICENSE WITH GAS PUMPS ISSUED UNDER MCL 436.1541(1)

Section 1. APPLICANT INFORMATION

APPLICANT #1: THAMER ELIAS 3540 NESTING RIDGE ROCHESTER HILLS, MI 48309 (248) 739-2698	APPLICANT #2:
--	---------------

DATE FINGERPRINTED**: NONE NEEDED	DATE FINGERPRINTED**:
-----------------------------------	-----------------------

DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:
--	--

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)
---	---

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
 No Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? No Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No If No, indicate which state and local ordinances the location does not meet:

Building Plumbing Zoning Fire Sanitation Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? Yes No*

2. Should the MLCC grant this request? Yes No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? Yes No

4. Is this recommendation subject to any other conditions? Yes No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) _____ Date _____
 TROY POLICE DEPARTMENT

A regular meeting of the Liquor Advisory Committee was held on Monday, October 12, 2009 in the Lower Level Conference Room, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:00 p.m.

Roll Call

PRESENT: W. Stan Godlewski
 Patrick C. Hall
 Andrew Kaltsounis
 David S. Ogg
 Timothy P. Payne
 Bohdan L. Ukraineec

ABSENT: Max K. Ehlert, Chairman

ALSO PRESENT: Officer James Feld
 Susan Lancaster, Assistant City Attorney
 Dane Lepola, student representative
 Pat Gladysz

Resolution to Excuse Committee Member Ehlert

Resolution #LC2009-10-016
Moved by Payne
Seconded by Ukraineec

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of October 12, 2009 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of September 14, 2009 Meeting

Resolution #LC2009-10-017
Moved by Ukraineec
Seconded by Payne

RESOLVED, That the Minutes of the September 14, 2009 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **Square Lake – Livernois Business Inc.**, 5997 Livernois, Troy MI 48098, Oakland County requests new SDM License with Gas Pumps {MLCC Req. #518636}.

Present to answer questions from the Committee was Majid Elias.

Officer Feld informed the Committee that all Building Department and Fire Department inspections were approved. Assistant City Attorney Lancaster informed the Committee that an inventory was received from the applicant and is in compliance with the City Ordinance.

Resolution #LC2009-10-018
Moved by Ogg
Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Square Lake-Livernois Business, Inc., for a new SDM license with gas pumps be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Officer Feld updated the Committee on the following informational items:

Grand Azteca V Inc.

Application has been made to transfer a Class C license from Rochester Hills and interviews are being conducted by the Building Department.

Simbad Inc.

Application has been made to transfer a Class C license from Southfield.

NKG Business, Inc.

Application has been made to transfer license from Buscemi's.

Fine Wine Distributors, Inc.

A wholesale license has been requested.

Cameron Mitchell Restaurants, LLC

Ocean Prime restaurant is requesting to enlarge their outdoor service area. This request was originally made in the spring of this year, but they chose to delay the project until the patio would be closed for the season.

Space Station

This is a Marathon gas station at 3410 Rochester is requesting a SDM and SDD license.

Officer Feld introduced student representative Dane Lepola.

The meeting adjourned at 7:10 p.m.

Patrick C. Hall, Committee Member

Patricia A. Gladysz, Secretary II



CITY COUNCIL AGENDA ITEM

TO: Mayor and City Council Members

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: Designation of Act 51 Street Administrator

Act 51 (Public Acts of 1951) requires that the local governing body designate a Street Administrator to represent the municipality in transactions with the Michigan Department of Transportation. In Troy, the City Manager has historically performed this function; the attached resolution designates John Szerlag as the single Street Administrator for the City of Troy.

c: William Huotari, Deputy City Engineer
Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer



AGENDA ITEM

November 13, 2009

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: City of Troy Investment Policy and Establishment of Investment Accounts

The current investment policy was initially approved in November, 1999 and each year thereafter with the stipulation that it be reviewed and approved annually by City Council. The current policy has served us well during the past several years and is in compliance with Act 20 PA 1943, as amended.

I would also like to update our resolution authorizing the establishment of investment accounts at the following institutions: Ambassador Funds; Bank of America; Bank of Michigan; Charter One; Citizens Republic Bank; Citizens First Savings Bank; Comerica Bank; Fifth Third Bancorp; Flagstar Bank; Huntington Bancshares; JP Morgan Chase & Co.; Merrill Lynch; Michigan Class-MBIA; Peoples State Bank; PNC Financial Services; Private Bancorp; Salomon Smith Barney; and TCF National Bank.

This policy is established in order to provide for the safety and diversification of investment accounts.

The investment policy is in compliance with Act 20 PA 1943, as amended.

It is recommended that City Council approve the attached investment policy and listing of approved investment account locations.

CITY OF TROY INVESTMENT POLICY
To Comply with Act 20 PA 1943, as amended

Purpose: It is the policy of the City of Troy to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the City and comply with all State statutes governing the investment of public funds.

Scope: This investment policy applies to all financial assets of the City. These assets are accounted for in the various funds of the City and include the general fund, special revenue funds, debt service funds, and capital project funds (unless bond ordinances and resolutions are more restrictive), enterprise funds, internal service funds, trust and agency funds, and any new fund established by the City.

Objectives: The primary objectives, in priority order, of the City's investment activities shall be:

Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification – The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

Delegation of Authority to Make Investments: Authority to manage the investment program is derived from the following: City of Troy City Council's most current resolution establishing investment accounts (2008-12- 360 - E-4). Management responsibility for the investment program is hereby delegated to the City of Troy Assistant City Manager/Finance and Administration who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, cash purchase or delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Assistant City Manager/Finance and Administration. The Assistant City Manager/Finance and Administration shall be responsible for all transactions undertaken and shall establish a system of controls. The Investment Policy shall be reviewed and approved by the City Council annually.

List of Authorized Investments: The Assistant City Manager/Finance and Administration is limited to investments authorized by Act 20 of 1943, as amended, and may invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

- (b) Certificates of deposit, savings accounts, deposit accounts, or depository of a financial institution. Authorized depositories shall be designated by the City of Troy City Council.
- (c) Commercial paper rated at the time of purchase with the highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in (a).
- (e) Bankers' acceptances of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated investment grade by not less than one standard rating service.
- (g) Investment pools through an interlocal agreement under the urban cooperation act of 1967, 1987 (Ex Sess) PA 7, MCL 124.501 to 124.512
- (h) Investment pools organized under the surplus funds investment pool act, 1982 PA 367, 129.111 to 129.118.
- (i) The investment pools organized under the local government investment pool act, 1986 PA 121, MCL 129.141 to 129.150.

Safekeeping and Custody: All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Assistant City Manager/Finance and Administration may be on a cash basis or a delivery vs. payment basis as determined by the Assistant City Manager/Finance and Administration. Securities may be held by a third party custodian designated by the Assistant City Manager/Finance and Administration and evidenced by safekeeping receipts as determined by the Assistant City Manager/Finance and Administration.

Prudence: Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

TO: John Szerlag, City Manager
FROM: Cindy Stewart, Community Affairs Director
SUBJECT: Agenda Item: Proposed 2010 City Council Meetings
DATE: November 16, 2009

The Community Affairs Department is continuously working to keep the City of Troy website updated. We need your assistance regarding dates for the 2010 City Council meetings for inclusion on the City website calendar, in future Troy Today issues, press releases to the media and the cable bulletin board. The following dates take into account all holidays and election days (per the City Clerk's Office), and are submitted for your approval:

Monday, January 4 & 25
Monday, February 1 & 15
Monday, March 1 & 15
Monday, April 5 & 19
Monday, May 10 & 17
Monday, June 7 & 21
Monday, July 12 & 26
Monday, August 9 & 23
Monday, September 13 & 27
Monday, October 4 & 18
Monday, November 8 & 22
Monday, December 6 & 20

Budget Meetings April 26 & May 3

Dates submitted for Liquor Violation Hearings:

Wednesday, February 10 7:30 pm
Wednesday, February 17 7:30 pm

CS

The Chairman, Glenn Clark, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, September 15, 2009 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Glenn Clark
Kenneth Courtney
Edward Kempen
Matthew Kovacs (Arrived 7:48)
Lon Ullmann

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ABSENT: Dave Lambert

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 18, 2009

Motion by Bartnik
Supported by Courtney

MOVED, to approve the minutes of the meeting of August 18, 2009 with the following amendment.

Page 7, paragraph 9 to read “Mr. Bartnik said that is a “permitting situation” rather than “permitted situation”....

Yeas: 5 – Clark, Courtney, Kempen, Ullmann, Bartnik
Absent: 2 – Kovacs, Lambert

MOTION TO APPROVE MINUTES AS AMENDED CARRIED

ITEM #2 – RENEWAL REQUESTED. S & MM INTERNATIONAL INVESTMENTS, 1728 MAPLELAWN, for relief of the required 6’ high masonry obscuring wall at the north property line where the site abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board in October 2007 for relief of the required 6’ high masonry obscuring wall at the north property line where the site abuts residential zoned property per Section 39.10.01 of the Zoning Ordinance.

This item first appeared before this Board in October 2007 at which time the property was owned by Somerset Pontiac GMC Truck, Inc. and was granted approval for a period of one year. This site has since come under new ownership and is before the Board for a renewal of that variance.

ITEM #2 – con't.

The petitioners have expanded the parking area at the rear of the site and have placed a 6' high screen wall at the north edge of the parking area. However this wall is approximately 20' south of the property line and does not extend the full width of the property. Mr. Stimac also stated that the area has a lot of foliage and screening that also helps to screen this area from the surrounding residential area.

Mr. Clark asked about the change in ownership and the time lapse of this renewal.

Mr. Stimac explained that originally this property was owned by Somerset GMC but was sold to S & MM International Investments, and the expiration date of the original variance was missed.

Mr. Larry Smith, owner of S & MM International Investments was present and stated that they had put up the wall in order to help screen this property. Mr. Smith indicated that they had also put up a wall on the east side of the property. The wall is approximately 15' – 20' inside the northern property line and foliage is on the outside of the wall.

Motion by Courtney
Supported by Kempen

MOVED, to grant S & MM International Investments, 1728 Maplelawn, a three-year (3) renewal of relief of the required 6' high masonry obscuring wall at the north property line where the site abuts residential zoned property per Section 39.10.01 of the Zoning Ordinance.

- Existing screen wall provides adequate screening of developed area
- Remainder of the site is undeveloped and heavily wooded.
- We have no complaints or objections on file.

Mr. Clark clarified the location of the wall. Mr. Stimac said that the wall has been installed at the eastern edge of the property. However, that adjacent property is also industrially zoned. The Ordinance dictates that a 6' high wall is required between this property and residentially zoned property.

Mr. Clark asked if the petitioner planned to keep the trees in this area and Mr. Smith replied that this is their intention.

Mr. Kempen stated that if he was a resident of the abutting residential area, he would prefer to look out and see trees rather than a wall.

Vote on the motion to approve.

Yeas: 5 – Kempen, Ullmann, Bartnik, Clark, Courtney

ITEM #2 – con't.

Absent: 2 – Lambert, Kovacs

MOTION TO GRANT RENEWAL FOR THREE (3) YEARS CARRIED

ITEM #3 - 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. Stimac 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. The enclosed utility trailer described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

This item last appeared before this Board at the meeting of August 18, 2009 and was postponed to this meeting to allow the petitioner to present further documentation to the Building Department regarding the use of this trailer. Mr. Stimac further explained that the petitioner had not given any further documentation to Building Department Staff.

Motion by Courtney
Supported by Bartnik

MOVED, to deny 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.

- Petitioner has indicated that this trailer will not be used for commercial purposes therefore approval is not required.

Yeas: 5 – Ullmann, Bartnik, Clark, Courtney, Kempen
Absent: 2 – Lambert, Kovacs

MOTION TO DENY REQUEST CARRIED

ITEM #4 – APPROVAL REQUESTED. MR. & MRS. ROBERT RASCOL, 635 HARTLAND, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioners are seeking approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford F450 stake truck described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

This item last appeared before this Board at the meeting of August 18, 2009 and was postponed to allow the petitioner to bring in documentation regarding costs of

ITEM #4 – con't.

constructing a garage; and also to allow the petitioner to explore other sites to park this vehicle.

Mr. Rascol was present and passed out quotes regarding construction of a garage. Mr. Rascol also stated that he did not find anywhere else to park this truck that would be considered a secure area. Mr. Rascol indicated that he had found commercial sites that may allow him to park his vehicle, but he does not feel they are safe.

Mr. Courtney asked if Mr. Rascol had contacted the Building Department regarding parking of this vehicle and he said that he did not.

Mr. Courtney stated that there is a list of secured parking for commercial vehicles that Mr. Rascol could look at. Mr. Courtney further stated that no one was around this vehicle at this time and asked why Mr. Rascol considered it safe in this location.

Mr. Rascol said that there were neighbors around. Mr. Rascol also brought in paperwork from the City Council meeting from 1998, which he had interpreted as granting approval of the storage of this vehicle outside.

Mr. Courtney pointed out that it was only for one-year.

Mr. Rascol stated that he believed that once he had received approval from City Council he did not need to come back or do anything else.

Mr. Bartnik asked why Mr. Rascol was before this Board.

Mr. Rascol replied that it was because someone from the City had notified him that he needed to do this.

Mr. Bartnik confirmed that the City had let him know there was a violation. Mr. Rascol said that was correct and he wants approval under the existing law.

Mr. Bartnik said that Mr. Rascol does not make any attempts to move this commercial vehicle until he is told there is a violation.

Mr. Rascol said that he believed the approval from City Council was for more than one year.

Mr. Bartnik pointed out that in March 2008, Mr. Rascol was given a six-month time frame to look into other alternatives for this vehicle and he did not come back before the Board. Mr. Rascol apologized.

ITEM #4 – con't.

Mr. Clark stated that Mr. Rascol had given the Board several quotes regarding the construction of a garage ranging in price from \$21,900.00 to \$26,000.00. Mr. Clark asked if Mr. Rascol would be able to construct a garage at this time.

Mr. Rascol said that right now it would be a financial hardship.

Mr. Clark said that this parcel is very deep and there is a list available regarding outside storage of this vehicle.

Mr. Bartnik asked if Mr. Rascol has had a commercial vehicle on his property since he moved to Troy in 1996. Mr. Rascol said that was correct.

The Chairman opened the Public Hearing.

Mr. Alan Brown, 672 Hartland, was present and stated that he lives across the street. Mr. Brown indicated that Mr. Rascol maintains his home and truck and it is never parked beyond the front of the house. Mr. Brown said that you couldn't ask for a better neighbor and is in favor of this request.

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

Mr. Kovacs asked how many objections were on file regarding this vehicle.

Mr. Clark looked through the file and determined that there are four (4) approvals and two (2) objections on file.

Mr. Stimac said that these responses did not include the property occupied by Mr. Rascol in 1996 at 680 Hartland.

Motion by Bartnik

MOVED, to deny the request of Mr. & Mrs. Robert Rascol, 635 Hartland, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

- Petitioner did not meet the criteria outlined in Item C.
- Petitioner has made no attempt to indicate that he is seeking a temporary approval.

Motion to deny fails due to lack of support.

Mr. Kovacs apologized for missing the August meeting and stated that he had been on vacation and also apologized for being late at this meeting.

ITEM #4 – con't.

Mr. Courtney said that he did not like the truck parked in a residential area, but that the location on the side of the house where it was parked was not a problem. Mr. Courtney indicated that he would rather not see a garage constructed on this property and indicated that Mr. Rascol should be looking into alternative parking spots. Mr. Courtney also said that he would be willing to grant a short term approval at this point so that Mr. Rascol could look into other locations to park this vehicle.

Motion by Courtney
Supported by Ullmann

MOVED, to grant Mr. & Mrs. Robert Rascol, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of nine (9) months.

- The petitioner has complied with the requirements of Items B & C.
- To allow petitioner the opportunity to explore other sites on which to park this vehicle.

Mr. Kovacs stated that he did not understand why the petitioner does not meet the criteria outlined in Item C.

Mr. Bartnik said that in his opinion this is a large stake truck and believes that the box makes it appear larger.

Mr. Kovacs stated that the vehicle is always parked behind the front of the house and if it were a recreational vehicle it would be allowed to park in this area.

Mr. Kempen said that he thought the vehicle could be moved farther back on the property.

Mr. Clark stated that he believes it is very difficult for families to keep going in this economy and said that he would like to amend the motion to approve for one-year rather than nine (9) months.

Mr. Courtney said that he would support an amendment as he would rather not see a garage on this site and would rather see the vehicle parked off-site.

Motion by Clark
Supported by Courtney

MOVED, to amend the original motion by striking 9 months and substituting a time period of one (1) year.

ITEM #4 – con't.

- To allow petitioner the opportunity to explore other sites on which to park this vehicle.
- To aid the petitioner during this economic climate.

Mr. Bartnik stated that he is objecting to this motion. This is a residential area, one block north of Big Beaver and he does not believe a commercial vehicle belongs in this location. Mr. Bartnik further stated that he does not understand why the Board would put a commercial vehicle in a residential area. Commercial vehicles devalue property and this approval is in place for people to come before this Board to ask for more time to look for other alternatives. This petitioner did not ask permission again and no effort has been made on his part to find another location. Mr. Bartnik said that he would like to deny both motions as this vehicle has been parked in a residential location for the last 10 to 12 years. Economics have changed up and down over the years and the truck has not been moved.

Mr. Kovacs said that in his opinion the petitioner meets the criteria outlined in Item C and furthermore, if this was a recreational vehicle it could remain in that location indefinitely. In order for this Board to grant approval the petitioner has to meet the criteria in Item C and either A or B. Mr. Kovacs said that he would like to give the petitioner one more year to find another location for this vehicle.

Mr. Clark said that he agrees with Mr. Kovacs in that the petitioner has met the criteria listed in Item C, but doesn't necessarily agree that any type of vehicle could be parked in this location. The facts are that southeast Michigan has been horribly impacted by today's economy and he believes this will only be a temporary situation. There are no traffic concerns in this area and the truck is gone for a good portion of each day. Mr. Clark is in favor of the amended motion.

Mr. Bartnik pointed out that a garage could be constructed based on the quotes brought in by the petitioner and he does not feel the petitioner meets the criteria in Item B.

Vote on motion to amend original motion.

Yeas: 4 – Kovacs, Clark, Courtney, Kempen
 Nays: 2 – Bartnik, Ullmann
 Absent: 1 – Lambert

MOTION TO AMEND MOTION CARRIED

Vote on amended motion which will state:

MOVED, to grant Mr. & Mrs. Robert Rascol, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of one (1) year.

ITEM #4 – con’t.

- The petitioner has complied with criteria B & C.
- To allow petitioner the opportunity to explore other sites on which to park this vehicle.
- To aid the petitioner during this economic climate.

Yeas: 4 – Clark, Courtney, Kempen, Kovacs
 Nays: 2 – Ullmann, Bartnik
 Absent: 1 – Lambert

MOTION TO GRANT APPROVAL FOR A PERIOD OF ONE (1) YEAR CARRIED

Motion by Courtney
 Supported by Ullmann

MOVED, to excuse Mr. Lambert from tonight’s meeting as he is out of town.

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

MOTION TO EXCUSE MR. LAMBERT CARRIED

Mr. Stimac informed the Board that it was possible that the October meeting would be cancelled, depending on whether any new applications were received. A discussion began regarding the by-laws of the Board of Zoning Appeals and it was determined that the by-laws do not address the cancellation of a regularly scheduled meeting.

Motion by Courtney
 Supported by Kovacs

MOVED, to allow Mr. Stimac to cancel the next meeting of the Board of Zoning Appeals on Tuesday, October 20, 2009 if no other new items are presented.

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

MOTION TO ALLOW MR. STIMAC TO CANCEL THE OCTOBER MEETING CARRIED

Mr. Stimac addressed the Board regarding the memo sent out by the City Manager. Mr. Stimac said that Mr. Szerlag offered to attend a future Board of Zoning Appeals meeting to discuss the plans. He will also be attending other Board’s meetings and would be happy to include the BZA members at any of those meetings as well. Mr. Stimac indicated that he would get a list together of the meetings Mr. Szerlag will be at and pass those along to the Board.

The Board of Zoning Appeals meeting adjourned at 8:31 P.M.

Glenn Clark, Chairman

Pamela Pasternak, Secretary

Vice-Chair, William Nelson, called the meeting of the Building Code Board of Appeals to order at 8:40 A.M. on Wednesday, October 7, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Bill Nelson
Tim Richnak
Mark Stimac
Frank Zuazo

ALSO PRESENT: Paul Evans, Housing & Zoning Inspector Supervisor
Pam Pasternak, Recording Secretary

ABSENT: Ted Dziurman

ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 2, 2009

Motion by Richnak
Supported by Zuazo

MOVED, to approve the minutes of the meeting of September 2, 2009 as written.

Yeas: 4 – Richnak, Stimac, Zuazo, Nelson
Absent: 1 – Dziurman

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. PRLANTA JEWELERS, 888 W. BIG BEAVER, for relief of Chapter 85 to install a 43.5 square foot electronic changeable message tenant wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a 43.5 square foot tenant wall sign. Section 85.02.05 (c) (3) of the Sign Ordinance limits the size of tenant wall signs in the Office Zoning districts to not more than 20 square feet in area. In January 2008, this Board approved a variance to allow the petitioner to erect a 40 square foot tenant wall sign.

This item last appeared before this Board at the meeting of September 2, 2009 and was postponed to allow the petitioner to provide a copy of the manufacturer's instructions regarding the brightness of the sign; also to allow the petitioner to provide this Board with three or four typical screen shots of what they are proposing to put on the sign; and finally for the petitioner to demonstrate the implications between a 40 square foot sign and a 20 square foot sign.

Mr. Stimac further stated that the specifications from the manufacturer of the sign regarding the brightness of the sign as well as copies of proposed messages have been presented to the Board for further consideration.

Mr. Norman Gumusmas of Prlanta Jewelers was present and stated that the configuration of the units require a larger sign.

Mr. Richnak stated that the original request was not for a changeable message sign. The original proposal was for a sign that would be back lit. Mr. Richnak stated that he traveled through the City as well as nearby communities to look at signs that have a changeable message. The color of the sign and back lighting makes a big difference on the impact on a building and the community. Red colored signs stick out and the change is not always harmonious in an area. Mr. Richnak asked if other communities had regulations regarding the brightness allowed for a changeable message sign.

Mr. Gumusmas stated that they would be willing to conform to whatever stipulations the Board would find proper.

Mr. Michael Zacks of Bright Star Signs was also present and stated that they would only advertise this business and not have other ads on the sign.

Mr. Richnak asked if Mr. Stimac was aware of any signs that were objectionable because they were too bright. Mr. Richnak further stated that this Board wants to be able to provide signage that is appropriate for this community.

Mr. Stimac said that each community has their own Sign Ordinance and was not aware of a universal regulation that would restrict the brightness of the signs. The brightness of the sign would be determined by each community. Mr. Stimac also said that he is not aware of a regulation that dictates that the brightness of the sign could not be operated over 50%.

Mr. Stimac said that the petitioner has provided Board members with pictures of changeable message ground signs in Troy and asked the petitioner if he was aware of any changeable message wall signs.

Mr. Gumusmas said that he did not go around and look for wall signs. Mr. Gumusmas also explained that the reason they need a 40 square foot sign is because for every inch of lettering you would need 10' of viewing distance. A 20 square foot sign would have dictated letters that are 24" tall and would give 200' of viewing distance. In order for this sign to be visible across Big Beaver the letters would have to be 30" tall.

Mr. Zacks stated that he did not drive the entire City looking for changeable message signs but does believe that if the brightness was set at 50% power it would be appropriate.

Mr. Stimac said that the manufacturer's specifications indicate that there is both an automatic and manual setting as well as an "ambient light sensor".

Mr. Zacks said that was correct but the maximum brightness would be 50%.

Mr. Stimac said that ambient light sensors will be at 50% capacity and would automatically adjust depending on how dark it is outside.

Mr. Richnak asked if the sign would be reduced during non-working hours.

Mr. Gumusmas said that the sign can be set on a timer and would shut off at midnight and go on at 6 AM.

Mr. Zacks stated that the timer can be regulated.

Mr. Evans stated that Norm's Field of Dreams has a changeable message wall sign.

Mr. Stimac asked how many changeable wall signs Bright Star has installed.

Mr. Zacks stated that the majority of these signs are either ground signs or pylon signs in order to get maximum exposure.

Mr. Stimac asked if the petitioner thought a changeable wall sign that would require a driver to look at it at a 90 degree angle could be considered a traffic hazard.

Mr. Zacks stated that in Livonia the messages cannot change for one minute and he does not believe it would be considered an obvious distraction. Mr. Zacks also stated that the message could remain on the screen for a longer period of time if that is what the Board required.

Mr. Richnak asked what would happen if another tenant moved into this space.

Mr. Gumusmas stated that he had received a letter from the property manager of Redico and that letter stipulates that if Prlanta Jewelers were to vacate the space, the sign would have to be removed and the area returned to its original condition.

Mr. Richnak stated that he thinks this sign would need to be monitored by the Director of Building and Zoning, or his designee to determine that the sign is not a detriment to the area.

Mr. Stimac said that he is aware of a City's sign ordinance that states that the City Manager has to approve what the brightness of the sign has to be. Mr. Stimac also said that he is not positive that 50% is the right number for the brightness of the sign.

Mr. Evans stated that he had received complaints on one of the changeable message signs and had contacted the property owner and the issue has been resolved.

Mr. Zuazo asked if the City would have the authority to go back to the property owner and explain that there have been complaints regarding the brightness of the sign.

Mr. Gumusmas stated that they are more than willing to work with the City regarding the illumination of the sign.

Mr. Richnak said that the petitioner is willing to set the brightness at any level and asked if it would be appropriate for the Board to designate a person or method that would set the brightness level on this type of sign.

Mr. Stimac said that it could be done. If the illumination was set the same on two different messages one of the messages could appear brighter than the other. The sign setting on the computer might say 50% but the sign could actually be brighter. Mr. Stimac said that it would also be possible to include a maximum of 50% brightness subject to the approval of the Director of Building and Zoning.

Mr. Evans stated that the applicants could provide City staff information of how the setting affects perceived brightness.

Mr. Gumusmas stated that red is too much at 50% or black is too much at 30%. Mr. Gumusmas said that they would be willing to work with the city and would be willing to make other changes down the line.

Mr. Evans said that there is also a different visual effect with snow covering the ground.

Mr. Nelson made a comment about the sign at Zion Church stating that when it was originally installed it was extremely bright. There were a number of complaints and the brightness has been adjusted.

Mr. Stimac said that originally it was his opinion that when the sign was first installed it was operating at 50% but without the ambient light sensor and now the sign has added that option.

Mr. Nelson said that red is too bright on this type of sign and asked what percentage the ambient light sensor would go down to.

Mr. Zacks said that it is automatically set at 50%.

Motion by Richnak
Supported by Zuazo

MOVED, to grant Prlanta Jewelers, 888 W. Big Beaver, relief of Chapter 85 to install a 43.5 square foot electronic changeable message tenant wall sign where Section 85.02.05 (c) (3) limits the size of tenant wall signs in the Office Zoning District to not more than 20 square feet in area.

- Initially setting should be at a maximum of 50% illumination.
- That the sign will also incorporate a light sensor that will further dim the sign based upon ambient illumination.

- Director of Building and Zoning or his designee will work with the petitioner to set an appropriate illumination level for the community.
- The sign shall meet all other City of Troy regulations.
- Each message will be displayed no less than sixty (60) seconds.
- Petitioner will cooperate with City Staff regarding any complaints that come in regarding the brightness of the sign.
- Sign will be removed at the time Prlanta Jewelers vacates this site per the landlord's requirements.

Yeas: 4 – Nelson, Richnak, Stimac, Zuazo
Absent: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:17 A.M.

William Nelson, Vice-Chair

Pam Pasternak, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, October 12, 2009 in the Lower Level Conference Room, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:00 p.m.

Roll Call

PRESENT: W. Stan Godlewski
 Patrick C. Hall
 Andrew Kaltsounis
 David S. Ogg
 Timothy P. Payne
 Bohdan L. Ukraineec

ABSENT: Max K. Ehlert, Chairman

ALSO PRESENT: Officer James Feld
 Susan Lancaster, Assistant City Attorney
 Dane Lepola, student representative
 Pat Gladysz

Resolution to Excuse Committee Member Ehlert

Resolution #LC2009-10-016
Moved by Payne
Seconded by Ukraineec

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of October 12, 2009 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of September 14, 2009 Meeting

Resolution #LC2009-10-017
Moved by Ukraineec
Seconded by Payne

RESOLVED, That the Minutes of the September 14, 2009 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **Square Lake – Livernois Business Inc.**, 5997 Livernois, Troy MI 48098, Oakland County requests new SDM License with Gas Pumps {MLCC Req. #518636}.

Present to answer questions from the Committee was Majid Elias.

Officer Feld informed the Committee that all Building Department and Fire Department inspections were approved. Assistant City Attorney Lancaster informed the Committee that an inventory was received from the applicant and is in compliance with the City Ordinance.

Resolution #LC2009-10-018
Moved by Ogg
Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Square Lake-Livernois Business, Inc., for a new SDM license with gas pumps be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Officer Feld updated the Committee on the following informational items:

Grand Azteca V Inc.

Application has been made to transfer a Class C license from Rochester Hills and interviews are being conducted by the Building Department.

Simbad Inc.

Application has been made to transfer a Class C license from Southfield.

NKG Business, Inc.

Application has been made to transfer license from Buscemi's.

Fine Wine Distributors, Inc.

A wholesale license has been requested.

Cameron Mitchell Restaurants, LLC

Ocean Prime restaurant is requesting to enlarge their outdoor service area. This request was originally made in the spring of this year, but they chose to delay the project until the patio would be closed for the season.

Space Station

This is a Marathon gas station at 3410 Rochester is requesting a SDM and SDD license.

Officer Feld introduced student representative Dane Lepola.

The meeting adjourned at 7:10 p.m.

Patrick C. Hall, Committee Member

Patricia A. Gladysz, Secretary II

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, October 14, 2009, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

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

Trustees Present:

- Mark Calice
- David Eisenbacher
- Thomas J. Gordon, II
- John M. Lamerato
- William R. Need (Ex-Officio)
- Steve Pallotta
- Thomas Rosewarne
- A. John Szerlag

Minutes

Resolution # ER – 2009-10-34

Moved by Pallotta

Seconded by Gordon II

RESOLVED, That the Minutes of the September 9, 2009 meeting be approved.

Yeas: All – 7

Investments

Resolution # ER – 2009-10-35

Moved by Lamerato

Seconded by Szerlag

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

Buy:

- 2,000 shares of Disney;
- 2,500 shares of Ascent Media;
- 3,000 shares of Panera Bread;
- 2,000 shares of McDonalds;
- 2,000 shares of Green Mountain Coffee;
- 5,000 shares of Smuckers;

Sell: 2,500 shares of Quality Systems

Hold: CIT Corporate Bonds

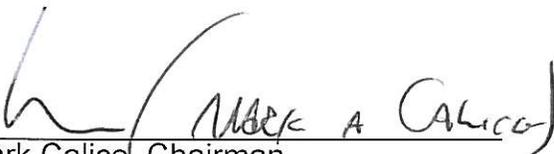
Yeas: All – 7

Public Comment

No public Comment.

The next meeting is November 11, 2009 at 12 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:30 p.m.


Mark Calice, Chairman


John M. Lamerato, Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on October 27, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert M. Schultz
Thomas Strat
Lon M. Ullmann

Absent:

John J. Tagle
Mark J. Vleck

Also Present:

R. Brent Savidant, Acting Planning Director
Christopher Forsyth, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc. (CWA)
Adrienne Milner, Student Representative
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Mr. Edmunds requested to add the Transit Center on the agenda for discussion, as Agenda item 6.a.

Resolution # PC-2009-10-087

Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the Agenda as revised.

Yes: All present (7)
Absent: Tagle, Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-10-088

Moved by: Sanzica
Seconded by: Maxwell

RESOLVED, To approve the minutes of the October 6, 2009 Special/Study and October 13, 2009 Regular meetings as submitted.

Yes: All present (7)
Absent: Tagle, Vleck

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

STUDY ITEMS

5. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 239) – Amendment to Article 28, Used Automobile Sales and Indoor Commercial Auctions in M-1

Mr. Savidant addressed the proposed Zoning Ordinance Text Amendment relating to used automobile sales and indoor commercial auctions in the M-1 zoning district. Mr. Savidant asked for comment and direction on the proposed draft language.

Discussion followed, and it was determined to make the following revisions to the draft language:

- Re-word condition #4 under Used Automobile Sales. Add word “other” before “used automobile sales facilities”; and clarify relationship of existing dealerships that sell used vehicles as an accessory use.
- Address parking under Automobile Auctions. Require petitioner to provide parking plan and/or loading and unloading plan. Create minimum parking standard. Define vehicle in terms of license and movability.
- Create third category to address commercial and industrial vehicles.

6. POTENTIAL PRELIMINARY SITE PLAN APPROVAL (File Number SP 954) – AT&T Wireless Facility at Troy Lanes, South Side of Square Lake Road, West of John R (1950 E. Square Lake), Section 11, Zoned B-2

Mr. Savidant addressed the procedure for site plan approval of the proposed site plan application, noting the petitioner must seek a variance from the Board of Zoning Appeals (BZA).

Mr. Branigan presented a summary of the Planning Consultant report. He addressed the site plan approval process in relation to the petitioner seeking a variance from the BZA. Mr. Branigan cited deficiencies with the site plan application, which he indicated should be addressed prior to coming back to the Planning Commission should the setback variance be granted. Mr. Branigan recommended that the Planning Commission postpone action on the item to allow the petitioner to pursue the required variance from the BZA.

Mr. Maxwell presented and identified photographs he took of an existing monopine tower located at Quarton and Woodward as well as the proposed location to place a monopine.

Wally Haley of Haley Law Firm, 8065 Grand River, Brighton, was present to represent the petitioner. Mr. Haley addressed the deficiencies noted in the Planning Consultant report, landscaping, parking and maneuvering lanes, and other tower locations.

Mr. Haley's PowerPoint presentation outlined the following:

- The wireless industry.
- Search area objective.
- Monopine location.
- Site plan.
- Tower elevation.
- Photosimulations of proposed site from various directional views.
- Existing monopine tower at Manresa Jesuit Retreat House at Quarton and Woodward.

The Planning Commission requested the following site plan revisions, should the application continue through the approval process:

- Designate height / context of existing trees in relation to tower.
- Monopine tower preferred.
- Eliminate "Flynn Park" title.

6.a. TROY-BIRMINGHAM MULTI-MODAL TRANSIT CENTER

There was general discussion on the status and site plan approval process of the Troy-Birmingham Multi-modal Transit Center.

Members Edmunds and Strat expressed concerns with the size of the building, maintenance of the facility, construction costs, site plan approval process, and return on LEED investments.

Mr. Savidant reminded the members that the Planning Commission is a recommending body only in the site plan approval process of the transit center. He suggested that the body as a whole make a recommendation they feel is appropriate as relates to the site plan design. Mr. Savidant encouraged members to forward any questions and concerns in writing to him within the next week. Mr. Savidant also addressed his attendance at recent transit center meetings and meeting minutes.

OTHER BUSINESS

7. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENT

Mr. Maxwell addressed his interest in researching anti-smoking legislation in Michigan. He indicated a desire to give a presentation to the Commission in the future on anti-smoking legislation and its economic impact.

Messrs. Branigan and Savidant commented briefly on innovative approaches to parking.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:20 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on October 27, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
 Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert M. Schultz
 Thomas Strat
 Lon M. Ullmann

Absent:

John J. Tagle
 Mark J. Vleck

Also Present:

R. Brent Savidant, Acting Planning Director
 Christopher Forsyth, Assistant City Attorney
 Zachary Branigan, Carlisle/Wortman Associates, Inc. (CWA)
 Adrienne Milner, Student Representative
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Mr. Edmunds requested to add the Transit Center on the agenda for discussion, as Agenda item 6.a.

Resolution # PC-2009-10-087

Moved by: Edmunds
 Seconded by: Strat

RESOLVED, To approve the Agenda as revised.

Yes: All present (7)
 Absent: Tagle, Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-10-088

Moved by: Sanzica
 Seconded by: Maxwell

RESOLVED, To approve the minutes of the October 6, 2009 Special/Study and October 13, 2009 Regular meetings as submitted.

Yes: All present (7)
 Absent: Tagle, Vleck

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

STUDY ITEMS

5. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 239) – Amendment to Article 28, Used Automobile Sales and Indoor Commercial Auctions in M-1

Mr. Savidant addressed the proposed Zoning Ordinance Text Amendment relating to used automobile sales and indoor commercial auctions in the M-1 zoning district. Mr. Savidant asked for comment and direction on the proposed draft language.

Discussion followed, and it was determined to make the following revisions to the draft language:

- Re-word condition #4 under Used Automobile Sales. Add word “other” before “used automobile sales facilities”; and clarify relationship of existing dealerships that sell used vehicles as an accessory use.
- Address parking under Automobile Auctions. Require petitioner to provide parking plan and/or loading and unloading plan. Create minimum parking standard. Define vehicle in terms of license and movability.
- Create third category to address commercial and industrial vehicles.

6. POTENTIAL PRELIMINARY SITE PLAN APPROVAL (File Number SP 954) – AT&T Wireless Facility at Troy Lanes, South Side of Square Lake Road, West of John R (1950 E. Square Lake), Section 11, Zoned B-2

Mr. Savidant addressed the procedure for site plan approval of the proposed site plan application, noting the petitioner must seek a variance from the Board of Zoning Appeals (BZA).

Mr. Branigan presented a summary of the Planning Consultant report. He addressed the site plan approval process in relation to the petitioner seeking a variance from the BZA. Mr. Branigan cited deficiencies with the site plan application, which he indicated should be addressed prior to coming back to the Planning Commission should the setback variance be granted. Mr. Branigan recommended that the Planning Commission postpone action on the item to allow the petitioner to pursue the required variance from the BZA.

Mr. Maxwell presented and identified photographs he took of an existing monopine tower located at Quarton and Woodward as well as the proposed location to place a monopine.

Wally Haley of Haley Law Firm, 8065 Grand River, Brighton, was present to represent the petitioner. Mr. Haley addressed the deficiencies noted in the Planning Consultant report, landscaping, parking and maneuvering lanes, and other tower locations.

Mr. Haley's PowerPoint presentation outlined the following:

- The wireless industry.
- Search area objective.
- Monopine location.
- Site plan.
- Tower elevation.
- Photosimulations of proposed site from various directional views.
- Existing monopine tower at Manresa Jesuit Retreat House at Quarton and Woodward.

The Planning Commission requested the following site plan revisions, should the application continue through the approval process:

- Designate height / context of existing trees in relation to tower.
- Monopine tower preferred.
- Eliminate "Flynn Park" title.

6.a. TROY-BIRMINGHAM MULTI-MODAL TRANSIT CENTER

There was general discussion on the status and site plan approval process of the Troy-Birmingham Multi-modal Transit Center.

Members Edmunds and Strat expressed concerns with the size of the building, maintenance of the facility, construction costs, site plan approval process, and return on LEED investments.

Mr. Savidant reminded the members that the Planning Commission is a recommending body only in the site plan approval process of the transit center. He suggested that the body as a whole make a recommendation they feel is appropriate as relates to the site plan design. Mr. Savidant encouraged members to forward any questions and concerns in writing to him within the next week. Mr. Savidant also addressed his attendance at recent transit center meetings and meeting minutes.

OTHER BUSINESS

7. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENT

Mr. Maxwell addressed his interest in researching anti-smoking legislation in Michigan. He indicated a desire to give a presentation to the Commission in the future on anti-smoking legislation and its economic impact.

Messrs. Branigan and Savidant commented briefly on innovative approaches to parking.

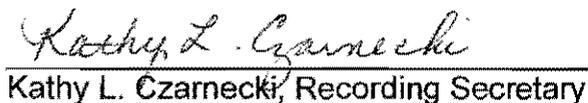
ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:20 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



Kathy L. Czarnecki, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, November 4, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Bill Nelson
Michael Pylar
Tim Richnak
Mark Stimac

ALSO PRESENT: Paul Evans, Housing & Zoning Inspector Supervisor
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 7, 2009

Motion by Richnak
Supported by Nelson

MOVED, to approve the minutes of the meeting of October 7, 2009 as written.

Yeas: 4 – Nelson, Richnak, Stimac, Dziurman
Abstain: 1 – Pylar

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. JEFF JOHNSON, HARMON SIGNS, 3946-3978 ROCHESTER, ROCHESTER SQUARE, for relief of Chapter 85 to erect a 200 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 200 square foot ground sign with a proposed 5' setback from the planned street right of way. Table 85.02.05 of the Sign Ordinance requires ground signs over 100 square feet in size to be setback more than 30' from the planned street right of way.

Mr. Jeff Johnson, of Harmon Signs was present and stated that they are requesting a variance due to the fact that the existing sign would have to be relocated due to the road widening project. They are also planning to upgrade the existing twenty year old sign. Mr. Johnson said that they cannot meet the required setback as there is a row of trees and the visibility of the sign would be lost.

Mr. Stimac asked the petitioner if the top of the sign was a changeable message sign. Mr. Johnson said that it was and Mr. Stimac asked who would control the messages on that part of the sign.

Mr. Johnson stated that the landlord would have control of the changeable messages.

ITEM #2 – con't.

Mr. Stimac asked if the tenants would have the opportunity to bid on that part of the sign and also asked where the controller would be kept.

Mr. Johnson said that all of the tenants would have this part of the sign available to them by bids and the controller would be kept in the landlord's office.

Mr. Nelson expressed concern that the location of the new sign will create an obstruction for traffic leaving the center and asked if the sign could be moved further back from the road.

Mr. Johnson said that they could move it back but they can't move it too far as it would be hidden by the existing trees.

Mr. Stimac asked if the sign could be moved farther south to reduce the traffic interference and Mr. Johnson stated that there are also a number of existing trees in that location.

Mr. Nelson said that he was still very concerned that the proposed sign will cause an obstruction and Mr. Dziurman agreed that the view of traffic leaving the center will be obscured.

Mr. Richnak stated that the drawing of the proposed sign doesn't show the location of the sidewalk. Everyone that comes out of this drive will only be allowed to make a right hand turn and Mr. Richnak agrees with the concerns regarding visibility. Mr. Richnak believes that the sign should be moved at least 1' farther east or moved farther to the south. Drivers will be focused on traffic heading northbound and the proposed location could create a hazard.

Mr. Nelson concurred, agreeing that the sign should be moved east at least one foot.

Mr. Johnson said that they are maintaining the 4' easement and the placement of the sign is about the same distance east as the existing sign. Mr. Johnson said that he was not sure that moving the sign farther south would make a difference. If the Board wanted them to move the sign 1' east, they would be willing to do that.

Mr. Stimac stated that the distance of the sign to the curb will be much shorter than the existing sign. Mr. Johnson stated that it would definitely be much closer.

Mr. Nelson said that the proposed sign is 12' wide and believes will create an obstruction. Mr. Nelson asked how far the sign could be moved to the east.

Mr. Johnson said that he believes it makes more sense to move the sign farther south rather than east.

ITEM #2 – con't.

Mr. Richnak asked how far south they could move the sign. Mr. Johnson said that because of the existing trees, they could only move the sign 3' or 4'.

Mr. Stimac stated that due to the concerns of the Board members it may be better to postpone this item until the next scheduled meeting so that the petitioner could stake out both possibilities and the Board members could go back to the site to determine what impact this sign would have.

Mr. Johnson stated that would be acceptable as long as the existing sign was allowed to remain.

Mr. Richnak said that he does not believe that road demolition is starting until February or March so that would not be an issue.

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

There are no written approvals or objections on file.

Motion by Richnak
Supported by Stimac

MOVED, to postpone the request of Jeff Johnson, Harmon Signs 3946-3978 Rochester, Rochester Square, for relief of Chapter 85 to erect a 200 square foot ground sign until the meeting of December 2, 2009.

- To allow the petitioner the opportunity to stake out the current proposed location.
- To allow the petitioner the opportunity to also stake out any alternate locations that could be considered.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF DECEMBER 2, 2009 CARRIED.

ITEM #3 – VARIANCE REQUESTED. DIVYA GUNDARAM, 1206 HARTLAND, for relief of Chapter 83 to install a 6' high privacy fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence located 5' from the west property line along Daley. This property is a double front corner lot. It has front yard requirements along both Hartland and Daley. Chapter 83 limits the height of fences in front yards to not more than 30".

ITEM #3 – con't.

Mrs. Divya Gundaram was present and stated that they wished to put up this fence not only for privacy but also to provide safety for her children and dog. A lot of trash blows across the street and Mrs. Gundaram is hoping that the fence will prevent it from coming into the yard. In addition there are a number of teen agers that cut across their property. Mrs. Gundaram brought in seven (7) letters indicating approval of this request.

There are two (2) written approvals and one (1) written objection on file.

Mr. Stimac said that although right now the sidewalk stops before a wall, in the future the sidewalk will be expanded and putting a fence south and east to the sidewalk will create an obstruction. Mr. Stimac said that at the time this subdivision was platted an easement was designated for the continuation of the sidewalk. If the fence is located along Daley with a jog it would create a problem.

Mrs. Gundaram said that she would not have a problem if the fence was located straight along Daley.

Mr. Stimac asked how far the proposed fence was from the sidewalk and Mrs. Gundaram said that it was one foot. Mr. Stimac asked if she would have a problem moving the fence farther east.

Mrs. Gundaram said that there are a lot of trees in this area which could create a problem.

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

Mr. Nelson asked where the separation wall lines up with the right of way.

Mr. Stimac said that the sidewalk ends at the southwest corner of this lot and right now it is heading toward a wall.

Mr. Nelson said that if the fence was located straight back it would not have an impact on the sidewalk.

Mr. Richnak said that there would not be an issue putting a sidewalk in to the south and would be able to be installed in that location.

Mr. Stimac asked the petitioner what type of privacy fence she is proposing to install.

Mrs. Gundaram said that originally they had wanted to install a vinyl privacy fence, but the cost is too high, and now they are planning to put up a wooden fence.

ITEM #3 – con't.

Mr. Stimac said that it appears that there is a line of trees that have been planted in the middle of the yard on the east side of the house. These trees will be growing much larger and Mr. Stimac questioned the usability of the yard in this area. It looks as though there is about a 10' to 12' area between the trees and the sidewalk and asked the petitioner if she would be willing to move the fence farther back.

Mrs. Gundaram said that this is one of the areas that people walk through and they would like to prevent this from happening.

Mr. Richnak said that there is line of trees running north and south between sidewalk and the end of the garage, and because of this that area of the yard will probably not be used. Mr. Richnak asked if the petitioner had looked at requesting a fence on the east side of the trees.

Mrs. Gundaram said that they are planning to remove some of the trees.

Mr. Richnak said that he would like to see what the petitioner is planning to do as he would be opposed to putting up a fence and removing a natural barrier.

Mrs. Gundaram asked how far the Board would like her to move the fence.

Mr. Richnak said that he would like to have the fence on the east side of the trees. These trees will provide great screening for this property. From the pictures presented Mr. Richnak said that these trees will grow together. Mr. Richnak also stated that it is very difficult for him to authorize a variance when there is nothing to protect the neighborhood from the appearance of a privacy fence.

Mrs. Gundaram said that there are a number of sprinkler heads in this area and they would have to move them if the fence was required to be moved farther back.

Mr. Nelson said that if the fence was brought in 6' or 8' there would be a requirement that some type of landscaping be added between the sidewalk and the fence to aid in screening the fence.

Mr. Dziurman asked if the petitioner would be willing to move fence back 6' to 8'. The fence would have to be inside of the tree line to soften the impact of the fence.

Mr. Richnak said that the fence would be moved 6' east of the sidewalk and this Board could require an evergreen type of landscaping to soften the look of the fence.

Mrs. Gundaram asked if the Board wanted them to remove some of the trees and Mr. Dziurman said that they did not wish the petitioner to do this, but to move the fence back 6' to 8' from the sidewalk.

ITEM #3 – con't.

Mr. Richnak said that he could not approve the location of the fence along the sidewalk. He believes this is a safety issue and does not like the starkness of a fence. Mr. Richnak would like it moved back at least 6' and landscaping added to soften the look of the fence.

Mrs. Gundaram asked the Board if they would be willing to allow them to erect the fence 4' from the sidewalk.

Mr. Dziurman informed the petitioner that the Board would like the fence moved back 6' and additional landscaping added.

Mr. Nelson asked the petitioner if she wanted this request postponed until the December meeting to allow her to determine what impact moving the fence back would have on her property.

Mrs. Gundaram said that they would be willing to move the fence back 6'.

Motion by Nelson
Supported by Richnak

MOVED, to grant Divya Gundaram, 1206 Hartland, relief of Chapter 83 to install a 6' high privacy fence.

- Fence is to be moved back 6' from the sidewalk or suggested line of sidewalk.
- Evergreen type screening will be provided by the petitioner, 4' on center spaced, and a minimum of 3' – 4' tall at the time of planting.
- Select plants that will mature to a 4' width.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. MARK ZOLTOWSKI, ART ONE SIGNS, 5903-5953 JOHN R, EMERALD LAKES PLAZA, for relief of Chapter 85 to erect a 10' tall 32 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect a 10' tall 32 square foot ground sign. This property is zoned B-2. Chapter 85.02.05 (C) (4) of the Sign Code allows two ground signs. Currently there are two ground signs on the property; the first measures 420 square feet in area; the second measures 23 square feet in area. This request exceeds the number of ground signs allowed.

Mr. Carl Dallo, Art One Sign, Mr. Frank Mediati owner of Emerald Lakes Plaza, and the owner of Carl's Liquor Store were present. Mr. Dallo stated that because of the location

ITEM #4 – con't.

of this store, it appears to be a separate building and the only sign they have right now is the large Plaza identification sign. The petitioner would like to put up this additional sign closer to the store to allow greater visibility for people driving by on John R. and Square Lake.

Mr. Dziurman asked if the existing sign would be taken down and Mr. Dallo stated that it would not be removed.

Mr. Stimac stated that this is basically a convenience store for the neighborhood and asked what percentage of customers were repeat customers.

The owner of the store stated that he believed the percentage was quite low.

Mr. Stimac said that the proposed sign appears to have six lines of advertising and asked what that space would be used for.

Mr. Dallo said that it is made up of changeable letters and the use would be determined by the landlord.

Mr. Stimac asked if Mr. Dallo knew what type of advertising would be put in this space.

Mr. Dallo said that it could be used to advertise vacant space.

Mr. Stimac then asked if this area was individual letters or if each space was a changeable panel. Mr. Dallo said that they are made up of changeable panels.

Mr. Stimac stated that if the hardship is visibility in his opinion, this part of the sign could be eliminated as advertising would not be needed.

The Chairman opened the Public Hearing.

Mr. Jim Atwall, 2050 Oakwood, was present and stated that he owns property across the street and is also president of the homeowners association in the nearby subdivision. Mr. Atwall stated that they are concerned about this shopping center. Both ends of this strip mall have illuminated signs that change color every minute. Mr. Atwall said that in his opinion this area looks like Las Vegas.

Mr. Richnak asked if these signs were on the inside of the glass.

Mr. Atwall said that they are very large signs on the facades of the building. The large sign on the corner of Square Lake and John R. was to let people know what stores were in the shopping center. There is a sign for a dentist's office on the south side of this area that is illuminated until 1:00 A.M. Mr. Atwall said that there is already more than enough signage and he believes that the sign on the front of this location has letters that

ITEM #4 – con't.

are 2 ½' high and about 15' long and change color every minute. This is a residential area and should be kept as such. Mr. Atwall also gave examples of other shopping centers in Troy that do not have signage that is this extensive.

Mr. Mediati, owner of Emerald Lakes Plaza said that there is only one ground sign on the site and the other real estate sign is permitted annually. A secondary sign on the southern portion of the site would be a welcome addition as the problem is visibility for this store. All signs have been done to Code and Mr. Mediati objects to this site being compared to Las Vegas.

Mr. Stimac asked how many vacant spaces were available on this site and Mr. Mediati said that there were two. Mr. Stimac asked if they would have access to the main sign and Mr. Mediati said that they would.

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

There is one written objection on file. There are no written approvals on file.

Mr. Dziurman asked if the advertising at the bottom of the sign was necessary.

Mr. Dallo said that they would put whatever this Board wanted at the bottom of the sign.

Mr. Stimac explained that the petitioner is asking for a third ground sign, which is not permitted by the Ordinance, and stated that if the justification for the third ground sign is identification, then advertising is not needed.

Mr. Dallo said that if the landlord would allow them to remove these panels, they would remove them.

Mr. Nelson asked what the size of the advertising element of the sign is. Mr. Dallo said that he believes it is about 4'. Mr. Nelson said that if the advertising portion of the sign was removed, the remaining sign would be approximately 4' x 4'. The petitioner does not need the advertising if their hardship is identification.

Mr. Dziurman asked if the "for lease" sign would remain.

Mr. Stimac stated that he was not opposed to a property owner or a landlord having a "for lease" sign, but does have difficulty with this Board granting a variance to advertise lease space. The existing "for lease" sign is permitted.

Mr. Nelson asked how long the "for lease" sign has been on the property and Mr. Mediati said that it has been there for a few years.

ITEM #4 – con't.

Mr. Atwall said that the dentist office to the south of this parcel has a sign that is 6' x 10' very close to the property line.

Mr. Dziurman explained that that property is not part of this shopping center or this request.

Mr. Dallo said that they would be willing to remove the bottom part of the sign. The main purpose of this third sign is identification.

Mr. Stimac asked if there was wall signage on this building. The owner of the store said that there is a sign on the east side of the building but people going by can't find them.

Mr. Richnak asked what the size of the sign was on the face of the building. Mr. Atwall said that he believes that the letters are 2 ½' high by 15' long. The sign changes colors every minute. The owner of the store said that the colors used are very soft.

Mr. Nelson said that he would like to see this request postponed to allow him the opportunity to go back out to this location to see exactly what kind of signage is in place. Mr. Nelson said that he has a tough time believing that people can't find this store.

Mr. Stimac asked if there was anything between the store and John R. that would block the view from John R. Mr. Stimac said that he agrees with Chief Nelson that a third ground sign would not significantly increase the visibility of this space.

Mr. Dallo said that there is landscaping in the middle of an island on the site. Mr. Stimac said that he did not believe that would affect this location. Mr. Dallo then said that there are a number of trees along John R.

Mr. Richnak said that he does not believe that people have any problem locating this building. If someone is looking for something in this shopping center the sign on the corner is obvious and the location is on the corner of two major streets. Mr. Richnak said that he also believes that 99% of the people driving in this area are the same people that drive through here every day. Mr. Richnak said that in his opinion the main sign is very cluttered, but that there is enough space on that sign to identify everybody in this center.

Mr. Stimac asked if there was any thought given to putting the "for lease" information on the existing 424 square foot sign and eliminating the second ground sign. Mr. Mediati said that was a possibility. Mr. Stimac explained that if the "for lease" ground sign was eliminated, the ground sign the petitioner is requesting would be allowed without a variance.

Motion by Stimac
Supported by Richnak

ITEM #4 – con’t.

MOVED, to postpone the request of Mark Zoltowski, Art One Signs, 5903-5953 John R, Emerald Lakes Plaza, for relief of Chapter 85 to erect a 10’ tall 32 square foot ground sign until the meeting of December 2, 2009.

- To allow the petitioner and the owner of the property to determine if there are other considerations available to them that could eliminate the need for a variance.
- To allow the Board members the opportunity to review the other signage on the site.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF DECEMBER 2, 2009 CARRIED

Mr. Mediati asked if he would need to come back to this Board if he wished to put up another “for lease” ground sign.

Mr. Evans explained that the Ordinance permits two 6 square foot “for lease” temporary ground signs.

The Building Code Board of Appeals meeting adjourned at 9:55 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, November 9, 2009 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

Roll Call

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne

ABSENT: Andrew Kaltsounis
Bohdan L. Ukrainec

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Lauren Harden, student representative
Dane Lepola, student representative
Pat Gladysz

Resolution to Excuse Committee Members Kaltsounis and Ukrainec

Resolution #LC2009-11-019
Moved by Hall
Seconded by Payne

RESOLVED, That the absence of Committee members Kaltsounis and Ukrainec at the Liquor Advisory Committee meeting of November 9, 2009 be **EXCUSED**.

Yes: 5
No: 0
Absent: Kaltsounis, Ukrainec

Resolution to Approve Minutes of October 12, 2009 Meeting

Resolution #LC2009-11-020
Moved by Hall
Seconded by Payne

RESOLVED, That the Minutes of the October 12, 2009 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Kaltsounis, Ukrainec

Agenda Items

1. **Marriott International, Inc. (A Delaware Corporation)**, 200 West Big Beaver, Troy, MI 48084 requests to drop WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company) as Co-Licensee and add Sunstone Big Beaver Lessee, Inc. (A Delaware Corporation) as Co-Licensee in 2009 B-Hotel & SDM Licensed Business with Dance-5 Entertainment Permit, Official Permit (Food), 8 Bars, and 350 Rooms, located at 200 West Big Beaver, Troy, MI 48084, Oakland County: and change Official Food Permit (Food) Hours from weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 7:00 A.M. to 12:00 P.M. to weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 6:00 A.M. to 12:00 P.M {MLCC Req. #519011}.

Present to answer questions from the Committee was attorney Patrick Howe.

Mr. Howe explained that this request is made to update MLCC records due to a change in business ownership. The management of the hotel remains unchanged. Also, this request includes a change in the start time of the food service hours.

Officer Feld informed the Committee that all inspections have been approved.

Resolution #LC2009-11-021
Moved by Godlewski
Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Marriott International, Inc. (A Delaware Corporation) 200 West Big Beaver Road, Troy, MI 48084 to drop WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company) as Co-Licensee and add Sunstone Big Beaver Lessee, Inc. (A Delaware Corporation) as Co-Licensee in 2009 B-Hotel & SDM Licensed Business with Dance-Entertainment Permit, Official Permit (Food), 8 Bars, and 350 Rooms, located at 200 West Big Beaver, Troy, MI 48084, Oakland County: and to change Official Food Permit (Food) Hours from weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 7:00 A.M. to 12:00 P.M. to weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 6:00 A.M. to 12:00 P.M be **APPROVED**.

Yes: 4
No: 1
Absent: Kaltsounis, Ukrainec

2. **Grand Azteca V Inc.**, requests to transfer ownership of 2009 Class C Licensed Business, located in escrow at 4856 N. Adams, Rochester, MI 48306, Oakland Township, Oakland County, From Red Lotus, LLC & transfer location (Governmental Unit) (MCL 436L.1531 (1) to 935 East Long Lake Troy, MI 48085, Oakland County and request New Official Permit (Food) & SDM License {MLCC Req.#524757}.

Present to answer questions from the Committee were owners Silviano Arellano-Aguaya and Juan Ramos.

The business owners provided the Committee with menus for their five restaurant locations. The Long Lake Road location has approximately 20 booths and the bar is located on the left in the rear of the restaurant. The employee liquor training will be obtained through TIPS.

Resolution #LC2009-11-022
Moved by Hall
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Grand Azteca V Inc., to transfer ownership of 2009 Class C Licensed Business, located in escrow at 4856 N. Adams, Rochester, MI 48306, Oakland Township, Oakland County, from Red Lotus, LLC, and to transfer location (Governmental Unit) (MCL 436L.1531 (1) to 935 East Long Lake Road, Troy, MI 48085, Oakland County, and to receive New Official Permit (Food) & SDM License be **APPROVED**.

Officer Feld informed the Committee that there have been no liquor violations and inspections have been approved.

Yes: 5
No: 0
Absent: Kaltsounis, Ukrainec

Student representative Lauren Harden was introduced.

Officer Feld updated the Committee on the following information items:

NKG Business, Inc.

Application has been made to transfer license from Buscemi's.

Fine Wine Distributors, Inc.

A wholesale license has been requested.

Cameron Mitchell Restaurants, LLC

Ocean Prime restaurant is requesting to enlarge their outdoor service area. This request was originally made in the spring of this year, but they chose to delay the project until the patio would be closed for the season.

Space Station

This is a Marathon gas station at 3410 Rochester is requesting a SDM and SDD license.

Northfield Hilton

The hotel changed their name to the Ramada Inn approximately nine months ago, but was under the same ownership. It now appears that ownership may have recently changed. DeSoto's Bar inside the hotel is closed.

Officer Feld also informed the Committee that McCormick & Schmick's Restaurant, Hilton Homewood Suites, and Parrot Cove served alcohol to a minor decoy on October 28, 2009.

The meeting adjourned at 7:20 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

RESOLVED, That the agenda for the Thursday, November 12, 2009, meeting, be approved.

Yes: 3—Duggan, Gauri, Zembrzuski
No: 0

MOTION CARRIED

PUBLIC COMMENT—None

BOARD MEMBER COMMENTS—Zembrzuski mentioned that she'd heard that signs were posted at the Troy Historical Museum and Nature Center that stated that the building would close if the millage didn't pass. C. Russ has checked on this and found no signs. No such signs are posted at the Troy Library.

STUDENT REPRESENTATIVE'S COMMENTS—P. Lee asked for guidance regarding where to vote in the upcoming election. The LAB members directed him to contact the City Clerk's office.

POSTPONED ITEMS

- A. Drive Up Materials Return—C. Russ updated the LAB members on the status of this project.
- B. Quarterly Statistics—the LAB members reviewed the Quarterly statistics.
- C. Fees Report—C. Russ reviewed the first quarter Fees Report with the LAB members.

OLD BUSINESS

- A. Polaris Update—C. Russ updated the LAB members on the progress made with the Polaris system, and upcoming projects and goals related to it.

NEW BUSINESS

- A. Library Advisory Board Meeting Dates for 2010—B. Duggan will email all LAB members to determine a date for the January 2010 board meeting. This will be discussed at the December LAB meeting.
- B. 2010 Library Calendar

Resolution #LB-2009-11-05

Moved by Gauri
Seconded by Duggan

RESOLVED, To approve the 2010 Library Calendar of Closed Dates.

Yes: 3—Duggan, Gauri, Zembrzuski
No: 0

MOTION CARRIED

- C. Approval of Suburban Library Cooperative Plan of Service

Resolution #LB-2009-11-06

Moved by Zembrzuski
Seconded by Gauri

RESOLVED, To approve the SLC Plan of Service.

Yes: 3—Duggan, Gauri, Zembrzuski
No: 0

REPORTS & COMMUNICATIONS

Director's Report—was received and filed. A copy will be attached to the minutes of this meeting. C. Russ provided a copy of the Library's Annual Report to the LAB members. Copies will be available in the library and on the website as well.

Suburban Library Cooperative Report—B. Duggan is Troy's representative to the SLC Board. SLC is on solid financial footing. Investments will be transferred to credit unions so all are FDIC insured. The Macomb County Resource & Reference Center will be an auxiliary member of the SLC. The SLC Board is sending a letter of congratulations to Harrison Twp, for starting its own library. The library is currently staffed by volunteers.

Friends of the Troy Public Library—C. Russ read the report submitted by the Friends Board. B. Duggan expressed that the Friends of TPL are the best friends group she's ever seen.

Gifts—None

Informational Items

Website address for Troy Public Library calendar: <http://sl.libcoop.net/troy/lib/eventcalendar.asp>

VISITORS' COMMENTS--The LAB members discussed the Visitors' Comments.

ADJOURNMENT

Resolution #LB-2009-11-07

Moved by Zembrzuski

Seconded by Gauri

RESOLVED, To adjourn the meeting.

Yes: 3—Duggan, Gauri, Zembrzuski
No: 0

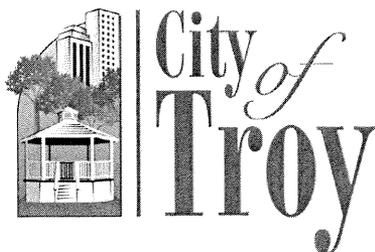
MOTION CARRIED

The Library Board meeting adjourned at 8:26 P.M.

The next regular meeting of the Library Advisory Board is Thursday, December 10, 2009, at 7 pm.

Belinda Shelton Duggan
Vice Chairman

Cathleen Russ
Recording Secretary



CITY COUNCIL REPORT

November 6, 2009

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police *GM*
Wendell Moore, Research & Technology Administrator *WM*

SUBJECT: 2009 Year-To-Date 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 third 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 3.8% (98 incidents) from the 2008 level. Within the group, the following categories show notable variations:
 - Assault Offenses: Up 5.6% (24 incidents)
 - Breaking and Entering: Down 28.9% (70 incidents)
 - Destruction/Damage to Property/Vandalism: Down 16.2% (42 incidents)
 - Larceny/Theft Offenses: Up 12.5% (129 incidents)
 - Motor Vehicle Theft: Down 54.8% (68 incidents)
 - Weapon Law Violations: Up 50.0% (3 incidents)
- Group B Crime increased 7.7% (63 incidents). Significant variations from the 2008 levels occurred in the following:
 - Bad Checks: Up 32.3% (10 incidents)
 - Driving Under the Influence: Up 4.0% (11 incidents)
 - Liquor Law Violations: Down 39.3% (22 incidents)
- Total incidents of crime (Group A & B combined) decreased by 1.0% (35 incidents).

- Clearance rates, the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted, continue to be high:
 - 34.1% of reported Group A Crime
 - 80.8% of reported Group B Crime
 - 47.7% of all reported crime has been cleared
- Total Arrests increased 3.8% (74 arrests)
 - Group A Crime Arrests: Increased 8.5% (73 arrests)
 - Group B Crime Arrests: Increased 7.8% (56 arrests)
- Group C (non-criminal) calls for police service decreased by 9.6% (2,466 incidents).
- Year-to-date reported traffic crashes and citations issued are:
 - Property Damage crashes decreased 16.5% (301 crashes)
 - Injury crashes increased 0.5% (2 crashes)
 - Fatal crashes decreased from 5 to 1
- Total traffic citations issued increased 10.4% (974 citations)
 - Hazardous traffic citations issued increased 0.7% (45 citations)
 - Non-Hazardous traffic citations issued increased 28.7% (165 citations)
 - License/title/registration citations issued increased 22.6% (372 citations)
 - Parking citations issued increased 118.8% (392 citations)
- Overall crimes and non-criminal calls for police service are down 8.8% (2,554 crimes/calls for service)

Troy Police Department

January through September 2009/2008 Comparison

Group A Crime Categories	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent	Y-T-D		Percent	Y-T-D		Percent	Y-T-D	
	2009	2008	Change	2009	2008	Change	2009	2008	Change	2009	Percent
Arson	3	5	-40.0%	3	6	-50.0%	0	0	NC	0	0.0%
Assault Offenses	453	429	5.6%	463	444	4.3%	111	104	6.7%	119	25.7%
Bribery	0	1	-	0	2	-	0	0	NC	0	0.0%
Breaking and Entering	172	242	-28.9%	173	243	-28.8%	28	19	47.4%	16	9.2%
Counterfeiting/Forgery	19	36	-47.2%	20	36	-44.4%	8	8	NC	6	30.0%
Destruction/Damage/Vandalism	218	260	-16.2%	236	276	-14.5%	7	15	-53.3%	13	5.5%
Drug/Narcotic Offenses	149	148	0.7%	242	234	3.4%	175	170	2.9%	229	94.6%
Embezzlement	35	58	-39.7%	36	60	-40.0%	28	49	-42.9%	18	50.0%
Extortion/Blackmail	0	1	-	0	2	-	0	0	NC	0	0.0%
Fraud Offenses	126	156	-19.2%	135	166	-18.7%	22	40	-45.0%	21	15.6%
Gambling Offenses	0	0	NC	0	0	NC	0	2	-	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	1,162	1,033	12.5%	1,187	1,063	11.7%	526	411	28.0%	436	36.7%
Motor Vehicle Theft	56	124	-54.8%	58	126	-54.0%	4	7	-42.9%	5	8.6%
Pornography/Obscene Material	1	0	+	1	0	+	0	0	NC	0	0.0%
Prostitution Offenses	5	4	25.0%	6	4	50.0%	5	5	NC	5	83.3%
Robbery	10	9	11.1%	10	9	11.1%	4	2	100.0%	4	40.0%
Sex Offenses, Forcible	23	27	-14.8%	23	27	-14.8%	1	7	-85.7%	2	8.7%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	8	9	-11.1%	16	17	-5.9%	9	13	-30.8%	12	75.0%
Weapon Law Violations	9	6	50.0%	10	12	-16.7%	5	6	-16.7%	8	80.0%
Group A Total	2,451	2,549	-3.8%	2,623	2,729	-3.9%	933	860	8.5%	894	34.1%
Group B Crime Categories											
Bad Checks	41	31	32.3%	42	33	27.3%	10	18	-44.4%	9	21.4%
Curfew/Loitering/Vagrancy	2	0	+	2	0	+	0	0	NC	0	0.0%
Disorderly Conduct	72	78	-7.7%	90	87	3.4%	10	25	-60.0%	18	20.0%
Driving Under the Influence	286	275	4.0%	336	328	2.4%	289	283	2.1%	329	97.9%
Drunkenness	1	0	+	2	0	+	0	0	NC	0	0.0%
Family Offenses, Nonviolent	8	18	-55.6%	8	18	-55.6%	1	0	+	0	0.0%
Liquor Law Violations	34	56	-39.3%	77	102	-24.5%	87	92	-5.4%	75	97.4%
Peeping Tom	0	1	-	0	1	-	0	1	-	0	0.0%
Runaway (Under 18)	11	15	-26.7%	11	15	-26.7%	0	0	NC	0	0.0%
Trespass of Real Property	13	12	8.3%	13	17	-23.5%	4	10	-60.0%	4	30.8%
All Other	417	336	24.1%	499	425	17.4%	374	290	29.0%	438	87.8%
Group B Total	885	822	7.7%	1,080	1,026	5.3%	775	719	7.8%	873	80.8%
Group A and B Total	3,336	3,371	-1.0%	3,703	3,755	-1.4%	1,708	1,579	8.2%	1,767	47.7%
Above data includes both completed and attempted offenses.											

Troy Police Department

January through September 2009/2008 Comparison

Description	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D	Percent	Change	Y-T-D	Percent	Change	Y-T-D	Percent	Change	Y-T-D	
	2009	2008		2009	2008		2009	2008		2009	Percent
Alarms	2,410	2,699	-10.7%	2,410	2,699	-10.7%	NA	NA	NA	NA	NA
All Other	20,701	22,878	-9.5%	20,995	23,142	-9.3%	310	365	-15.1%	NA	NA
Group C Miscellaneous Total	23,111	25,577	-9.6%	23,405	25,841	-9.4%	310	365	-15.1%	NA	NA
Group E Fire Total	78	131	-40.5%	78	131	-40.5%	NA	NA	NA	NA	NA
Grand Totals	26,525	29,079	-8.8%	27,186	29,727	-8.5%	2,018	1,944	3.8%	1,767	47.7%

Traffic Crashes and Citations

Reportable Traffic Crashes

2009 Alcohol Involved Crashes

Personal Injury	396	394	0.5%	10 Incidents--2.5% involved alcohol.
Property Damage	1,524	1,825	-16.5%	16 Incidents--1.0% involved alcohol.
Fatal	1	5	-80.0%	0 Incidents--0.0% involved alcohol.
Total Reportable	1,921	2,224	-13.6%	26 Incidents--1.4% of all reportable crashes involved alcohol.
Private Property Crashes	630	704	-10.5%	
Crashes Grand Total	2,551	2,928	-12.9%	

Traffic Citations

Hazardous	6,883	6,838	0.7%
Non-hazardous	739	574	28.7%
License, Title, Registration	2,016	1,644	22.6%
Parking	722	330	118.8%
Traffic Citations Total	10,360	9,386	10.4%



CITY COUNCIL REPORT

November 9, 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 – October 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 an 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 official e-procurement website used by the City for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for one (1) Panasonic fax machine, one (1) HP Scanjet 4C, one (1) lot of A/V accessories, one (1) Brinks safe, one (1) lot of games and CD's, one (1) amplifier, four (4) Dell computers, one (1) Leader Waveform monitor, one (1) Yasha multi effect processor, one (1) JVC AV selector, one (1) lot of cables, one (1) cash register, one (1) palm, one (1) Magnavox escot VHS camera, one (1) Quasar VHS camera, one (1) lot of self defense bags, one (1) Denon CD player, one (1) ESE timer, one (1) Phillips CDR CD recorder, one (1) Ptimus VCR, one (1) Telex audiocom, one (1) 2 channel compressor/limiter, one (1) Furman headphone monitor amplifier, one (1) Mackie 16 channel mixer, one (1) Coach eyeglasses, and one (1) Panasonic recorder that were auctioned on-line through BidNet, the City's e-procurement website, from September 22, 2009 and closed on, October 5, 2009.
- Final reporting is also being presented for three (3) Ford Crown Vics, one (1) Chevrolet Tahoe, one (1) Plymouth Breeze, one (1) GMC Safari van, and one (1) GMC Savana cargo van that were auctioned on-line through BidNet, the City's e-procurement website, from October 5, 2009 and closed on October 13, 2009.

November 9, 2009

To: John Szerlag, City Manager

Re: Final Reporting – BidNet On-Line Auction Services – October, 2009

Financial Considerations - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
(4) Dell computers, safe, cash register, cameras, & Media equipment, etc	\$ 1,657.77		
(3) Ford Vics, (1) Chevy Tahoe, (2) Vans, and (1) Plymouth	31,490.00		
5% Buyers' premium – for Auction Fees	1,574.50		
SUB-TOTAL:		\$34,722.27	
	FEES:		
5% (Computers, safe, cameras, etc.) Fee	\$ (\$82.93)		
5% on Vehicles (paid back thru buyer's premium)	(1,574.50)		
10 featured items for vehicles @ \$5.00 each	(50.00)		
SUB-TOTAL:		(\$1,707.43)	
Sales Tax +6% (-(4) computers, safe, cameras, etc):	\$ 99.50		
Sales Tax (None on Vehicle):	0.00		
SUB-TOTAL:		\$ 99.50	
			\$ 33,114.34

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 October 2009 auctions to City management.
- No action required



MITN Auctions	National Auctions	Auctions Main Menu	HELP/FAQ	Contact Support	MITN Admin Menu
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Report for the City of Troy, MI

Detailed Report for Seller: ALL

Reported on 10/31/2009

From: 10/1/2009 To: 10/31/2009

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
3766	10/5/2009	5.00	0.30	0.25	Sale	Panasonic Fax Machine	Bockstanz
4733	10/5/2009	6.50	0.39	0.33	Sale	HP ScanJet 4C	Bockstanz
5619	10/5/2009	5.25	0.32	0.26	Sale	A/V Accessories	Bockstanz
5601	10/5/2009	83.00	4.98	4.15	Sale	Brinks Safe	Bockstanz
5623	10/5/2009	22.50	1.35	1.13	Sale	Games and CD's	Bockstanz
5630	10/5/2009	41.00	2.46	2.05	Sale	Amplifier	Bockstanz
5646	10/5/2009	138.50	8.31	6.93	Sale	Dell Computer B390	Bockstanz
5946	10/5/2009	54.00	3.24	2.70	Sale	Leader Waveform Monitors	Bockstanz
5948	10/5/2009	112.75	6.77	5.64	Sale	Yaaha Multi Effect Processor	Bockstanz
5952	10/5/2009	7.50	0.45	0.38	Sale	JVC AV Selector	Bockstanz
5957	10/5/2009	1.25	0.08	0.06	Sale	Cables	Bockstanz
5959	10/5/2009	24.50	1.47	1.23	Sale	Cash Register	Bockstanz
5960	10/5/2009	69.00	4.14	3.45	Sale	Palm	Bockstanz
5961	10/5/2009	15.50	0.93	0.78	Sale	Magnavox Escot VHS Camera	Bockstanz
5962	10/5/2009	10.50	0.63	0.53	Sale	Quasar VHS Camera	Bockstanz
5963	10/5/2009	48.77	2.93	2.44	Sale	Self Defense Bags	Bockstanz
5981	10/5/2009	31.00	1.86	1.55	Sale	Dell Computer B414	Bockstanz
5949	10/5/2009	5.00	0.30	0.25	Sale	Denon CD Player	Bockstanz
5969	10/5/2009	28.00	1.68	1.40	Sale	Dell Computer B404	Bockstanz
5977	10/5/2009	27.50	1.65	1.38	Sale	Dell Computer B410	Bockstanz
5945	10/5/2009	4.00	0.24	0.20	Sale	ESE Timer	Bockstanz
5947	10/5/2009	21.76	1.31	1.09	Sale	Phillips CDR CD Recorder	Bockstanz
5956	10/5/2009	10.25	0.62	0.51	Sale	Ptimus VCR	Bockstanz
5951	10/5/2009	15.50	0.93	0.78	Sale	Telex Audiocom	Bockstanz
5950	10/5/2009	43.00	2.58	2.15	Sale	2 Channel Compressor/Limiter	Bockstanz
5953	10/5/2009	25.25	1.52	1.26	Sale	Furman Headphone Monitor Amplifier	Bockstanz
5943	10/5/2009	239.00	14.34	11.95	Sale	Mackie 16 Channel Mixer	Bockstanz
5629	10/5/2009	50.00	3.00	2.50	Sale	Coach Eyeglass	Bockstanz
5954	10/5/2009	511.99	30.72	25.60	Sale	Panasonic Recorder	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$1,657.77	\$99.50	\$82.93	\$0.00	\$82.93	\$82.93



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Report for the City of Troy, MI

Detailed Report for Seller: Samuel Lamerato

Reported on 10/31/2009

From: 10/1/2009 To: 10/31/2009

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
6023	10/5/2009	0	0.00	5.00	Featured Item	1978 Ford Diesel Tractor W/Broom Equip. #532	Lamerato
6025	10/5/2009	0	0.00	5.00	Featured Item	2000 GMC Safari AWD Van - Veh. #920	Lamerato
6026	10/5/2009	0	0.00	5.00	Featured Item	1999 Plymouth Breeze - Veh. #174	Lamerato
6027	10/5/2009	0	0.00	5.00	Featured Item	2000 Chevrolet Malibu - Veh. #175	Lamerato
6028	10/5/2009	0	0.00	5.00	Featured Item	2004 Chevrolet Tahoe 4WD - Veh. #978	Lamerato
6029	10/5/2009	0	0.00	5.00	Featured Item	2004 Ford - Crown Victoria - Veh. #981	Lamerato
6030	10/5/2009	0	0.00	5.00	Featured Item	1998 Chevrolet 1 Ton Crew Cab - Veh. #227	Lamerato
6031	10/5/2009	0	0.00	5.00	Featured Item	2005 Ford Crown Victoria - Veh. #991	Lamerato
6024	10/5/2009	0	0.00	5.00	Featured Item	1998 GMC Crew-Cab W/2 1/2 Yard Dump Veh. #410	Lamerato
6032	10/5/2009	0	0.00	5.00	Featured Item	2000 New Holland Backhoe Model 675E - Equip. #342	Lamerato
4974	10/13/2009	4,000.00	200.00	200.00	Sale	2005 FORD – CROWN VICTORIA Veh. 990	Lamerato
4975	10/13/2009	4,050.00	202.50	202.50	Sale	2005 FORD – CROWN VICTORIA Veh. 993	Lamerato
6028	10/13/2009	7,892.00	394.60	394.60	Sale	2004 Chevrolet Tahoe 4WD - Veh. #978	Lamerato
6031	10/13/2009	4,095.00	204.75	204.75	Sale	2005 Ford Crown Victoria - Veh. #991	Lamerato
6026	10/13/2009	3,453.00	172.65	172.65	Sale	1999 Plymouth Breeze - Veh. #174	Lamerato
6025	10/13/2009	5,100.00	255.00	255.00	Sale	2000 GMC Safari AWD Van - Veh. #920	Lamerato
5772	10/14/2009	2,900.00	145.00	145.00	Sale	1999 GMC Savana Cargo Van - Veh. #260	Lamerato

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$31,490.00	\$1,574.50	\$1,624.50	\$0.00	\$1,624.50	\$1,624.50

VEHICLE AUCTION REPORT OCTOBER -2009

<i>NUMBER</i>	<i>MAKE</i>	<i>MODEL</i>	<i>YEAR</i>	<i>AUCTION FEE</i>	<i>AUCTION PRICE</i>
174	PLYMOUTH	BREEZE	99	\$172.65	\$3,453.00
260	GMC	SAVANA/CARGOVAN	99	\$145.00	\$2,900.00
920	GMC	SAFARI/VAN 4WD	00	\$255.00	\$5,100.00
978	CHEVY	TAHOE 4WD 4DR	04	\$394.60	\$7,892.00
990	FORD	CROWN VICTORIA	05	\$200.00	\$4,000.00
991	FORD	CROWN VICTORIA	05	\$204.75	\$4,095.00
993	FORD	CROWN VICTORIA	05	\$202.50	\$4,050.00
		Featured Item Fee (\$5.00 X 10)		\$50.00	
TOTALS				\$1,624.50	\$31,490.00

Note: Auction fee paid by buyer. Featured item fee paid by City.

Total income from sale of auction vehicles less featured item fee (\$50.00) \$31,440.00

Prepared by: Samuel P. Lamerato, Superintendent of Fleet

Monday, November 09, 2009

Page 1 of 1

DATE: November 2, 2009
 TO: John Szerlag, City Manager
 FROM: Mark Miller, Acting Assistant City Manager Economic Development Services
 Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued October 2009

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	2	\$70,000.00	\$930.00
Sub Total	2	\$70,000.00	\$930.00
<u>COMMERCIAL</u>			
Tenant Completion	1	\$60,000.00	\$715.00
Add/Alter	20	\$3,163,127.00	\$33,820.00
Kiosk	3	\$1,500.00	\$105.00
Sub Total	24	\$3,224,627.00	\$34,640.00
<u>RESIDENTIAL</u>			
New	4	\$711,830.00	\$7,600.00
Add/Alter	25	\$306,560.00	\$4,750.00
Garage/Acc. Structure	6	\$70,400.00	\$980.00
Pool/Spa/Hot Tub	1	\$7,500.00	\$175.00
Repair	9	\$122,750.00	\$2,185.00
Fire Repair	1	\$16,206.00	\$285.00
Wreck	1	\$0.00	\$70.00
Sub Total	47	\$1,235,246.00	\$16,045.00
<u>TOWN HOUSE/CONDO</u>			
Add/Alter	1	\$10,000.00	\$215.00
Sub Total	1	\$10,000.00	\$215.00
<u>MULTIPLE</u>			
Garage/Acc. Structure	1	\$7,800.00	\$175.00
Sub Total	1	\$7,800.00	\$175.00
<u>RELIGIOUS</u>			
Add/Alter	4	\$2,051,000.00	\$17,900.00
Sub Total	4	\$2,051,000.00	\$17,900.00

MISCELLANEOUS

Signs	27	\$0.00	\$2,690.00
Fences	4	\$0.00	\$60.00

Sub Total	31	\$0.00	\$2,750.00
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TOTAL	110	\$6,598,673.00	\$72,655.00
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PERMITS ISSUED DURING THE MONTH OF OCTOBER 2009

	NO.	PERMIT FEE
Mul. Dwel. Insp.	118	\$1,960.00
Cert. of Occupancy	25	\$2,728.00
Plan Review	75	\$6,917.00
Microfilm	24	\$314.00
Building Permits	110	\$72,655.00
Electrical Permits	167	\$8,097.00
Heating Permits	124	\$5,585.00
Air Cond. Permits	41	\$1,630.00
Plumbing Permits	77	\$5,514.00
Storm Sewer Permits	16	\$588.00
Sanitary Sewer Permits	15	\$457.00
Sewer Taps	9	\$2,064.00

TOTAL	801	\$108,509.00
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LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF OCTOBER 2009

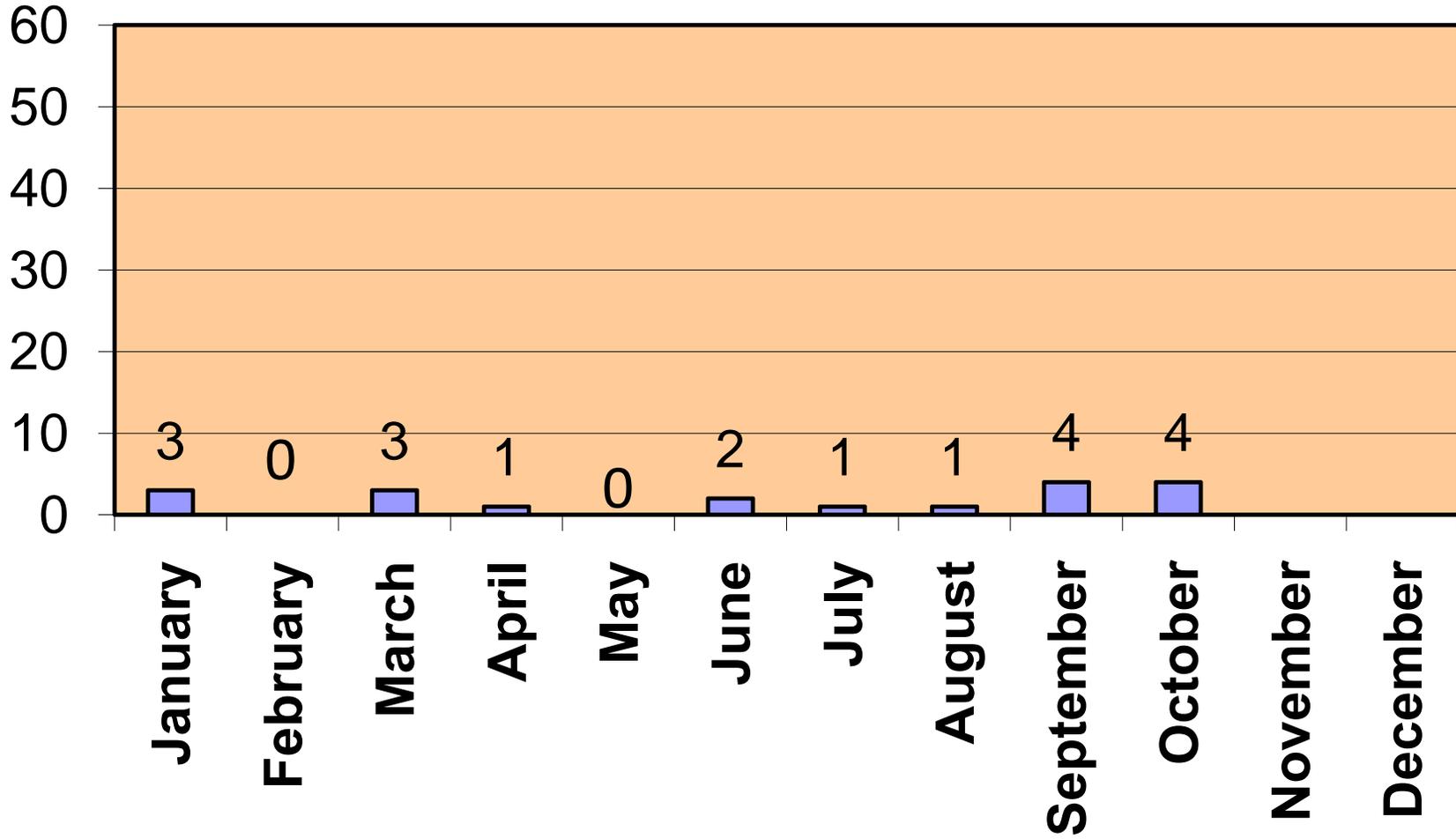
	NO.	LICENSE FEE
Mech. Contr.-Reg.	44	\$220.00
Elec. Contr.-Reg.	23	\$345.00
Master Plmb.-Reg.	18	\$90.00
Fence Inst.-Reg.	2	\$20.00
Bldg. Contr.-Reg.	21	\$205.00
F.Alarm Contr.-Reg.	1	\$15.00

TOTAL	109	\$895.00
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BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2008</u>	<u>PERMIT VALUATION 2008</u>	<u>BUILDING PERMITS 2009</u>	<u>PERMIT VALUATION 2009</u>
JANUARY	71	\$4,678,432.00	66	\$5,215,813.00
FEBRUARY	81	\$5,464,681.00	39	\$2,463,134.00
MARCH	107	\$3,480,525.00	76	\$3,344,007.00
APRIL	141	\$10,518,298.00	95	\$3,005,226.00
MAY	161	\$4,357,036.00	122	\$1,679,112.00
JUNE	161	\$8,178,329.00	148	\$2,708,849.00
JULY	160	\$10,497,107.00	106	\$4,158,316.00
AUGUST	122	\$15,981,779.00	117	\$3,212,653.00
SEPTEMBER	134	\$13,136,548.00	113	\$3,557,220.00
OCTOBER	114	\$3,760,152.00	110	\$6,598,673.00
NOVEMBER	109	\$35,574,774.00	0	\$0.00
DECEMBER	66	\$1,762,444.00	0	\$0.00
TOTAL	1427	\$117,390,105.00	992	\$35,943,003.00

SINGLE FAMILY DWELLING PERMITS 2009



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

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	NICE, DAVID A BUILDERS INC	2801 W BIG BEAVER C-151	150,000
Commercial, Add/Alter	KIRCO MANIX	2600 TROY CENTER	757,300
Commercial, Add/Alter	PREMIER CONSTRUCTION COMPANY	1050 WILSHIRE 210	130,000
Commercial, Add/Alter	KIRCO CONSTRUCTION LLC	201 W BIG BEAVER 1001	120,000
Commercial, Add/Alter	JENKINS CONSTRUCTION	2600 W BIG BEAVER LL	950,000
Commercial, Add/Alter	INTRACO CORPORATION	530 STEPHENSON	500,000
Total Commercial, Add/Alter			2,607,300
Religious, Add/Alter	REWOLD, FRANK & SON	3955 W SOUTH BOULEVARD	2,000,000
Total Religious, Add/Alter			2,000,000
Records 8		Total Valuation:	4,607,300

Samuel P Lamerato

From: sue kazmierczak [suekaz@yahoo.com]
Sent: Tuesday, October 20, 2009 1:48 PM
To: Samuel P Lamerato
Subject: thank you and request

Sam:

Thank you so much to you and the group that put on the fantastic presentation for us last Wednesday night. We never realized all that was involved to run the departments. We are so thankful to be a part of the group learning all we can about our city. It's funny that non of us wanted to leave and it was almost 11 o'clock. Now that's a great tour.

Again, please thank everyone for me.

Also..... when I was leaving you gave me some supplies that are just great I was wondering if there is any chance of getting 15 of the Public Works Workbook for Children. There great!

Again thank you
Sue Kazmierczak
PS .. I LOVE MY SIGN!

Carpe Diem

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

RECEIVED

NOTICE OF HEARING
FOR THE ELECTRIC CUSTOMERS OF
THE DETROIT EDISON COMPANY
CASE NO. U-16047

NOV 16 2009

CITY OF TROY
MANAGER'S OFFICE

- The Detroit Edison Company may implement a levelized 2010 power supply cost recovery (PSCR) factor of negative 5.64 mills per kilowatt-hour (kWh) for customers' electric bills for the 12-month period beginning January 1, 2010 through December 31, 2010 and other approvals, 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 The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- The first public hearing in this matter will be held:

DATE/TIME: December 3, 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, Michigan

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 September 30, 2009 application of The Detroit Edison Company (Detroit Edison), which seeks approval of a PSCR plan for the 12-month period January 1, 2010 through December 31, 2010, a 5-year PSCR forecast, a levelized 2010 PSCR factor of negative 5.64 mills per kWh on electric customers' bills in 2010, and seeks approval of related relief involving recovery of emission allowance expenses, recovery of incremental urea costs, transfer prices for renewable energy, potential refined coal expense, coke oven gas expense, co-firing of renewable

and advanced cleaner energy fuels, and pre-approval of capacity and energy charges associated with certain power purchases, along with other regulatory approvals.

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 November 25, 2009. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, Jon P. Christinidis, One Energy Plaza, 688 WCB, Detroit, MI 48226-1279.

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 Detroit Edison's request may be reviewed on the Commission's Web site at michigan.gov/mpscedockets, and at the office of The Detroit Edison Company, One Energy Plaza, Detroit, 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 106, as amended, MCL 460.551 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.

November 5, 2009

WAYNE STATE
UNIVERSITY
OFFICE OF THE PRESIDENT

OCT 22 2009 PM 01:19

October 19, 2009

Ms. Lori G. Bluhm
City of Troy
500 West Big Beaver Road
Troy, MI 48084

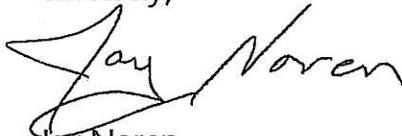
Dear Ms. Bluhm:

On behalf of Wayne State University, we would like to express our warmest congratulations on your inclusion in this year's edition of *Michigan Super Lawyers* magazine. Your professional achievements and demonstrated leadership in your area of practice more than qualify you to receive this outstanding recognition.

The university takes immense gratification in alumni who distinguish themselves as you have done. Your listing along with other prominent *Super Lawyers* underscores how your leadership as well as your personal and professional values will serve as an enduring inspiration to future generations of Wayne Law graduates.

You can be proud that Wayne Law is at the top of the magazine's list of law schools whose graduates are among the most accomplished in the state. You have our best wishes for your continuing success in the future.

Sincerely,



Jay Noren
President



Robert Ackerman
Dean, Wayne Law

JN/DR/mr



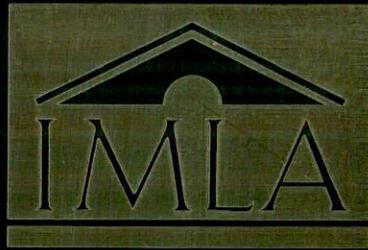
TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: November 3, 2009
SUBJECT: Certification as IMLA Local Government Fellow

Enclosed please find a copy of a plaque, commemorating my recent designation as a Local Government Fellow, which has been awarded by the International Municipal Lawyers Association (IMLA).

The IMLA has served as the leading international professional organization dedicated to local government attorneys since 1935. The Local Government Fellows Program was established to recognize those municipal attorneys who excel as specialists in the field of local government law, and to encourage attorney proficiency and competency in this legal field. IMLA characterizes this prestigious designation as follows: "The Program offers local governments a reliable benchmark for determining experienced and knowledgeable practitioners."

This designation is awarded for a five year period of time, and must be earned for each five year increment thereafter. I was the first Michigan municipal attorney to receive this designation in 2004. It was a great honor to receive this designation for 2009-2014.

Please let me know if you have any questions.



INTERNATIONAL MUNICIPAL
LAWYERS ASSOCIATION

*In Recognition of Demonstrated Excellence
In the Field of Local Government Law
Confers Upon*

Lori Grigg Bluhm

*The Designation of
Local Government Fellow
2009-2014*

*Charles W. Thompson, Jr.
Executive Director/General Counsel*

*Susan C. Rocha
2008-2009 IMLA President*

Presented October 20, 2009