AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

APRIL 5, 2010
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.*

500 W. Big Beaver
Troy, MI 48084
(248) 524-3300

The City of Tomorrow... ...Today

City of Troy

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

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

Respectfully submitted,

John Szerlag, City Manager

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*

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- 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

April 5, 2010 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

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B. ROLL CALL: 1

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INVOCATION: Brian Tabert – Kensington Community 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 #2010-03-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of Monday, April 5, 2010 and the Closed Session of Monday, April 5, 2010 due to_____.

Yes:
No:

C. CERTIFICATES OF RECOGNITION:

C-1 Presentations:

(a) Proclamation in Recognition of the Military Community Covenant April 2010 – Presented to US Army Captain Brad Caton

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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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: None Scheduled

H-3 2010 Tri-Party Program

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2010 Tri-Party Program at an estimated cost to the City of Troy of $132,053.00, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

H-4 Core Network Upgrade

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

WHEREAS, The City is relying more heavily on electronic functions for delivery of service, it is imperative that the City's network infrastructure performs at its peak as well as being stable and reliable to minimize downtime; and

WHEREAS, Expanding the use of virtualization improves the ability to recover in the event of failures;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the purchase of replacement hardware, services and software as detailed in Attachment B for an estimated total cost of $51,300.00, with yearly maintenance fees of $3,530.00 that may change annually based on the CPI for the Detroit-Ann Arbor Area utilizing approved purchasing procedures, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

H-5 Bid Waiver – Troy Today

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

WHEREAS, Grand River Printing has been providing printing and distribution of the Troy Today for over twenty (20) years;

WHEREAS, The current contract with Grand River Printing expired with the printing and distribution of the Spring 2010 issue;

WHEREAS, It is desirable to change the specifications and add advertising as a means of generating revenue in future editions; and

WHEREAS, There are time constraints to have the 2010 Summer issue mailed by May 3rd to accommodate the application/registration process for patrons registering for summer programs;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **WAIVE** formal bidding procedures and hereby **AUTHORIZES** and **APPROVES** a contract with Grand River Printing of Van Buren Twp, MI, to provide printing and distribution of the 2010 Summer issue of the Troy Today for an estimated total cost of $16,049.00, plus the actual cost of bulk rate postage, while specifications are being revised and advertising sold to help offset the cost of future issues.

Yes:
No:

H-6 Bid Waiver – Hansen Information Technology Replacement

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

WHEREAS, Since 2002 the Hansen Information Technology System has been utilized for water billing, business and dog licensing, asset management, work orders, customer service requests, infrastructure inspections, and inventory management (Resolution #2001-11-565-F4);

WHEREAS, Improvements in technology and increased demands require that both the hardware and Hansen software be replaced not upgraded, as it is cost prohibitive to do so; and the functions split between two systems: BS&A Software and Azteca Cityworks; and

WHEREAS, BS&A Software is currently used by the City and offers utility billing solutions and licensing capabilities, and Azteca Cityworks is utilized by Oakland County and would provide all other functionality utilizing ESRI technology, which is the platform that drives our Geographic Information System;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **WAIVE** formal bidding procedures and hereby **AUTHORIZES** the purchase of replacement software as detailed in Attachment C, for an estimated total cost of $171,670.00, with yearly software maintenance fees of $60,750.00 that may change annually based on the CPI for the Detroit-Ann Arbor Area, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the purchase of necessary hardware from Hewlett Packard and other software from CDW-G for an estimated total cost of $30,535.00 utilizing approved purchasing procedures.

Yes:
No:

H-7 Planning Consultant Services Contract

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

WHEREAS, An Agreement for Consulting Services was entered into on April 18, 2005 between the City of Troy and Carlisle/Wortman Associates, Inc., for a period of five (5) years; and

WHEREAS, City Management is satisfied with the service provided by Carlisle/Wortman Associates, Inc. and considers the proposed hourly rate schedule to be reasonable;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the extension of the Agreement for Consulting Services for a period of one (1) year; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the one (1) year extension of Agreement for Consulting Services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

H-8 Cancellation of Troy Daze Festival

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

WHEREAS, The Troy Daze Festival has been a community fair for the past 41 years, through participation of in-kind services and financial subsidy of the City of Troy;

WHEREAS, Although coordinated by volunteers, the festival requires considerable resources by the following City departments: Community Affairs, Department of Public Works, Parks and Recreation, Risk Management, Purchasing, Finance, Treasurer, Fire, and Police;

WHEREAS, Revenues generated from the Troy Daze Festivals have regularly experienced shortfalls and does not cover festival expenses which have been supplemented by the City of Troy;

WHEREAS, The 2010 proposed Festival is anticipated to run as in years past with a significant cash shortage to supplement festival expenses including City staffing and expenses;

WHEREAS, The City of Troy is experiencing a declining revenue stream resulting in a reduction of City staff and resources; and

WHEREAS, All remaining City staff resources are being dedicated to core services and public safety;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RECOGNIZES** the declined economic condition resulting in unforeseen reduction of City staff and resources; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **RECOGNIZES** the Troy Daze Festival places an undue hardship both financial and staffing on an already strained City Government; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DEEMS** it to be in the best interest of the Troy city residents to **CANCEL** the Troy Daze Festival indefinitely; and

BE IT FINALLY RESOLVED, That Troy City Council will **REVISIT** the possibility of reinstating the Troy Daze Festival in the future.

Yes:
No:

H-9 Standard Purchasing Resolution 8: Best Value Award – Building Department Services

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AUTHORIZES** City administration to negotiate a three-year contract to provide Building Department Services with an option to renew for two (2) additional years, to the highest rated bidder, SafeBuilt Michigan of Clarkston, as a result of a best value process, which the Troy City Council determines to be in the public interest, to expire June 30, 2013, at rates contained in the tabulation opened March 18, 2010, with fees assessed at 80% or 75% of permit fees depending on revenues in a given 12-month period, copies of which are **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council will **REVIEW** and **APPROVE** the final contract.

Yes:
No:

H-10 Request for Study Session to Further Discuss Restructuring Troy Government

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by.

RESOLVED, That Troy City Council hereby **SCHEDULES** a special study meeting to further discuss restructuring City of Troy government in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 on one of the following dates:

Thursday, April 15, 2010 at	_____	PM;
Friday, April 16, 2010 at	_____	PM;
Tuesday, April 20, 2010 at	_____	PM;
Wednesday, April 21, 2010 at	_____	PM;
Thursday, April 22, 2010 at	_____	PM;
Friday, April 23, 2010 at	_____	PM; or
_____	_____	

Yes:

No:

I. CONSENT AGENDA:

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

Suggested Resolution
Resolution #2010-04-
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

I-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of March 15, 2010 as submitted.

I-3 Proposed City of Troy Proclamation:

Suggested Resolution
Resolution #2010-04-

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

(a) Recognition of the Military Community Covenant – April 2010

I-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Aggregates

Suggested Resolution
Resolution #2010-04-

WHEREAS, On April 6, 2009, one-year contracts to provide aggregates with an option to renew for one additional year were awarded to the low bidders, Bedrock Maintenance Services of

Ortonville, MI and Metropolitan Demolition LLC of Romulus, MI (Resolution #2009-04-129-F-4a);

WHEREAS, On May 11, 2009, Troy City Council rescinded with prejudice the award to Metropolitan Demolition for failure to provide the required insurance certificates(s) and authorized City staff to utilize the informal three (3) quote process for future purchases of crushed concrete, 3”-6” (Resolution #2009-05-154-F7); and

WHEREAS, Bedrock Express has agreed to exercise the one-year option to renew the contract under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract with Bedrock Express of Ortonville, MI, to provide one-year requirements of aggregates under the same contract prices, terms, and conditions expiring April 30, 2011.

b) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Hauling/Disposal of Dirt and Debris

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year to the lowest total acceptable bidder, Bedrock Express LTD of Ortonville, MI at unit prices contained in the bid tabulation, which opened March 11, 2010 with the contract expiring March 31, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Transit Mixed Concrete

Suggested Resolution
Resolution #2010-04-

WHEREAS, On March 30, 2009, one-year contracts for transit mixed concrete with an option to renew for one (1) additional year were awarded to the low bidders, Nagy Ready Mix, Inc. of Utica, MI as the primary supplier and Superior Materials, LLC of Farmington Hills, MI as the secondary supplier (Resolution #2009-03-115-F-4b);

WHEREAS, On December 30, 2009, Nagy Ready Mix, Inc. ceased operations and all assets and contracts were assumed by Paragon Ready Mix, Inc.; and

WHEREAS, Paragon Ready Mix, Inc., the primary supplier, and Superior Materials, LLC, the secondary supplier, have agreed to exercise the option to renew the contracts for one (1) additional year under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts to provide transit mixed concrete with Paragon Ready Mix, Inc. of Utica, MI, as the primary supplier, and Superior Materials, LLC, as the secondary supplier, at unit prices contained in the bid tabulation opened March 12, 2009, with contract expiring April 30, 2011.

d) Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) 2010 Chevrolet Malibu, one (1) 2010 Chevrolet Traverse, one (1) 2010 Chevrolet Cargo van and two (2) 2010 Chevrolet Pickup trucks from Buff Whelan Chevrolet of Sterling Heights, MI, through an Oakland County Cooperative Purchasing Agreement for an estimated total cost of $93,315.33.

e) Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase one (1) 2010 Ford Expedition 4X4, one (1) 2010 Ford Explorer 4X4 and one (1) 2010 Ford Sport Trac 4X4 from Signature Ford of Owosso, MI, and one (1) Ford Fusion from Varsity Ford of Ann Arbor, MI, through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of $70,585.50 and $17,095.00 respectively.

f) Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Mosquito Control

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract for Mosquito Control to the lowest total acceptable bidder, Custom Lawn Care of Burton, MI for Proposals A-G at unit prices contained on the bid tabulation, which opened February 16, 2010, with the contract expiring December 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

BE IT FINALLY RESOLVED, That Troy City Council hereby **REJECTS** Proposal H due to program limitations on funds received through Oakland County.

g) Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products for Sylvan Glen and Sanctuary Lake Golf Courses

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase seasonal requirements of turfgrass chemical products for Sylvan Glen and Sanctuary Lake Golf Courses to the lowest bidders meeting specifications as follows:

BIDDERS	ITEMS
Tri-Turf Inc. of Farmington, Hills, MI	1, 4, 7, 30
Helena Chemical Co. of Zeeland, MI	2, 5, 21, 24, 26
Great Lakes Turf LLC of Grand Rapids, MI.	3, 8, 9, 10, 11, 19, 22, 23, 27, 28
Harrell's LLC of Lakeland, Florida	6, 12, 13, 16, 20, 31, 32
John Deere Landscapes of Cleveland, OH	14, 25
Turfgrass Inc. of Novi, MI	15, 18, 29
Agrium Advanced Technologies of Sunfield, MI	17, 21

for an estimated total cost of $144,603.92, at unit prices contained in the bid tabulation opened March 4, 2010 with contracts expiring December 31, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

h) Standard Purchasing Resolution 1: Award to Low Bidders – Asphalt Paving Material – Hot Patch

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Asphalt Paving Material – Hot Patch to the low bidders, Barrett Paving Materials Inc, Troy, MI – Items 1-5 and Surface Coatings Company, Auburn Hills – Items 6-7, at unit prices contained on the bid tabulation opened February 26, 2010 with contracts expiring December 31, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

i) Standard Purchasing Resolution 8: Best Value Award – Big Beaver/Civic Center Landscape Maintenance

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract to provide Landscape Maintenance on the DDA and Civic Center properties with an option to renew for two additional one-year periods to the highest scoring respondent, W. H. Canon, Inc. of Romulus, MI, as a result of a best value process, which the Troy City Council determines to be in the public interest, at unit prices contained on the RFP tabulation opened February 25, 2010 with a contract expiration of December 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

I-5 Request for Public Hearing on April 19, 2010 for Community Development Block Grant (CDBG) Program Year 2007 Reprogramming of Funds

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing on April 19, 2010 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on reprogramming 2007 CDBG funds to the Section 36 Park Project.

I-6 Request for Recognition as a Nonprofit Organization Status from James P. Conrad, Board Chairman of the National Polish American – Sports Hall of Fame

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **APPROVES** the request from the *National Polish American – Sports Hall of Fame* 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 **CONTINGENT** upon the applicant's submittal of *Copy of Form #1023-Application for Recognition Exemption.*

I-7 City of Troy v. Ziegler

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in the appeal filed with the Michigan Court of Appeals by the

Defendant in the case of *People of the City of Troy v Erik Ziegler*, Docket No. 297091, and to pay all expenses necessary to adequately represent the City.

I-8 City of Troy v. JMT Properties, LLC

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy* v *JMT Properties, LLC* (Oakland County Circuit Court Case No. 09-100948-CC), and hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-9 Stickney Lawsuit

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy defendants in any and all claims for damages in the matter of *Stickney v. Troy et.al,* United States District Court for the Eastern District of Michigan Court case number 10-10487; and

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

I-10 Section 36 Park Name Update

Suggested Resolution
Resolution #2010-04-

WHEREAS, The Troy City Council has adopted a Policy for Naming Public Places Specific to Parks and Recreation; and

WHEREAS, The process outlined in the policy was followed for the naming of the park in Section 36;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **NAMES** the park in Section 36, Milverton Park.

I-11 Request from Mercmiles, Inc. to Transfer Ownership of 2009 Class C Licensed Business with Outdoor Service (1 Area) Located at 3946 Rochester from Rochester Road Ventures, LLC and Requests New Dance-Entertainment Permit, and a New SDM License – MLCC Request #519373

(a) Transfer License and New Dance-Entertainment Permit-New SDM License

Suggested Resolution
Resolution #2010-04-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Mercmiles, Inc. to transfer ownership of 2009 Class C Licensed Business with Outdoor Service (1 Area) located at 3946 Rochester, Troy, MI 48083, Oakland County from Rochester Road Ventures, LLC; requests New Dance-Entertainment Permit, and a New SDM License {MLCC Request #519373} 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 #2010-04-

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 Mermiles Inc. to transfer ownership of 2009 Class C Licensed Business with Outdoor Service (1 Area) located at 3946 Rochester, Troy, MI 48083, Oakland County from Rochester Road Ventures, LLC, and requests New Dance-Entertainment Permit and a New SDM License {MLCC Request #519373}, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED**
to the original Minutes of this meeting.

Yes:
No:

I-12 Interlocal Agreement with Oakland County Authorizing City of Troy Employees and/or Volunteer Firefighters who are Members of the Regional Urban Search and Rescue Task Force to Operate Task Force Vehicles

Suggested Resolution
Resolution #2010-04-

WHEREAS, Each Participating Agency has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical

services, technical rescue, search and rescue response operations, hazardous incident response, and other emergency response services;

WHEREAS, Fire Services can further be improved by cooperation between political subdivision during times of public emergency, conflagration or disaster ("Incidents");

WHEREAS, The Michigan Constitution of 1963, Article 7 § 28, the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq., and the Emergency Management Act, MCL 30.401 et seq., permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately;

WHEREAS, Each Participating Agency continues to face threats to public safety ("Incidents");

WHEREAS, The resources of the Participating Agency might be strained or overwhelmed if forced to confront such Incidents in isolation and the Parties acknowledge the possibility that additional resources and equipment, beyond those of the Participating Agency facing the Incident, may be required to meet and mitigate ht dangers to public safety and as such, has designated employees or volunteers that participate with Michigan Task Force 1 (MI-TF1);

WHEREAS, The County has acquired specialized Search and Rescue Emergency Response Vehicles and associated equipment to aid in responding to such Incidents; and

WHEREAS; Pursuant to the Michigan constitution, the Urban Cooperation Act and the Emergency Management Act, the Parties enter into this Agreement to set forth the rights and duties regarding the use and operation of the Search and Rescue Emergency Response Vehicles acquired and owned by the county;

THEREFORE, BE IT RESOLVED, That Troy City Council in consideration of the mutual promises, obligations representation, and assurances in this Agreement, hereby **AGREES** to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council 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.

J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

J-1 Announcement of Public Hearings:

(a) Zoning Ordinance Text Amendment (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Districts – April 19, 2010

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 Using Fund Balance to Advance Sustainability – Referred by Council Member Robin Beltramini

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to prepare the 2010–2011 City Budget with an allocation of $100,000.00 from the undesignated/unreserved fund balance in the General fund for the purpose of funding Internal Grants and Public Engagement activities; and

BE IT FURTHER RESOLVED, That Troy City Council will **UTILIZE** the Internal Grants for general government, public safety, and quality of life amenities to allow departments an opportunity to investigate a business plan for increased, sustainable revenue streams, changes in service delivery, combining and further cross-training of personnel, etc.; and

BE IT FINALLY RESOLVED, That Troy City Council will **INVOLVE** the community through public engagement to deliberate over the City's declining revenue stream as it relates to City services, with opportunities to reach solutions through one or more of the many methods available in an environment established within rules/principles of public engagement with no pre-determined outcome other than conflict transformation and decision-making as outlined in Council Member Beltramini's memorandum dated March 8, 2010, *Using fund balance to advance sustainability*.

L. COUNCIL COMMENTS

L-1 No Council Comments Advanced

M. REPORTS

M-1 Minutes – Boards and Committees:

(a) Historic District Commission/Final – January 19, 2010
(b) Historic Commission/Final – January 26, 2010
(c) Liquor Advisory Committee/Final – February 8, 2010
(d) Employees' Retirement System Board of Trustees/Final – February 10, 2010
(e) Library Advisory Board/Final – February 11, 2010
(f) Board of Zoning Appeals/Draft – February 16, 2010
(g) Board of Zoning Appeals/Final – February 16, 2010
(h) Historic District Commission/Final – February 16, 2010
(i) Parks and Recreation Advisory Board/Final – February 18, 2010
(j) Planning Commission Special/Study/Final – February 23, 2010
(k) Election Commission/Final – March 3, 2010
(l) Liquor Advisory Committee/Draft – March 8, 2010
(m) Planning Commission/Draft – March 9, 2010
(n) Planning Commission/Final – March 9, 2010

(o) Library Advisory Board/Draft – March 11, 2010
(p) Troy Daze Advisory Committee/Draft – March 23, 2010
(q) Election Commission/Draft – March 29, 2010

M-2 Department Reports:
(a) Council Member Kerwin Travel Expense Report – MML *Creating Vibrant and Walkable Communities* Session in Lansing, Michigan on February 12, 2010
(b) Council Member McGinnis Travel Expense Report – MML *Creating Vibrant and Walkable Communities* Session in Lansing, Michigan on February 12, 2010
(c) Police Department – Oakland County Narcotic Enforcement Team (NET)
(d) Police Department – Balkan Organized Crime Task Force (BOCTF)

M-3 Letters of Appreciation:
(a) Letter to Chief Craft from Ann and Steve Doman in Appreciation of Assistance Received from Officers Meinzinger and Strong
(b) Letter of Thanks to Officer David Isham from Luanne Sherman

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M-4 Proposed Proclamations/Resolutions from Other Organizations:
(a) City of Birmingham Resolution – Calling on Representatives in Lansing and Washington to Protect State and Federal Funding for Michigan Roads and Bridges
(b) City of Southgate Resolution in Support of Proposed House Bill Language in Regard to Publishing Legal Notices

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M-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of Consumers Energy Company and The Detroit Edison Company – Case No. U-16055

M-6 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-15806

M-7 Communication from City Attorney Lori Grigg Bluhm Regarding Sean Steven Seyler v. City of Troy and Troy Police Department

N. STUDY ITEMS

N-1 No Study Items Submitted

O. CLOSED SESSION:

O-1 Closed Session

Suggested Resolution
Resolution #2010-04-
Moved by
Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *William and Elaine Middlekauff* v. *City of Troy and Troy v. Picano Land Limited Partnership*.

Yes:
No:

P. ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, April 19, 2010

1. Zoning Ordinance Text Amendment (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Districts
2. Community Development Block Grant (CDBG) Program Year 2007 Reprogramming of Funds (pending approval)

SCHEDULED CITY COUNCIL MEETINGS:

Monday, April 19, 2010 ..... Regular City Council
Monday, April 26, 2010 ..... Special Study Session – Budget
Monday, May 3, 2010..... Special Study Session – Budget
Monday, May 10, 2010..... Regular City Council
Monday, May 17, 2010..... Regular City Council
Monday, June 7, 2010 ..... Regular City Council
Monday, June 21, 2010 ..... Regular City Council
Monday, July 12, 2010..... Regular City Council
Monday, July 26, 2010..... Regular City Council
Monday, August 9, 2010 ..... Regular City Council
Monday, August 23, 2010 ..... Regular City Council

PROCLAMATION IN RECOGNITION OF
THE MILITARY COMMUNITY COVENANT - APRIL 2010

WHEREAS, The Community Covenant Program is a formal commitment of support by state and local communities to Active, Guard and Reserve Soldiers and their families; and

WHEREAS, The Community Covenant Program is designed to foster and sustain effective state and community partnerships with the Army to improve the quality of life for soldiers and their families, both at their current duty stations and as they transfer to other states; and

WHEREAS, The strength of service members comes from the strength of their families, and the strength of families is supported by the strength of the community; and

WHEREAS, The strength of the community comes from the support of employers, educators, civic and business leaders and its citizens; and

WHEREAS, It is vitally important that local communities across America be aware of and recognize the sacrifices of soldiers and their families; and

WHEREAS, While Community Covenant is an Army program, it extends to the other Military Services as well, recognizing that many community efforts support all service members and their families regardless of the uniform they wear; and

WHEREAS, The City of Troy recognizes with sincere appreciation the commitment and sacrifices service members and their families are making every day;

NOW THEREFORE LET IT BE RESOLVED, That the City of Troy declares its commitment to building partnerships that support the strength, resilience, and readiness of service members and their families; and

BE IT FURTHER RESOLVED, That the Troy City Council supports the signing of the Military Community Covenant in partnership with Oakland County and local government officials.

Presented this 5th day of April 2010.

CITY COUNCIL ACTION REPORT

March 29, 2010

TO: John Szerlag, City Manager

FROM: Mark Miller, Acting Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer

SUBJECT: 2010 Tri-Party Program

Recommendation:

Staff recommends that City Council approve the attached Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County (Board) for the 2010 Tri-Party Program to be used for concrete slab replacements on County Roads at an estimated cost to the City of Troy of $132,053. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

Background:

Portions of Big Beaver, Dequindre, John R, Crooks, Long Lake and Livernois, all county roads, have numerous pothole patches and broken concrete pavement that have gotten worse during the spring pothole season. The Engineering Department proposed to the Board that concrete slab replacements be completed under the 2010 Tri-Party program. Tri-Party Program funds have been directed to slab replacements on County roads within the City of Troy for the past two years.

The 2010 Tri-Party Program funding amount was cut by over 50% as compared to the 2009 allocation due to budget shortfalls at the County. It is anticipated that 2010 will be the last year of the program.

The 2010 Tri-Party Program amount for Troy is $277,399. Savings from past Tri-Party projects in 2008 and 2009 will provide an additional $118,760 to be used in 2010 for a total amount of $396,159. These funds are not sufficient to complete all necessary repairs on County Roads, but will be used to address only the worst locations. Specific locations would be identified in the field in coordination with the RCOC prior to work commencing.

The 2010 Tri-Party program includes an additional caveat in that Troy's County Commissioner(s) must support the proposed project by submitting a resolution authorizing the appropriation of the County's 1/3 share of the project to the Board of Commissioners General Government and Finance Committee. This resolution must be approved by both Committees and the full Board before any funds may be released from the Tri-party Program fund at the County. This action takes place after approval by Troy and subsequent approval by the RCOC Board.

The City of Troy includes Districts 13, 19, 20 and 24 as represented by Robert Gosselin, Tim Burns, David Potts and Gary McGillivray, respectively. An email was forwarded to our Commissioners to introduce them to our request as well as ask for their future support for the work after approval by City Council and the RCOC Board.

Financial Considerations:

The City of Troy's share of the Tri-Party program is one-third (1/3) or $132,053 of the total amount. The remaining two-thirds (2/3) or $264,106 is shared equally by the Board and the Oakland County Board of Commissioners (County).

Funds for the City of Troy's share are included in the proposed 2010-11 Major Road fund, account number 401.447.479.7989.101036. Funds would not be expended until after July 1, 2010.

Legal Considerations:

The format and content of the agreement is consistent with previously approved Cost Participation Agreements between the city and Board as approved by the Legal Department and City Council.

Policy Considerations:

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

COST PARTICIPATION AGREEMENT

2010 CONCRETE PROGRAM
Big Beaver Road, Dequindre Road, John R Road,
Crooks Road, Long Lake Road & Livernois Road

City of Troy

BOARD Project Number 50341

This Agreement, made and entered into this _____ day of _____, 2010, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Troy, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY have programmed the concrete slab replacement on various county roads, described in Exhibit "A", attached hereto and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is $396,159; and

WHEREAS, portions of said PROJECT costs involve certain designated and approved funding in accordance with the Tri-Party Program in the amount of $396,159, which amount shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between the COMMUNITY and the BOARD that:

1. The COMMUNITY shall forthwith undertake and complete the PROJECT, as above described, under Road Commission for Oakland County permit; and shall perform or cause to be performed all preliminary engineering services and administration in reference thereto. The BOARD shall perform the inspection for the PROJECT.

2. The actual total cost of the PROJECT may include total payments to the contractor.

3. The COMMUNITY shall comply with the provisions as set forth in Exhibit B attached hereto.

4. The estimated total PROJECT cost of $396,159 shall be funded as detailed below:

   a. The Tri-Party Program funding is not to exceed $396,159.

5. The COMMUNITY agrees that any PROJECT costs above the Tri-Party Program funding of $396,159 will be funded 100% by the COMMUNITY.

6. Upon execution of this agreement, the COMMUNITY shall submit an invoice to the BOARD in the amount of $66,026.50 (being 50% of the BOARD'S Tri-Party contribution).

   a. The invoice shall be sent to:

      Ms. Sina Escoe, Construction Accountant
      Road Commission for Oakland County
      31001 Lahser Road
      Beverly Hills, MI 48025

7. Upon execution of this agreement, the COMMUNITY shall submit an invoice to the COUNTY in the amount of $66,026.50 (being 50% of the COUNTY'S Tri-Party contribution).

   a. The invoice shall be sent to:

      Mr. Tim Soave, Manager of Fiscal Services
      Executive Office Building
      2100 Pontiac Lake Road, Building 41 West
      Waterford, MI 48328

8. As costs of the PROJECT are incurred, the COMMUNITY shall invoice the BOARD for the remaining 50% of the BOARD'S Tri-Party contribution, not to exceed $66,026.50.

9. As costs of the PROJECT are incurred, the COMMUNITY shall invoice the BOARD for the remaining 50% of the BOARD'S Tri-Party contribution, not to exceed $66,026.50

10. Upon receipt of said invoice(s), the BOARD and the COUNTY shall pay to the COMMUNITY the full amount thereof, within thirty (30) days of such receipt.

11. Within 90 days of completion of the PROJECT, the COMMUNITY shall submit to the BOARD one copy of the complete set of the As-built construction plans containing the adjusted quantities of the PROJECT.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE
COUNTY OF OAKLAND
A Public Body Corporate

By_____

Its_____

CITY OF TROY

By_____

Its_____

By_____

Its_____

EXHIBIT A

TRI-PARTY PROGRAM

2010

County Supported Road Improvements

In the

City of Troy

Project No.	Location	Type of Work
50341	Big Beaver Road Dequindre Road John R Road Crooks Road Long Lake Road Livernois Road	Concrete Slab replacement

TOTAL ESTIMATED PROJECT COST	
Contractor Payments	$396,159
Total Estimated Project Cost	$396,159

COST PARTICIPATION BREAKDOWN				
	COMMUNITY	BOARD	COUNTY	TOTAL
2009 Tri-Party Program	$ 39,587	$ 39,587	$ 39,586	$118,760
2010 Tri-Party Program	92,466	92,466	92,467	$277,399
TOTAL SHARE(S)	$132,053	$132,053	$132,053	$396,159

Exhibit B
PROVISIONS

Bidding: The COMMUNITY shall select the contractor for its share of the work, on a competitive basis by advertising for sealed bids in accordance with its established practices.

Bonds – Insurance: The COMMUNITY shall require the contractor provide payment and performance bonds for the PROJECT; said bonds to be in compliance with the provisions of 1963 PA 213 as amended, compiled at MCL 129.201, et seq.

Further, the COMMUNITY shall require the contractor to provide insurance naming the Road Commission for Oakland County as additional named insured's. Coverage's shall be substantial as set forth in Exhibit C, attached hereto.

Records: The parties shall keep records of their expenses regarding the PROJECT in accordance with generally accepted accounting procedures, and shall make said records available to the other during business hours upon request giving reasonable notice. Such records shall be kept for three (3) years from final payment.

Final costs shall be allocated after audit of the records and adjustments in payments shall be invoiced and paid within thirty (30) days thereafter.

EEO: The COMMUNITY shall require its contractor to specifically agree that it will comply with any and all applicable State, Federal, and Local statutes ordinances, and regulations, and with RCOC regulations during performance of the SERVICES and will require compliance of all subcontractors and subconsultants.

In accordance with Michigan 1976 PA 453, the COMMUNITY hereto agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, national origin, age, sex, height, weight or marital status. Further, in accordance with Michigan 1976 PA No. 220, as amended, the parties hereby agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

The COMMUNITY further agrees that it will require all subconsultants and subcontractors for this PROJECT comply with this provision.

Governmental Function, Scope: It is declared that the work performed under this AGREEMENT is a governmental function. It is the intention of the parties hereto that this AGREEMENT shall not be construed to waive the defense of governmental immunity held by the RCOC, and the COMMUNITY.

Third Parties: This AGREEMENT is not for the benefit of any third party.

EXHIBIT C
LIABILITY AND INSURANCE REQUIREMENTS

Hold Harmless Agreement: The Contractor shall hold harmless, represent, defend and indemnify the Board of County Road Commissioners of Oakland County, the Road Commission for Oakland County, its officers and employees; the County of Oakland; the Water Resources Drain Commissioner and relevant drainage district(s), if applicable; the Michigan State Transportation Commission; the Michigan Department of Transportation; and the local unit(s) of government, within which the Project is located against all claims for damages to public or private property, for injuries to persons, or for other claims arising out of the performance or non-performance of the contracted work, whether during the progress or after the completion thereof.

Insurance Coverage: The Contractor, prior to execution of the contract, shall file with the Road Commission for Oakland County, copies of complete certificates of insurance as evidence that he carries adequate insurance satisfactory to the Board. Insurance coverage shall be provided in accordance with the following:

a. Workmen's Compensation Insurance: To provide protection for the Contractor's employees, to the statutory limits of the State of Michigan and $500,000 employer's liability. The indemnification obligation under this section shall not be limited in any ways by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor under worker's disability compensation coverage established by law.

b. Bodily Injury and Property Damage Other than Automobile: To afford protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operations for one year after completion of the work.

1. Bodily Injury Liability

Each Person:	$1,000,000
Each Occurrence	$1,000,000
Aggregate	$2,000,000

or:

Single Limit: Bodily Injury and Property Damage

Each Occurrence:	$1,000,000
Aggregate:	$2,000,000

Property Damage Liability:

Each Occurrence:	$250,000
Aggregate:	$250,000

Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations; (3) contractual liability; and (4) independent contractors coverage.

2. Bodily Injury Liability and Property Damage Liability - Automobiles (Comprehensive Auto Liability). The minimum limits of bodily injury liability and property damage liability shall be:

Bodily Injury Liability		or	Single Limit: Bodily Injury and Property Damage Liability	
Each Person	$500,000		Each Occurrence:	$2,000,000
Each Occurrence	$1,000,000			

Property Damage Liability:
Each Occurrence: $1,000,000

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

c. Excess and Umbrellas Insurance – The Contractor may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.

d. The Contractor shall provide for and on behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner's Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the Contractor's Public Liability Insurance.

e. Notice – The Contractor shall not cancel, renew, or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the Road Commission for Oakland County. All such insurance shall include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County immediately of any reduction by the Contractor. The Contractor shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the Contractor cannot secure the required insurance within 30 days, the Board reserves the right to terminate the Contract.

f. Reports – The Contractor or his insurance carrier shall immediately report all claims received which relate to the Contract, and shall also report claims investigations made, and disposition of claims to the County Highway Engineer.

CITY COUNCIL ACTION REPORT

March 30, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Gertrude Paraskevin, IT Director

SUBJECT: Core Network Upgrade

Background

- City departments are increasingly relying on electronic functions for delivery of service. As such it is imperative that the network and systems are as stable as possible in order to eliminate any downtime and interruption of access to those resources.
- The city's current network infrastructure relies on a single piece of hardware, referred to as the core switch. Although it is backed up by a spare, when it fails the entire network is affected until such time as the spare can be configured and installed in its place. In addition, this hardware has been in place for 6 years and is now essentially obsolete. (Sale of these devices ended in 2006).
- An alternative configuration to one core switch is to build in redundancy throughout the network such that if one piece of equipment fails another continues to function in the same capacity with no loss of network connectivity, or access to systems. The failed switch can be repaired and placed back into service without any effect on the end users. We have identified two areas where redundancy is critical: the main network within city hall, and the core network within the Police Department. Attachment A illustrates the current network configuration and the proposed alternative configuration.
- An additional benefit to implementing the proposed network configuration is that network traffic will be more isolated, thus decreasing the amount of overall network traffic resulting in faster network performance.
- Another area that will help provide more stability is the expanded use of server virtualization technology. Virtualization offers the ability to easily recover systems in the event of a failure, and transfer processing from one virtualized system to another. The city has already established a blade server environment as the basis for virtualization. The purchase of additional network ports within the blade server chassis will allow for redundantly connecting servers within that chassis to the dual core switches proposed for city hall.
- Attachment B outlines the costs associated with the changes suggest above. Network management software has also been included to provide network configuration tools as well as network monitoring and network traffic analysis tools. These will also help to ensure the network is performing at its optimum.

Financial Considerations

- Funds are available in the operating accounts of the Information Technology Fund.

Legal Considerations

- To ensure high availability of systems especially for Public Safety concerns.

Policy Considerations

- Providing more network stability and uninterrupted access to servers will allow departments more efficient use of their time and the ability to expand the electronic access even more. **(Goal II)**
- Enhance the flow of communication internally by providing faster access to information. **(Goal IV)**

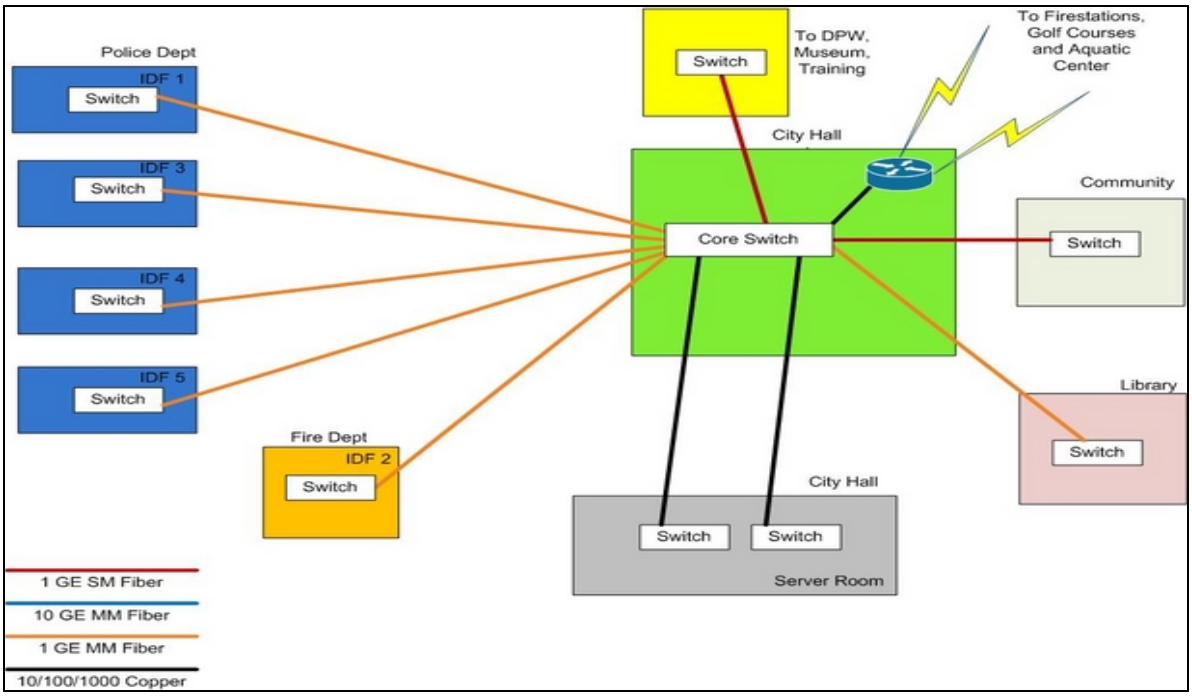
Recommendation

- In an effort to improve the reliability and recoverability of the city network infrastructure City management is requesting authorization to purchase necessary hardware, software and services from Hewlett Packard on the Regional Educational Media Consortium (REMC) contract and CDW-G utilizing the National Intergovernmental Purchasing Alliance (NIPA) contract for an estimated total cost of $51,300 as outlined in Attachment B, and yearly maintenance of $3,530 that may change annually based on the CPI. There would be no benefit to the city to formally bid for these products and services.

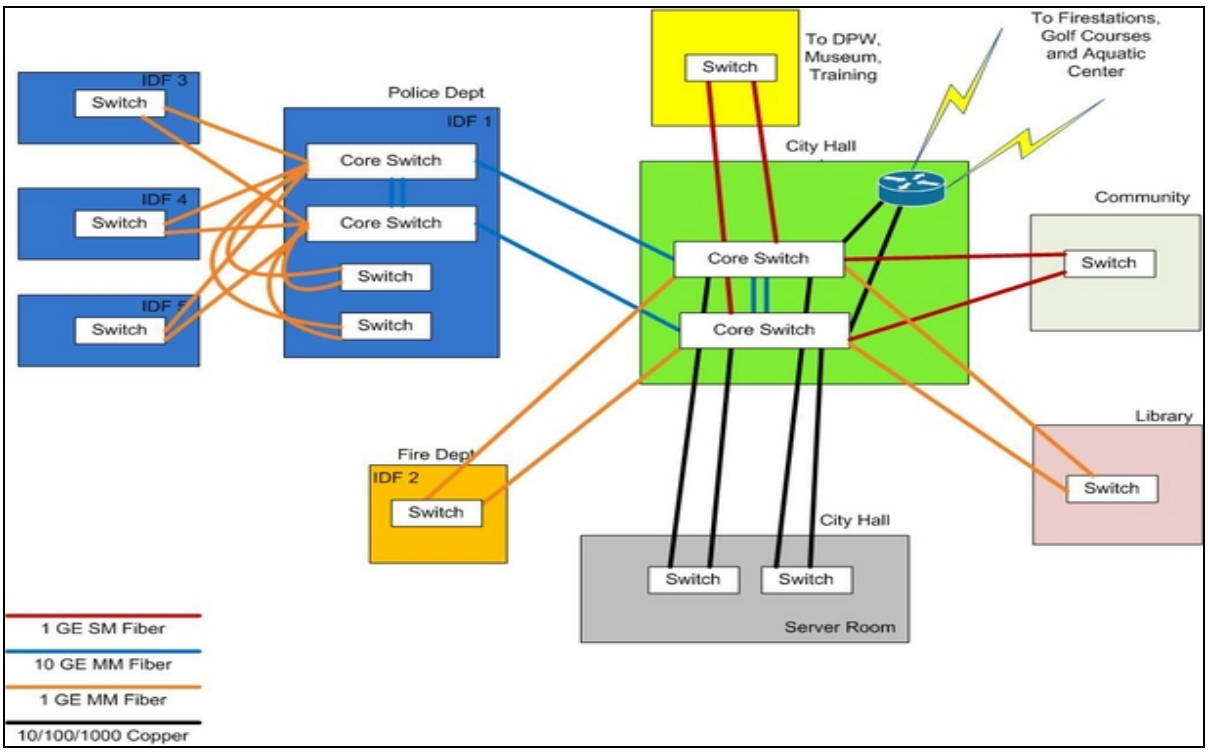
ATTACHMENT A

Configuration Diagrams

Current



Proposed



ATTACHMENT B

Pricing

Network Hardware

Description	Vendor Contract	Cost	Units	Total	Annual Maintenance
Network Core switches	CDW-G NIPA	$9,000	4	$36,000	1,960
Server Blade Enclosure switches	HP REMC	1,500	2	3,000	
Network Configuration/Management software	CDW-G NIPA	5,300	1	5,300	1,570
Services	CDW-G NIPA	175	40	7,000	
Total				$51,300	$3,530

CITY COUNCIL ACTION REPORT

March 12, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Cindy Stewart, Community Affairs Director

SUBJECT: Bid Waiver – Troy Today

Background

- The current contract for Troy Today expired with the printing and distribution of the Spring 2010 issue.
- The City needs to have the summer issue mailed by May 3rd to accommodate the application/registration process for patrons registering for the summer programs.
- After this summer issue, we will be able to go out for a request for proposal (RFP) utilizing lighter paper, less pages and selling advertising to recoup some costs.
- Grand River Printing, our current provider is offering to print the Summer 2010 issue of 72 pages (reduced from Summer 2009 by 16 pages) for an estimated total cost of $16,049.00.
- Grand River Printing has provided the lowest pricing as a result of bid processes on the Troy Today for over 20 years; along with being innovative in cost savings over the years.
- City management recommends waiving formal bid procedures and requests authorization to execute a contract with Grand River Printing for the Summer 2010 issue of the Troy Today.

Financial Considerations

- Funds are budgeted in the Community Affairs (748.7901), Library (790.7901) and Parks & Recreation (752.7901) printing accounts.

Legal Considerations

- Competitive bidding shall not be required when the City Council determines that the public interest will be best served without obtaining formal bids.

Policy Considerations

- Formal bidding procedures are waived for one issue, to allow time for Purchasing and Community Affairs to submit an RFP for future issues – decreasing page count and utilizing lighter paper, as well as adding advertisers to the booklet as a way to bring in revenue.
- The Troy Today will now contain less informational pages, utilize a lighter weight paper, plus include advertising pages to generate revenue. It remains an informational and promotional piece used as one of the City's major public relations/marketing tools. It is a lynchpin in the City's community strategy.

GRAND RIVER
PRINTING & IMAGING

8455 Haggerty Road, Van Buren Twp MI 48111 800-334-6857 FAX: 734-397-0310

March 4, 2010

PURCHASING DEPT.
CITY OF TROY
500 WEST BIG BEAVER RD.
TROY MI 48084

We are pleased to submit our quotation based on the following specifications. If you would like to change these specifications, please contact your Grand River Printing & Imaging representative. Quote based on prevailing paper prices which may change due to availability at time of order. Medium ink coverage quoted unless noted otherwise. Taxes additional.

Estimate Number: 76087 Salesperson: SHEILA LEBURG
Estimate Date: 3/4/2010

Troy Today
64 pages + 8 page cover. 8 1/4 X 10 5/8" Upright.
Text 40# gloss text. 4/4 bleeds EC
Cover 60# gloss text. 4/4 Heatset
Digital imposed & Hi-res proof. Saddlestitch.
Carrier route sort 32,311. Ctn pk balance 40#

Note: 5 local deliveries.
Scans additional @ $15 each

Estimate Totals:

Quantity:	**34,000**
Price:	**16,049.32**
Per /M:	**472.04**
Shipping:	
Total:	**$16,049.32**

Where applicable, fuel surcharges will be applied at time of billing.

Accepted: _____ Date: _____

Thank you,

SHEILA LEBURG

CITY COUNCIL ACTION REPORT

March 30, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, DPW Director
Gertrude Paraskevin, IT Director

SUBJECT: Bid Waiver – Hansen Information Technology Replacement

Background

- The City currently utilizes the Hansen Information Technology System implemented in 2002, for the following applications:
    - Water Billing
    - Business and Dog Licensing
    - Asset Management and work orders for maintenance of Water, Sewer, and Streets
    - Customer Service Requests
    - Infrastructure Inspections (Hydrant, Sewer CCTV)
    - Inventory Management
- This system has served to improve many processes at the DPW including a method to track work order and service request activity in a central repository. However, improvements in technology and increased demands require that both the hardware and software be upgraded.
- There are several options available to upgrade/replace this system. Those options are outlined in Attachment A and clearly indicate it is not in the city's best interest to seek formal bids, but rather split the functions between two systems:
    - BS&A for Water Billing, Business Licensing and Dog Licensing
    - Azteca's Cityworks system for all other functionality
- The advantages of these systems are as follows:
    - A solid vendor presence in Michigan
    - Production software that utilizes current technology with proven installations
    - Improved user interface
    - GIS integration
    - Web based software
    - Ability to incorporate software assisted workflow
    - Improved tools for integration and interoperability with other systems
- In an effort to reduce maintenance and environmental costs (electricity, cooling) plus provide additional business continuity/disaster recovery, Information Technology plans to consolidate the many physical servers currently housed in the server room into a virtualized environment. The server and server software that is being purchased for the implementation of the Hansen replacement systems will be leveraged to house and manage the consolidated servers.

Financial Considerations

- Funds are budgeted and available in the operating capital accounts of the Information Technology Fund and capital accounts of the Water Fund.
- Choosing alternate systems rather than upgrading Hansen results in a savings of approximately $228,330 in implementation services.

Legal Considerations

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

Policy Considerations

- Upgrading the Asset Management and Utility billing systems expands the electronic function and allows for more efficient use of time for DPW staff, and for anyone entering service requests. **(Goal II)**
- Enhance the flow of communication internally by providing easier and expanded access to information by integrating with GIS and improving the user interface. **(Goal IV)**

Recommendation

- City management is requesting authorization to purchase replacement software as outlined in Attachment C for an estimated total cost of $171,670 with a yearly software maintenance fee of $60,750 that may change annually based on the CPI.
- In addition, City management is requesting authorization to purchase necessary hardware from Hewlett Packard and other software from CDW-G for an estimated total cost of $30,535 utilizing approved purchasing procedures.

ATTACHMENT A

Hansen Upgrade/Replacement Alternatives

1. **Upgrade to Hansen V8**
   As part of our annual maintenance contract we are entitled to the latest version of their software. However, we would still be responsible to purchase consulting services for implementation and conversion. This is a major revision of their software and would be analogous to implementing a new system.

Cost:	Services	$400,000
	Maintenance	62,000 per year

2. **Leverage Current Vendors**
   It is always preferable to integrate as many functions into existing systems as possible, rather than introduce a new vendor and new system for several reasons:
   - Users are already familiar with the interface, thus training becomes much easier
   - Reduces the need for interfaces between systems
   - Provides possible savings on maintenance

   We currently utilize two vendors that offer Utility Billing Solutions: New World Systems and BS&A Software. New World Systems provides our Financial and HR/Payroll software. BS&A provides Permitting, Taxes, Assessing, Special Assessments, Delinquent Personal Property and Cemetery Maintenance. Both vendors provided demonstrations to our Water Department staff and unanimously BS&A was identified as the most robust and effective product. BS&A also offers Business and Animal Licensing.

Cost:	Software	$54,320
	Services	61,350
	Maintenance	11,800

3. **Review Systems in Use by Other Michigan Government Entities.**
   Another approach to finding replacement software is to take a look at what Oakland County and other cities in Michigan are using. Oakland County has purchased a product call Cityworks from Azteca Systems, Inc. that provides GIS-centric Asset Management. One of the challenges we have faced is how to interface more and more systems into the city's Geographic Information System (GIS). Our web based approach to GIS has been very successful in providing an easy interface to find and update information. Cityworks utilizes the ESRI technology that is the basis for this system and directly ties work orders and service requests to GIS. Azteca Systems, Inc is in fact an ESRI business partner and was their 2009 ESRI Worldwide Business Partner Conference Partner of the Year. In addition to Oakland County, there are a number of other Michigan customers. See Attachment B for a complete list.

   Information Technology as well as DPW and Engineering staff has attended demonstrations of this web based product. The ease of use, flexibility and workflow are key features that will help improve processes and efficiencies in relation to Service Requests and Asset Management.
   Oakland County purchased a County wide license so that they could offer Cityworks to all the CVTs at an affordable price. For the City of Troy that cost would be $16,367 per year for 5 years and capped at CPI from that point forward plus $150,000 for implementation/conversion fees. This option has been given a lot of consideration. However, there are several limitations to this approach:

   - The current implementation of the County's asset management system currently only covers Service Requests and Work Orders against Water, Sewer & Storm Utilities.
   - The County's current system doesn't include the ability to track maintenance against street infrastructure such as pavement, street lighting and street sign maintenance, as well as other maintenance activities that are carried out and currently tracked by the city such as tree, parks and irrigation system maintenance. The County could not confirm when or if these will be implemented. In order to eliminate Hansen all maintenance functions must be implemented in another system.
   - Oakland County has committed to implementing several cities that currently do not have asset management systems as well as the Oakland County Drain Commission. Our concern is that the County

will not be able to adequately support the sophisticated and mature requirements of an agency the size of Troy without a great deal of loss in functionality and level of service.

- Other departments that have had to rely on Oakland County have warned about control and access issues. This would certainly limit IT's ability to provide the response and service for reports and implementation of new features or assets when requested.

As an alternative to utilizing Oakland County's contract, Azteca Systems was approached for pricing for the City to purchase a Cityworks license directly. As an Oakland County municipality they offered to waive all licensing costs, leaving only implementation service fees and annual maintenance. Services would be provided by Woolpert, Azteca's platinum business partner.

Cost:	Software	$0	(A savings of $222,940)
	Services	$50,000	
	Maintenance	$48,950 per year	

ATTACHMENT B

Cityworks Michigan Customers

City of Ann Arbor
City of Battle Creek
Canton Township
City of Dearborn
City of Fenton
Fenton Township
Genesee County Drain Commission
Genesee County Road Commission
Grand Blanc Township
City of Grand Rapids
City of Grosse Pointe Woods
Holland Board of Public Works
City of Kentwood
Livingston County Drain Commission
Meridian Township
City of Midland
Oakland County (All County Departments as well as being offered to all municipalities within Oakland County)
City of Romulus
City of Traverse City
Van Buren Township
Waterford Township
Wayne County
City of Westland

ATTACHMENT C

Project Costs

Application Software

Description	Software	Services	Annual Maintenance
BS&A Utility Billing, Business and Animal Licensing	$54,320	$61,350	$11,800
Azteca Cityworks	$0		48,950
Woolpert		56,000	
Total	$54,320	$117,350	$60,750

Server Hardware and Software

	Vendor	Cost
HP Proliant Blade Server	Hewlett Packard (REMC)	5,240
Microsoft Windows 2008 Datacenter (2)	CDWG (NIPA Contract)	3,240
Windows 2008 CALs (336)	CDWG (NIPA Contract)	6,605
Microsoft SQL Server 2008	CDWG (NIPA Contract)	3,850
VM Ware vSphere	CDWG (NIPA Contract)	4,600
Technical Services and Training to implement VMWare	CDWG (NIPA Contract)	7,000
TOTAL		$30,535

CITY COUNCIL ACTION REPORT

DATE: March 22, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting City Manager Economic Development Services
Susan Leirstein, Purchasing Director
R. Brent Savidant, Acting Planning Director

SUBJECT: PLANNING CONSULTANT SERVICES CONTRACT

RECOMMENDATION

City Management is satisfied with the professional community planning services provided by Carlisle/Wortman Associates, Inc (CWA). City Management recommends an extension to the Agreement for Consulting Services, for a term of one (1) year from the date of execution. Further, the resolution authorizes the Mayor and City Clerk to execute the Agreement for Consulting Services.

BACKGROUND

An Agreement for Planning Consulting Services was entered into with CWA on August 15, 2001. On April 18, 2005, this agreement was extended for a period of five (5) years. The agreement expires on April 19, 2010. The rates charged by CWA have remained unchanged since extending the original agreement in April 2005. A market survey conducted by the Purchasing Department indicates that CWA's rates are comparable with the rates charged by their competitors (see attached).

The Planning Department intends to initiate a Request for Qualifications (RFQ) process so that a Planning Consultant can be selected prior to the expiration of the agreement on April 6, 2011. The one-year extension will provide time to undertake a thorough RFQ process.

CWA provided assistance to the Planning Department on a number of projects under the agreement, including Planned Unit Development negotiations, site plan review reports, and zoning ordinance text amendments. CWA assisted the Planning Department in the preparation of the Master Plan, which was completed in October, 2008. The firm is presently assisting the City with the comprehensive Zoning

Ordinance rewrite and Rapid Energy Assessment Process (REAP) and are providing Landscape Architecture design for the Transit Center project.

The Planning Department has recently experienced restructuring and is now considered to be a hybrid department comprised of City of Troy employees and private Planning Consultants. Representatives of CWA currently spend regular office hours in the Planning Department working on City-related projects. Richard Carlisle, President of CWA, has office hours in the Troy Planning Department two mornings per week. Mr. Carlisle does not bill travel time to and from Troy from his office in Ann Arbor, MI. Zak Branigan, Planner, has office hours in Troy every Tuesday.

_____
Reviewed for Form and Legality
Lori Grigg Bluhm, City Attorney

Attachments:

1. Agreement for Consulting Services (entered into on April 18, 2005).
2. Market Survey – Planning Consultant.
3. Agreement Extension.

cc: File/ Planning Consultant
Richard K. Carlisle, Carlisle/Wortman, Inc.

Prepared by: RBS, MFM

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CARLISLE/
WORTMAN
Associates, Inc.

Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 *fax* 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 *fax* 248-625-8455

AGREEMENT FOR CONSULTING SERVICES

THIS AGREEMENT, Entered into this 18th day of April, 2005, by the City of Troy hereinafter referred to as the "Client" and Carlisle/Wortman Associates, Inc. hereinafter referred to as the "Consultant."

WHEREAS, The "Client" desires to engage the "Consultant" to provide planning services as set forth herein.

NOW, THEREFORE, In consideration of the foregoing, and of the mutual agreement hereinafter set forth, the parties hereto legally intending to be bound hereby do agree for themselves and their respective successors and assigns as follows:

SECTION 1.0 PLANNING SERVICES

The "Consultant" for his part agrees to provide planning assistance at the request of the Client. Such assistance may include zoning and planning investigations and reports, review of development projects and/or consultation with City staff regarding planning and development programs and policies.

SECTION 2.0 COLLECTION OF DATA

It is understood that the "Consultant" will have the cooperation of the "Client" in the collection of basic data and other information for the above work.

SECTION 3.0 PAYMENT FOR SERVICES

3.1 **Planning Consultation** – At the request of the Client, the Consultant shall perform periodic investigations relative to community planning, zoning, economic development, community development, and other matters.

Such periodic investigations shall be performed as the following rates:

Position	Rate
Principal Planner	$95.00

Associate Planner /Landscape Arch.	$80.00
Community Planner / Landscape Architect	$70.00
Graphics (GIS) Technician	$50.00
Support Staff	$45.00
AutoCAD Operation	$25/hr
Expenses (photocopies, prints, maps, etc.	Cost + 20%

3.2 **Meeting Attendance** – The Consultant shall attend regularly scheduled meetings of the Planning Commission and City Council, as requested by the Client and subject to the availability of the Consultant.

Such meeting attendance shall be performed at the hourly rates set forth in Section 3.1,

3.3 **Development Review** – The Consultant shall coordinate and review land development proposals such as site plans, site condominiums, and special land use as requested by the Client in accordance with the hourly rates set forth in Section 3.1.

3.4 **Special Projects** – Periodically the Consultant may be requested by the Client to perform a project which is beyond the scope of a minor investigation anticipated in Section 3.1. The Client may request the Consultant to provide the Client with an estimate cost of services which may be provided on a cost not-to-exceed or lump sum basis.

3.5 **Terms of Payment** – The Consultant shall present the Client an invoice at the end of each month based on work performed. Invoices shall be paid within thirty (30) days after receipt by the Client.

SECTION 4.0 REPRESENTATION

It is understood and agreed that Richard K. Carlisle AICP, PCP, President, will represent the "Consultant" in all matters pertaining to this Agreement. From time to time, the "Consultant" may employ additional personnel or sub-consultants to assist in the execution of matters pertaining to this contract.

SECTION 5.0 OWNERSHIP OF MATERIALS

All documents or other materials prepared by the "Consultant" under this Agreement shall be considered the property of the "Client".

SECTION 6.0 LIMITATION OF LIABILITY

The "Consultant" agrees, to the fullest extent permitted by law, to indemnify and hold the "Client" harmless from damages and losses arising from the negligent acts, errors or omissions of the "Consultant" in the performance of professional services under this Agreement, to the extent that the "Consultant" is responsible for such damages and losses on a comparative basis of fault and responsibility between the "Consultant" and the "Client". The "Consultant" is not obligated to indemnify the "Client" for the "Client's" own negligence.

SECTION 7.0 TERMS OF AGREEMENT

The term of this Agreement shall be for a period of five (5) years from the date of execution, although the conditions may be modified and terms may be extended by mutual agreement of both parties.

This Agreement may be terminated by either the "Client" or "Consultant" individually or jointly upon ninety (90) days written notice. Compensation during the notice period would be paid by the "Client" to the "Consultant" if services are faithfully rendered to the "Client".

IN WITNESS WHEREOF, the "Consultant" and the "Client" execute this Agreement as of the date first set forth in this Agreement.

WITNESS

Barbara A. Holmes

Cheryl A. Morrell

MARK F. Miller

R. Brent Savidant

CLIENT

Louise E. Schilling
Title: Louise E. Schilling, Mayor

Tonni L. Bartholomew
Title: Tonni L. Bartholomew, City Clerk

CONSULTANT

Richard K. Carlisle, AICP, PCP
President
Carlisle/Wortman Associates, Inc.

R. Donald Wortman, RLA, AICP, PCP
Vice President
Carlisle/Wortman Associates, Inc.

DATE: March 18, 2010

TO: Susan Leirstein
Purchasing Director

FROM: Julie Hamilton
Buyer

RE: MARKET SURVEY – PLANNING CONSULTANT

A market survey was conducted for Planning Consultant services by contacting various communities that have recently contracted for these services.

CITY OF FARMINGTON HILLS – Kelly Monico (248) 871-2435

In January 2010 the City of Farmington Hills awarded a contract to Birchler-Arroyo for Planning Consultant Services at the following hourly rates:

Certified Planner	$86.00 - $99.00
Associate Community Planner	$80.00
Admin Staff Support	$40.00

CITY OF ROCHESTER HILLS – Jean Farris (248) 841-2538

In February 2010 the City of Rochester Hills awarded a contract to McKenna Associates to provide consulting services for the M-59 Corridor Study at the following hourly rates:

Principal Planner	$97.00
Senior Planner	$78.00
Associate	$68.00
Assistant	$55.00
Aide	$44.00
Administrative Asst	$42.00

CITY OF ROCHESTER – Nick Banda (248) 651-9061

In July 2009 the City of Rochester bid out City Planning Services. Although an agreement was never reached and a contract never signed, if an agreement had been reached the contract would have been for the following rates:

Principal Planner	$ 85.00 - $95.00
Senior Principal Planner	$107.00
Senior Planner	$ 75.00

Based upon the above rates, I respectfully recommend that the City accept the offer to renew the contract with the current vendors based on the fact that their hourly rates are consistent with those recently bid by other vendors.

CC: File

AGREEMENT EXTENSION

CONSULTING SERVICES

THIS AGREEMENT EXTENTION is entered into between the CITY OF TROY, 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter referred to as the CITY, and CARLISLE/WORTMAN ASSOCIATES, INC, 605 S Main, Suite 1 Ann Arbor, Michigan 48104, hereinafter referred to as CONSULTANT.

The CITY and CONSULTANT agree to extend the Agreement – Consulting Services to provide planning services and consultation as needed for a period of one (1) year as follows:

WITNESSETH:

The Agreement – for Consulting Services - dated April 18, 2005 entered into between the City of Troy, 500 W Big Beaver Road Troy, Michigan describe the terms and conditions of the Agreement and are incorporated as though fully set out herein.

Consultant shall carry general liability insurance, automobile liability insurance, professional liability insurance and workers compensation for any actions, claims, liability or damages caused to others arising out of the performance of this Agreement in the amounts approved by City. The insurance shall name the City of Troy, its elected and appointed officials, employees and volunteers, as additional insured and shall contain the following cancellation notice:

> "Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will mail 30 days written notice to the certificate holder."

A certificate of insurance demonstrating the required insurance coverage shall be provided to City's Risk Management Department immediately upon execution of this Agreement. Cancellation or lapse of the insurance shall be considered a material breach of this Contract, and the Agreement shall become null and void unless Consultant immediately provides proof of renewal of continuous coverage to City's Risk Management Department. All of Consultant's insurance carriers shall be licensed and admitted to do business in the State of Michigan and

acceptable to City. An updated certificate of insurance shall be provided to the City Risk Management Department each year at the time of policy renewal.

Both parties hereby mutually agree to extend the entire contract for an additional one (1) year to provide Consulting Services as described through April 18, 2011, unless canceled in whole or in part, by either party upon provision of thirty (30) days written notice. In the event of cancellation, City agrees to pay the Consultant monies due under this contract prior to the date of cancellation.

IN WITNESS WHEREOF, the City and Consultant have executed this Agreement on this _____ day of April 2010.

WITNESSES:

_____ _____
Richard K. Carlisle, AICP, PCP

_____ _____
R. Donald Wortman, RLA, AICP, PCP

CITY OF TROY

BY: _____
Mayor Louise E. Schilling

_____
John Szerlag, City Manager

RESOLUTION NUMBER: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
Lori Grigg Bluhm, City Attorney

ATTEST: _____
Tonni Bartholomew, City Clerk

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CITY COUNCIL ACTION REPORT

April 1, 2010

TO: Mayor and City Council

FROM: John Szerlag, City Manager
Cindy Stewart, Community Affairs Director

SUBJECT: Cancellation of Troy Daze Festival

As a follow-up to the Council comments from the March 15, 2010 City Council Meeting, we attended the March 23rd Troy Daze Festival Committee meeting with representatives from the Police, Fire, Parks and Recreation and Public Works Departments. The Festival Committee conducted a very thorough conversation related to administration's memo of March 8 re: cancellation of Troy Daze Festival.

The committee agreed that due to a reduction in available City resources as a result of budget cuts, the 2010 Troy Daze Festival, scheduled for September 16-19, 2010 be cancelled. A Motion was made that the Troy Daze Festival Committee agreed with City Staff that the Troy Daze Festival be cancelled indefinitely and no consideration be given to a private organization or company to facilitate a Troy Daze Festival within the City. This motion was approved unanimously.

The Troy Daze Festival Committee agreed that the event always received excellent in-kind service from all City departments including Parks & Recreation, Community Affairs, DPW, Police, and Fire. It has become a class event with team work on behalf of all the dedicated volunteers and City staff. The volunteer committee stressed that they would not be able to facilitate the four-day festival without the City's assistance.

A. CALL TO ORDER

A meeting of the Troy Daze Festival Advisory Committee was held Tuesday, March 23, 2010 at the Troy Community Center at 7 pm.

B. ROLL CALL

Members Present: Jeff Stewart
Mike Gonda
Bob Berk
Sandy Macknis
Jeff Super
Bob Preston
Jeff Super
Dan O'Brien
Alison Miller
Anuhya Bhogineni, student rep
Alice Liang, student rep

City Staff Present: Cindy Stewart
Jeff Biegler
Gerry Scherlinck
Tonya Perry
Tom Rosewarne

C. EXCUSE ABSENT MEMBERS

Jim Hattan

D. ADDITIONS/DEETIONS TO AGENDA

There were no additions or deletions to the agenda.

E. APPROVAL OF MINUTES

A motion to approve the minutes from the October 27, 2009 meeting was made by Jeff Super and seconded by Alison Miller.

RESOLVED, that the minutes of October 27, 2009 are approved. MOTION CARRIED UNANIMOUSLY.

F. NEW BUSINESS

G. Recommendation to City Council regarding the 2010 Troy Daze Festival.
The meeting was opened with remarks by the City Manager followed by questions from the committee members.

John Szerlag met with staff three weeks ago regarding the possibility of cancelling Troy Daze due to reduction in revenue. With the millage failing, there will be 56 full time employees laid off on July 1, 2010. Currently developing a three-year budget with a five-year outlook that calls for laying off 1/3 of the workforce. This involves privatizing, consolidating or eliminating almost all of the departments. Public sector demand is going up, but revenue is going down. Focused on three things to reduce costs: employee concessions, streamlining and gaining efficiencies, and cutting the workforce. The list of affected areas includes the Parks Department and there is a problem now with the festival proceeding.

Bob Berk noted the comments from City Council at their March 15th meeting regarding another option. Three years ago there was a split on the Troy Daze Committee on the approach for Troy Daze going forward and a discussion about taking private, changing things or cancelling. At this time, three options could be explored: (1) reduced operations; (2) go private out of city realm but at the same location; and (3) hold it outside of City property. He inquired as to John Szerlag's views on these options.

John Szerlag expressed that the conversation about this is very tough, but the reality that as of July 1, 2010 the City Staff will be reduced to approximately 380 employees. The reduction in employee resources is an important factor.

Mike Gonda reminded the committee that four years ago there was an incident at the festival which was very serious. The Festival Committee and City Staff came up with a new plan in an effort to reduce the possibility of similar incidents happening in the future. Working together the Committee and Staff put on a phenomenal festival since those negative issues were resolved and new plans developed by the Police Department and committee members put into place. He expressed his concern that it would be virtually impossible for a group of people to come in and simply take it over with a complete understanding of the ramifications of putting the festival on. He said this current committee would be very upset by anyone saying this operation could be put out privately and done like it has been done.

John Szerlag said that the reason he came to this meeting is that he is seeking information from the committee based on the memo. He said he was also told to look into finding out more from the group who broke off from the Troy Daze Committee to evaluate if they could take it over or could the festival be scaled back.

With reduction in staff on July 1, 2010, the question is how to assist with putting a festival together and paring it down to match the reduced resources. An additional question we have to ask is would it be better to allocate staffing for other services as we look at major reductions. Some sort of a hybrid festival

would still require funding for police, park maintenance, cleanup of the park, insurance, and the like.

A question about the City's willingness to let a group use or rent Boulan Park for this type of an event was raised. The issue is the condition of the park at the conclusion of the event and the resources required to restore it to its pre-event condition. If the City was to rent out the park for an entire week would this set a precedent or create a situation where other groups would be allowed the same access.

A problematic issue is the majority of the revenue for the festival is largely from the carnival and parking.

Defining what is meant by "hybrid" festival, John Szerlag said this would mean a festival run completely by a private entity. This would mean all issues would be handled by the private entity – purchasing, insurance, park maintenance, security, clean-up, set-up, etc. A great extension of a simple concept – ex. If a person wanted to rent the Museum site for a wedding and set up their own tent and brought in a caterer could be expanded to people wanting to rent Boulan Park for an event and bringing in tents, carnival rides and food.

Bob Berk said he is concerned about major, serious issues with the idea of a "hybrid," private company holding the festival. If this was to happen, the third option of a different event from the Troy Daze Festival at a separate location, Oakland Mall or Somerset Mall, for example might be the better option.

Sandy Macknis noted there are security issues to consider with the hybrid. She said she would not be comfortable with an event at another location with no police protection for the high school students she recruits as volunteers.

Bob Berk questioned the feasibility of downsizing the festival, but wondered about determining the events to be dropped. Reducing it to just a carnival makes it very different from the Troy Daze Festival that is much more of a community event.

Tonya Perry said that with the vote on the Special Election the people of the community spoke. Core services will have to be the priority. As a long-time City resident, she is considering the fact that there will reductions in people on staff and cuts to services and she doesn't want Troy to have a festival given the cuts at the Nature Center, Community Center, the Museum, and the Library. As an employee, she knows we are going to have to do more with less.

John Szerlag noted that the City Staff being reduced by a large number of people on July 1 is a key factor considering that the City was never a large organization to begin with. These cuts represent approximately 290,000 hours a year we won't be able to provide the same services to the community.

Tonya Perry commented that this is why the volunteer Fire Fighters asked that the Fire Fighter Appreciation Banquet be cancelled.

John Szerlag said that the current economic scenario calls for public safety over quality of life right now.

Scherlinck noted that he wanted to reinforce Mike Gonda's caution about safety and security and the resources it takes to proactively manage this aspect of the festival. He is very concerned about inviting a situation similar to the negative incident a few years back if the direction this takes is privatization.

A Motion was made by Mike Gonda that the Troy Daze Festival Committee agrees with City Staff that Troy Daze Festival be cancelled indefinitely and no consideration be given to a private organization or company to facilitate a Troy Daze Festival within the City. Seconded by Jeff Stewart.

There was discussion about the terms for the advisory committee and it was noted that if the recession ends there could be a reallocation of revenue and the City Council could approach the existing committee for their assistance and feedback.

MOTION APPROVED UNANIMOUSLY.

G. Old Business

a. Suggestions from 2009 Festival
No discussion.

H. Member Comment:

- Jeff Stewart agreed with Tonya Perry's comments and said it was great working with such excellent City Staff. He said this is very painful for us all.
- Tonya Perry noted that she grew up here in Troy and she sees this as a huge loss like the other quality of life services.
- Bob Berk reflected on the fact that, historically, Troy Daze was not always a City event, but due to insurance issues it had to come back to the City. The event always received excellent in-kind service from Parks & Rec, DPW, Police, and Fire. He noted that this can't be replicated today. Yes, the festival had been run "privately," but this could not have happened without the in-kind contributions of City Staff. He also noted that the festival did skip a few years in the early 1980s.

- Mike Gonda shared that running the festival was very different in recent years. It's become a class event with team work on behalf of all the dedicated volunteers and City staff.
- Cindy Stewart also thanked the Troy Daze Committee and volunteers for their dedication and commitment. It has been a pleasure working together on this community festival.
- John Szerlag thanked all of the volunteers on the committee for how much they care about the City. He said the City cannot function without such volunteers. These are tough times and we have to work through it.

Adjourn

A motion to adjourn was made by Jeff Super and seconded by Mike Gonda. The motion passed unanimously. Meeting adjourned at 8:33pm.

_____
Bob Berk, Co-Chairperson

_____
Cindy Stewart, Community Affairs Director

CITY COUNCIL ACTION REPORT

March 8, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Cindy Stewart, Community Affairs Director
Gary Mayer, Chief of Police
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Cancellation of Troy Daze Festival

Due to reduction in available City resources as a result of budget cuts, it is recommended that the 2010 Troy Daze Festival, scheduled for September 16-19, 2010 be cancelled. This community festival has operated with assistance from many City departments for the past 41 years. However, an anticipated reduction in City staffing levels and departmental budgets makes this recommendation necessary.

Background:

- The Troy Daze Festival, a community fair to showcase local organizations and businesses, has been organized by a dedicated group of volunteers who work throughout the year to prepare for the 4-day event which draws up to 100,000 visitors annually.
- Although coordinated by volunteers, the festival requires considerable resources by the following City departments: Community Affairs, Department of Public Works, Parks and Recreation, Risk Management, Purchasing, Finance, Treasurer, Fire, and Police.
- Revenues generated by the 2009 festival covered the costs of Park maintenance staff and DPW field staff, only. Maintenance personnel from Parks and DPW log an average of 1300 man/hours each year for set-up, festival maintenance, and take-down/clean-up. Costs for staff time of all other City departments involved in the festival have been absorbed in the budgets of those departments.
- The Police Department spent a significant amount of money to plan and staff the 2009 Troy Daze, with none reimbursed from festival revenue. The Police Department paid $28,090.93 in straight time wages and $11,158.89 in overtime wages to staff the event. In addition, the Police department spent $7,750.00 in planning and other administrative costs. Equipment, maintenance and other incidental costs were $6,634.00. Total non-reimbursed Police Department expenses for the 2009 Troy Daze Festival were $53,633.82.

March 8, 2010

To: John Szerlag, City Manager
Re: Cancellation of Troy Daze Festival

Financial Considerations:

- The City has several multiple year contracts in place for various services that will be affected by the decision to cancel the Troy Daze Festival. However, only the contract with Mad Bomber Fireworks, which is in its final year, will require a 25% payment ($1250.00) due to the festival cancellation. The contracts with the Police Explorers for security services and Fire Explorers for parking services will not result in any cost to the City. The vendor who provides the sound system for the festival, Advanced Lighting and Sound, has agreed to waive the last year of their contract. Finally, the contract with Arnold Amusement, which is also in its last year, will not result in compensation to that vendor since the contract calls for the vendor to pay the City based on ride and booth revenues. There is no provision in the Arnold Amusement contract for compensation due the vendor because of cancellation of the event.
- The City has recently opened bids for Troy Daze Tents and Electrical Services for the 2010 festival, but those contracts have not been awarded.

Recommendation:

- City Management recommends cancellation of the 2010 Troy Daze festival due to reduction in City staff and budget.

cc: Troy Daze Advisory Committee

Prepared by: Jeff Biegler, Superintendent of Parks

CITY COUNCIL ACTION REPORT

March 31, 2010

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Peggy Sears, Human Resources Director
Susan A. Leirstein, Purchasing Director

SUBJECT: Standard Purchasing Resolution 8 – Best Value Award: Building Department Services

Background

- As a result of the current budget crisis, the City continues to find ways to provide services at a reduced cost. As part of the process, the City has turned to the private sector to determine if a cost savings can be realized by outsourcing many City services.
- The City has utilized a two-step bid process in order to first qualify potential organizations; then second, to solicit pricing from those qualified organizations.
- A request for Statement of Qualifications (SOQ) for Building Department Services was sent to two-hundred fifty-eight (258) firms through the Michigan Intergovernmental Trade Network (MITN) e-procurement website at www.mitn.info.
- SOQ's were received from six (6) entities, as well as one (1) statement of no interest.
- Three (3) of the SOQ's met the pass/fail criteria established for Building Department Services. The SOQ received from the City of Rochester Hills was removed from the formal SOQ process with the understanding consolidation would be considered if the privatization effort was unsuccessful.
- The two (2) remaining firms were evaluated independently by a review committee and each individual member calculated a weighted score based on their review. These individual scores were averaged into one score for each firm.
- Both firms were invited to move forward in the selection process by participating in an interview. The interviews were independently evaluated by each committee member and the weighted scores were averaged into one score for each firm. The interview comprised fifty (50) percent of the final score for each firm.
- The firms that were interviewed prepared and submitted detailed proposals outlining the members of their team as well as providing percentage of fees and costs for their services.
- The detailed proposals were evaluated by the committee and each member independently calculated a weighted score based on their review. The individual weighted scores were averaged into one score for each firm. The detailed proposal comprised fifty (50) percent (10% for the proposal and 40% for the cost proposal) of the final score for each firm.
- The price comparison was completed by the Purchasing Department. No committee member was permitted to attend the bid opening or to review the price proposal portion of the detailed proposal.
- Fees as a percentage of permit fees and hourly rates per discipline for services where a permit fee is not collected were obtained.
- The highest rated firm, SafeBuilt Michigan, provided a proposal for privatizing the entire building department operation, including the director and secretary positions.

March 31, 2010

To: John Szerlag, City Manager
Re: Best Value Award – Building Department Services

Background (continued)

- As part of the privatization process, the Building Department was given a chance to compete for the work against SafeBuilt's proposal. Based on the 2010 / 2011 budget figures, including personnel services and overhead costs, the City's Building Department proposal of $1,173,007.00 was unable to match the costs proposed by SafeBuilt Michigan for a turnkey operation at an estimated annual cost of $748,500.00.
- Based on the cost savings, City management is recommending a contract be awarded to SafeBuilt Michigan to provide management and operation of the City's Building Department functions.
- SafeBuilt's turnkey proposal will require laying off all ten (10) Building Department employees prior to fiscal year 2010/2011.

Financial Considerations

- Fees paid to SafeBuilt are primarily building permit driven. This revenue based solution guarantees no general fund subsidy.
- By privatizing Building Department services, the estimated savings for the first year of operation will be $424,507.00 or at least 36%.

Legal Considerations

- SOQ-COT 09-49, Building Department Services were competitively bid and opened with six (6) entities responding.
- RFP-COT 09-49, Detailed Proposal – Building Department services were competitively bid and opened from the two (2) highest rated firms.
- The award is contingent upon the firm's submission of properly executed proposal, contract documents, insurance certificates and all other specified requirements, including negotiation of an acceptable agreement.

Recommendation

- City Management recommends awarding a three (3) year contract for complete Building Department services with an option to renew for two (2) additional years to the best value proposal submitted by SafeBuilt Michigan of Clarkston at the rates contained in the tabulation opened March 18, 2010, with fees assessed at 80% or 75% of permit fees depending on revenues in a given 12-month period, to expire June 30, 2013.

Reviewed and confirmed by : _____ _____

Richard Carlisle, President Date
Carlisle / Wortman Associates, Inc

G:/Bid Award 10-11 New Format/Best Value SR8 – SOQ RFP - Building Department Services 04.10.doc

EXECUTIVE SUMMARY

BUILDING DEPARTMENT SERVICES

STATISTICS:

- **Two Hundred fifty-eight (258) organizations were notified via the MITN e-procurement website**
- **Six (6) proposals were received, as well as one (1) statement of no interest**
- **Two (2) organizations met the pass/fail criteria**
- **Both remaining organizations were interviewed**
- **SafeBuilt Michigan is being recommended as the result of a best value process.**

The following two (2) firms received the indicated final scores as a result of the interview, detailed proposal and pricing criteria.

Organization	SCORE
SafeBuilt Michigan	**200.64**
PMI Inspection Services	193.97

STATEMENT OF QUALIFICATIONS – ORGANIZATIONS ELIMINATED FROM FURTHER CONSIDERATION (BASED ON PASS/FAIL MINIMUM REQUIREMENTS)

- Metro Community Development
- Testing Engineers & Consultants
- McKenna Associates

STATEMENT OF QUALIFICATIONS – ORGANIZATION REMOVED / SOQ RETAINED – TO CONSIDER CONSOLIDATION IF PRIVATIZATION EFFORT FAILS

- City of Rochester Hills

STATEMENT OF NO INTEREST

- Cityworks Management

Attachments:

- ✓ Weighted Final Scoring Includes Interview, Detailed Proposal and Pricing Score
- ✓ Evaluation Process
- ✓ Original Tabulation

WEIGHTED FINAL SCORING

Golf Course Management Services

Final Score Calculation:

50% x Interview Score
50% x Detailed Price Proposal Score
100% = Final Weighted Score

In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 250. **NOTE:** Vendors are listed in the order of their summary score for the interview, detailed proposal, and pricing scores, from highest to lowest. For the final score the vendors are listed in the order of rating from highest to lowest.

Each City Committee member independently used a weighted score sheet to evaluate the *Statement of Qualifications*; and each Committee Member calculated a weighted score. The scores of the Committee Members were averaged into one score for each organization for each phase of the process. Only the most qualified organizations were invited to participate in an interview.

Phase 2

Weighted Average Score for Statement of Qualification Evaluation:

RATERS	1	2	3	Average
Vendors:				
SafeBuilt Michigan	215	180	195	196.67
PMI Inspection Services	210	190	145	181.67

Phase 3

Weighted Average Score for Interview: 50%

RATERS	1	2	3	Average	Final Weighted Score (x .50)
Vendors:					
PMI Inspection Services	193	198	161	184.00	**92.00**
SafeBuilt Michigan	178	171	151	166.67	83.34

Phase 4

Weighted Average Score for Detailed Proposal: 10%

RATERS	1	2	3	Average	Final Weighted Score (x .10)
Vendors:					
PMI Inspection Services	217	166	186	189.67	**18.97**
SafeBuilt Michigan	240	169	110	173.00	17.30

Weighted Average Score for Price: 40%

RATERS	Weighted Criteria – Difference in Costs {1-(Proposal Price-low price/low price} x Available Points	Final Weighted Score (x .40)
Vendors:		
SafeBuilt Michigan	{1-(704,250-704,250)/(704,250)} x 250 = 250.00	**100.00**
PMI Inspection Services	{1-(824,000-704,250)/(704,250)} x 250 = 207.50	83.00

FINAL SCORE:

VENDORS:	SafeBuilt Michigan	PMI Inspection Services
Interview Score	**83.34**	92.00
Detailed Proposal Score	**17.30**	18.97
Pricing Score	**100.00**	83.00
FINAL SCORE	**200.64**	193.97

G:/Purchasing/QBS Documents/SOQ-COT 09-49 Building Department Services / Best Value SR8 – Building Department Services - WeightedRatingSummary 3.10.doc

SELECTION PROCESS

CRITERIA FOR SELECTION
Building Department Services

A City Committee of three (3) individuals will review the proposals. The City of Troy reserves the right to negotiate a final contract (pending City Council approval) with the most qualified organization(s) based upon a combination of factors including but not limited to the following:

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

Phase 1: **Minimum Qualifications Evaluation (Pass/Fail)**
Organizations will be required to meet minimum established criteria in order to go to the second phase of the process. (Evaluation Sheet Proposal)

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

Phase 3: **Interview Score**
Based on the scores from the *Statement of Qualifications* – Phase 2, only the most qualified organizations will be invited to participate in an interview. Each City Committee member will independently use a weighted score sheet to evaluate the *Interview;* each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each organization for this phase of the process. Those being interviewed may be supplied with further instructions and requests prior to the interview. Persons representing the organization at the interview must be the personnel who will be assigned to this project. ***Only the contractors that have made it to Phase 3 will be asked to provide a Detailed Price Proposal as outlined in Phase 4.***

Phase 4: **Detailed Price Proposals**
The *Detailed Price Proposals* will include the following information, at a minimum:

a. Key personnel involved.
b. Staff availability and time frames to complete various types of tasks.
c. % of permit fee schedule
d. Pay rates for various classifications proposed including overhead, direct costs, profit and all other costs.

Phase 5: **Final Scoring and Selection –** based on scoring from Phase 3 and Phase 4
The organization(s) with the highest final weighted score(s) will be recommended to the Troy City Council for Award. The final weighted score shall be based on:

50% x Interview Score (250 point base)
50% x Detailed Price Proposal Score (250 point base)
100% = Final Weighted Score

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

BUILDING DEPARTMENT SERVICES
RFP-COT 09-49

		PMI Inspection Services		Safe Built Michigan	
PROPOSAL A:		**Percentage of Fee**	**Calculated Fee Total**	**Percentage of Fee**	**Calculated Fee Total**
Fees as % of Permit Fee Schedule					
Licenses	$ 2,000.00	Not Requested	N/A	Not Requested	N/A
Permits					
Building	$ 600,000.00	90%	$ 540,000.00	75%	$ 450,000.00
Plumbing	$ 60,000.00	90%	$ 54,000.00	75%	$ 45,000.00
Electrical	$ 100,000.00	90%	$ 90,000.00	75%	$ 75,000.00
HVAC/Refrigeration	$ 75,000.00	90%	$ 67,500.00	75%	$ 56,250.00
Plan Review	$ 50,000.00	90%	$ 45,000.00	75%	$ 37,500.00
	$ 887,000.00		$ 796,500.00		$ 663,750.00

PROPOSAL B:
Personnel Rates

		PMI Inspection Services		Safe Built Michigan	
INSPECTORS:	HOURS:	**Reg Hrly Rate**	**Calculated Total**	**Reg Hrly Rate**	**Calculated Total**
Building	100	$ 55.00	$ 5,500.00	$ 70.00	$ 7,000.00
Plumbing	100	$ 55.00	$ 5,500.00	$ 80.00	$ 8,000.00
Electrical	100	$ 55.00	$ 5,500.00	$ 80.00	$ 8,000.00
HVAC/Refrigeration	100	$ 55.00	$ 5,500.00	$ 80.00	$ 8,000.00
REVIEW SERVICES:					
Plan Examiner	100	$ 55.00	$ 5,500.00	$ 95.00	$ 9,500.00
	500		$ 27,500.00		$ 40,500.00
GRAND TOTAL PROPOSAL A & B:			**$ 824,000.00**		**$ 704,250.00**

BUILDING DEPARTMENT SERVICES
RFP-COT 09-49

CLARIFICATION: Attachment 1 - Proposal A - Turn-Key Operation

Fees as % of Permit Fee Schedule			Safe Built Michigan	
			Percentage of Fee	**Calculated Fee Total**
Licenses	$	2,000.00	Not Requested	N/A
Permits				
Building	$	600,000.00	80%	$ 480,000.00
Plumbing	$	60,000.00	80%	$ 48,000.00
Electrical	$	100,000.00	80%	$ 80,000.00
HVAC/Refrigeration	$	75,000.00	80%	$ 60,000.00
Plan Review	$	50,000.00	80%	$ 40,000.00
	$	887,000.00		$ 708,000.00

		Safe Built Michigan	
INSPECTORS:	HOURS:	**Reg Hrly Rate**	**Calculated Total**
Building	100	$ 70.00	$ 7,000.00
Plumbing	100	$ 80.00	$ 8,000.00
Electrical	100	$ 80.00	$ 8,000.00
HVAC/Refriger	100	$ 80.00	$ 8,000.00
REVIEW SERVICES:			
Plan Examiner	100	$ 95.00	$ 9,500.00
	500		$ 40,500.00
			$ 748,500.00

NOTE: The contract could be structured to reduce the turn-key percentage to 75% once permit fee revenues in a given 12-month period exceed $1,000.000.

Opening Date -- 03/18/2010
Date Reviewed -- 3/30/2010

sl

FIRM NAME:		SafeBuilt Michigan		PMI Inspection Svc	
PROPOSAL: TO PROVIDE BUILDING DEPARTMENT SERVICES FOR THE CITY OF TROY					
FOUR (4) COPIES	(Yes or No)	**Yes**		Yes	
TERMS:		**Net 30 Days**		30 days in full	
EXCEPTIONS:		**N/A**		N/A	
ACKNOWLEDGEMENT:	Signed Y or N	**Yes**		Yes	
PROPOSAL A: Fees as a % of Permit Fee Schedule		**Percentage Fee**		**Percentage Fee**	
Inspections:					
	Building	**75%**		90%	
	Plumbing	**75%**		90%	
	Electrical	**75%**		90%	
	HVAC/Refrigeration	**75%**		90%	
Review Services:					
	Plan Review	**75%**		90%	
		Hourly Rates		**Hourly Rates**	
PROPOSAL B: Personnel Rates		**Regular**	**Overtime**	**Regular**	**Overtime**
Inspectors:					
	Building	**$ 70.00**	**$ 85.00**	$ 55.00	$ 82.50
	Plumbing	**$ 80.00**	**$ 100.00**	$ 55.00	$ 82.50
	Electrical	**$ 80.00**	**$ 100.00**	$ 55.00	$ 82.50
	HVAC/Refrigeration	**$ 80.00**	**$ 100.00**	$ 55.00	$ 82.50
Review Services:		**Regular**	**Overtime**	**Regular**	**Overtime**
	Plan Examiner	**$ 95.00**	**$ 110.00**	$ 55.00	$ 82.50
Fee Schedule attached		Yes - Attachment 3		Yes - Attachment 1	
PROPOSAL C: Project Team		**Overall Availability per Week**		**Overall Availability per Week**	
Building Inspectors		**40+/Hrs**		30-40/Hrs	
Mechanical Inspectors		**40+/Hrs**		30-40/Hrs	
Plumbing Inspectors		**40+/Hrs**		30-40/Hrs	
Electrical Inspectors		**40+/Hrs**		30-40/Hrs	
Plan Analyst		**40+/Hrs**		30-40/Hrs	
		Time to Complete		**Time to Complete**	
PROPOSAL D: Time Frame to Complete Various Tasks		**First Review**	**Revisions**	**First Review**	**Revisions**
Tasks - Plan Reviews:					
	Residential	**5/Days**	**3/Days**	10-15/Days	10-15/Days
	Multiple Family	**10/Days**	**5/Days**	10-15/Days	10-15/Days
	New Commercial	**10-20/Days**	**10/Days**	10-15/Days	10-15/Days
	Commercial Alteration	**5/Days**	**3/Days**	10-15/Days	10-15/Days
	All Other Reviews	**same-5/Days**	**< 3/Days**	10-15/Days	10-15/Days
		Time to Complete		**Time to Complete**	
Tasks - Inspections:		**24/Hrs**		24/Hrs	

ATTEST:
Julie Hamilton
Mark Stimac
Debra Painter

Susan Leirstein CPPO CPPB
Purchasing Director

CITY COUNCIL ACTION REPORT

March 23, 2010

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Request for Study Session to Further Discuss Restructuring Troy Government

I appreciate the direction you provided relative to organizational restructuring and its effect on the budget process at the March 1, 2010 City Council meeting. Succinctly, here is what we know:

1) A 3-year budget is going to be reviewed and approved along with a rolling 5-year outlook.
2) The budget document will follow Option 1 which reduces/shuts down quality of life venues before impacting public safety venues. And while no closures are scheduled for fiscal year 2010/11, we have budgeted reduced hours for the Library, Museum and Nature Center. There will also be reduced service levels in parks maintenance and recreational programming.
3) Employee concessions are currently in place for Classified, Exempt, AFSCME and Troy Fire Staff Officers Association (TFSA) personnel. We are also looking to reduce health care costs effective July 1, 2010 for the above groups of employees. Our goal is to achieve parity in terms of concessions with all employee groups.
4) We will maintain a 15% fund balance in the General Fund.
5) There is a need for an adjustment in the Refuse Fund millage levy from 0.75 to 0.87 mills.
6) Sanctuary Lake Golf Course will require a General Fund subsidy for the next 3 years, because of our debt service.
7) Within our 5-year forecast, the DDA will be unable to make bond payments for the Community Center and Big Beaver road widening projects.

There are some things we don't know which need to be clarified so that we don't bog down our budget deliberations. As such, I'm proposing a study session between the dates of April 15 and April 23, 2010 so as to obtain a policy direction on the following issues:

1. Capital funding
2. Quality of life venues
3. Refuse Fund

I'm working on a more detailed report which will be provided next week.

JS/mr\AGENDA\2010\04.05.10 – Request for Study Session

Pastor Vince Messina of Woodside Bible Church gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, March 15, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

B. ROLL CALL:

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

Vote on Resolution to Excuse Council Member Beltramini

Resolution #2010-03-063
Moved by Fleming
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini at the Regular City Council Meeting of Monday, March 15, 2010 and the Closed Session of Monday, March 15, 2010 due to being out of the county.

Yes: Schilling, Fleming, Howrylak, Kerwin, McGinnis, Slater
No: None
Absent: Beltramini

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION:

C-1 Presentations:

a) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation honoring the dedicated volunteers of the Lloyd A. Stage Nature Center.

b) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation honoring the dedicated volunteers of the Troy 50+ Computer Learning Center.

c) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation honoring the dedicated Troy Police Chaplain volunteers.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Zoning Ordinance Text Amendment (File Number ZOTA 239) – Amendment to Articles 4, 28 and 40, Used Automobile Sales Facility, Automobile Auction and Commercial Vehicle Sales Facility in M-1 Zoning District

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

Resolution #2010-03-064
Moved by Kerwin
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** Articles 4, 28, and 40 of the City of Troy Zoning Ordinance, pertaining to permitting used vehicle sales, automobile auctions and commercial vehicle sales in M-1 Zoning District subject to Special Use Approval, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 239), City Council Public Hearing Draft, as recommended by the Planning Commission.

Yes: Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling
No: None
Absent: Beltramini

MOTION CARRIED

E-2 Liquor Violation Hearings

a) McCormick & Schmick Restaurant Corp. (dba: McCormick & Schmick Seafood Restaurant)

The licensee waived their right to a public hearing.

Resolution #2010-03-065
Moved by McGinnis
Seconded by Slater

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely;

SALE TO MINOR (DPU) (Compliance Test) – October 28, 2009

WHEREAS, The City Council has given public notice that it will hold a hearing on March 15, 2010, where the City Administration is charged with presenting proof of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: McCormick & Schmick Restaurant Corp.
(dba: McCormick & Schmick Seafood Restaurant)
Address: 2850 Coolidge Highway, 48084
License No.: Class C (107172-2009 SS);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under State Law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises Class C license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license; and

WHEREAS, This licensee had a prior violation dated: August 17, 2001 - **SALE TO MINOR (DPU) (Compliance Test)**;

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that McCormick & Schmick Restaurant Corporation, dba McCormick & Schmick Seafood Restaurant, Class C licensee, Number 107172-2009 SS, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on October 28, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee to be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and any employees trained within the last six (6) months of this date are exempt from this training, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: Howrylak, Kerwin, McGinnis, Slater, Schilling, Fleming
No: None
Absent: Beltramini

MOTION CARRIED

b) <u>Kruse & Muer Troy, LLC (dba: Kruse & Muer on Wilshire)</u>

The licensee waived their right to a public hearing.

Resolution #2010-03-066
Moved by Kerwin
Seconded by Fleming

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely;

SALE TO MINOR (DPU) (Compliance Test) – December 17, 2009

WHEREAS, The City Council has given public notice that it will hold a hearing on March 15, 2010, where the City Administration is charged with presenting proof of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: Kruse & Muer Troy, LLC (dba: Kruse & Muer on Wilshire)
Address: 911 Wilshire, 48084
License No.: Class C (144326-2009 SS) / SDM (144327-2009);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee; and

WHEREAS, Under State Law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises Class C license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license;

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that Kruse and Muer Troy LLC, dba Kruse & Muer on Wilshire, Class C licensee, Number 144326-2009 SS and SDM License Number 144327-2009, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on December 17, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee to be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and any employees trained within the last six (6) months of this date are exempt from this training, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming, Howrylak
No: None
Absent: Beltramini

MOTION CARRIED

c) <u>MEI Holdings, LLC / Troy Hotel Property LLC (dba: Hilton Homewood Suites)</u>

The licensee waived their right to a public hearing.

Resolution #2010-03-067
Moved by Fleming
Seconded by McGinnis

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely;

SALE TO MINOR (DPU) (Compliance Test) – October 28, 2009

WHEREAS, The City Council has given public notice that it will hold a hearing on March 15, 2010, where the City Administration is charged with presenting proof of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: MEI Holdings, LLC / Troy Hotel Property, LLC
(dba: Hilton Homewood Suites)
Address: 1495 Equity W, 48084
License No.: B-Hotel (116290-2009 SS) / SDM (116291-2009);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under State Law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises B Hotel license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license; and

WHEREAS, This licensee had a prior violation dated: December 13, 2007 - **SALE TO MINOR (DPU) (Compliance Test)**;

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that Troy Hotel Property LLC and MEI Holdings LLC, dba Hilton Homewood Suites, B Hotel licensee, Number 116290-2009 SS and SDM License Number 116291-2009, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on October 28, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee to be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and any employees trained within the last six (6) months of this date are exempt from this training, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: McGinnis, Slater, Schilling, Fleming, Howrylak, Kerwin
No: None
Absent: Beltramini

MOTION CARRIED

d) Yara, Inc. (dba: Lebanese Grill)

The licensee waived their right to a public hearing.

Resolution #2010-03-068
Moved by Slater
Seconded by Kerwin

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely;

Allowing Fight on Licensed Premises – March 22, 2009
Allowing Persons (other than employees) after hours – March 22, 2009

WHEREAS, The City Council has given public notice that it will hold a hearing on March 15, 2010, where the City Administration is charged with presenting proof of the alleged violations, and the licensee has the opportunity to challenge the alleged violations, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: Yara, Inc. (dba: Lebanese Grill)
Address: 1600 Rochester Road, 48083
License No.: Class C (77842-2009 SS);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee; and

WHEREAS, Under State Law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises Class C license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license;

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that YARA, Inc., dba Lebanese Grill, Class C licensee, Number 77842-2009 SS, did violate the liquor license laws of the State of Michigan and the City of Troy, since the licensee allowed a fight on its licensed premises and allowed persons, other than employees, to remain on the property after hours, between 2:30 am and 12 noon on Sunday, March 22, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee to be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and any employees trained within the last six (6) months of this date are exempt from this training, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: Slater, Schilling, Fleming, Howrylak, Kerwin, McGinnis
No: None
Absent: Beltramini

MOTION CARRIED

F. PUBLIC COMMENT:

Mike Kerr	Supports Troy Police Department and crime prevention
Barbara Klein	Discussed various topics
Don Barnes	Opposes Troy Citizens United; supports new business and a rail system
Richard Peters	Discussed healthcare
Paul Beck	Declined to make comment
Janice Daniels	Supports Troy Citizens United; wants a vote on refuse millage increase
Linda Kajma	Questioned Council Member Fleming's statements at previous meetings
John Witt	Discussed Council Member Howrylak's record and Troy Citizens United
Audre Zembrzuski	Requested Council Members to look at speaker during Public Comment; suggested several options for budgets cuts

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: None Scheduled

The meeting **RECESSED** at 9:02 PM.

The meeting **RECONVENED** at 9:12 PM.

H-3 Ratification of Emergency 24-inch Water Main Repair at Rochester and South Boulevard

Resolution #2010-03-069
Moved by Fleming
Seconded by Slater

RESOLVED, That Troy City Council hereby **RATIFIES** payment to Superior Excavating, Inc. in the amount of $30,000.00, and payment to SBG Detroit, Inc. in the amount of $27,185.31 for emergency water main repairs to the City's 24-inch water main at the southwest corner of Rochester and South Boulevard.

Yes: Schilling, Fleming, Howrylak, Kerwin, McGinnis, Slater
No: None
Absent: Beltramini

MOTION CARRIED

I. CONSENT AGENDA:

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

Resolution #2010-03-070-I-1a
Moved by Kerwin
Seconded by McGinnis

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

Yes: Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling
No: None
Absent: Beltramini

MOTION CARRIED

I-2 Approval of City Council Minutes

Resolution #2010-03-070-I-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of March 1, 2010 as submitted.

I-3 City of Troy Proclamations:

Resolution #2010-03-070-I-3

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

a) Honoring the Dedicated Lloyd A. Stage Nature Center Volunteers
b) Honoring the Dedicated Troy 50+ Computer Learning Center Volunteers
c) Honoring the Dedicated Troy Police Chaplain Volunteers

I-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 1: Award to Low Bidder Contract 09-12 – John Arbor Subdivision Water Main Replacement

Resolution #2010-03-070-I-4a

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-12, John Arbor Subdivision Water Main Replacement to Site Development, Inc., 30850 Stephenson Hwy., Madison Heights, MI 48071 at an estimated total cost of $461,211.20; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost.

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Concession Stand Operations

Resolution #2010-03-070-I-4c

WHEREAS, On March 15, 2004, Troy City Council awarded a contract to provide seasonal requirements of Concession Stand Operations with an option to renew for five additional seasons for the Troy Family Aquatic Center and designated Parks to Russell Chavaux for an annual guarantee of 12% of gross sales or a minimum of $12,000.00 whichever is greater as contained in the bid tabulation opened March 3, 2004 {Resolution #2004-03-153}; and

WHEREAS, Russell Chavaux has agreed to exercise the option to renew for five additional seasons under the same return schedule, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for five additional seasons with Russell Chavaux of Troy, MI, to provide Concession Stand Operations under the same return schedule, terms, and conditions as the original contract to expire November 15, 2014; and

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

d) Standard Purchasing Resolution 1: Award to Low Bidder – Fertilizer/Herbicide Application Services

Resolution #2010-03-070-I-4d

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract to provide for Fertilizer/Herbicide Application Services to the low bidder, The Davey Tree Expert Company of Auburn Hills, MI, for an estimated total cost of $71,580.75, in accordance with unit prices as contained on the bid tabulation opened February 9, 2010 with the contract expiring December 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting,; and

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

e) Standard Purchasing Resolution 3: Exercise Renewal Option – Food and Beverage Service at Sanctuary Lake Golf Course

Resolution #2010-03-070-I-4e

WHEREAS, On March 19, 2007, Troy City Council approved a contract for 32 months of Food and Beverage Service at Sanctuary Lake Golf Course with an option to renew for two years to Kosch Special Events LLC, the best available bidder as a result of a best value process which the Troy City Council determines to be in the public interest at a guaranteed rate of 5% of gross revenue over $125,000.00 and 7.5% of gross revenue over $150,000.00 (Resolution #2007-03-099); and

WHEREAS, The Troy City Council approved an amendment to the agreement on March 17, 2008, authorizing the sale of alcoholic beverages on the golf course proper (Resolution #2008-03-015);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for two years with Kosch Catering, LLC of Rochester, MI, to provide for the sale of food and beverages under the same return schedule, terms and conditions as the original contract to expire November 30, 2011, or upon termination for convenience with 30-days written notice; and

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

I-5 Rescind Bid Award/Re-Award Contract – Tee Shirts

Resolution #2010-03-070-I-5

WHEREAS, On October 5, 2009, a contract for one-year requirements of Tee Shirts (various types) with an option to renew for one additional year was awarded to the low total bidder, Custom T's of Clawson, MI (Resolution # 2009-10-301-F4c); and

WHEREAS, Custom T's has requested termination of the contract as they found it to be economically unfeasible to continue;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for one-year requirements of Tee Shirts (various types) with an option to renew for one additional year from Custom T's, and hereby **RE-AWARDS** the contract to the next lowest bidder, Impressive Promotional Products LLC of Clawson, MI, at unit prices contained in the bid tabulation opened September 2, 2009 with the contract expiring September 30, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-6 Act 51 Mileage Certification for 2009

Resolution #2010-03-070-I-6

WHEREAS, It is necessary to furnish certain road information to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended; and

WHEREAS, The City of Troy hereby accepts the following platted and non-platted streets: Burns, Rothwell, Provincial and Vernmoor;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** said streets into the City of Troy local street system, and said streets are located within the City of Troy; right of way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DECERTIFIES** the following streets: Alger, Chopin and Eckerman effective on December 31, 2009.

I-7 Troy Racquet Club Rates

Resolution #2010-03-070-I-7

RESOLVED, That Troy City Council hereby **APPROVES** the 2010-2011 membership rates for Troy Racquet Club as stated in the report from the Parks and Recreation Department dated March 5, 2010, 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-8 Release of Construction Phasing Agreement – 301 and 305 W. Big Beaver

Resolution #2010-03-070-I-8

RESOLVED, That Troy City Council hereby **APPROVES** the Release of the Construction Phasing Agreement dated August 8, 1994 concerning the property at 301 and 305 W. Big Beaver Road, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-9 Approval of Munchiando Relocation Claim – John R Road Improvement Project, Square Lake to South Boulevard – Project No. 02.204.5 – Parcel 43 – Sidwell #88-20-02-279-002

Resolution #2010-03-070-I-9

RESOLVED, That as required by Michigan Laws and Federal Regulations, Troy City Council hereby **APPROVES** the Relocation Claim from James W. Munchiando and Elizabeth S. Munchiando pertaining to the City of Troy's acquisition of their property at 6675 John R, having Sidwell #88-20-02-279-002, and hereby **AUTHORIZES** payment in the amount of $9,144.60.

I-1b Address of "I" Items Removed for Discussion by City Council

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I-4 Standard Purchasing Resolutions:

b) <u>Standard Purchasing Resolution 1: Award to Low Bidder – Mowing and Landscape Maintenance Services</u>

Resolution #2010-03-071
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract for Mowing and Landscape Maintenance Services for municipal grounds and abandoned properties with an option to renew for two additional years to the low total bidder, Green Meadows Lawnscape, Inc. of Sterling Heights, MI for an estimated total cost of $229,328.00 per year, at unit prices contained in the bid tabulation opened March 1, 2010 with the contract expiring December 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes: Howrylak, Kerwin, McGinnis, Slater, Schilling, Fleming
No: None
Absent: Beltramini

MOTION CARRIED

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):

a) Motor Carrier Enforcement Cost Recovery Initiative – April 5, 2010
b) Cancellation of Troy Daze Festival

Noted and Filed

K. COUNCIL REFERRALS:

K-1 Using Fund Balance to Advance Sustainability – Referred by Council Member Robin Beltramini – No Action Taken

L. COUNCIL COMMENTS

L-1 Council Comments Advanced

Mayor Schilling encouraged the public to complete and return their 2010 Census forms as soon as possible.

Council Member Kerwin indicated that a census worker will not make a personal visit if the census form is completed by mail.

Council Member Kerwin would like the training opportunities for members of the Planning Commission and Board of Zoning Appeals to continue, and suggested that an ethics policy be formulated.

Council Member Howrylak indicated that the City and its commissions are not allowed by law to take a position on any election, but are permitted as individuals to campaign, support candidates and endorse issues.

There was a general consensus of City Council members present to keep the Troy Daze Festival budget line item as it currently exists in the budget until the Troy Daze Committee can provide a recommendation after their next scheduled meeting on Tuesday, March 23, 2010.

M. REPORTS

M-1 Minutes – Boards and Committees:

a) Parks and Recreation Advisory Board/Final – September 17, 2009
b) Election Commission/Final – January 14, 2010
c) Board of Zoning Appeals/Final – January 19, 2010
d) Planning Commission Special/Study/Final – January 26, 2010
e) Youth Council/Final – January 27, 2010
f) Planning Commission/Final – February 9, 2010
g) Planning Commission Special/Study/Draft – February 23, 2010
h) Youth Council/Draft – February 24, 2010
i) Ethnic Issues Advisory Board/Draft – March 2, 2010
j) Election Commission/Draft – March 3, 2010

Noted and Filed

M-2 Department Reports:

a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – February 2010
b) Building Department – Permits Issued February 2010

Noted and Filed

M-3 Letters of Appreciation:

a) Letter of Thanks to Wendell Moore from Pensacola Christian College Dean of Business Eric Bostwick Regarding Internship Experience
b) Letter of Thanks to Chief Mayer from Jennifer Warrow Commending Police Officer Gustke and Communications Supervisor Sam Kalef for Quick Response Time
c) Letter of Thanks to Chief Mayer from Rick Fox Regarding Assistance of Police Officer Drewek during Medical Emergency
d) Letter of Appreciation to Mayor Schilling from Todd Craine of SignWorx Regarding Pleasant Experience with the Building Department Staff
e) Letter from the Participants of the Thursday Friendship Club Regarding Activities at the Community Center

Noted and Filed

M-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Rose Township Resolution Opposing Countywide SMART Millage Vote

Noted and Filed

M-5 Troy Youth Assistance Board Minutes- January 21, 2010

Noted and Filed

M-6 Sandler v. City of Troy and MMRMA

Noted and Filed

N. STUDY ITEMS

N-1 No Study Items Submitted

O. CLOSED SESSION:

O-1 Closed Session

Resolution #2010-03-072
Moved by Kerwin
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *Troy v Midwest Master Investment; Troy v. Troywood Shops, LLC; Troy v. Old Troy, LLC; Troy v. Diajeff, LLC; Troy v. P/G Equities Cort Limited Partnership*; and *Troy v. JMT Properties, LLC;* and MCL 15.268(c) Strategy for Labor Negotiations - MAP and TCSA.

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming, Howrylak
No: None
Absent: Beltramini

MOTION CARRIED

The meeting **RECESSED** at 10:17 PM.

The meeting **RECONVENED** at 10:20 PM.

The meeting **ADJOURNED** at 10:50 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

PROCLAMATION IN RECOGNITION OF
THE MILITARY COMMUNITY COVENANT - APRIL 2010

WHEREAS, The Community Covenant Program is a formal commitment of support by state and local communities to Active, Guard and Reserve Soldiers and their families; and

WHEREAS, The Community Covenant Program is designed to foster and sustain effective state and community partnerships with the Army to improve the quality of life for soldiers and their families, both at their current duty stations and as they transfer to other states; and

WHEREAS, The strength of service members comes from the strength of their families, and the strength of families is supported by the strength of the community; and

WHEREAS, The strength of the community comes from the support of employers, educators, civic and business leaders and its citizens; and

WHEREAS, It is vitally important that local communities across America be aware of and recognize the sacrifices of soldiers and their families; and

WHEREAS, While Community Covenant is an Army program, it extends to the other Military Services as well, recognizing that many community efforts support all service members and their families regardless of the uniform they wear; and

WHEREAS, The City of Troy recognizes with sincere appreciation the commitment and sacrifices service members and their families are making every day;

NOW THEREFORE LET IT BE RESOLVED, That the City of Troy declares its commitment to building partnerships that support the strength, resilience, and readiness of service members and their families; and

BE IT FURTHER RESOLVED, That the Troy City Council supports the signing of the Military Community Covenant in partnership with Oakland County and local government officials.

Presented this 5th day of April 2010.

CITY COUNCIL ACTION REPORT

March 22, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 3: – Exercise Renewal Option – Aggregates

Background

- On April 6, 2009,Troy City Council approved contracts to provide, one-year requirements of Aggregate Materials with an option to renew for one additional year to the low bidders, Bedrock Maintenance Services and Metropolitan Demolition LLC (Res #2009-04-129-F4a).
- On May 11, 2009, Troy City Council rescinded with prejudice the award to Metropolitan Demolition for failure to provide the required insurance certificate(s) and authorized City staff to utilize the informal three (3) quote process for future purchases of crushed concrete, 3”-6” (Res #2009-05-154-F7).
- The original contract contains an option to renew for one additional year based upon mutual consent. Bedrock Express has agreed to renew the current contract under the same prices, terms and conditions.
- Purchasing had analyzed market trends and found the City would not benefit from soliciting new bids for the items specified as operating and material costs continue to rise.

Financial Considerations

- Funds will be available in the Operating Budgets for the Streets and Water departments.

Legal Considerations

- ITB-COT 09-18, one year requirements of Aggregate Materials with an option to renew for one additional year was competitively bid, in accordance with City Charter and Code.

Policy Considerations

- By renewing existing contracts, the City minimizes cost increases, and benefits from efficient strategic planning.

Recommendation

- City management recommends exercising the option to renew to provide Aggregates as specified, for one additional year to the low bidder, Bedrock Express of Ortonville, MI under the same prices, terms and conditions expiring April 30, 2011.

G:/Bid Award 10-11 New Format/Award Standard Purchasing Resolution 3 - Aggregates 03.10.doc

March 19, 2010

TO: Susan Leirstein
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – AGGREGATES

NOVAK CONSTRUCTION – Orrin Ladd (810) 798-8533
Mr. Ladd has indicated that some aggregates might increase in price about .05 cents a ton. But fuel costs have started to rise and they will have to include a surcharge for fuel on the bills.

OSBURN INDUSTRIES INC – Michael Machesky (313) 292-4140
According to Mr. Machesky, most of the aggregate prices will same the same. But fuel cost is starting to increase – so their company will have to charge a surcharge for fuel on their invoice to keep in business. Insurance costs have also increased.

RICHMOND TRANSPORT – Dan Manchik (586) 727-1627
Dan believes there will be no increase of aggregates, but hauling the aggregates will increase due to fuel and operating costs. Fuel costs have started to increase and they were told that gas prices will be $3.50 a gallon this summer. So a fuel surcharge will be added to their company's invoices.

TRI-CITY AGGREGATES, INC – Scott McKay (248) 634-8276
Per Mr. McKay – aggregates will stay the same in price this year, but fuel might be a factor later this summer, if it increases. Crushed concrete is a very popular aggregate this year.

T.K.M.S. Ltd. – Tim Odonnell (248) 685-3908
Tim has told me that some aggregates will be increasing 10 to 15 cents a ton, but the big issue will be the increase cost of gas this year. He was told that it will be increase to $3.00 or more this summer – coupled with hauling companies that have gone out of business, which means fewer trucks to do the hauling.

ELLSWORTH INDUSTRIES – Chad Monteith (313) 218-4790
Chad has stated there might be an increase of .05 cents a ton on some of the aggregates, but his biggest concern will be the increase of fuel this summer. His company is thinking of charging a fuel surcharge on the invoice to keep their company in business if gas increases.

LOMA TRUCKING AND LANDSCAPE SUPPLIES, INC – Kenneth Keeler (734) 260-1370
Mr. Keeler believes that aggregates will stay the same this year, but fuel will be increasing this summer and their company will be adding a fuel surcharge to their bills to keep afloat. He also said that a couple of companies have gone out of business – so that means fewer trucks in the market to haul the aggregates.

BOULEVARD & TRUMBULL TOWING, INC – Mark Delton (313) 202-1700

Mr. Delton explained the only aggregate that their company bids is "crushed concrete 1" – 3" and prices will remain the same this year. They will hold the price for the entire contract. Fuel is not concern with one aggregate.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Aggregates to the current vendor based on the fact costs for some aggregates will increase 5 to 10 cents a ton in price. With anticipated increases in the cost of fuel this summer, many companies will be adding a fuel surcharge to their invoices.

CC: file

City of Troy

March 09, 2010

ATTN: Barry Bass
Bedrock Express
1290 N. M-15
Ortonville, MI 48462
FAX: (248) 627-4876

Dear Mr. Bass:

The City of Troy entered into contract #2009-00001034 with Bedrock Express to provide one-year requirements of Aggregate Materials with an option to renew for one additional year, which currently expires April 30, 2010. The City is interested to know whether Bedrock Express will renew its contract at established prices for the one additional year.

Please fax this letter back to Deanna Theobald at the DPW indicating if Bedrock Express wishes to renew this contract until April 30 2011. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501

CHECK ONE:

Bedrock Express is interested in renewing the contract under the same prices, terms, and conditions: (✓)

X_____
Signed: Authorized Company Representative

Bedrock Express is not interested in renewing the contract: ( )

X_____
Signed: Authorized Company Representative

Date: 3-12-10

Thank you,
Deanna Theobald
Department of Public Works, City of Troy

F-5 Correction to City Council Minutes for Regular Meeting of December 15, 2008

Resolution #2009-05-154-F-5

RESOLVED, That Troy City Council hereby **APPROVES** the correction of a typographical error made in the Regular Meeting Minutes of the December 15, 2008, City Council by inserting Roll Call.

F-7 Rescind Contract – Aggregates, Item 7) Crushed Concrete 3”-6” – Resolution #2009-04-129-F-4a

Resolution #2009-05-154-F-7

WHEREAS, On April 6, 2009, one-year contracts to provide Aggregates with an option to renew for one (1) additional year was awarded on an item by item basis to the low bidders: Metropolitan Demolition of Romulus, MI, Item #7, and Bedrock Maintenance Services of Ortonville, MI, Items #1-6 and #8-13 (Resolution #2009-04-129-F-4a); and

WHEREAS, Metropolitan Demolition has not provided the insurance certificate(s) as required after numerous attempts by City management;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide Aggregates under Item 7) Crushed Concrete 3” – 6”, with an option to renew for one (1) additional year from Metropolitan Demolition, and hereby **AUTHORIZES** City staff to utilize the informal three (3) quote process for future purchases of crushed concrete, 3” – 6”.

F-8 Assessment of Delinquent Accounts

Resolution #2009-05-154-F-8

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify the same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes;

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

CITY COUNCIL ACTION REPORT

May 5, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Rescind Contract – Aggregates, Item 7) Crushed Concrete 3”-6”
Resolution #2009-04-129-F4a

Background

- On April 6, 2009, Troy City Council awarded one-year contracts to provide Aggregates with an option to renew for one (1) additional year on an item by item basis to the low bidders: Metropolitan Demolition for Item 7) Crushed Concrete 3”-6” and Bedrock Maintenance Services, Items 1-6 and #8-13. (CC Res #2009-04-129-F4a)
- Items bid were awarded after consideration was given to the 5% discount quoted by Bedrock Maintenance.
- The awards were contingent upon contractors’ submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.
- On May 4, 2009, after numerous attempts to clear insurance have failed with Metropolitan Demolition, the City recommends the company be placed in default of contract for being non-compliant and non-responsive to providing insurance requirements as specified.
- The bid document states – After approval by Troy City Council, the City’s Risk Manager will review the insurance certificate(s) to ensure all acceptable documents have been received, and allow (5) additional days after verbal / electronic notification to submit final insurance certificates(s) in accordance with specifications. If not so received, the company will be considered in default of contract and will be barred from doing business with the City of Troy for a minimum of three (3) years for failing to meet insurance requirements.

Financial Considerations

- Since no other bids were received for this item, staff recommends utilizing the informal three (3) quote process for future purchases of crushed concrete, 3”-6”.

Legal Considerations

- Metropolitan Demolition will receive a written notification of default and remedies for reinstatement as a potential vendor after three (3) years.

Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in supplying aggregates for the City of Troy. (Goal I)

Options

- City management recommends the Troy City Council rescind with prejudice the contract approved on April 6, 2009, to Metropolitan Demolition of Romulus, MI, for Item 7), Crushed Concrete 3”-6” (Resolution #2009-04-129-F4a).

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

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-04-129
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

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

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 #2009-04-129-F-2

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

F-3 Proposed City of Troy Proclamation(s): None Submitted

F-4 Standard Purchasing Resolutions

a) <u>Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates</u>

Resolution #2009-04-129-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregates with an option to renew for one (1) additional year to the low bidders as follows, after consideration has been given to the 5% discount quoted:

Recommended Vendors	Item / Description	Price/Ton	
Metropolitan Demolition Romulus, MI	Item 7) Crushed Concrete 3”-6”	$17.50	
		5% Discount	
Bedrock Maintenance Services Ortonville, MI	Item 1) 6A Slag	$14.49	$13.77
	Item 2) 22A Road Gravel	$ 8.49	$ 8.07
	Item 3) Pea Gravel	$11.25	$10.69
	Item 4) 60/40 Gravel	$11.74	$11.15
	Item 5) Fill Sand	$ 5.74	$ 5.45
	Item 6) Crushed Concrete 1”-3”	$10.24	$ 9.73
	Item 8) Chloride Sand	$14.74	$14.00
	Item 9) 2NS Sand	$ 8.40	$ 7.98
	Item 10) Mason Sand	$ 9.89	$ 9.40
	Item 11) Limestone 1”-3”	$14.25	$13.54
	Item 12) Limestone 3”-6”	$18.89	$17.95
	Item 13) Limestone 4”-8”	$23.95	$22.75

at the discounted prices stated above and confirmed with the unit prices as contained in the bid tabulation opened March 17, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2010; and

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

b) Standard Purchasing Resolution 1: Award to Low Bidders – Pavement Seam, Fracture Sealing and Spray Injection Patching Program

Resolution #2009-04-129-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City of Troy to the low total bidder, Michigan Joint Sealing Inc, of Farmington Hills, MI, for an estimated total cost of $133,175.00, at unit prices contained in the bid tabulation opened March 19, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work are required either additive or deductive, Troy City Council hereby **AUTHORIZES** such changes in an amount not to exceed budgetary limitations.

F-5 Acceptance of a Warranty Deed and Permanent Easement from 1401 Troy Associates Limited Partnership – Sidwell #88-20-32-226-037

Resolution #2009-04-129-F-5

CITY COUNCIL ACTION REPORT

April 1, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Standard Purchasing Resolution 1: – Award To Low Bidders – Aggregates

Background

- On March 17, 2009, bid proposals were electronically received for one-year requirements of Aggregate Materials with an option to renew for one additional year.
- 52 vendors were notified of the bid opportunity via the MITN system with ten (10) responses received, as well as one incomplete bid.
- After reviewing the aggregate bids item by item and also by the discount quoted by one vendor if awarded all items, it is in the City's best interest to award a contract to Bedrock Maintenance Services for Items 1-6 and Items 8-13 based on a 5% discount that will be issued directly to the City.

Financial Considerations

- Funds will be available in the 2009/10 Operating Budgets for the Streets and Water departments.
- The City will save an estimated $1,759.12 by awarding to the vendor with a 5% discount on all items quoted.

Legal Considerations

- ITB-COT 09-18, Aggregate Materials were competitively bid as required by City Charter and Code.
- The awards are contingent upon contractors' submission of proper insurance certificates, and all other specified requirements.

Policy Considerations

- Aggregates are used for general maintenance of major and local roads. (Outcome Statement II)
- All bidders were given the opportunity to respond with their level of interest in supplying aggregate materials for the City of Troy. (Goal II)

Options

- City management recommends awarding contracts to the lowest bidders as follows after considering all discounts.

Recommended Vendors	Item / Description	Price/Ton	
Metropolitan Demolition – Romulus, MI	Item 7) Crushed Concrete 3"-6"	$17.50	
		5% Discount	
Bedrock Maintenance Services Ortonville, MI	Item 1) 6A Slag	$14.49	$13.77
	Item 2) 22A Road Gravel	$ 8.49	$ 8.07
	Item 3) Pea Gravel	$11.25	$10.69
	Item 4) 60/40 Gravel	$11.74	$11.15
	Item 5) Fill Sand	$ 5.74	$ 5.45
	Item 6) Crushed Concrete 1"-3"	$10.24	$ 9.73
	Item 8) Chloride Sand	$14.74	$14.00
	Item 9) 2NS Sand	$ 8.40	$ 7.98
	Item 10) Mason Sand	$ 9.89	$ 9.40
	Item 11) Limestone 1"-3"	$14.25	$13.54
	Item 12) Limestone 3"-6"	$18.89	$17.95
	Item 13) Limestone 4"-8"	$23.95	$22.75

Opening Date -- 3/17/09
Date Prepared -- 3/23/09

CITY OF TROY
BID TABULATION
AGGREGATES

sl

VENDOR NAME:			Bedrock Maintenance Services	Metropolitan Demolition, LLC	Novak Construction	Tri-City Aggregates, Inc
ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON
1.	1500	6A SLAG	$ 14.49	No Bid	$ 13.94	No Bid
2.	3500	22A GRAVEL	$ 8.49	$ 13.50	$ 8.94	$ 9.00
3.	300	PEA STONE	$ 11.25	$ 17.50	$ 11.24	No Bid
4.	200	60/40 GRAVEL	$ 11.74	$ 22.00	$ 12.94	No Bid
5.	2000	FILL SAND	$ 5.74	$ 11.00	$ 7.74	$ 5.50
6.	200	CRUSHED CONCRETE, 1" - 3"	$ 10.24	$ 14.50	No Bid	No Bid
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	$ 17.50	No Bid	No Bid
8.	250	CHLORIDE SAND	$ 14.74	$ 22.50	$ 16.44	$ 14.50
9.	250	2NS SAND	$ 8.40	$ 15.00	$ 8.44	No Bid
10.	250	MASON SAND	$ 9.89	$ 15.00	$ 11.94	No Bid
11.	200	LIMESTONE 1" - 3"	$ 14.25	$ 18.00	No Bid	No Bid
12.	100	LIMESTONE 3" - 6"	$ 18.89	$ 25.00	$ 16.99	No Bid
13.	100	LIMESTONE 4" - 8"	$ 23.95	$ 25.00	$ 19.49	No Bid
	DISCOUNT IF AWARDED ALL ITEMS		*5%*	No Bid	No Bid	No Bid
		ESTIMATED TOTAL:	**$ 86,092.50**	**$ 105,275.00**	**$ 86,493.00**	**$ 46,125.00**
		ESTIMATED TOTAL AWARDED ITEMS W/DISCOUNT:	**$ 81,787.88**	**$ 1,750.00**	**N/A**	**N/A**
DELIVERY:	Within Hours		24	48	Immediately	48
MINIMUMS:			50	50	50	50
CONTACT INFORMATION						
	Hrs of Operation		M-S 7-4pm	5 AM to 7 PM	Blank	5:30AM to 5 PM
	24 Hr. Phone No.		810-217-6324	734-709-5039		248-634-8277
INSURANCE		Can Meet	XX	XX	Blank	XX
		Cannot Meet				
TERMS:			2% Net 10 days	Net 30 days	No Discount	Net 30 days No Disc.
EXCEPTIONS:			Blank	Blank	Blank	Blank

PROPOSAL: One-Year Requirements of Aggregates with an Option to Renew for One (1) Additional Year

NOTE: If awarded by item to the lowest bidders, the total award equals $85,297.00 - By awarding to the vendor w/5% discount on all items plus the sole bidder for Item #7, a savings of $1759.12 results.

HIGHLIGHTED AREAS DENOTES LOW BIDDERS

ATTEST:
Deanna Theobald
Thomas Rosewarne
Diane Fisher
Linda Bockstanz

Susan Leirstein CPPB
Purchasing Director

VENDOR NAME:			Richmond Transport Inc	T.K.M.S. LTD	Boulevard & Trumbull Towing Inc.	Ellsworth Industries
					Fiore's Crushed Concrete	
ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON
1.	1500	6A SLAG	$ 14.42	No Bid	No Bid	No Bid
2.	3500	22A GRAVEL	$ 10.25	$ 10.50	No Bid	$ 10.25
3.	300	PEA STONE	$ 14.00	$ 14.00	No Bid	$ 14.75
4.	200	60/40 GRAVEL	$ 15.15	$ 15.00	No Bid	No Bid
5.	2000	FILL SAND	$ 6.85	$ 6.50	No Bid	$ 10.50
6.	200	CRUSHED CONCRETE, 1" - 3"	$ 11.50	$ 10.50	$ 12.84	No Bid
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid	No Bid	No Bid
8.	250	CHLORIDE SAND	$ 27.00	$ 17.50	No Bid	$ 18.50
9.	250	2NS SAND	$ 11.10	$ 9.50	No Bid	$ 11.75
10.	250	MASON SAND	$ 10.10	$ 9.50	No Bid	No Bid
11.	200	LIMESTONE 1" - 3"	$ 12.85	$ 14.00	No Bid	$ 14.85
12.	100	LIMESTONE 3" - 6"	No Bid	No Bid	No Bid	No Bid
13.	100	LIMESTONE 4" - 8"	$ 17.85	$ 20.00	No Bid	$ 25.90
	DISCOUNT IF AWARDED ALL ITEMS		No Bid	No Bid	No Bid	No Bid
		ESTIMATED TOTAL:	**$ 97,140.00**	**$ 72,975.00**	**$ 2,568.00**	**$ 74,422.50**
		ESTIMATED TOTAL AWARDED ITEMS W/DISCOUNT:	**N/A**	**N/A**	**N/A**	**N/A**
DELIVERY:	Within Hours		24	24	24 ARO	Immediately
MINIMUMS:			50	50	30	50
CONTACT INFORMATION					Sat 7-3pm	
	Hrs of Operation		6 AM to 5 PM	Blank	M-F 6AM to 6PM	Blank
	24 Hr. Phone No.		586-727-1627		586-939-6200	
INSURANCE		Can Meet	XX	Blank	XX	Blank
		Cannot Meet				
TERMS:			Net 30 days	Net 30	Net 30	Net 30
EXCEPTIONS:			Blank	See Minimum Above	Blank	Blank

ITEM	EST QTY/TONS	DESCRIPTION	Osburn Industries Inc PRICE/ TON	Loma Trucking & Landscape Supplies, Inc. PRICE/ TON		
1.	1500	6A SLAG	No Bid	$ 18.35		
2.	3500	22A GRAVEL	$ 10.10	$ 9.45		
3.	300	PEA STONE	$ 14.10	$ 13.00		
4.	200	60/40 GRAVEL	$ 14.45	$ 15.10		
5.	2000	FILL SAND	$ 7.95	$ 8.00		
6.	200	CRUSHED CONCRETE, 1" - 3"	$ 11.00	$ 12.50		
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid		
8.	250	CHLORIDE SAND	$ 23.00	$ 34.50		
9.	250	2NS SAND	$ 9.60	$ 9.20		
10.	250	MASON SAND	$ 12.35	$ 11.50		
11.	200	LIMESTONE 1" - 3"	$ 13.55	$ 13.40		
12.	100	LIMESTONE 3" - 6"	No Bid	No Bid		
13.	100	LIMESTONE 4" - 8"	$ 19.00	$ 18.75		
	DISCOUNT IF AWARDED ALL ITEMS		No Bid	2% of $104,375		
		ESTIMATED TOTAL:	**$ 76,417.50**	**$ 104,375.00**		
		ESTIMATED TOTAL AWARDED ITEMS W/DISCOUNT:	**N/A**	**N/A**		
		DELIVERY Within Hours	24	36		
		MINIMUMS:	50	47		
		CONTACT INFORMATION Hrs of Operation	Blank	6 AM to 6 PM		
		24 Hr. Phone No.		734-260-1370		
		INSURANCE Can Meet	Blank	XX		
		Cannot Meet				
		TERMS:	Net 30	Net 30 days		
		EXCEPTIONS:	See Minimum Above	Item #1 6A Slag not available this year approved Equal 6AA Limestone MDOT		

CITY COUNCIL ACTION REPORT

March 23, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 2: – Bid Award – Lowest Bidder Meeting Specifications - Hauling/Disposal of Dirt and Debris

Background

- On March 11, 2010, bid proposals were electronically received for one-year requirements of Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year.
- Ninety-two (92) vendors were notified via the MITN system with six (6) vendors responding.
- Each item on the proposal was considered as a separate bid and each item was separately evaluated.
- Total Management Services was the low bidder for hauling and disposal of catch basin sludge and street sweeping, however they were not taking the material to an approved land fill, as required in the City of Troy specifications.
- Ahern Contracting, Inc., the next lowest bidder for the catch basin sludge and street sweeping, bid a land fill that would only accept the weights from their own scales and not those of the City's. In order to verify invoices, the City utilizes the scale located at the DPW for the tonnage that is being taken out of the DPW yard. Since the City will only accept the weights from our own scale, the difference in tonnage was too great and Ahern Contracting Inc. decided to withdraw his bid for this item.

Financial Considerations

- Funds are available in the 2010-2011 Operating Budgets for the Streets and Water departments.
- The unit price for each of the hauling categories has decreased since the last time these services were bid.

Legal Considerations

- ITB-COT 10-11, Hauling/Disposal of Dirt and Debris was competitively bid as required by City Charter and Code.
- The award is contingent upon contractors' submission of proper insurance certificates and all other specified requirements.

Recommendation

- City management recommends awarding a one year contract with an option to renew for one additional year to the lowest bidder meeting specifications for all items, Bedrock Express LTD of Ortonville, MI, for an estimated total cost of $54,220.00, at unit prices contained in the bid tabulation opened March 11, 2010 to expire March 31, 2011.

Opening Date -- 3/11/10
Date Prepared -- 3/11/10 jh

CITY OF TROY
BID TABULATION
HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:			Bedrock Express LTD (Bedrock Maint Services)	Osburn Industries, Inc	Total Management Services
		Electronic Bid			
ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
1	2,000	Broken concrete with & without wire, possibly mixed w/fill dirt	$ 3.96	$ 4.25	$ 7.50
2	1,000	Broken asphalt possibly mixed with fill dirt	$ 4.29	$ 5.00	$ 7.50
3	7,000	Fill Dirt, material excavated from water and sewer repairs.	3.96	$ 6.50	$ 7.50
4	1,000	Catch basin sludge and street sweepings.	$ 14.29	$ 14.40	DMS
		ESTIMATED TOTAL ALL ITEMS: (1 - 4)	$ 54,220.00	$ 73,400.00	$ 75,000.00
		ESTIMATED TOTAL AWARDED ITEMS:			

		**	**	**
REFERENCES:	Y or N	Yes	Yes	Yes
DISPOSAL SITE:		Riverview Landfill	Saulk Trails, Canton	Messina Trucking Yard
APPROVED SITE	Y or N	Yes	Yes	Yes
EPA PERMIT #:		Will Send if awarded	MIR00000 9207	Blank
CONTACT INFORMATION:	Hrs of Operations	M-S 7AM to 5PM	8 AM to 5 PM	Blank
	24 Hr Phone #	810-217-6324	313-363-0077	586-709-3891
	Tax ID #	38-2691219	38-6061972	30-0508195
SITE VISIT:	Yes/No	Yes	Yes	No
	Date	Blank	9-Mar-2010	Blank
EXCEPTIONS:		Blank	Blank	Blank
ALL OR NONE AWARD -Box Ckd	Y or N	No	No	No
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
EQUIPMENT LIST:	Y or N	Yes	Yes	Yes

ATTEST:

Deanna Theobald

Thomas Rosewarne

Diane Fisher

Linda Bockstanz

** Called Vendors that were missing the "Information Sheet"

BOLDFACE DENOTES LOWEST ACCEPTABLE BIDDER

Susan Leirstein CPPO CPPB
Purchasing Director

G:\HaulingDirt&Debris ITB-COT 10-11

VENDOR NAME:	Electronic Bid	Ahern Contracting Inc.	Waste Management of Michigan	Technical Logistic Corporation
ITEM	**EST QTY(TONS)** / **DESCRIPTION**	**PRICE/ TON**	**PRICE/ TON**	**PRICE/ TON**
1	2,000 — Broken concrete with & without wire, possibly mixed w/fill dirt	$ 6.94	No Bid $ -	$ 6.85
2	1,000 — Broken asphalt possibly mixed with fill dirt	$ 7.94	No Bid $ -	$ 10.50
3	7,000 — Fill Dirt, material excavated from water and sewer repairs.	6.94	$ 16.25	$ 16.00
4	1,000 — Catch basin sludge and street sweepings.	Withdrawn	$ 16.25	$ 18.50
	ESTIMATED TOTAL ALL ITEMS: (1 - 4)	$ 70,400.00	$ 130,000.00	$ 154,700.00
	ESTIMATED TOTAL AWARDED ITEMS:			
REFERENCES:	Y or N	** No	Yes	Yes
DISPOSAL SITE:		Blank	Pine Trees - Lenox, Mi	Arbor Hills Landfill
APPROVED SITE	Y or N	No	Yes	Yes
EPA PERMIT #:		Blank	MID 185388089	475946
CONTACT INFORMATION:	Hrs of Operations	Blank	Sat - 7 am to Noon M-F 7AM to 5 PM	6 AM to 5 PM
	24 Hr Phone #	Blank	800-963-4776	734-644-3581
	Tax ID #	Blank	38-2544258	38-3413000
SITE VISIT:	Yes/No	Yes	No	Yes
	Date	2009		3/4/2010
EXCEPTIONS:		Contaminated Soils not Included	1. Shipment weights 2. Waste must be profiled and/or recertified	Blank
ALL OR NONE AWARD -Box Ckd	Y or N	No	No	No
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
EQUIPMENT LIST:	Y or N	Yes	N/A per Deanna	Yes

CITY COUNCIL ACTION REPORT

March 30, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option – Transit Mixed Concrete

Background

- On March 30, 2009, Troy City Council approved contracts to provide one-year requirements of transit mixed concrete with an option to renew for one additional year to the low bidders: Nagy Ready Mix, Inc of Utica, MI, as the primary supplier and Superior Materials, LLC of Farmington Hills, MI, as the secondary supplier. CC Resolution #2009-03-115-F-4b.
- A secondary supplier is awarded in the event that the primary supplier is unable to provide material or meet delivery needs.
- On December 30, 2009, Nagy Ready Mix, Inc. ceased operations and all assets and contracts were assumed by Paragon Ready Mix, Inc.
- Both Paragon Ready Mix, Inc of Utica and Superior Materials, LLC of Farmington Hills, has agreed to renew the current contracts under the same prices, terms, and conditions.
- The Purchasing Department analyzed market trends and found the City would not benefit from soliciting new bids for the items specified as operating costs, especially fuel, is expected to rise over the course of the renewal period. Based on the current Consumers Price Index for the Detroit-Ann Arbor-Flint area, transportation costs in general are 10.4 percent higher for the period from February 2009, the time of the original bid, to February 2010.
- By renewing existing contracts, the City minimizes cost increases, and benefits from efficient strategic planning.

Financial Consideration

- Funds are available in the Operating Budgets of the Streets Division for major and local drains and road surface maintenance; and the Water Division for mains, service and tap-in maintenance.

Legal Considerations

- ITB-COT 09-16, to furnish one year requirements of Transit Mixed Concrete with an option to renew for one additional year was competitively bid, in accordance with City Charter and Code.

Recommendation

- City management recommends exercising the option to renew for one (1) additional year with Paragon Ready Mix, Inc of Utica, MI as the primary supplier and Superior Materials, LLC of Farmington Hills, MI as the secondary supplier, under the same prices, terms and conditions expiring April 30, 2011.

DATE: March 23, 2010

TO: Susan Leirstein
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – Transit Mixed Concrete

ARLINGTON TRANSIT MIX, INC – Jeff Prell (586) 731-5890
Jeff has indicated that prices will be holding for this year. There are no cost increases on the product to be considered at this time.

Based upon the above comment and further analysis, I respectfully recommend that the City accept the offer to renew the contract for transit mixed concrete with the current vendors based on the anticipated increase in fuel costs in the coming year. It should be noted that the original bid prices of the surveyed vendor averaged around 9% higher for their delivered products than our current vendors' prices.

CC: File

City of Troy

March 16, 2010

ATTN: Ken S. Neihsl
Paragon Ready Mix, Inc
48000 Hixson
Utica, MI 48317
FAX: (586) 731-5364

Dear Mr. Neihsl:

The City of Troy entered into contract #2009-00000958 with Paragon Ready Mix, Inc to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year, which currently expires April 30, 2010. The City is interested to know whether Paragon Ready Mix, Inc will renew its contract at established prices for the one additional year.

Please fax this letter back to Deanna Theobald at the DPW indicating if Paragon Ready Mix wishes to renew this contract until April 30, 2011. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501

CHECK ONE:

Paragon Ready Mix, Inc is interested in renewing the contract under the same prices, terms, and conditions: (X)

X_____
Signed: Authorized Company Representative
Ken S. Neihsl, Vice President

Paragon Ready Mix, Inc is not interested in renewing the contract: ( )

X_____
Signed: Authorized Company Representative

Date:_____

Thank you,
Deanna Theobald
Department of Public Works, City of Troy

City of Troy

March 16, 2010

ATTN: Steve Ryan
Superior Materials LLC.
33469 W. 14 Mile Road, Ste 100
Farmington Hills, MI 48331
FAX: (248) 592-9130

Dear Steve Ryan:

The City of Troy entered into contract #2009-00000959 with Superior Materials to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year, which currently expires April 30, 2010. The City is interested to know whether Superior Materials will renew its contract at established prices for the one additional year.

Please fax this letter back to Deanna Theobald at the DPW indicating if Superior Materials, LLC wishes to renew this contract until April 30, 2011. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501

CHECK ONE:

Superior Materials is interested in renewing the contract under the same prices, terms, and conditions: ( )

X John M. Wilmer
Signed: Authorized Company Representative

Superior Materials is not interested in renewing the contract ( )

X
Signed: Authorized Company Representative

Date: 3/18/10

Thank you,
Deanna Theobald
Department of Public Works, City of Troy

a. Service Commendation-Ron Tschirhart (Personnel Board) in Recognition of Outstanding Service to the Community

F-4 Standard Purchasing Resolutions

b) Standard Purchasing Resolution 1: Award to Low Bidders – Transit Mixed Concrete

Resolution #2009-03-115-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year to the low bidders, Nagy Ready Mix, Inc. of Utica, as the primary supplier and Superior Materials, LLC of Farmington Hills, MI, as the secondary supplier, at unit prices contained in the bid tabulation opened March 12, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to commence May 1, 2009 and expire April 30, 2010; and

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

d) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders Meeting Specifications – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses

Resolution #2009-03-115-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish all materials, equipment, and labor for one-year requirements of Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for one additional year to the lowest bidders meeting specifications, Turfgrass, Inc. of Novi, MI, and Tri-Turf, Inc. of Farmington Hills, MI, at unit prices contained in the bid tabulation opened March 5, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring December 31, 2009; and

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

CITY COUNCIL ACTION REPORT

March 18, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidders – Transit Mixed Concrete

Background

- On March 12, 2009, bid proposals were electronically received for one-year requirements of Transit Mixed Concrete with an option to renew for one additional year.
- A secondary suppler is awarded in the event that the primary supplier is unable to provide material, or meet delivery needs.
- 32 vendors were notified of the bid opportunity via the MITN system. Three bidders responded.

Financial Consideration

- Funds are available in the Operating Budgets of the Streets Division for major and local drains, road and sidewalk surface maintenance; and the Water Division for mains, service and tap-in maintenance.

Legal Considerations

- ITB-COT 09-16, to furnish one-year requirements of Transit Mixed Concrete was competitively bid as required by City Charter and Code.
- Awards are contingent upon contractor's submission of proper insurance certificates and all specified requirements.

Policy Considerations

- Proper maintenance of our roadways and other public infrastructure enhances the livability and safety of the community. (Outcome Statement l)
- All bidders were given the opportunity to respond with their level of interest in supplying transit mixed concrete material to the City of Troy. (Goal II)

Options

- City management recommends awarding the contract to low bidder, Nagy Ready Mix, Inc, of Utica, as the primary supplier at unit prices listed in the bid tabulation. In addition, in the event that the primary supplier is unable to supply material as specified, Superior Materials, LLC of Farmington Hills, MI, shall be named as the secondary supplier.

Opening Date -- 3/12/09
Date Prepared -- 3/18/09
sl

CITY OF TROY
BID TABULATION
TRANSIT MIXED CONCRETE

ITEM	EST QTY	DESCRIPTION	Nagy Ready Mix, Inc. (Primary) UNIT PRICE PRICE/YD	Superior Materials, LLC (Secondary) UNIT PRICE PRICE/YD	Arlington Transit Mix, Inc. UNIT PRICE PRICE/YD
PROPOSAL A: WEEKDAY DELIVERY				(w/terms)	(w/terms)
				75.735	$ 86.73
1	100 YDS	6 SACK MIX	$ 74.00	$ 76.50	$ 88.50
				$ 80.685	$ 92.61
2	800 YDS	7 SACK MIX (High Early)	$ 79.00	$ 81.50	$ 94.50
				$ 83.655	$ 80.85
3	200 YDS	12 HR 300 PSI MIX Flexural Strength/ 7 sack	$ 81.00	$ 84.50	$ 82.50
		SPLIT LOAD CHARGES			
4	20 TIMES	2 LOCATIONS	$ 50.00	No Cost	No Cost
5	5 TIMES	3 LOCATIONS	$ 50.00	No Cost	No Cost
				$ 79.20	
6	30 TIMES	BELOW MINIMUM LOAD CHARGE	$ 50.00	$ 80.00	No Cost
				$ 4.95	$ 6.86
7	40 YDS	COLD WEATHER PROTECTION	$ 4.00	$ 5.00	$ 7.00
				$ 91,426.50	$ 99,205.40
		ESTIMATED TOTAL PROPOSAL A-	**$ 89,710.00**	**$ 92,350.00**	$ 101,230.00
PROPOSAL B: SATURDAY DELIVERY					
				$ 80.685	$ 86.73
8	25 YDS	6 SACK MIX	$ 79.00	$ 81.50	$ 88.50
				$85.635	$ 86.73
9	100 YDS	7 SACK MIX (High Early)	$ 84.00	$ 86.50	$ 88.50
				$ 88.605	$ 92.61
10	100 YDS	12 HR 300 PSI MIX Flexural Strength/ 7 sack	$ 86.00	$ 89.50	$ 94.50
					$ 92.61
		SPLIT LOAD CHARGES			$ 80.85
11	5 TIMES	2 LOCATIONS	$ 50.00	No Cost	$ 94.50
12	2 TIMES	3 LOCATIONS	$ 50.00	No Cost	$ 82.50
				$ 79.20	$ 80.85
13	10 TIMES	BELOW MINIMUM LOAD CHARGE	$ 50.00	$ 80.00	$ 82.50
				$ 4.95	
14	10 YDS	COLD WEATHER PROTECTION	$ 5.00	$ 5.00	No Cost
				$ 20,282.625	$ 21,535.50
		ESTIMATED TOTAL PROPOSAL B -	**$ 19,875.00**	**$ 20,487.50**	$ 21,975.00
				$ 111,709.13	$ 120,740.90
		ESTIMATED GRAND TOTAL--	**$ 109,585.00**	**$ 112,837.50**	$ 123,205.00
		UNLOADING TIME PER CUBIC YARD:	6 Minutes	6 Minutes	No Charge
		MINIMUM LOAD:	7 CY	2 YDS	No Charge
		HOURS OF OPERATION:	Sat 7-noon M-F 7AM to 5PM	Sat 7-12pm M-F 7AM to 5PM	7 AM to 6 PM
		24 HRS PHONE NO.	586-206-5810	248-521-9948	586-615-2380

Opening Date -- 3/12/09
Date Prepared -- 3/18/09

CITY OF TROY
BID TABULATION
TRANSIT MIXED CONCRETE

VENDOR NAME:		**Nagy Ready Mix, Inc.**	**Superior Materials, LLC**	Arlington Transit Mix, Inc.	
		Primary	**Secondary**		
INSURANCE:	Can Meet	XX	XX	XX	
	Cannot Meet			XX	
	Signed Y or N	Yes	Yes	Yes	
PAYMENT TERMS		Net 30 Days	1% Net 10th	2% discount - payment less 30 days	
WARRANTY:		Blank	One Year	Blank	
EXCEPTIONS:		Pricing good til 4/1/10	Min. Load Table	Blank	
			Attached To Bid		

PROPOSAL-- One-Year Requirements of Transit Mixed Concrete with an Option to Renew for One Additional Year

HIGHLIGHTED AREAS DENOTES LOW BIDDERS

ATTEST:
Deanna Theobald
Thomas Rosewarne
Diane Fisher
Linda Bockstanz

Susan Leirstein CPPB
Purchasing Director

G:\ITB-COT 09-16 TransitMixConcrete

CITY COUNCIL ACTION REPORT

Date March 29, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Background:

- Buff Whelan Chevrolet is the low total bidder in the Oakland County cooperative bid.
- The vehicles being purchased are replacement vehicles for those sold at auction.
- The vehicles are used on a daily basis to assure proper and proactive Police protection and Public Works service.
- The purchase of the Police and Public Works vehicles would assure the safety and welfare of citizens and businesses and also reduce the liability for the City.

Financial Considerations:

- Funds are available in the Public Works Fleet Division capital account # 5657981.

	BUDGET	UNIT COST	ESTIMATED TOTAL
Buff Whelan			
(1) Chevrolet Malibu**	$ 23,000.00	$ 17,676.00	$ 17,676.00
(1) Chevrolet Traverse**	$ 23,000.00	$ 24,396.83	$ 24,396.83
(1) Chevrolet Cargo Van*	$ 18,000.00	$ 20,366.50	$ 20,366.50
(2) Chevrolet Pickup Trucks*	$ 34,000.00	$ 15,438.00	$ 30,876.00
	$ 98,000.00		**$ 93,315.33**

*** Public Works**
**** Police Department**

Legal Considerations:

- There are no legal considerations associated with this item.

Options:

- City management and the Public Works Fleet Division request authorization to purchase from the low total bidder, Buff Whelan Chevrolet of Sterling Heights, MI as a result of the Oakland County cooperative bid, one (1) 2010 Chevrolet Malibu and one (1) 2010 Chevrolet Traverse for the Police Department and one (1) 2010 Chevrolet Cargo van and two (2) 2010 Chevrolet Pickup trucks for the Public Works Department, for an estimated total cost of $93,315.33.

CITY COUNCIL ACTION REPORT

Date March 29, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles

Background:

- Signature Ford and Varsity Ford are the low total bidders in the Macomb County cooperative bid.
- The vehicles being purchased are replacement vehicles for those sold at auction.
- The vehicles are used on a daily basis to assure proper and proactive Police and Fire protection and service.
- The purchase of the Police and Fire vehicles would assure the safety and welfare of citizens and businesses and also reduce the liability for the City.

Financial Considerations:

- Funds are available in the Public Works Fleet Division capital account # 5657981.

	BUDGET	UNIT COST	ESTIMATED TOTAL
Signature Ford			
(1) Ford Expedition 4X4 (Fire)	$ 28,000.00	$26,188.50	$ 26,188.50
(1) Ford Explorer 4X4	$ 23,000.00	$21,960.50	$ 21,960.50
(1) Ford Sport Trac 4X4	$ 23,000.00	$22,436.50	$ 22,436.50
	$ 74,000.00		**$ 70,585.50**
Varsity Ford			
(1) Ford Fusion	$ 23,000.00	$17,095.00	$ 17,095.00
	$ 23,000.00		**$ 17,095.00**

Legal Considerations:

- There are no legal considerations associated with this item.

Options:

- City management and the Public Works Fleet Division request authorization to purchase from the low total bidders: Signature Ford of Owosso, MI and Varsity Ford of Ann Arbor, MI as a result of the Macomb County cooperative bid, for an estimated total cost of $70,585.50 and $17,095.00 respectively.

CITY COUNCIL ACTION REPORT

March 17, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Mosquito Control

Background

- On February 16, 2010, bid proposals were received for three-year requirements of Mosquito Control on various municipal sites.
- Mosquito control on municipal sites is done to reduce the populations of what is at best an annoyance and at worst a carrier of human diseases.
- 106 vendors were notified via the MITN system with six bids received; as well as one statement of no bid.
- Griffen Pest Solutions was the apparent low bidder; however, their bid contained alternate products. The proposed adulticide had the required ingredients but at lower concentration levels than specified. Proposed larvicide contained *Bacillus thuringiensis* subspecies *israelensis* with in-field life of 1 to 2 weeks; as opposed to the specified *Bacillus sphaericus* with in-field life of 1 to 4 weeks. Due to this, the City will not accept Griffen Pest Solutions alternate bid.
- The next low bidder, Advanced Pest Management has recently lost its Michigan business license and cannot actively pursue contracts in the state. Advanced Pest Management has withdrawn their bid.
- Proposal H will not be considered for award, as Oakland County has restrictions on the funding associated with this program.

Financial Considerations

- Funds will be available from the 2010 and 2011 operating budgets of Parks and Recreation, the Department of Public Works, and Golf Courses contractual services accounts.

Legal Considerations

- ITB-COT 10-05, Mosquito Control was competitively bid as required by City Charter and Code.
- Award is contingent upon contractor's submission of properly executed contract and bid documents, including insurance certificates and all other specified requirements.

Recommendations

- City management and the Parks and Recreation department recommend awarding a three-year contract for Mosquito Control to the lowest total acceptable bidder, Custom Lawn Care for Proposals A-G at unit prices contained on the bid tabulation which opened February 16, 2010.
- In addition, staff recommends rejection of Proposal H due to the lack of funding by Oakland County.

Opening Date -- 2/16/10
Date Reviewed - 3/10/10

CITY OF TROY
BID TABULATION
MOSQUITO CONTROL

sl

VENDOR NAME:	WITHDREW BID Advanced Pest Management	**Custom Lawn Care**
Check #	9417302608	100919918
Check Amt	$ 1,000.00	**$ 1,000.00**

UNIT PRICES SHALL BE QUOTED BY THE COST/UNIT OF MEASURE/APPLICATION FOR EACH DESIGNATED YEAR OF SERVICE, WITH THE EXCEPTION OF THE BRIQUETTES WHICH SHALL BE QUOTED ON A PER UNIT BASIS PER YEAR

PROPOSAL A	**EST QTY**	2010	2011	2012	2010	2011	2012
RETENTION PONDS	Cost per Acre Per Application						
Larvicide	5.6 Acres	$ 56.27	$ 56.27	$ 56.27	**$ 45.45**	**$ 45.45**	**$ 45.45**
Adulticide	10.2 Acres	$ 3.90	$ 3.90	$ 3.90	**$ 13.86**	**$ 13.86**	**$ 13.86**
PROPOSAL B							
PARKS (including Huber)							
Larvicide	41.7 Acres	$ 56.27	$ 56.27	$ 56.27	**$ 48.45**	**$ 48.45**	**$ 48.45**
Adulticide	316.5 Acres	$ 3.90	$ 3.90	$ 3.90	**$ 4.07**	**$ 4.07**	**$ 4.07**
PROPOSAL C							
MISC. MUNICIPAL SITES (Not including cemeteries)							
Larvicide	4.0 Acres	$ 56.27	$ 56.27	$ 56.27	**$ 45.45**	**$ 45.45**	**$ 45.45**
Adulticide	65.7 Acres	$ 3.90	$ 3.90	$ 3.90	**$ 10.45**	**$ 10.45**	**$ 10.45**
PROPOSAL D							
CEMETERIES							
Adulticide	9.8 Acres	$ -	$ -	$ -	**$ 100.00**	**$ 100.00**	**$ 100.00**
PROPOSAL E							
SYLVAN GLEN GOLF COURSE							
Larvicide	21.1 Acres	$ 56.27	$ 56.27	$ 56.27	**$ 45.45**	**$ 45.45**	**$ 45.45**
Adulticide	23.5 Acres	$ 3.90	$ 3.90	$ 3.90	**$ 16.45**	**$ 16.45**	**$ 16.45**
PROPOSAL F							
SANCTUARY LAKE GOLF COURSE							
Larvicide	2.2 Acres	$ 56.27	$ 56.27	$ 56.27	**$ 48.45**	**$ 48.45**	**$ 48.45**
Adulticide	26.0 Acres	$ 3.90	$ 3.90	$ 3.90	**$ 16.45**	**$ 16.45**	**$ 16.45**
Estimated Grand Total Proposals A-F		$5,921.15	$5,921.15	$5,921.15	**$7,432.64**	**$7,432.64**	**$7,432.64**
PROPOSAL G:							
Altosid XR Briquettes	200	$ 5.76	$ 5.76	$ 5.76	**$ 2.97**	**$ 2.97**	**$ 2.97**
PROPOSAL G:	**Est Total**	$1,152.00	$1,152.00	$1,152.00	**$594.00**	**$594.00**	**$594.00**
PROPOSAL H:		RECOMMEND REJECTION					
Sub-Division Curb Catch Basin (Per Basin)							
Larvicide Only	6,000	$5.76	$5.76	$5.76	$3.97	$3.97	$3.97
	Est Total	$34,560.00	$34,560.00	$34,560.00	$23,820.00	$23,820.00	$23,820.00

INSURANCE:	Can Meet	XX	XX
	Cannot Meet		
MANDATORY REQUIREMENT	A, B, or C	Blank	A
NON-MANDATORY REQUIREMENT	Can Meet	XX Additional $250	Blank
	Cannot Meet		
PROPOSED PRODUCT	Y or N	Blank	Blank
MSDS SHEETS	Attached Y or N	Blank	Yes

VENDOR NAME:	WITHDREW BID Advanced Pest Management	**Custom Lawn Care**
CONTACT INFORMATION		
Hrs of Operation	8 AM to 4 PM M-F	Blank
Phone	877-276-4714	Blank
COMPLETION SCHEDULE:		
Can Meet	XX	XX
Cannot Meet		
SITE INSPECTION: Y/N	Yes	Yes
Date	Sep-09	2/11/2010
PAYMENT TERMS:	Net 30	30 Days
WARRANTY:	Blank	Blank
EXCEPTIONS:	Blank	Blank
ALL OR NONE AWARD Y or N	No	No
ACKNOWLEDGEMENT Y or N	Yes	Yes
GENERAL QUESTIONNAIRE:	Yes	Yes
ADDENDUM #1 Attached Y or N	Yes	Yes

DMS:
Griffin Pest Solutions - REVISED ALTERNATE BID - Reason: Products bid not as specified.

NO BIDS
Eradico Services, Inc

BOLDFACE TYPE DENOTES LOWEST TOTAL ACCEPTABLE BIDDER

ATTEST:
Ron Hynd
Diane Fisher
Linda Bockstanz

PROPOSAL - Three-Year Requirements of Mosquito Control

Susan Leirstein, CPPO CPPB
Purchasing Director

VENDOR NAME:		ORKIN / Tri-County Pest Control			REVISED BID Griffen Pest Solutions		
	Check #	8837869977			16116997		
	Check Amt	**$ 1,000.00**			**$ 1,000.00**		

UNIT PRICES SHALL BE QUOTED BY THE COST/UNIT OF MEASURE/APPLICATION FOR EACH DESIGNATED YEAR OF SERVICE, WITH THE EXCEPTION OF THE BRIQUETTES WHICH SHALL BE QUOTED ON A PER UNIT BASIS PER YEAR

PROPOSAL A	**EST QTY**	2010	2011	2012	2010	2011	2012
RETENTION PONDS	Cost per Acre Per Application						
Larvicide	5.6 Acres	$ 75.00	$ 80.00	$ 85.00	$ 136.25	$ 136.25	$ 136.25
Adulticide	10.2 Acres	$ 120.00	$ 125.00	$ 130.00	$ 13.95	$ 13.95	$ 13.95
PROPOSAL B							
PARKS (including Huber)							
Larvicide	41.7 Acres	$ 75.00	$ 80.00	$ 85.00	$ 132.50	$ 132.50	$ 132.50
Adulticide	316.5 Acres	$ 7.25	$ 7.75	$ 8.25	$ 4.15	$ 4.15	$ 4.15
PROPOSAL C							
MISC. MUNICIPAL SITES (Not including cemeteries)							
Larvicide	4.0 Acres	$ 75.00	$ 80.00	$ 85.00	$ 143.25	$ 143.25	$ 143.25
Adulticide	65.7 Acres	$ 7.25	$ 7.75	$ 8.25	$ 6.25	$ 6.25	$ 6.25
PROPOSAL D							
CEMETERIES							
Adulticide	9.8 Acres	$ 30.00	$ 31.50	$ 33.00	$ 11.50	$ 11.50	$ 11.50
PROPOSAL E							
SYLVAN GLEN GOLF COURSE							
Larvicide	21.1 Acres	$ 75.00	$ 80.00	$ 85.00	$ 134.75	$ 134.75	$ 134.75
Adulticide	23.5 Acres	$ 30.00	$ 31.50	$ 33.00	$ 8.75	$ 8.75	$ 8.75
PROPOSAL F							
SANCTUARY LAKE GOLF COURSE							
Larvicide	2.2 Acres	$ 75.00	$ 80.00	$ 85.00	$ 146.75	$ 146.75	$ 146.75
Adulticide	26.0 Acres	$ 30.00	$ 31.50	$ 33.00	$ 8.75	$ 8.75	$ 8.75
Estimated Grand Total Proposals A-F		$11,368.95	$12,073.00	$12,777.05	$12,439.54	$12,439.54	$12,439.54
PROPOSAL G:		NO BID					
Altosid XR Briquettes	200	$ -	$ -	$ -	$ 3.45	$ 3.45	$ 3.45
PROPOSAL G:	**Est Total**	$0.00	$0.00	$0.00	$690.00	$690.00	$690.00
PROPOSAL H:		RECOMMEND REJECTION					
Sub-Division Curb Catch Basin (Per Basin)							
Larvicide Only	6,000	$5.00	$5.25	$5.50	$3.65	$3.65	$3.65
	Est Total	$30,000.00	$31,500.00	$33,000.00	$21,900.00	$21,900.00	$21,900.00

INSURANCE:	Can Meet	XX	XX
	Cannot Meet		
MANDATORY REQUIREMENT	A, B, or C	A	B
NON-MANDATORY REQUIREMENT	Can Meet	Blank	XX
	Cannot Meet		
PROPOSED PRODUCT	Y or N	Yes	Blank
MSDS SHEETS	Attached Y or N	Yes	Blank

VENDOR NAME:	ORKIN / Tri-County Pest Control	REVISED BID Griffen Pest Solutions
CONTACT INFORMATION		
Hrs of Operation	7:30 AM to 5:30 PM	8 AM to 5 PM
Phone	248-356-5081	888-547-4334
COMPLETION SCHEDULE:		
Can Meet	XX	XX
Cannot Meet		
SITE INSPECTION: Y/N	Yes	No
Date	Current Vendor	
PAYMENT TERMS:	Net 30 Days	Net 30
WARRANTY:	Blank	N/A
EXCEPTIONS:	Blank	Blank
ALL OR NONE AWARD Y or N	No	No
ACKNOWLEDGEMENT Y or N	Yes	Yes
GENERAL QUESTIONNAIRE:	Yes	Yes
ADDENDUM #1 Attached Y or N	Yes	Yes

VENDOR NAME:		Quality Landscape and Fertilizing, Inc.		
	Check #	9484500768		
	Check Amt	**$ 1,000.00**		

UNIT PRICES SHALL BE QUOTED BY THE COST/UNIT OF MEASURE/APPLICATION FOR EACH DESIGNATED YEAR OF SERVICE, WITH THE EXCEPTION OF THE BRIQUETTES WHICH SHALL BE QUOTED ON A PER UNIT BASIS PER YEAR

PROPOSAL A	**EST QTY**	2010	2011	2012			
RETENTION PONDS	Cost per Acre Per Application						
Larvicide	5.6 Acres	$ 235.70	$ 235.00	$ 230.00			
Adulticide	10.2 Acres	$ 428.40	$ 400.00	$ 400.00			
PROPOSAL B							
PARKS (including Huber)							
Larvicide	41.7 Acres	$ 1,751.40	$ 1,700.00	$ 1,700.00			
Adulticide	316.5 Acres	$ 13,300.00	$ 13,000.00	$ 13,000.00			
PROPOSAL C							
MISC. MUNICIPAL SITES (Not including cemeteries)							
Larvicide	4.0 Acres	$ 168.00	$ 168.00	$ 168.00			
Adulticide	65.7 Acres	$ 2,760.00	$ 2,700.00	$ 2,700.00			
PROPOSAL D							
CEMETERIES							
Adulticide	9.8 Acres	$ 412.00	$ 400.00	$ 400.00			
PROPOSAL E							
SYLVAN GLEN GOLF COURSE							
Larvicide	21.1 Acres	$ 887.00	$ 887.00	$ 887.00			
Adulticide	23.5 Acres	$ 987.00	$ 987.00	$ 987.00			
PROPOSAL F							
SANCTUARY LAKE GOLF COURSE							
Larvicide	2.2 Acres	$ 100.00	$ 100.00	$ 100.00			
Adulticide	26.0 Acres	$ 1,092.00	$ 1,092.00	$ 1,092.00			
Estimated Grand Total Proposals A-F		$22,121.50	$21,669.00	$21,664.00			
PROPOSAL G:							
Altosid XR Briquettes	200	$ 16,000.00	$ 16,000.00	$ 16,000.00			
PROPOSAL G:	**Est Total**	$16,000.00	$16,000.00	$16,000.00			
PROPOSAL H:		RECOMMEND REJECTION					
Sub-Division Curb Catch Basin (Per Basin)							
Larvicide Only	6,000	$13,500.00	$13,000.00	$13,000.00			
	Est Total	$13,500.00	$13,000.00	$13,000.00			

INSURANCE:	Can Meet	XX	
	Cannot Meet		
MANDATORY REQUIREMENT	A, B, or C	A	
NON-MANDATORY REQUIREMENT	Can Meet	XX	
	Cannot Meet		
PROPOSED PRODUCT	Y or N	Yes	
MSDS SHEETS	Attached Y or N	Yes	

NOTE: Vendor quoted prices per season, not as specified

VENDOR NAME:	Quality Landscape and Fertilizing, Inc.	
CONTACT INFORMATION		
Hrs of Operation	7 AM to 5 PM	
Phone	248-891-6711	
COMPLETION SCHEDULE:		
Can Meet	XX	
Cannot Meet		
SITE INSPECTION: Y/N	Yes	
Date	1/25/10 & 1/26/10	
PAYMENT TERMS:	Due upon Receipt up to 30 days	
WARRANTY:	30 - 150 Days depending on product	
EXCEPTIONS:	Blank	
ALL OR NONE AWARD Y or N	Yes	
ACKNOWLEDGEMENT Y or N	Yes	
GENERAL QUESTIONNAIRE:	Yes	
ADDENDUM #1 Attached Y or N	Yes	

CITY COUNCIL ACTION REPORT

March 26, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products for Sylvan Glen and Sanctuary Lake Golf Courses

Background

- On March 4, 2010, bids were received and opened for IBT-COT 10-09 to provide seasonal requirements of turfgrass chemicals and fertilizers for Sylvan Glen and Sanctuary Lake Golf Courses.
- 56 vendors were notified via the MITN system with eight (8) bid responses received.
- Serious consideration was given to all vendors on all items due to the fact that some chemicals are now coming off patent.
- All bids received for Items #12, #16 and #20 had identical agency pricing and terms. All items are being recommended to Harrell's LLC on minimum shipment and delivery terms.
- Tri-Turf Inc. and Turfgrass Inc. bid alternates on Items #3 and #8, which do not contain the total micro-nutrient package as specified.
- Tri-Turf Inc. bid alternates on Items #6 and #17, which do not contain the proprietary Stress Guard pigment which positively affects turf physiology.
- Helena Chemical Co. and Turfgrass Inc. bid alternates on Item #7; and Turfgrass Inc bid an alternate on Item #23, both products are not labeled for use on turfgrass.
- Turfgrass Inc. bid alternates on Items #9 and #27, which do not contain the proprietary Carbon Technology essential for nutrient uptake.
- John Deere Landscapes, Tri-Turf Inc. and Turfgrass Inc. all bid alternates on Item #10, which do not contain multiple calcium chelates and contain less actual calcium needed for residual and sodium flushing throughout the growing season.
- Helena Chemical Co. bid an alternate on Item #11, which does not contain all twenty three amino acids and carbohydrates needed for healthy plant growth.
- Tri-Turf Inc., John Deere Landscapes and Turfgrass Inc. bid alternates on Item #13, which do not contain the micro-nutrient package and less than half of water soluble nitrogen as specified.

March 26, 2010

To: John Szerlag, City Manager
Re: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products

Background

- Helena Chemical Co., Tri-Turf Inc. and Harrell's LLC bid alternates on Item #15. Helena Chemical Company's product must be applied monthly which will require three times the amount of product at three times the price. Tri-Turf Inc. and Harrell's LLC products must be applied twice per year (double the cost). Product specified in bid is a one time per season product.
- Turfgrass Inc., John Deere Landscapes, Harrell's LLC and Helena Chemical Company bid alternates on Item #19. Turfgrass Inc. and John Deere Landscapes products have an opposite mode of action which retains moisture rather than lets the moisture penetrate through the soil profile. Harrell's LLC and Helena Chemical Company's product contain 50-60% less active ingredient which would require three to five times the amount of product per application.
- Helena Chemical Company and Agrium Advanced Technologies had identical bids on Item #21. The item will be awarded to both vendors.
- Helena Chemical Co., John Deere Landscapes, Tri-Turf Inc., Harrell's LLC and Turfgrass Inc. bid alternates on Item #22. Helena Chemical Company's product is not labeled for use in Michigan. John Deere Landscape's product contains only 18% phosphites, considerably less than the product specified. Tri-Turf Inc. and Turfgrass Inc. bid products containing potassium hydroxide, which must be applied at a much higher spray volume not compatible with foliar feeding.
- Turfgrass Inc. bid an alternate for Item #32. Mutech SOP 1%, which is only a ten-week product, not sixteen weeks as specified.

Financial Considerations

- The department has funds budgeted in the Sylvan Glen Seed/Planting Supplies account #785.7740.100 and the Sanctuary Lake Seed/Planting Supplies account #885.7740.100.

Legal Considerations

- ITB-COT 10-09 to furnish seasonal requirements of chemicals for Sylvan Glen and Sanctuary Lake Golf Courses was competitively bid as required by City Charter and Code.

Policy Considerations

- Vendors were required to submit product information on all alternates in order to assist in the recommendation process. Based on this, the City was able to accept ten generic products, and nine low bids out of thirty two items at a considerable cost savings of $19,074.79 over last season's estimated costs.
- Communicate with educators and vendors on newer cost effective chemistries and products for the future.

March 26, 2010

To: John Szerlag, City Manager
Re: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products

Recommendation

- City management recommends awarding the seasonal requirements of chemicals for Sylvan Glen and Sanctuary Lake Golf Courses to the following low bidders meeting specifications for an estimated total cost of $144,603.92 at unit prices contained in the bid tabulation.

Tri-Turf Inc., Farmington Hills, Michigan

Item No.	Product Description	Estimated Quantity	Case Price	Estimated Cost
1.	Iprodione Pro SE Alternate: Armor Tech IP233	25 Gallons- 5 Cases	$244.00	$1,220.00
4.	Banner Max Alternate: Armor Tech PPZ 143	70 Gallons- 14 Cases	$467.50	$6,545.00
7.	Merit 75 WSP Alternate: Armor Tech IMD 75	230.4 oz.- 3 Cases	$311.04	$933.12
30.	Sol-U-Cal K Alternate: pHusion	5,000 Lbs.- 100 Bags	$18.75	$1,875.00
				$10,573.12

Helena Chemical Company, Zeeland, Michigan

2.	Daconil Weather Stik Alternate: Dockit WS	200 Gallons- 40 Cases	$159.05	$6,362.00
5.	Gallery	24 Lbs.- 6 Cases	$507.40	$3,044.40
21.	Prostar	36 lbs – 3 Cases	$589.80	$1,769.40
24.	Cleary's 3336 Alternate: T-Methyl E Pro	60 Lbs.- 5 Cases	$114.00	$570.00
26.	Glacier 4F Alternate: Turfcide 400	225 Gallons- 45 Cases	$145.00	$6,525.00
				$18,270.80

March 26, 2010

To: John Szerlag, City Manager
Re: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products

Great Lakes Turf, LLC, Grand Rapids, Michigan

Item No.	Product Description	Estimated Quantity	Case Price	Estimated Cost
3.	Knife Plus	60 Gallons- 12 Cases	$218.50	$2,622.00
8.	Astron	50 Gallons- 10 Cases	$422.75	$4,227.50
9.	Power C3	160 Gallons- 32 Cases	$133.00	$4,256.00
10.	Calphlex	125 Gallons- 25 Cases	$209.00	$5,225.00
11.	Protesyn	80 Gallons- 16 Cases	$228.00	$3,648.00
19.	Pervade	60 Gallons- 2 Drums	$972.00	$1,944.00
22.	PK Fight 0-0-28	80 Gallons- 16 Cases	$228.00	$3,648.00
23.	P-48	300 Lbs.- 10 Pails	$137.75	$1,377.50
27.	Power 12-6-0	120 Gallons- 24 Cases	$118.75	$2,850.00
28.	Defense Mag	172.8 Lbs.- 12 Cases	$147.25	$1,767.00
				$31,565.00

Harrell's LLC, Lakeland, Florida

Item No.	Product Description	Estimated Quantity	Case Price	Estimated Cost
6.	Triton Flo	16 Gallons- 4 Cases	$2,500.00	$10,000.00
12.	Bayleton Flowable	15 Gallons- 3 Cases	$3,238.50	$9,715.50
13.	Harrell's Tru-Prill 15-2-15 Greens Fertilizer	4,000 Lbs- 80 Bags	$56.88	$4,550.40
16.	Tartan	20 Gallons- 4 Cases	$2,330.00	$9,320.00
20.	Acelepryn Insecticide	256 oz.- 4 Jugs	$880.00	$3,520.00
31.	Harrell's 17-3-19 Fertilizer	4,500 Lbs.- 90 Bags	$28.00	$2,520.00
32.	24-0-19 Poly-on Fertilizer	8,000 Lbs.- 160 Bags	$32.55	$5,208.00
				$44,833.90

John Deere Landscapes, Cleveland, Ohio

Item No.	Product Description	Estimated Quantity	Case Price	Estimated Cost
14.	High Cal Lime Regular Grade	30,000 Lbs- 600 Bags	$5.50	$3,300.00
25.	Disarm	384 oz.- 12 Cases	$1,200.00	$14,400.00

				$17,700.00

March 26, 2010

To: John Szerlag, City Manager
Re: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products

Turfgrass Inc., Novi, Michigan

Item No.	Product Description	Estimated Quantity	Case Price	Estimated Cost
15.	Cascade	2,000 Lbs.50 Bags	$69.90	$3,495.00
18.	Subdue Max Alternate:Mefenoxam 2AQ	20 Gallons- 10 Cases	$717.10	$7,171.00
29.	Primo PGR Alternate: T-Nex 1AQ	10 Gallons- 2 Cases	$902.00	$1,804.00
				$12,470.00

Agrium Advanced Technologies, Sunfield, Michigan

Item No.	Product Description	Estimated Quantity	Case Price	Estimated Cost
17.	Alliette-Signature	330 Lbs.- 15 Cases	$494.78	$7,421.70
21.	Prostar	36 Lbs.- 3 Cases	$589.80	$1,769.40
				$9,191.10

ESTIMATED TOTAL COST: $144,603.92

VENDOR NAME: jh/sl

ITEM	EST QTY	DESCRIPTION	PKG SIZE	Turfgrass, Inc. UNIT PRICE	Turfgrass, Inc. CASE PRICE (By Line Item)	Turfgrass, Inc. Alternate UNIT PRICE	Turfgrass, Inc. Alternate CASE PRICE (Total Only)
1.	25 GALS (5 CASES)	CHIPCO 26 GT FLOWABLE or IPRODIONE PRO 2 SE	2 X 2.5 GALS 5 GALS/CASE	Alternate - Ipro 2SE $ 52.00	$ 260.00		
2.	200 GALS (40 CASES)	DACONIL WEATHERSTIK or ECHO 720/CONCORDE SST	2 X 2.5 GALS 5 GALS/CASE	Alternate - Dockit WS $ 35.00	$ 175.00		
3.	60 GALS (12 CASES)	KNIFE PLUS	2 X 2.5 GALS 5 GALS/CASE	Alternate - Amino Iron	DMS		
4	70 GALS (14 CASES)	BANNER MAX	2 X 2.5 GALS 5 GALS/CASE	Alternate -Propiconazole 14.3 $ 99.80	$ 499.00		
5	24 LBS (6 CASES)	GALLERY HERBICIDE	4 x 1 lb 4 1lbs/Case	$ 130.735	$ 522.94		
6.	15 GALS (3 CASES)	TRITON FLO	2 X 2.5 GALS 5 GALS/CASE	(4 x 1 gal) $ 625.00	$ 2,500.00		
7.	176 OZ (1 Mini Drum)	MERIT 75 W.S.P./Zenith 75 WSB	110 X 1.6oz Pk 176 oz/Drum	Alternate - Imidacloprid 2F (1gal)	DMS		
8.	50 GALS (10 CASES)	ASTRON	2 X 2.5 GALS 5 GALS/CASE	Alternate - Ultraplex	DMS		
9	160 GALS (32 CASES)	POWER C3	2 X 2.5 GALS 5 GALS/CASE	Alternate - Fluid Fert 29-2-3	DMS		
10	125 GALS (25 CASES)	CALPHLEX	2 X 2.5 GALS 5 GALS/CASE	Alternate - Calcium Complex 12%	DMS		
11	80 GALS (16 CASES)	PROTESYN	2 X 2.5 GALS 5 GALS/CASE	Alternate - Aminoplex $ 69.70	$ 348.50		
12	15 GALS (3 CASES)	BAYLETON FLOWABLE	2 X 2.5 GALS 5 GALS/CASE	$ 647.70	$ 3,238.50		
13	4,000 lbs (80 BAGS)	2nd Alter - HARRELS TRU-PRILL 15-2-15 GREENS GRADE FERTILIZER	18-6-15 Mutech 50 LBS/BAG	Alt - 18-9-18 Contec DG (40lb bag)	DMS / DMS		
14	30,000 lbs (600 BAGS)	HIGH CALCIUM LIME REGULAR GRADE	50 LBS/Bag	$ 0.123	$ 6.15		
15	2,000 LBS (50 BAGS)	CASCADE GRANULAR	40 LBS/BAG	$ 1.748	$ 69.90		
16	20 GALS (4 CASES)	TARTAN	2 X 2.5 GALS 5 GALS/CASE	$ 466.00	$ 2,330.00		
17	330 lbs (15 CASES)	ALLIETTE/SIGNATURE	2 x 11 lbs 22 lbs/CASE	$ 22.955	$ 505.00		
18	20 Gals (4 CASES)	SUBDUE MAXX	2 X 2.5 GALS 5 GALS/CASE	Alt - Mefenoxam 2AQ (2x1 Gal) $ 358.55	$ 717.10		
19	60 Gals (2 Drums)	PERVADE	30 gal Drum	Alt - Aqua Aid (2 x 2.5 Gal)	DMS		

VENDOR NAME:				Turfgrass, Inc.		Turfgrass, Inc. Alternate	
ITEM	EST QTY	DESCRIPTION	PKG SIZE	UNIT PRICE	CASE PRICE	UNIT PRICE	CASE PRICE
20	256 oz. (4 JUGS)	ACELEPRYN INSECTICIDE	64 oz / Jug	$ 13.75	$ 880.00		
21	30 lbs (3 CASES)	PROSTAR	10 x 1 lb 10 lbs/CASE	Alternate - Prostar 4x3 lbs $ 50.238	$ 602.85		
22	80 GALS (16 Cases)	PK FIGHT 0-0-28	2 X 2.5 GALS 5 GALS/CASE	Alternate - Phiter 2-0-30	DMS		
23	300 lbs (10 Pails)	P-48	30 lb / Pails	Alternate - Mullti-ProTek 0-52-36	DMS		
24	60 LBS (5 Cases)	CLEARY's 3336	6 x 2 lb case 12 lb/Case	Alt - TM85 WDG (6 x 1.2lbs) $ 17.885	$ 128.77		
25	384 oz (12 Cases)	DISARM	64 oz - Jug 2 Jugs / Case	16 oz - Jug 4 x 1 pint = 64oz => $/oz $ 19.313	$ 1,236.00		
26	225 GALS (45 Cases)	GLACIER 4F	2 X 2.5 Gals 5 Gal/Case	Alternate - Turfcide 400 $ 32.70	$ 163.50		
27	120 GALS (24 Cases)	POWER 12-6-0	2 X 2.5 GALS 5 GALS/CASE	Alternate - Fluid Fert 29-2-3	DMS		
28	172.8 LBS (12 Cases)	DEFENSE MAG	4 x3.6 Lbs Jugs 14.4 lbs/Case	Alternate - Magnesium Chelate 5% $ 39.00	(2 x 2.5 Gal cs) $ 195.00		
29	8 GALS (4 Cases)	PRIMO PGR	2 X 1 GAL 2 GALS/CASE	Alternate - T-Nex 1AQ **$ 180.40**	(2 x 2.5 Gal cs) **$ 902.00**		
		2nd Alter:	3Mg Green Grade	$ 0.74	$ 37.00		
30	5,000 lbs (100 Bags)	SOL-U-CAL K	50 lbs / Bag	Alternate - 4 Mg K-Cal 0-0-24 $ 0.82	$ 41.00		
31	4,500 lbs (90 Bags)	HARRELL's 17-3-19 FERTILIZER	50 lbs / Bag	Alt - 17-0-17 Contec DG (40lb Bg) $ 1.03	$ 41.20		
		2nd Alter:	Mutech, SOP 1%		DMS		
32	8,000 Lbs (160 Bags)	24-0-19 Poly-On FERTILIZER	50 lbs / Bag	Alternate - SGN 150 TG 22-0-18 $ 0.77	$ 38.50		
ESTIMATED TOTAL OF AWARDED ITEMS --				**$ 12,470.00**		$ 150,250.55	
MINIMUM SHIPMENT:				1 Case		1 Case	
		Days after call		1 - 3 Business days		1 - 3 Business days	
CONTACT INFORMATION:		Hrs of Oper:		7 AM to 7 PM		7 AM to 7 PM	
		Phone #		248-866-6081		248-866-6081	
PAYMENT TERMS				See Exceptions N60		Exceptions Attached to Bid N60	
WARRANTY				None		None	

VENDOR NAME:	**Turfgrass, Inc.**	Turfgrass, Inc.
		Alternate
EXCEPTIONS:	Bayer terms: Purchases made	Bayer terms: Purchases made
	3/1/10 - 8/31/10; Net due the 30th	3/1/10 - 8/31/10; Net due the 30th
	of the 2nd month after the month	of the 2nd month after the month
	of sale- purchases made after	of sale- purchases made after
	9/1/10; Net Due 1/30/11	9/1/10; Net Due 1/30/11
ALL OR NONE AWARD Y or N	No	Yes
ACKNOWLEDGEMENT: Signed Y or N	Yes	Yes

PROPOSAL - Seasonal Requirements of Turfgrass Chemicals

Color represents calculation corrected by Purchasing

ATTEST:

Diane Fisher

Danny McDonald

Linda Bockstanz

HIGHLIGHTED AREAS DENOTES LOWEST ACCEPTABLE BIDDERS

Susan Leirstein CPPO CPPB
Purchasing Director

G:ITB-COT 10-09 Chemicals-Golf Courses

Opening Date -- 03/04/10
Date Reviewed - 3/25/10

BID TABULATION
TURFGRASS CHEMICALS - GOLF COURSES

VENDOR NAME:				Tri-Turf		Harrell's LLC	
ITEM	EST QTY	DESCRIPTION	PKG SIZE	UNIT PRICE	CASE PRICE	UNIT PRICE	CASE PRICE
1.	25 GALS (5 CASES)	CHIPCO 26 GT FLOWABLE or IPRODIONE PRO 2 SE	2 X 2.5 GALS 5 GALS/CASE	Alternate - Armor Tech IP 233 $ 48.80	$ 244.00	Chipco 26019 $ 62.00	$ 310.00
2.	200 GALS (40 CASES)	DACONIL WEATHERSTIK or ECHO 720/CONCORDE SST	2 X 2.5 GALS 5 GALS/CASE	Alternate - Armor Tech CLT 720 $ 33.98	$ 169.90	Alternate - Docket (Syngenta) $ 36.70	$ 183.52
3.	60 GALS (12 CASES)	KNIFE PLUS	2 X 2.5 GALS 5 GALS/CASE	Alternate - Sub 12 Iron	DMS	$ -	$ -
4	70 GALS (14 CASES)	Banner Max	2 X 2.5 GALS 5 GALS/CASE	Alternate - Armor Tech PPZ143 $ 93.50	$ 467.50	2 x 2 Gal Alternate - Dorado Propiconazole $ 117.88	471.52
5	24 lbs (6 CASES)	GALLERY HERBICIDE	4 x 1 lb 4 1lbs/Case	$ 159.00	$ 636.00	$ 149.00	$ 596.00
6.	15 GALS (3 CASES)	TRITON FLO	2 X 2.5 GALS 5 GALS/CASE	Alternate - Trinity	DMS	(4 x 1 gal) $ 625.00	$ 2,500.00
7.	176 oz (1 Mini Drum)	MERIT 75 W.S.P./Zenith 75 WSB	110 X 1.6oz Pk 176 oz/Drum	Alternate - Armor Tech IMD 75 $ 4.05	(48 x 1.6 oz) $ 311.04	4 x 1.6 oz ea Alternate - Criterion Imidacloprid $ 4.60	4 x 4 x 1.6 case $ 117.84
8.	50 GALS (10 CASES)	ASTRON	2 X 2.5 GALS 5 GALS/CASE	Alternate - Micro Mix	DMS	No Bid $ -	$ -
9.	160 GALS (32 CASES)	POWER C3	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	No Bid $ -	$ -
10	125 GALS (25 CASES)	CALPHLEX	2 X 2.5 GALS 5 GALS/CASE	Alternate - Sugar Cal	DMS	No Bid $ -	$ -
11	80 GALS (16 CASES)	PROTESYN	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	No Bid $ -	$ -
12	15 GALS (3 CASES)	BAYLETON FLOWABLE	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	$ 647.70	$ 3,238.50
13	4,000 lbs (80 BAGS)	HARRELS TRU-PRILL 15-2-15 GREENS GRADE FERTILIZER	50 LBS/BAG	Alternate - EC Grow 22-0-22	DMS	$ 1.14	$ 56.88
14	30,000 lbs (600 BAGS)	HIGH CALCIUM LIME REGULAR GRADE	50 LB/Bag	No Bid $ -	$ -	Alternate - Verde-Cal $ 0.53	$ 26.67
15	2,000 LBS (50 BAGS)	CASCADE GRANULAR	40 LBS/BAG	Alternate - 16-90 Granular	DMS	Alternate - Brilliance G (50lb bag)	DMS
16	20 GALS (4 CASES)	TARTAN	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	$ 466.00	$ 2,330.00
17	330 lbs (15 CASES)	ALLIETTE/SIGNATURE	2 x 11 lbs 22 lbs/CASE	Alternate - Armor Tech 70 WDG	(25.2# case) DMS	$ 23.55	$ 518.00
18	20 Gals (4 CASES)	SUBDUE MAXX	2 X 2.5 GALS 5 GALS/CASE	Alternate - QualiPro Mefenaxam $ 392.00	$ 1,960.00	4 x 1 Gal $ 499.00	4 Gal/per Case $ 1,996.00
19	60 Gals (2 Drums)	PERVADE	30 gal Drum	No Bid $ -	$ -	Alternate - Syringe 55 G	DMS

VENDOR NAME:				Tri-Turf		Harrell's LLC	
ITEM	EST QTY	DESCRIPTION	PKG SIZE	UNIT PRICE	CASE PRICE	UNIT PRICE	CASE PRICE
20	256 oz. (4 JUGS)	ACELEPRYN INSECTICIDE	64 oz / Jug	No Bid $ -	$ -	**$ 13.75**	**$ 880.00**
21	30 lbs (3 CASES)	PROSTAR	10 x 1 lb 10 lbs/CASE	$ 73.90	$ 739.00	$ -	$ -
22	80 GALS (16 Cases)	PK FIGHT 0-0-28	2 X 2.5 GALS 5 GALS/CASE	Alternate - Phosphite 30	DMS	Alternate - Title Phyte	DMS
23	300 lbs (10 Pails)	P-48	30 lb / Pails	No Bid $ -	$ -	2 x 2.5 - Gal Alternate - Phos Plus $ 33.47	$ 167.35
24	60 LBS (5 Cases)	CLEARY's 3336	6 x 2 lb case 12 lb/Case	Alternate - T-Methyl E-Pro 50 WSB $ 12.09	$ 145.08	$ -	$ -
25	384 oz (12 Cases)	DISARM	64 oz - Jug 2 Jugs / Case	$ 18.26	$ 2,337.28	$ -	$ -
26	225 GALS (45 Cases)	GLACIER 4F	2 X 2.5 Gals 5 Gal/Case	Alternate - ParFLo $ 29.50	$ 147.50	Alternate - Turfcide 400 $ 31.80	$ 159.00
27	120 GALS (24 Cases)	POWER 12-6-0	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	$ -	$ -
28	172.8 LBS (12 Cases)	DEFENSE MAG	4 x3.6 Lbs Jugs 14.4 lbs/Case	No Bid $ -	$ -	$ -	$ -
29	8 GALS (4 Cases)	PRIMO PGR	2 X 1 GAL 2 GALS/CASE	Trinexapal Alternate -Armor Tech PGR 113 $ 221.00	$ 442.00	$ 275.00	$ 550.00
30	5,000 lbs (100 Bags)	SOL-U-CAL K	50 lbs / Bag	Alternate - pHusion Calcitic **$ 0.375**	**$ 18.75**	$ -	$ -
31	4,500 lbs (90 Bags)	HARRELL's 17-3-19 FERTILIZER	50 lbs / Bag	Alternate - EC Grow 18-4-18 $ 0.58	$ 29.00	**$ 0.56**	**$ 28.00**
32	8,000 Lbs (160 Bags)	24-0-19 Poly-On FERTILIZER	50 lbs / Bag	Alternate - Armor Tech 24-0-12 $ 0.67	$ 33.50	$ 0.79 Alternate - 25-0-15 poly-on mini **$ 0.65**	$ 39.67 **$ 32.55**
ESTIMATED TOTAL OF AWARDED ITEMS --				**$ 10,573.12**		**$ 44,833.90**	
MINIMUM SHIPMENT:				No Minimum		None	
Days after call				1 Day		0 - 1 Days	
CONTACT INFORMATION: Hrs of Oper:				8 AM to 5 PM		24 Hr / 7 Days	
Phone #				248-640-4439		586-917-3851	
PAYMENT TERMS				(See Exceptions) 2% 10 Net 60		90 Days	
WARRANTY				Manufactures		Full replacement of any product w/manufacturer defect/failure	

VENDOR NAME:		Tri-Turf	Harrell's LLC
EXCEPTIONS:		Agency terms Net 30 Days	Line #2 Daconil - Docket
		Next day delivery	Line #4 - Banner - Dorado
			Line #7 Merit - Criterion
			Line #14 High Cal - Verde-cal
ALL OR NONE AWARD	Y or N	No	No
ACKNOWLEDGEMENT: Signed	Y or N	Yes	Yes

VENDOR NAME:				Helena Chemical Company		Agrium Advanced Technologies	
ITEM	EST QTY	DESCRIPTION	PKG SIZE	UNIT PRICE	CASE PRICE	UNIT PRICE	CASE PRICE
1.	25 GALS (5 CASES)	CHIPCO 26 GT FLOWABLE or IPRODIONE PRO 2 SE	2 X 2.5 GALS 5 GALS/CASE	Alternate - Chipco 26019 $ 51.00 $ 117.00	$ 255.00 $ 585.00	$ 117.25	$ 586.25
2.	200 GALS (40 CASES)	DACONIL WEATHERSTIK or ECHO 720/CONCORDE SST	2 X 2.5 GALS 5 GALS/CASE	Alternate - Dockit WS **31.81** $ 56.60	**$ 159.05** $ 283.00	$ 56.50	$ 282.50
3.	60 GALS (12 CASES)	KNIFE PLUS	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	No Bid **$ -**	**$ -**
4	70 GALS (14 CASES)	Banner Max	2 X 2.5 GALS 5 GALS/CASE	Alternate - Propiconizole E Pro $ 103.95 $249 (2x1 Gal)	$ 519.75 $ 498.00	2 x 1 Gal. $ 249.00	$ 498.00
5	24 lbs (6 CASES)	GALLERY HERBICIDE	4 x 1 lb 4 1lbs/Case	**$ 126.85**	**$ 507.40**	$ 129.44	$ 517.76
6.	15 GALS (3 CASES)	TRITON FLO	2 X 2.5 GALS 5 GALS/CASE	$ 625.00	$ 3,125.00	4 x 1 Gal $ 625.00	$ 2,500.00
7.	176 oz (1 Mini Drum)	MERIT 75 W.S.P./Zenith 75 WSB	2 Alternates - 110 X 1.6oz Pk 176 oz/Drum	$ 4.29 $ 1.17 $ 10.511	$109.82 (4x4x1.6oz) DMS $ 1,850.00	$ 10.511	$ 1,850.00
8.	50 GALS (10 CASES)	ASTRON	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	No Bid $ -	$ -
9.	160 GALS (32 CASES)	POWER C3	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	No Bid $ -	$ -
10	125 GALS (25 CASES)	CALPHLEX	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	No Bid $ -	$ -
11	80 GALS (16 CASES)	PROTESYN	2 X 2.5 GALS 5 GALS/CASE	Alternate - Renova	DMS	No Bid $ -	$ -
12	15 GALS (3 CASES)	BAYLETON FLOWABLE	2 X 2.5 GALS 5 GALS/CASE	$ 647.70	$ 3,238.50	$ 647.70	$ 3,238.50
13	4,000 lbs (80 BAGS)	HARRELS TRU-PRILL 15-2-15 GREENS GRADE FERTILIZER	50 LBS/BAG	No Bid $ -	$ -	No Bid $ -	$ -
14	30,000 lbs (600 BAGS)	HIGH CALCIUM LIME REGULAR GRADE	50 LB/Bag	No Bid $ -	$ -	Kellys Fairway High Calcium $ 0.125	$ 6.25
15	2,000 LBS (50 BAGS)	CASCADE GRANULAR	40 LBS/BAG	Alt - Reservior DG (50lb Bag)	DMS	No Bid $ -	$ -
16	20 GALS (4 CASES)	TARTAN	2 X 2.5 GALS 5 GALS/CASE	$ 466.00	$ 2,330.00	$ 466.00	$ 2,330.00
17	330 lbs (15 CASES)	ALLIETTE/SIGNATURE	2 x 11 lbs 22 lbs/CASE	$ 23.50	$ 517.00	**$ 22.49**	**$ 494.78**
18	20 Gals (4 CASES)	SUBDUE MAXX	2 X 2.5 GALS 5 GALS/CASE	$ 499.00	(2 x 1 Gal) $ 998.00	$ 499.00	(2 x 1 Gal) $ 998.00
19	60 Gals (2 Drums)	PERVADE	30 gal Drum	Alternate - Injector (55 Gal)	DMS	No Bid $ -	$ -

VENDOR NAME:				Helena Chemical Company		Agrium Advanced Technologies	
ITEM	EST QTY	DESCRIPTION	PKG SIZE	UNIT PRICE	CASE PRICE	UNIT PRICE	CASE PRICE
20	256 oz. (4 JUGS)	ACELEPRYN INSECTICIDE	64 oz / Jug	$ 13.75	$ 880.00	$ 13.75	$ 880.00
21	30 lbs (3 CASES)	PROSTAR	10 x 1 lb 10 lbs/CASE	$ 49.15	4 x 3 lbs $ 589.80	$ 49.15	4 x 3 Lbs $ 589.80
22	80 GALS (16 Cases)	PK FIGHT 0-0-28	2 X 2.5 GALS 5 GALS/CASE	Alternate - EleMax 0-0-26 phosp	DMS	No Bid $ -	$ -
23	300 lbs (10 Pails)	P-48	30 lb / Pails	Alternate - Brexil Multi $ 7.00	8 x 5 lbs $ 280.00	No Bid $ -	$ -
24	60 LBS (5 Cases)	CLEARY's 3336	6 x 2 lb case 12 lb/Case	Alternate - T-Methyl E Pro $9.50 $ 11.32	$ 114.00 $ 135.86	$ 11.97	$ 143.64
25	384 oz (12 Cases)	DISARM	64 oz - Jug 2 Jugs / Case	$ 13.45	128 oz $ 1,722.44	4 x 16 oz $ 16.41	$ 1,050.60
26	225 GALS (45 Cases)	GLACIER 4F	2 X 2.5 Gals 5 Gal/Case	Alternate - Turfcide 400 $ 29.00	$ 145.00	No Bid $ -	$ -
27	120 GALS (24 Cases)	POWER 12-6-0	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	No Bid $ -	$ -
28	172.8 LBS (12 Cases)	DEFENSE MAG	4 x3.6 Lbs Jugs 14.4 lbs/Case	No Bid $ -	$ -	No Bid $ -	$ -
29	8 GALS (4 Cases)	PRIMO PGR	2 X 1 GAL 2 GALS/CASE	Alternate - Podium $ 209.00 $ 275.00	$ 418.00 $ 550.00	$ 275.00	$ 550.00
30	5,000 lbs (100 Bags)	SOL-U-CAL K	50 lbs / Bag	No Bid $ -	$ -	No Bid $ -	$ -
31	4,500 lbs (90 Bags)	HARRELL's 17-3-19 FERTILIZER	50 lbs / Bag	No Bid $ -	$ -	No Bid $ -	$ -
32	8,000 Lbs (160 Bags)	24-0-19 Poly-On FERTILIZER	50 lbs / Bag	No Bid $ -	$ -	No Bid $ -	$ -
ESTIMATED TOTAL OF AWARDED ITEMS --				**$ 18,270.80**		**$ 9,191.10**	
MINIMUM SHIPMENT:				None		0	
Days after call				1 - 3 Days		1- 3 (In Emergency Call)	
CONTACT INFORMATION: Hrs of Oper:				7 AM to 5 PM		8 AM to 5 PM	
Phone #				616-340-9557		586-839-8930	
PAYMENT TERMS				Net 30 Days		N30	
WARRANTY				Per Manufacture		Per Manufacture	

VENDOR NAME:		Helena Chemical Company	Agrium Advanced Technologies
EXCEPTIONS:		Sheet Attached To Bid. Products are either generic or a different brand	Blank
ALL OR NONE AWARD	Y or N	No	No
ACKNOWLEDGEMENT: Signed	Y or N	Yes	Yes

Opening Date -- 03/04/10
Date Reviewed - 3/25/10

BID TABULATION
TURFGRASS CHEMICALS - GOLF COURSES

ITEM	EST QTY	DESCRIPTION	PKG SIZE	John Deere Landscapes UNIT PRICE	John Deere Landscapes CASE PRICE	Great Lake Turf, LLC UNIT PRICE	Great Lake Turf, LLC CASE PRICE
1.	25 GALS (5 CASES)	CHIPCO 26 GT FLOWABLE or IPRODIONE PRO 2 SE	2 X 2.5 GALS 5 GALS/CASE	Alternate - Lesco 18 Plus $ 54.00	$ 270.00	No Bid $ -	$ -
2.	200 GALS (40 CASES)	DACONIL WEATHERSTIK or ECHO 720/CONCORDE SST	2 X 2.5 GALS 5 GALS/CASE	Alternate - Munforse $ 38.00 $ 56.50	$ 190.00 $ 282.50	$ 40.00	$ 200.00
3.	60 GALS (12 CASES)	KNIFE PLUS	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	**$ 43.70**	**$ 218.50**
4	70 GALS (14 CASES)	Banner Max	2 X 2.5 GALS 5 GALS/CASE 1 Gal x 2	Alt-Spectator $ 100.00 $ 249.00	$ 500.00 $ 498.00	Alternate - Propensity 1.3 ME $ 125.00	$ 625.00
5	24 lbs (6 CASES)	GALLERY HERBICIDE	4 x 1 lb 4 1lbs/Case	$ 155.00	$ 620.00	No Bid $ -	$ -
6.	15 GALS (3 CASES)	TRITON FLO	2 X 2.5 GALS 5 GALS/CASE	1 Gal x 4 $ 625.00	$ 2,500.00	No Bid $ -	$ -
7.	176 oz (1 Mini Drum)	MERIT 75 W.S.P./Zenith 75 WSB	110 X 1.6oz Pk 176 oz/Drum	Alternate - Bandit 75 (1.6oz x4x4) $ 4.296 $ 10.511	$ 110.00 $ 1,850.00	Alternate - Enforce 75 WSB $ 7.00	$ 1,232.00
8.	50 GALS (10 CASES)	ASTRON	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	**$ 84.55**	**$ 422.75**
9.	160 GALS (32 CASES)	POWER C3	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	**$ 26.60**	**$ 133.00**
10	125 GALS (25 CASES)	CALPHLEX	2 X 2.5 GALS 5 GALS/CASE	Alternate - Greenflo 6-0-0	DMS	**$ 41.80**	**$ 209.00**
11	80 GALS (16 CASES)	PROTESYN	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	**$ 45.60**	**$ 228.00**
12	15 GALS (3 CASES)	BAYLETON FLOWABLE	2 X 2.5 GALS 5 GALS/CASE	$ 647.70	Agency Pricing $ 3,238.50	**No Bid** $ -	$ -
13	4,000 lbs (80 BAGS)	HARRELS TRU-PRILL 15-2-15 GREENS GRADE FERTILIZER	50 LBS/BAG	Alternate - Lebanon 18-3-18 E 65	DMS	No Bid $ -	$ -
14	30,000 lbs (600 BAGS)	HIGH CALCIUM LIME REGULAR GRADE	50 LB/Bag	**$ 0.11**	**$ 5.50**	No Bid $ -	$ -
15	2,000 LBS (50 BAGS)	CASCADE GRANULAR	40 LBS/BAG	Alternate - Lesco Flo ultra $ 1.875	$ 75.00	No Bid $ -	$ -
16	20 GALS (4 CASES)	TARTAN	2 X 2.5 GALS 5 GALS/CASE	$ 466.00	$ 2,330.00	No Bid $ -	$ -
17	330 lbs (15 CASES)	ALLIETTE/SIGNATURE	2 x 11 lbs 22 lbs/CASE	Alternate - Prodigy Signture $ 27.27	5.5 x 4 $ 599.94	No Bid $ -	$ -
18	20 Gals (4 CASES)	SUBDUE MAXX	2 X 2.5 GALS 5 GALS/CASE 2 Gals	Alternate - Mefenoxam $ 400.00 $ 499.00	$ 2,000.00 $ 998.00	No Bid $ -	$ -
19	60 Gals (2 Drums)	PERVADE	30 gal Drum	Alternate - LescoFlo Ultra	55 Gal Drum DMS	**$ 32.40**	**$ 972.00**

VENDOR NAME:				John Deere Landscapes		Great Lake Turf, LLC	
ITEM	EST QTY	DESCRIPTION	PKG SIZE	UNIT PRICE	CASE PRICE	UNIT PRICE	CASE PRICE
20	256 oz. (4 JUGS)	ACELEPRYN INSECTICIDE	64 oz / Jug	$ 13.75	$ 880.00	No Bid $ -	$ -
21	30 lbs (3 CASES)	PROSTAR	10 x 1 lb 10 lbs/CASE	$ 65.00	$ 650.00	No Bid $ -	$ -
22	80 GALS (16 Cases)	PK FIGHT 0-0-28	2 X 2.5 GALS 5 GALS/CASE	Alternate - Greenflo Phyte	DMS	$ 45.60	$ 228.00
23	300 lbs (10 Pails)	P-48	30 lb / Pails	No Bid $ -	$ -	$ 4.59	$ 137.75
24	60 LBS (5 Cases)	CLEARY's 3336	6 x 2 lb case 12 lb/Case	Alt - T-Storm (8oz x 4x10) $0.75/oz	$ 240.00	No Bid $ -	$ -
25	384 oz (12 Cases)	DISARM	64 oz - Jug 2 Jugs / Case	$ 9.375	$ 1,200.00	No Bid $ -	$ -
26	225 GALS (45 Cases)	GLACIER 4F	2 X 2.5 Gals 5 Gal/Case	Alternate - Turfcide $ 38.00	$ 190.00	No Bid $ -	$ -
27	120 GALS (24 Cases)	POWER 12-6-0	2 X 2.5 GALS 5 GALS/CASE	No Bid $ -	$ -	$ 23.75	$ 118.75
28	172.8 LBS (12 Cases)	DEFENSE MAG	4 x3.6 Lbs Jugs 14.4 lbs/Case	No Bid $ -	$ -	$ 10.23	$ 147.25
29	8 GALS (4 Cases)	PRIMO PGR	2 X 1 GAL 2 GALS/CASE	Alternate - Regimax PGR $ 200.00 $ 275.00	$ 400.00 $ 550.00	No Bid $ -	$ -
30	5,000 lbs (100 Bags)	SOL-U-CAL K	50 lbs / Bag	No Bid $ -	$ -	No Bid $ -	$ -
31	4,500 lbs (90 Bags)	HARRELL's 17-3-19 FERTILIZER	50 lbs / Bag	No Bid $ -	$ -	No Bid $ -	$ -
32	8,000 Lbs (160 Bags)	24-0-19 Poly-On FERTILIZER	50 lbs / Bag	Alternate - Lescoflo 20-0-20m $ 0.74	$ 37.00	No Bid $ -	$ -
		ESTIMATED TOTAL OF AWARDED ITEMS --		**$ 17,700.00**		**$ 31,565.00**	
		MINIMUM SHIPMENT:		N/A		1 Case	
		Days after call		3 - 10 Days ARO		2 Days	
		CONTACT INFORMATION: Hrs of Oper:		Sat - 8 AM to Noon M-F 7 AM to 4 PM		M-F 8 AM to 5 PM	
		Phone #		734-915-6123		586-915-9281	
		PAYMENT TERMS		Net 30		Net 30 Days	
		WARRANTY		See label for manufacture Warranty		Per Manufacturer's Label	

VENDOR NAME:		John Deere Landscapes	Great Lake Turf, LLC
EXCEPTIONS:		Exceptions are noted w/ a star	#4 propensity 1.3 ME sub
		and the corresponding label /	#7 Enforce 75WSB Sub
		MSDS are enclosed	
ALL OR NONE AWARD	Y or N	No	No
ACKNOWLEDGEMENT: Signed	Y or N	Yes	Yes

CITY COUNCIL ACTION REPORT

March 17, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidders – Asphalt Paving Material – Hot Patch

Background

- On February 26, 2010, bid proposals were received electronically to furnish one-year requirements of Asphalt Paving Material – Hot Patch with an option to renew for one additional year.
- 46 Vendors were notified of the bid opportunity via the MITN system with five (5) bid responses received.
- Hot asphalt is used in the patching and general maintenance of major, local roads and drains, as well as public infrastructure parking lots and trails.

Financial Consideration

- Funds are available through the Public Works operating budgets for the Streets and Water Divisions.
- Bid process resulted in a savings of $4,325.00 over last year's pricing, quantities being equal.

Legal Considerations

- ITB-COT 10-08, to furnish one-year requirements of Asphalt Paving Material-Hot Patch was competitively bid as required by City Charter and Code.
- The awards are contingent upon contractors' submission of properly executed bid documents, insurance certificates, and all other specified requirements.

Recommendation

- City management recommends awarding contracts for one-year requirements of asphalt paving material – hot patch- to the low bidders, Barrett Paving Materials Inc, Troy, MI – Items 1-5 and Surface Coatings Company, Auburn Hills – Items 6-7, at unit prices as contained on the bid tabulation opened February 26, 2010, with contracts expiring December 31, 2010.

Opening Date -- 02/26/10
Date Reviewed -- 3/17/10

CITY OF TROY
BID TABULATION
ASPHALT PAVING MATERIALS - HOT PATCH

jh/sl

VENDOR NAME:			Barrett Paving Company On-Line	Barrett Paving Company Hard Copy	Surface Coatings Company On-Line	Cadillac Asphalt LLC On-Line
ITEM #	EST QTY (TONS)	DESCRIPTION	Unit Price	Unit Price	Unit Price	Unit Price
					NO BID (1 to 5)	
1	200	1100T 36A Wearing	$ 47.00	$ 51.00	$ -	$ 52.00
2	300	1100T 20AA Wearing	$ 46.00	$ 46.00	$ -	$ 48.00
3	200	1100L 20AA Leveling	$ 45.00	$ 45.00	$ -	$ 48.00
4	1000	Commercial Top	$ 44.00	$ 46.75	$ -	$ 48.00
5	250	Commercial Base	$ 44.00	$ 41.75	$ -	$ 45.00
6	500 gals	Bulk Tack Coat	$ -	$ -	$ 2.95	$ 3.00
7	100	Tack Coat - 5 gal (pails)	$ 45.00	$ -	$ 25.95	$ 50.00
ESTIMATED TOTAL COST:			$ 91,700.00	$ 90,187.50	$ 4,070.00	$ 100,150.00
PRICE GUARANTEE:			1 yr	Page Not Submitted	30 days notice given for cost increase	Price valid through 12/31/10
TERMS/DISCOUNT:			45 Days Net	Page Not Submitted	1% 10 days/net 30	Net 30 Days
MINIMUM ORDER:			None	Page Not Submitted	None	None
HOURS OF OPERATION:		Hrs of Operation	7 AM to 3 PM	M-F 7am - 3:30pm	M-F 7:30AM to 4 PM	No Attachments
		Notice of Pick up M-F	1 Hour	M-F 7am - 3:30pm	1 Hour	
		Saturday	Upon Request	Call	By 2pm Friday	
PROXIMITY:		Location	2040 Barrett Road	2040 Barrett Road	2280 Auburn Road	
			Troy, MI	Troy, MI	Auburn Hills, MI	
		Miles	4.8 Miles	4 Miles	10 Miles	
INSURANCE		Attached - Y or N	Yes	None	None	None
EXCEPTIONS:			Saturday orders will	None	If SS1H increases	None
			depend on business		more than 5%, give	
			demand, therefore		30 days notice - pass	
			subject to cancel		on increases only	
All or NONE AWARD		Y or N	No	Blank	No	

ATTEST:
Deanna Theobald
Aileen Bittner
Linda Bockstanz

HIGHLIGHTED AMOUNTS DENOTES LOW BIDS

PROPOSAL -- One (1) Year Requirements of Asphalt Paving Material - Hot Patch
witn an Option to Renew for One (1) Additional Year

Susan Leirstein CPPO, CPPB
Purchasing Director

Opening Date -- 02/26/10
Date Reviewed -- 3/17/10

VENDOR NAME:			Ajax Materials			
			Corporation			
			On-Line			
ITEM #	**EST QTY (TONS)**	**DESCRIPTION**	**Unit Price**			
1	200	1100T 36A Wearing	$ 51.25			
2	300	1100T 20AA Wearing	$ 47.75			
3	200	1100L 20AA Leveling	$ 46.75			
4	1000	Commercial Top	$ 50.00			
5	250	Commercial Base	$ 44.75			
6	500 gals	Bulk Tack Coat	$ 5.00			
7	100	Tack Coat - 5 gal (pails)	$ 60.00			
ESTIMATED TOTAL COST:			$ 103,612.50			
PRICE GUARANTEE:			Price valid through 12/31/10			
TERMS/DISCOUNT:			Net 30 Days upon Receipt of Invoice			
MINIMUM ORDER:			50 Tons			
HOURS OF	Hrs of Operation		M-F 7:30 AM- 4:30 PM			
OPERATION:	Notice of Pick up M-F		24 Hrs			
	Saturday		Call for Availability			
PROXIMITY:	Location		Ajax Plant #3 2240 Avon Industrial			
			Rochester Hills, MI			
	Miles		6 Miles			
INSURANCE	Attached: Y or N		Yes			
EXCEPTIONS:			Bulk Tack is available			
			for pick up at Plant #2			
			at 4875 Bald Mt Rd			
			Auburn Hills, MI 48326			
			150 gals minimum			
All or NONE AWARD	Y or N		Yes			

CITY COUNCIL ACTION REPORT

March 25, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 8: Best Value Award – Big Beaver/Civic Center Landscape Maintenance

Background

- On February 25, 2010, Requests for Qualifications/Proposals were received and opened to provide three-year requirements of Landscape Maintenance on the DDA and Civic Center properties with an option to renew for two additional years.
- Three Hundred Thirty-Four (334) vendors were notified via the Michigan Intergovernmental Trade Network (MITN) website with six (6) proposals received.
- All responsive bidders met the pass/fail criteria.
- A committee consisting of Jeff Biegler, Superintendent of Parks, Kurt Bovensiep – Parks Field Supervisor, and Ron Hynd – Landscape Analyst, evaluated the proposals.
- Site visits to evaluate the maintenance equipment and facilities of the top two qualified companies were conducted.
- Based on the scoring criteria of the proposal, price and equipment inspection, the committee recommends awarding the contract to the highest rated respondent, W.H. Canon, Inc. of Romulus, Michigan.

Financial Considerations

- Funds are available in the Civic Center maintenance account #101.751.30.756.7802.070 and Street island maintenance – DDA account #101.751.30.783.7802.070.
- The total estimated cost for these services has decreased approximately $20,000.00 over last year. The largest portion of the cost reduction comes from Proposal A and is in large part due to the acreage reduction for the Civic Center complex.

Legal Considerations

- RFP-COT 10-01 Big Beaver/Civic Center Landscape Maintenance was competitively bid as required by City Charter and Code.
- All bidders were given the opportunity to respond with their level of interest in landscape maintenance services for the City of Troy.
- Award is contingent upon the recommended bidder's submission of properly executed contract and proposal documents, including insurance certificates and all other specified requirements.

Recommendation

- City management recommends awarding a three-year contract for Landscape Maintenance on the DDA and Civic Center properties with an option to renew for two additional one-year periods to the highest scoring respondent, W.H. Canon, Inc. of Romulus, MI, as a result of a best value process for an estimated three year total cost of $360,000.00, at unit prices contained in the RFP tabulation opened February 25, 2010, with a contract expiration of December 31, 2012.

EXECUTIVE SUMMARY

UPGRADED LANDSCAPE MAINTENANCE

STATISTICS:

- **Three Hundred Thirty-Four (334) company's were notified via the MITN e-procurement website**
- **Six (6) proposals were received**
- **All six (6) companies met the pass/fail criteria**
- **Equipment inspections were conducted with the top two (2) companies**
- **W.H. Canon, Inc. received the highest score as a result of a best value process**

The following two (2) companies received the indicated final scores as a result of the proposal, pricing and equipment inspection scores. Only these top two (2) rated companies had their equipment inspected by the City.

Company	SCORE
W.H. Canon, Inc.	**85.53**
Brickman Group – Torre & Bruglio	**78.44**

Attachments:

- ✓ Weighted Final Scoring of 90% includes Proposal, Price and Equipment Inspection Evaluation
- ✓ Evaluation Process
- ✓ Original Tabulation

WEIGHTED FINAL SCORING
UPGRADED LANDSCAPE MAINTENANCE

Final Score Calculation:

30% Proposal Score (100 point base)
40% Price Score (100 point base)
20% Equipment Score (100 point base)
~~10% Interview Score (100 point base) - optional~~ Deleted Phase
100% = Final Weighted Score

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

Weighted Average Score for Proposals: 30%

Raters:	1	2	3	Average	Final Weighted Score (x .30)
Vendors:					
W.H. Canon, Inc.	92	90	98	93.33	**28.00**
United Lawnscape, Inc.	79	92	93	88.00	26.40
Brickman Group – Torre & Bruglio	82	87	93	87.33	26.20
The Davey Tree Expert Company	75	92	83	83.33	25.00
Total Lawn Care, Inc.	67	90	74	77.00	23.10
Landscape Concepts Management	61	56	54	57.00	17.10

Weighted Average Score for Price: 40%

	Weighted Criteria – Difference in Costs [1-(Proposal Price – Low Price) / low price] x available points	Final Weighted Score (x .40)
Vendors:		
W.H. Canon, Inc.	(1-(360,000–360,000)/360,000) x 100 = **100.00**	**40.00**
Brickman Group – Torre & Bruglio	(1-(428,709–360,000)/360,000) x 100 = 80.92	32.37
United Lawnscape, Inc.	(1-(535,200–360,000)/360,000) x 100 = 51.33	20.53
The Davey Tree Expert Company	(1-(555,000–360,000)/360,000) x 100 = 45.83	18.33
Landscape Concepts Management	(1-(569,640–360,000)/360,000) x 100 = 41.77	16.71
Total Lawn Care, Inc.	(1-(1,505,800–360,000)/360,000) x 100 = 0.00	0.00

Summary: Proposal and Price Scores

	Proposal Score	Price Score	Score
Vendors:			
W.H. Canon, Inc.	28.00	40.00	**68.00**
Brickman Group – Torre & Bruglio	26.20	32.37	58.57
United Lawnscape, Inc.	26.40	20.53	46.93
The Davey Tree Expert Company	25.00	18.33	43.33
Landscape Concepts Management	17.10	16.71	33.81
Total Lawn Care, Inc.	23.10	0.00	23.10

Equipment inspections were conducted for only the top rated companies (Maximum # of points – 20)

Weighted Average Score for Equipment: 20%

Raters:	1	2	3	Average	Final Weighted Score (x .20)
Vendors:					
W.H. Canon, Inc.	95	83	85	87.67	17.53
Brickman Group – Torre & Bruglio	100	98	100	99.33	19.87

FINAL SCORE:

VENDORS:	**W.H. Canon, Inc**	Brickman Group – Torre & Bruglio
Proposal Score	**28.00**	26.20
Price Score	**40.00**	32.37
Equipment Score	**17.53**	19.87
FINAL SCORE	**85.53**	78.44

**HIGHEST RATED VENDOR – RECOMMENDED AWARD

G:/ Bid Award 10-11 New Format / Best Value SR8 – RFP – Upgraded Landscape Maintenance – WeightedRatingSummary 4.10.doc

SELECTION PROCESS

CRITERIA FOR SELECTION

An Evaluation Committee will review the proposals. The City of Troy reserves the right to award this proposal to the company considered the most qualified based upon a combination of factors including but not limited to the following:

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

Phase 1: **Minimum Qualifications Evaluation**

Companies will be required to meet minimum established criteria in order to go to the second phase of the process.

Phase 2: **Evaluation of Proposals**

Each Committee member will independently use a weighted score sheet to evaluate the proposals; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each company for this phase of the process.

Phase 3: **Equipment Inspection**

An equipment inspection will be conducted of those top rated firms. Each Committee member will independently use a weighted score sheet to evaluate the equipment. The scores of the Committee Members will be averaged into one score for each company for this phase of the process.

Phase 4: **Interview Score – (Optional)**

The City, at their option, will invite the short-listed companies to participate in an interview. Each Committee Member will independently use a weighted score sheet to evaluate the Interview; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each company for this phase of the process. Those being interviewed may be supplied with further instructions and requests prior to the interview.

Phase 5: **Price**

Points for price will be calculated as follows:

FORMULA: {1 – (Proposal Price – Lowest Price) / lowest price} x available points (100 base points)

Phase 7: **Final Scoring and Selection**

The firm with the highest final weighted score will be recommended to the Troy City Council for Award.

30%	Proposal Score	(100 point base)
40%	Price Score	(100 point base)
20%	Equipment Score	(100 point base)
10%	Interview Score	(100 point base)- optional
100%		

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

Opening Date -- 2/25/10
Date Reviewed -- 3/28/10

sl

FIRM NAME:		W.H. Canon Inc	Brickman Group Ltd	United Lawnscape, Inc
			Torre & Bruglio	
	Check Number	332058	367004421	16182505
	Check Amount	$15,000.00	$15,000.00	$15,000.00
PROPOSAL: TO FURNISH UPGRADED LANDSCAPE MAINTENANCE SERVICES FOR THE CITY OF TROY HIGHEST PROFILE AREAS				
VENDOR QUESTIONNAIRE:	(Yes or No)	Yes	Yes	Yes
FOUR (4) COPIES	(Yes or No)	Yes	Yes	Yes
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
	Signed Y or N	Yes	Yes	Yes
ALTERNATE INSURANCE:				
Pollution Coverage	Can Meet	XX	XX	
	Cannot Meet			XX + $2,000.00
PROPOSAL A		COMPLETE FOR THE SUM	COMPLETE FOR THE SUM	COMPLETE FOR THE SUM
All Services 4/1 to 11/30	2010	$ 110,000.00	$ 135,875.00	$ 173,700.00
except Proposal B	2011	$ 110,000.00	$ 135,875.00	$ 173,700.00
	2012	$ 110,000.00	$ 135,875.00	$ 173,700.00
COST PER ACRE		COST PER ACRE	COST PER ACRE	COST PER ACRE
To add or delete acreages	2010	$ 75.00	$ 1,999.23	$ 2,831.30
during contract term	2011	$ 75.00	$ 1,999.23	$ 2,831.30
	2012	$ 75.00	$ 1,999.23	$ 2,831.30
ADDITIONAL SERVICES		SERVICES	SERVICES	SERVICES
Additional Mowing	2010	$ 55.00	$ 38.55	$ 48.00
	2011	$ 55.00	$ 38.55	$ 48.00
	2012	$ 55.00	$ 38.55	$ 48.00
Additional Edging	2010	$ 35.00	$ 27.05	$ 15.00
	2011	$ 35.00	$ 27.05	$ 15.00
	2012	$ 35.00	$ 27.05	$ 15.00
Additional Trimming	2010	$ 70.00	$ 11.07	$ 15.00
	2011	$ 70.00	$ 11.07	$ 15.00
	2012	$ 70.00	$ 11.07	$ 15.00
PROPOSAL B		PER MAN HOUR	PER MAN HOUR	PER MAN HOUR
Hourly rate for additional	2010	$ 45.00	$ 35.00	$ 28.00
work as required by the City	2011	$ 45.00	$ 35.00	$ 28.00
	2012	$ 45.00	$ 35.00	$ 28.00
PROPOSAL C		COMPLETE FOR THE SUM	COMPLETE FOR THE SUM	COMPLETE FOR THE SUM
3 Gardens Landscape	2010	$ 10,000.00	$ 7,028.00	$ 4,700.00
Maintenance Services	2011	$ 10,000.00	$ 7,028.00	$ 4,700.00
	2012	$ 10,000.00	$ 7,028.00	$ 4,700.00
ESTIMATED GRAND TOTAL:				
	2010	$ 120,000.00	$ 142,903.00	$ 178,400.00
	2011	$ 120,000.00	$ 142,903.00	$ 178,400.00
	2012	$ 120,000.00	$ 142,903.00	$ 178,400.00
		$ 360,000.00	$ 428,709.00	$ 535,200.00

Opening Date -- 2/25/10
Date Reviewed -- 3/28/10

CITY OF TROY
TABULATION
UPGRADED LANDSCAPE MAINTENANCE

FIRM NAME:	**W.H. Canon Inc**	Brickman Group Ltd Torre & Bruglio	United Lawnscape, Inc
SITE INSPECTION:			
Yes or No	**Yes**	Yes	Yes
DateVisited	**Current Contractor**	2/11, 2/12, & 2/19/10	2/22/2010
PAYMENT TERMS:	**Net 30**	Net 30	Net 30 Days
EXCEPTIONS:	**Blank**	Item 12, page 10 - Brickman	None
		Group meets all personnel	
		requirements & are awaiting the	
		missing documentation - will	
		provide at time of award.	
ACKNOWLEDGEMENT: Signed Y or N	**Yes**	Yes	Yes
TWO FORMS: Non-Collusion & Legal Status	**No**	Yes	Yes
ADDENDUM #1	**No**	Yes	Yes

BOLDFACE DENOTES BEST VALUE PROPOSAL

ATTEST:

Scott Mercer
Diane Fisher
Linda Bockstanz

Susan Leirstein CPPO CPPB
Purchasing Director

G:/RFP-COT 10-01 Upgraded Landscape Maint. Serv.

FIRM NAME:		The Davey Tree Expert Company	Landscape Concepts Management, Inc.	Total Lawn Care, Inc.
	Check Number	23681363	1555793	101501526
	Check Amount	**$15,000.00**	**$15,000.00**	**$15,000.00**
PROPOSAL: TO FURNISH UPGRADED LANDSCAPE MAINTENANCE SERVICES FOR THE CITY OF TROY HIGHEST PROFILE AREAS				
VENDOR QUESTIONNAIRE:	(Yes or No)	Yes	Yes	Yes
FOUR (4) COPIES	(Yes or No)	Yes	Yes	Yes
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
	Signed Y or N	Yes	Yes	Yes
ALTERNATE INSURANCE:				
Pollution Coverage	Can Meet	XX	Blank	XX
	Cannot Meet			
PROPOSAL A		**COMPLETE FOR THE SUM**	**COMPLETE FOR THE SUM**	**COMPLETE FOR THE SUM**
All Services 4/1 to 11/30	2010	$ 180,000.00	$ 184,122.00	$ 490,000.00
except Proposal B	2011	$ 180,000.00	$ 184,122.00	$ 480,000.00
	2012	$ 180,000.00	$ 189,646.00	$ 480,000.00
COST PER ACRE		**COST PER ACRE**	**COST PER ACRE**	**COST PER ACRE**
To add or delete acreages	2010	$ 65.00	$ 286.00	$ 50.00
during contract term	2011	$ 65.00	$ 286.00	$ 50.00
	2012	$ 65.00	$ 295.00	$ 50.00
			All above per month	
ADDITIONAL SERVICES		**SERVICES**	**SERVICES**	**SERVICES**
Additional Mowing	2010	$ 30.00	$ 29.00	$ 50.00
	2011	$ 30.00	$ 29.00	$ 50.00
	2012	$ 30.00	$ 30.00	$ 50.00
Additional Edging	2010	$ 12.00	$ 60.00	$ 28.00
	2011	$ 12.00	$ 60.00	$ 28.00
	2012	$ 12.00	$ 62.00	$ 28.00
Additional Trimming	2010	$ 23.00	$ 74.00	$ 28.00
	2011	$ 23.00	$ 74.00	$ 28.00
	2012	$ 23.00	$ 76.00	$ 28.00
				Edging & trimming is per hour
PROPOSAL B		**PER MAN HOUR**	**PER MAN HOUR**	**PER MAN HOUR**
Hourly rate for additional	2010	$ 35.00	$ 36.00	$ 28.00
work as required by the City	2011	$ 35.00	$ 36.00	$ 29.00
	2012	$ 35.00	$ 37.00	$ 30.00
PROPOSAL C		**COMPLETE FOR THE SUM**	**COMPLETE FOR THE SUM**	**COMPLETE FOR THE SUM**
3 Gardens Landscape	2010	$ 5,000.00	$ 3,878.00	$ 18,600.00
Maintenance Services	2011	$ 5,000.00	$ 3,878.00	$ 18,600.00
	2012	$ 5,000.00	$ 3,994.00	$ 18,600.00
ESTIMATED GRAND TOTAL:				
	2010	$ 185,000.00	$ 188,000.00	$ 508,600.00
	2011	$ 185,000.00	$ 188,000.00	$ 498,600.00
	2012	$ 185,000.00	$ 193,640.00	$ 498,600.00
		$ 555,000.00	$ 569,640.00	$ 1,505,800.00

FIRM NAME:	The Davey Tree Expert Company	Landscape Concepts Management, Inc.	Total Lawn Care, Inc.
SITE INSPECTION:			
Yes or No	Yes	Yes	Yes
DateVisited	From 1/27 to 2/19/10	2/23/2010	2/16 to 2/23/10
PAYMENT TERMS:	Net 30 Days	Blank	Net 45
EXCEPTIONS:	Blank	Blank	N/A
ACKNOWLEDGEMENT: Signed Y or N	Yes	Yes	Yes
TWO FORMS: Non-Collusion & Legal Status	Yes	Yes	Yes
ADDENDUM #1	Yes	Yes	Yes

CITY COUNCIL ACTION REPORT

March 23, 2010

TO: John Szerlag, City Manager

FROM: Mark Miller, Acting Assistant City Manager/Economic Development Services
Timothy Richnak, Public Works Director

SUBJECT: Request for Public Hearing on April 19, 2010 for Community Development Block Grant (CDBG) Program Year 2007 reprogramming of funds

Background:

- The City of Troy is required by Oakland County Division of Community & Home Improvement to advertise and conduct a Public Hearing on the reprogramming of CDBG Program Year 2007 funds.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to request the public hearing.

Policy Considerations:

- The proposed public hearing is consistent with City Council Outcome Statement II, (Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.)

Options:

- It is recommended that Council authorize a public hearing for April 19, 2010 at 7:30 PM or as soon thereafter as the agenda will permit, to consider re-programming CDBG Program Year 2007 funds.

VR\S: Miller's Review/Agenda 04.05.10 – CDBG public hearing announcement

CITY COUNCIL ACTION REPORT

March 16, 2010

TO: John Szerlag, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Request for Recognition as a Nonprofit Organization Status from James P. Conrad, Board Chairman of the *National Polish American – Sports Hall of Fame*

Background:

- Attached is a request from James P. Conrad, Board Chairman of the *National Polish American – Sports Hall of Fame* seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes.
- The approval of this request is contingent upon the applicant's submittal of:
  - Copy of Form #1023 – *Application for Recognition Exemption*
- It has been City Management's practice to support the approval of all such requests.

National Polish-American
SPORTS HALL OF FAME
Founded in 1973

JAMES P. CONRAD
Board Chairman
(586) 980-9840
jamesconrad1@gmail.com

2975 East Maple Road - Troy, Michigan 48083

AUTO RACING
Alan Kulwicki
BASEBALL
Oscar Bielaski
Stan Coveleski
Moe Drabowsky
Mark Fidrych
Steve Gromek
Ted Kluszewski
Jim Konstanty
Tony Kubek
Whitey Kurowski
Robert Kuzava
Eddie Lopat
Stan Lopata
Greg Luzinski
Bill Mazeroski
Barney McCosky
Stan Musial
Joe Niekro
Phil Niekro
Tom Paciorek
Ron Perranoski
Johnny Podres
Jack Quinn
Ron Reed
Jenny Romatowski
Ray Sadecki
Al Simmons
Bill Skowron
Frank Tanana
Alan Trammell
Carl Yastrzemski
Richie Zisk
BASKETBALL
Vince Boryla
Carol Blazejowski
Michael Gminski
Tom Gola
Bobby Hurley
Mike Krzyzewski
Mitch Kupchak
Bob Kurland
Christian Laettner
Red Mihalik
John Payak
Kelly Tripucka
BOWLING
Johnny Crimmins
Billy Golembiewski
Cass Grygier
Eddie Lubanski
Ann Setlock
Aleta Rzepecki-Sill
BOXING
Bobby Czyz
Stanley Ketchel
Teddy Yarosz
Tony Zale
FIGURE SKATING
Janet Lynn
FOOTBALL
Danny Abramowicz
Pete Banaszak
Steve Bartkowski
Zeke Bratkowski
Bob Brudzinski
Lou Creekmur
Ziggy Czarobski
Mike Ditka
Forest Evashevski
Frank Gatski
Jim Grabowski
Jack Ham
Leon Hart
Vic Janowicz
Ron Jaworski
Mike Kenn
Joe Klecko
Ed Klewicki
Frank Kush
Ted Kwalick
Johnny Lujack
Ted Marchibroda
Lou Michaels
Walt Michaels
Dick Modzelewski
Mike Munchak
Tom Nowatzke
Bill Osmanski
Frank Piekarski
Mark Rypien
Tom Sestak
Bob Skoronski
Hank Stram
Dick Szymanski
Frank Szymanski
Frank Tripucka
Steve Wisniewski
Alex Wojciechowicz
GOLF
Billy Burke
Betsy King
Warren Orlick
Bob Toski
Al Watrous
GYMNASTICS
George Szypula
HOCKEY
Walter "Turk" Broda
Len Ceglarski
Ed Olczyk
Pete Stemkowski
SOFTBALL
Ed Tyson
SPORTS JOURNALISM
Ed Browalski
Billy Packer
SWIMMING
Chet Jastremski
Joe Verdeur
TENNIS
Frankie Parker
TRACK & FIELD
Bob Gutowski
Stella Walsh
VOLLEYBALL
Andy Banachowski
WEIGHTLIFTING
Norbert Schemansky
Stanley Stanczyk
WRESTLING
Stanley Zbyszko
Wladek "Killer" Kowalski

January 29, 2010

Honorable Louise E. Schilling
Mayor, City of Troy, Michigan
500 W. Big Beaver
Troy, Mi 48084

Members of Council
City of Troy, Michigan
500 W. Big Beaver
Troy, MI 48084

Re: National Polish-American Sports Hall of Fame and Museum
Request for Recognition as a Non-Profit Organization for the
Purpose of Obtaining a Gaming License

Dear Mayor Schilling and Members of Council:

I am directing this letter to you in my capacity as Board Chairman of the National Polish-American Sports Hall of Fame.

The National Polish-American Sports Hall of Fame was founded in 1973, for the purpose of recognizing the athletic achievements of Polish-American athletes, both amateur and professional. Each year, the NPASHF inducts several athletes into our Hall of Fame, who are selected through a national election process. Additionally, the NPASHF awards scholarships each year to deserving student-athletes, who apply through applications for our Stan Musial Scholarship, which are available on our website.

Our Board of Directors currently consists of thirty one (31) unpaid individuals. We have no employees or staff members who are compensated for their services. The primary asset of our organization is our museum display, which has been, for the past several years, housed at the American-Polish Cultural Center, located at 2975 East Maple Road, in your city.

National Polish-American
SPORTS HALL OF FAME
Founded in 1973

JAMES P. CONRAD
Board Chairman
(586) 980-9840
jamesconrad1@gmail.com

2975 East Maple Road - Troy, Michigan 48083

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Barney McCosky
Stan Musial
Joe Niekro
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Tom Paciorek
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Jack Quinn
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Lou Creekmur
Ziggy Czarobski
Mike Ditka
Forest Evashevski
Frank Gatski
Jim Grabowski
Jack Ham
Leon Hart
Vic Janowicz
Ron Jaworski
Mike Kenn
Joe Klecko
Ed Klewicki
Frank Kush
Ted Kwalick
Johnny Lujack
Ted Marchibroda
Lou Michaels
Walt Michaels
Dick Modzelewski
Mike Munchak
Tom Nowatzke
Bill Osmanski
Frank Piekarski
Mark Rypien
Tom Sestak
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VOLLEYBALL
Andy Banachowski
WEIGHTLIFTING
Norbert Schemansky
Stanley Stanczyk
WRESTLING
Stanley Zbyszko
Wladek "Killer" Kowalski

Our primary source of revenue comes from two annual events. The first is our annual Induction Banquet, which is typically held each year on the third Thursday in June. This year's event will be our 38th annual, and will occur on Thursday, June 17, 2010. Our second event is a charity golf outing, typically held in late July. The proceeds from our annual induction banquet are used for the development of our museum, our website, and other organizational costs. The proceeds from our golf outing are used exclusively to fund our Stan Musial Scholarships.

In an effort to expand our fund-raising activities, we are considering several options, including participation in the charity poker opportunities that are available today. For this reason, we are seeking the approval of the Troy City Council for recognition as a Non-Profit Organization for the purpose of Obtaining a Gaming License. I have attached what I believe to be all necessary documentation, but will be happy to provide any other information or documentation that may be lacking.

I appreciate the opportunity to address you in this fashion, and welcome any phone calls or email inquiries in this regard. My contact information can be found at the top of this letter. I also invite to you visit our website at www.polishsportshof.com for further information regarding our organization, or to stop in to visit our museum, perhaps while enjoying lunch or dinner at the APCC's Wawel Restaurant.

Thank you for your cooperation. I look forward to hearing from you soon.

Very truly yours,

James P. Conrad
Board Chairman

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

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(9))

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

called to order by _____ on _____
DATE

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

Moved by _____ and supported by _____

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

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

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

gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL		DISAPPROVAL	
Yeas:	_____	Yeas:	_____
Nays:	_____	Nays:	_____
Absent:	_____	Absent:	_____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD — REGULAR OR SPECIAL

meeting held on _____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

_____
PRINTED NAME AND TITLE

_____
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R10/06)

Address any reply to: P.O. Box 32510, Detroit, MI 48232
[redacted]

Department of the Treasury

A. A. Geldhof (313) 226-6041 (Not toll free)

District Director

Internal Revenue Service

Date: MAY 17 1976

In reply refer to: DET:76-322
L-178 [redacted]

National Polish-American Sports Hall of Fame
11445 Conant
Hamtramck, Michigan 48212

FED TAX I.D. #

[redacted]

Gentlemen:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined you are not a private foundation within the meaning of section 508(a) of the Code, because you are an organization described in section 509(a)(2).

You are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. You are not liable for the taxes imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If your purposes, character, or method of operation is changed, please let us know so we can consider the effect of the change on your exempt status. Also, you should inform us of all changes in your name or address.

If yo(gross receipts each year are n(ally more than $5,000, you are required to file Form 990, Return of Organization Exempt From Income Tax, by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of $10 a day, up to a maximum of $5,000, for failure to file a return on time.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Please keep this determination letter in your permanent records.

Sincerely yours,

R. L. Plate

R. L. Plate
District Director

BCS/CD-2000 (06/09)

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
NONPROFIT CORPORATION INFORMATION UPDATE
2009

Due October 1, 2009 File Online at www.michigan.gov/fileonline

Identification Number	Corporation name
873065	NATIONAL POLISH - AMERICAN SPORTS HALL OF FAME AND MUSEUM

Resident agent name and mailing address of the registered office

MICHAEL OBLOY
408 E 14 MILE RD
MADISON HEIGHTS MI 48071

RECEIVED
AUG 1 1 2009
$20 Dept. of LEG

The address of the registered office

408 E 14 MILE RD
MADISON HEIGHTS MI 48071

☑ I certify that the board consists of 3 or more directors, and further certify that all directors' names and addresses are previously filed with the Department, and that no changes have occurred in required information since the last filed report.

If you checked the box, proceed to item 6.

1. Mailing address of registered office in Michigan (may be a P.O. Box)	2. Resident Agent

3. The address of the registered office in Michigan (a P.O. Box may not be designated as the address of the registered office)

4. Describe the purpose and activities of the corporation during the year covered by this report:

5.	NAME	BUSINESS OR RESIDENCE ADDRESS
If different than President	President (Required)	
	Secretary (Required)	
	Treasurer (Required)	
	Vice President	
Required 3 or more directors (3 different individuals)	Director (Required)	
	Director (Required)	
	Director (Required)	

6. **Report due October 1, 2009.**
Filing fee $20.00.

If report is certifying no changes occurrred, it must by signed by the chairperson or vice-chairperson of the board or the president or vice-president.

Please make your check or money order payable to the State of Michigan.
Return to: Department of Energy, Labor & Economic Growth
Bureau of Commercial Services, Corporation Division
P.O. Box 30767
Lansing, MI 48909
(517) 241-6470

Signature of authorized officer or agent	Title	Date	Phone (Optional)
	Board CHAIRMAN TREASURER	8/4/09	

If more space is needed additional pages may be included. Do not staple any items to report. This report is required by Section 911, Act 162, Public Acts of 1982, as amended. Failure to file this report may result in the dissolution of the corporation.

BCS/CD-347

STATE OF MICHIGAN

JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

STANLEY "SKIP" PRUSS
DIRECTOR

September 9, 2009

MICHAEL OBLOY
408 E 14 MILE RD
MADISON HEIGHTS, MI 48071

RE: 873065
NATIONAL POLISH - AMERICAN SPORTS HALL OF FAME AND MUSEUM
Report Year: 2009

Annual Report Correction Required

The 2009 Annual Report was received with $20.00 filing fee.

Since the box was checked to certify that the board consists of 3 or more directors and that no changes have occurred since the last report, this certification must be signed by the chairperson, vice-chairperson, president, or vice-president. Or, complete item 5 to reflect officers and directors.

Make the above noted changes on the report and return the corrected report with a copy of this letter to Bureau of Commercial Services, Corporation Division, P.O. Box 30767, Lansing, MI 48909.

If no response is received within 30 days, this file will be closed. Fees are due when the document is delivered and earned upon receipt. The Act prohibits the agency from refunding the submission fee and fees submitted with documents on which the file has been closed cannot be applied to subsequent filings.

If you have any questions, please call the Corporation Division at (517) 241-6470.

Shy Crowe
Corporation Division
Business Services Section

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

EFFECTIVE DATE
September 24, 2009

LICENSE #
MICS 17682

National Polish - American Sports Hall Of Fame And Museum
408 E 14 Mile Road
Madison Heights, MI 48071

CHARITABLE SOLICITATION LICENSE

of

NATIONAL POLISH - AMERICAN SPORTS HALL OF FAME AND MUSEUM

EXPIRATION DATE: April 30, 2010

1. **Your next application to renew this license is due no later than March 31, 2010.** This is 30 days prior to the expiration date shown above. Please calendar the date now. Forms are available on the Attorney General's web site at: www.michigan.gov/ag or may be requested by contacting the Charitable Trust Section at (517) 373-1152.

2. **Extensions** of the license may be requested if required information will not be available prior to the renewal application due date. A written request for an extension must be received on or before the above expiration date of the license.

3. **Throughout the year**, notify us within 30 days of changes in the following:
   - -- Name or address
   - -- Resident agent
   - -- Fiscal year end
   - -- Board of directors
   - -- Methods of soliciting donations
   - -- Purposes
   - -- Amendments to the bylaws or constitution of the organization
   - -- Amendments to your articles of incorporation, submitting copies of amendments assumed names or name changes that show evidence of proper filing with the appropriate state agency
   - -- If any other state has prohibited solicitation activity by your organization

4. Any **contracts** you enter into with professional fund raisers must be submitted to our office within 10 days of execution.

DEPARTMENT OF ATTORNEY GENERAL

P.O. BOX 30214
LANSING, MICHIGAN 48909

MIKE COX
ATTORNEY GENERAL

September 24, 2009

National Polish-American Sports Hall Fame Museum
408 E 14 Mile Road
Madison Heights, MI 48071

Dear Sir/Madam:

Re: National Polish-American Sports Hall Fame Museum CS/CT [redacted]

Thank you for submitting an initial application and related information. Determinations are based on Michigan laws regulating charities, the Charitable Organizations and Solicitations Act (COSA), 1975 PA 169, MCL 400.271 et seq. and the Supervision of Trustees for Charitable Purposes Act (STCPA), 1961 PA 101, MCL 14.251 et seq.

According to information provided, the organization anticipates soliciting or receiving contributions in excess of $8,000 per year and/or compensates persons for fundraising services. The enclosed license includes your responsibilities under COSA for renewal and for notifying us of certain changes made within the organization. This license is separate from licenses required by the Bureau of Lottery or other agencies. Professional fundraisers used to solicit or receive funds or to plan or carry out solicitation campaigns in Michigan must be licensed with our office, and professional solicitors they employ must be registered.

According to information submitted, the organization will hold assets to be used for charitable purposes. The organization is now registered as a charitable trust under STCPA. Registration requires an annual financial report. Annual financial statements submitted for renewal of the Solicitation License will also satisfy the Charitable Trust reporting requirement as long as the organization is licensed. If in the future you no longer have a Solicitation License, you must submit an IRS 990, 990EZ, or 990-PF, audited financial statements, or other acceptable accounting each year to satisfy the Charitable Trust reporting requirement.

This letter will be retained to show notification of our requirements. If you have any questions, please contact our office.

Sincerely,

H. Glashower

Harmony Glashower
Department Analyst
Charitable Trust Section
(517) 373-1152

C-2002 (10-65)
(Formerly Form 2)

MICHIGAN DEPARTMENT OF TREASURY
CORPORATION DIVISION
LANSING, MICHIGAN

MICHIGAN DEPARTMENT OF COMMERCE
The powers, functions, duties and responsibilities relating hereto have been transferred to the Department of Commerce, pursuant to Executive Order No. 8 of 1973.

DO NOT WRITE IN SPACE BELOW — FOR DEPARTMENT USE

NOTE	Date Received:	
Mail ONE signed and acknowledged copy to:	JUL 16 1973	FILED
Michigan Department of Treasury Corporation Division P.O. Drawer C Lansing, Michigan 48904	JAN 28 1974	JAN 30 1974 Richard R. Fitzsimmons DIRECTOR Michigan Department of Commerce
Franchise Fee $10.00 Filing Fee $10.00 (Make fee payable to State of Michigan)		

(Non-Profit)
ARTICLES OF INCORPORATION

These Articles of Incorporation are signed and acknowledged by the incorporators for the purpose of forming a non-profit corporation under the provisions of Act No. 327 of the Public Acts of 1931, as amended, ~~xxxxxxxx~~ and Act 284, P.A. of 1972, as follows:

ARTICLE I.

The name of the corporation is NATIONAL POLISH-AMERICAN SPORTS HALL OF FAME

(Please type or print corporate name)

ARTICLE II.

The purpose or purposes for which the corporation is formed are as follows:

To provide a means to honor and recognize Polish-American athletes for their noteworthy endeavors and feats in the many fields of amateur and professional sports.

~~To engage in any activity within the purposes for which corporations may be organized under Act 327 Public Acts of 1931 as amended and Act 284 Public Acts of 1972.~~

ARTICLE III.

Location of the first registered office is:

11445	Conant Street	Hamtramck	Wayne	Michigan	48212
(No.)	(Street)	(City)	(County)		(Zip Code)

Postoffice address of the first registered office is:

11445	Conant Street	Hamtramck	Wayne	Michigan	48212
(No. and Street or P. O. Box)		(City)			(Zip Code)

ARTICLE IV.

The name of the first resident agent is WALTER A. PARUK

C-2002 (Non-Profit Articles of Incorporation)
(Formerly Form 2)

ARTICLE V.

Said corporation is organized upon a Non-Stock basis.
(Stock-share or non-stock)

(a)

(If upon a stock-share basis fill in the following)

The total number of shares of stock which the corporation shall have authority to issue is

.....of the par value of $..... .....per share.
(No. shares)

A statement of all or any of the designations and the powers, preferences and rights, and the qualifications, limitations or restrictions thereof is as follows:.....

(b)

(If upon a non-stock basis strike out paragraph (a) above and fill in the following)

The amount of assets which said corporation possesses is:

*Real property: None

*Personal property: None

*(Give description and value—if none, insert "none")

Said corporation is to be financed under the following general plan: Collection of dues from members; from Donations receiv; , from Proceeds received from an Annual Dinner/Party.

ARTICLE VI.

The names and places of residence, or business, of each of the incorporators (and if a corporation organized upon a stock-share basis the number of shares of stock subscribed for by each) are as follows:

(At least three required)

(Please type or print following information if possible)

NAMES	RESIDENCE OR BUSINESS ADDRESS (No.) (Street)	(City)	NUMBER OF SHARES (State)
~~Edward~~ Browalski	9131 Grayfield St.	Detroit	Michigan
Rev. Ted Blaszczyk	3851 Prescott St.	Detroit	Michigan
Anthony J Przywara	21731 Beachcrest	Dearborn Heights	Michigan

ARTICLE VII.

The names and addresses of the first board of directors (or trustees) are as follows:
(At least three required)

NAME	ADDRESS (No.) (Street)	(City)	(State)
Rev. John Rakoczy	St. Mary's Preparatory,	Orchard Lake,	MI. 48034
Mr. Leon Zarski	3279 Belmont	Hamtramck,	Michigan 48212
Mr. Ted Klemarus	7350 Barrie	Dearborn,	Michigan
Mr. John Klemba	18634 Greenfield	Detroit,	Michigan 48235
Mr. Edward Pett	9662 Reeck Rd.	Allen Park,	Michigan 48101

ARTICLE VIII.

The term of the corporate existence is perpetual.
(If for a limited number of years, then state such term instead of perpetual.)

ARTICLE IX.

(Here insert any desired additional provisions authorized by the Act)

We, the incorporators, sign our names this First day of June, 19 73.

(All parties appearing under Article VI are required to sign in this space)

Rev. Ted Blaszczyk
Anthony J. Drzyzwara
Ed Brodish

STATE OF MICHIGAN }
COUNTY OF WAYNE } ss.

(One or more of the parties signing must acknowledge before the Notary)

On this First day of ~~June~~ July, 19 73,

before me personally appeared REV. TED BLASZCZYK

to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Walter A. Paruk
(Signature of Notary)

WALTER A. PARUK
(Print or type name of Notary)

Notary Public for Wayne County, State of Michigan.

My commission expires 1-20-75
(Notarial seal required if acknowledgment taken out of State)

CR6-116

(For Use by Domestic Non-Stock Corporations only)

CERTIFICATE OF AMENDMENT TO THE ARTICLES OF INCORPORATION

The undersigned corporation executes the following Certificate of Amendment to its Articles of Incorporation pursuant to the provisions of Section 122, Act 327, Public Acts of 1931, as amended.

1. The name of the corporation is National Polish - American Sports Hall of Fame

The location of the registered office is

11445 Conant Avenue, Hamtramck (No. and Street) (Town or City) Michigan 48212 (Zip Code)

2. The following amendment to the Articles of Incorporation was adopted by the members of the corporation in accordance with Subsection (2) of Section 122, Act 327, Public Acts of 1931, as amended, on the 26th day of June 19 75 :

Resolved, that Article I&II of the Articles of Incorporation be amended to read as follows: (Any article being amended is required to be set forth in its entirety.)

ARTICLE I

The name of the corporation is National Polish - American Sports Hall of Fame and Museum.

ARTICLE II

(a) Said corporation is organized exclusively for charitable and educational purposes, 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 of 1954 (or the correspondence provision of any future United States Internal Revenue Law).

(b) To establish a museum so as to provide a means to honor and recognize Polish - American athletes for their note worthy endeavors and feats in the many fields of amateur and professional sports.

(c) In the event of dissolution, all assets, real and personal, shall be distributed to such organizations as are qualified as tax exempt under section 501 (c) (3) of the Internal Revenue Code or the corresponding provisions of a future United States Internal Revenue Law.

3. The necessary number of members as required by statute were voted in favor of the amendment.
(Refer to part 2 of Information and Instructions appearing on the reverse side of this certificate.)

Signed this 7th day of July 19 75

National Polish - American Sports Hall of Fame.
(Corporate Name)

BY Rev. Ted Blaszczyk
(Signature of President, Vice-President, Chairman or Vice-Chairman)

REV. TED BLASZCZYK, CHAIRMAN
(Type or Print Name and Title)

(See Instructions on Reverse Side)

(Please do not write in spaces below—for Department use)

MICHIGAN DEPARTMENT OF COMMERCE—CORPORATION AND SECURITIES BUREAU

Date Received
JUL 10 1975

FILED
Michigan Department of Commerce

JUL 10 1975

Richard H. Kaufmann
DIRECTOR

C & S-118

INFORMATION AND INSTRUCTIONS

Certificate of Amendment - Domestic Corporations

1. This form may be used by domestic non-profit corporations organized on a non-stock basis.

2. Section 122, Act 327, P.A. of 1931, as amended, provides that unless a greater vote is required in the articles of incorporation or in any by-law adopted by the members, a non-profit corporation formed or existing pursuant to Act 327 and organized upon a non-stock basis, at a meeting of the members duly called and held, may amend its articles of incorporation by the affirmative vote of a majority of the members entitled to vote thereon, or by the affirmative vote of a majority of the members present at such meeting if due notice of the time, place and object of such meeting shall be given by mail, at last known address, to each member entitled to vote at least 20 days prior to the date of such meeting.

3. An effective date, not later than 90 days subsequent to the date of filing may be stated in the Certificate of Amendment.

4. The Certificate of Amendment is required to be signed in ink by the chairman or vice-chairman of the board of directors or the president or a vice-president of the corporation.

5. One original copy is required. A true copy will be prepared by the Corporation and Securities Bureau and returned to the person submitting the Certificate of Amendment for filing.

6. FEES: Filing Fee $10.00

7. Mail form and fee to:

   Michigan Department of Commerce
   Corporation and Securities Bureau
   Corporation Division
   P. O. Drawer C
   Lansing, Michigan 48904

NATIONAL POLISH-AMERICAN SPORTS HALL OF FAME

By-Laws of the National Polish-American Sports Hall of Fame

ARTICLE I – OFFICE

The principal office of the corporation in the State of Michigan shall be located in the City of Orchard Lake Village, County of Oakland, and the National Polish-American Sports Hall of Fame (hereinafter referred to as NPASHF) shall be located in the Dombrowski Fieldhouse on the campus of the Orchard Lake Schools, namely, SS. Cyril and Methodius Seminary, St. Mary's College and St. Mary's Preparatory. The corporation may have such other offices, either within or without the State of Michigan, as the Board of Directors may designate or as the business of the corporation may require from time to time.

ARTICLE II – PURPOSES

The corporation is organized exclusively for charitable and educational purposes, including, but not limited to, for such purposes, the making of distribution to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue law. In the event of dissolution, all assets, real and personal, shall be distributed to such organizations as are qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provisions of any future United States Internal Revenue law.

The purpose of the NPASHF shall be:

A. To establish a museum so as to provide a means to honor and recognize Polish-American athletes and others for their noteworthy endeavors and feats in the many fields of amateur and professional sports.

B. To conduct annual elections to determine admittance to the NPASHF.

C. To maintain and increase interest in the NPASHF and to have and exercise a general care and supervision over all activities by and/or conducted by the NPASHF.

D. To establish and maintain a scholarship fund and, from time to time, as the Board in its discretion determines, make such distribution in an amount, to such qualified student applicants as the Board, in its discretion, determines is appropriate.

ARTICLE III – BOARD OF DIRECTORS

Section 1 – General Powers

Its Board of Directors shall manage the business and affairs of the corporation.

Section 2 – Number, Tenure

The number of the Board of Directors of the corporation shall be a maximum of forty-five (45). Each director shall hold office until the next tri-annual meeting of the Board of Directors, which will be held beginning with the year 1976.

Section 3 – Qualifications

A member of the Board of Directors of the corporation shall actively promote the purpose and activities of the National Polish-American Sports Hall of Fame.

A member of the Board of Directors shall attend all meetings and functions of the NPASHF unless excused by the Chairman.

A member of the Board of Directors shall conduct himself/herself in such a manner at all times so as not to discredit the NPASHF.

Section 4 – Regular Meetings

A regular meeting of the Board of Directors shall be held as determined by the Board of Directors or Chairman at a designated time and place.

Section 5 – Removal

A member of the Board of Directors may be removed by the affirmative vote of the majority (but not less than six), of the Board of Directors present at a regular meeting or at a special meeting, but in either instance, where at least fourteen (14) days proper notice has been given of the purpose for removal of that Director setting forth the grounds for removal.

A member of the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the corporation would be served thereby or upon failure of that member of the Board of Directors to abide by the qualifications set forth herein.

A notice of intent to remove a member of the Board of Directors must be submitted by the Chairman or by a petition signed by at least five (5) Board members stating the grounds for removal, at a regular or Special Board Meeting preceding the regular or Special Board Meeting for removal.

Section 6 – Special Meetings

Special Meetings of the Board of Directors may be called by or at the request of the Chairman or any five (5) directors.

Section 7 – Notice

Notice of any special meeting shall be given at least fourteen (14) days prior thereto by written notice, stating the time, place and purpose or purposes of the meeting, delivered personally or mailed by regular mail or sent by telegram or fax to each director at his/her address of record with the NPASHF. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed. If notice were given by telegram, such notice shall be deemed delivered when the telegram is delivered to the Telegraph Company. It shall be the obligation of each director to advise the NPASHF of his/her current address where notice is to be sent. Any director may waive notice of any meeting by written statement signed before or after the holding of the meeting. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 8 – Quorum

Ten (10) members of the Board of Directors present shall constitute a quorum.

Section 9 – Vacancies

Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining directors present and voting at a meeting when at least fourteen (14) days notice of the intent to fill a vacancy is provided.

Section 10 – Screening Committee for New Members of the Board of Directors

When vacancies occur on the Board of Directors, the Executive Director shall establish a screening committee consisting of at least five (5) Board Members who shall screen applications to the Board, submit copies of applications and/or resumes of each applicant to all current Board Members at least one week prior to the meeting and make recommendations to the Board at a Board Meeting to be conducted for the purpose of filling vacancies.

Each application for consideration as a member of the Board of Directors must be sponsored by at least two (2) current members of the Board.

Current members of the Board whose term is to be renewed are exempt from screening.

Section 11 – Honorary Board Members

The Executive Committee may nominate Honorary Board Members to be approved by the Board of Directors at a Board Meeting.

The Honorary Board Members shall serve in a non-voting advisory capacity to the Board of Directors whose term shall be renewable every three (3) years at the discretion of the Board of Directors. Honorary Board Members are encouraged, but not required, to participate in the activities and events of the Hall of Fame. An Honorary Board Member may be removed at any time at the sole discretion of the Board of Directors by vote of the majority of the Board of Directors present at a meeting with notice of that purpose with notice as set out in Article III, Section 7 of the By-Laws.

ARTICLE IV – OFFICERS

Section 1 – Members

The officers of the corporation shall consist of a Chairman, First Vice Chairman, Second Vice Chairman, Third Vice Chairman, Recording Secretary, and Treasurer, each of whom shall be selected by the Board of Directors. The Board of Directors may select one or more Vice Chairmen, Assistant Secretaries, and Assistant Treasurers, and may also appoint such other officers and agents as they may deem necessary for the transaction of the business of the corporation.

Section 2 – Election and Term of Office

The officers of the corporation shall be elected tri-annually beginning in 1976 by the Board of Directors at its regular meeting held in October every three years. If the elections of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until his successor shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided.

Section 3 – Removal

Any officer or agent elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the corporation would be served.

An officer may be removed by an affirmative vote of the majority (but not less than six) of the Board of Directors present at a meeting where at least fourteen (14) days proper notice has been given for the purpose for removal of that officer.

Proper notice shall be satisfied as set forth in Article III, Section 7 of the By-Laws.

Section 4 – Vacancies

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by election by the Board of Directors by a majority vote of those members attending a regular or Special Board Meeting, and such officer shall serve on an interim basis until the next regular meeting or Special Meeting called for the purpose of electing an officer, and where notice is given of intent to fill the vacancy, at which time the vacancy shall be filled for the unexpired portion of the term by a majority vote of those Board Members attending and voting (but not less than six (6) members).

Section 5 – Chairman

The Chairman shall be a director of the corporation. He shall be the principal executive officer of the corporation and subject to control of the Board of Directors. He shall in general supervise and control all of the business and affairs of the corporation. He shall, when present, preside at all meetings of the Board of Directors. He may sign, with the Recording Secretary or any other proper officer of the corporation thereunto authorized by the Board of Directors, any deeds, mortgages, bonds, contracts or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or these By-Laws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties as may be prescribed by the Board of Directors from time to time. The Chairman shall appoint all committees required to maintain the continuance and function of the organization, and/or shall appoint such other committees as deemed necessary.

Section 6 – First Vice Chairman

The First Vice Chairman shall be a director of the corporation. In the absence of the Chairman or in the event of his death, resignation, inability or refusal to act, the First Vice Chairman shall perform the duties of the Chairman and when so acting, shall have all powers of and be subject to all of the restrictions upon the Chairman. The First Vice Chairman shall perform such other duties as from time to time may be assigned to him by the Chairman or by the Board of Directors.

Section 7 – Second Vice Chairman

The Second Vice Chairman shall be a director of the corporation. In the absence of both the Chairman and the First Vice Chairman, or in the event of their deaths, resignations, inability or refusal to act, the Second Vice Chairman shall perform the duties of the Chairman and when so acting, shall have all powers of and be subject to all of all of the restrictions upon the Chairman. The Second Vice Chairman shall perform such other duties as from time to time may be assigned to him by the Chairman of the Board of Directors.

Section 8 – Third Vice Chairman

The Third Vice Chairman shall be a director of the corporation. In the absence of the Chairman and the First Vice Chairman and the Second Vice Chairman, or in the event of their deaths, resignations, inability or refusal to act, the Third Vice Chairman shall perform the duties of the Chairman and when so acting, shall have all the powers of and be subject to all of the restrictions upon the Chairman. The Third Vice Chairman shall perform such other duties as from time to time may be assigned to him by the Chairman or the Board of Directors.

Section 9 – Recording Secretary

The Recording Secretary shall

(a) keep the minutes of the Board of Director's meetings in one or more books provided for that purpose;
(b) see that all notices are duly given in accordance with the provisions of these By-Laws or as required by law;
(c) be custodian and see that the seal of the corporation is affixed to all documents the execution of which on behalf of the corporation under its seal is duly authorized;
(d) keep a register of the post office address of each member of the Board of Directors and the Sports Panel Council which shall be furnished to the Recording Secretary
(e) have general charge of the books of the corporation; and
(f) in general perform all duties incident to the office of Recording Secretary and such other duties as from time to time may be assigned to him by the Chairman or by the Board of Directors.

Section 10 – Treasurer

If required by the Board of Directors, the Treasurer and any Assistant Treasurer(s) selected by the Board of Directors shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine. He shall

(a) have charge and custody of and be responsible for all funds and securities of the corporation;

(b) receive and give receipt for money due and payable to the corporation from any source whatsoever;

(c) deposit all money in the name of the corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article V of these By-Laws; and

(d) in general perform all of the duties incident to the office of the Treasurer and such other duties as from time to time may be assigned to him by the Chairman or by the Board of Directors.

Section 11 – Assistants and Acting Officers

The Assistant Recording Secretaries and Assistant Treasurers, if any, selected by the Board of Directors, shall perform such duties and have such authority as shall from time to time be delegated or assigned to them by the Recording Secretary or Treasurer, respectively, or by the Chairman or the Board of Directors. The Board of Directors shall have the power to appoint any person to perform the duties of an officer whenever for any reason it is impracticable for such officer to act personally. Such acting officer so appointed shall have the powers of and be subject to all the restrictions upon the officer to whose office he is so appointed except as the Board of Directors may by resolution otherwise determine.

ARTICLE V – CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1 – Contracts

The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contracts to execute and deliver any instrument required by law to be acknowledged in the name of and on behalf of the corporation. Such authority may be general or confined to specific instances but the appointment of any person other than an officer to acknowledge an instrument required by law to be acknowledged should be made by instrument in writing. When the Board of Directors authorize the execution of a contract or any other instrument in the name of and on behalf of the corporation, without specifying the executing officers, the Chairman or First Vice Chairman and the Recording Secretary may execute the same and may affix the corporate seal thereto.

Section 2 – Loans

No loans shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its new name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

Section 3 – Checks, Drafts, etc.

All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 4 – Deposits

All funds of the corporation not otherwise employed 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.

ARTICLE VI – FISCAL YEAR

The fiscal year of the corporation shall begin on the first day of October and end on the 30th day of September in each year.

ARTICLE VII – SEAL

The Board of Directors may provide a corporate seal, which shall be circular in form and shall have inscribed thereon the name of the corporation, its designation as a Michigan Corporation, and words, "Corporate Seal".

ARTICLE VIII – WAIVER OF NOTICE

Whenever any notice is required to be given to any member of the Board of Directors of the corporation under the provisions of these By-Laws or under the provisions of the Articles of Incorporation, a waiver thereof in writing signed by the person or persons entitled to such notice, or by telegram, radiogram, cablegram, or FAX, or any other manner acceptable by law sent by them, whether before or after the holding of the meeting, shall be deemed equivalent to the giving of such notice.

ARTICLE IX – AMENDMENTS

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by the affirmative vote of a 2/3 majority of the Board of Directors at a meeting attended by at least

fifty-five percent of the then existing members of the Board of Directors, at any regular or special meeting with at least fourteen (14) day prior notice given to all members of the Board of Directors of the intent to amend the By-Laws and the proposed amendment.

A Board Member shall be in attendance at a meeting to amend the By-Laws only if the member is physically present at the meeting or if the Board Member resides at a distance greater than 50 miles from the location of the meeting and that member is in phone contact with those members physically present during the meeting and may cast his or her voice by phone concerning an amendment to the By-Laws.

ARTICLE X – SPORTS PANEL COUNCIL

Section 1 – Membership

The members of the Sports Panel Council shall consist of
(a) ex-officio each member of the Board of Directors,
(b) members selected by the Board of Directors and
(c) all those who have been elected and inducted into the NPASHF. The number of members to the Sports Panel Council shall be determined by the Board of Directors at each annual meeting and all names of current members of the Sports Panel Council as approved by the Board of Directors at the annual meeting shall be published to all members of the Board of Directors within 30 days of the Annual Meeting.

Section 2 – Duties

The members of the Sports Panel Council shall be responsible for selecting by ballot vote the candidates to the NPASHF.

Section 3 – Meetings

The Annual Meeting of the Sports Panel Council may be held in the month of October in each year, beginning with the year 1994, at a designated day and hour. Such other meetings may be held from time to time as the Council may decide.

Section 4 – Term of Office

The members of the Sports Panel Council shall serve for a term of three (3) years. Beginning with the year 1994, the Board of Directors shall recertify the members for another term of office or until removed.

Section 5 – Removal

The members of the Sports Panel Council may be removed for the following reasons:
(a) resignation,
(b) death,
(c) by not voting for two (2) consecutive years, or
(d) whenever in the judgment of the members of the Board of Directors that the best interests of the corporation would be served thereby.

Section 6 – Vacancies

A vacancy in the Sports Panel Council or the filling of a newly created position shall be filled by appointment of the Chairman with the approval of a majority of the Board of Directors present and voting at the annual meeting.

ARTICLE XI – SELECTION AND ELECTION TO MEMBERSHIP TO THE NPASHF

Section 1 – Qualifications

Any athlete, coach, referee, administrator, writer, commentator or other person who has made a significant contribution to sport and who shall be of Polish descent (father or mother must be Polish) and meeting eligibility requirements shall be considered for balloting towards membership.

Section 2 – Eligibility

(a) All amateur athletes are eligible;
(b) Collegiate athletes, not continuing into the pro ranks, shall be eligible two (2) years following final date of participation;
(c) Professional athletes shall be eligible two (2) years after retiring from the game.

Section 3 – Nominations

The month of January shall be designated as the "National Polish-American Sports Hall of Fame Month" to permit all sports fans to nominate a candidate of their choice to NPASHF. Written nominations are to be accepted only.

Section 4 – Screening and Approval

The Board of Directors shall meet in February to screen all the nominations for eligibility, playing ability, integrity, sportsmanship, character and the person's contributions to the team or teams on which he/she played, and to the sport itself in general. The Board of Directors shall approve the Ballot Committee's

recommendations for additions to the annual Hall of Fame ballot. No more than twenty (20) candidates shall be placed on the annual ballot.

Section 5 – Elections

The annual ballot containing the names of the candidates to the NPASHF shall be mailed by the Ballot Committee chairman or by the Recording Secretary to all of the members of the Sports Panel Council no later than April 2nd. The electors shall return the ballot within three (3) weeks from date of mailing. The electors shall cast their vote for six (6) candidates. Each ballot shall be signed by the elector.

Section 6 – Approval to Hall of Fame

The two (2) candidates receiving the highest number of votes shall be elected to membership in the NPASHF.

Section 7 – Announcements

The results of the election shall be certified by the Board of Directors. Following certification, the Chairman shall release the results for publication.

Section 8 – Official Induction

Newly elected members of the NPASHF will be officially inducted on a date specified by the Board of Directors.

Section 9 – Veterans Committee

(a) A Veterans Committee shall be established by the Board of Directors.
(b) The term of office will be three (3) years beginning with the year 1976.
(c) Should the name of a candidate to the NPASHF appear on a ballot for a period of five (5) years, and that candidate has not been elected, then the eligible candidate's name will be referred to the Veterans Committee.
(d) The Veterans Committee shall have the power to nominate one candidate into the NPASHF each year from the list provided to them beginning with the year 1978.
(e) A candidate must receive a majority vote of the Board of Directors present at a meeting for such purpose to be elected into the NPASHF.
(f) DISTINGUISHED SERVICE: The Veterans Committee shall evaluate Distinguished Service candidates for election to the NPASHF. Candidates eligible for this honor shall be persons who over the years demonstrated service, devotion, ideals and ideas, contributions and milestone achievements above and beyond the ordinary to segments of sports and its associated field outside of the framework of the competitive phases of the sport itself. The Veterans Committee may recommend not more than two

(2) Distinguished Service members annually. Election for NPASHF Distinguished Service honors shall be determined by a majority vote of the Board of Directors.

Amended and adopted at a meeting of the Board of Directors of the National Polish American Sports Hall of Fame in Hamtramck, Michigan on November 8, 1999.

Edmund Pett, Secretary

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: March 22, 2010
SUBJECT: Troy v Ziegler

This case involves an appeal of a drunk driving charge from the 52-4 Judicial District Court (Troy City Code, Chapter 106, Section 5.15 (1)). The Defendant, Eric Ziegler, was initially stopped by Troy Sgt. Diane Campell, who was patrolling on April 5, 2009, around midnight, near Congregation Shir Tikva. The extra patrol was in response to recent terrorist threats and activity targeting Jewish Temples. Sgt. Campbell observed the Defendant pull in to the parking lot of the temple, and quickly leave upon seeing her police vehicle. Based upon the evasiveness of his maneuvers and the totality of the circumstances, including the recent terrorist concerns and the seclusion of the parking lot (especially at that time of night), Sgt. Campbell pulled over the driver to further investigate. Although she initially intended to inquire about his presence in the parking lot, her initial contact revealed that the driver had been drinking. She then completed a drunk driving investigation which resulted in his arrest.

Defendant later challenged the initial stop, and filed a motion asking for a dismissal of the criminal drunk driving charge. After an evidentiary hearing, Judge Michael Martone found that Sgt. Campbell had a "reasonable, articulable suspicion" that the person committed or is about to commit a crime," and therefore a brief investigatory stop of the vehicle was permitted. The Defendant then appealed this decision to the Oakland County Circuit Court, Judge Nanci J. Grant. Judge Grant, in her attached opinion, affirmed Judge Martone's decision as "not clearly erroneous."

On March 18, 2010, the Defendant filed an application for leave to appeal with the Michigan Court of Appeals. Defendant has already exhausted his appeal of right at the Oakland County Circuit Court. However, the Court of Appeals, in its discretion, can grant the application if the panel decides that the case is worthy of consideration. If the application for leave to appeal is granted, then the appeal will proceed as though it were an appeal as of right.

Absent contrary direction from City Council, we will file a response to the application for leave to appeal, which is due on or before April 8, 2010.

Please let us know if you have any questions.

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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE CITY OF TROY,

Plaintiff,

-v-

Case Number 2009-DA9051-AR
Honorable Nanci J. Grant

ERIK ZIEGLER,

Defendant.
_____/

ROBERT DAVISSON (P27970
ATTORNEY FOR PLAINTIFF-APPELLEE
500 WEST BIG BEAVER ROAD
TROY MI 48084

PATRICK T BARONE (P44677)
ATTORNEY FOR DEFENDANT-APPELLANT
280 NORTH OLD WOODWARD AVENUE SUITE 200
BIRMINGHAM MI 48009

ORDER AND OPINION

At a session of said Court, held in the Courthouse in the City of Pontiac, County of Oakland, State of Michigan on the 25th day of February, 2010.

PRESENT: THE HONORABLE NANCI J. GRANT, CIRCUIT JUDGE

Defendant appeals as of right from the trial court's denial of a motion to suppress. This Court affirms.

I.

Defendant was arrested following a traffic stop on April 5, 2009 on suspicion of drunk driving. Defendant challenged the charges on grounds that the traffic stop was illegal. Thus, the trial court held an evidentiary hearing to assess the claim. At the hearing, the arresting officer testified that on the night in question, she was in her patrol car in the parking lot of the Shir Tikvah Temple parking lot in Troy, Michigan. At the time, the police had been providing "extra patrols for that temple" due to unspecified

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"alerts and bulletins" involving "Jewish Temples and possible threats." When asked to elaborate on this procedure, the officer explained that "it could be something that comes across from like the FBI" regarding "recent information that people are going to be targeting such and such type either businesses or groups or whatever."

While in the parking lot, the officer observed Defendant's vehicle pull into the parking lot, after which it "shined its headlights on me and then appeared to go right back out onto Northfield Parkway real quick." This gave the officer the "impression" that "the driver of that truck recognized or saw [her] as a police car." This was suspicious because the lot "was not an obvious place to pull in" to turn around. The officer also ran the vehicle's license plate, and discovered that the vehicle was registered to an address in Grand Rapids. As a result, the officer wanted to determine the driver's "intent" in "turning into that parking lot." Thus, the officer followed the vehicle out of the parking lot and effectuated a traffic stop. During the stop, the officer acquired additional evidence suggesting that Defendant was intoxicated, and he was arrested and charged accordingly.

In considering the motion, the trial court focused on the "secluded" nature of the parking lot, due in part to its distance (150 feet) from the roadway, and the time of night. It appears that the trial court also placed great weight on the officer's testimony regarding the "alerts and bulletins" the police had received, and the unspecified requests "to keep up extra surveillance," as the court characterized Defendant's arrival in the parking lot as a potential "terrorist situation." In this context, the court concluded, the stop was reasonable for Fourth Amendment purposes. Thus, the court denied the motion, and from that ruling Defendant appeals.

II.

This Court will not disturb a trial court's ruling at a suppression hearing unless that ruling is found to be clearly erroneous. Resolution of facts about which there is conflicting testimony is a decision to be made initially by the trial court. The trial judge's resolution of a factual issue is entitled to deference. *People v. White,* 401 Mich. 482 (1977).

The Fourth Amendment to the United States Constitution proscribes seizures which are not justified by probable cause. *Dunaway v. New York*, 442 U.S. 200 (1979). In *Terry v. Ohio*, 392 U.S. 1 (1968), the Supreme Court noted that whenever a police officer accosts an individual and restrains his freedom to walk away he has “seized” that person. Id. However, not all seizures of a person must be sustained by probable cause. Terry created a limited exception to the requirement of probable cause in a “seizure” of a person if the police officer has a reasonable, articulable suspicion that the person has committed or is about to commit a crime. See *People v. Sovoda*, 155 Mich.App. 735 (1986). Such suspicion will justify a traffic stop. See *People v LoCicero*, 453 Mich 496 (1996).

On appeal, the prosecution characterizes the Temple's parking lot as "a place where extra patrols

were needed due to concerns with terrorism," in light of the "alerts and bulletins" the police had received involving "Jewish Temples and possible threats." The prosecution also relies heavily on this aspect of the case in establishing reasonable suspicion, as it gave the officer a legitimate belief that Defendant was involved not just in criminal activity, but in criminal activity specifically "related to terrorism." And the Court agrees that this is a significant factor. In fact, the Court believes that the legality of the stop turns on this issue, as the balance of Defendant's conduct does not appear to suggest any other type of criminal activity.

To be sure, the prosecution provided few specifics in the trial court regarding the "alerts and bulletins" that gave rise to a need for extra patrols, except that some of them involved "Jewish Temples and possible threats". At the same time, however, there was absolutely no evidence disputing the officer's characterization of these reports. Moreover, the trial court's ruling on Defendant's motion implies a finding that the officer was credible in this regard, and a trial judge's resolution of factual issues is entitled to deference. *White, supra.* Thus, these allegations must be taken as true on appeal. The Court also finds that such concerns support the reasonableness of the stop, particularly as the "alerts and bulletins" were specific to "Jewish Temples," i.e., precisely where this encounter occurred.

In other words, given the evidence regarding the "alerts and bulletins," the nature of the establishment, and the relative isolation of the parking lot vis-à-vis the road, this Court cannot say that the trial court's ruling regarding the reasonableness of the stop was clearly erroneous. Therefore, Defendant is not entitled to relief on this basis.

Affirmed.

/s/ **NANCI J. GRANT**

NANCI J. GRANT, Circuit Judge

PROOF OF SERVICE

I certify that a copy of the above instrument was served upon the attorneys of record in the above case via Wiznet e-file and serve to the attorneys of record on 2/25/10.

/s/ Kathleen M. Morton
Judicial Assistant to the Hon. Nanci J. Grant

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TO: Members of Troy City Council
FROM: Lori Grigg Bluhm , City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: March 26, 2010
SUBJECT: City of Troy v. JMT Properties, LLC

For the Rochester Road Improvement Project, the City needed to acquire a permanent public utility easement from property which is owned by JMT Properties, LLC located at 3381 Rochester Road. A condemnation lawsuit was initiated, since we were unable to agree with the property owners for a voluntary sale. The only remaining issues are the amount of just compensation to be paid for the easement, removal of a sign, and payment of statutory costs and attorney fees.

A previous consent judgment was approved by City Council in November 2009. This consent judgment was never entered, however, due to some unanticipated issues with the sign relocation. This proposal includes the sign relocation, as well as the other items that were previously negotiated. If approved, the City will file a motion for entry of the judgment, which would also result in entry of a default against other parties who have an interest in the property but have failed to file an answer with the Court or otherwise appear in the case.

We recommend approval of the proposed consent judgment. Eighty percent of the amount will be paid with federal funds, and the City is responsible for paying twenty percent under the Rochester Road Improvement Project contract.

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

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

Plaintiff,

v. Case No. 09-100948-CC
Hon. Shalina Kumar

JMT PROPERTIES, LLC, a Michigan Limited
Liability Company; ALIF CORPORATION, a
Michigan Corporation; and BANK OF AUBURN
HILLS,

Defendants.
_____/

City of Troy – City Attorney's Office
Lori Grigg Bluhm (P46908)
Allan T. Motzny (P37580)
Attorneys for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

H. Adam Cohen (P47202)
Steinhardt, Pesick & Cohen
Attorney for Defendant
JMT Properties, LLC
380 North Old Woodward Ave. Ste 120
Birmingham, MI 48009
(248) 646-0888
_____/

CONSENT JUDGMENT

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

PRESENT: HONORABLE SHALINA KUMAR
OAKLAND COUNTY CIRCUIT COURT JUDGE

In this cause, Plaintiff and Defendant JMT Properties, LLC ("JMT"), through their counsel, have stipulated to entry of this Consent Judgment; all other named

Defendants have failed to answer or otherwise appear; and the Court being fully advised in the premises;

IT IS ORDERED:

1. The City of Troy has previously acquired a permanent public utility easement as fully described in the Complaint for Acquisition and the Declaration of Taking filed with this Court on May 20, 2009 by virtue of said filing and the entry by this Court on June 17, 2009 of the Order for Payment of Estimated Just Compensation and Surrender of Possession.
2. As required in the Order for Payment of Estimated Just Compensation and Surrender of Possession, the Plaintiff previously paid the estimated just compensation in the amount of $1,100.
3. Plaintiff shall pay to JMT the additional sum of $14,361.67 in compromise and settlement of any and all claims JMT has against Plaintiff for the acquisition of the permanent public utility easement described in the Complaint for Acquisition of Property and Declaration of Taking. The payee in all instruments drawn pursuant to this paragraph shall be JMT Properties, LLC.
4. Pursuant to the provisions of MCL 213.291, any amounts due as delinquent taxes or assessments, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in paragraph 3.
5. Pursuant to MCL 213.66(3), Plaintiff shall reimburse JMT for attorney fees in the amount of $4,787.22 in the form of a check payable to Steinhardt, Pesick & Cohen, P.C.

6. All payments set forth in this Judgment shall be delivered by Plaintiff to Steinhardt, Pesick & Cohen, P.C., within 21 days of the date of this Judgment.
7. Plaintiff shall not be obligated to pay any costs, appraisal fees, or any other sums except as set forth above.
8. The Default of Defendants Alif Corporation and Bank of Auburn Hills is hereby entered for failure to appear or otherwise defend.
9. Defendant JMT shall remove the sign on the subject property from its current location within 7 days of receipt of the sums set forth in paragraph 3 and relocate a new sign to an approved location outside the easement area after the new sign is fabricated.
10. This Judgment resolves the last pending claim and closes the case.

_____
Hon. Shalina Kumar , Circuit Judge

I stipulate to entry of this Judgment:

_____
Allan T. Motzny (P37580)
Attorney for Plaintiff

_____
H. Adam Cohen (P47202)
Attorney for Defendant JMT Properties, LLC

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: March 31, 2010
SUBJECT: Stickney Lawsuit

Plaintiff Hal Stickney filed the attached lawsuit against several individuals and entities including the City of Troy, Captain Keith Frye, retired Sergeant Barry Whiteside, and retired Detective David Nordstrom. Other defendants include several from Oakland County, including former Prosecutor David Gorcyca, Assistant County Prosecutor Derek Meinecke, Sheriff Michael Bouchard, Deputy Sheriff Randall Praski, Supervisor Spiker, and also Dawn Himes, Michael Himes, Shirley Ann Davis and Jimmy Richardson. In his complaint, Stickney seeks seven million dollars in damages, plus attorney fees and costs. The lawsuit was filed in the U.S. District Court for the Eastern District of Michigan, Chief Judge Gerald E. Rosen.

The essence of Plaintiff's complaint is the alleged failure to follow up on allegedly exculpatory evidence, which Stickney claims led to his prolonged incarceration in Oakland County facilities. He asserts a conspiracy claim (42 U.S.C. Section 1985), a civil rights claim (42 U.S.C. Section 1982); false arrest, malicious prosecution, intentional infliction of emotional distress, a violation of MCL 752.11 and 18 U.S.C. Sections 241 and 242, and five counts against the civilian defendants, where he argues that they gave false testimony against him, which led to his incarceration, and deprived him of his business relationships.

The Troy defendants have 21 days from the date of service to respond to the complaint. Our office will represent the City defendants absent contrary direction from City Council.

If you have any questions concerning the above, please let us know.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

HAL BRIAN STICKNEY,

Plaintiff,

vs.

COUNTY OF OAKLAND, DAVID GORCYCA, DAWN HIMES, MICHAEL SCOTT HIMES, DAVID NORDSTROM, DEREK MEINECKE, MICHAEL J. BOUCHARD, SUPERVISOR SPIKER, CITY OF TROY, LT. KEITH A. FRYE, SGT. WHITESIDE, RANDALL PRASKI, SHIRLEY ANN DAVIS, JIMMY RICHARDSON,

Defendants.

Case:2:10-cv-10487
Judge: Rosen, Gerald E
MJ: Randon, Mark A.
Filed: 02-03-2010 At 03:38 PM
CMP HAL BRIAN STICKNEY V OAKLAND CO UNTY, ET AL (LG)

HAL BRIAN STICKNEY
Plaintiff, In Pro Se
5603 Patricia Avenue
Shelby Township, Michigan 48317
(586) 713-1555

COMPLAINT

NOW COMES the Plaintiff, HAL BRIAN STICKNEY, In Pro Se, and complains against the above-named Defendants as follows:

JURISDICTION

This is an action for compensatory and exemplary damages authorized by Title 42 U.S.C. Section 1983, 42 U.S.C. Section 1985, the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution and under common law, for the Defendants' violation of those Plaintiff's rights, privileges and immunities established.

This action also pleads causes of action under 42 U.S.C. Section 1985, against the Defendants for engaging in a conspiracy to hinder and obstruct the due course of justice and interfere with the Plaintiff's civil rights, equal protection of the law and right to be free from unreasonable seizure and incarceration.

Jurisdiction is founded upon 28 U.S.C. Section 1331, Section 1343, the aforementioned statutory and constitutional provisions and on the pendent jurisdiction of this Honorable Court to entertain claims arising under state law.

PARTIES

1. The Plaintiff, HAL BRIAN STICKNEY, is and was at all times relevant to this Complaint, a citizen of the United States and a resident of the State of Michigan.

2. The events which gave rise to his causes of action occurred in Oakland County, Michigan.

3. The Defendant, COUNTY OF OAKLAND, is a public body corporate, municipal or governmental corporation, incorporated, created and existing under the laws of the State of Michigan.

4. The Defendant, DAVID GORCYCA, is an elected public official and at all times complained herein was the prosecuting attorney for, and an employee of, Defendant COUNTY OF OAKLAND.

5. The Defendant, DAWN HIMES, is an individual resident of Oakland County, Michigan.

6. The Defendant, MICHAEL S. HIMES, is an individual resident of Oakland County, Michigan.

7. The Defendant, DAVID NORDSTROM, is an individual and a police officer in the employment of the Defendant, CITY OF TROY, Oakland County, Michigan.

8. The Defendant, DEREK MEINECKE, was at all times complained herein, an assistant prosecuting attorney employed by the Defendant, COUNTY OF OAKLAND, and subordinate of Defendant, DAVID GORCYCA who at all times relevant hereto employed the Defendant as an assistant prosecuting attorney.

9. The Defendant, MICHAEL J. BOUCHARD, is a public, elected official, and at all times was the Sheriff of and employee of Defendant COUNTY OF OAKLAND.

10. The Defendant, SUPERVISOR SPIKER, is the jail classification supervisor of the Oakland County Jail and is employed by Defendant COUNTY OF OAKLAND.

11. The Defendant, CITY OF TROY, is a public body corporate, municipal or governmental corporation, incorporated, created and existing under the laws of the State of Michigan.

12. The Defendant, LT. KEITH A. FRYE, is a police officer employed by the Defendant, CITY OF TROY.

13. The Defendant, SGT. WHITESIDE, is a police officer employed by the Defendant, CITY OF TROY.

14. The Defendant, RANDALL PRASKI, is a Deputy Sheriff employed by the Defendant, COUNTY OF OAKLAND.

15. The Defendant, SHIRLEY ANN DAVIS, is an individual resident of Genessee County, Michigan.

16. The Defendant, JIMMY RICHARDSON, is an individual resident of Macomb County, Michigan.

COUNT I

VIOLATION OF 42 U.S.C. Section 1985

17. The Plaintiff incorporates by reference Paragraphs 1 through 16.

18. On July 25, 2005, the Defendant, DAWN HIMES, procured a Personal Protection Order against the Plaintiff, upon misrepresentation, deceit and false statements.

19. On August 18, 2005, the Plaintiff, HAL BRIAN STICKNEY, was arrested by Sheriffs from the Oakland County Sheriff's Department, for aggravated stalking, under MCL 750.411(i), pursuant to the Complaint filed by Defendant DAWN HIMES and the Personal Protection Order she obtained.

20. The Plaintiff was arrested and incarcerated in the Oakland County jail while protesting his innocence.

21. The Plaintiff was arraigned before the 52-2 District Court Judge on August 19, 2005, on the aggravated stalking charge, who ordered the Plaintiff's bond at $500,000, cash, no surety.

22. The Plaintiff was unable to post the bond and remained incarcerated until May 8, 2006, when his bond was reduced with conditions.

23. The Plaintiff was again arrested on June 28, 2006, and incarcerated for an alleged violation of the bond conditions set after his arrest on the Personal Protection Order and was again incarcerated in the Oakland County Jail.

24. The Plaintiff was released on bond on August 18, 2006.

25. The Plaintiff continued to protest his innocence to the Defendants, specifically providing them documentation, evidence of his innocence, evidence of the false charges made by Defendant DAWN HIMES, however, the Defendants conspired to bribe witnesses, impede, hinder, obstruct or defeat the due course of justice of the Plaintiff's criminal prosecution, with the intent to deny him Due Process of Law, equal protection of the laws and keep him in jail.

26. On October 25, 2006, the Plaintiff was arrested again on the mere statement by the Defendants, DAWN HIMES and SHIRLEY ANN DAVIS, to the Oakland County Sheriffs, that they saw the Plaintiff driving on a revoked license even though the Plaintiff continued to protest his innocence.

27. The Plaintiff was released on bond on November 15, 2007.

28. The Plaintiff continued to protest his arrest and prosecution and provided the Defendants evidence of the fraud, misrepresentation, deceit and lack of credibility of Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, but the Defendants continued to prosecute, assist in prosecuting and incarcerating the Plaintiff, with the intent to deny him Due Process of Law and the equal protection of the laws, even when the Defendants recanted their statements.

29. On March 20, 2007, the Plaintiff was arrested again for alleged "aggravated stalking", pursuant to the original complaint and incarcerated, while continuing to protest his innocence and provide the Defendants evidence of his innocence.

30. The Defendants intentionally shut down investigations into the criminal misconduct of Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, and conspired for the purposes of keeping the Plaintiff incarcerated until he pleaded guilty, in order that any potential civil litigation against them would be impaired, as is the policy and practice of the Defendants, and in particular, Defendants COUNTY OF OAKLAND and CITY OF TROY, a policy well known by Defendant MICHAEL BOUCHARD, Oakland County Sheriff, and the supervisory officials of the CITY OF TROY.

31. The Plaintiff was released on bond again on September 21, 2007, but the Defendants continued to prosecute him with false evidence and refused to investigate the false evidence and charges against him.

32. The Defendants fabricated or falsified evidence against the Plaintiff and suppressed exculpatory evidence, causing his arrest, prosecution and incarceration, depriving him of his rights to liberty and due process of law under the U.S. Constitution.

33. The Defendants' actions caused excessive bail to be set against the Plaintiff, further denying his right to liberty without due process of law contrary to the Fifth, Eighth and Fourteenth Amendments to the Constitution.

34. The Defendants' conspiracy denied the Plaintiff Due Process of Law by impeding his right to counsel provided under the 6th Amendment to the Constitution.

35. The Defendants knew their actions and inactions would directly cause the continued prosecution and incarceration of the Plaintiff.

36. The Defendants knew their actions violated the Plaintiff's rights against unreasonable seizure pursuant to the Fourth Amendments to the U.S. Constitution and the Michigan Constitution.

37. The actions of the Defendants were not taken in good faith, were not performed towards the common good of the citizens of Oakland County or City of Troy and were taken with malicious intention to cause a deprivation of the Plaintiff's constitutional rights with resulting injury to the Plaintiff.

38. The Defendants knew or reasonably should have known that their actions were not within the sphere of their official responsibility and would thereby violate the constitutional rights of the Plaintiff.

39. The actions of Defendants were intentional, wrongful and outrageous and further shock the conscience of society and offend the community's sense of fair play and decency.

40. The actions and inactions of Defendants, DAVID GORCYCA and DEREK MEINECKE, demonstrated a wilful, reckless and intentional failure and refusal to investigate the case with the purpose of depriving the Plaintiff of his civil rights and keep him incarcerated against his will.

41. The Defendants, DAVID GORCYCA and DEREK MEINECKE, deliberately destroyed evidence and refused to investigate the false charges originally brought by Defendant, DAWN HIMES, and participated in unconstitutional police investigative tactics which kept the Plaintiff incarcerated in the Oakland County jail.

42. The Defendants, DAVID GORCYCA and DEREK MEINECKE, while acting in their investigative capacities failed and refused to act in good faith, refused to receive evidence exonerating the Plaintiff and exhibited careless and reckless disregard for the Plaintiff's rights to liberty intending to keep the Plaintiff incarcerated in jail.

43. The existence of the conspiracy and policy described herein have been known to Defendants, COUNTY OF OAKLAND, MICHAEL BOUCHARD and CITY OF TROY, and the supervisory and policy-making officers and officials of the Troy Police Department and Oakland County Sheriff's Department for a substantial period of time and this policy is customary within the Troy Police Department and the Oakland County Sheriff's Department, well known to all within it, sanctioned by the supervisory personnel and is injurious of constitutionally protected rights which should be enjoyed by citizens of the United States, including the Plaintiff.

44. Despite their knowledge of the said illegal policy and custom and practice, the supervisory and policy-making officers and officials of Defendants COUNTY OF OAKLAND and CITY OF TROY, have not taken steps to terminate the practices, customs and policies, have not disciplined or otherwise properly supervised or trained

the individual officers who engaged, and do engage, in such misconduct, such as the Defendant police officers.

45. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT II

VIOLATION OF 42 U.S.C. SECTION 1983

46. The Plaintiff hereby incorporates Paragraphs 1 through 45.

47. At the time the Plaintiff was arrested, incarcerated and prosecuted, and thereafter, he had a constitutionally protected right to liberty and due process of law not to be prosecuted with false evidence or evidence fabricated by the Defendants.

48. The Plaintiff further had a constitutionally protected right of liberty not to be unreasonably seized and incarcerated without due process of law under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

49. The rights described herein were clearly established in 2005 when the Defendants acted to arrest, incarcerate and prosecute the Plaintiff.

50. The Defendants knowingly used false evidence to prosecute, incarcerate and continue to prosecute the Plaintiff and violated their duties in their investigative roles as police and

prosecutors which directly caused the Plaintiff to be unlawfully deprived of his rights to liberty and due process of law, rights which were clearly established at the time.

51. The Defendants actions and inactions violated the Plaintiff's clearly established statutory or constitutional rights of which a reasonable person would have known.

52. The Defendants actions and inactions precipitated and directly lead to the sequence of events that resulted in the violations of the Plaintiff's constitutional and statutory rights, including his wrongful incarceration and prosecution.

53. At all times relevant hereto the Defendants were acting under color of law of a statute, ordinance, regulation, custom or usage of the State of Michigan, or local ordinances and under color of their authority as public officials, police officers, deputy sheriffs and employees of Defendants COUNTY OF OAKLAND and CITY OF TROY.

54. The Defendants do not enjoy governmental or other qualified immunity as their actions were intentional, not taken in good faith and violated clearly existing law at the time.

55. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT III

FALSE ARREST AND FALSE IMPRISONMENT

56. The Plaintiff incorporates by reference Paragraphs 1 through 55.

57. The Defendants filed, or participated in filing, a false criminal complaint against the Plaintiff causing his unlawful arrest, detention and incarceration.

58. The Defendants' actions were performed with the intent to make and cause the Plaintiff's arrest and was so understood by the Plaintiff and was done against his will.

59. The Defendants intentionally and unlawfully caused the Plaintiff to be restrained, arrested, detained and incarcerated depriving him of his personal liberty and freedom of movement against his will.

60. The Defendants used force, either actual or implied, against the Plaintiff, to impose the unlawful restraint and incarceration of the Plaintiff.

61. The Defendants did not have probable cause to arrest the Plaintiff and they were aware of information, facts or circumstances which were sufficient to lead a reasonable and prudent person to believe that the crime of aggravated stalking had not been committed by the Plaintiff, but arrested, confined and prosecuted the Plaintiff notwithstanding.

62. The Defendants acted for the purpose of causing the Plaintiff to be restrained and incarcerated or acted in such a

manner that a restraint and incarceration of the Plaintiff was substantially certain to follow.

63. The Defendants continued the prosecution against the Plaintiff without just cause, refused to investigate the evidence produced by the Plaintiff and knew such actions and inactions would directly cause the Plaintiff to remain incarcerated.

64. The Plaintiff was incarcerated in jail for the charges which the Defendants filed against him, was innocent of the charges and the charges were filed without legal justification.

65. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT IV

MALICIOUS PROSECUTION

66. The Plaintiff incorporates by reference Paragraphs 1 through 65.

67. The Defendants instituted, caused, participated in or continued a false criminal prosecution against the Plaintiff.

68. The criminal prosecution instituted, participated in and continued by the Defendants terminated in the Plaintiff's favor on February 4, 2008, with the entry of a final order of dismissal in the Oakland County Circuit Court.

69. The criminal charges and prosecution instituted, participated in and continued by the Defendants against the Plaintiff lacked probable cause.

70. The criminal charges and prosecution instituted, participated in and continued by the Defendants against the Plaintiff were malicious.

71. The criminal charges and prosecution instituted, participated in and continued by the Defendants against the Plaintiff were done for a primary purpose other than bringing the Plaintiff to justice, and in fact were brought for reasons other than bringing an "offender" to justice.

72. The actions of the Defendants in bringing criminal charges, participating in and continuing the prosecution against the Plaintiff were done intentionally or were such that the results were substantially certain to follow.

73. The actions of the Defendants were a substantial factor in bringing about the incarceration, results and resulting injuries to the Plaintiff.

74. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT V

EMOTIONAL DISTRESS

75. The Plaintiff incorporates by reference Paragraphs 1 through 74.

76. The conduct by the Defendants was extreme, outrageous, exceeded socially accepted standards and shocks the conscience of a civilized community.

77. The Defendants acted for the purpose of bringing about emotional distress upon the Plaintiff or their conduct was such that emotional distress was substantially certain to follow.

78. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT VI

VIOLATION OF CRIMINAL STATUTE

79. The Plaintiff incorporates by reference Paragraphs 1 through 78.

80. There exists in the State of Michigan a valid statute, (MCL 752.11) which makes it a criminal offense for a peace officer to wilfully and knowingly fail to enforce or uphold the law and a United States Statute, being 18 U.S.C. Section 241 & 242, which makes it illegal to engage in a conspiracy to deprive a person of his civil rights.

81. These statutes were enacted for the protection of the public at large, a class of persons which includes the Plaintiff.

82. The purpose of the statutes is to prevent the very type of activities described throughout this Complaint and prevent harm to citizens by police officers such as Defendant, DAVID NORDSTROM, SUPERVISOR SPIKER, LT. KEITH A. FRYE, SGT. WHITESIDE and RANDALL PRASKI, who exceed their authority.

83. As the/an actual and proximate cause of the described actions and inactions of the Defendants, and violations of the referenced statutes, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT VII

42 U.S.C. SECTION 1983 & SECTION 1985

VS DEFENDANTS COUNTY OF OAKLAND AND CITY OF TROY

84. The Plaintiff hereby incorporates Paragraphs 1 through 83.

85. Prior to July 25, 2005, and the Plaintiff's arrest and incarceration, the Defendants, COUNTY OF OAKLAND and CITY OF TROY, developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Oakland County, Michigan, which caused the violation of the Plaintiff's Constitutional rights.

86. The Defendants, COUNTY OF OAKLAND and CITY OF TROY, intentionally and deliberately fail to investigate and aggressively arrest and over charge people in criminal prosecutions to insure their demand for a plea of guilty, violate the citizens constitutional rights of which a reasonable person would know, and thereafter continue the prosecutions and incarcerations until the person pleads guilty to preclude the individual from bringing civil litigation against the Defendants.

87. The Defendants, COUNTY OF OAKLAND and CITY OF TROY, have a custom, policy or practice of inadequately and improperly investigating citizen complaints, such as the one initiated by Defendant DAWN HIMES in this case.

88. The Defendants, COUNTY OF OAKLAND and CITY OF TROY, maintained a reckless or intentional failure to investigate the case initiated and prosecuted against the Plaintiff, despite the evidence he served upon them of his innocence, and thereby continued the wrongful prosecution and incarceration of the Plaintiff.

89. It was the policy, custom or practice of Defendants COUNTY OF OAKLAND and CITY OF TROY to inadequately supervise and train its Sheriff, Deputy Sheriffs and police officers in order to adequately discourage further constitutional violations on the part of its governmental employees and officials.

90. As a result of the above described policies and customs, police officials believed that their actions and misconduct would not be property monitored or supervised nor would there be any

disciplinary actions taken against them, so instead the misconduct was tolerated by Defendants COUNTY OF OAKLAND and CITY OF TROY, and continued by the police.

91. The policies, practices and customs of Defendants COUNTY OF OAKLAND and CITY OF TROY demonstrate a deliberate indifference on the part of the policymakers and officials of Oakland County and City of Troy to the constitutional rights of persons in the county, particularly those incarcerated, and an actual and proximate cause of the violations of the Plaintiff's constitutional rights described herein.

92. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT VIII

TORTIOUS INTERFERENCE WITH CONTRACT

93. The Plaintiff hereby incorporates Paragraphs 1 through 92.

94. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, intentionally interfered with the leasehold interests the Plaintiff had in certain flower businesses he owned.

95. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, intentionally and wrongfully interfered with the Plaintiff's contracts, provided false information to police and prosecutors with the intent to keep the Plaintiff incarcerated so they could wrongfully take his businesses.

96. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, improperly interfered with the Plaintiff's contracts since their actions effectively dispossessed the Plaintiff from the businesses and profits which he owned.

97. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, intentionally, improperly and with wrongful purpose, divested the Plaintiff from his businesses and leases for the very purposes of taking them.

98. The Plaintiff has been damaged as a result of the Defendants' conduct by way of reliance damages, loss of his businesses, lost profits, expenses and monies spent.

99. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, acted for the purposes of wrongfully interfering with the Plaintiff's contracts or their conduct was such that a wrongful interference with the Plaintiff's contracts or breach by Ernie Kreger, Plaintiff's lessor, was substantially certain to follow.

100. As an actual and proximate cause of the Defendants' wrongful conduct and interference the Plaintiff has been prevented from realizing expectations from the contracts and suffered the

loss of his flower businesses, substantial reliance damages, money damages, eviction and consequential damages.

COUNT IX

TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIP OR EXPECTANCY

101. The Plaintiff hereby incorporates Paragraphs 1 through 100.

102. The Plaintiff had a business relationship or expectancy with Ernie Kreger, his lessor and landlord through leases of real property from which the Plaintiff operated his business known as "Roses $9.99".

103. The Plaintiff's business relationship or expectancy had a reasonable likelihood of future economic benefit for the Plaintiff.

104. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, intentionally interfered with the business relationship or expectancy as previously set forth herein.

105. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, improperly interfered with the Plaintiff's business relationship or expectancy.

106. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, knew of the business relationship or expectancy of the Plaintiff in his contracts at the time they interfered with them.

107. The Defendants' conduct caused the Plaintiff's landlord to execute a lease in the name of these Defendants, to disrupt or terminate the business relationship or expectancy with the Plaintiff by, among other things, refusing to allow the Plaintiff access to the real estate, business, books, records or money.

108. The Plaintiff was damaged as a result of the Defendants' conduct, including reliance damages, loss of compensation, loss of his businesses and expected profits and consequential damages.

109. The Defendants acted for the purposes of improperly interfering with the Plaintiff's business relationship or expectancy or their conduct was such that an improper interference with the Plaintiff's business relationship or expectancy was substantially certain to follow.

110. As an actual and proximate cause of the Defendants' wrongful conduct and interference the Plaintiff has been prevented from realizing expectations from the contracts and has suffered substantial reliance damages, money damages, loss of his businesses, eviction and other consequential damages.

COUNT X

FRAUD

111. The Plaintiff hereby incorporates Paragraphs 1 through 110.

112. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, made a representation of material fact to the Plaintiff and the other named Defendants.

113. The representations made by these Defendants were false when they were made.

114. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, knew the representations they made to police and prosecutors was false when they made them, or the Defendants made them recklessly, that is, without knowing whether it was true.

115. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, made the representations with the intent that the Plaintiff, police and prosecutors would rely on them.

116. The Plaintiff and the police and prosecutors relied on the representations made by the Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON.

117. The Plaintiff was damaged as a result of his and their reliance upon the false representations made by the Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON,.

118. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, failed to disclose material facts about the innocence of the Plaintiff on the allegations they made against him.

119. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, had actual knowledge of the facts and their failure to disclose them to the Plaintiff, police and prosecutors caused them to have a false impression.

120. When the Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, failed to disclose the facts, they knew their failure would create a false impression.

121. When the Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, failed to disclose the facts to the Plaintiff, the police and prosecutors, they intended that the Plaintiff, police and prosecutors would rely on the resulting false impression, which they did.

122. As an actual and proximate cause of the fraud, deceit, false impressions and false evidence presented to the police and prosecutors, the Plaintiff suffered the loss of his businesses, malicious prosecution, false imprisonment, economic and consequential damages.

COUNT XI

UNJUST ENRICHMENT

123. The Plaintiffs hereby incorporate Paragraphs 1 through 122.

124. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, have derived substantial economic benefit from the unlawful taking of the Plaintiff's flower businesses they took from him illegally.

125. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, derived further substantial economic benefit by acquiring illegally the Plaintiff's flower businesses.

126. The Defendants will be unjustly enriched at the Plaintiff's expense unless an equitable lien is established against the properties, business and profits wrongfully taken by the Defendants in favor of the Plaintiff and money damages assessed.

COUNT XII

STALKING

127. The Plaintiff hereby incorporates Paragraphs 1 through 126.

128. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, engaged in stalking, harassing, intimidating, and other unlawful means, with the intent and purpose of having the Plaintiff wrongfully arrested, prosecuted and incarcerated so they could illegally take his businesses from him, contrary to MCL 600.2954.

WHEREFORE, the Plaintiff, HAL BRIAN STICKNEY, respectfully requests this Honorable Court to enter its Judgment against the Defendants, jointly and severally, for Seven Million Dollars and treble this amount as provided by statute and further award exemplary damages, interest at the highest legal rate and all related court costs.

Dated: February 3, 2010

Hal B. Stickney

HAL BRIAN STICKNEY,
Plaintiff In Pro Se

DEMAND FOR JURY TRIAL

FURTHER COMES the Plaintiff, HAL BRIAN STICKNEY, and respectfully demands a trial by jury of all issues in this action.

Dated: February 3, 2010

Hal B Stickney

HAL BRIAN STICKNEY,
Plaintiff In Pro Se

CITY COUNCIL ACTION REPORT

March 26, 2010

TO: Honorable Mayor and City Council

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

SUBJECT: Section 36 Park Name Update

Background:

- At the August 17, 2009 City Council meeting, City Council adopted the revised Policy for Naming Public Places Specific to Parks and Recreation and directed staff to initiate the process for naming the park in Section 36 (Resolution # 2009-08-248).
- At the December 7, 2009 meeting, the Council:
  1) Directed staff to display names and background information at the Community Center and/or other places for not less than 60 days.
  2) Directed staff to forward all comments regarding the names to the Parks and Recreation Advisory Board.
  3) Directed the Parks and Recreation Advisory Board to hold a public hearing prior to making a recommendation to the city Council.(Resolution 2009-12-367)
- Submitted names and background information were on display and available for public inspection at the Community Center December 8, 2009 through February 17, 2010.
- Comments were forwarded to the Parks and Recreation Advisory Board and a public hearing was held on February 18, 2010.
- At the March 18, 2010 meeting, the Parks and Recreation Advisory Board took action as attached.
- The adopted policy requires an additional 30 day period for public comments. No further comments have been received.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- There are no legal considerations.

Policy Considerations:

- The Policy for Naming Public Places specific to Parks and Recreation indicates the next step in the process is City Council approval of the name or postponement of the final decision.

Recommendation

- City management and the Parks and Recreation Advisory Board recommend City Council name the park land in Section 36 “Milverton Park.”

CITY COUNCIL REPORT

March 22, 2010

TO: Honorable Mayor and City Council

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

SUBJECT: Parks and Recreation Advisory Board Recommendation for Section 36 Park Name

The Parks and Recreation Advisory Board discussed submitted and other names for the parkland in Section 36 at the March 18, 2010 regular meeting. Among potential names, Milverton Park was discussed.
The reasons Milverton Park was considered include:

- The area has been referred to as Milverton Park for some time.
- Milverton Street is easily identified on a map making it easy to find for visitors.
- A resident who lived on Milverton (Jacques Nixon) initiated the process in retaining the property as parkland.

The following action was taken:

Resolution # PR 2010-03-03
Moved by: Kaltsounis
Seconded by: Zikakis

RESOLVED, That the Parks and Recreation Advisory Board recommends to City Council that the parkland in Section 36 be named Milverton Park.

Yes: 4 (Kaltsounis, Zikakis, Redpath, Kovacs)
No: 2 (Krent, Fejes)
MOTION CARRIED

Section 36 Park Naming Nominations

1. Old Orchard Park
2. Blue Star Mothers Park
3. Maple Orchard Park
4. Neighborhood Park
5. Mapleton Park
6. Brace Park
7. Homesteader’s park
8. Troy-Apple
9. Old Orchard VFW Veterans Park
10. VFW Old Orchard Veterans Park
11. VFW Old Orchard Park
12. Greenleaf Park
13. Apple Blossom Park
14. Serenity Park
15. Freedom Acres
16. Greenbridge Park
17. Maple Ave Park
18. Hildebrant Park

Written Public Comment about Section 36 Proposed Park Names

Proposed Name	# of Comments	Comments
		Name parks after fallen officers.
		I don't think the park should be named after any one family. Those of us who are new to Troy, respect its history but want to be recognized too.
Apple Orchard Park	1	Apple Orchard Park is a good name. It provides the descriptive quality that many of the proposed names provided. It appeals to young and old; simple enough for young children and it provides the historical quality that some proposers requested.
Avery	1	
Baby Park	1	
Banner	1	
Blue Mothers	1	Blue Mothers could be a name for any park, building, etc. We need a cute name more unique to Troy.
Blue Star Park	1	
Century	1	
Ding Dong Park	1	Like clocks.
Enterprise	1	
Fairgrove Park	1	
Four Seasons	1	
Freedom Acres	2	• We need less useless development of the land (i.e. churches), and creating a park to conserve what little beauty we have left in Troy is much needed. • Who wouldn't want to go to "Freedom Acres."
Grand	1	
Hiawatha Park	1	
Homesteaders Old Orchard Park	1	It honors "original" landowners that founded this city. It sounds "old-fashioned" and I live in Canterbury Square Apartments that reside on part of the Brace's original 160 acre farm. So, indirectly, I can thank them for providing the land I live on! Big Beaver Methodist Church is still up the road (John R). Name a memorial in that park for the Brace family or maybe a garden or trees! Good to know the land I live on was a farm.
Homesteaders Park	2	
Maple Ave. Park	1	I think Florence Martin's Maple Ave. Park makes the most sense (meaningful and simple).

Maple Orchard Park	2	I like the name Maple Orchard Park. It perfectly compliments its environment.
Maple Park	1	
Mapleton	16	
Mapleton View	1	It's the name of both streets and when you go inside the tall apartment towers surrounding the park, you can view the landscape. Name of apartment towers.
Milverton Park	3	• It identifies that part of our community and readily lets first responders know where to go. Milverton Park gives that area some great community identity and pride. Just like Beach Raod Park, Brinston Park, Sylvan Glen Lake Park, Redwood Park, etc. The other names on the list at P&R are dumb. • You can name the park Milverton Park – after all I do live behind the park and we fought for it. • You should call the park Milverton Park, after all it is behind Milverton Street.
Old Orchard Park	4	• Very fitting for a park and the lands natural history. • Old Orchard is perfect and fits the site's background. People will be able to remember it.
Old Orchard VFW Veterans Park	1	It honors the historical significance of the orchard and military.
Phoenix	1	
Rainbo	1	
Rebak		
Regal	2	
Royal	1	
Shaker Park	1	
Silver	1	
Spencer Park	1	In honor of Tim Spencer, a student-athlete who passed away in a tragic accident.
Star	1	
Target	1	
Troy Apple Park	2	It's simple, unpretentious and pretty.
Troy Park Troy Public Park	2	
Troy Play Park	1	
Unicorn Park	1	You should make a park called Unicorn Park.
Veterans	1	
VFW	1	I hope all three VFW votes are counted as one.

Adopted 8-2009 Resolution #2009-08-248

POLICY FOR NAMING PUBLIC PLACES SPECIFIC TO PARKS AND RECREATION

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

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

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

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

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

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

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

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

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

Adopted 8-2009 Resolution #2009-08-248

Procedure For Naming Parks

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

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

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

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

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

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

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

The City Council shall follow the procedure below:

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

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

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

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

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

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

Naming Park Amenities

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

Where an amenity is named after a living person, that person must remain a citizen in good standing for the name to remain.

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

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

CITY COUNCIL ACTION REPORT

April 1, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Application for Transfer Ownership of 2009 Class C & New SDM Liquor License.

Background:

- Mercmiles, Inc. requests to transfer ownership of 2009 Class C Licensed Business with Outdoor Service (1 Area), Official Permit (Food), located at 3946 Rochester, Troy, MI 48083, Oakland County from Rochester Road Ventures, LLC., requests New Dance-Entertainment Permit, and New SDM Permit {MLCC Request #519373}.
- On January 11, 2010, Applicant Maria Tokar, answered questions for the Liquor Advisory Committee.
- Ms. Tokar explained to the Committee that she purchased Mr. B's Food and Spirits – Troy. She states she will continue the current menu but will add some specialties to it. She would like to utilize the current stage for some occasional live band, disc jockey, and karaoke music. The parquet floor will also be utilized for dancing by having the tables re-arranged. She would like to add a New SDM to the Liquor License. She will abide by all the Michigan Liquor Control Commission Rules and City of Troy Ordinances regarding when/how that alcohol can be served / sold.
- Ms. Tokar previously owned and operated the 88th Avenue Lounge in Hamtramck for 9 years, the Checker's Lounge in Sterling Heights for 11 years and Club 54 in Clinton Township for 2 ½ years.
- The Committee unanimously approved this request.
- Also on January 11, 2010, Mayor Schilling, the Troy City Council, and Police Chief Mayer all received an anonymous complaint that Ms. Tokar has been conducting illegal acts while managing Mr. B's, and while awaiting for the official transfer of the business. These acts included illegally purchasing alcohol, watering-down the liquor, filling empty beer bottles to be re-sold, and serving her own "moonshine" to friends. The State of Michigan Liquor Control Commission was notified by Officer Feld of the complaint and the Commission stated that they had received an anonymous complaint of their own on or about 10/6/09 alleging the same allegations. The Liquor

Control Commission was conducting their own investigation and on 2/4/10, two investigators performed an on-site inspection of the business. No evidence was found of any wrongdoing and the complaint could not be substantiated. The investigators recommended that this complaint be closed.

- The Police Department received additional complaints from confidential informants accusing Ms. Tokar of transferring spirits from larger sized containers to the fifth sized bottles, pouring cheaper spirits into the higher brand spirit bottles, using less than adequate cleaning products to sterilize the bar glasses, and violating State of Michigan Department Health Codes by re-using discarded food including condiments, lettuce, and French fries.
- Ms. Tokar was contacted by Sergeant Harden and Officer Feld regarding the allegations and stated that to the best of her knowledge, the business is following all the Michigan Liquor Control Commission Rules and the State of Michigan Health Department Rules. She denies all the allegations stated by the confidential informants and believes them to be disgruntled employees that may soon lose their jobs if she is granted the liquor license. The Michigan Liquor Control Commission has conducted their own inspection and did not observe any violations. The Oakland County Health Department has conducted several investigations, both routine and follow-ups and their concerns have been addressed to their satisfaction.
- The Police Department Inspection included talking to 5 confidential informants, speaking with Ms. Tokar with her attorney present, speaking with the Michigan Liquor Control Commission, and speaking with the Oakland County Health Department. The Police Department has not found any evidence to substantiate the allegations made by the confidential informants. Unless the Police Department receives any more allegations and these can be substantiated, Ms. Tokar has passed this Inspection.
- Ms. Tokar has passed all the necessary City Inspections including the Building, Fire, Health Planning, and Police Departments, and the Treasurer's Office.
- The Troy Police Operations Division Patrol Section conducts six yearly liquor license inspections and the Special Operations conducts quarterly liquor license compliance inspections using student enforcement aides at the establishment. These divisions will be notified of the information received from the confidential informants, and will ensure that no such violations are occurring during their inspections.

Legal Considerations:

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

Policy Considerations:

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

JF/Mr. B's / Mercmiles.

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ___ day of August, 20 ___, 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 Mercmiles, 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 2009 Class C with Outdoor Service (1 Area) and New Dance-Entertainment Permit and New SDM Perit license to be located at 3946 Rochester Road,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: Dwana Charles
Lori M Robertson

By: Marie Tokar
Marie Tokar
Notary Public

Subscribed and sworn to before me this 31st day of August 200 9
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 10-13-2011

Kenneth J Wrobel Jr. - Notary Public

KENNETH J. WROBEL, JR.
Notary Public, State of Michigan
County of Oakland
My Commission Expires Oct. 13, 2011
Acting in the 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: _____

(g: Liquor Licenses/Forms/Agreement)

Michigan D rtment of Energy, Labor & Economic Growth
MICHIGAN L QUOR CONTROL COMMISSION (MLC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 519373

Business ID # 219159

MAILED 07/08/09 TM

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:

MERCMILES, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2009 CLASS C LICENSED BUSINESS WITH OUTDOOR SERVICE (1 AREA), LOCATED AT 3946 ROCHESTER, TROY, MI 48083, OAKLAND COUNTY, FROM ROCHESTER ROAD VENTURES, LLC; & REQUESTS NEW DANCE-ENTERTAINMENT PERMIT, & NEW SDM PERMIT 7/8/09 TM

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
MARIE TOKAR 37747 GREGORY DRIVE, STERLING HEIGHTS, MI 48312 B(248) 689-6070, H(586) 826-9555	
DATE FINGERPRINTED***NO FINGERPRINTS REQUIRED*	DATE FINGERPRINTED**:
DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:

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

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

MAILED 07/08/09

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 # 519373

Business ID # 219159

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

June 16, 2009

TO: TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 W BIG BEAVER ROAD
TROY, MI 48084-5285

Re: MERCMILES, INC.

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ DANCE PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

MAILED 07/08/09
I.D # 519373

☒ OUTDOOR SERVICE (1 AREA)		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐ PARTICIPATION PERMIT		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐ ADDITIONAL BAR PERMIT		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended

Signed:

_____
Signature and Title

_____
Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

RESOLUTION

MAILED 07/08/09 TM
ID # 519373

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to TRANSFER OWNERSHIP OF 2009 CLASS C LICENSED BUSINESS, LOCATED AT 3946 ROCHESTER, TROY, MI 48083, OAKLAND COUNTY, FROM ROCHESTER ROAD VENTURES, LLC; TO MERCMILES, INC. & REQUESTS NEW DANCE-ENTERTAINMENT PERMIT.

be considered for _____
(Approval or Disapproval)

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

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

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed)_____
(Township, City or Village Clerk)

SEAL

_____
(Mailing address of Township, City or Village)

LC-1305 (Rev. 08/2006) Authority: MCL 436.1501 Completion: Mandatory Penalty: No License	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

3. **Mermiles Inc.** requests transfer ownership of 2009 Class C Licensed Business with outdoor service (1 Area) located at 3946 Rochester Road, Troy, MI 48083 (*Mr. B's – Southeast Corner of Rochester and Wattles* – also requests new Dance – Entertainment Permit & new SDM Permit {MLCC Req. #519373}.

Present to answer questions from the Committee were Marie Tokar and John Zawadzki.

Ms. Tokar explained to the Committee that she is the new owner of Mr. B's. She previously owned 88th Avenue Lounge in Hamtramck for 9 years and Checkers Lounge in Sterling Heights for 11 years. Mr. Tokar plans to continue with the current menu, but will add some specialties. She would like to utilize the current stage for an occasional live band, disc jockey, karaoke, and dancing. The current parquet floor will be utilized for dancing when tables are re-arranged.

The Committee questioned the parking lot capacity. Ms. Tokar explained that the entire parking lot is available for their use, as well as the adjoining lot to the south.

The Committee questioned the size of the dance floor. Ms. Tokar and Mr. Zawadzki explained that the dance floor size will be dictated by the Michigan Liquor Control Commission and they will adhere specifically to their guidelines.

Resolution #LC2010-01-005
Moved by Godlewski
Seconded by Payne

RESOLVED, That the Liquor Advisory Committee recommends that the request of Mermiles, Inc. to transfer ownership of 2009 Class C Licensed Business with outdoor service (one area) located at 3946 Rochester Road, Troy, MI 48083 with new Dance-Entertainment Permit and new SDM Permit be **APPROVED**.

Yes:	6
No:	0
Absent:	Ehlert

City of Troy

CITY COUNCIL ACTION REPORT

DATE March 25, 2010

TO: John Szerlag, City Manager

FROM: William Nelson, Fire Chief

SUBJECT: Interlocal Agreement with Oakland County authorizing City of Troy employees and /or volunteer firefighters who are members of the regional Urban Search and Rescue Task Force to operate task force vehicles.

Background:

In 2007 the Urban Area Security Initiative (USAI) regional planning board, which allocates funding from the U. S. Department of Homeland Security for the six metropolitan counties and the City of Detroit, recognized the need to establish a regional, organized approach to providing an urban search and rescue capability within the region and the State of Michigan. Until this time, any public safety response to building collapses and other technical rescue incidents within the state was extremely fragmented, ill equipped, and uncoordinated. To accomplish this goal, a response capability was created and funded by the UASI region in cooperation with the state Emergency Management and Homeland Security Division of the Michigan State Police. A regional task force was established (MI-TF1) which was modeled after similar programs in other states. MI-TF1 consists of 144 trained emergency response personnel from the Detroit, Lansing, and Grand Rapids metropolitan areas. The task force is equipped with eleven vehicles and specialized equipment worth approximately $5 million, which was funded entirely by the federal government.

Due to the lack of a regional entity to hold title to and provide insurance for the task force vehicles and equipment, Oakland County volunteered to hold title to the vehicles and provide insurance.
Oakland County requires that task force personnel who may operate the vehicles have their sponsoring agency enter into the attached interlocal agreement. The Troy Fire Department has two personnel who are members of the task force and may be required to operate the vehicles.

Financial Considerations:

There are no financial considerations as the fire department personnel currently are trained and qualified to operate similar vehicles for the fire department.

Legal Considerations:

There are no legal considerations.

Policy Considerations:

The approval of the Interlocal Agreement is consistent with the following outcome statement

- Troy enhances the livability and safety of the community

Recommendation:

City management supports and recommends that the attached Search and Rescue Response Vehicle Interlocal Agreement be approved.

APPROVED AS TO FORM AND LEGALITY:

BY: _____

Lori Grigg Bluhm, City Attorney

SEARCH AND RESCUE EMERGENCY RESPONSE VEHICLE INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement"), is entered into between Oakland County, a Constitutional and Municipal Corporation, 1200 North Telegraph, Pontiac, Michigan 43421 ("County") and the City of Troy ("Participating Agency")

INTRODUCTION

WHEREAS, each Participating Agency has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical services, technical rescue, search and rescue response operations, hazardous incident response, and other emergency response services;

WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration or disaster ("Incidents");

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq., and the Emergency Management Act, MCL 30.401 et seq., permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately;

WHEREAS, each Participating Agency continues to face threats to public safety ("Incidents");

WHEREAS, the resources of the Participating Agency might be strained or overwhelmed if forced to confront such Incidents in isolation and the Parties acknowledge the possibility that additional resources and equipment, beyond those of the Participating Agency facing the Incident, may be required to meet and mitigate the dangers to public safety and as such, has designated employees or volunteers that participate with Michigan Task Force 1 (MI-TF1);

WHEREAS, the County has acquired specialized Search and Rescue Emergency Response Vehicles and associated equipment to aid in responding to such Incidents;

WHEREAS, pursuant to the Michigan Constitution, the Urban Cooperation Act and the Emergency Management Act, the Parties enter into this Agreement to set forth the rights and duties regarding the use and operation of the Search and Rescue Emergency Response Vehicles acquired and owned by the County;

NOW THEREFORE, in consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

§1. **DEFINITIONS**. The following words and expressions used throughout this Agreement, whether used in the singular or plural, within or without quotation marks, or possessive or non-possessive, shall be defined, read and interpreted as follows.

1.1. **Authorized Representative** means the chief executive or designee of a Participating Agency authorized in writing by that governmental unit to request, offer, or provide assistance under the terms of this Agreement.

1.2. **County** means Oakland County, a municipal and constitutional corporation, including, but not limited to, all of its departments, divisions, elected and appointed officials, employees, and agents.

1.3. **Search and Rescue Emergency Response Vehicles** ("Emergency Response Vehicles") means the Hackney 5-Bay Rescue, Two 24' Crew Cab Box Trucks, Two Ford E350 12 Passenger Vans, Logistics Trailer and Medical Trailer, Four Pickup Trucks and other added search and rescue response vehicles.

1.4. **Incident** means any situation in the area of handling emergencies including, but not limited to building collapse, confined space rescue, trench rescue, high-angle rescue, and hazardous materials incident.

1.5. **Participating Agency** means any city, village or township with a designated employee or volunteer that is a participant on Michigan Task Force 1 and is a Party to this Agreement. Participating Agency includes, but not limited to any and all of its departments, divisions, elected officials, employees, agents, subcontractors and volunteers.

1.6. **Michigan Task Force 1** (MI-TF1) is a specialized response Task Force that performs search and rescue operations. MI-TF1 is largely made up of firefighters from cities, villages and townships in the Southeast Michigan Urban Area Security Initiative. The Urban Area Security Initiative includes the Counties of Oakland, Macomb, Monroe, St. Clair, Washtenaw, Wayne and the City of Detroit. MI-TF1 is largely funded by grant monies from the Department of Homeland Security and is in the process of attempting to gain additional funding from other resources.

§2. **USE OF EMERGENCY RESPONSE VEHICLES**.

2.1. The County acts as the fiduciary for the Urban Area Security Initiative. As such, the County has acquired Emergency Response Vehicles and Specialized Equipment. The vehicles and equipment are designated for use by MI-TF1.

2.2. The Emergency Response Vehicles shall be owned and insured by the County. In the event that MI-TF1 receives funding for insurance from other sources, MI-TF1 shall reimburse the insurance costs to the County. MI-TF1 shall be responsible for all other costs associated with the Emergency Response Vehicles.

§3. **PARTICIPATING AGENCY RESPONSIBILITIES.** Subject to the terms and conditions contained in this Agreement and applicable changes in law, the Participating Agency shall provide the following:

3.1. Each Participating Agency shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates and governmental authorizations for its employees, agents and volunteers necessary to perform all its obligations under this Agreement, including but not limited to, obtaining applicable licenses required by the Michigan Secretary of State.

3.2. Each Participating Agency shall have all members of the MI-TF1 trained on the Emergency Response Vehicles and equipment. Additional members of each Participating Agency may be trained at the option of the Participating Agency.

3.3. Each Participating Agency shall be responsible for all costs of its own personnel used while operating the Emergency Response Vehicles and associated equipment.

3.4. Each Participating Agency shall notify the County, in writing, of its Authorized Representative and designee.

§4. **DURATION OF INTERLOCAL AGREEMENT**. This Agreement and any amendments hereto shall be effective when executed by the Parties with concurrent resolutions passed by the governing bodies of each party, and the Agreement is filed with the Office of the Great Seal as required by MCL 124.510. This Agreement shall remain in effect until cancelled or terminated by either party pursuant to section 6.

§5. **LIABILITY.** Each Party shall be responsible for its own acts and the acts of its employees, agents, and subcontractors, the costs associated with those acts, and the costs associated with the defense of those acts.

§6. **TERMINATION OF AGREEMENT.** A Party may terminate this Agreement for any reason upon 30 days notice before the effective date of termination. The effective date for termination shall be clearly stated in the notice.

§7. **SUSPENSION OF SERVICES.** Upon notice to the Participating Agency, the County may immediately suspend this Agreement or the Participating Agency's participation, if the Participating Agency has failed to comply, with federal, state, or local law, or any requirements contained in this Agreement.

§8. **NO THIRD PARTY BENEFICIARIES.** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity

§9. **COMPLIANCE WITH LAWS**. Each Party shall comply with all federal, state, and local statutes, ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement.

§10. **DISCRIMINATION**. The Parties shall not discriminate against their employees, agents, applicants for employment, or another persons or entities with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.

§11. **RESERVATION OF RIGHTS**. This Agreement does not and is not intended to impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the parties.

§12. **DELEGATION/SUBCONTRACT/ASSIGNMENT**. A Party shall not delegate, subcontract, and/or assign any obligations or rights under this agreement without the prior written consent of the other Party.

§13. **NO IMPLIED WAIVER**. Absent a written waiver, no act, failure, or delay by a party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either party shall subsequently affect its right to require strict performance of this agreement.

§14. **SEVERABILITY**. If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.

§15. **CAPTIONS.** The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning.

§16. **NOTICES**. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the persons listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express

delivery service or personal delivery; or (3) three days after mailing by first class or certified U.S. mail.

16.1. If notice is sent to the County, it shall be addressed and sent to: Oakland County Emergency Response and Domestic Preparedness Division, 1200 N. Telegraph, Building 47 West - Dept. 410, Pontiac, MI 48341-1044

16.2. If notice is sent to the Participating Agency, it shall be addressed to that Agency's Authorized Representative:

16.3. Either Party may change the address and/or individual to which notice is sent by notifying the other party in writing of the change.

§17. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE**. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan.

§18. **AGREEMENT MODIFICATIONS OR AMENDMENTS**. Any modifications, amendments, recessions, waivers, or releases to this Agreement must be in writing and agreed to by all Parties. Unless otherwise agreed, the modification, amendment, recession, waiver, or release shall be signed by the same persons who signed the Agreement or other persons as authorized by the Party's governing body.

§19. **ENTIRE AGREEMENT.** This Agreement represents the entire agreement and understanding between the Parties. This Agreement supersedes all other oral or written agreements between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not construed strictly for or against any Party.

The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

IN WITNESS WHEREOF, , hereby acknowledges that he has been authorized by a resolution of the a certified copy of which is attached, to execute this Agreement on behalf of the Municipality and hereby accepts and binds the Municipality to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____

WITNESSED: _____ DATE: _____

IN WITNESS WHEREOF, Bill Bullard, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, a certified copy of which is attached, to execute this Agreement on behalf of the Oakland County, and hereby accepts and binds the Oakland County to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
BILL BULLARD, Chairperson
Oakland County
Board of Commissioners

WITNESSED: _____ DATE: _____
RUTH JOHNSON
Clerk, Register of Deeds
County of Oakland

CITY COUNCIL REPORT

DATE: March 29, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
R. Brent Savidant, Acting Planning Director

SUBJECT: Announcement of Public Hearing – Zoning Ordinance Text Amendment (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Districts

The Planning Commission considered this item at the March 9, 2010 Regular meeting and recommended approval of the proposed amendment.

Agricultural uses are permitted by right in Troy in the R-1A through R-1E districts, on parcels that are greater than 5 acres in size and not located within a platted subdivision.

In the recent case of Papadelis v. City of Troy, the Michigan Court of Appeals held that the City's residential zoning regulations for accessory buildings did not apply to buildings used for agricultural purposes. Although this is an unpublished decision, the case did highlight some areas of our accessory building ordinance provisions that could be improved. The proposed amendment clarifies the types and sizes of agricultural accessory buildings that can be constructed on residential property. In addition, the proposed amendment also makes it clear that all accessory buildings, including agricultural accessory buildings, are subject to site plan approval. The proposed amendment also makes it clear that agricultural uses are permitted only when there are five contiguous acres of property on a single parcel. Without this amendment, any person who owned more than five acres of property in the City on separate parcels could use each individual parcel for agricultural purposes, even if the parcels were too small to support agricultural use.

The minutes reflect that there were two dissenting votes at the Planning Commission meeting. These individuals were concerned about total preclusion of farms in the City of Troy. However, this proposed amendment would allow for a large agricultural building that is proportional to the size of the property. Furthermore, applicants can seek relief from any Zoning Ordinance provision by requesting a variance from the Board of Zoning Appeals.

A public hearing for this item is scheduled for the April 19, 2010 City Council meeting.

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

Attachments:
1. ZOTA 242
2. March 9, 2010 Planning Commission minutes

Prepared by RBS

G:\ZOTAs\ZOTA 242 Agricultural Uses in Residential Districts\Announce CC Public Hearing 04 05 10.doc

CITY OF TROY

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

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows

Amend Section 04.20.05 and add section 04.20.06 to read as follows:

04.20.00 DEFINITIONS

04.20.05 AGRICULTURE: Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses. ~~but no~~ No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of the person residing on the premises.

04.20.06 AGRICULTURAL BUILDING : Any structure used for agriculture as defined by this ordinance, whether the principal use of the property is residential, agriculture or some other use.

Amend Section 10.20.02 to read as follows:

10.20.00 PRINCIPAL USES PERMITTED
In a One-Family Residential District (R-1A through R-1E) no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Chapter.

10.20.02 Agriculture on ~~those parcels~~ a single parcel of land separately owned and outside the boundaries of either a proprietary or supervisor's plat, which has ~~having an~~ area of at least ~~not less than~~ five (5) acres.~~;~~ ~~all subject to the~~

~~health and sanitation provisions of the Code of the City of Troy.~~ Compliance with the health and sanitation provisions of the Code of the City of Troy and the Generally Accepted Agricultural and Management Practices ("GAAMPS") as established by the Michigan Commission of Agriculture in accordance with the Michigan Right to Farm Act, MCL 286.471 *et seq.*, ~~as set forth in,~~ is required for all agricultural uses.

Add Section 10.20.03 to read as follows and renumber subsequent Section 10.20.03 through 10.20.09

10.20.03 Agricultural Buildings, subject to site plan approval and ~~to~~ the controls of Sections 40.55.00 – 40.56.04.

10.20.0~~3~~4 Publicly owned and operated libraries, parks, parkways and recreational facilities.

10.20.0~~4~~5 Cemeteries which lawfully occupied land at the time of adoption of Ordinance 23.

10.20.0~~5~~6 Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

10.20.0~~6~~7 Accessory buildings, subject to the controls of Section 40.55.00.

10.20.0~~7~~8 Commercial Kennels as established before January 1, 2000, and set forth in the records of the Building Department.

~~(Rev. 02-05-01)~~

10.20.0~~8~~9 The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with MCL 125.3506, as amended, subject to the requirements of Section 34.60.00.

Add Section 40.55.01 to read as follows:

40.55.00 Accessory Buildings, Accessory Supplemental Buildings and Accessory Structures:
In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.

B. They shall be on the same parcel of land as the principal building they serve.

C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code. Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited.

E. They shall not be located within a dedicated easement or right-of-way.

(Rev. 07-11-05)

40.55.01 Agricultural Buildings:

The provisions of Sections 40.55.00 (C), (D) and (E) shall be applicable to all agricultural buildings, regardless of whether such buildings are classified as principal or accessory buildings.

Add Section 40.56.02 to read as follows and renumber subsequent Section 40.56.03 through 40.56.04

40.56.01 Attached Accessory Buildings

A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.

B. The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the

dwelling or six hundred (600) square feet whichever is greater. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

(Rev. 05-08-06)

C. The size of any door to an attached accessory building shall not exceed ten (10) feet in height. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

(Rev. 05-08-06)

40.56.02 Attached Agricultural Buildings

Where an Agricultural Building is structurally attached to a residence or any other non-agricultural building in an R-1A through R-1E, R-2, or CR zoning district, the provisions of Sections 40.56.01(A) – (C) shall be applicable to such buildings.

40.56.0~~2~~3 Detached Accessory Buildings

A. Detached accessory buildings shall not be erected in any yard, except a rear yard.

B. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five percent (25%) of a required rear yard.

C. The combined ground floor area of all detached accessory buildings shall not exceed four hundred fifty (450) square feet plus two percent (2%) of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

D. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line.

E. A detached accessory building shall not exceed one (1) story or

fourteen (14) feet in height.

F. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

(07-11-05)

40.56.0~~3~~4 Accessory Supplemental Buildings

A. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.

B. An accessory supplemental building shall not be located in any front yard.

C. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.

D. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

(07-11-05)

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 _____, 2010.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 242 Agricultural Uses in Residential Districts\CC Public Hearing Draft 03 22 10.doc

PUBLIC HEARING

5. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Districts

Mr. Savidant briefly reviewed the intent of the proposed Zoning Ordinance Text Amendment relating to agricultural uses in residential districts.

Mr. Ullmann asked how the proposed restrictions would affect a person who owns an existing farm. He expressed concern that the proposed regulations would hinder and potentially eliminate farming business.

Mr. Forsyth addressed the following:

- Michigan Right to Farm Act.
- Michigan Generally Accepted Agricultural & Management Practices (GAAMPs).
- Papadelis (Telly's Nursery) vs City of Troy lawsuit.
- Intent of proposed ZOTA.
  - Provide regulations, not prohibit farms.
  - Farmers could seek relief through Board of Zoning Appeals (BZA) process.
- Telly's Nursery.
  - Continue as legal, non-conforming use.
  - Existing structures remain in place.
  - Business to continue as usual.
  - Future expansion(s) would require compliance with new regulations.

Mr. Strat said adoption of the proposed ZOTA is not reasonable, and making a farmer expend money and time to go before the BZA for relief does not make sense.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Ullmann voiced concern that the proposed language might result in potential lawsuits against the City in the future. He asked which governmental entities would be under the proposed restrictions.

Mr. Savidant said the proposed amendment would affect only new construction of agriculture structures in the City within the R-1A through R-1E zoning districts. He indicated the applicability of the proposed ZOTA is limited; noting the number of farm sites within the City is few. Mr. Savidant addressed accessory structures with respect to the proposed ZOTA, and noted there would be no negative effects on existing structures until such time that damage might occur beyond a certain percentage and reconstruction of the buildings is considered.

Mr. Ullmann said the proposed ZOTA is unduly restrictive, and broadly restricts buildings on acreage property.

Mr. Savidant addressed the legal requirements for publication of Public Hearing notices.

Resolution # PC-2010-03-017
Moved by: Sanzica
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 4, 10, and 40 of Chapter 39 of the Code of the City of Troy, pertaining to the regulation of agricultural uses in One Family Residential Zoning Districts, be amended as printed on the proposed Zoning Ordinance Text Amendment.

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

MOTION CARRIED

Mr. Ullmann said the proposed ZOTA is unduly restrictive. Mr. Ullmann said small buildings on large pieces of property would be unduly restrictive and the few residents in the agricultural business could lose structural buildings, potentially putting them out of business.

Mr. Strat agreed the proposed ZOTA is overly restrictive and unreasonable.

To: Mayor, City Council, City Administration

From: Robin Beltramini, Councilmember

Subject: Using fund balance to advance sustainability

Date: March 8, 2010

At the end of our study session last Monday night, some of you expressed tacit concurrence with my suggestion to use part of fund balance in ways that might lead to sustainability of community services, departments and facilities. Some of you also said that, while you appreciated the idea, you saw no way for it to impact the upcoming budget discussions. I beg to differ.

We have options for the 2010-11 budget. Pursuant to our resolution, we have requested that management reduce the undesignated-unreserved fund balance in the General Fund to 15%. Where that additional $1.78 million gets appropriated is part of the budget discussion. First, we could, as we have done in the past, simply allocate those monies to existing budget lines to put off further cuts. Alternatively, we could set aside part of those monies and allocate them toward activities that could result in sustainability of jobs, functions and venues within the community. It is my opinion that to adhere to past practice simply pushes any decision on cuts forward without any sustainability action. It is "musical chairs funding." I would much prefer that we use those funds to find ways to restructure, redesign, re-partner as we create an even leaner and more efficient local government structure for the 21st century. I envision a two-pronged, parallel path approach.

Internal Grants: As we know, the regulatory departments are being given the benefit of private sector RFPs to give them a hint as to how to restructure to become more efficient. General government, public safety, quality of life amenities are simply being scheduled for reductions—without that beneficial comparison, suggested structure and outside research.

It would seem prudent to offer any department not benefitting from private sector analysis to avail themselves of an opportunity to investigate a business plan for increased, sustainable revenue streams, changes in service delivery, combining and further cross-training of personnel, etc. My list is not exhaustive, but gives you a flavor of the proposal. This would not be a willy-nilly allocation. I foresee an application for funds based on a need for legal, functional or some other expertise or partnership development—an articulated vision for investigation and sustainability. There would be a review committee, time and reporting requirements.

There could be a discussion regarding the makeup of a review committee, but, I believe, such a committee is fully within the purview of city management in a Council-Manager form of government. As this is an allocation of tax dollars, council would have to allocate the aggregate of "grant funding" as part of the budget process. Following that, all allocations over $10,000 would have to come to us to approve going forward on a case by case basis.

Public Engagement: Again, I believe in the research that says that a diverse group of average achievers will have a higher success rate at solving problems than a homogeneous group of high

achievers. In our own community, when we have put disparate interests at the table and allowed our citizens to deliberate over the problem, we have been given a solution that, ultimately, is owned by the community and can be implemented with that understanding (think Civic Center Priority Task Force). In the cases of the projected closures and cutbacks, I don't believe that our community feels that they have been offered the opportunity to play a role in solving these problems.

In seven years of studying the body of knowledge on Democratic Governance, I have learned that there are many methods, issues that lend themselves to public engagement, opportunities and challenges, but most of all practice across the nation has taught me that public engagement is the best and most fruitful path when substantive changes must occur. I have both studied and practiced in the area. I have advocated for more such involvement in Troy and believe that now is the absolute best time to avail ourselves of this growing discipline. It is a proactive method of reaching solutions, not rehashing the negatives.

I know that it is easy to say that if we involve the community, we give them false hope. I don't believe that! We give them opportunity to use their skills, thoughts, expertise in an area, or areas, that could benefit our community. There are structures available to us that make the "false hope" argument not only irrelevant, but null. If, as a community, we have a practice and value of public engagement we build sustainability and reduce divisiveness.

First, there is *Rules/Principles for Public Engagement:*

> Careful planning and preparation—must have a clearly defined purpose that meets the needs of both government and the participants.
>
> Demographic diversity—must incorporate diverse people, opinions, ideas and information for solutions to have quality outcomes and legitimacy
>
> Collaboration and shared purpose—this is about common good in the community; what I have termed "the best for the most with what we have."
>
> Openness and learning—participants listen to each other, explore ideas without predetermined outcomes, generate new options and rigorously evaluate for effectiveness
>
> Transparency and trust—clear rules and expectations of the process, record-keeping of participants, outcomes and range of ideas expressed
>
> Impact and action—ensure that each public activity has a potential to make a difference; be clear regarding follow-up actions and responsibilities

We have an opportunity to make this a cultural shift in how we do business with our citizens. Since we foresee city revenues declining for at least the next five years, we can establish relevant practices and models for resident participation in the redesign of government. Even under management's Option 1, we see our government structures and functions changing constantly and remarkably over the next five years. We could be a much less divided community if our citizens were actively engaged in discussions regarding these changes. Different citizens bring different experiences to the table and can have that deliberative exploration of ideas themselves within a structured, facilitated public engagement process.

Second, we must have an articulated *Purpose for Public Engagement*. In our case, the functions/purposes primarily are conflict transformation and decision-making. Before the end of the five years, we will also need collaborative action. As with all other structures dealing with people, these are not as discreet as they appear. Let me share some basic definitions, uses, strategies and methodologies pertinent to deciding what to use and when.

Conflict Transformation: Primary purpose is to resolve conflicts, foster healing and growth and to improve relations among groups.

> Key features: creating safe space to hear from everyone, build trust, share stories and views
>
> Important when: relationships among participants are poor or not yet established. Issue can be resolved when people change attitude, behavior, expand perspective or take time to reflect. In our case, there was much finger-pointing and name-calling ("You are insane!" "You're an idiot" "Liar") in the millage proposal campaign that cannot just be forgotten. It must be addressed and changes for the future are essential so that we all may move forward with shared purpose.
>
> Strategy: create safe space for people with different views to talk and feel heard
>
> Key Design Questions: How do we frame the issue such that all sides are brought to and welcomed at the table? What are the people's divergent needs (healing, action, respect. . .) relating to this issue and how can those be met effectively? How do we move from healing to "what's next"?

Some of the methodologies which could be used for *Conflict Transformation* are:

> 21st Century Town Meetings—an all day event which allows people to sit in small groups at tables discussing, evaluating and determining best feedback alternatives for thorny issues.
>
> Citizen Choicework—minimum two-hour event, with much the same physical set-up as 21st Century Town Meetings. The discussion has a structured mechanism to work through values conflicts, practical tradeoffs while developing a sense of priorities and direction. It is often used as a clarifying event to know how to start the discussion "where the public starts."
>
> Consensus Conference—minimum two, two-day sessions where a large group of participants meet to discuss issues. First stage involves small group meetings with experts to discuss issues and work toward consensus. The second stage assembles experts, media and the public for exposition of the conferences main observations and conclusions. This is more often used for technical decision-making.

Decision-Making: Primary purpose is to influence policy decision and improve public knowledge.

> Key features: naming and framing, weighing all options, deliberation, revealing public values, brainstorming solutions
>
> Important when: issue is within government's sphere of influence

Strategy: involve broadly representative group of citizens in thorough conversations about complicated policy issues

Key Design Questions: How can we best recruit a representative group of participants (random selection, active recruitment, how many. . .)? Can public officials participate? Side-by-side with citizens? What materials need to be developed and provided? How do we ensure that the process influences policy?

The framing, preparation and recruitment can be slightly more refined for *Decision-Making* if the methods of 21st Century Town Meetings, Citizen Choicework, or Consensus Conference were to be proposed for this purpose. An additional methodology has proven effective for some communities:

Study Circles—four to six two-hour sessions; can accommodate hundreds of participants who work together in small groups and then come together for an Action Forum. This combines the public engagement values of dialogue, deliberation enabling public talk to build understanding and explore a range of solutions—can serve as catalyst for social and policy change.

Collaborative Action: Primary purpose is to empower people and groups to solve complicated problems and take responsibility for the solution, which can involve responsibility for the implementation of the solution, as well.

Key Features: using dialogue and deliberation to generate ideas for community action, developing and implementing action plans—collaboratively

Important when: issue requires intervention across multiple public and private entities, anytime community-based action is important

Strategy: Encourage integrated efforts across diverse stakeholders and partners

Key Design Questions: Who needs to be at the table? Are there power dynamics already in play? Who/what group is most resistant to change? Who is affected, but not at the table?

In addition to Study Circles, another popular methodology which can be used for *Collaborative Action* issues is:

Charrettes—needs a small team of experts/facilitators, one to three sessions minimally (but more may be required) involving representatives of a range of organized stakeholders. This is often used in planning and zoning processes, but can be used for other government functions. The team of experts provides constant feedback based on consensus of each session until a shared consensus product is achieved.

Finally, as a governing body, we must decide for or against instituting a *Process for Public Engagement*. If we believe that our citizens can assist in bridging our looming budget gaps, if we believe there is expertise and experience in the community waiting to be tapped, if we believe some of the changes/closures proposed are changes to long-held community values, if we believe our community is fractured over these issues, if we believe any of those if not all of those, we must show the effort and leadership necessary to find a better way. It may be that even the citizens who will put in the time necessary to participate may not be able to identify alternatives which will assist enough to save significant functions. However, I believe all of my "believe"

clauses and encourage all of us to have the courage to offer our community a chance to reinvent the City of Troy.

A further opportunity can be created with online conversations. There are reputable managers of these venues with requirements for participation—use your own name, must be part of the community, no personal information regarding any other participant, no profanity or unsubstantiated accusations, etc. Violations of this code of conduct results in removal from the forum and conversations. Several communities across the nation are using these mechanisms as follow-up to face-to-face community conversations. Some are using them alone. Some of our proposed cutbacks, particularly those without generalized emotional attachments, may warrant this leaner method of engagement. Information on how online forums can be organized is available at http://e-democracy.org/if/.

In addition to background information, some of you asked what such a process could look like. As an example—not the only way, but one way the process could look for public engagement on the library:

First, there can be no predetermined outcome, nor can there be suggestions that move beyond what is reasonable to attempt to accomplish within the timeframe allotted for meeting the budget parameters. Additionally, the process needs to work so well that each participant feels that they were valued and heard.

As an aide to participants, a non-biased, educational fact-sheet must be prepared and given to all participants or posted for access throughout the discussion. Such a sheet might contain some of the answers to these questions as a start: What are the requirements to remain part of the Suburban Cooperative and statewide loan system? What percentage of Troy cardholders uses those services? What percentage of our collection is loaned to non-Troy cardholders? What is the anticipated General Fund allocation to the TPL over the next five years? What portion of that is building expense that would have to be paid with or without services? What jobs, if any, in a public library must be paid jobs? What are the educational requirements for library jobs? What revenue support for TPL comes from sources other than the General Fund? How much? From where? . . .

A representative group of citizens must be recruited to participate. I would think that Friends of the Troy Public Library would be active participants, as would students, parents, grandparents, foreign-born citizens, users of any of the special collections or services and people who believe that the library is truly a frill. In addition to self-selection, council and community members would be encouraged to invite participants.

The actual, face-to-face session could follow a blended model of Study Circles and Community Choicework. In this case, participants would meet for two or three evenings, or a Saturday (9 am-3 pm +/-). There would be a brief overview of the process, goals and projected impact on city policy at the beginning of the session. Then, the group would be divided into small discussion groups of diverse composition. Some identification/ice breaker activity might be necessary. The small group discussions could go in any direction, but might best begin with an essential function of the library discussion. From there, the group can brainstorm, talk about, evaluate, cull and support a whole range of revenue enhancements, service options and other alternatives which could meet the expected budget parameters for the next five years. I would expect that the role of the Friends would be discussed and could be redefined. Each small group would have a report-out function. The small group suggestions could then be evaluated by all of the small groups with an eye to the most viable. The entire group would decide upon a range of suggestions to recommend to management and council—those suggestions deemed to be the best by virtue of their creativity,

maintenance of _____(whatever library service or value was deemed most necessary), cost, revenue production, whatever matrix the aggregate group decides is most effective.

This process would require at least one non-Troy government facilitator, more depending upon the number of participants anticipated through sign-ups. It would require a physical set-up where participants would be able to interact in groups of 6-8. Also, it could be helpful to have a knowledgeable expert in the room, such as a retired or non-Troy public librarian.

This scenario could be augmented with either a before or after component of a working group from staff, the Library Advisory Board and the Friends of the Troy Public Library. If before, this work group could develop the list of value trade-offs necessary in any restructuring of funding or library services which would then be the basis for the "essential elements" discussion by the public. If after, this group would take their working knowledge of legal and practical requirements to fine-tune the public engagement suggestions before sending them off to management for budget deliberations.

Further subsequent follow-up by all participants could be designed for online input. If used as a follow-up technique, online input would be limited to participants within the large, original group. Again, it is a reward for having invested one's own time and talent. Participants have already learned from each other, expanded their knowledge and understanding, have had the crucial conversations with each other. Editing of ideas is a privilege that must be earned. Additionally, the strictures of the online engagement are a reasonable way to maintain the validity of the structure used for public engagement.

In conclusion, even I realize that these mechanisms can be expanded, modified, even truncated to meet fiscal and time restraints. However, the free flow of ideas is what will build community, consensus and workable solutions to our challenges. Therefore, I would recommend against any quick and easy, "check a box" or limited access discussions as the chosen way to accomplish community dialogue and deliberation. We have a divided community whose members must be offered the opportunity to talk to each other to work together to solve these issues or to decide that the budget gap is unbridgeable. Ultimately, it must be recognized that Public Engagement, even coupled with Internal Grants may not be able to save all community functions, but it will offer the best opportunity for anyone interested in investing their own time and talent to make a positive impact.

I request that city council direct management to set aside some funding in the 2010-11 budget for sustainability activities—both Internal Grants and Public Engagement. The activities I have outlined above could be used in some form for any function or department wishing to use expertise or public input unavailable to them within our current system. While it is the proverbial "fresh eyes" as well as "two heads are better than one" those are adages that have proven to be true for centuries. We asked the people to tell us if they were willing to pay more for services. The answer was a firm "No." I am unconvinced it was a "No, do what you want." As leaders we will have to make tough decisions. I am prepared to do that. I am unprepared to do it without offering the citizens a chance for more nuanced input than the millage election provided.

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL January 19, 2010

A regular meeting of the Troy Historic District Commission was held Tuesday, January 19, 2010 at the Troy Museum. Barbara Chambers called the meeting to order at 7:06 p.m.

ROLL CALL	PRESENT	Barbara Chambers Anne Partlan Kent Voigt Doris Schuchter Loraine Campbell, Museum Manager
	ABSENT	Sabah Jihad Muriel Rounds

Resolution #HDC-2010-01-001
Moved by Partlan
Seconded by Voigt

RESOLVED, That the minutes of the September 15, 2009 meeting be approved.
Yes: 5— Chambers, Partlan, Voigt, and Schechter
No: 0

MOTION CARRIED

NEW BUSINESS

A. **Request of the Preliminary Report to delist 4800 Beach**
The committee reviewed the report and will forward their concerns to the Historic District Study Committee.

The regular Troy Historic District Commission meeting was adjourned at 8:00 p.m. The next regular meeting will be held Tues, February 16, 2010 at 7:00 p.m. at the Troy Museum.

Barbara Chambers
Chairperson

Loraine Campbell
Recording Secretary

TROY HISTORIC COMMISSION MINUTES – FINAL **January 26, 2010**

The regular meeting of the Troy Historic Commission was held Tuesday, January 26, 2010 at the Troy Museum & Historic Village. Rosemary Kornacki called the meeting to order at 7:45 P.M.

ROLL CALL PRESENT: Rosemary Kornacki
Roger Kaniarz
Kevin Lindsey
Terry Navratil
Loraine Campbell, Museum Manager

ABSENT Brian Wattles
Padma Kuppa
Vera Milz

Resolution #HC-2010-01-001
Moved by Lindsey
Seconded by Kaniarz

RESOLVED, That the minutes of the November 30, 2009 meeting be approved
Yes: 4 — Kornacki, Kaniarz, Navratil and Lindsey
No: 0

MOTION CARRIED

Old Business

A. Capital Projects
The City is supportive of stripping and staining the Print Shop through an Eagle Scout Project and Loraine has met with an Eagle Scout candidate who will take on the project.

B. Programs
Spring Troy Today copy has been submitted. Staff is working on the 2010 Civil War Days for eighth graders.

C. Attendance
The commission reviewed quarterly attendance reports.

D. Collections
The commission reviewed the monthly collections reports.

E. Interpretive Master Plan (IMP)

Julie Cutler of 106 Group has been provided all content changes and copy edits. The final IMP will be presented to the committee in February and the Historical Commission in March.

F. Volunteer Orientation and Training

Loraine continues to work with a small committee to restructure and formalize our volunteer program. The drafted materials will be presented to the Commission in early 2010.

G. Interpreter's Manual

The interpretive staff is completing edits on a comprehensive manual that includes detailed outlines and reference information for each of the education programs offered to school groups. It will be presented to the commission in the spring.

H. Fire Book

Sales of ***Fire Calls and Station Stories*** have been excellent. Over 150 copies of the 500 printed have been sold.

I. Intern

Brianne Riesterer is a senior English major at Oakland University. She will complete a 20 hr/week unpaid internship for undergraduate credit during Winter Term (January 4- April 15, 2010). Brianne will provide support for the following projects:

- Expanding primary resource material for the eighth graders attending Civil War Days
- Work with team editing and developing final format of the Interpreter's Manual
- Work with team editing and developing the new Volunteer's Manual

J. Budget FY 2010/11

Loraine will submit budget worksheets to Cathy Russ and John Lamerato by February 8. The budget will be revised following the special election on February 23, 2010.

K. City Organizational Structure

Loraine will attend 4 public forums scheduled by the City to provide accurate information to the public regarding the proposed millage.

New Business

A. Troy Historical Society

The amendment that extends the Barnard House Gift Agreement until December 31, 2010 was approved by City Council unanimously.

B. Reports and Communications

Staff
No report.

Commission Members
No report.

The Troy Historic Commission Meeting was adjourned at 9:30 p.m. The next regular meeting will be held Monday, March 23, 2010 at the Troy Museum & Historic Village at 7:30 pm.

Rosemary Kornacki
Chairperson

Loraine Campbell
Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, February 8, 2010 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

Roll Call

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg

ABSENT: Timothy P. Payne
Bohdan L. Ukrainec

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

Resolution to Excuse Committee Members Payne and Ukrainec

Resolution #LC2010-02-006
Moved by Hall
Seconded by Ogg

RESOLVED, That the absence of Committee members Payne and Ukrainec at the Liquor Advisory Committee meeting of February 8, 2010 be **EXCUSED**.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Resolution to Approve Minutes of January 11, 2010 Meeting

Resolution #LC2010-02-007
Moved by Hall
Seconded by Kaltsounis

RESOLVED, That the Minutes of the January 11, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Agenda Items

1. **Manzo-Helton, LLC** requests to transfer ownership of 2009 Class C Licensed Business located at 3614 Rochester Road, Troy, MI 48083, Oakland County, from GBD, Inc. and request new Official Permit (Food) & SDM License to be held in conjunction {MLCC #533046}.

Present to answer questions from the Committee were attorney Kelly Allen, Joyce Helton, and Matthew Manzo.

Ms. Allen advised the Committee that Ms. Helton and Mr. Manzo entered into a management agreement with the former owners of Franco's Restaurant in November 2009. The former owner will remain as the executive chef. Ms. Helton and Mr. Manzo have experience in the marketing and financial aspects of the restaurant business. A general manager and two wait staff have been hired and TIPS training has been scheduled. Interior renovations have been completed and the final inspections have been requested.

Officer Feld informed the Committee that Franco's Restaurant received sale to minor violations in 1995, 1998, 2004, and 2008.

Resolution #LC2010-02-008
Moved by Hall
Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee recommends that the request of Manzo-Helton, LLC, to transfer ownership of 2009 Class C Licensed Business located at 3614 Rochester Road, Troy, MI 48083, Oakland County, from GBD, Inc. and request new Official Permit (Food) & SDM License to be held in conjunction be **APPROVED**.

Yes: 5
No: 0
Absent: Payne, Ukrainec

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2. **Smoker's Express, LLC** requests a New SDM License, to be located at 2981 East Big Beaver Road, Troy, MI 48083, Oakland County. {MLCC Req. #524881}.

Present to answer questions from the Committee was Joseph Harris.

Mr. Harris advised the Committee that he purchased the business, which offers a walk-in humidor and lottery ticket sales, approximately two years ago. After the CVS Pharmacy vacated that shopping center, he has been approached by customers requesting that he sell beer and wine. Mr. Harris is a retired officer from the Detroit Police Department and understands the consequences of sales of tobacco and liquor to minors. He currently has two employees, plans to hire one more, and everyone will be trained. Additional "reach-in" coolers will be purchased for the business. Building and Fire Department approvals have been obtained.

Committee members asked Officer Feld if there is an inventory minimum for SDM licensed businesses. Officer Feld will research the matter.

Officer Feld informed the Committee that the MLCC will review Mr. Harris' probation status for misdemeanor domestic assault prior to giving their approval for the SDM license.

Resolution #LC2010-02-009
Moved by Hall
Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee recommends that the request of Smoker's Express, LLC for a New SDM License, to be located at 2981 East Big Beaver Road, Troy, MI 48083, Oakland County be **APPROVED**.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Informational Items

Officer Feld updated the Committee on the following informational item:

Numan Troy, Inc.
The ownership is uncertain if they plan to pursue the SDM License.

Fine Wine Distributors, Inc.
Officer Feld will determine if this establishment has closed its business.

Cameron Mitchell Restaurants, LLC
This item does not require Committee action or City Council approval.

Space Station of Troy, Inc.
They are currently working on their inventory.

RCSH Operations, LLC
This item does not require Committee action or City Council approval.

E Mart, LLC
This is the former location of CVS Pharmacy at Dequindre and Big Beaver Roads. Major renovations are planned.

San Marino Club, Inc.
This item may appear on the Agenda for the March meeting.

The meeting adjourned at 7:30 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, February 10, 2010, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:21 p.m.

Trustees Present: Mark Calice
Thomas J. Gordon, II
Mary Kerwin
John M. Lamerato
William R. Need (Ex-Officio)
Steve Pallotta
Thomas Rosewarne
A. John Szerlag

Also Present: Lori Grigg Bluhm, City Attorney

Minutes

Resolution # ER – 2010-2- 4
Moved by Pallotta
Seconded by Rosewarne

RESOLVED, That the Minutes of the January 13, 2010 meeting be approved as amended.

Yeas: All – 7

Other Business – Retirement Requests

Resolution # ER – 2010-2- 5
Moved by Lamerato
Seconded by Rosewarne

RESOLVED, That the Retirement Request of:

Name	Robert F. Davisson
Pension Program	DC
Retirement Date	3/11/10
Department	City Attorney
Service Time	15 years, 4 months

Yeas: All – 7

Other Business – Investment Policy Review

The board will continue the review of the Investment Policy at the March, 2010 meeting.

Investments

Resolution # ER – 2010-2- 6
Moved by Calice
Seconded by Kerwin

RESOLVED, That the board inform UBS that they may recommend the sale of calls on any position greater than $1 million in value.

Yeas: All – 7

Investments

Resolution # ER – 2010-2- 7
Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the board buy the following investments:

Buy: $1,000,000 Bank of America, 4.90% due 2/15/17

Yeas: All – 7

Investments

Resolution # ER – 2010-2- 8
Moved by Pallotta
Seconded by Szerlag

RESOLVED, That the board buy the following investments:

Buy: 5,000 shares Lennox International

Yeas: All – 7

Investments

Resolution # ER – 2010-2- 9
Moved by Szerlag
Seconded by Pallotta

RESOLVED, That the board buy the following investments:

Buy: 3,000 shares Diageo

Yeas: All – 7

Other Business – December 31, 2009 Investment Performance

John Grant, UBS, reviewed the year end performance results with the board as well as reviewed corporate bond holdings.

Other Business – Election of Vice Chair

Resolution # ER – 2010-2- 10
Moved by Lamerato
Seconded by Kerwin

RESOLVED, That Thomas J. Gordon II be elected as vice chair.

Yeas: All – 7

Other Business – Election of Chair

Resolution # ER – 2010-2- 11
Moved by Szerlag
Seconded by Kerwin

RESOLVED, That Mark Calice be elected as chair.

Yeas: All – 7

Other Business – Disability Retirement Request of Dave Kocenda

Resolution # ER – 2010-2- 12
Moved by Szerlag
Seconded by Gordon II

RESOLVED, That the Employees' Retirement System Board authorize the City Attorney to hire attorney Michael Van Overbeke to render an opinion as to whether David Kocenda is eligible to proceed with a disability retirement request.

BE IT FURTHER RESOLVED, That the matter shall be scheduled for the March 10, 2010 meeting of the Employees' Retirement System Board, at which time David Kocenda and/or his attorney will also have an opportunity to present eligibility information to the board.

Yeas: All – 7

Public Comment

No public Comment.

The next meeting is March 10, 2010 at 12 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:40 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2010\2.10.10 – Minutes_Final

LIBRARY ADVISORY BOARD – FINAL February 11, 2010

A Regular Meeting of the Troy Library Advisory Board was held on Thursday, February 11, 2010, in the Conference Room of the Troy Public Library. Chair Lynne Gregory called the meeting to order at 7:05 P.M.

ROLL CALL PRESENT: Lynne Gregory
Belinda Shelton Duggan
Nancy Wheeler
Audre Zembrzuski
Barbara Schaich, Head, Adult Services Department, Troy Public Library

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2010-02-04
Moved by Duggan
Seconded by Wheeler

RESOLVED, That Kul Gauri and Paul Lee be excused from the meeting.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2010-02-05
Moved by Wheeler
Seconded by Zembrzuski

RESOLVED, That the minutes of the Library Advisory Board meeting, held on Thursday, January 21, 2010, be approved as written.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2010-02-06
Moved by Duggan
Seconded by Wheeler

RESOLVED, That the minutes of the Special Library Advisory Board meeting, held on Thursday, February 4, 2010, be approved as written.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

Resolution #LB-2010-02-07
Moved by Duggan
Seconded by Wheeler

RESOLVED, That the agenda for the Thursday, February 11, 2010, meeting be approved as written.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

PUBLIC COMMENT—None

BOARD MEMBER COMMENTS—A. Zembrzuski suggested that Public Comment be moved on future agendas to follow Student Representative Comments. Members suggested discussing this topic at the March 11th meeting. Lynne Gregory shared a revenue enhancing suggestion from Leslie Witt. Members agreed to discuss all revenue enhancing ideas at the March 11th meeting.

STUDENT REPRESENTATIVE'S COMMENTS—None

OLD BUSINESS—None

NEW BUSINESS

A. **Revenue Report – Year to Date—**was discussed, received and filed.

REPORTS & COMMUNICATIONS

A. **Director's Report—**was received and filed.
B. **Friends of the Troy Public Library Report—**written update was reviewed, received and filed.
C. **Gifts—**

Lalitha Bhogineni, Troy	$ 20.00
Contemporary Books Group, Bloomfield Hills	25.00
Geneva Rose, Troy, Subscription to the Weekly Christian Science Monitor	66.75

D. **Informational Items**: http://sl.libcoop.net/troy/lib/eventcalendar.asp
E. **Visitors Comments—**were discussed

ADJOURNMENT

Resolution #LB-2010-02-08
Moved by Zembrzuski
Seconded by Duggan

RESOLVED, To adjourn the meeting.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

The Library Board meeting adjourned at 8:00 pm.

The next regular meeting of the Library Advisory Board is Thursday, March 11, 2010, at 7 pm.

_____
Lynne Gregory, Chairman

_____
Barbara Schaich, Recording Secretary

The Board of Zoning Appeals meeting was called to order by Chair Clark at 7:32 p.m. on February 16, 2010, in the Council Chamber of the Troy City Hall.

ROLL CALL

Present:
Michael Bartnik
Glenn Clark
Kenneth Courtney
Donald L. Edmunds
Edward Kempen
David Lambert

Absent:
Matthew Kovacs

Also Present:
Paul Evans, Inspector Supervisor
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

EXCUSE ABSENT MEMBERS

Resolution # BZA 2010-02-001
Motion by Bartnik
Support by Edmunds

MOVED to excuse Mr. Kovacs from the meeting.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

APPROVAL OF AGENDA

Mr. Evans requested to revise the agenda as follows:
1) Remove Agenda item #4 from Renewal Items, to accommodate public comment.
2) No action required on Agenda item #7; the item will be adjourned to a future meeting date.

Chair Clark designated Agenda item #4 Boys & Girls Club of Troy, 3670 John R, as Agenda item #6 A; and the variance request of Naveed Khan, 2735 E. Big Beaver, as Agenda item #6 B.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 19, 2010

Mr. Bartnik requested the draft minutes of January 19, 2010 to reflect the following revisions:

Page 8, third paragraph, fourth sentence to read (revisions noted in italics):
Mr. Bartnik also stated that it is the *constitutional* right of the property owner to use their property any way they can *within the law* and can sell or lease part of their property.

Resolution # BZA 2010-02-002
Motion by Bartnik
Support by Courtney

MOVED, To amend the minutes as indicated and approve the minutes of the January 19, 2010 meeting as amended.

Yes: Bartnik, Clark, Courtney, Kempen, Lambert
Abstain: Edmunds
Absent: Kovacs

MOTION CARRIED

Chair Clark introduced Donald Edmunds, newly appointed Planning Commission representative on the Board; and new City staff support from the Planning Department, Paul Evans, Inspector Supervisor, and Kathy Czarnecki, Recording Secretary.

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEMS #3 and #5

ITEM #3 – RENEWAL REQUESTED. GOOD DEVELOPMENT HOLDINGS, 4755 ROCHESTER, for relief of the 6' high masonry screen wall required along the north and west property lines where the property abuts residentially zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property

ITEM #5 – RENEWAL REQUESTED. VFW POST, 2375 E. MAPLE, for relief to maintain an existing legal non-conforming building and use, and relief of the 4'6" high masonry screen wall required adjacent to off-street parking.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property

Resolution # BZA 2010-02-003
Motion by Lambert
Support by Kempen

MOVED, To approve the renewal requests for item #3 and item #5 in accordance with the suggested Resolutions in the Agenda Explanation.

Grant Good Development Holdings, 4755 Rochester, a three (3) year renewal of a variance for relief of the 6' high masonry screening wall required along the north and west property lines where the property abuts residentially zoned property.

Grant VFW Post, 2375 E. Maple, a three (3) year renewal of relief to maintain an existing legal non-conforming building and use, and relief of the of the 4'6" high masonry screening wall required adjacent to off-street parking.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

ITEM #6 A – RENEWAL REQUESTED. BOYS & GIRLS CLUB OF TROY, 3670 JOHN R, for relief of the 4'6" high masonry screen wall required along the east and north property lines between the parking lot and the adjacent residentially zoned property.

Mr. Evans presented a summary of the renewal request. He indicated the variance renewal last appeared before the Board in February 2007 and was granted relief for a period of three (3) years. A condition of the relief was to allow the construction of a berm in lieu of the required masonry screen wall. Mr. Evans indicated that uses surrounding the subject renewal request have not changed.

Mr. Evans reported that the City Engineer responded to a site drainage complaint received from residents immediately adjacent to the north of this property at 3710 John R. The City Engineer reported the berm on the Boys & Girls Club property was constructed correctly, and there is no apparent violation or conflict with the City Code. The City Engineer said they would continue to work with representatives of the Boys & Girls Club and the property owners to the north to amicably resolve the matter.

Mr. Bartnik asked where the berm and/or alternate screening is suppose to be on the east side of the property, and if screening is required on the south side of the property.

Mr. Evans replied the Zoning Ordinance requires a screen wall to be located in areas adjacent to a parking lot. The renewal request is for relief of the required masonry screen wall on the north and east property lines, adjacent to the parking lot. He indicated there is no screening required on the south side. He said the BZA record reflects that a berm was to be constructed in lieu of a wall wherever there is a wall required.

Steve Kosuda, Board President of the Boys & Girls Club, 2970 John R, was present. Mr. Kosuda said the Boys & Girls Club and the school district agreed not to construct a berm or screen wall on the east side. He explained this allows visible site lines to the children, who come directly from the school to the club and use the area as a playground during the summer. Mr. Kosuda said the agreement between the two parties was part of the original variance request, and the site plan was designed accordingly.

Mr. Bartnik requested copies of the meeting minutes that address the original variance and conditions.

Mr. Evans referred to a February 28, 2006 letter from the City to the applicant in which the excerpt of the meeting minutes was addressed. The excerpt indicates relief of the required 4'6" high masonry screen wall along the east and north property lines between the parking lot and the adjacent residentially zoned property was granted for a period of one (1) year, and the one (1) year time limit applies to the berm in lieu of the wall. The resolution also addresses the aesthetics and maintenance of the berm.

Discussion followed on:

- Applicable minutes of Planning Commission and City Council meetings.
- Pertinent information on record for renewal requests (i.e., previous motions, meeting minutes, agreements between parties).
- Wall/alternate screening not required on the south side because there is no parking lot; fenced retention pond currently exists on the south side.
- Boys & Girls Club and City administration working with property owner to the north to resolve drainage concern.
- Professional survey of property conducted by residents to the north. Results indicate flat spot at the bottom of the berm and inappropriate pitching of water.
- Offer by Boys & Girls Club to trench along the berm edge and funnel water to the drainage sewer at the back of the property, when warmer weather sets in.

Chair Clark opened the floor for public comment.

Andrea Witkowski of 3710 John R, Troy, was present. Ms. Witkowski is the property owner to the north of the Boys & Girls Club. Ms. Witkowski addressed the drainage problem on her property. She stated that the flooding began with the construction of the berm on the Boys & Girls Club property. Ms. Witkowski discussed the matter with Steve Toth of the Boys & Girls Club, but she has not heard anything from the organization since the fall. Ms. Witkowski also expressed concern with headlights from the vehicles in the Boys & Girls Club parking lot shining into her house.

Ronald Harris of 3710 John R, Troy, was present to speak on behalf of the Witkowski family. Mr. Harris addressed the existing drainage problem and the potential that a screen wall would resolve the drainage problem. Mr. Harris distributed to the Board members photographs of the property, showing the property before and after the construction of the berm and existing flooding. Mr. Harris said the headlights shining into the Witkowski house and the noise from the children provide no privacy for the Witkowski family.

Chair Clark asked how the Witkowski family would like the matter handled.

Mr. Harris questioned if a screen wall would be a more appropriate resolution to the existing drainage problem.

Mr. Kosuda said the Boys & Girls Club wants to be a good neighbor and expressed willingness to resolve the matter. He addressed concern with the potential cost to repair the drainage problem. Mr. Kosuda said an alternative solution might be to get volunteers to appropriately trench the berm, once the weather breaks.

The following items were discussed:

- Height of the screen wall and appropriate landscaping to provide privacy.
- Creative alternatives to address existing flooding and privacy concerns.
- Original intent of the berm not being met.
- Action to table the matter; City administration to work with Boys & Girls Club on alternative options and clear understanding of Board's expectation.
- Communication between Boys & Girls Club and the Witkowski family to discuss alternative options.
- City Engineer report citing that the berm is satisfactorily constructed.
- Potential expense to Boys & Girls Club.
- The Boys & Girls Club position that they are not at fault.
- Normal drainage flow on the property.

Chair Clark closed the floor for public comment.

Resolution # BZA 2010-02-
Motion by Courtney
Support by Edmunds

MOVED, To table to the March 16, 2010 Board of Zoning Appeals meeting and that the Boys & Girls Club provides to the City by the Thursday prior to the meeting further information and its plan as relates to the drainage problem.

Discussion on the motion on the floor.

Mr. Bartnik addressed the positions of both parties and indicated the Board is trying to accomplish an agreement where both parties are satisfied and the matter handled in a procedural manner. In order to make a decision on the matter, Mr. Bartnik requested that the Board is provided with the appropriate minutes of meetings conducted by the Planning Commission, City Council and/or the Board of Zoning Appeals, as well as the letter from which Mr. Evans quoted the relevant motion; further, that the Board is provided with existing drawings and elevations before and after the construction of the berm.

Mr. Kempen suggested to table the matter for sixty (60) days in order to provide enough time for both parties to gather information.

Motion to amend the motion on the floor.

Resolution # BZA 2010-02-004
Motion by Kempen
Support by Bartnik

MOVED, To amend the motion on the floor to table the matter to the regularly scheduled April 2010 Board of Zoning Appeals meeting.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

Discussion.

Mr. Lambert addressed the original motion as presented. He said it sounds like the onus is placed on the Boys & Girls Club only, and wonders if that is appropriate in light of the City Engineer report stating the Boys & Girls Club is in complete compliance. Mr. Lambert suggested that both parties meet and come back to the Board with an agreed-upon resolution to the problem within sixty (60) days.

Motion to amend the original motion, as amended.

Resolution # BZA 2010-02-005
Motion by Lambert
Support by Edmunds

MOVED, To amend the motion that both parties to this particular dispute come back to this Board with a proposed solution, and all information be filed with the City administration by the Thursday before the April 2010 regularly scheduled Board of Zoning Appeals meeting.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

Vote on the original motion, as amended, and reads as follows:

Resolution # BZA 2010-02-006
Motion by Courtney
Support by Edmunds

MOVED, To table to the regularly scheduled April 2010 Board of Zoning Appeals meeting, and that both parties to this particular dispute come back to this Board with a proposed solution, and all information and its plan as relates to the drainage problem be filed with the City administration by the Thursday before the April 2010 Board of Zoning Appeals meeting.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

City administration will provide copies of the Engineering Department memorandum dated January 27, 2010 and internal electronic message dated January 29, 2010 to the Boys & Girls Club and the Witkowski family.

PUBLIC HEARINGS

ITEM #6 B – VARIANCE REQUESTED, NAVEED KHAN, 2735 E. BIG BEAVER, for relief of the ordinance to allow repairs to a nonconforming structure that has been destroyed to an extent of more than 60 percent of its replacement cost. Zoning Ordinance Section 40.50.04 (B) does not allow nonconforming structures destroyed to an extent of more than 60 percent of its replacement costs, exclusive of the foundation, to be reconstructed.

Mr. Evans presented a summary of the renewal request. Mr. Evans noted the petitioner's single family home suffered interior water damage resulting from freezing pipes. The home was built in 1951 and the front yard setback is 38.5 feet. Mr. Evans stated Section 10.60.03 of the Zoning Ordinance requires a 50 foot setback from a major thoroughfare; thus the home has a nonconforming setback. An estimated repair cost prepared by the contractor is approximately 71.5 percent of the structure's replacement costs, excluding the foundation, and does not entail any addition or enlargement of the structure. Mr. Evans confirmed that the future right of way has already been taken from the subject property.

Mr. Evans said the Planning Department received one electronic communication on the variance request. The communication from Jim Hytinen (unknown address) expressed opposition to the requested variance.

The petitioner, Naveed Khan, 2735 E. Big Beaver, was present. A contractor from Young and Sons Construction, 24657 Halsted Road, Farmington Hills, was also present. The contractor stated there is no structural damage to the house.

Mr. Khan, who owned the house for over three years, said he did a lot of work on the house such as new concrete in the front, new garage roof, interior painting and new windows. Mr. Khan said the exterior of the house is in good shape. Mr. Khan said the damage occurred while he was on vacation during the New Year holiday season.

Mr. Edmunds questioned if replacement of the house would be covered under the petitioner's insurance policy. He noted, if so, the house could be rebuilt at no cost to the petitioner and would conform to the required setbacks.

Mr. Khan said the insurance company is waiting to hear the decision of the Board.

The contractor said the petitioner's insurance does not cover replacement cost of the house. He said the policy covers the cost of repairs only, even if the Board denied the variance.

Mr. Bartnik questioned the type of damage and location of damage that occurred.

The contractor explained that a copper pipe in the attic froze and resulted in the upper, main and basement floors to flood the whole house.

Mr. Khan said he came home from his vacation and found his home flooded. He immediately called 911 and was cautioned by the responding police officer to turn off all the power because the situation was dangerous.

Mr. Edmunds asked what history there is in granting variances for nonconforming structures destroyed to an extent of more than 60 percent of its replacement cost.

Mr. Evans replied that he did not research that in anticipation of this meeting.

Mr. Courtney addressed the setbacks of abutting homes on Big Beaver. He said there are no future plans to expand Big Beaver, and it does not seem worthwhile to require the subject house to be set back 12'.

Mr. Khan noted neighboring houses, such as 2689 E. Big Beaver, are closer to Big Beaver than his home.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

There was discussion on the calculations used to arrive at the replacement cost.

Resolution # BZA 2010-02-007
Motion by Bartnik
Support by Edmunds

MOVED, To approve the variance. This particular piece of property is nonconforming in terms of front yard setback. Other homes in the vicinity along Big Beaver have similar or less front yard setback, the setback is not a major problem and it would be an unfair burden to the property owner if he would not be permitted to make the repairs that are contemplated. It would be an unfair restriction on his use of property. The variance allows for the continued legal lawful use of his property. The request of variance is specifically limited to this piece of property and is not contrary to the purpose of the Zoning Ordinance.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

ITEM #7 – VARIANCE REQUESTED, JAMES GREEN, 2325 KINGSBURY

Item adjourned to a later date.

ITEM #8 – VARIANCE REQUESTED, NORM JOHNSON, 1090 ROCHESTER, for relief relating to expanding the building by erecting a canopy over an existing restaurant outdoor seating area. Section 30.20.09 of the Zoning Ordinance requires the canopy to be set back 50 feet from the proposed Rochester Road right of way line. A portion of the canopy will extend 4.5 feet into the proposed right of way. Additionally the existing building is nonconforming due to its distance from the proposed Rochester Road right of way line. Section 40.50.04(A) of the Zoning Ordinance prohibits the expansion of a nonconforming structure in a way that increases its nonconformity.

Mr. Evans presented a summary of the renewal request. The existing building extends into the future Rochester Road right of way. He said the size of the proposed canopy is 14' x 27' and has no sides. He addressed drawings that showed views of the canopy from the south and from Rochester Road. The proposed canopy will be further from Rochester Road than the existing building. The outdoor dining area was granted approval by the BZA on June 17, 2008.

Mr. Edmunds questioned the size of the deck in relation to the size of the proposed canopy.

The petitioners, Norm and Carla Johnson of 1090 Rochester Road, were present. Mr. Johnson explained that the canopy would cover approximately one-third of the outdoor patio. The canopy would provide protection from the hot summer sun but not take away from the outdoor feel of the patio.

Mr. Edmunds said one of the conditions at the time approval was granted for the outdoor patio was to provide additional plantings in the dining area. He asked the petitioner for an explanation as to why there are no such plantings.

Mr. Johnson addressed the landscaping. He said the arborvitae planted last year did not survive the summer sun. Mr. Johnson said they sought advice from a local nursery, and they intend to plant appropriate landscaping this spring that will survive the direct sun.

Mr. Bartnik noted there are two nurseries in the City from which Mr. Johnson could get advice.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Clark announced the Planning Department received one outside communication from the applicant, Carla Johnson, relating to the variance request.

Resolution # BZA 2010-02-008
Motion by Lambert
Support by Courtney

MOVED, To approve the variance with the preliminary findings that the variance:

- Would not be contrary to public interest.
- Does not permit establishment of a prohibited use within the zoning district.
- Does not cause an adverse affect to properties in the immediate vicinity or zoning district.
- Relates only to the property described in the application for variance.

With a special findings that:

- Conforming is unnecessarily burdensome.
- Variance is not excessive.
- Practical difficulties are the unusual characteristics of the property, primarily its configuration with Rochester Road.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

OTHER BUSINESS

Mr. Evans addressed the variance request of James Green, 2325 Kingsbury (adjourned Agenda item #7). He announced the petitioner is requesting the Board's consideration to call a Special meeting; a suggested date of the Special meeting is March 11, 2010. Three members advised they could attend, a fourth indicated he would know tomorrow. Four members would be required to conduct business.

Mr. Evans announced City administration is moving forward with providing electronic versions of the BZA agenda and meeting packet. Mr. Evans asked for insight from the members.

Mr. Courtney said he would like to continue to receive hard copies because he does not have a computer. He indicated that hard copies are convenient when conducting site visits.

Chair Clark addressed costs associated with paper agenda and meeting packets. Chair Clark said hard copies are convenient when conducting site visits.

Mr. Bartnik requested copies of the actual applications be inclusive of the agenda packet. He asked if the Board members would have any input on the direction to go paperless.

Mr. Edmunds addressed the smooth transition in which Planning Commission went paperless.

Mr. Evans addressed the following as relates to going paperless:
- City-provided laptops at meetings.
- Reduction of costs related to agenda preparation and distribution.
- Digital submissions could be required from petitioner.
- Non-digital information could be easily converted to digital by staff.

Mr. Evans thanked the Board for their feedback.

The Board of Zoning Appeals meeting adjourned at 9:11 p.m.

Respectfully submitted,

_____
Glenn Clark, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Board of Zoning Appeals meeting was called to order by Chair Clark at 7:32 p.m. on February 16, 2010, in the Council Chamber of the Troy City Hall.

ROLL CALL

Present:
Michael Bartnik
Glenn Clark
Kenneth Courtney
Donald L. Edmunds
Edward Kempen
David Lambert

Absent:
Matthew Kovacs

Also Present:
Paul Evans, Inspector Supervisor
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

EXCUSE ABSENT MEMBERS

Resolution # BZA 2010-02-001
Motion by Bartnik
Support by Edmunds

MOVED to excuse Mr. Kovacs from the meeting.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

APPROVAL OF AGENDA

Mr. Evans requested to revise the agenda as follows:
1) Remove Agenda item #4 from Renewal Items, to accommodate public comment.
2) No action required on Agenda item #7; the item will be adjourned to a future meeting date.

Chair Clark designated Agenda item #4 Boys & Girls Club of Troy, 3670 John R, as Agenda item #6 A; and the variance request of Naveed Khan, 2735 E. Big Beaver, as Agenda item #6 B.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 19, 2010

Mr. Bartnik requested the draft minutes of January 19, 2010 to reflect the following revisions:

Page 8, third paragraph, fourth sentence to read (revisions noted in italics):
Mr. Bartnik also stated that it is the *constitutional* right of the property owner to use their property any way they can *within the law* and can sell or lease part of their property.

Resolution # BZA 2010-02-002
Motion by Bartnik
Support by Courtney

MOVED, To amend the minutes as indicated and approve the minutes of the January 19, 2010 meeting as amended.

Yes: Bartnik, Clark, Courtney, Kempen, Lambert
Abstain: Edmunds
Absent: Kovacs

MOTION CARRIED

Chair Clark introduced Donald Edmunds, newly appointed Planning Commission representative on the Board; and new City staff support from the Planning Department, Paul Evans, Inspector Supervisor, and Kathy Czarnecki, Recording Secretary.

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEMS #3 and #5

ITEM #3 – RENEWAL REQUESTED. GOOD DEVELOPMENT HOLDINGS, 4755 ROCHESTER, for relief of the 6' high masonry screen wall required along the north and west property lines where the property abuts residentially zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property

ITEM #5 – RENEWAL REQUESTED. VFW POST, 2375 E. MAPLE, for relief to maintain an existing legal non-conforming building and use, and relief of the 4'6" high masonry screen wall required adjacent to off-street parking.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property

Resolution # BZA 2010-02-003
Motion by Lambert
Support by Kempen

MOVED, To approve the renewal requests for item #3 and item #5 in accordance with the suggested Resolutions in the Agenda Explanation.

Grant Good Development Holdings, 4755 Rochester, a three (3) year renewal of a variance for relief of the 6' high masonry screening wall required along the north and west property lines where the property abuts residentially zoned property.

Grant VFW Post, 2375 E. Maple, a three (3) year renewal of relief to maintain an existing legal non-conforming building and use, and relief of the of the 4'6" high masonry screening wall required adjacent to off-street parking.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

ITEM #6 A – RENEWAL REQUESTED. BOYS & GIRLS CLUB OF TROY, 3670 JOHN R, for relief of the 4'6" high masonry screen wall required along the east and north property lines between the parking lot and the adjacent residentially zoned property.

Mr. Evans presented a summary of the renewal request. He indicated the variance renewal last appeared before the Board in February 2007 and was granted relief for a period of three (3) years. A condition of the relief was to allow the construction of a berm in lieu of the required masonry screen wall. Mr. Evans indicated that uses surrounding the subject renewal request have not changed.

Mr. Evans reported that the City Engineer responded to a site drainage complaint received from residents immediately adjacent to the north of this property at 3710 John R. The City Engineer reported the berm on the Boys & Girls Club property was constructed correctly, and there is no apparent violation or conflict with the City Code. The City Engineer said they would continue to work with representatives of the Boys & Girls Club and the property owners to the north to amicably resolve the matter.

Mr. Bartnik asked where the berm and/or alternate screening is suppose to be on the east side of the property, and if screening is required on the south side of the property.

Mr. Evans replied the Zoning Ordinance requires a screen wall to be located in areas adjacent to a parking lot. The renewal request is for relief of the required masonry screen wall on the north and east property lines, adjacent to the parking lot. He indicated there is no screening required on the south side. He said the BZA record reflects that a berm was to be constructed in lieu of a wall wherever there is a wall required.

Steve Kosuda, Board President of the Boys & Girls Club, 2970 John R, was present. Mr. Kosuda said the Boys & Girls Club and the school district agreed not to construct a berm or screen wall on the east side. He explained this allows visible site lines to the children, who come directly from the school to the club and use the area as a playground during the summer. Mr. Kosuda said the agreement between the two parties was part of the original variance request, and the site plan was designed accordingly.

Mr. Bartnik requested copies of the meeting minutes that address the original variance and conditions.

Mr. Evans referred to a February 28, 2006 letter from the City to the applicant in which the excerpt of the meeting minutes was addressed. The excerpt indicates relief of the required 4'6" high masonry screen wall along the east and north property lines between the parking lot and the adjacent residentially zoned property was granted for a period of one (1) year, and the one (1) year time limit applies to the berm in lieu of the wall. The resolution also addresses the aesthetics and maintenance of the berm.

Discussion followed on:

- Applicable minutes of Planning Commission and City Council meetings.
- Pertinent information on record for renewal requests (i.e., previous motions, meeting minutes, agreements between parties).
- Wall/alternate screening not required on the south side because there is no parking lot; fenced retention pond currently exists on the south side.
- Boys & Girls Club and City administration working with property owner to the north to resolve drainage concern.
- Professional survey of property conducted by residents to the north. Results indicate flat spot at the bottom of the berm and inappropriate pitching of water.
- Offer by Boys & Girls Club to trench along the berm edge and funnel water to the drainage sewer at the back of the property, when warmer weather sets in.

Chair Clark opened the floor for public comment.

Andrea Witkowski of 3710 John R, Troy, was present. Ms. Witkowski is the property owner to the north of the Boys & Girls Club. Ms. Witkowski addressed the drainage problem on her property. She stated that the flooding began with the construction of the berm on the Boys & Girls Club property. Ms. Witkowski discussed the matter with Steve Toth of the Boys & Girls Club, but she has not heard anything from the organization since the fall. Ms. Witkowski also expressed concern with headlights from the vehicles in the Boys & Girls Club parking lot shining into her house.

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Chair Clark asked how the Witkowski family would like the matter handled.

Mr. Harris questioned if a screen wall would be a more appropriate resolution to the existing drainage problem.

Mr. Kosuda said the Boys & Girls Club wants to be a good neighbor and expressed willingness to resolve the matter. He addressed concern with the potential cost to repair the drainage problem. Mr. Kosuda said an alternative solution might be to get volunteers to appropriately trench the berm, once the weather breaks.

The following items were discussed:

- Height of the screen wall and appropriate landscaping to provide privacy.
- Creative alternatives to address existing flooding and privacy concerns.
- Original intent of the berm not being met.
- Action to table the matter; City administration to work with Boys & Girls Club on alternative options and clear understanding of Board's expectation.
- Communication between Boys & Girls Club and the Witkowski family to discuss alternative options.
- City Engineer report citing that the berm is satisfactorily constructed.
- Potential expense to Boys & Girls Club.
- The Boys & Girls Club position that they are not at fault.
- Normal drainage flow on the property.

Chair Clark closed the floor for public comment.

Resolution # BZA 2010-02-
Motion by Courtney
Support by Edmunds

MOVED, To table to the March 16, 2010 Board of Zoning Appeals meeting and that the Boys & Girls Club provides to the City by the Thursday prior to the meeting further information and its plan as relates to the drainage problem.

Discussion on the motion on the floor.

Mr. Bartnik addressed the positions of both parties and indicated the Board is trying to accomplish an agreement where both parties are satisfied and the matter handled in a procedural manner. In order to make a decision on the matter, Mr. Bartnik requested that the Board is provided with the appropriate minutes of meetings conducted by the Planning Commission, City Council and/or the Board of Zoning Appeals, as well as the letter from which Mr. Evans quoted the relevant motion; further, that the Board is provided with existing drawings and elevations before and after the construction of the berm.

Mr. Kempen suggested to table the matter for sixty (60) days in order to provide enough time for both parties to gather information.

Motion to amend the motion on the floor.

Resolution # BZA 2010-02-004
Motion by Kempen
Support by Bartnik

MOVED, To amend the motion on the floor to table the matter to the regularly scheduled April 2010 Board of Zoning Appeals meeting.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

Discussion.

Mr. Lambert addressed the original motion as presented. He said it sounds like the onus is placed on the Boys & Girls Club only, and wonders if that is appropriate in light of the City Engineer report stating the Boys & Girls Club is in complete compliance. Mr. Lambert suggested that both parties meet and come back to the Board with an agreed-upon resolution to the problem within sixty (60) days.

Motion to amend the original motion, as amended.

Resolution # BZA 2010-02-005
Motion by Lambert
Support by Edmunds

MOVED, To amend the motion that both parties to this particular dispute come back to this Board with a proposed solution, and all information be filed with the City administration by the Thursday before the April 2010 regularly scheduled Board of Zoning Appeals meeting.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

Vote on the original motion, as amended, and reads as follows:

Resolution # BZA 2010-02-006
Motion by Courtney
Support by Edmunds

MOVED, To table to the regularly scheduled April 2010 Board of Zoning Appeals meeting, and that both parties to this particular dispute come back to this Board with a proposed solution, and all information and its plan as relates to the drainage problem be filed with the City administration by the Thursday before the April 2010 Board of Zoning Appeals meeting.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

City administration will provide copies of the Engineering Department memorandum dated January 27, 2010 and internal electronic message dated January 29, 2010 to the Boys & Girls Club and the Witkowski family.

PUBLIC HEARINGS

ITEM #6 B – VARIANCE REQUESTED, NAVEED KHAN, 2735 E. BIG BEAVER, for relief of the ordinance to allow repairs to a nonconforming structure that has been destroyed to an extent of more than 60 percent of its replacement cost. Zoning Ordinance Section 40.50.04 (B) does not allow nonconforming structures destroyed to an extent of more than 60 percent of its replacement costs, exclusive of the foundation, to be reconstructed.

Mr. Evans presented a summary of the renewal request. Mr. Evans noted the petitioner's single family home suffered interior water damage resulting from freezing pipes. The home was built in 1951 and the front yard setback is 38.5 feet. Mr. Evans stated Section 10.60.03 of the Zoning Ordinance requires a 50 foot setback from a major thoroughfare; thus the home has a nonconforming setback. An estimated repair cost prepared by the contractor is approximately 71.5 percent of the structure's replacement costs, excluding the foundation, and does not entail any addition or enlargement of the structure. Mr. Evans confirmed that the future right of way has already been taken from the subject property.

Mr. Evans said the Planning Department received one electronic communication on the variance request. The communication from Jim Hytinen (unknown address) expressed opposition to the requested variance.

The petitioner, Naveed Khan, 2735 E. Big Beaver, was present. A contractor from Young and Sons Construction, 24657 Halsted Road, Farmington Hills, was also present. The contractor stated there is no structural damage to the house.

Mr. Khan, who owned the house for over three years, said he did a lot of work on the house such as new concrete in the front, new garage roof, interior painting and new windows. Mr. Khan said the exterior of the house is in good shape. Mr. Khan said the damage occurred while he was on vacation during the New Year holiday season.

Mr. Edmunds questioned if replacement of the house would be covered under the petitioner's insurance policy. He noted, if so, the house could be rebuilt at no cost to the petitioner and would conform to the required setbacks.

Mr. Khan said the insurance company is waiting to hear the decision of the Board.

The contractor said the petitioner's insurance does not cover replacement cost of the house. He said the policy covers the cost of repairs only, even if the Board denied the variance.

Mr. Bartnik questioned the type of damage and location of damage that occurred.

The contractor explained that a copper pipe in the attic froze and resulted in the upper, main and basement floors to flood the whole house.

Mr. Khan said he came home from his vacation and found his home flooded. He immediately called 911 and was cautioned by the responding police officer to turn off all the power because the situation was dangerous.

Mr. Edmunds asked what history there is in granting variances for nonconforming structures destroyed to an extent of more than 60 percent of its replacement cost.

Mr. Evans replied that he did not research that in anticipation of this meeting.

Mr. Courtney addressed the setbacks of abutting homes on Big Beaver. He said there are no future plans to expand Big Beaver, and it does not seem worthwhile to require the subject house to be set back 12'.

Mr. Khan noted neighboring houses, such as 2689 E. Big Beaver, are closer to Big Beaver than his home.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

There was discussion on the calculations used to arrive at the replacement cost.

Resolution # BZA 2010-02-007
Motion by Bartnik
Support by Edmunds

MOVED, To approve the variance. This particular piece of property is nonconforming in terms of front yard setback. Other homes in the vicinity along Big Beaver have similar or less front yard setback, the setback is not a major problem and it would be an unfair burden to the property owner if he would not be permitted to make the repairs that are contemplated. It would be an unfair restriction on his use of property. The variance allows for the continued legal lawful use of his property. The request of variance is specifically limited to this piece of property and is not contrary to the purpose of the Zoning Ordinance.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

ITEM #7 – VARIANCE REQUESTED, JAMES GREEN, 2325 KINGSBURY

Item adjourned to a later date.

ITEM #8 – VARIANCE REQUESTED, NORM JOHNSON, 1090 ROCHESTER, for relief relating to expanding the building by erecting a canopy over an existing restaurant outdoor seating area. Section 30.20.09 of the Zoning Ordinance requires the canopy to be set back 50 feet from the proposed Rochester Road right of way line. A portion of the canopy will extend 4.5 feet into the proposed right of way. Additionally the existing building is nonconforming due to its distance from the proposed Rochester Road right of way line. Section 40.50.04(A) of the Zoning Ordinance prohibits the expansion of a nonconforming structure in a way that increases its nonconformity.

Mr. Evans presented a summary of the renewal request. The existing building extends into the future Rochester Road right of way. He said the size of the proposed canopy is 14' x 27' and has no sides. He addressed drawings that showed views of the canopy from the south and from Rochester Road. The proposed canopy will be further from Rochester Road than the existing building. The outdoor dining area was granted approval by the BZA on June 17, 2008.

Mr. Edmunds questioned the size of the deck in relation to the size of the proposed canopy.

The petitioners, Norm and Carla Johnson of 1090 Rochester Road, were present. Mr. Johnson explained that the canopy would cover approximately one-third of the outdoor patio. The canopy would provide protection from the hot summer sun but not take away from the outdoor feel of the patio.

Mr. Edmunds said one of the conditions at the time approval was granted for the outdoor patio was to provide additional plantings in the dining area. He asked the petitioner for an explanation as to why there are no such plantings.

Mr. Johnson addressed the landscaping. He said the arborvitae planted last year did not survive the summer sun. Mr. Johnson said they sought advice from a local nursery, and they intend to plant appropriate landscaping this spring that will survive the direct sun.

Mr. Bartnik noted there are two nurseries in the City from which Mr. Johnson could get advice.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Clark announced the Planning Department received one outside communication from the applicant, Carla Johnson, relating to the variance request.

Resolution # BZA 2010-02-008
Motion by Lambert
Support by Courtney

MOVED, To approve the variance with the preliminary findings that the variance:

- Would not be contrary to public interest.
- Does not permit establishment of a prohibited use within the zoning district.
- Does not cause an adverse affect to properties in the immediate vicinity or zoning district.
- Relates only to the property described in the application for variance.

With a special findings that:

- Conforming is unnecessarily burdensome.
- Variance is not excessive.
- Practical difficulties are the unusual characteristics of the property, primarily its configuration with Rochester Road.

Yes: All present (6)
Absent: Kovacs

MOTION CARRIED

OTHER BUSINESS

Mr. Evans addressed the variance request of James Green, 2325 Kingsbury (adjourned Agenda item #7). He announced the petitioner is requesting the Board's consideration to call a Special meeting; a suggested date of the Special meeting is March 11, 2010. Three members advised they could attend, a fourth indicated he would know tomorrow. Four members would be required to conduct business.

Mr. Evans announced City administration is moving forward with providing electronic versions of the BZA agenda and meeting packet. Mr. Evans asked for insight from the members.

Mr. Courtney said he would like to continue to receive hard copies because he does not have a computer. He indicated that hard copies are convenient when conducting site visits.

Chair Clark addressed costs associated with paper agenda and meeting packets. Chair Clark said hard copies are convenient when conducting site visits.

Mr. Bartnik requested copies of the actual applications be inclusive of the agenda packet. He asked if the Board members would have any input on the direction to go paperless.

Mr. Edmunds addressed the smooth transition in which Planning Commission went paperless.

Mr. Evans addressed the following as relates to going paperless:

- City-provided laptops at meetings.
- Reduction of costs related to agenda preparation and distribution.
- Digital submissions could be required from petitioner.
- Non-digital information could be easily converted to digital by staff.

Mr. Evans thanked the Board for their feedback.

The Board of Zoning Appeals meeting adjourned at 9:11 p.m.

Respectfully submitted,

Glenn Clark, Chair

Kathy L. Czarnecki, Recording Secretary

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TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL February 16, 2010

A Regular Meeting of the Troy Historic District Commission was not held Tuesday, February 16, 2010 at the Troy Museum because of poor road conditions.

The next regular meeting will be held Tuesday, March 16, 2010 at 7:00 p.m. at the Troy Museum.

Barbara Chambers
Chairman

Loraine Campbell
Recording Secretary

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, February 18, 2010 at the Troy Community Center, room 304. Chairman, Tom Krent called the meeting to order at 7:00 p.m.

Present:	Gary Hauff, member	Tod Gazetti, member
	JoAnn Thompson, member	Rusty Kaltsounis, member
	Jeff Stewart, member	Tom Krent, member
	Stuart Alderman, staff	Jeff Biegler, staff
	Carol K. Anderson, staff	

Absent: Kathleen Fejes, Meaghan Kovacs, Stuart Redpath, Janice Zikakis, Divya Subramanian

Visitors: Ron Chick, Susan Chick

Resolution # PR - 2010 - 02 - 001
Moved by Kaltsounis
Seconded by Thompson

RESOLVED, that the minutes from September 17, 2009 are approved as submitted.

Yes: All
No: None
MOTION CARRIED

New Business

A. Public Hearing – The Public Hearing was opened by Chairman Tom Krent. Anderson indicated two additional names were submitted today. One is Temprence and the other is Columbus or Columbia.
Mr. Chick asked "does there have to be a reason before a name can be considered? I thought there were rules as far as a naming process."
Anderson responded "the process is being followed.
1) Names were submitted.
2) The 60 day comment period has ended.
3) A public hearing is being held.
4) The Park Board will consider names and make a recommendation to City Council. Names will be evaluated and a recommendation made based on the policy criteria."

No other comments were made.
The Public hearing was closed.

Old Business

A. Park Name Process - We are now in the 30 day (as of February 5) period in which people can submit written or verbal comment.
Tom Krent inquired if this land was originally an orchard? Mr. Biegler replied that there were fruit trees planted but it was not an operating orchard and there is a small grove of apple trees still remaining. An effort has been made to save the apple trees.

Gary Hauff asked about the historical background of that land? Carol Anderson replied that staff would do a historical perspective on the property for the Park Board members

and email the information. Anderson indicated a review and recommendation could take place at the March meeting.

B. Trails Masterplan – It is in the City Managers Office and is being reviewed by other departments as well.

C. Golf Course Privatization Update – Five bids were received and three companies have been interviewed.

Member Comments: Mr. Krent inquired about an election for a new chairperson. No action was taken so the chair and vice chair will remain as is.

Staff Reports

A. **Directors Report** – The meeting in December did not have a quorum. The park naming process was reviewed and then Park Board members met with the Trails Committee for a presentation by the consultant.

A reminder that there is an election on Tuesday, February 23 for a millage in the City. Be sure to vote.

B. **Recreation Report** – Summer employment applications are being accepted at this time.

There were 37 Aquatic Center Early Bird pass sales from mid-December through the first week of January. We did not do early bird passes last year. There were 74 passes sold for the 2008 season.

The Senior Expo is March 16 and the Senior Newsletter will now be called 50 Forward. Also, the name was changed to attract younger seniors participating in programs.

Carol Anderson won the Fellowship Award from the MRPA. It is the highest award the Association gives out every year.

There are also two Community Service Award winners from Troy. One is for the Nature Center volunteers and the other is for the Senior computer programming group.

C. **Parks Report** – The fencing of backstops of both ball diamonds at Jaycee Park is complete.

Crews are working on painting the inside of park restrooms and refurbishing picnic tables. A contract for snow removal and ice control at the Fire stations was outsourced to Advanced Landscape Products.

Last summer the City stopped irrigating all street islands except Big Beaver, City Hall and athletic fields. The City saved $78,000 in water costs by not irrigating all medians.

The meeting adjourned at 7:40 p.m.

_____
Tom Krent, Chairman

_____
Mary Williams, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on February 23, 2010 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:
Mark Maxwell
Philip Sanzica

Also Present:
R. Brent Savidant, Acting Planning Director
Christopher Forsyth, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Adrienne Milner, Student Representative
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-02-011
Moved by: Schultz
Seconded by: Vleck

RESOLVED, To approve the Agenda as prepared.

Yes: All present (7)
Absent: Maxwell, Sanzica

MOTION CARRIED

3. MINUTES

Resolution # PC-2010-02-012
Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the minutes of the January 26, 2010 Special/Study meeting and February 9, 2010 Regular meeting as prepared.

Yes: All present (7)
Absent: Maxwell, Sanzica

MOTION CARRIED

4. PUBLIC COMMENT

There was no one present who wished to speak.

POSTPONED ITEMS

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 955) – Proposed Axle Tech, 1400 Rochester Road, East side of Rochester and South of Maple, Section 34, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary on the revised landscape plan for the proposed Axle Tech project. He addressed the provision of additional landscaping and the significant changes made to the existing access and greenbelt area. Mr. Branigan addressed an issue with existing utilities that might be located beneath proposed street trees, and asked the petitioner to correct site plan notations with respect to the two closed driveways. Mr. Branigan recommended that the Planning Commission approve the preliminary site plan, noting those two conditions.

Mr. Savidant pointed out that the revised site plans distributed to the members prior to the beginning of tonight's meeting reflect all appropriate revisions as relates to the landscaping and street access.

Mr. Ullmann addressed the proposed stormwater management on site with respect to the Clean Water Act and the City's obligation to follow all state and federal regulations. Mr. Ullmann voiced opposition to the existing underground parking lot detention. He encouraged City administration to address underground stormwater management in the future.

Mr. Savidant confirmed the site plan meets all engineering standards with respect to stormwater management. Mr. Savidant said the petitioner is required only to provide stormwater management for the addition, and not the existing portion.

Mr. Savidant confirmed that the Planning Department does not have a Registered Landscape Architect on staff.

Kevin Biddison of Biddison Architecture and Design, 4327 Delemere Court, Royal Oak, was present. Mr. Biddison briefly addressed the proposed landscaping and access drives.

Resolution # PC-2010-02-013
Moved by: Tagle
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, pursuant to Section 03.40.03 of the Zoning Ordinance, as requested for the proposed Axle Tech Addition, located on the east side of Rochester, south of Maple, in Section 34, within the M-1 zoning district, be granted, subject to the following conditions:

1. Revisions approved on the Landscape Plan shall be made consistent on all other relevant drawings in the Site Plan Application, prior to submitting for Final Site Plan Approval.

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

MOTION CARRIED

Mr. Ullmann voted no because the Resolution did not contain language to assure all pertinent stormwater management regulations were met. Mr. Ullmann would like the City to address the regulations on stormwater management in the future.

6. PRELIMINARY SITE PLAN APPROVAL (File Number SP 954) – Proposed 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. Branigan presented a summary of the revised preliminary site plan application for the proposed AT&T Wireless Facility at Troy Lanes. He addressed the variances granted by the Board of Zoning Appeals (BZA) and the revised location of the proposed tower. Mr. Branigan recommended that the Planning Commission approve the proposed wireless tower, and make a final determination on the design of the tower (monopine or monopole).

Wally Haley of Haley Law Firm, 8065 Grand River, Brighton, was present to represent the petitioner. Mr. Haley said either tower design alternative is acceptable to AT&T and other prospective carriers. He circulated a picture and addressed the aesthetics and vegetation of a monopine pole. Mr. Haley also addressed the placement of future carriers on the pole, and the maximum amount of carriers per pole. He suggested that approval be granted subject to future carriers providing foliage when co-locating.

Resolution # PC-2010-02-014
Moved by: Ullmann
Seconded by: Edmunds

RESOLVED, That Preliminary Site Plan Approval, pursuant to Section 03.40.03 of the Zoning Ordinance, as requested for the proposed AT&T Wireless Facility, located on the south side of Square Lake Road, west of John R, in Section 11, within the B-2 zoning district, be granted, subject to the following conditions:

1. That the applicant shall construct a monopine as per Sheet ANT-1.
2. That any co-locators added to the monopine would be obscured by vegetation.

Yes: All present (7)
Absent: Maxwell, Sanzica

MOTION CARRIED

POTENTIAL REZONING APPLICATION

7. POTENTIAL REZONING APPLICATION – 966 Livernois, East side of Livernois, South of Maple, Section 34, Presently Zoned M-1 (Light Industrial) District, Proposed Zoning B-3 (General Business) District

Mr. Savidant reviewed the site and surrounding uses of the potential rezoning application. The applicant intends to use the building for the Clawson-Troy Elks Club. Mr. Savidant indicated that either B-3 or B-2 zoning would be appropriate for the proposed use.

There was discussion on the following:
- Relation of the rezoning to the Master Plan.
- Character of Main Street, Clawson.
- Parking concerns.
- Building occupancy; assembly use.

Larry Schutz, real estate broker, of 2075 W. Big Beaver, Troy, was present.

Fred Wittbrodt of 2722 Dashwood, Troy, was also present to represent the Clawson-Troy Elks Club.

Mr. Schutz addressed the following:
- Parking.
- Building size and occupancy.
- Environmental concerns.
- Potential to acquire adjacent property for parking.
- Potential for shared parking.
- Surrounding uses.

Mr. Wittbrodt addressed the following:
- Intent of Clawson-Troy Elks Club.
- Club activities; i.e., bingo, fundraising, meeting hall, bar service.
- Days and times of building occupancy.
- Membership size.

Mr. Branigan addressed how the proposed rezoning/use might correlate to the Master Plan designation of 21st Century Industry.

Mr. Savidant said he addressed concerns with parking and strongly advised the petitioner of potential parking ramifications.

Mr. Savidant asked members to focus on how the potential zoning might fit into the City's Master Plan. He said the potential rezoning might be a little "on the edge", as relates to the Master Plan and the eclectic mix of uses on the Clawson side.

Conditional rezoning was briefly discussed.

STUDY ITEMS

8. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Discussion with Representatives from Carlisle/Wortman Associates, Inc.

Mr. Branigan introduced Article 13, Landscaping, as a baseline of landscaping requirements. He indicated specificity would be given for areas such as form based codes.

Items discussed:
- Potential of a variance request.
- Prohibitive plant list.
- Design innovation.
- Off site improvements; i.e., right of way.
- Parks and Recreation guidelines.
- Consistent measurement; DBH (diameter at breast height).
- Irrigation.
- Parking lot; i.e., curbed and guttered.

Mr. Branigan encouraged members to look around at other communities and give more thought to the landscaping requirements.

9. DOWNTOWN DEVELOPMENT AUTHORITY DESIGN GUIDELINES – Discussion with Representatives from Carlisle/Wortman Associates, Inc.

Mr. Branigan presented a PowerPoint presentation on general design guidelines and said the design package would be similar to a pattern book. He indicated there would be more specificity with respect to right of way and private property.

The PowerPoint presentation highlighted:
- Landmarks and focal points.
- Gateway treatments.
- Signage.
- Amenities for public streets and spaces.
- Amenities for private property.

Chair Hutson requested a recess at 9:20 p.m.

The meeting reconvened at 9:25 p.m.

Additional PowerPoint views were presented by Mr. Branigan on:
- Entrance drive.
- Parking lot interior.
- Detention, bioretention.
- Service area.
- Pedestrian/vehicular hardscape material.

OTHER BUSINESS

10. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

Favorable comments were expressed on the use of laptops and digital meeting agendas.

Mr. Vleck said snow removal should be addressed with landscaping requirements and design guidelines.

Mr. Savidant encouraged members to report any Zoning Ordinance or site plan violations to the Planning Department.

Mr. Forsyth will look into the potential of performance bonds as a mechanism to track site plan violations.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:53 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

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ELECTION COMMISSION MINUTES – Final March 3, 2010

A meeting of the Troy Election Commission was held March 3, 2010, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 8:00 AM.

ROLL CALL:

PRESENT: David Anderson, Timothy Dewan, City Clerk Tonni Bartholomew
ABSENT: None

Minutes: Regular Meeting of January 14, 2010

Resolution #EC-2010-03-004
Moved by Anderson
Seconded by Dewan

RESOLVED, That the Minutes of January 14, 2010, are **APPROVED** as submitted.

Yes: Anderson, Dewan, Bartholomew
No: None

MOTION CARRIED

Approval of Consolidation of Precincts

Resolution #EC-2010-03-005
Moved by Dewan
Seconded by Anderson

RESOLVED, That the Election Commission of the City of Troy hereby **AUTHORIZES** that applicable precincts servicing qualified electors in the City of Troy be **CONSOLIDATED** for the May 4, 2010 General Election in accordance with MCL 168.659.

Yes: Anderson, Dewan, Bartholomew
No: None

MOTION CARRIED

Adjournment:

The meeting was adjourned at 8:02 AM.

Tonni L. Bartholomew, MMC
City Clerk

A regular meeting of the Liquor Advisory Committee was held on Monday, March 8, 2010 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:03 p.m.

Roll Call

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
David S. Ogg

ABSENT: Andrew Kaltsounis
Timothy P. Payne
Bohdan L. Ukrainec

ALSO PRESENT: Captain Gerard Scherlinck
Officer James Feld
Susan Lancaster, Assistant City Attorney
Laurent Harden, student representative
Dane Lepola, student representative
Pat Gladysz

Resolution to Excuse Committee Members Kaltsounis, Payne, and Ukrainec

Resolution #LC2010-03-010
Moved by Hall
Seconded by Ogg

RESOLVED, That the absence of Committee members Kaltsounis, Payne, and Ukrainec at the Liquor Advisory Committee meeting of March 8, 2010 be **EXCUSED**.

Yes: 4
No: 0
Absent: Kaltsounis, Payne, Ukrainec

Resolution to Approve Minutes of February 8, 2010 Meeting

Resolution #LC2010-03-011
Moved by Hall
Seconded by Ogg

RESOLVED, That the Minutes of the February 8, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 4
No: 0
Absent: Kaltsounis, Payne, Ukrainec

Agenda Items

1. **Smoker's Express, LLC** requests a New SDM License, to be located at 2981 East Big Beaver Road, Troy, MI 48083, Oakland County. {MLCC Req. #524881}.

   After the Committee met in February, the Police Department received the complete Eastpointe Police Report regarding Mr. Harris' Domestic Assault Arrest. The information on the report was somewhat different than what Mr. Harris provided to the Committee. Troy City Attorney Lori Bluhm was advised and requested the Committee be provided the new information and decide whether a new vote for approval or denial was needed.

Officer Feld informed the Committee as follows:

- Prior to the 02/08/10 Liquor Advisory Committee meeting, the background investigation of applicant Joseph Harris revealed four charges, as follows: Count 1, Misdemeanor Domestic Violence; Count 2, Misdemeanor Domestic Violence; Count 3, Felony Assault with Dangerous Weapon; and, Count 4, Misdemeanor Assault or Assault & Battery.

- Mr. Harris' criminal history indicated he pled guilty to Counts 1 and 4, and Counts 2 and 3 were dismissed.

- The Eastpointe Police Department was contacted and the report was requested. However, the report was not received prior to the meeting.

- Mr. Harris was contacted and the incidents were discussed, and he stated that the charges were a result of a domestic incident with his wife. He was informed that the Committee may request a statement as to the findings of our investigation. It was suggested that Mr. Harris address the Committee and give them details of the incident.

- After 02/08/10 meeting, the Eastpointe Police Department report was received. The details of the 30 page report are as follows:

  - The Police Investigation into the arrest indicates on 05/06/07 Eastpointe Police Officers responded to a large house party getting out of control which involved at least 30 people. A patron indicated the problem was caused by Mr. Harris. The homeowner was found to have swelling under her left eye but indicated she fell during the party. Officers left without further incident.

  - Officers arriving on the scene stated they observed an unknown male running through the backyard and over a fence. Two subjects then approached the officer, pointed toward the fleeing male and stated, "that's the guy who had the gun. He was pulling it out and threatening people." When subject Joseph Harris approached, several subjects began pointing toward him stating, "that's the guy who had the gun."

  - Mr. Harris stated to officers that he did not know anyone at the home.

  - Police Officers were dispatched to the residence 4½ hours later to take an Assault and Battery Report. The victim was the homeowner's daughter who alleged that she was assaulted by Mr. Harris. The victim indicated that Harris was yelling at her and her mother. Harris then grabbed the victim by the hair, slapped her in the face, and began to choke her. The victim also indicated that when officers were dispatched to the location the first time, it was due to Harris. She stated Harris and her uncle got into a heated argument and Harris pulled a gun on him. The uncle left the residence with Harris chasing and pointing his gun at him. The victim states her mother stepped in between both parties, and Harris reacted by punching her in the face, causing her left eye to swell. Officers indicated now that the victim's mother's eye was now almost completed swollen shut. She however indicated she had been involved in an argument with her daughter and she was slapped by her. She refused to have her eye photographed by the police.

  - Another victim came to the Eastpointe Police Department on 05/08/07 to file an Assault and Battery Complaint against Mr. Harris. This victim indicated she was attending the party when a fight broke out involving Harris. She states she

attempted to break up the fight when Harris shoved her, knocking her off the porch. The victim states the fall from the porch caused her right ankle to break.

- An investigation into the matter continued and the homeowner and her daughter came to the Eastpointe Police Department several days later and now stated a fight broke out between her and her sister, the second victim in the altercation who subsequently broke her ankle. When her daughter got between the two to intercede, she (her daughter) got struck by her mom. She also stated that her own daughter had given her the swollen black eye when she got between her mom and aunt. Her daughter added that she had lied to the police department earlier about being assaulted.

- On 07/09/07, Mr. Harris was charged by the Macomb County Prosecutor's Office with one count of Misdemeanor Domestic Violence, one count of Misdemeanor Assault or Assault & Battery, and one count of Felony Assault with a Dangerous Weapon.

- On 07/17/07, Mr. Harris appeared at the 38th District Court – Eastpointe and was charged with one count of Misdemeanor Domestic Violence which was ultimately bound over to the 16th Circuit Court in Mount Clemens.

- On 01/31/08, Mr. Harris pled guilty to Count 1, Misdemeanor Domestic Violence and Count 4, Misdemeanor Assault or Assault & Battery. Count 2, Misdemeanor Domestic Violence and Count 3, Felony Assault with a Dangerous Weapon were both dismissed. Mr. Harris was placed on two years Probation.

- The lead detective on this case is now the Eastpointe Deputy Chief of Police. An appointment will be scheduled within the next week to determine Mr. Harris' wife's involvement in Count 1 of the charges.

Committee member Hall made a Motion to rescind the Liquor Advisory Committee's recommendation for approval of the New SDM License based on the new information that has been presented.

Resolution #LC2010-03-012
Moved by Hall
Seconded by Ogg

RESOLVED, That the Liquor Advisory Committee's recommendation for approval of the request of Smoker's Express, LLC for a New SDM License, to be located at 2981 East Big Beaver Road, Troy, MI 48083, Oakland County be **RESCINDED**.

Yes: 4
No: 0
Absent: Kaltsounis, Payne, Ukrainec

Committee member Hall made a second Motion that this item be tabled until Officer Feld's investigation of this matter is completed.

Resolution #LC2010-03-013
Moved by Hall
Seconded by Ogg

RESOLVED, That in order to allow the Police Department to complete the applicant's background investigation this Agenda Item be **TABLED**.

Yes: 4
No: 0
Absent: Kaltsounis, Payne, Ukrainec

Comments from Police Department & City Attorney's Office

Captain Gerard Scherlinck addressed the Liquor Advisory Committee regarding the granting of new SDM licenses within the City.

The general philosophical position of the Police Department as an advisory entity is that the businesses that are not typically set up to sell beer and wine be denied SDM licenses. Granting of such licenses would be contrary to the standards of the community. The City of Troy has always taken a very tough stand on the issues of alcohol sales and regulations because of the associated impacts on the quality of life. It is also the opinion of the Police Department that, as the economy gets tougher, we will see establishments that typically do not sell beer and wine applying for an SDM license as a way to bolster sales. He further stated that the Liquor Advisory Committee, Troy City Council, and the Michigan Liquor Control Commission have every right to make their own considerations and it is ultimately the MLCC that has authority to allow such licenses, but reinforced as an advisory position the Police Department would be recommending against such licenses.

Also, in connection with the item currently before the Committee, there are convictions of violent-type behavior which fall within the rules that the Michigan Liquor Control Commission can consider in terms of denying a license. As such, it would be the Police Department's position to recommend against this particular license.

Assistant City Attorney Susan Lancaster informed the Committee that Captain Scherlinck had discussed the Police Department's concerns with the City Attorney's Office. The City Attorney's Office suggested that it would be willing to investigate the possibility of amending the Ordinance to address these concerns. Since City Council appreciates the input of the Liquor Advisory Committee concerning such matters, it was suggested that the Committee be consulted before making a recommendation to City Council. Ms. Lancaster also advised that if the Committee had the same concerns and those concerns were expressed to City Council, it is likely that City Council would instruct the City Attorney's Office to research the Ordinance for possible amendment to be more restrictive. Once the Ordinance amendment is drafted, the revisions would be brought before this Committee.

Committee member Hall inquired if the Committee has the ability to recommend to City Council that they direct the Legal Department to undertake research for possible amendment of the Ordinance based on these concerns.

Assistant City Attorney Lancaster confirmed that the Committee can make that recommendation to City Council.

Committee member Hall made a Motion to recommend that City Council direct the Legal Department to research amendment of the Liquor Ordinance to place more restrictions on the types of businesses that could receive SDM and SDD licenses.

Resolution #LC2010-03-014
Moved by Hall
Seconded by Ogg

RESOLVED, That the Liquor Advisory Committee hereby **RECOMMENDS** that City Council direct the Legal Department to research amendments of the Liquor Ordinance to place more restrictions on the types of businesses that could receive SDM and SDD licenses.

Yes:	4
No:	0
Absent:	Kaltsounis, Payne, Ukrainec

Informational Items

Officer Feld updated the Committee on the following informational item:

San Marino Club, Inc.
This item will most likely appear on the Agenda for the April meeting.

Assistant City Attorney Lancaster informed the Committee that the first of two liquor compliance hearings was held. The second hearing is scheduled for March 15, 2010. City Council recommended approval of all violations and additional employee training is required.

The meeting adjourned at 7:40 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Secretary II

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on March 9, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:
Mark J. Vleck

Also Present:
R. Brent Savidant, Acting Planning Director
Christopher Forsyth, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-03-015
Moved by: Schultz
Seconded by: Maxwell

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2010-03-016
Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the minutes of the February 23, 2010 Special/Study meeting as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PUBLIC HEARING

5. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Districts

Mr. Savidant briefly reviewed the intent of the proposed Zoning Ordinance Text Amendment relating to agricultural uses in residential districts.

Mr. Ullmann asked how the proposed restrictions would affect a person who owns an existing farm. He expressed concern that the proposed regulations would hinder and potentially eliminate farming business.

Mr. Forsyth addressed the following:

- Michigan Right to Farm Act.
- Michigan Generally Accepted Agricultural & Management Practices (GAAMPs).
- Papadelis (Telly's Nursery) vs City of Troy lawsuit.
- Intent of proposed ZOTA.
  - Provide regulations, not prohibit farms.
  - Farmers could seek relief through Board of Zoning Appeals (BZA) process.
- Telly's Nursery.
  - Continue as legal, non-conforming use.
  - Existing structures remain in place.
  - Business to continue as usual.
  - Future expansion(s) would require compliance with new regulations.

Mr. Strat said adoption of the proposed ZOTA is not reasonable, and making a farmer expend money and time to go before the BZA for relief does not make sense.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Ullmann voiced concern that the proposed language might result in potential lawsuits against the City in the future. He asked which governmental entities would be under the proposed restrictions.

Mr. Savidant said the proposed amendment would affect only new construction of agriculture structures in the City within the R-1A through R-1E zoning districts. He indicated the applicability of the proposed ZOTA is limited; noting the number of farm sites within the City is few. Mr. Savidant addressed accessory structures with respect to the proposed ZOTA, and noted there would be no negative effects on existing structures until such time that damage might occur beyond a certain percentage and reconstruction of the buildings is considered.

Mr. Ullmann said the proposed ZOTA is unduly restrictive, and broadly restricts buildings on acreage property.

Mr. Savidant addressed the legal requirements for publication of Public Hearing notices.

Resolution # PC-2010-03-017
Moved by: Sanzica
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 4, 10, and 40 of Chapter 39 of the Code of the City of Troy, pertaining to the regulation of agricultural uses in One Family Residential Zoning Districts, be amended as printed on the proposed Zoning Ordinance Text Amendment.

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

MOTION CARRIED

Mr. Ullmann said the proposed ZOTA is unduly restrictive. Mr. Ullmann said small buildings on large pieces of property would be unduly restrictive and the few residents in the agricultural business could lose structural buildings, potentially putting them out of business.

Mr. Strat agreed the proposed ZOTA is overly restrictive and unreasonable.

PRELIMINARY SITE PLAN

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 958) – Proposed Service Station/Convenience Store, Southeast corner of Rochester and Wattles, Section 23, Currently Zoned H-S (Highway Service) District

Mr. Savidant said the application was inadvertently accepted as a preliminary site plan application when it requires Special Use Approval. At the time of the discovery, Mr. Savidant reported it was too late to meet the deadlines to publish a

Public Hearing notice for the meeting this evening. He announced a Public Hearing is scheduled for the April 13, 2010 Regular meeting.

Mr. Savidant noted the intent in keeping the item on tonight's agenda is to address the preliminary site plan as submitted. Mr. Savidant addressed the property as relates to the condemnation proceeding and Rochester Road widening.

Mr. Branigan reviewed the Preliminary Site Plan application and cited the following site plan deficiencies:

- Obtain Planning Commission modification for the proposed two (2) parking space deficiency. Mr. Branigan noted support for the deviation in parking.
- Provide locations and details for ADA ramps along perimeter sidewalks and barrier-free parking spaces. This can be done prior to Final Site Plan approval.
- Obtain a determination from the Planning Commission that a 30-inch wall is suitable in lieu of a greenbelt; also to extend the wall to the southwest at the corner and remove the 2-foot section of wall at the southwest corner of the property.

Mr. Branigan said it is recommended to approve the Preliminary Site Plan conditioned upon the outstanding items as noted in the Consultant report, indicating the petitioner cannot go forward until Special Use Approval is granted.

Mr. Schultz asked if there were any comments or recommendations from the City Traffic Engineer or Oakland County Road Commission (OCRC) relating to the two curb cuts on Rochester Road.

Mr. Savidant replied that the City Traffic Engineer approved the site plan as proposed.

Mr. Edmunds brought attention to the fact that the plant materials list does not correlate with the tree and plant designations on the landscape plan.

Tom August, attorney, 121 W. Long Lake Road, Bloomfield Hills, was present to represent the petitioner. Mr. August introduced Leo Gonzales, project manager, and Sam Beydoun, principal property owner. Mr. August addressed specifics relating to the Special Use Approval.

Leo D. Gonzales, CRS Commercial Real Estate Services, 10741 Fellow Hills, Plymouth, briefly addressed rooftop mechanical screening and construction materials.

Discussion followed on:

- Traffic circulation.
- Landscaping; i.e., additional plantings, irrigation, correlation of plant materials list to designations on landscape plan.
- Screen wall; i.e., materials, location, length.
- Uniformity/continuity in construction material.
- External lighting (photo metrics submission).
- Sealed drawings, as required.
- Rooftop mechanical screening.
- Signage.

Planning Commission members agreed to defer action on the item this evening.

The petitioner will address items as discussed and present the preliminary site plan at the April 13, 2010 Regular meeting, at which time the petitioner will also be seeking Special Use Approval.

Mr. Savidant sought a straw vote from members on acceptance of the proposed two-space parking space reduction.

OTHER BUSINESS

7. CITY OF TROY CODE ENFORCEMENT PRESENTATION

Paul Evans, Inspection Supervisor, gave a presentation on the role and function of the Code Enforcement department.

He addressed:

- Various violations handled.
- Staff.
- Technological improvements.
- Tracking system.
- Field efficiency.
- Image, goals and objectives.

Mr. Evans opened the floor for questions.

Mr. Maxwell asked if the department has seen an increase in commercial vehicles within the past year.

Mr. Evans said there appears to be no increase in the number of commercial vehicles, but a report could be run for actual counts.

Mr. Sanzica asked what data management system the City uses to track code enforcement matters.

Mr. Evans replied the system is "Equalizer", noting different modules are used for various departments.

Mr. Strat asked if the Planning Commission members could do anything to assist the Code Enforcement department.

Mr. Evans said the department would welcome notification of any violations members might see as they drive around the City.

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

Mr. Savidant thanked Mr. Evans for a great presentation.

Mr. Maxwell addressed the special millage election.

The Regular Meeting of the Planning Commission adjourned at 8:46 p.m.

Respectfully submitted,

_____
Michael W. Hutson, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on March 9, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:
Mark J. Vleck

Also Present:
R. Brent Savidant, Acting Planning Director
Christopher Forsyth, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-03-015
Moved by: Schultz
Seconded by: Maxwell

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2010-03-016
Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the minutes of the February 23, 2010 Special/Study meeting as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PUBLIC HEARING

5. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Districts

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Mr. Strat said adoption of the proposed ZOTA is not reasonable, and making a farmer expend money and time to go before the BZA for relief does not make sense.

PUBLIC HEARING OPENED

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Mr. Ullmann voiced concern that the proposed language might result in potential lawsuits against the City in the future. He asked which governmental entities would be under the proposed restrictions.

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Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

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LIBRARY ADVISORY BOARD – DRAFT March 11, 2010

A Regular Meeting of the Troy Library Advisory Board was held on Thursday, March 11, 2010, in the Conference Room of the Troy Public Library. Chair Lynne Gregory called the meeting to order at 7:05 P.M.

ROLL CALL PRESENT: Lynne Gregory
Belinda Shelton Duggan
Nancy Wheeler
Audre Zembrzuski
Cathleen Russ, Director, Troy Public Library

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2010-03-01
Moved by Zembrzuski
Seconded by Duggan

RESOLVED, That Kul Gauri be excused from the meeting.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2010-03-02
Moved by Wheeler
Seconded by Duggan

RESOLVED, That the minutes of the Library Advisory Board meeting, held on Thursday, February 11, 2010, be approved as written.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2010-03-03
Moved by Zembrzuski
Seconded by Duggan

RESOLVED, That the agenda for the Thursday, March 11, 2010, meeting be approved as written.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

PUBLIC COMMENT—None

BOARD MEMBER COMMENTS—Wheeler reported receiving questions about why the library does not charge people to attend programs. Russ responded that, since the Friends pay for the programming costs, to charge patrons and then have the money go to the city, was questionable. Duggan asked for suggested recipients for a National Honor Society book drive. Duggan also requested input on nominating a Michigan woman for a Women's National Book Association Award. Duggan also brought up the Troy Citizens United use of the Library Advisory Board's name, "members of the Library Advisory Board," in their "Vote No" campaign. She stated that she was never asked about the use of the LAB's name or for her endorsement, and that using the LAB's name without permission is ethically questionable. Russ reminded the LAB that the LAB speaks through its resolutions, and that no member of the LAB should claim to represent the LAB without there being a

corresponding resolution. Zembrzuski stated that she did not give anyone permission to use the LAB's name.

STUDENT REPRESENTATIVE'S COMMENTS—None

OLD BUSINESS—None

NEW BUSINESS

A. **Use of Volunteers at TPL—**it is against Michigan Privacy Laws to allow volunteers access to patron records. Available volunteer jobs at TPL were discussed.
B. **Discussion of Revenue Enhancements—**Russ has 2 suggestions: purchasing a machine to clean DVDs and CDs for patrons. She is also checking with the city attorney regarding the possibility of charging for meeting room usage.
C. **Discussion of placement of Public Comment on the LAB agenda—**the city attorney recommends placing Public Comment toward the beginning of any meeting agenda, so the members of the public do not have to stay for the entire meeting in order to make their comments. Also, placing Public Comment at the beginning of the agenda allows the LAB members to respond, under Board Member Comments, which follow Public Comment. The Library Advisory Board meeting is not a discussion, or a Question and Answer session with the public. It is not the only opportunity a resident has to ask a question. The library director is available 40 hours per week to answer questions. Members of the Library Advisory Board can also be contacted, and pass those questions on to the Library Director.

REPORTS & COMMUNICATIONS

A. **Director's Report—**was received and filed.
B. **Suburban Library Cooperative Report—**Duggan reported on the activities of the SLC
C. **Friends of the Troy Public Library Report—**None
D. **Gifts—** **Troy Garden Club** $ 200.00

E. **Informational Items**: http://sl.libcoop.net/troy/lib/eventcalendar.asp
F. **Visitors Comments—**were discussed

ADJOURNMENT

Resolution #LB-2010-03-04
Moved by Zembrzuski
Seconded by Duggan

RESOLVED, To adjourn the meeting.

Yes: 4—Gregory, Duggan, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

The Library Board meeting adjourned at 8:30 pm.

The next regular meeting of the Library Advisory Board is Thursday, April 8, 2010, at 7 pm.

_____
Lynne Gregory, Chairman

_____
Cathleen Russ, Recording Secretary

A. CALL TO ORDER

A meeting of the Troy Daze Festival Advisory Committee was held Tuesday, March 23, 2010 at the Troy Community Center at 7 pm.

B. ROLL CALL

Members Present: Jeff Stewart
Mike Gonda
Bob Berk
Sandy Macknis
Jeff Super
Bob Preston
Dan O'Brien
Alison Miller
Anuhya Bhogineni, student rep
Alice Liang, student rep

City Staff Present: Cindy Stewart
Jeff Biegler
Gerry Scherlinck
Tonya Perry
Tom Rosewarne
John Szerlag

C. EXCUSE ABSENT MEMBERS

Jim Hattan

D. ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

E. APPROVAL OF MINUTES

A motion to approve the minutes from the October 27, 2009 meeting was made by Jeff Super and seconded by Alison Miller.

RESOLVED, that the minutes of October 27, 2009 are approved. MOTION CARRIED UNANIMOUSLY.

F. NEW BUSINESS

G. Recommendation to City Council regarding the 2010 Troy Daze Festival.
The meeting was opened with remarks by the City Manager followed by questions from the committee members.

John Szerlag met with staff three weeks ago regarding the possibility of cancelling Troy Daze due to reduction in revenue. With the millage failing, there will be 56 full time employees laid off on July 1, 2010. Currently developing a three-year budget with a five-year outlook that calls for laying off 1/3 of the workforce. This involves privatizing, consolidating or eliminating almost all of the departments. Public sector demand is going up, but revenue is going down. Focused on three things to reduce costs: employee concessions, streamlining and gaining efficiencies, and cutting the workforce. The list of affected areas includes the Parks Department and there is a problem now with the festival proceeding.

Bob Berk noted the comments from City Council at their March 15th meeting regarding another option. Three years ago there was a split on the Troy Daze Committee on the approach for Troy Daze going forward and a discussion about taking private, changing things or cancelling. At this time, three options could be explored: (1) reduced operations; (2) go private out of city realm but at the same location; and (3) hold it outside of City property. He inquired as to John Szerlag's views on these options.

John Szerlag expressed that the conversation about this is very tough, but the reality that as of July 1, 2010 the City Staff will be reduced to approximately 380 employees. The reduction in employee resources is an important factor.

Mike Gonda reminded the committee that four years ago there was an incident at the festival which was very serious. The Festival Committee and City Staff came up with a new plan in an effort to reduce the possibility of similar incidents happening in the future. Working together the Committee and Staff put on a phenomenal festival since those negative issues were resolved and new plans developed by the Police Department and committee members put into place. He expressed his concern that it would be virtually impossible for a group of people to come in and simply take it over with a complete understanding of the ramifications of putting the festival on. He said this current committee would be very upset by anyone saying this operation could be put out privately and done like it has been done.

John Szerlag said that the reason he came to this meeting is that he is seeking information from the committee based on the memo. He said he was also told to look into finding out more from the group who broke off from the Troy Daze Committee to evaluate if they could take it over or could the festival be scaled back.

With reduction in staff on July 1, 2010, the question is how to assist with putting a festival together and paring it down to match the reduced resources. An additional question we have to ask is would it be better to allocate staffing for other services as we look at major reductions. Some sort of a hybrid festival

would still require funding for police, park maintenance, cleanup of the park, insurance, and the like.

A question about the City's willingness to let a group use or rent Boulan Park for this type of an event was raised. The issue is the condition of the park at the conclusion of the event and the resources required to restore it to its pre-event condition. If the City was to rent out the park for an entire week would this set a precedent or create a situation where other groups would be allowed the same access.

A problematic issue is the majority of the revenue for the festival is largely from the carnival and parking.

Defining what is meant by "hybrid" festival, John Szerlag said this would mean a festival run completely by a private entity. This would mean all issues would be handled by the private entity – purchasing, insurance, park maintenance, security, clean-up, set-up, etc. A great extension of a simple concept – ex. If a person wanted to rent the Museum site for a wedding and set up their own tent and brought in a caterer could be expanded to people wanting to rent Boulan Park for an event and bringing in tents, carnival rides and food.

Bob Berk said he is concerned about major, serious issues with the idea of a "hybrid," private company holding the festival. If this was to happen, the third option of a different event from the Troy Daze Festival at a separate location, Oakland Mall or Somerset Mall, for example might be the better option.

Sandy Macknis noted there are security issues to consider with the hybrid. She said she would not be comfortable with an event at another location with no police protection for the high school students she recruits as volunteers.

Bob Berk questioned the feasibility of downsizing the festival, but wondered about determining the events to be dropped. Reducing it to just a carnival makes it very different from the Troy Daze Festival that is much more of a community event.

Tonya Perry said that with the vote on the Special Election the people of the community spoke. Core services will have to be the priority. As a long-time City resident, she is considering the fact that there will reductions in people on staff and cuts to services and she doesn't want Troy to have a festival given the cuts at the Nature Center, Community Center, the Museum, and the Library. As an employee, she knows we are going to have to do more with less.

John Szerlag noted that the City Staff being reduced by a large number of people on July 1 is a key factor considering that the City was never a large organization to begin with. These cuts represent approximately 290,000 hours a year we won't be able to provide the same services to the community.

Tonya Perry commented that this is why the volunteer Fire Fighters asked that the Fire Fighter Appreciation Banquet be cancelled.

John Szerlag said that the current economic scenario calls for public safety over quality of life right now.

Scherlinck noted that he wanted to reinforce Mike Gonda's caution about safety and security and the resources it takes to proactively manage this aspect of the festival. He is very concerned about inviting a situation similar to the negative incidents a few years back if the direction this takes is privatization.

A Motion was made by Mike Gonda that the Troy Daze Festival Committee agrees with City Staff that Troy Daze Festival be cancelled indefinitely and no consideration be given to a private organization or company to facilitate a Troy Daze Festival within the City. Seconded by Jeff Stewart.

There was discussion about the terms for the advisory committee and it was noted that if the recession ends there could be a reallocation of revenue and the City Council could approach the existing committee for their assistance and feedback.

MOTION APPROVED UNANIMOUSLY.

G. Old Business

a. Suggestions from 2009 Festival
No discussion.

H. Member Comment:

- Jeff Stewart agreed with Tonya Perry's comments and said it was great working with such excellent City Staff. He said this is very painful for us all.
- Tonya Perry noted that she grew up here in Troy and she sees this as a huge loss like the other quality of life services.
- Bob Berk reflected on the fact that, historically, Troy Daze was not always a City event, but due to insurance issues it had to come back to the City. The event always received excellent in-kind service from Parks & Rec, DPW, Police, and Fire. He noted that this can't be replicated today. Yes, the festival had been run "privately," but this could not have happened without the in-kind contributions of City Staff. He also noted that the festival did skip a few years in the early 1980s.

- Mike Gonda shared that running the festival was very different in recent years. It's become a class event with team work on behalf of all the dedicated volunteers and City staff.
- Cindy Stewart also thanked the Troy Daze Committee and volunteers for their dedication and commitment. It has been a pleasure working together on this community festival.
- John Szerlag thanked all of the volunteers on the committee for how much they care about the City. He said the City cannot function without such volunteers. These are tough times and we have to work through it.

Adjourn

A motion to adjourn was made by Jeff Super and seconded by Mike Gonda. The motion passed unanimously. Meeting adjourned at 8:33 pm.

_____

Bob Berk, Co-Chairperson

_____

Cindy Stewart, Community Affairs Director

ELECTION COMMISSION MINUTES – Draft March 29, 2010

A meeting of the Troy Election Commission was held March 29, 2010, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 8:07 AM.

ROLL CALL:

PRESENT: David Anderson, City Clerk Tonni Bartholomew
ABSENT: Timothy Dewan

Minutes: Regular Meeting of March 3, 2010

Resolution #EC-2010-03-006
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Minutes of March 3, 2010, are **APPROVED** as submitted.

Yes: Anderson, Bartholomew
No: Dewan

MOTION CARRIED

Approval of Election Inspector Assignments – Tuesday, May 4, 2010 Election

Resolution #EC-2010-03-007
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That Election Inspectors be **APPOINTED** for the Tuesday, May 4, 2010 Election, as presented by the City Clerk.

Yes: Anderson, Bartholomew
No: Dewan

MOTION CARRIED

Adjournment:

The meeting was adjourned at 8:08 AM.

Tonni L. Bartholomew, MMC
City Clerk

M-02a

Form 87-007
1-P-1
Last revised 01/09

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Mary Kerwin** Position: **Council Member**

Other Employees Included in Request: **None**

Trip Destination: **Lansing, MI** Date From: **2/12/2010** To: **2/12/2010**

Purpose of Trip: **MML "Creating Vibrant and Walkable Communities" Session**

Items Dates:	Sun	Mon	Tues	Wed	Thurs	Fri 12-Feb	Sat	TOTAL
Miles (Personal Car)						180.00		180.00
Enter Current Mileage Rate: $ 0.50 /mile						$90.00		$90.00
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration						10.00		$10.00
Room (Attach all Receipts)								
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below								
TOTAL EXPENSE						100.00		$100.00

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced and Prepaid Expenses	
P-Card Purchases	$10.00
Balance Due Employee	$90.00
(or) Balance Due City	

Mary Reddan 3/12/10
Requested By Date

Department Head Date

Approved - Human Resources Director Date

3/12/10
Approved - Financial Services Director Date

Notes and Explanations:

Carpooled with Council Member Maureen McGinnis.

Charge to: Council's Education & Training Account

Account # 1027960110

M-02b

Form 87-007
1-P-1
Last revised 01/09

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Maureen McGinnis** Position: **Council Member**

Other Employees Included in Request: **None**

Trip Destination: **Lansing, MI** Date From: **2/12/2010** To: **2/12/2010**

Purpose of Trip: **MML "Creating Vibrant and Walkable Communities" Session**

Items Dates:	Sun	Mon	Tues	Wed	Thurs	Fri 12-Feb	Sat	TOTAL
Miles (Personal Car)						0.00		
Enter Current Mileage Rate: $ 0.50 /mile								
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration						10.00		$10.00
Room (Attach all Receipts)								
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below								
TOTAL EXPENSE						10.00		$10.00

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced and Prepaid Expenses	
P-Card Purchases	$10.00
Balance Due Employee	
(or) Balance Due City	-0-

Mary Reddon 3/12/10
Requested By Date

Department Head Date

Approved - Human Resources Director Date

3/12/10
Approved - Financial Services Director Date

Notes and Explanations:

Carpooled with Council Member Mary Kerwin.

Charge to: Council's Education & Training Account

Account # 1027960110

CITY COUNCIL REPORT

March 25, 2010

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police
Keith A. Frye, Captain

SUBJECT: Oakland County Narcotic Enforcement Team (NET)

Background:

The Oakland County Narcotic Enforcement Team (NET) is a collaborative initiative between local law enforcement agencies within Oakland County and federal law enforcement agencies in an effort to apprehend and convict those persons involved in the use, sale, and distribution of illegal drugs and narcotics. The goals of the Oakland County Narcotic Enforcement Team are:

1. To investigate drug trafficking within Oakland County with the purpose of detecting and apprehending persons who violate narcotic and drug laws within Oakland County.
2. To provide a means of training officers of these agencies in the techniques of narcotic and drug law enforcement.

In 2009 there were 724 investigations initiated, 210 persons were arrested on 375 charges, 163 search warrants were executed, and 140 firearms were seized. Seizures of drugs consisted of: 6,274 units of dangerous drugs, 6,606 grams of cocaine powder, 488 grams of crack cocaine, 2,844 units of ecstasy, 520 grams of heroin, 2 units of LSD, and 2,092 pounds of marijuana. The approximate street value of the seized drugs was $8,700,000.00. There were 246 forfeiture actions initiated that resulted in seized assets totaling $2,085,625.90.

The City of Troy received $68,059.70 in shared asset forfeitures and additional funding for overtime reimbursement through federal High Intensity Drug Trafficking Areas (HIDTA) grants or Organized Crime Drug Enforcement Task Force OCDETF grants.

Financial Considerations:

Through the collaboration of resources, the Oakland County Narcotic Enforcement Team (NET) has effectively and efficiently addressed some of the problems associated with the trafficking and distribution of illegal narcotics within the City of Troy and Oakland County.

Policy Considerations:

Enhance the livability and safety of the community.

CITY COUNCIL REPORT

March 25, 2010

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police
Keith A. Frye, Captain

SUBJECT: Balkan Organized Crime Task Force (BOCTF)

Background:

The Balkan Organized Crime Task Force (BOCTF) is a collaborative initiative between local law enforcement agencies and other federal agencies in an effort to disrupt and dismantle significant Balkan organized criminal enterprises that are operating in the Detroit Metropolitan area who have established significant intrastate, interstate, and international criminal networks.

In 2009, investigators made 28 arrests, apprehended 76 fugitives, obtained 9 federal indictments, executed 17 search warrants, seized 8 firearms, and developed several informants.

Some of the more notable accomplishments are as follows:

- Investigators seized and forfeited $48,250.00 from a truck driver who was attempting to smuggle the currency into Canada for the purchase of marijuana.
- A drug trafficking organization was disrupted when 47.3 kilograms of marijuana was seized.
- An individual associated with a Balkan criminal organization originating out of Windsor, Ontario was arrested for possession of two firearm silencers.
- An employee of the Michigan Secretary of State was arrested along with another individual in a bribery investigation linked to providing illegal aliens with drivers' licenses.
- A drug trafficking organization based in the Chicago, Illinois area was disrupted with the seizure of 4800 ecstasy pills. The vehicle was also seized, forfeited, and is now owned by the City of Troy.

The City of Troy received $23,964.04 in shared asset forfeitures, and placed a forfeited vehicle into service. The City of Troy has also benefited from its participation in the Balkan Organized Crime Task Force (BOCTF) through the investigative support received from agents of the Federal Bureau of Investigation and the Immigration and Custom Enforcement. Other benefits received have been in the form of training opportunities, surveillance equipment, communications equipment, vehicles, and reimbursement of overtime through federal High Intensity Drug Trafficking Areas (HIDTA) grants or Organized Crime Drug Enforcement Task Force OCDETF grants.

Financial Considerations:

Through the collaboration of resources, the Balkan Organized Crime Task Force (BOCTF) has effectively and efficiently addressed some of the problems associated with Balkan organized criminal enterprises operating in the Detroit Metropolitan area.

Policy Considerations:

Enhance the livability and safety of the community.

M-03a

CITY MANAGER
DIVISION COMMANDERS
LT. REDMOND
LT. BJORK
FILES

CASE # 10-5708 3-24-10

POLICE OFFICERS M. MEINZINGER & J. STRONG-
MIKE & JEFF - THANKS FOR YOUR GOOD WORK ON
THIS SERIOUS PROBLEM. Gary Meyer

Dear Chief Myer:

I am writing you to tell you what an impressive job your officers did the night of Friday, February 26th, 2010.

We had a life death situation involving a group of teenagers, one in particular, who arrived at our daughters "sweet 16" party incredibly intoxicated. Any parent will tell you this age group is a handful...let alone in big numbers. Officer Mike Meinzinger and squad handled our episode extremely professionally and were able to create complete order in the midst of utter chaos. They were polite and courteous. Because of their swift actions, a young girls life was saved that night. An entire group of high school freshman learned a valuable lesson too. Afterward, they stayed to make sure all the individuals, including us, were ok.

That kind of police work is not only a necessity, it is why people admire and respect the police department. I thank God they were there, and just wanted you to know how much they were appreciated!

Sincerely, Ann and Steve Doman (the hosts)

M-03b

Luanne Sherman
3348 Lords Drive
Sterling Heights, MI 48310

March 16, 2010

Officer D. Isham
Troy Police Department
500 West Big Beaver
Troy, MI 48084

To Officer Isham,

I was writing to thank you for your help before Christmas when my mom and I had a flat tire. You went above and beyond the call of duty when you changed the tire for us. We obviously had no idea what we were doing, and your willingness to help us on such a cold day was very thoughtful.

The enclosed gift card is in appreciation of your kindness. I apologize for taking so long to write this letter but I want you to know your kind act has not been forgotten.

Thanks,

Luanne Sherman

OFFICER DAVID ISHAM

Dave: Thanks for your good work on this matter.

Gary

CITY MANAGER
DIVISION COMMANDERS
OFFICER ISHAM
FILE

The gift card was returned to Ms. Sherman with the following explanation:

The gift card you sent acknowledging Officer Isham's assistance is greatly appreciated. However, the Rules & Regulations of the Troy Police Department preclude him from accepting this gift. I trust you understand that we must return the gift card to you.

M-04a

CITY OF BIRMINGHAM

RESOLUTION CALLING ON REPRESENTATIVES IN LANSING AND WASHINGTON TO TAKE ALL POSSIBLE ACTIONS TO PROTECT STATE AND FEDERAL FUNDING FOR MICHIGAN ROADS AND BRIDGES.

WHEREAS, a safe and properly maintained transportation system, with adequate traffic capacity, is necessary to support the economy of our community, county and state, and

WHEREAS, an inferior, crumbling and congested transportation system will inevitably lead to disinvestment in our community, county and state, and

WHEREAS, revenues from the two primary sources of transportation system funding in Michigan, gasoline tax and vehicle registration fees, have fallen in recent years and are no longer adequate to cover the costs of maintaining Michigan's roads and bridges, and

WHEREAS, as a result of these declining revenues, the State of Michigan is unable to adequately fund road and bridge repairs and maintenance, resulting in a rapidly deteriorating transportation infrastructure, and

WHEREAS, as a further result of these declining revenues, the State of Michigan is in serious jeopardy of losing federal funds as a result of being unable to provide required matching funds, and

WHEREAS, delaying needed maintenance, repairs and safety enhancements to Michigan's roads and bridges results in higher future costs to the taxpayers of Michigan.

NOW THEREFORE BE IT RESOLVED, that the Birmingham City Commission calls on our representatives in Lansing and Washington to take all possible actions to protect state and federal funding for Michigan roads and bridges.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to State Representative Chuck Moss, State Senator John Pappageorge, Representative Gary Peters, Senators Levin & Stabenow, the Oakland County Board of Commissioners, neighboring communities and the Michigan Municipal League.

Adopted this 8th day of March, 2010.

Rackeline J. Hoff

Rackeline J. Hoff, Mayor

I, Laura Broski, City Clerk, of the City of Birmingham, Michigan do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Birmingham City Commission at its regular meeting held March 8, 2010.

Laura M Broski

Laura M. Broski, City Clerk

M-4

M-04b

City of Southgate

County of Wayne, State of Michigan

No. 036-10

Resolution

At a Regular Meeting of the Southgate City Council called to order by Council President Phillip J. Rauch on March 3, 2010 at 8:00 P.M. the following resolution was offered:

Moved by Ganzberger, supported by Zamecki,

RESOLVED that the Southgate City Council supports the following proposed House Bill language in regard to publishing legal notices:

Notwithstanding any Charter provision, a City that is required to publish a legal notice in a newspaper of general circulation in the City may satisfy that requirement by posting the legal notice in the office of the City Clerk and on at least one of the following:

(A) The City's website.

(B) The website of the newspaper designated by the City as the official newspaper of general circulation in the City.

(C) The public, education, and government channel operated in that City, and

BE IT FURTHER RESOLVED that a copy of said resolution shall be forwarded to all Wayne County Municipalities and State Representatives.

Vote on motion: yeas – Batko, Ferencz, Ganzberger, George, Rauch, Rollet, Zamecki.
nays – None.
absent- None.

Motion carried unanimously.

I, Thomas M. Alexander, City Clerk of Southgate, do hereby certify that the foregoing is a true, correct and complete copy of a resolution adopted by the Southgate City Council at a regular meeting held on March 3, 2010.

Thomas M. Alexander, City Clerk

cc: Michigan Municipal Clerks.

M-4b

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING FOR THE CUSTOMERS OF CONSUMERS ENERGY COMPANY AND THE DETROIT EDISON COMPANY CASE NO. U-16055

- Consumers Energy Company and The Detroit Edison Company are requesting that the Michigan Public Service Commission approve their proposed depreciation accrual rates, depreciation expense and depreciation rate change implementation timing for accounting and ratemaking purposes for the Ludington Pumped Storage Plant.

- The information below describes how a person may participate in this case.

- You may call or write Consumer Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050; or The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226, (800) 477-4747 for a free copy of the application. Any person may review the application at the offices of Consumers Energy Company, The Detroit Edison Company or at the Commission's Lansing office, 6545 Mercantile Way, Suite 7, Lansing, Michigan.

- The first public hearing in this matter will be held:

DATE/TIME:	April 1, 2010, 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 D. Eyster
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 February 1, 2010 joint application of Consumers Energy Company (Consumers Energy) and The Detroit Edison Company (Detroit Edison), which seeks approval of their

proposed depreciation accrual rates, depreciation expense and depreciation rate change implementation timing for accounting and ratemaking purposes for the Ludington Plant.

Consumers Energy is proposing an increase of $8.8 million in annual depreciation expense and Detroit Edison is proposing an increase of $8.2 million in annual depreciation expense compared to the respective Companies depreciation rates currently in effect.

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 March 25, 2010. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's attorney, M. Bryan Little, One Energy Plaza, Jackson, Michigan 49201 and Jon Christinidis, One Energy Plaza, Detroit, Michigan 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 or 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 the application of may be reviewed on the Commission's Web site at michigan.gov/mpscedockets, and at the offices of Consumers Energy Company, One Energy Plaza, Jackson, Michigan or The Detroit Edison Company, One Energy Plaza, Detroit, Michigan. 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.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 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.

March 4, 2010

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING FOR THE ELECTRIC CUSTOMERS OF THE DETROIT EDISON COMPANY CASE NO. U-15806

- The Michigan Public Service Commission will hold a public hearing to consider The Detroit Edison Company's March 8, 2010 application to amend its Energy Optimization Plan.

- 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.

- A public hearing in this matter will be held:

DATE/TIME:	April 1, 2010, at 9:00 a.m. A prehearing conference will be held to consider any additional petitions to intervene.
BEFORE:	Administrative Law Judge Barbara A. Stump
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.

On March 4, 2009, The Detroit Edison Company (Detroit Edison) filed its application seeking approval of its Energy Optimization Plan, as directed by the Michigan Public Service Commission's (Commission) December 4, 2008 order in Case No. U-15800. The Commission issued an order on June 2, 2009 approving the company's proposed Energy Optimization Plan.

On March 8, 2010, Detroit Edison filed an application to amend its Energy Optimization Plan to provide additional energy optimization opportunities to its customers. Detroit Edison also requests approval of additional surcharge revenue designed to recover the costs of the plan.

Detroit Edison is seeking approval of an Energy Optimization Plan beginning June 2010 and ending December 31, 2015 which is for a period of longer duration than that currently approved by the Commission. The company proposes to recover additional annual Energy Optimization Plan cost recovery in the amount up to $32.1 million in 2010, $55.5 million in 2011 $68.7 million in 2012, $68.1 million in 2013, $67.6 million in 2014, and $67.5 million in 2015 through implementation of maximum energy optimization surcharges, and other related accounting and regulatory approvals. The Company proposes maximum energy optimization surcharges in place of those currently charged to customers for Detroit Edison's Energy Optimization Plan for each customer class as follows:

Customer Class	Consumption Level	2010 - 2011 Surcharge	2012-2015 Surcharge
Residential	All	$0.002650/kWh	$0.002650/kWh
Unmetered Residential	N/A	2.1% monthly bill	2.1% monthly bill
Commercial Secondary			
	0-850 kWh/month	$0.25/meter/month	$0.40/meter/month
	851-1,650 kWh/month	$1.49/meter/month	$2.38/meter/month
	Above 1,650 kWh/month	$6.47/meter/month	$10.34/meter/month
	Unmetered	0.6% monthly bill	1.0% monthly bill
Commercial Secondary Customers with Self-Directing Plans			
	0-850 kWh/month	$0.03/meter/month	$0.03/meter/month
	851-1,650 kWh/month	$0.14/meter/month	$0.16/meter/month
	Above 1,650 kWh/month	$0.59/meter/month	$0.66/meter/month
Commercial & Industrial Primary			
	0-11,500 kWh/month	$18.26/meter/month	$39.52/meter/month
	Above 11,500 kWh/month	$182.49/meter/month	$404.58/meter/month
Commercial & Industrial Primary Customers with Self-Directing Plans			
	0-11,500 kWh/month	$2.26/meter/month	$2.52/meter/month
	Above 11,500 kWh/month	$21.51/meter/month	$24.36/meter/month

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 April 1, 2010 at 9:00 a.m. (Interested persons may

elect to file using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, Michael J. Solo, Jr., One Energy Plaza, 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 on April 19, 2010 at 9:00 a.m. 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.

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.; 1969 PA 306, as amended, MCL 24.201 et seq.; 2008 PA 295, MCL 460.1001 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

March 18, 2010

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: March 25, 2010
SUBJECT: Sean Steven Seyler v. City of Troy and Troy Police Department

---

Oakland County Circuit Court Judge Martha Anderson has dismissed the lawsuit filed by Sean Steven Seyler against the City. In this lawsuit, Seyler claimed that the City and the Troy Police Department violated the Freedom of Information Act (FOIA), since his criminal defense attorney was not immediately provided with the police report and lab test results, which were requested within 48 hours after Seyler's drunk driving arrest. The FOIA request was submitted simultaneously with his civil discovery request. On the day after receipt of these requests, the City sent a FOIA denial letter, since the requested information would be provided as discovery in Mr. Seyler's criminal case. Five days later, Mr. Seyler's attorney filed this lawsuit, demanding $500 in damages, plus attorney fees and costs and punitive damages. He claimed that the City's action in denying the release of his records within 48 hours of his arrest was "arbitrary and capricious."

Judge Anderson granted our Motion for Summary Disposition on March 24, 2010. This matter is now closed. If you have any questions concerning the above, please let us know.