AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

MAY 10, 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

CITY COUNCIL AGENDA

May 10, 2010 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

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PLEDGE OF ALLEGIANCE 1

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B. ROLL CALL: 1

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INVOCATION:

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 #2010-04-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of Monday, May 10, 2010 and the Closed Session of Monday, May 10, 2010 due to_____.

Yes:
No:

C. CERTIFICATES OF RECOGNITION:

C-1 Presentations:
(a) Proclamation in Appreciation and Celebration of Gorman's 70th Anniversary

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Adoption of the 2010/11 Annual City Budget and Three-Year Budget (2011/12 – 2012/13)

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

Suggested Resolution

Resolution #2010-05-
Moved by
Seconded by

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2010; and

WHEREAS, City Council directed City Management to also produce a three-year budget;

NOW, THEREFORE, BE IT RESOLVED, That the following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	$32,622,500
Licenses and Permits	1,080,000
Federal Grants	17,600
State Grants	5,242,500
Contributions – Local	115,000
Charges for Services	7,158,250
Fines and Forfeitures	1,212,000
Interest and Rents	1,174,340
Other Revenue	742,500
Operating Transfers – In	6,032,810
Re-appropriation	2,400,000
Total	$57,797,500; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty one-hundredths (6.50) mills on the 2010 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated expenditures, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

Building Inspection	$ 962,513
Council/Executive Administration	3,548,978
Engineering	1,951,997
Finance	2,825,836
Fire	4,238,338
Library /Museum	2,478,241
Other General Government	1,882,141
Police	27,008,140
Parks and Recreation	7,524,747
Streets	5,376,569
Total	$57,797,500; and

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	$ 7,190,000
State Grants	9,787,500
Contributions – Local	200,000
Charges for Services	272,000
Fines and Forfeitures	209,000
Interest and Rents	207,200
Operating Transfer – In	1,000,000
Re-appropriation	9,174,190
Total	$28,039,890; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and fifty-three hundredths (1.53) mills on the 2010 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

Executive Administration	$ 50,000
Drains	496,140
Fire	536,500
Library	425,000
Museum	75,000
Other General Government	9,953,200
Police	602,500
Parks and Recreation	3,917,640
Streets	10,865,000
Public Works	1,048,000
Operating Transfer – Out	70,910
Total	$28,039,890; and

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

Taxes	$4,092,000
Charges for Services	4,500
Interest and Rents	24,450
Total	$4,120,950; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be eighty-seven one-hundredths (0.87) mills on the 2010 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated $4,120,950; and

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated $3,222,200; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of fifty one-hundredths (0.50) mills on the 2010 taxable valuation for the General Debt Service Fund; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the following budgets as shown in the 2010/11 budget document:

Major Road Fund	$ 3,282,000
Local Road Fund	$ 1,726,150
Community Development Block Grant Fund	$ 260,600
Budget Stabilization Fund	$ 305,000
2000 MTF Debt Fund	$ 221,200
Proposal A Debt Fund	$ 851,140
Proposal B Debt Fund	$ 1,539,960
Proposal C Debt Fund	$ 758,100
Special Assessment Fund	$ 1,000,000
Water Supply System	$14,049,560
Sanitary Sewer Fund	$11,073,248
Aquatic Center Fund	$ 599,996
Sylvan Glen Golf Course Fund	$ 950,996
Sanctuary Lake Golf Course Fund	$ 1,901,902
Building Operations	$ 1,257,810
Information Technology Fund	$ 1,638,680
Fleet Maintenance Fund	$ 4,755,659
Workers' Compensation Fund	$ 433,760
Compensated Absences Fund	$ 4,251,300
Unemployment Insurance Fund	$ 221,000; and

BE IT FURTHER RESOLVED, That the three-year budget (2011/12 – 2012/13) for the General Fund, Debt Service Fund, Refuse Fund and Capital Operating Fund be approved based on the following revenues and expenditures:

	2011/12	2012/13
Taxes	$30,113,500	$28,642,500
Licenses and Permits	1,096,700	1,111,400
Federal Grants	17,600	17,600
State Grants	5,327,500	5,327,500
Contributions – Local	15,000	15,000
Charges for Services	3,937,850	3,983,850
Fines and Forfeitures	1,112,000	1,147,000
Interest and Rents	920,340	941,340
Other Revenue	722,500	745,500
Operating Transfers – In	7,190,250	7,462,200
Re-appropriation	1,750,000	750,000
Total	$52,203,240	$50,143,890; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating fund shall be six and fifty one-hundredths (6.50) mills on the 2011 and 2012 taxable valuation; and

BE IT FURTHER RESOLVED, That in order to meet anticipated expenditures, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

	2011/12	2012/13
Building Inspection	$ 748,500	$ 748,500
Council/Executive Admin.	3,290,801	3,319,931
Engineering	1,957,064	1,966,944
Finance	2,645,656	2,660,146
Fire	4,230,627	4,247,307
Library/Museum	174,408	174,408
Other General Government	1,780,909	1,808,299
Police	27,456,784	25,591,826
Parks and Recreation	4,822,465	4,844,322
Streets	5,096,026	4,782,207
Total	$52,203,240	$50,143,890; and

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

	2011/12	2012/13
Taxes	$ 6,605,000	$ 6,273,000
State Grants	560,000	880,000
Charges for Services	272,000	272,000
Fines and Forfeitures	209,000	209,000
Interest and Rents	207,200	157,200
Operating Transfer-In	1,500,000	1,000,000
Re-appropriation	2,554,370	2,821,700
Total	$11,907,570	$11,612,900; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and fifty-three hundredths (1.53) mills on the 2011 and 2012 taxable valuation; and

BE IT FURTHER RESOLVED, That in order to meet anticipated expenditures, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

	2011/12	2012/13
Executive Administration	$ 50,000	$ 0
Drains	1,685,570	1,375,900
Fire	500,000	0
Police	209,000	209,000
Streets	7,173,000	7,100,000
Public Works	715,000	625,000
Operating Transfer-Out	1,575,000	2,303,000

Total ..... $11,907,570 ..... $11,612,900; and

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

	2011/12	2012/13
Taxes	$4,216,640	$4,345,140
Charges for Services	4,500	4,500
Interest and Rents	20,000	15,000
Total	$4,241,140	$4,364,640; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be ninety-eight one-hundredths (0.98) mills on the 2011 taxable valuation and one and six one- hundredths (1.06) mills on the 2012 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated $4,241,140 in 2011/12 and $4,364,640 in 2012/13; and

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated $3,157,870 in 2011/12 and $3,178,020 in 2012/13; and

BE IT FINALLY RESOLVED, That there shall be a tax levy of fifty one-hundredths (0.50) mills on the 2011 and 2012 taxable valuation for the General Debt Service Fund.

Yes:
No:

F. PUBLIC COMMENT:

In accordance with the Rules of Procedure of the City Council, Article 16 – Members of the Public and Visitors

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five (5) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five minutes to address Postponed, Regular Business or Consent Agenda items or any other item as permitted under the Open Meetings Act during the Public Comment portion of the agenda.
- City Council may waive the requirements of this section by a majority of the City

Council members.

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

G. POSTPONED ITEMS:

G-1 Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Pending Resolution
Moved by Kerwin
Seconded by Slater

WHEREAS, On August 17, 2009, Troy City Council awarded contracts for concrete pavement repair with an option to renew for two (2) additional one-year periods to the four lowest total bidders: Hard Rock Concrete, Inc. of Westland for proposal A, Local Roads; Dominic Gaglio Construction, Inc. of Southgate for proposal B, Industrial Roads; Major Cement Company of Detroit, for proposal C, Major Roads; and Dilisio Contracting, Inc. of Clinton Township for proposal D, Tri-Party County Roads (Resolution #2009-08-250-F-4c);

WHEREAS, Hard Rock Concrete, Inc., Dominic Gaglio Construction, Inc., Major Cement Company, and Dilisio Contracting, Inc. have agreed to exercise the first option to renew for one (1) additional year under the same prices, terms, and conditions;

WHEREAS, Hard Rock Concrete, Inc., Dominic Gaglio Construction, Inc., Major Cement Company, and Dilisio Contracting, Inc. have also agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at the rate of $50.00 per hour; and

WHEREAS, The Tri Party County Road agreement will be contingent upon the County's terms and approval;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** and **APPROVES** the first one-year renewal period to contract for concrete pavement repair with Hard Rock Concrete, Inc. of Westland, MI; Dominic Gaglio Construction, Inc. of Southgate, MI; Major Cement Company of Detroit, MI; and Dilisio Contracting, Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 29, 2009, not to exceed amounts budgeted, with contracts expiring June 30, 2011.

Proposed Resolution to Amend the Pending Resolution for Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** the pending resolution for *Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair* by **ADDING** Paragraph 4 as stated below:

> *WHEREAS, Hard Rock Concrete, Inc, Major Cement Company, and Dilisio Contracting Inc, have agreed to provide two-year maintenance bonds for all work completed under their respective contracts, and Dominic Gaglio Construction Inc will provide the one-year maintenance bond as originally specified;*

Yes:
No:

Proposed Resolution as Amended

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

WHEREAS, On August 17, 2009, Troy City Council awarded contracts for concrete pavement repair with an option to renew for two (2) additional one-year periods to the four lowest total bidders: Hard Rock Concrete, Inc. of Westland for proposal A, Local Roads; Dominic Gaglio Construction, Inc. of Southgate for proposal B, Industrial Roads; Major Cement Company of Detroit, for proposal C, Major Roads; and Dilisio Contracting, Inc. of Clinton Township for proposal D, Tri-Party County Roads (Resolution #2009-08-250-F-4c);

WHEREAS, Hard Rock Concrete, Inc., Dominic Gaglio Construction, Inc., Major Cement Company, and Dilisio Contracting, Inc. have agreed to exercise the first option to renew for one (1) additional year under the same prices, terms, and conditions;

WHEREAS, Hard Rock Concrete, Inc., Dominic Gaglio Construction, Inc., Major Cement Company, and Dilisio Contracting, Inc. have also agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at the rate of $50.00 per hour; and

WHEREAS, Hard Rock Concrete, Inc., Major Cement Company, and Dilisio Contracting Inc, have agreed to provide two-year maintenance bonds for all work completed under their respective contracts, and Dominic Gaglio Construction, Inc. will provide the one-year maintenance bond as originally specified;

WHEREAS, The Tri Party County Road agreement will be contingent upon the County's terms and approval;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** and **APPROVES** the first one-year renewal period to contract for concrete pavement repair with Hard Rock Concrete, Inc. of Westland, MI; Dominic Gaglio Construction, Inc. of Southgate, MI; Major Cement Company of Detroit, MI; and Dilisio Contracting, Inc. of Clinton Township, MI, at

unit prices contained in the bid tabulation opened July 29, 2009, not to exceed amounts budgeted, with contracts expiring June 30, 2011.

Yes:
No:

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 Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2010-2011

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

WHEREAS, The Michigan Municipal League has provided Workers' Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City's experience; and

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **APPROVES** the net estimated premium cost of $205,789.00 for Workers' Compensation Insurance through the MML for the 2010-2011 fiscal year.

Yes:
No:

H-4 Approval of the Troy Downtown Development Authority's Proposed Fiscal Year 2010/11 Budget

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its proposed fiscal year 2010/11 budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Downtown Development Authority's annual budget for fiscal year July 1, 2010 through June 30, 2011.

Yes:
No:

H-5 Approval of the Troy Local Development Finance Authority (LDFA) Proposed Fiscal Year 2010/11 Budget

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

WHEREAS, The Troy Local Development Finance Authority has adopted and recommends that City Council approve its proposed fiscal year 2010/11 budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Local Development Finance Authority's annual budget for fiscal year July 1, 2010 through June 30, 2011.

Yes:
No:

H-6 Proposed Troy City Code Ordinance Amendment to Add New Provisions Relating to Commercial Motor Carriers – Chapter 106 – Traffic

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to amend Chapter 106, Traffic, of the Troy City Code to add new provisions relating to commercial motor carriers by adding Section 11, including Sections 11.1 to 11.18 and Section 12, including Sections 12.1 to 12.20, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

H-7 Approval of Energy Efficiency & Conservation LED Demonstration Grant for the Transit Center

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the Energy Efficiency and Conservation LED Demonstration Grant #BES-10-048 in the amount of $250,000.00 between

the City of Troy and the Department of Energy, Labor & Economic Growth for the purpose of installing Light Emitting Diode (LED) products at the Transit Center, at no cost to the city, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

I. CONSENT AGENDA:

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

Suggested Resolution
Resolution #2010-05-
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 #2010-05-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of April 19, 2010; the Minutes of the 7:00 PM Special Study Session Meeting of April 20, 2010; the Minutes of the 7:30 PM Special Study Session Meeting of April 26, 2010; and the Minutes of the 7:30 PM Special Study Session Meeting of May 3, 2010 as submitted.

I-3 Proposed City of Troy Proclamations:

Suggested Resolution
Resolution #2010-04-

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

(a) Celebration of Gorman's 70th Anniversary
(b) National Association of Letter Carriers Stamp Out Hunger Food Drive Day – May 8, 2010

I-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals over $10,000 – Michigan Municipal League

Suggested Resolution
Resolution #2010-05-

RESOLVED, That Troy City Council hereby **AUTHORIZES** payment for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2010 through April 30, 2011, in the amount of $12,534.00.

I-5 Private Agreement for AxleTech Site Improvements – Project No. 09.917.3

Suggested Resolution
Resolution #2010-05-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Bostick Rochester Road, for the installation of Concrete Approaches, Sanitary Monitoring Manhole, Underground Detention System, and Storm Sewer Connection, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-6 Ratification to Correct Organizational Name for Recognition as a Nonprofit Organization Status from Michael Lanctot, Trustee of Friends of Jacob

Suggested Resolution
Resolution #2010-05-

RESOLVED, That Troy City Council hereby **RATIFIES** Resolution #2009-08-231-F-12 to reflect a correction in the organizational name from *Friends of Jacob Foundation* to *Friends of Jacob*.

I-7 City of Troy v P/G Equities Cort Limited Partnership

Suggested Resolution
Resolution #2010-05-

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v P/G Equities Cort Limited Partnership* (Oakland County Circuit Court Case No. 09-097983-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-8 Assessment of Delinquent Accounts

Suggested Resolution
Resolution #2010-05-

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:

General Fund Invoices	
Including Penalties	$ 11,633.76
Special Assessments	
Including Penalties and Interest	8,644.06
Water & Sewer Accounts	
Including Penalties	881,292.80
Total	$ 901,570.62;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Assessor to assess these delinquent accounts on the annual City Tax Roll.

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) Alcohol Sales at the Troy Community Center

K. COUNCIL REFERRALS:

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

K-1 Mayor ProTem Fleming Request for State Librarian of Michigan Minimum Hours of Operation Waiver Resolution

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

WHEREAS, The Troy Public Library has been a part of the community for more than 40 years;

WHEREAS, Revenues generated from the Troy Public Library have regularly offset a portion of the Library's operations, however the City of Troy financially subsidizes the majority of the Library operations;

WHEREAS, The City of Troy is experiencing a declining revenue stream resulting in a reduction of City staff and resources, with all remaining City staff resources being dedicated to core services and public safety;

WHEREAS, The State of Michigan provides State Aid to public libraries based on certain criteria, one of which is 55 minimum hours of operation for a library that serves a population of 50,000 or more; and

WHEREAS, The State Librarian of Michigan has the authority to grant a waiver of the minimum number of operating hours;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RECOGNIZES** the declined economic condition and negative impacts throughout all areas of the City by reductions of City staff and resources; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DEEMS** it to be in the best interest of the Troy city residents to **REDUCE** the Troy Library hours of operation to less than the 55 hours required by the State Aid guidelines to a more reasonable number of operating hours, which will be determined by the library's operating budget, without affecting the Troy Public Library's receipt of State Aid and its resultant benefits; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **FORWARDS** this request for waiver of the minimum number of hours of operations to fall below the required 55 hours to the State Librarian and Administrator of State Aid guidelines, Nancy Robertson, for consideration and approval.

Yes:
No:

L. COUNCIL COMMENTS

L-1 No Council Comments Advanced

M. REPORTS

M-1 Minutes – Boards and Committees:

(a) Retiree Health Care Benefits Plan and Trust/Final – January 13, 2010
(b) Joint Local Development Finance Authority/Final – February 1, 2010
(c) Youth Council/Final – February 24, 2010
(d) Employees' Retirement System Board of Trustees/Final – March 10, 2010
(e) Board of Zoning Appeals/Draft – March 16, 2010
(f) Board of Zoning Appeals/Final – March 16, 2010
(g) Planning Commission Special/Study/Final – March 23, 2010
(h) Building Code Board of Appeals/Draft – April 7, 2010
(i) Building Code Board of Appeals/Final – April 7, 2010
(j) Planning Commission/Draft – April 13, 2010
(k) Planning Commission/Final – April 13, 2010
(l) Planning Commission Special/Draft – April 20, 2010
(m) Planning Commission Special/Final – April 20, 2010
(n) Downtown Development Authority/Draft – April 21, 2010
(o) Youth Council/Draft – April 28, 2010

M-2 Department Reports:

(a) Council Member Kerwin Travel Expense Report – MML Capital City Conference in Lansing, Michigan on April 14, 2010
(b) Council Member McGinnis Travel Expense Report – MML Capital City Conference in Lansing, Michigan on April 14, 2010
(c) Council Member Beltramini Travel Expense Report – MML Capital City Conference in Lansing, Michigan on April 14, 2010
(d) Parks and Recreation – Senior Home Assistance Repair Program (SHARP) Annual Report – March 1, 2010
(e) City Attorney's Office – 2010 First Quarter Litigation Report
(f) City of Troy Quarterly Financial Report – March 31, 2010
(g) City Clerk's Office – Board and Committee Members – Advisory Committee for Senior Citizens
(h) Police Department – Year-To-Date Calls for Police Service Report
(i) Building Department – Permits Issued April 2010

M-3 Letters of Appreciation: None Submitted

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

M-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-16246

M-6 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-16358

M-7 Communication from Parks and Recreation Director Carol Anderson Regarding Financial Assistance for Community Center Passes and Recreation Programs

M-8 Communication from Acting Assistant City Manager/Economic Development Services Mark Miller to Grand Sakwa Regarding Midtown Square and Village at Midtown Square – Troy/Birmingham Intermodal Transit Facility

N. STUDY ITEMS

N-1 No Study Items Submitted

O. CLOSED SESSION:

O-1 Closed Session

Suggested Resolution
Resolution #2010-05-
Moved by
Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *Mary Ann Hennig v. City of Troy et al.*

Yes:
No:

P. ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

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

PROCLAMATION
CELEBRATING 70 YEARS
GORMAN'S

WHEREAS, What began in 1940 as a damaged railroad freight goods company founded as **Gorman's** would become a leader in Michigan's home furnishings scene for decades to come; and

WHEREAS, With four locations in Troy, Southfield, Novi and Lakeside, **Gorman's** has been offering the finest, style-leading selection of home furnishings for 70 years; and

WHEREAS, Bernie Moray, chairman and CEO of **Gorman's,** purchased the company in 1965, opening **Gorman's Contemporary Gallery** in Southfield the following year; and;

WHEREAS, In 1977, Moray and his partner, Jeff Roberts, expanded the company with the opening of a store in Troy. The third location in Novi opened in 1995 and its Lakeside store opened in 2000; and

WHEREAS, Through it all, **Gorman's** has maintained a fine reputation for showcasing some of the most celebrated lines in furniture such as Drexel Heritage, Henredon, Lexington, Stanley and a host of others, as well as some of the most talked about designers, including Martha Stewart, Donald Trump and Ralph Lauren; and

WHEREAS, the 13 specialty shops featured at **Gorman's** provide an extensive merchandise assortment for customers from around the world combined with interior design services at no charge with professionally trained experienced designers offering the individualized service that is a distinction at **Gorman's.** Clients range from new homeowners to entertainers, sports celebrities to captains of industry;

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby **congratulate Gorman's on its 70th Anniversary** and recognizes its impact upon the homes here in Troy and surrounding areas;

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of **Gorman's 70th Anniversary.**

Presented this 10th day of May 2010.

May 5, 2010

TO: The Honorable Mayor and City Council Members

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

SUBJECT: Adoption of the 2010/11 Annual City Budget and 3-Year Budget

Attached is a resolution to formally adopt both the 2010/11 annual City budget and the 3-year budget, per discussions at special City Council meetings on April 20, April 26 and May 3, 2010.

The budget resolution reflects a total millage rate of 9.40 in 2010/11, 9.51 in 2011/12 and 9.59 in 2012.13. Final millage rate requirements can be summarized as follows:

	2010/11	2011/12	2012/13
General Operating	6.50	6.50	6.50
Capital	1.53	1.53	1.53
Refuse	0.87	0.98	1.06
Debt	0.50	0.50	0.50
Total Millage Rate	9.40	9.51	9.59

Final inserts reflecting changes made to the proposed budget documents will be prepared and submitted to City Council at the first meeting in June.

It is recommended that City Council approve the 2010/11 annual City budget and the 3-year budget.

JML/mr\AGENDA\2010\05.10.10 – Adoption of the 2010/11 Annual City Budget and 3-Year Budget

CITY COUNCIL ACTION REPORT

April 26, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Supplemental Information

On April 19, 2010, the recommendation to exercise the first option to renew for one (1) additional year for concrete pavement repairs was postponed to allow management time to investigate if all four vendors would agree to a two (2) year warranty for work performed opposed to the one (1) year stated in the contract. CC Res #2010-04-091

Hard Rock Concrete Inc, Major Cement Company and Dilisio Contracting Inc all agreed to extend their contracts with the addition of a two (2) year maintenance bond. Only one vendor, Dominic Gaglio Construction, Inc was unable to agree to the additional maintenance period due to the additional cost of securing the two (2) year bond. The added expense of the maintenance bond along with union labor made agreeing to the additional one-year warranty impossible for Dominic Gaglio Construction. Mr. Gaglio stated that his bid prices are extremely low and, on average, would need to be about 18% higher to offset the additional bonding costs. Dominic Gaglio Construction currently holds the contract for industrial road maintenance.

Based on all four vendor responses, City management recommends extending the concrete pavement repair contract for one (1) additional year to Hard Rock Concrete Inc, Major Cement Company and Dilisio Contracting Inc with the addition of a two-year warranty requirement. Additionally, to extend the contract with Dominic Gaglio Construction, Inc for one (1) additional year with only a one (1) year warranty requirement.

City of Troy

FAXED
11:50 Am
APR 21 2010
(CM)

April 20, 2010

ATTN: Mr. Rocco Grimaldi
Hard Rock Concrete Inc.
38146 Abruzzi Drive
Westland, MI 48185

Dear Mr. Grimaldi:

On August 17, 2009, the City of Troy entered into contract #2010-900000040B with Hard Rock Concrete Inc., to provide a one-year contract for local road concrete pavement repair with an option to renew for two (2) additional one-year periods under the same prices, terms, and conditions as the original contract.

On January 1, 2010, your company agreed to extend the contract for one additional year, until June 30, 2011, pending Troy City Council approval. Additionally, on April 12, 2010, your company agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at a rate of $60.00 per hour.

As part of the renewal contract, the City is requesting that your company provide a two (2) year warranty for work performed and furnish to the City a two (2) year Maintenance and Guarantee Bond in an amount equal to 100% of the contract price covering all work under this Contract on standard AIA forms. This guarantee is to cover a period of two (2) years from the date of final acceptance for work completed under this contract.

Please fax this letter back to the City of Troy Purchasing Department **by 3:00 p.m. on Thursday, April 22, 2010**, indicating if Hard Rock Concrete Inc. agrees to provide concrete pavement repair services with the changes indicated, under the same prices, terms and conditions of the original contract. The fax number is (248) 619-7608.

If you have any questions please call me at (248) 680-7291.

CHECK ONE:

Hard Rock Concrete Inc. agrees to incorporate the above changes to the pavement repair contract under the same prices, terms, and conditions of the original contract: ✓

Hard Rock Concrete Inc. is not interested in accepting the stated changes to the contract: ( )

Please provide reason for non-acceptance: _____

_____

x Cathy Simmons / Office Mgr.
Signed: Authorized Company Representative

Date: 4/21/10

Thank you,

Julie Hamilton, CPPB
Purchasing Department
City of Troy

G:/Letters – Memo – Option -/Ltr - Concrete Pavement Repair – 2 year Maint Warranty.doc

April 20, 2010

ATTN: Mr. Alfredo Scappaticci
Major Cement Company
15430 Dale
Detroit, MI 48223

Dear Mr. Scappaticci:

On August 17, 2009, the City of Troy entered into contract #2010-900000060B with Major Cement Company to provide a one-year contract for local road concrete pavement repair with an option to renew for two (2) additional one-year periods under the same prices, terms, and conditions as the original contract.

On December 30, 2009, your company agreed to extend the contract for one additional year, until June 30, 2011 pending Troy City Council approval. Additionally, on April 12, 2010, your company agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at a rate of $50.00 per hour.

As part of the renewal contract, the City is requesting that your company provide a two (2) year warranty for work performed and furnish to the City a two (2) year Maintenance and Guarantee Bond in an amount equal to 100% of the contract price covering all work under this Contract on standard AIA forms. This guarantee is to cover a period of two (2) years from the date of final acceptance for work completed under this contract.

Please fax this letter back to the City of Troy Purchasing Department **by 3:00 p.m. on Thursday, April 22, 2010,** indicating if Major Cement Company agrees to provide concrete pavement repair services with the changes indicated, under the same prices, terms and conditions of the original contract. The fax number is (248) 619-7608.

If you have any questions please call me at (248) 680-7291.

CHECK ONE:

Major Cement Company agrees to incorporate the above changes to the pavement repair contract under the same prices, terms, and conditions of the original contract: (✓)

Major Cement Company is not interested in accepting the stated changes to the contract: ( )

Please provide reason for non-acceptance: _____

_____

X_____
Signed: Authorized Company Representative

Date: 4-21-2010

Thank you,

Julie Hamilton, CPPB
Purchasing Department
City of Troy

G:/Letters – Memo – Option -/Ltr - Concrete Pavement Repair – 2 year Maint Warranty.doc

City of Troy

April 12, 2010

ATTN: Mr. Jo Lia
Dilisio Contracting Inc.
23525 Lakepointe Drive
Clinton Township, MI 48036

Dear Mr. Lia:

On August 17, 2009 the City of Troy entered into contract #2010-900000070B with Dilisio Contracting Inc., to provide a one-year contract for local road concrete pavement repair with an option to renew for two (2) additional one-year periods under the same prices, terms, and conditions as the original contract.

On January 1, 2010, your company agreed to extend the contract for one additional year, until June 30, 2011 pending Troy City Council approval. Additionally, on April 13, 2010, your company agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at a rate of $50.00 per hour.

As part of the renewal contract, the City is requesting that your company provide a two (2) year warranty for work performed and furnish to the City a two (2) year Maintenance and Guarantee Bond in an amount equal to 100% of the contract price covering all work under this Contract on standard AIA forms. This guarantee is to cover a period of two (2) years from the date of final acceptance for work completed under this contract.

Please fax this letter back to the City of Troy Purchasing Department by 3:00 p.m. on Thursday, April 22, 2010, indicating if Dilisio Contracting Inc. agrees to provide concrete pavement repair services with the changes indicated, under the same prices, terms and conditions of the original contract. The fax number is (248) 619-7608.

If you have any questions please call me at (248) 680-7291.

CHECK ONE:

Dilisio Contracting Inc. agrees to incorporate the above changes to the pavement repair contract under the same prices, terms, and conditions of the original contract: (X)

Dilisio Contracting Inc. is not interested in accepting the stated changes to the contract: ( )

Please provide reason for non-acceptance: _____

_____

x Giuseppe D. Lia
Signed: Authorized Company Representative

Date: 4-20-10

Thank you,

Julie Hamilton, CPPB
Purchasing Department
City of Troy

G:/Letters – Memo – Option -/Ltr - Concrete Pavement Repair – 2 year Maint Warranty.doc

City of Troy

April 20, 2010

ATTN: Mr. Dominic Gaglio
Dominic Gaglio Construction, Inc.
15347 Drysdale
Southgate, MI 48195

Dear Mr. Gaglio:

On August 17, 2009, the City of Troy entered into contract #2010-90000005OB with Dominic Gaglio Construction, Inc. to provide a one-year contract for local road concrete pavement repair with an option to renew for two (2) additional one-year periods under the same prices, terms, and conditions as the original contract.

On December 30, 2009, your company agreed to extend the contract for one additional year, until June 30, 2011 pending Troy City Council approval. Additionally, on April 13, 2010, your company agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at a rate of $50.00 per hour.

As part of the renewal contract, the City is requesting that your company provide a two (2) year warranty for work performed and furnish to the City a two (2) year Maintenance and Guarantee Bond in an amount equal to 100% of the contract price covering all work under this Contract on standard AIA forms. This guarantee is to cover a period of two (2) years from the date of final acceptance for work completed under this contract.

Please fax this letter back to the City of Troy Purchasing Department **by 3:00 p.m. on Thursday, April 22, 2010**, indicating if Dominic Gaglio Construction, Inc. agrees to provide concrete pavement repair services with the changes indicated, under the same prices, terms and conditions of the original contract. The fax number is (248) 619-7608.

If you have any questions please call me at (248) 680-7291.

CHECK ONE:

Dominic Gaglio Construction, Inc. agrees to incorporate the above changes to the pavement repair contract under the same prices, terms, and conditions of the original contract: ( )

Dominic Gaglio Construction, Inc. is not interested in accepting the stated changes to the contract: (X)

Please provide reason for non-acceptance: Bonding Company questioning additional cost and how it would be paid.

X Dominic Gaglio
Signed: Authorized Company Representative

Date: 4-22-10

Thank you,

Purchasing Department
City of Troy

G:/Letters – Memo – Option -/Ltr - Concrete Pavement Repair – 2 year Maint Warranty.doc

CITY COUNCIL ACTION REPORT

April 13, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Background

- On August 17, 2009, Troy City Council approved contracts to complete concrete pavement repair under four proposals: A) - Local Roads, B) - Industrial Roads C) - Major Roads, and D)-Tri Party County Roads with an option to renew for two (2) additional one-year periods to the low bidders: Hard Rock Concrete Inc., Dominic Gaglio Construction Inc., Major Cement Company and Dilisio Contracting Inc. respectively. CC Resolution #2009-08-250-F-4c.
- Hard Rock Concrete Inc., Dominic Gaglio Construction Inc., Major Cement Company and Dilisio Contracting Inc. have agreed to exercise the first-year renewal option at the same prices, terms, conditions as the original contract.
- The Tri Party County Roads agreement is contingent upon the County's terms and approval.
- All four contractors have been producing a quality product for the City.
- The Purchasing Department performed a market survey and based on the results concluded that it is in the City's best interest to exercise the option to renew with all four vendors based on current market conditions. Although the cost of concrete is expected to remain steady, the cost for fuel is projected to rise over the course of the renewal period which would affect transportation costs.
- All four contractors have agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at the rate of $50.00 per hour. This rate includes both the cost of the inspector and the City vehicle.
- Concrete pavement repair preserves infrastructure and would improve public safety and also reduce liability for the City.

Financial Considerations

- Funds for this project are budgeted in the 2010/11 Capital Accounts for Public Works Construction.

Proposal	Account #
A	# 401.447.499.7989.500 Local Roads.
B	# 401.447.479.7989.300 Industrial Roads.
C	# 401.447.479.7989.500 Major Roads.
D	# 401.447.479.7989.091016 Tri Party.

Legal Considerations

- ITB-COT 09-07, the Concrete Pavement Repair Program for local, major, and industrial roads with an option to renew for two (2) additional one-year periods was competitively bid, in accordance with City Charter and Code.

April 13, 2010

To: John Szerlag, City Manager
Re: Exercise Renewal Option – Concrete Pavement Repair

Recommendation

- City management and the Public Works department recommend exercising the first option to renew for one (1) additional year with Hard Rock Concrete Inc., of Westland, MI; Dominic Gaglio Construction Inc., of Southgate, MI; Major Cement Company, of Detroit, MI; and Dilisio Contracting Inc. of Clinton Township, MI; at the same prices, terms, and conditions, not to exceed amounts budgeted, expiring on June 30, 2011. The Tri Party County Road agreement will be contingent upon the County's term and approval.

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

City of Troy

FAXED
1:30 pm
APR 12 2010
CM

April 12, 2010

ATTN: Mr. Rocco Grimaldi
Hard Rock Concrete Inc.
38146 Abruzzi Drive
Westland, MI 48185

Dear Mr. Grimaldi:

On August 17, 2009, the City of Troy entered into contract #2010-900000040B with Hard Rock Concrete Inc., to provide a one-year contract for local road concrete pavement repair program with an option to renew for two (2) additional one-year periods under the same prices, terms, and conditions as the original contract.

On January 1, 2010, your company agreed to extend the contract for one additional year, until June 30, 2011, pending Troy City Council approval.

As part of the renewal contract, the City is requesting that your company pay the hourly rate for any overtime incurred by the City of Troy Inspectors for all inspections that fall outside the normal eight (8) hour work day as stated below

$50.00 / hour - Includes charge for inspector and vehicle

Normal working hours: Monday – Friday, 7:30 a.m. – 3:30 p.m. (Excluding official City Holidays)

Any inspections that fall outside of these hours will be charged at the hourly rate listed above.

Please fax this letter back to the City of Troy Purchasing Department **by 10:00 a.m. on Tuesday, April 13, 2010**, indicating if Hard Rock Concrete Inc. agrees to provide concrete pavement repair services with the changes indicated, under the same prices, terms and conditions of the original contract. The fax number is (248) 619-7608.

If you have any questions please call me at (248) 680-7291.

CHECK ONE:

Hard Rock Concrete Inc. agrees to incorporate the above changes to the pavement repair contract under the same prices, terms, and conditions of the original contract: (✓)

Hard Rock Concrete Inc. is not interested in accepting the stated changes to the contract: ( )

x [signature] / Off. Mgr.
Signed: Authorized Company Representative

Date: 04/12/2010

Thank you,

Julie Hamilton, CPPB
Purchasing Department
City of Troy

G:/Letters – Memo – Option -Ltr - Concrete Pavement Repair - Inspection Fees Addition.doc

City of Troy

April 12, 2010

ATTN: Mr. Dominic Gaglio
Dominic Gaglio Construction, Inc.
15347 Drysdale
Southgate, MI 48195

Dear Mr. Gaglio:

On August 17, 2009, the City of Troy entered into contract #2010-900000005OB with Dominic Gaglio Construction, Inc. to provide a one-year contract for local road concrete pavement repair program with an option to renew for two (2) additional one-year periods under the same prices, terms, and conditions as the original contract.

On December 30, 2009, your company agreed to extend the contract for one additional year, until June 30, 2011 pending Troy City Council approval.

As part of the renewal contract, the City is requesting that your company pay the hourly rate for any overtime incurred by the City of Troy Inspectors for all inspections that fall outside the normal eight (8) hour work day as stated below

$50.00 / hour - includes charge for inspector and vehicle

Normal working hours: Monday – Friday, 7:30 a.m. – 3:30 p.m. (Excluding official City Holidays)

Any inspections that fall outside of these hours will be charged at the hourly rate listed above.

Please fax this letter back to the City of Troy Purchasing Department **by 10:00 a.m. on Tuesday, April 13, 2010**, indicating if Dominic Gaglio Construction, Inc. agrees to provide concrete pavement repair services with the changes indicated, under the same prices, terms and conditions of the original contract. The fax number is (248) 619-7608.

If you have any questions please call me at (248) 680-7291.

CHECK ONE:

Dominic Gaglio Construction, Inc. agrees to incorporate the above changes to the pavement repair contract under the same prices, terms, and conditions of the original contract: ( )

Dominic Gaglio Construction, Inc. is not interested in accepting the stated changes to the contract: ( )

x
Signed: Authorized Company Representative

Date: 4-13-10

Thank you,

Julie Hamilton, CPPB
Purchasing Department
City of Troy

G:/Letters – Memo – Option -/Ltr - Concrete Pavement Repair - Inspection Fees Addition.doc

April 12, 2010

ATTN: Mr. Alfredo Scappaticci
Major Cement Company
15430 Dale
Detroit, MI 48223

Dear Mr. Scappaticci:

On August 17, 2009, the City of Troy entered into contract #2010-90000006OB with Major Cement Company to provide a one-year contract for local road concrete pavement repair program with an option to renew for two (2) additional one-year periods under the same prices, terms, and conditions as the original contract.

On December 30, 2009, your company agreed to extend the contract for one additional year, until June 30, 2011 pending Troy City Council approval.

As part of the renewal contract, the City is requesting that your company pay the hourly rate for any overtime incurred by the City of Troy inspectors for all inspections that fall outside the normal eight (8) hour work day as stated below

$50.00 / hour - includes charge for inspector and vehicle

Normal working hours: Monday – Friday, 7:30 a.m. – 3:30 p.m. (Excluding official City Holidays)

Any inspections that fall outside of these hours will be charged at the hourly rate listed above.

Please fax this letter back to the City of Troy Purchasing Department **by 10:00 a.m. on Tuesday, April 13, 2010**, indicating if Major Cement Company agrees to provide concrete pavement repair services with the changes indicated, under the same prices, terms and conditions of the original contract. The fax number is (248) 619-7608.

If you have any questions please call me at (248) 680-7291.

CHECK ONE:

Major Cement Company agrees to incorporate the above changes to the pavement repair contract under the same prices, terms, and conditions of the original contract: X

Major Cement Company is not interested in accepting the stated changes to the contract: ( )

X_____
Signed: Authorized Company Representative

Date: 4-12-2010

Thank you,

Julie Hamilton, CPPB
Purchasing Department
City of Troy
G:/Letters – Memo – Option -/Ltr - Concrete Pavement Repair - Inspection Fees Addition.doc

City of Troy

April 12, 2010

ATTN: Mr. Jo Lia
Dilisio Contracting Inc.
23525 Lakepointe Drive
Clinton Township, MI 48036

Dear Mr. Lia:

On August 17, 2009 the City of Troy entered into contract #2010-90000007OB with Dilisio Contracting Inc., to provide a one-year contract for local road concrete pavement repair program with an option to renew for two (2) additional one-year periods under the same prices, terms, and conditions as the original contract.

On January 1, 2010, your company agreed to extend the contract for one additional year, until June 30, 2011 pending Troy City Council approval.

As part of the renewal contract, the City is requesting that your company pay the hourly rate for any overtime incurred by the City of Troy Inspectors for all inspections that fall outside the normal eight (8) hour work day as stated below

$50.00 / hour - includes charge for inspector and vehicle

Normal working hours: Monday – Friday, 7:30 a.m. – 3:30 p.m. (Excluding official City Holidays)

Any inspections that fall outside of these hours will be charged at the hourly rate listed above.

Please fax this letter back to the City of Troy Purchasing Department by 10:00 a.m. on Tuesday, April 13, 2010, indicating if Dilisio Contracting Inc. agrees to provide concrete pavement repair services with the changes indicated, under the same prices, terms and conditions of the original contract. The fax number is (248) 619-7608.

If you have any questions please call me at (248) 680-7291.

CHECK ONE:

Dilisio Contracting Inc. agrees to incorporate the above changes to the pavement repair contract under the same prices, terms, and conditions of the original contract: (X)

Dilisio Contracting Inc. is not interested in accepting the stated changes to the contract: ( )

x Giuseppe D. Lia
Signed: Authorized Company Representative

Date: 4-13-10

Thank you,

Julie Hamilton, CPPB
Purchasing Department
City of Troy
G:/Letters – Memo – Option -/Ltr - Concrete Pavement Repair - Inspection Fees Addition.doc

January 27, 2010

TO: Susan Leirstein
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – CONCRETE PAVEMENT REPAIR

FLORENCE CEMENT CO – Angelo Lanni (586) 997-2666
According to Angelo, prices will remain the same. He is planning on keeping his prices level and only increase them if fuel costs significantly increase.

MAJOR CEMENT PAVING – Dan Scappaticci (313) 532-3212
Per Dan, his prices will remain the same. He is purposely keeping his prices down in order to compete in the market.

GIORGI CONCRETE LLC – Michelle Solomon (313) 366-2921
Michelle stated that, at this time, their Company is unsure if they plan to increase prices or keep them the same. The decision is dependent on how business is going and market conditions. Unfortunately, she could not comment on these conditions at this time.

LACARIA CONCRETE – Ali Audia (313) 843-1932
He believes that the Company prices will remain the same. If an increase were to happen it would affect concrete at an increase of $0.25 per square foot, but this small increase would not affect the product costs.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Concrete Pavement Repair to the current vendors. Although the cost of concrete repairs is expected to remain steady, there is a possibility of increases based on market conditions. Additionally, the cost of fuel is expected to rise over the course of the renewal period which could affect transportation costs. It should be noted that the surveyed vendors bid prices ranged from 9% to 18% higher than our current vendors' prices based on their averaged totals for Proposals A – D.

CC: File

City of Troy

Date: 12/30/09

ATTN: Mr. Rocco Grimaldi
Hard Rock Concrete Inc.,
38146 Abruzzi Dr.
Westland MI 48185

Dear Mr. Grimaldi

On August 17, 2009, the City of Troy entered into contract #2010-90000004 OB with Hard Rock Concrete Inc., to provide a one-year contract for local road concrete pavement repair program. This contract contained an option to renew for Two(2) additional one-year periods at the same prices, terms, conditions as the original contract, and through mutual consent of both parties,.

Please fax this letter back indicating if Hard Rock Concrete Inc. wishes to renew this contract until June 30, 2011. Our fax number is (248) 524-3520. 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) 524-3595

CHECK ONE:

Hard Rock Concrete Inc., is interested in renewing the contract under the same prices, terms, and conditions: (X)

Hard Rock Concrete Inc., is not interested in renewing the contract: ( )

X Rocco Grimaldi
Signed: Authorized Company Representative

Date: 1/1/2010

Thank you,
Marina Basta Farouk
Public Works Department
City of Troy

City of Troy

Date: 12/30/09

ATTN: Mr. Dominic Gaglio
Dominic Gaglio Construction Inc.
15347 Drysdale
Southgate, MI 48195

Dear Mr. Gaglio

On August 17, 2009, the City of Troy entered into contract #2010-90000005 OB Dominic Gaglio Construction Inc. to provide a one-year contract for Industrial road concrete pavement repair program. This contract contained an option to renew for Two(2) additional one-year periods at the same prices, terms, conditions as the original contract, and through mutual consent of both parties.

Please fax this letter back indicating if Dominic Gaglio Construction Inc. Wishes to renew this contract until June 30, 2011. Our fax number is (248) 524-3520. 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) 524-3595

CHECK ONE:

Dominic Gaglio Construction Inc. is interested in renewing the contract under the same prices, terms, and conditions: (X)

Dominic Gaglio Construction Inc. is not interested in renewing the contract: ( )

X Gaglio

Signed: Authorized Company Representative

Date: 12-30-09

Thank you,
Marina Basta Farouk
Public Works Department
City of Troy

City of Troy

Date: 12/30/2009

ATTN: Mr. Alfredo Scappaticci
Major Cement Company
15430 Dale
Detroit, MI 48223

Dear Mr. Scappaticci:

On August 26, 2009, the City of Troy entered into contract #2010-90000006 OB with Major Cement to provide a one-year contract for Major road concrete pavement repair program. This contract contained an option to renew for Two(2) additional one-year periods at the same prices, terms, conditions as the original contract, and through mutual consent of both parties,.

Please fax this letter back indicating if Major Cement Company wishes to renew this contract until June 30, 2011. Our fax number is (248) 524-3520. 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) 524-3595

CHECK ONE:

Major Cement Company is interested in renewing the contract under the same prices, terms, and conditions: X

Major Cement Company is not interested in renewing the contract: ( )

X Alfredo Scappaticci
Signed: Authorized Company Representative

Date: 12/30/2009

Thank you,
Marina Basta Farouk
Public Works Department
City of Troy

City of Troy

Date: 12/30/09

ATTN: Mr. Giuseppe D. Lia
Dilisio Contracting Inc
23525 Lakepointe Drive
Clinton Township, MI 48036

Dear Mr. Giuseppe D. Lia

On September 2, 2009, the City of Troy entered into contract #2010-90000007 OB with Dilisio Contracting Inc., to provide a one-year contract for tri-party road concrete pavement repair program. This contract contained an option to renew for Two(2) additional one-year periods at the same prices, terms, conditions as the original contract, and through mutual consent of both parties,.

Please fax this letter back indicating if Dilisio Contracting Inc. wishes to renew this contract until June 30, 2011. Our fax number is (248) 524-3520. 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) 524-3595

CHECK ONE:

Dilisio Contracting Inc., is interested in renewing the contract under the same prices, terms, and conditions: (X)

Dilisio Contracting Inc., is not interested in renewing the contract: ( )

X Giuseppe D. Lia
Signed: Authorized Company Representative

Date: 1-13-2010

Thank you,
Marina Basta Farouk
Public Works Department
City of Troy

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

Resolution #2009-08-250-F-4c

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

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

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

Resolution #2009-08-250-F-4d

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

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

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

Resolution #2009-08-250-F-5

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

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

CITY COUNCIL ACTION REPORT

August 14, 2009

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidders – Concrete Pavement Repair

Background

- On July 29, 2009, bids were received for Concrete Pavement Repair under four proposals: A)- Local Roads, B)- Industrial Roads C)- Major Roads, and D)-Tri Party County Roads with an option to renew for two (2) additional one- year periods.
- 197 vendors were notified via the MITN website.
- Hard Rock Concrete Inc, Dominic Gaglio Construction Inc, Major Cement Company and Dilisio Contracting Inc were the four separate low bidders for each proposal category, A-D respectively.
- Additional locations may be added based on the scope of work up to, but not exceeding amounts budgeted.

Financial Considerations

- Funds for this project are available in the 2009/10 Capital Accounts for Public Works Construction.

Proposal	Account #	Budget Amount	Estimated Total Cost
A	401.447.499.7989.500 Local Roads	$2,637,000	$2,056,650
B	401.447.479.7989.300 Industrial Roads	$2,000,000	$1,516,150
C	401.447.479.7989.500 Major Roads	$1,000,000	$ 847,450
D	401.447.479.7989.091016 Tri-Party Cty Rd	$ 600,000	$ 563,325

Legal Considerations

- ITB-COT09-07, Concrete Pavement Repair was competitively bid as required by City Charter and Code.
- The awards are contingent upon the recommended bidders' submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

Policy Considerations

- Moving this work forward would improve public safety and also reduce the liability for the City. (Outcome Statement I)
- Troy adds value to properties through maintenance or upgrades of infrastructure. (Outcome Statement II)

Options

- City management and the Public Works department recommend contract awards to four separate low total bidders, Hard Rock Concrete Inc of Westland, for proposal A, Local Roads; Dominic Gaglio Construction Inc, of Southgate, for proposal B, Industrial Roads; Major Cement Company of Detroit, MI, for proposal C, Major Roads; and Dilisio Contracting Inc of Clinton Township for proposal D; Tri Party County Roads at unit prices contained in the bid tabulation based on scope of work and ability to add additional locations up to, but not exceeding amounts budgeted.

Prepared by: Marina Basta-Farouk, Project Construction Manager

VENDOR NAME:			Hard Rock Concrete Inc	Dominic Gaglio Construction, Inc.	Major Cement Company	Dilisio Contracting Inc.
		Ck Number	530033281-3	15254580	343805248	15252566
		Ck Amount	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00
Proposal A:	**Local Road Maintenance Section 5,6,8,10,13,15,19,20, 25 & scattered locations**					
			FY2009/2010	FY2009/2010	FY2009/2010	Year 2009/2010
NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$33.00	$37.85	NO BID $0.00	$37.25
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	$32.00	$36.20	$0.00	$34.50
3	Remove & Replace with Concrete 7" Non-reinforced-	59,000 SY	$30.00	$34.00	$0.00	$32.50
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$4.00	$3.90	$0.00	$4.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$3.50	$3.85	$0.00	$4.00
6	Gatewell Adjustment	2 Each	$150.00	$190.00	$0.00	$125.00
7	Gatewell Repair - Per Foot	4 L.F.	$175.00	$100.00	$0.00	$200.00
8	Manhole or Catch Basin Adjustment	40 each	$150.00	$170.00	$0.00	$150.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$175.00	$100.00	$0.00	$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	3,600 C.Y.	$9.00	$20.00	$0.00	$18.00
11	Installation of 6" edge drain	200 L.F.	$12.00	$9.50	$0.00	$7.00
12	Remove and Replace Curb & Gutter	200 L.F.	$18.00	$25.00	$0.00	$20.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	$7.00	$6.00	$0.00	$8.00
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$20.00	$22.00	$0.00	$8.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal A		**$2,056,650.00**	**$2,352,305.00**	**$0.00**	**$2,258,100.00**

Proposal B:	**Industrial Road Maintenance - Lakeview, Golfview, Wilshire, Souter, Investment, Troy Center, Tower, Rankin, Chicago & Scattered Locations**					
			Year 2009/2010	Year 2009/2010	Year 2009/2010	Year 2009/2010
NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	38,000 SY	$42.50	$38.00	NO BID $0.00	$41.50
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$42.00	$38.00	$0.00	$44.00
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$40.00	$34.00	$0.00	$43.00
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$4.50	$3.90	$0.00	$4.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$4.00	$3.80	$0.00	$4.00
6	Gatewell Adjustment	2 Each	$150.00	$190.00	$0.00	$125.00
7	Gatewell Repair - Per Foot	4 L.F.	$175.00	$100.00	$0.00	$200.00
8	Manhole or Catch Basin Adjustment	25 each	$175.00	$170.00	$0.00	$150.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$150.00	$100.00	$0.00	$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	2,000 C.Y.	$9.00	$20.00	$0.00	$18.00
11	Installation of 6" edge drain	100 L.F.	$12.00	$9.50	$0.00	$7.00
12	Remove and Replace Curb & Gutter	200 L.F.	$18.00	$25.00	$0.00	$20.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$7.00	$6.00	$0.00	$8.00
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$20.00	$22.00	$0.00	$8.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal B		**$1,667,525.00**	**$1,516,150.00**	**$0.00**	**$1,647,900.00**

VENDOR NAME:			Hard Rock Concrete, Inc.	Dominic Gaglio Construction, Inc.	Major Cement Company	Dilisio Contracting Inc.
Proposal C: Major Road Maintenance - Rochester Road, Coolidge, and scattered locations						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 9" Non-reinforced- 6 Sac	18,600 SY	NO BID $0.00	NO BID $0.00	$43.50	$44.90
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$0.00	$0.00	$37.00	$47.90
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$0.00	$0.00	$35.00	$46.90
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	$0.00	$0.00	$5.00	$4.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$0.00	$0.00	$4.00	$4.00
6	Gatewell Adjustment	1 Each	$0.00	$0.00	$250.00	$125.00
7	Gatewell Repair - Per Foot	2 L.F.	$0.00	$0.00	$125.00	$200.00
8	Manhole or Catch Basin Adjustment	2 each	$0.00	$0.00	$250.00	$150.00
9	Manhole or Catch Basin - Repair per Foot	2 L.F.	$0.00	$0.00	$125.00	$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	1,000 C.Y.	$0.00	$0.00	$15.00	$1.00
11	Installation of 6" edge drain	100 L.F.	$0.00	$0.00	$8.00	$7.00
12	Remove and Replace Curb & Gutter	100 L.F.	$0.00	$0.00	$15.00	$20.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$0.00	$0.00	$10.00	$8.00
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$0.00	$0.00	$10.00	$8.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal C		**$0.00**	**$0.00**	**$847,450.00**	**$863,425.00**

Proposal D: Tri Party Concrete Repair - Big Beaver, Dequindre, John R, Crooks, Long Lake, Livernois & scattered locations						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 10" Non-reinforced-	10,000 SY	NO BID $0.00	NO BID $0.00	$48.00	$45.90
2	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$0.00	$0.00	$43.50	$48.90
3	Remove & Replace with Concrete 8" Non-reinforced-	500 S.Y.	$0.00	$0.00	$37.00	$47.90
4	Remove & Replace with Concrete 7" Non-reinforced-	500 S.Y.	$0.00	$0.00	$35.00	$46.90
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	$0.00	$0.00	$5.00	$4.00
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	$0.00	$0.00	$4.00	$4.00
7	Gatewell Adjustment	1 Each	$0.00	$0.00	$250.00	$125.00
8	Gatewell Repair - Per Foot	2 L.F.	$0.00	$0.00	$125.00	$200.00
9	Manhole or Catch Basin Adjustment	2 each	$0.00	$0.00	$250.00	$150.00
10	Manhole or Catch Basin - Repair per Foot	2 L.F.	$0.00	$0.00	$125.00	$200.00
11	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	500 C.Y.	$0.00	$0.00	$15.00	$1.00
12	Installation of 6" edge drain	100 L.F.	$0.00	$0.00	$8.00	$7.00
13	Remove and Replace Curb & Gutter	100 L.F.	$0.00	$0.00	$25.00	$20.00
14	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$0.00	$0.00	$10.00	$8.00
15	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$0.00	$0.00	$9.00	$8.00
16	Restoration	Included	Included	Included	Included	Included
17	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal D		**$0.00**	**$0.00**	**$575,900.00**	**$563,325.00**

VENDOR NAME:			Hard Rock Concrete, Inc.	Dominic Gaglio Construction, Inc.	Major Cement Company	Dilisio Contracting Inc.
PROGRESS PAYMENTS:			Bi-Weekly	Every 2 Weeks or once a month	Every 2 Weeks	Monthly
CONTACT INFORMATION		Hrs of Oper.	M-Sat 8 AM to 8 PM	7 AM to 6 PM	7 AM to 5 PM	9 AM to 5 PM
		Phone	(734) 564-0925	(734) 216-2051	(248) 388-1168	(586) 405-4578
AWARD	100% of Contract					
	Partial Contract:	Proposal A	X	X		
		Proposal B	X	X		X
		Proposal C			X	X
		Proposal D			X	X
						X
COMPLETION SCHEDULE:			**BY JUNE 30th OF ANY CONTRACT YEAR**			
INSURANCE:	Can Meet		XX	XX	XX	XX
	Cannot Meet					
PAYMENT TERMS:			Bi-Weekly	Once a Month	2 Weeks	Monthly
WARRANTY:			As in Contract	1 year	1 year	1 year
EXCEPTIONS:			Blank	N/A	Blank	N/A
ACKNOWLEGEMENT:		Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE		Y or N	Yes	Yes	Yes	Yes
FORMS:	Legal Staus of Bidder	Y or N	Yes	Yes	Yes	Yes
	Non-Collusion Affidavit	Y or N	Yes	Yes	Yes	Yes
Addenda #1 & #2		Y or N	No	Yes	No	Yes

PROPOSAL: City of Troy Concrete Pavement Repair Program for Local, Major, Industrial Roads with an Option to Renew for Two (2) Additional One-Year Periods.

ATTEST:
Marina Basta Farouk
Debra Painter
Tom Rosewarne
Linda Bockstanz

HIGHLIGHTED AREAS DENOTES LOW TOTAL BIDDERS BY PROPOSAL

Susan Leirstein CPPB
Purchasing Director

VENDOR NAME:	Florence Cement Co	Major Cement Paving	Giorgi Concrete L.L.C.	Lacaria Concrete & Audia Construction Companies
Ck Number	343813467	343805249	100438	#0180543 - $5,000 #15247757 - $5,000
Ck Amount	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00

Proposal A: Local Road Maintenance Section 5,6,8,10,13,15,19,20,25 & scattered locations

NO.	DESCRIPTION	EST. QTY.	FY2009/2010 UNIT PRICE	FY2009/2010 UNIT PRICE	FY2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$40.40	$45.00	$44.00	$43.66
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	$36.60	$37.00	$39.00	$41.10
3	Remove & Replace with Concrete 7" Non-reinforced-	59,000 SY	$32.95	$33.00	$35.50	$38.20
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$3.75	$5.00	$4.11	$11.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$3.45	$4.00	$4.11	$10.00
6	Gatewell Adjustment	2 Each	$190.00	$250.00	$250.00	$500.00
7	Gatewell Repair - Per Foot	4 L.F.	$220.00	$125.00	$250.00	$250.00
8	Manhole or Catch Basin Adjustment	40 each	$215.00	$200.00	$250.00	$195.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$230.00	$125.00	$250.00	$150.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	3,600 C.Y.	$12.00	$24.00	$20.00	$19.00
11	Installation of 6" edge drain	200 L.F.	$12.00	$12.00	$10.00	$18.00
12	Remove and Replace Curb & Gutter	200 L.F.	$19.30	$15.00	$20.00	$25.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	$6.30	$9.50	$13.00	$7.00
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$16.80	$10.00	$30.00	$20.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal A		**$2,271,570.00**	**$2,339,200.00**	**$2,509,822.00**	**$2,638,860.00**

Proposal B: Industrial Road Maintenance - Lakeview, Golfview, Wilshire, Souter, Investment, Troy Center, Tower, Rankin, Chicago & Scattered Locations

NO.	DESCRIPTION	EST. QTY.	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE	Year 2009/2010 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	38,000 SY	$41.10	$39.00	NO BID $0.00	$45.66
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$38.25	$37.00	$0.00	$44.66
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$35.65	$35.00	$0.00	$44.41
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$3.75	$5.00	$0.00	$11.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$3.45	$4.00	$0.00	$10.00
6	Gatewell Adjustment	2 Each	$190.00	$250.00	$0.00	$500.00
7	Gatewell Repair - Per Foot	4 L.F.	$220.00	$100.00	$0.00	$250.00
8	Manhole or Catch Basin Adjustment	25 each	$215.00	$175.00	$0.00	$195.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$230.00	$100.00	$0.00	$150.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	2,000 C.Y.	$12.00	$15.00	$0.00	$19.00
11	Installation of 6" edge drain	100 L.F.	$12.00	$10.00	$0.00	$18.00
12	Remove and Replace Curb & Gutter	200 L.F.	$19.30	$15.00	$0.00	$25.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$6.30	$10.00	$0.00	$7.50
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$16.80	$5.00	$0.00	$20.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal B		**$1,621,165.00**	**$1,542,075.00**	**$0.00**	**$1,813,919.00**

VENDOR NAME:			Florence Cement Co	Major Cement Paving	Giorgi Concrete L.L.C.	Lacaria Concrete & Audia Construction Companies
Proposal C: Major Road Maintenance - Rochester Road, Coolidge, and scattered locations						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 9" Non-reinforced-	18,600 SY	$45.95	NO BID $0.00	NO BID $0.00	$51.50
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$38.00	$0.00	$0.00	$49.75
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$36.00	$0.00	$0.00	$48.25
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	$3.75	$0.00	$0.00	$11.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$3.45	$0.00	$0.00	$10.00
6	Gatewell Adjustment	1 Each	$190.00	$0.00	$0.00	$500.00
7	Gatewell Repair - Per Foot	2 L.F.	$220.00	$0.00	$0.00	$250.00
8	Manhole or Catch Basin Adjustment	2 each	$215.00	$0.00	$0.00	$500.00
9	Manhole or Catch Basin - Repair per Foot	2 L.F.	$230.00	$0.00	$0.00	$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	1,000 C.Y.	$12.00	$0.00	$0.00	$19.00
11	Installation of 6" edge drain	100 L.F.	$12.00	$0.00	$0.00	$18.00
12	Remove and Replace Curb & Gutter	100 L.F.	$19.30	$0.00	$0.00	$25.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$6.30	$0.00	$0.00	$7.50
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$16.80	$0.00	$0.00	$20.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal C		**$890,785.00**	**$0.00**	**$0.00**	**$1,010,650.00**

Proposal D: Tri Party Concrete Repair - Big Beaver, Dequindre, John R, Crooks, Long Lake, Livernois & scattered locations						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 10" Non-reinforced-	10,000 SY	$52.90	NO BID $0.00	NO BID $0.00	$57.75
2	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$49.05	$0.00	$0.00	$56.00
3	Remove & Replace with Concrete 8" Non-reinforced-	500 S.Y.	$38.00	$0.00	$0.00	$54.75
4	Remove & Replace with Concrete 7" Non-reinforced-	500 SY.	$36.00	$0.00	$0.00	$52.75
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	$3.75	$0.00	$0.00	$11.00
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	$3.45	$0.00	$0.00	$10.00
7	Gatewell Adjustment	1 Each	$190.00	$0.00	$0.00	$500.00
8	Gatewell Repair - Per Foot	2 L.F.	$220.00	$0.00	$0.00	$200.00
9	Manhole or Catch Basin Adjustment	2 each	$215.00	$0.00	$0.00	$500.00
10	Manhole or Catch Basin - Repair per Foot	2 L.F.	$230.00	$0.00	$0.00	$200.00
11	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	500 C.Y.	$12.00	$0.00	$0.00	$25.00
12	Installation of 6" edge drain	100 L.F.	$12.00	$0.00	$0.00	$20.00
13	Remove and Replace Curb & Gutter	100 L.F.	$19.30	$0.00	$0.00	$29.00
14	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$6.30	$0.00	$0.00	$10.00
15	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$16.80	$0.00	$0.00	$20.00
16	Restoration	Included	Included	Included	Included	Included
17	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal D		**$629,630.00**	**$0.00**	**$0.00**	**$713,000.00**

VENDOR NAME:			Florence Cement Co	Major Cement Paving	Giorgi Concrete L.L.C.	Lacaria Concrete & Audia Construction Companies
PROGRESS PAYMENTS:			Bi-Weekly	Every 2 Weeks	Every 30 Days	Monthly
CONTACT INFORMATION		Hrs of Oper.	Per City Ordinance	7 AM to 5 PM	7 AM to 5 PM	7 AM to 7 PM
		Phone	(810) 560-4141	(248) 207-7819	(313) 300-3599	(313) 218-6834
AWARD	100% of Contract		X			X
	Partial Contract:	Proposal A		X	X	
		Proposal B		X		
		Proposal C				
		Proposal D				
COMPLETION SCHEDULE:			**BY JUNE 30th OF ANY CONTRACT YEAR**			
INSURANCE:	Can Meet		XX	XX	XX	XX
	Cannot Meet					
PAYMENT TERMS:			Bi-Weekly	2 Weeks	Every 30 Days	Monthly
WARRANTY:			Mtnce Bond 1 year	1 year	1 year	Blank
EXCEPTIONS:			None	Blank	Blank	None
ACKNOWLEGEMENT:		Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE		Y or N	Yes	Yes	Yes	Yes
FORMS:	Legal Status of Bidder	Y or N	Yes	Yes	Yes	Yes
	Non-Collusion Affidavit	Y or N	Yes	Yes	Yes	Yes
Addenda #1 & #2		Y or N	No	No	No	Yes

VENDOR NAME:			Tony Angelo Cement Construction Co	Walter Toebe Construction Co	Hartwell Cement Co	Angelo Iafrate Construction Co
		Ck Number	1542500	9244200729	343805333	9227002917
		Ck Amount	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00
Proposal A:	**Local Road Maintenance Section 5,6,8,10,13,15,19,20,25 & scattered locations**					
			Year 2009/2010	**Year 2009/2010**	**Year 2009/2010**	**Year 2009/2010**
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$56.00	$47.12	$48.95	$62.80
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	$50.00	$46.37	$47.10	$60.30
3	Remove & Replace with Concrete 7" Non-reinforced-	59,000 SY	$41.29	$45.87	$46.25	$50.25
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$4.90	$5.20	$7.25	$8.80
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$4.40	$7.04	$6.25	$8.80
6	Gatewell Adjustment	2 Each	$337.00	$176.05	$200.00	$430.00
7	Gatewell Repair - Per Foot	4 L.F.	$337.00	$176.05	$200.00	$190.00
8	Manhole or Catch Basin Adjustment	40 each	$337.00	$176.05	$125.00	$320.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$337.00	$283.64	$125.00	$143.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	3,600 C.Y.	$44.00	$15.00	$5.00	$18.00
11	Installation of 6" edge drain	200 L.F.	$11.85	$9.34	$12.00	$12.10
12	Remove and Replace Curb & Gutter	200 L.F.	$19.00	$21.46	$28.00	$25.20
13	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	$14.15	$6.27	$16.00	$8.70
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$22.75	$31.58	$30.00	$24.10
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal A		**$3,017,027.00**	**$3,101,233.10**	**$3,148,250.00**	**$3,474,960.00**

Proposal B:	**Industrial Road Maintenance - Lakeview, Golfview, Wilshire, Souter, Investment, Troy Center, Tower, Rankin, Chicago & Scattered Locations**					
			Year 2009/2010	**Year 2009/2010**	**Year 2009/2010**	**Year 2009/2010**
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete 9" Non-reinforced-	38,000 SY	$53.00	$47.45	$50.95	$55.00
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$52.00	$39.13	$47.10	$70.10
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$51.55	$37.39	$46.25	$64.40
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	$4.90	$5.27	$7.25	$8.80
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$4.40	$4.84	$6.25	$8.80
6	Gatewell Adjustment	2 Each	$337.00	$170.80	$200.00	$430.00
7	Gatewell Repair - Per Foot	4 L.F.	$337.00	$170.80	$200.00	$190.00
8	Manhole or Catch Basin Adjustment	25 each	$337.00	$170.80	$125.00	$320.00
9	Manhole or Catch Basin - Repair per Foot	20 L.F.	$337.00	$273.14	$125.00	$143.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	2,000 C.Y.	$44.05	$15.00	$5.00	$18.00
11	Installation of 6" edge drain	100 L.F.	$11.85	$9.28	$12.00	$12.10
12	Remove and Replace Curb & Gutter	200 L.F.	$28.10	$20.44	$28.00	$25.20
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$14.20	$6.30	$16.00	$8.20
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$22.75	$31.69	$30.00	$24.10
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal B		**$2,154,267.00**	**$1,870,247.60**	**$1,987,545.00**	**$2,178,260.00**

VENDOR NAME:	Tony Angelo Cement Construction Co	Walter Toebe Construction Co	Hartwell Cement Company	Angelo Iafrate Construction Co

Proposal C: Major Road Maintenance - Rochester Road, Coolidge, and scattered locations

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	18,600 SY	$50.40	$51.06	NO BID $0.00	$62.20
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	$47.90	$39.00	$0.00	$69.80
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	$43.05	$38.82	$0.00	$57.90
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	$4.60	$5.50	$0.00	$8.80
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	$4.25	$5.11	$0.00	$8.80
6	Gatewell Adjustment	1 Each	$271.00	$176.05	$0.00	$430.00
7	Gatewell Repair - Per Foot	2 L.F.	$271.00	$176.05	$0.00	$190.00
8	Manhole or Catch Basin Adjustment	2 each	$271.00	$176.05	$0.00	$320.00
9	Manhole or Catch Basin - Repair per Foot	2 L.F.	$271.00	$283.64	$0.00	$143.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	1,000 C.Y.	$31.00	$15.00	$0.00	$18.00
11	Installation of 6" edge drain	100 L.F.	$11.85	$9.55	$0.00	$12.10
12	Remove and Replace Curb & Gutter	100 L.F.	$18.40	$21.26	$0.00	$25.20
13	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$13.75	$6.46	$0.00	$8.50
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$21.90	$31.81	$0.00	$24.80
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal C		**$999,212.00**	**$991,538.53**	**$0.00**	**$1,213,596.00**

Proposal D: Tri Party Concrete Repair - Big Beaver, Dequindre, John R, Crooks, Long Lake, Livernois & scattered locations

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete 10" Non-reinforced-	10,000 SY	$55.20	$58.50	NO BID $0.00	$64.90
2	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	$52.00	$48.95	$0.00	$65.80
3	Remove & Replace with Concrete 8" Non-reinforced-	500 S.Y.	$51.00	$44.50	$0.00	$69.30
4	Remove & Replace with Concrete 7" Non-reinforced-	500 S.Y.	$50.00	$42.18	$0.00	$58.90
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	$7.95	$5.56	$0.00	$8.80
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	$4.55	$5.15	$0.00	$8.80
7	Gatewell Adjustment	1 Each	$268.40	$179.90	$0.00	$430.00
8	Gatewell Repair - Per Foot	2 L.F.	$268.40	$179.91	$0.00	$190.00
9	Manhole or Catch Basin Adjustment	2 each	$268.40	$179.91	$0.00	$320.00
10	Manhole or Catch Basin - Repair per Foot	2 L.F.	$288.25	$291.35	$0.00	$143.00
11	Misc. Base Repair per CY to excavate/replace with 21AA Gravel, compacted in place	500 C.Y.	$32.00	$15.00	$0.00	$18.00
12	Installation of 6" edge drain	100 L.F.	$11.85	$9.76	$0.00	$12.10
13	Remove and Replace Curb & Gutter	100 L.F.	$22.40	$21.52	$0.00	$25.20
14	Sidewalk Ramp, ADA, Modified w/Inserts	300 S.F.	$13.70	$6.47	$0.00	$10.10
15	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	$21.09	$31.84	$0.00	$24.10
16	Restoration	Included	Included	Included	Included	Included
17	Traffic Maintenance	Included	Included	Included	Included	Included
	Estimated Total Cost – Proposal D		**$682,687.50**	**$695,060.74**	**$0.00**	**$799,686.00**

VENDOR NAME:			Tony Angelo Cement Construction Co	Walter Toebe Construction Co	Hartwell Cement Co	Angelo Iafrate Construction Co
PROGRESS PAYMENTS:			Bi-Weekly	Bi-Weekly	Monthly Payments	Per Specification
CONTACT INFORMATION		Hrs of Oper.	7 AM to 8 PM	Dennady Bilzon	7 AM to 6 PM	7 AM to 6 PM
		Phone	(248) 756-1168	(248) 640-0018	(248) 789-4156	(586) 756-1070
AWARD	100% of Contract		X			X
	Partial Contract:	Proposal A		X	X	
		Proposal B		X	X	
		Proposal C		X		
		Proposal D		X		
COMPLETION SCHEDULE:			**BY JUNE 30th OF ANY CONTRACT YEAR**			
INSURANCE:	Can Meet		XX	XX	XX	XX
	Cannot Meet					
PAYMENT TERMS:			Net 10 Days	Blank	Monthly	Per Specification
WARRANTY:			Maintenance Bond	Blank	1 year	1 year
EXCEPTIONS:			Blank	Blank	Blank	Will accept Proposal
						A & B together/Separately
						Will not accept Proposal
						C & D Seperately
ACKNOWLEGEMENT:		Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE		Y or N	Yes	Yes	Yes	Yes
FORMS:	Legal Status of Bidder	Y or N	Yes	Yes	Yes	Yes
	Non-Collusion Affidavit	Y or N	Yes	Yes	Yes	Yes
Addenda #1 & #2		Y or N	Yes	No	No	No

CITY COUNCIL ACTION REPORT

April 20, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item - Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2010/2011

Background:

- The City is in receipt of a renewal package from the Michigan Municipal League Workers' Compensation Fund (MML WCF) which includes an experience discount from our own claims history as well as a dividend credit attributable to Fund members overall.
- In March of 2003, City Management engaged an independent insurance counselor, Mr. Angelo Zervos to evaluate the current state of the City's workers' compensation program.
- His evaluation indicated the MML WCF program would cost the City less than if we were self-insured or went to the commercial marketplace.
- The Risk Manager contacted Mr. Zervos in April 2009. At that time, Mr. Zervos indicated his evaluation is as relevant today as it was then.
- The philosophy and program of the MML WCF has not changed. The MML WCF continues to produce an equitable value for its members.
- The MML WCF provides Workers' Compensation coverage to 851 public entities throughout Michigan.
- The MML WCF's broker takes competitive bids from re-insurers. As of January 1, 2010 the re-insurer and A.M. Best rating is: Discover RE (A+).

Financial Considerations:

- The renewal premium to the City for FY 2010/11 is $205,789. A reduction of 40.32% (or $139,056) from the previous years cost.
- The City's comparison costs for FY 09/10 is $344,845, with FY 08/09 of $290,013, and FY 07/08 of $260,354, and FY 06/07 of $246,041, and $444,846 for FY 05/06.
- Funds are available in the Workers' Compensation Fund.

Legal Considerations:

- As an employer, the State of Michigan requires the City of Troy to provide workers' disability compensation under Public Act 317 of 1969.
- The MML WCF provides legal expertise and defense as part of their services, which are included in their premium.

Policy Considerations:

- The dividend credit and a reduction of .18 in the City's experience modifier (from .73 to .55) continue to provide the City with continued sound financial position without the increased risk of being self-insured.
- City Management's fiscal responsibility to City Council and our residents is best served by continuing the relationship with the MML WCF.

Options:

- It is Risk Management's recommendation that City Council approve the renewal of the City's workers' compensation coverage with the Michigan Municipal League Workers' Compensation Fund (MML WCF) for the net cost in fiscal year 2010-11 of $205,789.

April 28, 2010

TO: The Honorable Mayor and City Council Members

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

SUBJECT: Approval of the Troy Downtown Development Authority's Proposed Fiscal Year 2010/11 Budget

The Downtown Development Authority (DDA) approved their proposed 2010/11 budget at the April 21, 2010 DDA meeting.

The City-captured tax rate of 9.40 mills, Oakland County 4.65 mills and Oakland County Community College. 1.58 mills was used in determining the DDA property tax revenue, based on a captured taxable value of $140,915,580.

The DDA's proposed fiscal year 2010/11 budget is hereby submitted to City Council for their approval.

City of Troy
Michigan

Members

Stuart Frankel
David R. Hay
Michele Hodges
Laurence G. Keisling
William Kennis
Alan M. Kiriluk, Chairman
P. Terry Knight
Daniel MacLeish
Ernest C. Reschke
Louise E. Schilling
Douglas J. Schroeder
Harvey Weiss
G. Thomas York

Executive Director
A. John Szerlag

Secretary/Treasurer
John M. Lamerato

Downtown Development Authority
Proposed Annual Budget
Fiscal Year July 1, 2010 – June 30, 2011

Introduction

In order to prevent further deterioration and to encourage economic development of the Downtown District, the City of Troy established the Downtown Development Authority of the City of Troy (the DDA) pursuant to Act 197 of 1975 (Act 197) and an Ordinance adopted by the City Council of the City of Troy on July 12, 1993, and amended on September 28, 1998, February 7, 2000, August 5, 2002, December 16, 2002 and June 4, 2007.

The DDA has identified specific sources of funding to finance the implementation of a plan for physical improvements to the Downtown District identified in this plan as the Development Area.

The purpose of the Tax Increment Financing and Development Plan is to provide for the construction and financing of the necessary streets, sidewalks, street lighting, landscaping, parking garage and other facilities; Kmart and Civic Center projects; widening of Rochester Road and Big Beaver to improve traffic flow; provide and expand existing public facilities on the civic center site to serve the needs of the DDA businesses and the citizens of the City of Troy; to fund improvements contained in the Big Beaver Corridor Study and to carry out the objectives of the DDA so as to prevent the further deterioration of the Development Area while preserving and promoting economic growth for the benefit of all taxing units located within and benefited by the Development Area.

2010-11 Budget

Revenue

Property Taxes	$	2,202,500
Investment Income		110,000
Re-appropriation of Fund Balance		1,532,160
Total Revenue	**$**	**3,844,660**

Expenditures

Administrative Expenses	$	200,000
Operating Expenses		100,000
Debt Service - Big Beaver Phase 2 & 3		1,195,000
Debt Service - MTF Bonds (Roch. Rd.)		221,100
Debt Service - Refund 1995 Dev. Bonds Series A		788,000
Debt Service - Community Center		1,164,000
Street Island Maint.		176,560
Total Expenditures	**$**	**3,844,660**

Captured Taxable Value
2010-11

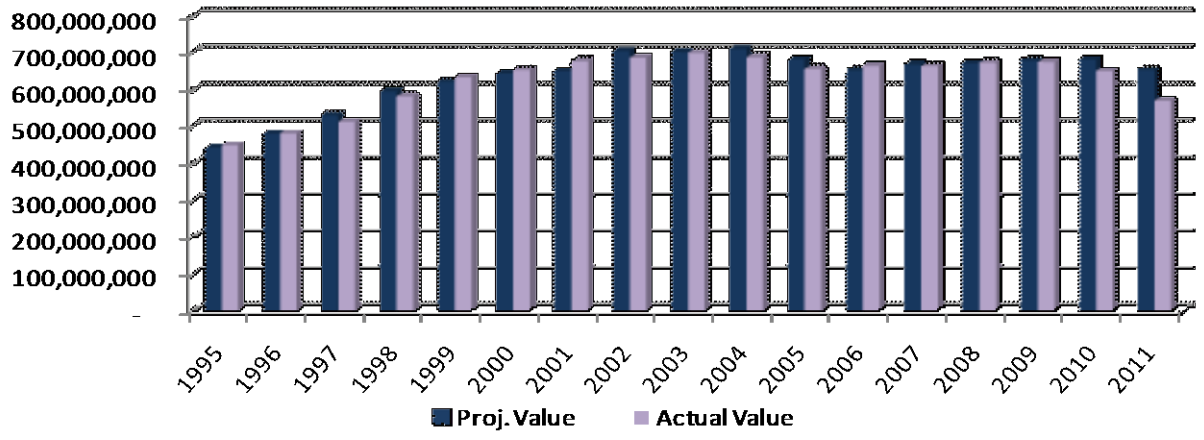
	Real Taxable	Personal Taxable	Total Taxable
1993 - Initial Value	342,302,000	86,976,530	429,278,530
2010 - Taxable Value	458,825,750	111,368,360	570,194,110
Captured Taxable Value	116,523,750	24,391,830	140,915,580

	Oakland County	Oakland Comm. College	City of Troy	Total
Millage Rates	$ 4.65	$ 1.58	$ 9.40	$ 15.63
Captured Yield	$ 655,250	$ 222,650	$ 1,324,600	$ 2,202,500

Projected and Actual Captured Valuation
April, 2010

Total DDA Base

Fiscal Year	Initial Valuation	Projected Valuation	Projected Captured	Actual Valuation	Actual Captured
1995	429,278,530	443,579,055	14,300,525	450,682,090	21,403,560
1996	429,278,530	482,321,290	53,042,760	482,321,290	53,042,760
1997	429,278,530	531,054,797	101,776,267	513,251,790	83,973,260
1998	429,278,530	595,752,807	166,474,277	582,784,390	153,505,860
1999	429,278,530	622,051,685	192,773,155	634,117,140	204,838,610
2000	429,278,530	644,521,355	215,242,825	653,782,621	224,504,091
2001	429,278,530	650,903,679	221,625,149	677,550,840	248,272,310
2002	429,278,530	705,343,067	276,064,537	687,261,110	257,982,580
2003	429,278,530	702,063,909	272,785,379	700,292,970	271,014,440
2004	429,278,530	710,501,087	281,222,557	687,610,440	258,331,910
2005	429,278,530	682,725,921	253,447,391	656,443,260	227,164,730
2006	429,278,530	652,413,515	223,134,985	664,930,800	235,652,270
2007	429,278,530	668,894,972	239,616,442	664,121,560	234,843,030
2008	429,278,530	672,433,613	243,155,083	673,838,080	244,559,550
2009	429,278,530	679,300,371	250,021,841	675,603,180	246,324,650
2010	429,278,530	681,089,262	251,810,732	650,996,995	221,718,465
2011	429,278,530	653,644,255	224,365,725	570,194,110	140,915,580



This chart displays the projected and actual taxable value of the entire Downtown Development District.

Bond Debt Service
Development Bonds, Series 2001

Big Beaver Phase 2 & 3
Final Pricing

Dated Date 07/19/2001
Delivery Date 07/19/2001

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt
7/19/2001					
11/1/2001	$ 605,000	4.00%	$ 193,848.17	$ 798,848.17	$ -
5/1/2002			329,985.00	329,985.00	1,128,833.17
11/1/2002	545,000	4.00%	329,985.00	874,985.00	
5/1/2003			319,085.00	319,085.00	1,194,070.00
11/1/2003	565,000	4.00%	319,085.00	884,085.00	
5/1/2004			307,785.00	307,785.00	1,191,870.00
11/1/2004	590,000	4.00%	307,785.00	897,785.00	
5/1/2005			295,985.00	295,985.00	1,193,770.00
11/1/2005	615,000	4.00%	295,985.00	910,985.00	
5/1/2006			283,685.00	283,685.00	1,194,670.00
11/1/2006	640,000	5.00%	283,685.00	923,685.00	
5/1/2007			267,685.00	267,685.00	1,191,370.00
11/1/2007	670,000	4.00%	267,685.00	937,685.00	
5/1/2008			254,285.00	254,285.00	1,191,970.00
11/1/2008	700,000	4.10%	254,285.00	954,285.00	
5/1/2009			239,935.00	239,935.00	1,194,220.00
11/1/2009	730,000	5.00%	239,935.00	969,935.00	
5/1/2010			221,685.00	221,685.00	1,191,620.00
11/1/2010	770,000	5.00%	221,685.00	991,685.00	
5/1/2011			202,435.00	202,435.00	1,194,120.00
11/1/2011	805,000	4.40%	202,435.00	1,007,435.00	
5/1/2012			184,725.00	184,725.00	1,192,160.00
11/1/2012	850,000	5.50%	184,725.00	1,034,725.00	
5/1/2013			161,350.00	161,350.00	1,196,075.00
11/1/2013	895,000	5.50%	161,350.00	1,056,350.00	
5/1/2014			136,737.50	136,737.50	1,193,087.50
11/1/2014	945,000	5.50%	136,737.50	1,081,737.50	
5/1/2015			110,750.00	110,750.00	1,192,487.50
11/1/2015	1,000,000	5.50%	110,750.00	1,110,750.00	
5/1/2016			83,250.00	83,250.00	1,194,000.00
11/1/2016	1,055,000	5.00%	83,250.00	1,138,250.00	
5/1/2017			56,875.00	56,875.00	1,195,125.00
11/1/2017	1,110,000	5.00%	56,875.00	1,166,875.00	
5/1/2018			29,125.00	29,125.00	1,196,000.00
11/1/2018	1,165,000	5.00%	29,125.00	1,194,125.00	1,194,125.00
	$ 14,255,000		**$ 7,164,573.17**	**$21,419,573.17**	**$ 21,419,573.17**

Bond Debt Service
Refunding Bonds, Series 2001
Refunding of Callable 1995 DDA Bonds, Series A (Tax-Exempt)

Refunding Portion
Final Pricing

Dated Date 07/19/2001
Delivery Date 07/19/2001

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
7/19/2001					
11/1/2001	$ 465,000	4.00%	$ 132,448.42	$ 597,448.42	$ -
5/1/2002			224,432.50	224,432.50	821,880.92
11/1/2002	380,000	4.00%	224,432.50	604,432.50	
5/1/2003			216,832.50	216,832.50	821,265.00
11/1/2003	395,000	4.00%	216,832.50	611,832.50	
5/1/2004			208,932.50	208,932.50	820,765.00
11/1/2004	415,000	4.00%	208,932.50	623,932.50	
5/1/2005			200,632.50	200,632.50	824,565.00
11/1/2005	430,000	4.00%	200,632.50	630,632.50	
5/1/2006			192,032.50	192,032.50	822,665.00
11/1/2006	410,000	5.00%	192,032.50	602,032.50	
5/1/2007			181,782.50	181,782.50	783,815.00
11/1/2007	430,000	4.00%	181,782.50	611,782.50	
5/1/2008			173,182.50	173,182.50	784,965.00
11/1/2008	450,000	4.10%	173,182.50	623,182.50	
5/1/2009			163,957.50	163,957.50	787,140.00
11/1/2009	470,000	5.00%	163,957.50	633,957.50	
5/1/2010			152,207.50	152,207.50	786,165.00
11/1/2010	495,000	5.00%	152,207.50	647,207.50	
5/1/2011			139,832.50	139,832.50	787,040.00
11/1/2011	560,000	4.40%	139,832.50	699,832.50	
5/1/2012			127,512.50	127,512.50	827,345.00
11/1/2012	590,000	5.50%	127,512.50	717,512.50	
5/1/2013			111,287.50	111,287.50	828,800.00
11/1/2013	620,000	5.50%	111,287.50	731,287.50	
5/1/2014			94,237.50	94,237.50	825,525.00
11/1/2014	655,000	5.50%	94,237.50	749,237.50	
5/1/2015			76,225.00	76,225.00	825,462.50
11/1/2015	690,000	5.50%	76,225.00	766,225.00	
5/1/2016			57,250.00	57,250.00	823,475.00
11/1/2016	725,000	5.00%	57,250.00	782,250.00	
5/1/2017			39,125.00	39,125.00	821,375.00
11/1/2017	765,000	5.00%	39,125.00	804,125.00	
5/1/2018			20,000.00	20,000.00	824,125.00
11/1/2018	800,000	5.00%	20,000.00	820,000.00	820,000.00
	$9,745,000		$4,891,373.42	$14,636,373.42	$14,636,373.42

$5,600,000
Michigan Transportation Fund Bonds
(Rochester Road)

Schedule of Principal and Interest Requirements
On a Fiscal Year Basis

Fiscal Year Beginning July 1	Interest Due November 1	Interest Rate	Principal Due May1, Next	Interest Due May 1, Next	Total
2000	$ 205,343.70	- %	$ 1,100,000	$ 136,893.75	$ 1,442,237.45
2001	110,768.75	4.75%	1,200,000	110,768.75	1,421,537.50
2002	82,268.75	4.75%	1,300,000	82,268.75	1,464,537.50
2003	51,718.75	4.70%	125,000	51,718.75	228,437.50
2004	48,718.75	4.80%	150,000	48,718.75	247,437.50
2005	45,043.75	4.90%	175,000	45,043.75	265,087.50
2006	40,668.75	5.00%	175,000	40,668.75	256,337.50
2007	36,293.75	5.00%	175,000	36,293.75	247,587.50
2008	31,918.75	5.00%	175,000	31,918.75	238,837.50
2009	27,456.25	5.10%	175,000	27,456.25	229,912.50
2010	22,950.00	5.15%	175,000	22,950.00	220,900.00
2011	18,356.25	5.25%	200,000	18,356.25	236,712.50
2012	13,006.25	5.35%	225,000	13,006.25	251,012.50
2013	6,875.00	5.45%	250,000	6,875.00	263,750.00
	$ 741,387.45		**$ 5,600,000**	**$ 672,937.50**	**$ 7,014,324.95**

Registrar/Transfer Agent – Old Kent Bank, Grand Rapids, Michigan

*Dated date, February 1, 2000, first interest payment due
November 1, 2000 – 9 months.

$9,700,000
Community Center Facilities Bonds, Series 2002

Schedule of Principal and Interest Requirements
On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate	Interest Due November 1	Interest Due May 1, Next	Total Principal & Interest Requirements
2002	$ -	- %	$ -	$ 236,433.33	$ 236,433.33
2003	400,000.00	5.00%	177,325.00	167,325.00	744,650.00
2004	425,000.00	3.00%	167,325.00	160,950.00	753,275.00
2005	425,000.00	2.05%	160,950.00	156,593.75	742,543.75
2006	500,000.00	2.40%	156,593.75	150,593.75	807,187.50
2007	500,000.00	2.70%	150,593.75	143,843.75	794,437.50
2008	550,000.00	3.00%	143,843.75	135,593.75	829,437.50
2009	575,000.00	3.25%	135,593.75	126,250.00	836,843.75
2010	600,000.00	3.50%	126,250.00	115,750.00	842,000.00
2011	600,000.00	3.60%	115,750.00	104,950.00	820,700.00
2012	625,000.00	3.70%	104,950.00	93,387.50	823,337.50
2013	650,000.00	3.80%	93,387.50	81,037.50	824,425.00
2014	700,000.00	4.00%	81,037.50	67,037.50	848,075.00
2015	725,000.00	4.10%	67,037.50	52,175.00	844,212.50
2016	775,000.00	4.20%	52,175.00	35,900.00	863,075.00
2017	800,000.00	4.30%	35,900.00	18,700.00	854,600.00
2018	850,000.00	4.40%	18,700.00	0.00	868,700.00
	$9,700,000.00		$1,787,412.50	$1,846,520.83	$ 13,333,933.33

Registrar/Transfer Agent – Fifth Third Bank, Michigan, Grand Rapids, Michigan

$4,025,000
Community Center Facilities Junior Lien Bonds, Series 2003

Schedule of Principal and Interest Requirements
On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate		Interest Due November 1	Interest Due May 1, Next	Total Principal & Interest Requirements
2003	$ -	0.00%	*	$ 59,984.38	$ 71,981.25	$ 131,965.63
2004	75,000.00	2.50%		71,981.25	71,043.75	218,025.00
2005	100,000.00	2.50%		71,043.75	69,793.75	240,837.50
2006	100,000.00	2.50%		69,793.75	68,543.75	238,337.50
2007	125,000.00	2.50%		68,543.75	66,981.25	260,525.00
2008	150,000.00	2.50%		66,981.25	65,106.25	282,087.50
2009	200,000.00	3.00%		65,106.25	62,106.25	327,212.50
2010	200,000.00	3.00%		62,106.25	59,106.25	321,212.50
2011	250,000.00	3.15%		59,106.25	55,168.75	364,275.00
2012	300,000.00	3.30%		55,168.75	50,218.75	405,387.50
2013	325,000.00	3.45%		50,218.75	44,612.50	419,831.25
2014	350,000.00	3.60%		44,612.50	38,312.50	432,925.00
2015	400,000.00	3.75%		38,312.50	30,812.50	469,125.00
2016	450,000.00	4.25%		30,812.50	21,250.00	502,062.50
2017	500,000.00	4.25%		21,250.00	10,625.00	531,875.00
2018	500,000.00	4.25%		10,625.00	0.00	510,625.00
	$ 4,025,000.00			**$ 845,646.88**	**$ 785,662.50**	**$ 5,656,309.38**

Registrar/Transfer Agent – Fifth Third Bank, Michigan, Grand Rapids, Michigan

*Dated date, June 1, 2003, first interest payment due
November 1, 2003 – 5 months.

Table 1
Downtown Development Authority Bonds

Schedule of Projected Taxable Values
(Actual through 2010)

Year	Total Real	Total Personal	Total Real & Personal	Initial Assessed Value	Captured Taxable Value
1993	342,342,400	86,936,130	429,278,530	429,278,530	-
1994	338,797,800	111,884,290	450,682,090	429,278,530	21,403,560
1995	334,906,240	147,415,050	482,321,290	429,278,530	53,042,760
1996	366,197,830	147,053,960	513,251,790	429,278,530	83,973,260
1997	391,782,920	191,001,470	582,784,390	429,278,530	153,505,860
1998	430,125,100	203,992,040	634,117,140	429,278,530	204,838,610
1999	432,998,790	220,783,831	653,782,621	429,278,530	224,504,091
2000	469,734,570	207,816,270	677,550,840	429,278,530	248,272,310
2001	493,426,640	193,834,470	687,261,110	429,278,530	257,982,580
2002	520,281,770	180,011,200	700,292,970	429,278,530	271,014,440
2003	524,793,130	162,817,310	687,610,440	429,278,530	258,331,910
2004	522,118,430	134,324,830	656,443,260	429,278,530	227,164,730
2005	531,379,920	133,550,880	664,930,800	429,278,530	235,652,270
2006	538,571,100	125,550,460	664,121,560	429,278,530	234,843,030
2007	546,229,050	127,609,030	673,838,080	429,278,530	244,559,550
2008	548,608,230	126,994,950	675,603,180	429,278,530	246,324,650
2009	529,452,075	121,544,920	650,996,995	429,278,530	221,718,465
2010	458,825,750	111,368,360	570,194,110	429,278,530	140,915,580
2011	412,943,175	102,424,560	515,367,735	429,278,530	86,089,205
2012	388,166,585	98,298,619	486,465,204	429,278,530	57,186,674
2013	376,405,092	95,349,661	471,754,753	429,278,530	42,476,223
2014	365,002,269	92,416,933	457,419,202	429,278,530	28,140,672
2015	365,002,269	89,644,425	454,646,694	429,278,530	25,368,164
2016	365,002,269	86,955,092	451,957,361	429,278,530	22,678,831
2017	365,002,269	84,346,439	449,348,708	429,278,530	20,070,178
2018	365,002,269	81,816,046	446,818,315	429,278,530	17,539,785

2011 (10%) Real, (8%) Personal; 2012 (6%) Real, (4%) Personal; 2013 (3%) Real, (3%) Personal; 2014 (3%) Real, (3%) Personal; 2015 (0%) Real, (3%) Personal; 2016 (0%) Real, (3%) Personal; 2017 (0%) Real, (3%) Personal; 2018 (0%) Real, (3%) Personal.

Assumes no new development in the district.

Table 2
Downtown Development Authority Bonds
*(Actual through 2010)

Schedule of Impact on Taxing Jurisdictions

Year	Projected SEV (TV after 1994) in District		Initial Assessed Value		Captured SEV (TV after 1994) in District		Oakland Community College 1.5800	County of Oakland 4.6500	City of Troy (9.48 < 2002) 9.2800	Total Annual Capture
1993	$ 429,278,530	*	$ 429,278,530	*	$ -	*	$ -	$ -	$ -	$ -
1994	450,682,090	*	429,278,530	*	21,403,560	*	34,246	99,527	202,906	336,678
1995	482,321,290	*	429,278,530	*	53,042,760	*	84,868	246,649	502,845	834,362
1996	513,251,790	*	429,278,530	*	83,973,260	*	134,357	390,476	796,067	1,320,899
1997	582,784,390	*	429,278,530	*	153,505,860	*	245,609	713,802	1,455,236	2,414,647
1998	634,117,140	*	429,278,530	*	204,838,610	*	327,742	952,500	1,941,870	3,222,112
1999	653,782,621	*	429,278,530	*	224,504,091	*	359,207	1,043,944	2,128,299	3,531,450
2000	677,550,840	*	429,278,530	*	248,272,310	*	397,236	1,154,466	2,353,621	3,905,324
2001	687,261,110	*	429,278,530	*	257,982,580	*	412,772	1,199,619	2,445,675	4,058,066
2002	700,292,970	*	429,278,530	*	271,014,440	*	433,623	1,260,217	2,561,086	4,254,927
2003	687,610,440	*	429,278,530	*	258,331,910	*	413,331	1,201,243	2,441,237	4,055,811
2004	656,443,260	*	429,278,530	*	227,164,730	*	363,464	1,056,316	2,146,707	3,566,487
2005	664,930,800	*	429,278,530	*	235,652,270	*	372,331	1,095,783	2,226,914	3,695,028
2006	664,121,560	*	429,278,530	*	234,843,030	*	371,052	1,092,020	2,219,267	3,682,339
2007	673,838,080	*	429,278,530	*	244,559,550	*	386,404	1,137,202	2,269,513	3,793,119
2008	675,603,180	*	429,278,530	*	246,324,650	*	389,193	1,145,410	2,285,893	3,820,495
2009	650,996,995	*	429,278,530	*	221,718,465	*	350,315	1,030,991	2,057,547	3,438,853
2010	570,194,110		429,278,530	*	140,915,580	*	222,647	655,257	1,324,606	2,202,511
2011	515,367,735		429,278,530	*	86,089,205		136,021	400,315	818,708	1,355,044
2012	486,465,204		429,278,530	*	57,186,674		90,355	265,918	548,420	904,693
2013	471,754,753		429,278,530	*	42,476,223		67,112	197,514	410,745	675,372
2014	457,419,202		429,278,530	*	28,140,672		44,462	130,854	274,372	449,688
2015	454,646,694		429,278,530	*	25,368,164		40,082	117,962	249,369	407,413
2016	451,957,361		429,278,530	*	22,678,831		35,833	105,457	224,747	366,036
2017	449,348,708		429,278,530	*	20,070,178		31,711	93,326	200,501	325,538
2018	446,818,315		429,278,530	*	17,539,785		27,713	81,560	176,626	285,898
							$5,771,685	**$16,868,328**	**$ 34,262,776**	**$56,902,789**

Annual Debt Requirements

Year Ending June 30,	Refunding Bonds 2001	Big Beaver Phase 2 & 3	MTF Bonds Roch. Rd.	Comm. Center 2002	Comm. Center Jr. Lien 2003	Amount of Annual Interest	Total
2011	$ 495,000	$ 770,000	$ 175,000	$ 600,000	$ 200,000	$ 1,125,274	$ 3,365,274
2012	560,000	805,000	200,000	600,000	250,000	1,026,192	3,441,192
2013	590,000	850,000	225,000	625,000	300,000	914,614	3,504,614
2014	620,000	895,000	250,000	650,000	325,000	786,621	3,526,621
2015	655,000	945,000	-	700,000	350,000	648,953	3,298,953
2016	690,000	1,000,000	-	725,000	400,000	515,814	3,330,814
2017	725,000	1,055,000	-	775,000	450,000	376,638	3,381,638
2018	765,000	1,110,000	-	800,000	500,000	231,600	3,406,600
2019	800,000	1,165,000	-	850,000	500,000	78,450	3,393,450
	$ 5,900,000	**$ 8,595,000**	**$ 850,000**	**$ 6,325,000**	**$ 3,275,000**	**$ 5,704,156**	**$30,649,156**

Five -Year Budget Projection
April 12, 2010

	2011-12	2012-13	2013-14	2014-15	2015-16
Revenue					
Property Taxes	$ 1,355,040	$ 904,690	$ 675,370	$ 449,690	$ 407,410
Re-appropriation Fund Balance	2,468,960	3,039,310	962,083	-	-
Investment Income	100,000	50,000	10,000	-	-
Total	**$ 3,924,000**	**$ 3,994,000**	**$ 1,647,453**	**$ 449,690**	**$ 407,410**
Expenditures					
Operating Expenses	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Administrative Expense	200,000	200,000	200,000	200,000	200,000
Street Island Maintenance	180,000	185,000	190,000	195,000	200,000
Debt Service					
Big Beaver Phase 2 & 3	1,193,000	1,197,000	1,194,000	1,194,000	1,195,000
MTF Rochester Road	237,000	252,000	264,000	-	-
Refund Series 'A'	828,000	830,000	826,000	826,000	825,000
Community Center	1,186,000	1,230,000	1,245,000	1,282,000	1,315,000
Total - Debt Service	**$ 3,444,000**	**$ 3,509,000**	**$ 3,529,000**	**$ 3,302,000**	**$ 3,335,000**
Available for Projects	-	-	-	-	-
Total Expenditures	**$ 3,924,000**	**$ 3,994,000**	**$ 4,019,000**	**$ 3,797,000**	**$ 3,835,000**
Captured TV	86,089,205	57,186,674	42,476,223	28,140,672	25,368,164
Captured Tax Rate	**$ 15.74**	**$ 15.82**	**$ 16.00**	**$ 16.08**	**$ 16.16**
Estimated Fund Balance	$ 4,001,393	$ 962,083	$ (2,371,547)	$ (5,718,857)	$ (9,146,447)

Tax Increment Procedure

Tax increment revenue to be transmitted to the DDA is generated when the current taxable value of all properties within a development area exceeds the initial assessed value of the properties. The initial assessed value is defined in Act 197 as the assessed value of all taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the ordinance is adopted. The current assessed value refers to the assessed value of all properties, real and personal, within the development area as established each year subsequent to the adoption of the tax increment financing plan. The amount in any one year by which the current taxable value exceeds the initial assessed value, including real and personal property, is defined as the "captured taxable value." The tax increment revenue transmitted to the DDA results from applying the total tax levy of taxing units within the development area to the captured taxable value.

Increases in assessed values within a development area which result in the generation of tax increment revenues, can result from any of the following:

a. Construction of new development occurring after the date establishing the "initial assessed value."

b. Construction of new rehabilitation, remodeling alterations, or additions accruing after the date establishing the "initial assessed value."

c. Increases in property values which occur for any other reason.

Tax increment revenues transmitted to the DDA can be pledged for debt service on general obligation tax increment bonds issued by the municipality or tax increment revenues bonds issued by the DDA.

If bonds are to be sold, the municipality may not pledge for annual debt service requirements in excess of 80% of the estimated tax increment revenue to be received from a development area for that year. In addition, the estimated annual debt service owed on bonds issued by the municipality may not exceed 80% of the estimated annual tax increment revenues. Should actual tax increment revenues fall below projections, any previously accumulated revenue would be devoted to retirement of the bonds. Any tax increment revenues collected in excess of the 80% measure described in Table 2 of the Development Plan will be used to pay current debt service on any bonds issued under the Plan. The bonds are subject to the Michigan Municipal Finance Act and my not mature in more than thirty years.

The DDA may expend tax increment revenues only in accordance with the tax increment financing plan; surplus revenues revert proportionally to the prospective taxing jurisdictions. The tax increment financing plan may be modified upon approval of the governing body after notification and hearings as required by Act 197. When the governing body finds that the purposes for which the plan was established have been accomplished, they may abolish the plan.

May 4, 2010

TO: The Honorable Mayor and City Council Members

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

SUBJECT: Approval of the Troy Local Development Finance Authority (LDFA) Proposed Fiscal Year 2010/11 Budget

The Troy Local Development Finance Authority (LDFA) is in the process of reviewing an amendment to the development plan and could submit the amendment to City Council in the near future. Part of the amendment would include financial assistance to Automation Alley to construct an addition to their facility. City Council would have to approve the development plan and adopt an amended budget if this were to occur.

The Troy Local Development Finance Authority (LDFA) recommended approval of their proposed 2010/11 budget at their April 26, 2010 meeting. City Management recommends that City Council approve the LDFA's proposed 2010/11 budget.

CITY OF TROY

LOCAL DEVELOPMENT FINANCE AUTHORITY
2010 - 2011
PROPOSED BUDGET

REVENUE

Property Tax	$215,900
Interest Income	3,000
	$218,900

EXPENDITURES

Automation Alley Tech Center - Operations	129,600
Automation Alley Tech Center - Building	0
Administrative Services	50,000
Marketing Costs	39,300
	$218,900

CAPTURED TAXABLE VALUE
2010 - 2011

	Base Taxable Value	2010 Taxable Value	2010 Captured Taxable Value
Commercial Personal PRE	1,431,000	1,831,270	400,270
Industrial Personal PRE	0	5,993,830	5,993,830
Industrial Real Non-H	13,016,380	17,102,270	4,085,890
Total Taxable Values	14,447,380	24,927,370	10,479,990

Millage Rates	County	City - Debt	Transportation	* 1/2 (School Op - 12)	1/2 (ISD)	Community College	Hold Harmless	Total
CP PRE	4.6461	8.9000	0.5900	3.0000	1.6845	1.5844	0.0000	20.4050
IP PRE	4.6461	8.9000	0.5900	0.0000	1.6845	1.5844	0.0000	17.4050
IR Non H	4.6461	8.9000	0.5900	9.0000	1.6845	1.5844	0.0000	26.4050

***** 1/2 School Operating minus 12 mills only for Comm Personal Property, Real is 1/2 School Operating

Captured Tax Yield	Total Captured Taxable Value	Total Captured Mills	Total Captured Taxes
Commercial Personal PRE	400,270	20.4050	8,167.51
Industrial Personal PRE	5,993,830	17.4050	104,322.61
Industrial Real Non-H	4,085,890	26.4050	107,887.93
Total	10,479,990		220,378.05

Note: Millage rates estimated - budget @ 98%

H-06

CITY COUNCIL REPORT

RECEIVED
MAY 06 2010
CITY OF TROY
CITY MANAGER'S OFFICE

TO: John Szerlag, City Manager

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

SUBJECT: Motor Carrier Enforcement Cost Recovery Initiative

Background:

- The City of Troy Police Department has three (3) police officers who are trained Motor Carrier officers. They conduct safety inspections of commercial vehicles on a daily basis throughout the year and issue violations for various infractions to drivers and trucking companies, ranging from having overweight trucks to not having the proper paperwork with them.

  About forty percent (40%) of commercial trucks inspected in 2009 had to be placed out of service due to safety issues with the trucks or the lack of driver qualifications to drive the trucks.

  The City of Troy Police Department commercial vehicle inspectors are making a difference in keeping residents and commuters safe from dangerous trucks and dangerous truck drivers.

Financial Considerations:

- Currently, the City of Troy does not receive any money from the fines that are levied against the drivers and trucking companies found in violation of ordinances, state laws, and federal motor carrier laws that our motor carrier officers are qualified to enforce.

  The fines levied for some of the safety violations on these commercial vehicles can run into the thousands of dollars because of the detrimental effect they have on roads and the safety of the motoring public.

  Currently, about seventy percent (70%) of all fines levied go to the State of Michigan. Most of the remaining thirty percent (30%) go to funding libraries. A small portion is received by the courts for administrative costs.

  As a matter of comparison, for traffic citations issued to a driver of a passenger vehicle, the City of Troy currently receives about thirty percent (30%) of those fines and costs.

Legal Considerations:

- Because the City of Troy has not yet adopted the commercial vehicle laws as written in the Motor Vehicle Code and the Uniform Traffic Code, the fines associated with these types of violations will continue to go to the State of Michigan rather than to the City of Troy.

  By adopting these commercial vehicle laws, seventy percent (70%) of the fines and costs recovered would come to the City of Troy.

Policy Considerations:

- By allowing the City of Troy to adopt the commercial vehicle laws as written in the Motor Vehicle Code and the Uniform Traffic Code, the City of Troy will be able to benefit both in terms of financial considerations and safety considerations that will enhance the health and safety of the community.

Options:

- The City Council could reject this consideration. In doing so, seventy percent (70%) of any monies from fines levied as a result of a commercial safety violation will continue to go to the State of Michigan.

Reviewed and approved as to legality:

Lori Grigg Bluhm, City Attorney

[DGL/Motor Carrier Cost Recovery Initiative]

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 106 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 106, Traffic, of the Code of the City of Troy.

Section 2. Amendment

Chapter 106, Traffic, of the City of Troy Code of Ordinances shall be amended to incorporate the following:

11. MOTOR VEHICLE SIZE, WEIGHT AND LOAD RESTRICTIONS

11.1 Size, weight and load restrictions.

(1) Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle of a size and weight exceeding the limitations stated in this ordinance or otherwise in violation of this ordinance.

(2) The provisions of this ordinance governing size, weight, and load do not apply to a fire apparatus; to an implement of husbandry; to a boat lift or oversized hydraulic boat trailer that is owned and operated by a marina or watercraft dealer and used exclusively in a commercial boat storage operation which is incidentally moved upon a highway; or to a vehicle operated under the terms of a special permit issued as provided in this ordinance.

(3) The Michigan Department of Transportation, under the Administrative Procedures Act of 1969, 1969 PA 306 (MCL 24.201 to MCL 24.328), may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations of this ordinance. The City may enforce those rules under this ordinance, but can take no actions in conflict with Federal, State, or local law.

(4) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer that exceeds the size and weight limitations in this ordinance may be operated upon the highways of the City under the following conditions:

(a) The wrecker is specifically designed for such towing operations; is equipped with flashing, oscillating, or rotating amber or red lights as permitted under MCL 257.698; and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.

(b) For a combination of disabled vehicles, the wrecker is issued a special permit under section under MCL 257.725 by the Michigan Department of Transportation or the Road Commission for Oakland County if each trip beginning from the place of original disablement is 25 miles or less. The special permit is valid for the entire 25 mile towing distance, and the operator of that wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing within that distance.

(c) For a single disabled vehicle, the wrecker is issued a special permit under MCL 257.725 by the Michigan Department of Transportation or the Road Commission for Oakland County for the transport of the disabled vehicle. A wrecker operator is not subject to mileage limitations under such a special permit.

(d) The wrecker does not operate on any highway, road, street or structure that is included on a list provided by the State Transportation Department that prohibits wreckers unless the disabled vehicle or combination of vehicles is actually located on one of those roads or structures.

(5) The owner or operator of a wrecker that does not comply with Section 106.11.1 (4) is responsible for a civil infraction and shall pay a civil fine of not less that $250.00 or more than $500.00. The civil fine imposed under this subsection is in addition to any fine that may be imposed under Section 106. 11.13 or 106.11.15.

11.2 <u>Maximum outside width of vehicles or loads; operation or movement of boat lifts and trailers</u>.

(1) The total outside width of a vehicle or the load on a vehicle that is operated on the highways, streets, and roadways in the City shall not exceed 96 inches, except as otherwise provided in this section.

(2) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit by the Michigan Department of Transportation or the Road Commission for Oakland County for an excessively wide vehicle or load under MCL 257.725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move

an implement of husbandry to the left of center of the roadway from a half hour after sunset or a half hour before sunrise, under the conditions specified in 5.22 of Chapter 106 of this Ordinance, or at any other time where visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

(3) The total outside width of the load of a vehicle hauling concrete pipe; agricultural products; or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.

(4) Except as provided in subsections (2) and (5), if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck or trailer or a tractor and semi-trailer combination hauling pulpwood or unprocessed logs may operate with a maximum width of up to108 inches, in accordance with a special permit issued under MCL 257.725.

(5) The total outside body width of a bus, a trailer coach, a trailer, a semi-trailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a trailer coach, a truck camper, or a motor home that extends not more than 6 inches beyond the total outside body width is not a violation of this Section.

(6) A vehicle shall not extend beyond the center line of a state trunk highway except when authorized by law. Except as provided in subsection (2) above, if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under MCL 257.725.

(7) The City may designate a highway under its jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this Section. The City may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This Section does not permit the operation of a vehicle or vehicle combination described in Section 106.11.11 if the operation would otherwise result in a violation of that Section.

(8) The Michigan Department of Transportation or the Road Commission of Oakland County may issue a special permit under MCL 257.725 to a person operating a vehicle or vehicle combination if all of the following are met:

(a) The vehicle or vehicle combination, including load, is not more than 106 inches in width.

(b) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following:

(i) New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities.

(ii) The facilities are located within 10 miles of each other.

(iii) The facilities are located with the Troy city limits.

(c) The special permit and any renewals are each issued for a term of one year or less.

(9) A person who violates this Section is responsible for a civil infraction. The operator or the owner of the vehicle may be charged with a violation of this Section.

11.3 Passenger-type vehicles; projected load.

(1) A passenger type vehicle shall not be operated on a highway with a load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

(2) A person who violates this section is responsible for a civil infraction.

11.4 Height, length; combinations; connecting assemblies, lighting devices; weight; violations.

(1) A vehicle, either unloaded or with load, shall not exceed a height of 13 feet 6 inches. The owner of a vehicle that collides with a lawfully established bridge or viaduct is liable for all damage and injury resulting from a collision caused by the height of the vehicle, whether the clearance of the bridge or viaduct is posted or not.

(2) Lengths described in this Section shall be known as the normal length maximum. Except as provided in Section (3) below, the following vehicles and combinations of vehicles shall not be operated on a highway in this City in excess of these lengths:

(a) Subject to subsection 8, below, any single vehicle -40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle- 42.5 feet; any single bus or motor home- 45 feet.

(b) Articulated buses- 65 feet.

(c) Notwithstanding any other provision of this Section, a combination of a truck and semi-trailer or trailer, or a truck tractor, semi-trailer, and trailer, or truck tractor and semi-trailer or trailer, designated and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats- 65 feet. Stinger-steered combinations- 75 feet. The load on the combinations of vehicles described in this Section may extend an additional 3 feet beyond the front and 4 feet beyond the rear of the combinations of vehicles. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.

(d) Truck tractor and semi-trailer combinations- no overall length, but the semi-trailer shall not exceed 50 feet.

(e) Truck and semi-trailer or trailer- 59 feet.

(f) Except as provided in Section (g) below, a combination of a truck tractor, semi-trailer, and trailer, or truck tractor and 2 semi-trailers- 59 feet.

(g) A truck tractor, semi-trailer, and trailer, or a truck tractor and 2 semi-trailers, in which no semitrailer or trailer is more than 28 ½ feet long- 65 feet. This Section only applies while the vehicle is being used for a business purpose that is reasonably related to picking up or delivering a load and only if each semi-trailer or trailer is equipped with a device or system capable of mechanically dumping construction materials or dumping construction materials by force of gravity.

(h) More than one motor vehicle, wholly or partially assembled, in combination, utilizing one tow bar or three saddle mounts with full mount mechanisms and utilizing the motive power of one of the vehicles in combination- 55 feet.

(3) The normal length maximums, as set forth in Section (2) above, may be exceeded for the following vehicles and combinations of vehicles, but they shall comply with the following:

(a) Truck tractor and semi-trailer combinations- no overall length limit, but the semi-trailer shall not exceed 53 feet. All semi-trailers longer than 50 feet shall have a wheelbase of 37.5 to 40.5 feet, plus or minus 0.5 feet, measured from the kingpin coupling to the center of the rear axle or the center or the rear axle assembly. A semi-trailer with a length longer than 50 feet shall not operate with more than 3 axles on the semi-trailer. Vehicles with a semi-trailer longer than 50 feet may be prohibited from

stopping in the City unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes.

(b) Truck and semi-trailer or trailer combinations- 65 feet, except that a person may operate a truck and semi-trailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semi-trailer or trailer designated and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semi-trailer or trailer designed for and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semi-trailer designed for and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semi-trailer which does not exceed 6 feet if the semi-trailer does not exceed 50 feet in length.

(c) Notwithstanding Section 106.11.4 (4) (d), a truck tractor with a log slasher unit and a log saw unit- no maximum length limit if the length of each unit does not exceed 28 ½ feet, or the overall length of the log slasher unit and the log saw unit, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet. The coupling devices of the truck tractor and units set forth in this Section shall meet the requirements established under the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(d) Truck tractor and 2 semi-trailers, or truck tractor, semi-trailer, and trailer combinations- no overall length limit, as long as the length of each semi-trailer or trailer does not exceed 28 ½ feet each, or the overall length of the semi-trailer and trailer, or 2 semi-trailers, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet.

(e) More than one motor vehicle, wholly or partially assembled, in combination, utilizing one tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of one of the vehicles in combination- maximum 75 feet.

(4) The following combinations and movements are prohibited:

(a) A truck shall not haul more than one trailer or semi-trailer, and a truck tractor shall not haul more than 2 semi-trailers or 1 semi-trailer and 1 trailer in combination at any one time, except that a farm tractor may haul 2 wagons or trailers, or garbage and refuse haulers may, during daylight hours, haul up to 4 trailers for garbage and refuse collection purposes, as

long as the total length of any combination does not exceed 55 feet and the vehicles are operated at a speed limit of 15 miles per hour or less.

(b) A combination of vehicles or a vehicle shall not have more than 11 axles, except when operating under a valid permit issued by the Michigan Department of Transportation or the Road Commission of Oakland County under MCL 257.725 on highways under its jurisdiction.

(c) Any combination of vehicles not specifically authorized under this Section is prohibited.

(d) Except as provided in Section 106.11.4 (3) (c) a combination of 2 semi-trailers pulled by a truck tractor, unless each semi-trailer uses a fifth wheel connection assembly that conforms to the requirements of the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(e) A vehicle or combination of vehicles shall not carry a load extending more than 3 feet beyond the front of the lead vehicle.

(f) A vehicle described in Section 106.11.4 (2) (e) and (3) (e) employing triple saddle mounts, unless all wheels that are in contact with the roadway have operating brakes.

(5) All combinations of vehicles under this Section shall employ connecting assemblies and lighting devices that are in compliance with the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(6) The total gross weight of a truck tractor, semi-trailer, and trailer combination or a truck tractor and 2 semi-trailers combination that exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to clutch or its equivalent, as specified in the handbook published by the Society of Automotive Engineers, Inc. (SAE), 1977 edition.

(7) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

(8) The provisions in Sections 106.11.4 (2) (a) and (3) (b) prescribing the length of a crib vehicle on which logs are loaded lengthwise do not apply unless section 127(d) of Title 23 of the United States Code, 23 USC 127, is amended to allow crib vehicles carrying logs to be loaded as described in this section.

(9) As used in this Section:

"Designated highway" means a highway under the jurisdiction of the City of Troy and approved by the State of Michigan as a highway.

(b) “Length” means the total length of a vehicle, or combination of vehicles, including any load the vehicle is carrying. Length does not include devices described in 23 CFR 658.16 and 23 CFR part 658, appendix D, 23 CFR 658.16 and 23 CFR part 658, appendix D, as on file with the Michigan Secretary of State and as adopted by reference. A safety or energy conservation device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo, freight, or equipment. Semi-trailers and trailers shall be measured from the front vertical plane of the foremost transverse load supporting the structure to the rear-most transverse load supporting the structure. Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle.

(c) “Stinger-steered combinations” means a truck tractor and semi-trailer combination in which the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

11.5 Towing vehicle with mobile home attached; operating restrictions; permits; transport requirements; violations; definitions.

(1) Notwithstanding any other provisions of this ordinance, a person shall not operate on a highway of this City a towing vehicle to which a mobile home is attached, if that mobile home is more than 45 feet in length or more than 60 feet in length when combined with the towing vehicle; or is more than 12 ½ feet in height; or has an actual body width of more than 102 inches at base rail, unless that person possesses either of the following:

(a) A permit issued by the Michigan Department of Transportation or the Road Commission of Oakland County pursuant to MCL 257.725.
(b) A special permit issued by the Michigan Department of Transportation or the Road Commission of Oakland County pursuant to MCL 257.725.

(2) Pursuant to MCL 257.725, the Michigan Department of Transportation or the Road Commission of Oakland County may issue an annual permit to a mobile home transport company; a mobile home manufacturer; or a mobile home dealer to move a mobile home over a highway under the jurisdiction of the City, in the ordinary course of that company’s, manufacturer’s, or dealer’s business, as long as the mobile home conforms to each of the following:

(a) The mobile home is not more than 12 feet wide.

(b) The actual body length of the mobile home is not more than 80 feet and the combined length of the mobile home and towing vehicle is not more than 105 feet; or the total length of a combination of mobile homes is not

more than 80 feet and the total length of a combination of mobile homes and towing is not more than 105 feet.

(3) Pursuant to MCL 257.725, the Michigan Department of Transportation or the Road Commission of Oakland County may issue a special permit for the movement of a mobile home over a highway within its jurisdiction if the width of that mobile home conforms to both of the following:

(a) The mobile home is not more than 16 feet wide plus normal appurtenances or eaves that extend not more than 6 inches from any side of the mobile home.

(b) The length of the mobile home complies with Section 106.11.5 (2)(b).

(4) A person operating a towing vehicle under Section 106.11.5 (3) shall transport a mobile home only on the lane farthest to the right of that person. When the wind velocity exceeds 25 miles per hour, a person shall not move a mobile home that is 14 or more feet in width.

(5) Pursuant to MCL 257.725, the Michigan Department of Transportation or the Road Commission of Oakland County shall not issue a permit for the transportation of a mobile home on a Saturday, Sunday, legal holiday (from noon the day before until the noon the day after a holiday), or during the hours between sunset and sunrise.

(6) Persons operating a vehicle towing a mobile home shall comply with all of the conditions of a permit issued by Michigan Department of Transportation or the Road Commission of Oakland County pursuant to MCL 257.725. A permit issued under MCL 257.725 includes all of the following:

(a) The date, day, and time period during which a mobile home may be moved on a highway, subject to the permit.

(b) Notice that the permit is conditioned upon its holder's compliance with all of the permit's terms and with the law.

(c) Notice that the operator of a towing vehicle transporting the mobile home shall operate the towing vehicle on a highway as follows:

(i) At a safe speed and in a safe manner that will not impede motor traffic.

(ii) Only when the surface condition of the highway is not slippery.

(iii) In accordance with seasonal load restrictions.

(d) For a mobile home or park model trailer and towing vehicle, when combined, are more than 80 feet in length or more than 12 feet wide, all of the following:

(i) Notice that the mobile home or park model trailer shall be equipped with two flashing amber lights on the rear of the mobile home or park model trailer and one flashing amber light on the top of the towing vehicle.

(ii) Notice that the mobile home or park model trailer shall be equipped with stop lights and directional lights on the rear of the mobile home or park model trailer.

(iii) Notice that the signs with the words “oversize load” shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer, or in the case of mobile homes or park model trailers that are 16 feet wide, notice that signs with the words “16-ft wide load” shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer.

(iv) Notice that the signs identified in paragraph (iii) above shall be of durable material, in good condition, with black lettering on interstate yellow background, and that each letter shall be of block lettering that is not less than 12 inches high at the front and not less than 16 inches high at the rear of the unit.

(v) Notice that a vehicle escort is required on those roads where the Michigan State Police and the Troy Police Department considers escort vehicles necessary for highway safety.

(7) Signs and other special identification for escort vehicles shall conform to Michigan Transportation Department’s requirements for all escort vehicles for oversized loads.

(8) For a mobile home or park model trailer being moved pursuant to this Section or MCL 257.725, the distance between mobile home or park model trailer axle centers shall not be less than 34 inches. The axle and tires shall meet standards established by the Michigan Transportation Department.

(9) This section does not grant or give authority to the Michigan Department of Transportation, the Road Commission of Oakland County or the Troy Police Department that did not exist on May 1, 1982 in accordance with 23 USC 127.

(10) A person who violates this section is responsible for a civil infraction and may be assessed a civil fine of not more than $500.00. The operator or the owner of the towing vehicle may be charged with a violation of this section.

(11) As used in this section:

(a)"Jurisdictional authority" means the Michigan Transportation Department, the Road Commission of Oakland County or the City of Troy.

(b)"Mobile home" means any of the following:

(i) A pre-built housing module.
(ii) That term, as defined in section 2 of the Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.
(iii)A section of a mobile home as that term is defined under this Ordinance.

11.6 Mobile homes; additional requirements for transporting.

All mobile homes transported on the highways of the City that are more than 14 1/3 feet wide (plus normal appurtenances that expand no more than 6 inches, and an eave that extends no more than 2 feet from the width of the mobile home), are subject to the following requirements in addition to the requirements of Section 106.11.4:

(a) Two escort vehicles shall escort the towing vehicle and mobile home on all 2-lane roads and on those roads where the Troy Police Department considers two escort vehicles necessary for highway safety.

(b) Each towing vehicle shall be equipped with a radio or other device that allows for continuous communication between the towing vehicle and each escort vehicle.

(c) The person transporting the mobile home shall have in effect a liability insurance policy covering personal injury and property damage and having a policy limit of not less than $1,000,000.00.

(d) The towing vehicle and mobile home shall not exceed a speed of 45 miles per hour or 10 miles per hour below the posted speed limit, whichever is lower.

11.7 Trucks hauling semitrailers, transportation of passengers for sightseeing purposes; approval of city; speed limitation; safety equipment; inspection.

(1) Notwithstanding Section 106.11.4, the Troy Police Department may give approval for a truck to be used to haul up to 4 semi-trailers for the purpose of

transporting passengers for sightseeing purposes, as long as the truck does not travel more than 3 miles beyond the City boundaries and does not exceed a speed limit of 25 miles per hours.

(2) A truck and a semi-trailer, as described in this Section, shall meet the following requirements:

(a) Be equipped with hazard warning lights, and slow-moving vehicle emblems, as described in MCL 257.688.

(b) Be equipped with safety belts, as described in MCL 257.710e, for each individual seat.

(c) Be compliant with any applicable federal safety standards.

(3) Before operating a truck regulated by this Section, the operator of the truck shall secure the proper group vehicle designation and any required endorsement required on his or her operator's or chauffeur's license.

(4) A truck and semi-trailer used as described in this Section shall be inspected annually by the Michigan Department of State Police.

11.8 Construction or loading of vehicle to prevent spillage on highway or roadway; loading of vehicle which is not completely enclosed; operation of vehicle equipped with front end loading device with protruding tine: offenses and penalties.

(1) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products, such as hay, straw, silage, or residue from a product (but not including the product itself), or when materials such as water that is used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation, whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this Section.

(2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this Section.

(3) Except as provided in this Section, a vehicle carrying a load, (other than logs or tubular products), which is not completely enclosed shall meet either of the following requirements:

(a) The load shall be covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this Section shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(b) The load shall be securely fastened to the body or the frame of the vehicle with binders of an adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with the knowledge that it is to be driven on a public highway, and the loading or unloading is done in a manner so as to cause a violation of Subsection 106.11.8 (1) shall be prima facie liable for a violation of this Section.

(5) Section 106.11.8 (3) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry that is transporting sand, gravel, and dirt which is necessary in the normal operation of a farm. However, if such person violates subsections 106.11.8 (1) or (4), the person is guilty of a misdemeanor and is subject to the penalties prescribed in subsection 106.11.8 (9).

(6) Section 106.11.8 (3) (a) does not apply to a motor vehicle transporting items in a load that, because of their weight, will not fall off the moving vehicle and that have their center of gravity located at least 6 inches below the top of the enclosure. Similarly, Section 106.11.8 (3) does not apply to a motor vehicle carrying metal that, because of its weight and density, is so loaded as to prevent it from dropping or falling off the moving vehicle.

(7) Section 106.11.8 (3) (a) does not apply to motor vehicles and other equipment that is engaged in work upon the surface of a highway or street in a designated work area.

(8) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This Section does not apply to a vehicle designed to be used or being used to transport agricultural commodities; to a vehicle en route to a repair facility; or to a vehicle engaged in construction activity. As used in this Section, “agricultural commodities” means that term as defined in section 106.11.10.

(9) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both.

(10) As used in this section, “logs” means saw-logs, pulpwood, or tree length poles.

11.9 Trailers towed by passenger vehicle, attachment.

(1) Except as otherwise provided in Section 106.11.9 (5), a passenger vehicle or a pickup truck shall not be driven upon a highway drawing or having attached to the passenger vehicle or pickup truck more than one vehicle or trailer.

(2) The drawbar or other connection between 2 vehicles, one of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from one vehicle to the other. If the connection consists of a chain, rope, or cable, there shall be a red flag or other signal or cloth on the connection that is at least 12 inches both in length and width.

(3) A vehicle or trailer towed or drawn by a vehicle shall be attached to the vehicle with coupling devices in a manner so that when the combination is operated in a linear alignment on a level, smooth, paved surface, the movement of the towed or drawn vehicle or trailer does not deviate more than three inches to either side of the path of the towing vehicle that tows or draws it. The vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, one on each side of the coupling and at the extreme outer edge of the vehicle or trailer. Each chain or device and connection used shall be of sufficient strength to haul the vehicle or trailer when loaded. In the case of an implement of husbandry with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or less, the safety chains or devices required under this subsection shall conform to the federal motor carrier safety regulations requirements, which are currently provided in 49 C.F.R. 393.70(d)(5).

(4) A pickup truck with a fifth wheel assembly shall not tow a semi-trailer unless the fifth wheel assembly conforms to the standards prescribed in the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.22 and Section 12.1 to section 12.20 of this ordinance.

(5) Notwithstanding Section 106.11.9 (1), a pickup truck with a towing rating equal to or greater than the weight being towed, that is equipped with a fifth wheel assembly that conforms with the standards prescribed in the Motor Carrier Safety Act of 1963,1963 PA 181, MCL 480.11 to MCL 480.22, which is towing a semi-trailer that is designated for recreational living purposes, may tow an additional trailer or semi-trailer under the following conditions:

(a) The additional trailer or semi-trailer shall be attached as set forth in Section 106.11.9 (3). The safety chains described in Section 106.11.9 (3)

shall be securely attached at the extreme outer edge of the attached trailer or semi-trailer with a locking mechanism. The towing vehicle hitch shall be of substantial material and shall be attached in a proper and skillful manner to the frame of the towing vehicle.

(b) The total length of the pickup truck, plus the semi-trailer that is designed for recreational living purposes, and the additional trailer or semi-trailer, and the load of the vehicle, shall not exceed 65 feet while on any highway in the City.

(c) The gross weight of the additional trailer or semi-trailer towed or drawn shall not exceed the empty weight of the pickup truck or the empty weight of the semi-trailer.

(6) For the purpose of this Section, a pickup truck towing a semi-trailer and an additional trailer shall be considered a passenger vehicle and shall comply with the speed limit requirements of MCL 257.627 (5).

(7) A person who violates this section is responsible for a civil infraction.

11.10 Wheel and axle loads; seasonal weight restrictions, exceptions.

(1) The maximum axle load shall not exceed the number of pounds, as designated in the following provisions which prescribe the distance between axles:

(a) If the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(b) If the axle spacing between two axles is less than 9 feet but more than 3 ½ feet, the maximum axle load shall not exceed 13,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(c) If the axles are spaced less than 3 ½ feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.

(d) Sections 106.11.10 (a), (b) and (c) shall be known as the normal loading maximum.

(2) When normal loading is in effect, the Troy Police Department may designate certain highways, or sections of those highways under its jurisdiction, where bridges and road surfaces are adequate for heavier loading, and may also revise a designation to allow the maximum tandem axle assembly loading of up to 16,000 pounds for any axle of the assembly, as long as there is no other axle within 9 feet of any axle of the assembly.

(3) On a legal combination of vehicles, only one tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, but only if there is no other axle within 9 feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semi-trailer having up to 5 axles, two consecutive tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly.

(4) Notwithstanding Section 106.11.10 (3), on a combination of truck tractor and semi-trailer having up to 5 axles, two consecutive sets of tandem axles may carry a gross permissible weight of up to 17,000 pounds on any of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axle and if the first and last axle of the consecutive sets of tandem axles are at least 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds, to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This Section is not subject to the maximum axle loads of subsections 106.11.10 (1), (2) and (3). For purposes of this Section, a “tandem axle” means two axles spaced more than 40 inches but not more than 96 inches apart or two axles spaced more than 3 ½ feet but less than 9 feet apart. This Section does not apply during that period when reduced maximum loads are in effect, pursuant to Section 106.11.10 (8).

(5) In order to be exempt from the loading maximums and gross vehicle weight requirements, the person hauling agricultural commodities, who picks up or delivers either from a farm or to a farm, shall notify the Road Commission for Oakland County at least 48 hours before the pickup or delivery, indicating the time and location of the pickup or delivery. Pursuant to MCL 257.722 (5) the Oakland County Road Commission shall issue a permit to such a person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain the all of the following:

(a) The designated route or routes of travel for the load.

(b) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up.

(c) A maximum speed limit of travel, if necessary.

(d) Any other specific conditions agreed to between the parties.

(6) In order to be exempt from the loading maximums and gross vehicle weight requirements, public utility vehicles that are owned or operated by public utilities under the jurisdiction of the Michigan Public Service Commission, or are subcontracted by public utilities under the jurisdiction of the Michigan Public Service Commission, when performing electrical emergency public utility work, must meet the following circumstances:

(a) For emergency public utility work on restricted roads, as follows:

(i) If required by the Road Commission for Oakland County, the public utility shall notify the Road Commission for Oakland County, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of this Ordinance. The notification may be made via facsimile or electronically.

(ii) The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour.

(b) For non-emergency public utility work on restricted roads, as follows:

(i) If the Road Commission for Oakland County requires, the public utility shall apply to the Road Commission for Oakland County annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. Pursuant to MCL 257.722(6), the Road Commission for Oakland County shall issue a seasonal truck permit for each vehicle or vehicle configuration the public utility anticipates will be utilized for non-emergency public utility work. Pursuant to MCL 257.722 (6), the Road Commission for Oakland County may charge a fee for a permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit shall contain all of the following:

(A) The seasonal period requested by the public utility, during which the permit is valid.

(B) A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit that is requested by the public utility.

(C) A requirement that travel on restricted roads during weight restriction periods will be minimized and only utilized when necessary to perform work using the public utility vehicle or

vehicle configuration and that non-restricted roads shall be used for travel when available and for routine travel.

(ii) Pursuant to MCL 257.722 (6), if the Road Commission for Oakland County requires notification, the Road Commission of Oakland County shall provide a notification application for the public utility to use when requesting access to operate on restricted roads and the public utility shall provide notification to the Road Commission of Oakland County, via facsimile or electronically, not later than 24 hours before the time of the intended travel. Notwithstanding this Section or an agreement under this Section, if the Road Commission for Oakland County determines that the condition of a particular road under its jurisdiction makes it unusable, the Road Commission for Oakland County may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility within 24 hours after receiving notification that the public utility intends to perform non-emergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the Road Commission of Oakland County is considered approved. The notification application, as required under MCL 257.722 (6), may include all of the following information:

(A) The address or location of the non-emergency work.

(B) The date or dates of the non-emergency work.

(C) The route to be taken to the non-emergency work.

(D) The restricted road or roads intended to be traveled upon to the non-emergency work site or sites.

(7) The normal size of tires shall be the rated size, as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

(8) Except as provided in this Section and Section 106.11.10 (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this ordinance, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the time that the seasonal road restrictions are in effect. This Section does not apply to vehicles transporting agricultural commodities

or public utility vehicles on a highway, road, or street under the jurisdiction of Troy. For the highways, roads, or streets under Troy's jurisdiction to which the seasonal restrictions prescribed under this Section apply, Troy shall post all of the following information on the homepage of its website:

(a) The dates when the seasonal restrictions are in effect.

(b) The names of the highways and streets and portions of highways and streets to which seasonal restrictions apply.

(9) Pursuant to MCL 257.722 (9), the Michigan Department of Transportation (for roads under its jurisdiction) and the Road Commission for Oakland County (for roads under its jurisdiction) may grant exemptions from seasonal weight restrictions for the transport of milk on specific routes, when requested in writing. Approval or denial of a request for an exemption shall be given by written notification to the applicant within 30 days of submission of the application. If a request is denied, the written notice shall state the reason for the denial and alternate routes for which the permit may be issued. The applicant may appeal to the Michigan Department of Transportation or the Road Commission for Oakland County. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 13, 1993. This subsection does not limit the ability of these counties to negotiate such agreements.

(10) The Troy Police Department, with respect to highways under its jurisdiction, may suspend the restrictions imposed by this Section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this Section on designated highways at any other time that the conditions of the highway require.

(11) For the purpose of enforcing this ordinance, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. The overall gross weight on a group of two or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

(12) The loading maximum in this subsection applies to the highways under Troy's jurisdiction. The Troy Police Department may designate a highway, or

a section of a highway for the operation of vehicles having a gross vehicle weight of up to 80,000 pounds, subject to the following load maximums:

(a) Twenty thousand pounds on any one axle, including all enforcement tolerances.

(b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.

(c) An overall gross weight of a group of two or more consecutive axles equaling:

$$W = 500 \left(\frac{LN + 12N + 36}{N-1} \right)$$

where W = overall gross weight on a group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of two or more consecutive axles, and N= number of axles in the group under consideration; except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds, including all enforcement tolerances. Except for a five axle truck tractor; semi-trailer combinations having two consecutive sets of tandem axels, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of Section 106.11.10 (1), (2), and (3). As used in this Section, “tandem axle weight” means the total weight transmitted to the road by two or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this Section.

(13) As used in this section:

(a) “Agricultural commodities” means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock

bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber.

(b) "Emergency public utility work" means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency.

11.11 Restrictions on transportation of flammable liquids and gases; violations, penalties; enforcement.

(1) A truck pulling a trailer, a truck tractor pulling a semi-trailer and trailer combination, or a truck tractor pulling two semi-trailers shall not transport within the City a flammable liquid, in bulk, with a flash point at or below 70 degrees Fahrenheit.

(2) A truck pulling a trailer, a truck tractor pulling a semi-trailer and trailer combination, or a truck tractor pulling two semi-trailers shall not transport within the City a flammable gas or a compressed flammable gas, in bulk, as defined by 49 C.F.R. parts 100 to 180.

(3) A truck or a truck tractor pulling a semi-trailer shall not transport within the City a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit, unless the truck or the semi-trailer has a water capacity of less than 13,800 gallons. This Section does not apply to those vehicles registered with the Motor Carrier Division of the Michigan Department of State Police on or before January 1, 1986.

(4) A truck or truck tractor pulling a semi-trailer shall not transport within the City a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in a quantity of more than 13, 400 gallons.

(5) The owner or driver of a vehicle that transports, or a shipper who loads a vehicle with a flammable liquid, flammable gas, or compressed flammable gas in violation of this Section is guilty of a misdemeanor, punishable by a fine of not more than $500.00, or imprisonment for not more than 90 days, or both.

(6) This section shall be enforced only by a police officer.

(7) For the purposes of this section, "in bulk" means an amount of product or material of 3,500 water gallons or more in a single containment system. Commercial motor vehicles transporting hazardous materials shall comply with the Motor Carrier Safety Act, Act Nol. 181 of the Public Acts of 1963, being sections MCL 480.11 to MCL 480.21 and section 12 of this ordinance.

11.12 Information to be painted or permanently attached on certain commercial vehicles and towing or platform bed wrecker service vehicles; use of removable devices; effects of compliance with federal identification requirements; exemptions; penalties.

(1) All commercial vehicles with a single or combination gross weight rating or total gross weight of more than 5,000 pounds and all towing or platform bed wrecker road service vehicles in operation upon the public highways of the City shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, (and lessee of the vehicle if the vehicle is being operated under lease), painted or permanently attached on each side of the vehicle in letters of not less than 3 inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background.

(2) Except for towing or platform bed wrecker road service vehicles, the identification requirement of Section 106.11.12 (1) may be met through the use of removable devices which meet the requirements. These devices shall be of durable construction and securely attached to each side of the motor truck or truck tractor. The removable devices shall be attached so that the identification is in a horizontal position.

(3) A vehicle in compliance with the identification requirements of the federal Motor Carrier Safety Regulations, 49 C.F.R. 390-399, is considered to be in compliance with this Section.

(4) This Section does not apply to a truck eligible for and registered under a farm or manufacturer license plate, that has a gross vehicle weight of less than 10,000 pounds.

(5) A person who violates this section is responsible for a civil infraction.

11.13. Stopping vehicles for weighing; offense and penalties.

(1) A police officer, having reason to believe that the weight of a vehicle and load is unlawful, may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed by the Department of Agriculture as a legal weighing device; and may require that the vehicle be driven to the nearest weigh station of the Michigan Department of Transportation for the purpose of allowing a police officer to determine whether the vehicle is loaded in conformity with this ordinance.

(2) When a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to

the limit permitted under this ordinance. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this Section that are not paid in full immediately or for which a bond is not immediately posted (in double the amount of the civil fine and costs) shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer who determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the City. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this Section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the Court shall certify the unpaid judgment to the Troy City Attorney, who may proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures.

(3) Subject to Section 106.11.13 (4), an owner of a vehicle, or a lessee of the vehicle, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates Section 106.11.10, is responsible for a civil infraction and shall pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pound; 9 cents per pound for each pound in excess load when the excess if over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess if over 10,000 pounds.

(4) If the Court determines that the motor vehicle or the combination of vehicles was operated in violation of this Section, the court shall impose a fine as follows:

(a) If the Court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the Court shall impose a fine for the violation according to the schedule provided for in Section 106.11.13 (3).

(b) If the Court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of the vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by 4,000 pounds or less, the court shall impose a misload fine of $200.00 per axle. Not more than three axles shall be used in calculating the fine to be imposed under this Section. This Section does not apply to vehicles subject to the maximum loading provisions of Section 106.11.10 (11) or to a vehicle found to be in violation of a special permit issued under Section 106.11.15.

(c) If the Court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by more than 4,000 pounds, the court shall impose a fine for the violation according to the schedule provided in Section 106.11.12 (3).

(5) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment, who fails to stop at or bypasses any scales or weighing station, is guilty of a misdemeanor.

(6) Reserved.

(7) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so, or who fails to submit to a weighing by a police officer authorized to require the driver to stop and submit to a weighing of the vehicle and load, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh, or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of this Section.

11.14 <u>Axle weight requirements; vehicles equipped with lift axles</u>.

(1) The axle weight requirements of this ordinance do not apply to a vehicle equipped with lift axles during the period in which axles are raised to negotiate an intersection, driveway, or other turn and until the lift axles are

fully engaged after the period of time or the distance necessary to negotiate that intersection, driveway or other turn.

(2) This section does not exempt axle weight requirements due to a lift axle system that is not working properly or due to driver error or non-compliance.

(3) If a vehicle is to be weighed to determine whether the vehicle is being operated in violation of this ordinance or a rule promulgated under the Motor Carrier Safety Act, and the vehicle is equipped with lift axles that have been raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the lift axles have been fully lowered and are under operational pressure as provided in Section 106.11.14 (1). This section does not exempt axle weight requirements due to a lift axle system that is not working properly or due to driver error or non-compliance.

(4) As used in this section, "lift axle" means an axle on a vehicle that can be raised or lowered by mechanical means.

11.15 Special permits for non-conforming vehicles; applications; farm machinery, telephone, telegraph, or electric poles, concrete pipes, mobile homes.

(1) Pursuant to MCL 257.725, the Michigan Transportation Department or the Road Commission of Oakland County, upon receipt of a written application and upon good cause being shown, may issue a written special permit, authorizing an applicant to operate upon or remove from a highway maintained by the City, a vehicle or combination of vehicles that are any of the following:

(a) Of a size, weight, or load exceeding the maximum specified in this ordinance.

(b) Otherwise not in conformity with this ordinance.

(2) The special permit application shall be on a form prescribed by the Michigan Department of Transportation or the Road Commission of Oakland County and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.

(3) The Michigan Department of Transportation or the Road Commission of Oakland County may issue a special permit and charge a fee, which shall not exceed the administrative costs incurred. The special permit can authorize the operation of the following upon a highway:

(a) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.

(b) Other farm machinery otherwise prohibited under this ordinance.

(4) A special permit shall specify the trip or trips and date or dates for which it is valid, and the Michigan Department of Transportation or the Road Commission of Oakland County may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to insure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as set out in MCL 257.725 to compensate for damages caused by the movement. A special permit may be issued on an annual basis.

(5) A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer. A person shall not violate any of the terms or conditions of the special permit.

(6) A person who violates this Section is responsible for a civil infraction.

(7) A person who is issued a special permit to move a mobile home under this section is subject to Section 106.11.5.

11.16 Regulation of highways by City; penalty for violations.

(1) For highways under the City's jurisdiction, except state trunk line highways, the City may do any of the following:

(a) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.

(b) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.

(c) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.

(2) Any prohibitions, limitations, or truck route designations established under Section 106.11.16 (1) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of MCL 257.608.

(3) A person who violates a prohibition, limitation, or truck route designation established pursuant to section 106.11.16 (1) is responsible for a civil infraction.

11.17 Police officer's authority to enforce ordinance on boundary streets and highways.

Pursuant to MCL 257.726a, a police officer of the City may exercise authority and powers outside his or her own City or County when enforcing this ordinance on a street or highway which is on the boundary of the City or County, the same as if the police officer were in his or her own City and County.

11.18 Stopping motor vehicles for possible load, weight, or height violations; temporary detention; arrests.

Any police officer having reason to believe that the load, weight, or height of a vehicle or load is in violation of Section 106.11.4, 106.11.8, 106.11.11 or 106.11.13, and that violation is a misdemeanor, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, or height of a vehicle or load are in violation of the requirements of Section 106.11.4, 106.11.8, 106.11.11, or 106.11.13, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check, and may make an arrest for the violation, and may proceed as otherwise provided in this Ordinance.

12. MOTOR CARRIER SAFETY

12.1 Title.

This section of Chapter 106 shall be known as the Motor Carrier Safety Ordinance.

12.2 Adoption of federal regulations; modifications of federal definitions; application of ordinance; definitions.

(1) The City of Troy adopts the following provisions of Title 49 of the Code of Federal Regulations, on file with the office of the Michigan Secretary of State and the Troy City Clerk, except where modified by this ordinance:

(a) Hazardous materials regulations, being 49 CFR parts 100 through 180, except for the transportation of agricultural products (for which an exception from the application of 49 CFR subchapter C and 49 CFR subchapters G and H, part 172, is provided under 49 CFR 173.5), is specifically authorized if the transportation is in compliance with this ordinance and state law.

(b) Motor carrier safety regulations, being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 385, 387, 390 through 393, 395 through 399 including the appendices of each part except for the following:

(i) Except as provided in this subparagraph, where the term “United States Department of Transportation“, “Federal Motor Carrier Safety Administration”, “Federal Motor Carrier Safety Administrator”, “Director”, “Bureau of Motor Carrier Safety”, Pipeline and Hazardous Materials Administration”, or “Associate Administrator for Hazardous Materials Safety” appears, it refers to the Michigan Department of State Police or the City of Troy. If the term is being used for purposes of 49 CFR 397 as it relates to routing and movement of hazardous materials, it refers to the Michigan Department of Transportation or the City of Troy.

(ii) Where “inter-state” appears, it shall mean intra-state or inter-state, or both, as applicable, except as specifically provided in this ordinance.

(iii) Where “Special Agent of the Federal Motor Carrier Safety Administration“, “Administration Personnel”, or “Hazardous Materials Enforcement Specialist” appears, it either means a police officer or an enforcement member of the Motor Carrier Division of the City.

(iv)Where MCS 63 appears, it means MC 9 and MC 9b.

(iv) Where MCS 64 appears, it means UD-70.

(v) Exempt intra-City zones and the regulations applicable to exempt intra-City zones do not apply to this ordinance.

(2) This ordinance does not apply to a bus operated by a public transit agency operating under any of the following:

(a) A county, city, township, or village as provided by law or other authority incorporated under 1963 PA 55, MCL 124.351 to MCL 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to MCL 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.

(b) An authority incorporated under the Metropolitan Transportation Authorities Act of 1967, 1967 PA 204, MCL 124.401 to MCL 124.426, or an authority that operates a transportation service pursuant to an inter-local agreement under the Urban Cooperation Act of 1967, 1967(Ex Sess.) PA 7, MCL 124.501 to MCL 124.512.

(c) A contract entered into pursuant to 1967 (Ex Sess.) PA 8, MCL 124.531 to MCL 124.536 or 1951 PA 35, MCL 124.1 to MCL 124.13.

(d) An authority incorporated under the Public Transportation Authority Act, 1986 PA 196, MCL 124.451 to MCL 124.479, or a nonprofit corporation organized under the Nonprofit Corporation Act, 1982 PA 162, MCL 450.2101 to MCL 450.3192, that provides transportation services.

(e) An authority financing public improvements to transportation systems under the Revenue Bond Act of 1933, 1933 PA 94, MCL 141.101 to MCL 141.140.

(3) As used in this ordinance:

"Hazardous material vehicle inspection or repair facility" means a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 CFR parts 100 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.

12.3 Operation of commercial motor vehicle; requirements; qualifications for operation in intra-state transportation.

(1) A person shall not drive a commercial motor vehicle unless he or she is qualified to drive that vehicle. A motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive that vehicle.

(2) In the case of intra-state or intra-city transportation, a person is qualified to drive a commercial motor vehicle if he or she meets all the requirements of 49 CFR part 391, except the following provisions:

(a) Except as otherwise provided in this subdivision (b), the person is at least 18 years old when transporting intra-state or intra-city property or passengers.

(b) The person is at least 21 years old when transporting hazardous materials in a quantity that requires the vehicle to be marked or placarded under 49 CFR parts 100 to 180.

(c) The person is eligible for and displays a grandfather rights card issued in accordance with the Motor Carrier Safety Act, MCL 480.11, et. seq.

12.4 Trailers; equipment with surge brakes.

Trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less or trailer-vehicle combinations with an actual gross vehicle weight or a gross vehicle weight rating of 26,000 pounds or less may be equipped with surge brakes for intra-state and intra-city operations as allowed by section 705(1)(c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.705.

12.5 Application of ordinance to drivers for intra-state or intra-city motor carriers regularly employed for period beginning on or before June 10, 1984; application of certain requirements of ordinance to all drivers granted grandfather rights; duration of grandfather rights; application of exemption.

The provisions of this ordinance and 40 CFR 391.21, adopted by reference, relating to the applications for employment, 49 CFR 391.23, adopted by reference, relating to investigations and inquiries, and 49 CFR 391.31 and CFR 391.33 adopted by reference, relating to road tests, do not apply to a driver who has been a regularly employed driver of an intra-state or intra-city motor carrier of property for a continuous period which began on or before June 10, 1984, as long as he or she continues to be a regularly employed driver of that motor carrier or a driver who has been a regularly employed driver of an intra-state or intra-city motor carrier of passengers for a continuous period which began on or before March 3, 1991, as long as he or she continued to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a commercial motor vehicle if he or she fulfills the requirements of section 12. 2 (d) (2).

12.6 Application of ordinance to operation of farm vehicles, implements of husbandry, public utility vehicles, government vehicles, combinations of vehicles, school buses, motor buses, and commercial vehicles engaged in seasonal construction-related activities; definitions.

(1) In the case of intra-state or intra-city transportation, the provisions of 49 CFR 391.21, adopted by reference, relating to application for employment, 49 CFR 391.23, adopted by reference, relating to investigations and inquires, 49 CFR 391.31, adopted by reference, relating to road tests, 49 CFR part 395, adopted by reference, relating to hours of service, 49 CFR 391.41 to 391.45, adopted by reference, to the extent that they require a driver to be medically qualified or examined and to have a medical examiner's certificate on his or her person and the provisions of this ordinance relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5, adopted by reference.

(2) For intra-state or intra-city transportation, the provisions of this ordinance do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.

(3) The provision of this ordinance related to driver qualifications do not apply to public utility, telephone, and cable television company service employees if those employees are not otherwise being used as a regularly employed driver and are not operating a vehicle that meets the definition of a commercial motor vehicle in 49 CFR part 383.

(4) The requirements of 49 CFR part 395 do not apply to any driver of a public utility service vehicle when being used in cases of emergency. As used in this subsection, “emergency” means any instance of loss of public utility service due to an unforeseen circumstance, a natural disaster, or an act of God. A declaration of emergency by a public official is not required to constitute an emergency under this subsection.

(5) A commercial motor vehicle constructed and maintained so that the body chassis or other parts of the vehicle afford the rear end protection required by 49 CFR 393.86 is in compliance with that section.

(6) This ordinance and the rules promulgated under the federal regulations which are adopted by reference do not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided by this ordinance, and except for all of the following parts of 49 CFR:

(a) Part 382.
(b) Part 391.
(c) Part 392.
(d) Part 393.

(7) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, provided the trailer or semitrailer has an actual gross vehicle or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intra-state and intra-city operation as allowed by section 705 (1) (c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.705. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, are prohibited from being equipped with surge brakes for intra-state and intra-city operation.

(8) This ordinance and the rules promulgated under the federal regulations which are adopted by reference do not apply to a school bus as defined in the Pupil Transportation Act, 1990 PA 187, MCL 257.1801 to MCL 257.1877, or a bus defined and certified under the Motor Bus Transportation Act, 1982 PA 432, MCL 474.101 to MCL 474.141.

(9) As used in Section 106.12 (3) and (4), “public utility” means a person or corporation operating equipment or facilities for producing, generating, transmitting, delivering, or furnishing gas or electricity for the production of light, heat, or power for the public for compensation.

(10) As used in this section:

(a) “Implement of husbandry” means that term as defined in section 21 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.21.

(b) “Farm tractor” means that term as defined in section 16 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.16.

12.7 Submission of transportation safety related documents by motor carriers and hazardous materials vehicle inspection and repair facilities to motor carrier officers; facsimile of motor carrier division identification card; inspection of cargo or vehicle without warrant by motor carrier officer.

(1) Motor carriers shall submit, upon demand, all their transportation safety related documents, such as all records and information pertaining to any accident, drivers’ records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, and equipment for inspection or copying during regular business hours to any Troy motor carrier enforcement police officer.

(2) Hazardous materials vehicle inspections and repair facilities shall submit, upon demand, all their transportation safety related documents as required by this ordinance, such as hazardous materials tank certification and repair documents, and annual inspection certification documents to any Troy motor carrier enforcement police officer.

(3) A motor carrier or a hazardous material vehicle inspection or repair facility operating within the City with main offices in another city, state or province shall submit all transportation safety related documents as outlined in Section 106.12 (1) for inspection and copying within 10 working days after receiving formal notification requesting the documents.

(4) A Troy motor carrier enforcement police officer, may without a warrant, require the cargo carrying portion of a vehicle to be opened for inspection of the cargo, any object within that portion of the vehicle, or the interior of the vehicle or any compartment within the interior of the vehicle. If a commercial motor vehicle is inspected by breaking the load seal, then the police officer shall give to the driver a signed receipt of inspection and the police officer shall be responsible for applying a City of Troy seal.

12.8 Penalties for violations of ordinance or rules; warrantless stops and investigations of motor vehicles; issuance of citations; enforcement of federal or foreign out-of-service orders; penalties for violations of out-of-service orders.

(1) Except as provided in Sections 106.12.10, 106.12.11 and 106.12.12, any person, driver, or motor carrier, as defined by 49 CFR 390.5, who violates this ordinance or a rule adopted by reference under this ordinance, or permits or requires any person to violate this ordinance or a rule adopted by reference under this ordinance, is responsible for a civil infraction and may be ordered to pay a fine of not more than $250.00 for each violation.

(2) A Troy motor carrier enforcement police officer, with probable cause to believe that a motor vehicle is being operated in violation of this ordinance or a rule adopted by reference under this ordinance, may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation.

12.9 Adoption by Reference of Rules Promulgated by the Michigan Department of State Police.

Any rules promulgated by the Michigan Department of State Police necessary to the accomplishment of purposes of the Motor Carrier Safety Act, 1963 PA 181, MCL 480.11,et. seq. are hereby adopted by reference, as amended.

12.10 Penalties; "serious safety defect" defined.

(1) A driver, person, or motor carrier, as defined by 49 CFR 390.5, who operates or who requires or permits the driver to operate a commercial motor vehicle with a serious safety defect in violation of this ordinance or a rule adopted by reference under this ordinance, is responsible for a civil infraction and shall be assessed a fine of not more than $500 for each violation. A fine ordered to be paid by the district court under this Section shall be paid to the Court and the Court shall apply the fines to the City and the State for library purposes, as provided by law.

(2) As used in this Section, "serious safety defect" means a violation of this ordinance or a rule adopted by reference under this ordinance relative to brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals that results in the vehicle being placed out of service.

12.11 Offenses relating to operating or requiring or permitting operation of commercial motor vehicle in violation of provisions of ordinance or rules related to transportation of hazardous materials; penalties.

(1) A person who operates or who requires or permits a person to operate a commercial motor vehicle in violation of this ordinance or a rule adopted by

reference under this ordinance related to the transportation of hazardous materials, if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180, is responsible for a civil infraction and may be ordered to pay a fine of not more than $500.00 for each violation.

(2) A person or entity identified in Section 106.12.10 (1) who knowingly or willfully violates this ordinance or a rule adopted by reference under this ordinance is, upon conviction, guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than $500.00, or both, for each violation.

(3) A person or entity identified in Section 106.12.10 (1), who causes injury or death during a violation of this ordinance, while a vehicle identified in subsection (1) that is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is, upon conviction, guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than $500.00, or both, for each violation.

(4) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this ordinance, or a rule adopted by reference under this ordinance, related to the transportation of hazardous materials, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both, for each violation.

12.12 <u>Issuance and contents of compliance and shut down orders; penalties for failure to comply with shut down orders.</u>

(1) As used in this section:

(a) “Immediate destination” means the next scheduled stop of a commercial vehicle already in motion where the cargo on board can be safely secured.

(b) “Motor carrier division” means the motor carrier division of the Michigan State Police and/or the City of Troy.

(c) “Person” means an individual, driver, or employee or a firm, motor carrier, lessee, lessor, association, partnership, or corporation, and their affiliated or related successors, that undertakes to control, direct, conduct, or otherwise perform transportation by commercial motor vehicle upon the public highways of this city.

(d) “Shut down order” means a court order issued to the Troy police department motor carrier enforcement division upon proof shown of unreasonable risk or an imminent hazard.

(e) “Unreasonable risk or an imminent hazard” shall be defined as any condition of commercial motor vehicle, employee, or commercial motor operation which creates, causes, or compounds the substantial likelihood that death, serious illness, or severe personal injury may occur if not discontinued immediately.

(f) Upon determination that the continued operation of commercial motor vehicles by a person upon the highways of this City and State poses an unreasonable risk or an imminent hazard to the public safety, the motor carrier division of the Troy Police Department shall issue a compliance order. The order may direct a person to make certain changes, repairs, or alterations to the person’s vehicles or operations, to comply with the laws of the City and the State of Michigan. In making an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard. Any vehicle or driver operating during the specified time period of the order shall be in compliance with all applicable laws and rules.

(g) A compliance order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, and the requirements or conditions that must be met for rescission of the order. The order shall also include a statement that the person has a set time limit to comply with the order. If the set time limit expires and the person is not in compliance with the order, the motor carrier division of the Troy Police Department may seek a shut down order from the 52-4 District Court. The Motor Carrier Division of the Troy Police Department shall set the time limit for compliance, with the compliance order to be not less than 30 days and not more than 180 days.

(h) Upon petition to the 52-4 District Court by the motor carrier division of the Troy Police Department, the court may issue a shut down order. The order shall direct a vehicle or vehicles or employee or employees out of service from further operations, or shall direct a person to cease all or part of the person’s commercial motor vehicle operation. In making such an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard.

(i) A shut down order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, the requirements or conditions that must be met for rescission of the order, and a statement of the right of appeal.

(j) An order to any person to cease all or part of its operation shall not prevent vehicles in transit at the time the order is served from proceeding to their immediate destinations, unless that vehicle or person is specifically ordered out of service. However, vehicles and drivers proceeding to their immediate destination shall be subject to compliance upon arrival.

(k) A person who fails to comply with a shut down order is guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 for each violation, or by imprisonment for not more than 90 days, or both. A person or vehicle found operating on the highway of this City while under a shut down order shall be immediately stopped, and impounded or arrested. The owner or lessee of the vehicle shall be responsible for any costs incurred during impoundment. The vehicle shall be released upon the Court's determination that there is compliance with the order.

12.13. Venue of prosecutions under this ordinance.

When this ordinance or a rule adopted by reference under this ordinance has been violated, the offense may be prosecuted in the 52-4 District Court if the motor vehicle, driver or operator implicated was situated in or passed through the City when the offense was committed.

12.14 Incidents involving transportation of hazardous materials; notification of state police and fire department.

Immediately following any of the following occurrences involving the transportation of hazardous materials, the owner, driver, or lessee, or representative of the owner, driver, or lessee, shall notify the motor carrier division of the Department of State Police, the motor carrier division of the Troy Police Department and the Troy Fire Department of the known details regarding the incident.

12.15 Vehicle combination transporting combustible liquids; requirements; information required to be on file; retention and transfer of information; applicability of requirements in subsections (2) and (3); transport of flammable liquids, gases, or compressed gases. by vehicle combinations, equipment requirements; retention of records regarding devices; compliance with other requirements by motor vehicles transporting flammable liquids or gases.

(1) A truck tractor pulling a semi-trailer and a trailer, or pulling 2 semi-trailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:

(a) Is equipped with a device that restricts the horizontal and vertical rotation of the dolly assemblage of the vehicle combination in a manner that maintains the longitudinal tracking of the dolly and semi-trailer in a truck,

tractor, semi-trailer, and trailer combination, or the dolly and the truck in a truck and trailer combination. This device shall be welded to the vehicle in a workmanlike manner, and the efficiency of a weld shall not be less than 85% of the mechanical properties of the adjacent metal in the chassis.

(b) Is equipped with stops in the spring hangers of each semi-trailer and trailer in the vehicle combination in a manner that improves the stability of the vehicle combination by reducing the free play of the leaf spring suspension to a maximum of ¾ of an inch when the spring passes from tension to compression.

(2) The owner of the semi-trailer or trailer to which the device described in Section 106.12.15 (1) is attached shall keep on file in their principal place of business the following information:

(a) Specifications and plans of the device.

(b) Name of the manufacturer of the device.

(c) Date of installation of the device

(d) An individual manufacturer identification number which is stamped or permanently affixed to the device.

(3) The information required in subsection (2) shall be kept by the vehicle's owner and shall be transferred to the new owner if the vehicle is sold, or may be destroyed if the vehicle is retired from service or scrapped.

(4) The requirements specified in Section 106.12.15 (2) and (3) apply to devices affixed to vehicles on or after January 8, 1996.

(5) Commercial motor vehicles used to transport flammable liquids, flammable gases, or compressed flammable gases shall also comply with Section 106.11.11 of this ordinance.

12.16 <u>Adoption or enforcement of inconsistent ordinance or resolutions; disposition of fines for operation of vehicles with serious safety defects; issuance of multiple citations within 24-hour period for violation of provisions substantially corresponding to MCL 257.683 to MCL 257.725a; dismissal of City citations upon production of proof of repair of equipment violations; requirements for classification as motor carrier enforcement officer</u>.

(1) This ordinance shall not be amended by the City of Troy to adopt or enforce provisions which are inconsistent with the Motor Carrier Safety Act, being MCL 480.11, et. seq. As used in this section, "inconsistent means a provision or rule that is more permissive or more restrictive than the Motor Carrier

Safety Act, or that would require more action, equipment, or permits than required by the Motor Carrier Safety Act, or that prevents or obstructs compliance with the Motor Carrier Safety Act.

(2) The fine for operating a vehicle with a serious safety defect, which is ordered to be paid under this ordinance or a resolution adopted by the City of Troy that is consistent with Section 106.12.10, shall be paid as follows:

(a) Seventy percent to the City of Troy.

(b) Thirty percent for library purposes, as provided by law.

(3) Section 106.12.15 (2) does not apply to a fine ordered to be paid for a case in which the citation is dismissed, as set forth below.

(4) The owner or operator of a commercial motor vehicle shall not be issued more than one citation for each violation of the provisions of this ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to 683 to 725a of the Michigan Vehicle Code, 1949 PA 300, MCL 257.683 to MCL 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation by the City of Troy for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof of the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(5) In order to be classified as a motor carrier enforcement officer, a Troy police officer must have training equal to the minimum training requirements, including any annual training updates, established by the Michigan Department of State Police for an officer of the motor carrier division of the Michigan Department of State Police. A police officer who has received training equal to these minimum training requirements before the effective date of this ordinance is considered a motor carrier enforcement officer for purposes of the Michigan Motor Carrier Safety Act and this ordinance.

12.17 <u>Transfer of hazardous materials on highways, roads, streets, or alleys; overfilling of containers during transfers; penalties</u>.

(1) Except as provided in Section 106.12.17 (2), a person, driver, owner, carrier, lessee, or lessor shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley within the City.

(2) Section 106.12.17 (1) does not apply to the following transfer situations:

(a) Fueling machinery or equipment for construction, farm, and maintenance use.

(b) Fueling emergency vehicles.

(c) Under emergency conditions, a transfer may be made provided it is approved by the Troy Fire Chief, or his/her designee and the Bureau of Fire Service created in section 1b of the Fire Prevention Code, 1941 PA 207, MCL 29.1b, or a hazardous materials investigator of the motor carrier division of the Michigan Department of State Police pursuant to their respective authority under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to MCL 29.34.

(3) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.

(4) The penalty for violating this section is as prescribed in Section 106.12.11.

12.18. Transportation or allowance of transportation of vehicle carrying hazardous materials on publicly maintained route.

(1) A person, driver, owner, carrier, lessee, or lessor shall not transport or allow to be transported a vehicle carrying hazardous materials in an amount required to be placarded under title 49 of the Code of Federal Regulations on a publicly maintained route as identified on the national hazardous materials route registry as determined by the United States Department of Transportation under title 49 CFR.

(2) The penalty for violating this section shall be as prescribed in Section 106.12.11.

12.19 Enforcement of civil infractions; procedure for provision of security and appearance by nonresidents stopped for civil infractions; disposition by police officers at end of tour of duty of certificates or deposits of money taken as security for appearance; entry of default judgment and forfeiture of posted certificate or deposit.

(1) A civil infraction action shall be enforced in the manner provided for enforcement under this Chapter.

(2) When a person who is not a resident of the State of Michigan is stopped for a civil infraction in the City of Troy, the police officer making the stop may take security for the nonresident's appearance in court. The person stopped may recognize to the officer or to the court for his or her appearance by leaving

with the officer or court a guaranteed appearance certificate or a sum of money not to exceed $100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. If the nonresident defendant requests a hearing, the hearing shall be scheduled and the defendant shall leave with the court the guaranteed appearance certificate or deposit as security for appearance at the scheduled informal or formal hearing.

(4) The officer receiving a guaranteed appearance certificate or deposit of money shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation.

(5) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized by the police chief shall deposit the certificate or the money deposited and the citation with the court. Failure to deliver the money deposited shall be embezzlement of public money.

(6) If the person who posts a certificate or deposit fails to appear as required in the citation or fails to appear for a scheduled informal or formal hearing, the district court shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposit shall be forfeited and applied to any civil fine or costs ordered.

(7) For purposes of this Section, “guaranteed appearance certificate” means a card or certificate containing a printed statement that a surety company authorized to do business in Michigan guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed $200.00.

12.20 <u>Prevention of throwing of water or other road surface substances from rear wheels of vehicles or combinations; use of flaps</u>.

A truck, truck tractor, trailer, semi-trailer, or any combination of these, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22 ½ degrees measured from the road surface. If a flap type device is used, it shall not have attached any type of

lamp, breakable reflective material, or reflecting buttons nor may the device extend beyond the maximum width of the vehicle or combination

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

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

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

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, MMC
City Clerk

CITY COUNCIL ACTION REPORT

April 29, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Approval of Energy Efficiency & Conservation LED Demonstration Grant for the Transit Center

Recommendation:

Staff recommends that City Council approve the attached Energy Efficiency and Conservation LED Demonstration Grant #BES-10-048 between the Department of Energy, Labor & Economic Growth and the City of Troy for the purpose of fixing the rights and obligations of each agency for the purpose of installing Light Emitting Diode (LED) products at the Transit Center. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

Background:

The Troy/Birmingham Transit Center will provide passenger rail service accessible from both cities. A tunnel under the railway line will provide a barrier-free non-motorized link between the regional bus terminal in Troy with the rail platform in Birmingham. The relocation of the existing Birmingham Amtrak stop to the Transit Center will provide for intermodal transit connections to all Birmingham and Troy bus routes, intercity rail service, taxi, airport and black sedan services. The Transit Center will be a hub in the Detroit Regional Mass Transit plan and will serve as a catalyst for coordinated regional mass transit in Metro Detroit.

Incorporated into the site is green building technology, energy efficient utility systems and low impact development practices. LED lighting is an integral component of the site and is proposed to be used in multiple applications, including tunnel lighting, interior and exterior building lighting, LED signage, street lighting, pedestrian walkway lighting and landscape lighting.

Solid state LED lighting is more efficient and inherently has lower life cycle costs than current alternatives on the market such as metal halide and high pressure sodium. LED's offer a long lasting, energy efficient alternative to traditional lighting sources.

The LED demonstration grants are targeted specifically to install equipment and to increase general public awareness about the technology and to promote its use and benefit.

Financial Considerations:

The LED portion of the transit center site is estimated at $470,722. Of this amount, $250,000 would be funded through the LED Demonstration Grant. The remaining $220,722 is anticipated to be funded as part of the $8,400,000 American Recovery and Reinvestment Act (ARRA) – High-Speed Intercity Passenger Rail (HSIPR) Program allocation or the $1,300,000 Federal Congressional Bus & Bus Facilities earmark through the Federal Transit Administration (FTA) secured by Congressman Peters.

The agreement, as submitted, is based on estimated costs, since this agreement is prepared before bids are received and well before actual construction costs are known. The final cost is based on the actual cost incurred by the contractors work.

The grant amount is capped at $250,000. No funds will be expended unless all grants are in place and the Transit Center is constructed.

Legal Considerations:

The approval and execution of the contract is required in order to secure and obligate the grant funds.

The format and content of the agreement has been reviewed by the City Attorney's Office and is consistent with past agreements approved by City Council for other types of federally funded projects.

Policy Considerations:

Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world (Goal III)

REVIEWED AND APPROVED:

_____

Lori Grigg Bluhm, City Attorney

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY LABOR & ECONOMIC GROWTH
LANSING

STANLEY "SKIP" PRUSS
DIRECTOR

RECEIVED
FEB 22 2010
CITY OF TROY
CITY MANAGER'S OFFICE

February 17, 2010

Mark Miller
City of Troy
590 East Big Beaver Road
Troy, MI 48084

Dear Mr. Miller:

The Department of Energy, Labor and Economic Growth (DELEG) Bureau of Energy Systems (BES) is pleased to inform the City of Troy that $250,000.00 has been awarded under the Energy Efficiency & Conservation LED Demonstration Grant.

To indicate acceptance of the enclosed grant agreement, please sign the three signature pages, return two to the Grant Administrator, and retain the other *and* the grant agreement for your records. Additionally, please complete and return with the two signature pages, the attached Single Audit Memorandum for the current fiscal year.

Please reference the grant number BES-10-048 for all communication with DELEG/BES and send a hard copy of grant related correspondence to the following Grant Administrator:

Jacqui Mieksztyn, Grant Administrator
Bureau of Energy Systems
Department of Energy, Labor, and Economic Growth
PO Box 30221
Lansing, MI 48909-7721

Please watch for information on an upcoming webinar to take place in February regarding reporting requirements for this grant. Details will follow.

If you have any questions, please contact the Grant Administrator at (517) 335-3147, fax (517) 241-6229, or email mieksztynj@michigan.gov. Congratulations on your award! We look forward to working with you to advance energy efficiency.

Sincerely,

Jan Patrick

Jan Patrick,
EECBG Program Manager

Enclosures

cc: Jacqui Mieksztyn

GRANT BETWEEN
THE STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
AND
CITY OF TROY

GRANTEE/ADDRESS:

A. John Szerlag
City of Troy
590 East Big Beaver Road
Troy, MI 48084
Phone: (248) 524-3351
Fax: (248)524-0851
Email: j.szerlag@troymi.gov

GRANT ADMINISTRATOR/ADDRESS:

Jacqui Mieksztyn
Bureau of Energy Systems
Department of Energy, Labor & Economic Growth
PO Box 30221
Lansing, MI 48909-7721
Phone: (517) 335-3147
Fax: (517) 241-6229
Email: mieksztynj@michigan.gov

GRANT PERIOD:

From 02/01/2010 to 01/31/2011

TOTAL AUTHORIZED BUDGET: $250,000.00

Federal Contribution: $ 250,000.00
State Contribution:
Local Contribution:
Other Contributions:

ACCOUNTING DETAIL:

Index/PCA No.: 89311
Fed I.D. No.: 38-6027333
CFDA #: 81.128

1.2 Detailed Budget

(a) This Agreement does not commit the State of Michigan (State) or the Department of Energy, Labor & Economic Growth (DELEG) to approve requests for additional funds at any time.

(b) If applicable, travel expenses will not be reimbursed at rates greater than the State Travel Rates, Attachment C, without the prior written consent of the Grant Administrator.

(c) Attachment B is the Budget. The Grantee agrees that all funds shown in the Budget are to be spent as detailed in the Budget.

Changes in the Budget of less than 5% of the total line item amount do not require prior written approval, but Grantee must provide notice to the Grant Administrator.

Changes in the Budget equal to or greater than 5% of the total line item amount will be allowed only upon prior review and written approval by the Grant Administrator. A formal grant amendment must be signed by both the Grantor and Grantee.

1.3 Payment Schedule

The maximum amount of grant assistance offered is $250,000.00. Progress payments up to a total of 85% of the Total Authorized Budget may be made upon submission of a Grantee request indicating grant funds received to date, project expenditures to date (supported with computer printouts of accounts, general ledger sheets, balance sheets, etc.), and objectives completed to date. Backup documentation such as computer printouts of accounts, ledger sheets, check copies, etc. shall be maintained for audit purposes in order to comply with this Agreement. The payment of the final 15% of the grant amount shall be made after completion of the project and after the Grant Administrator has received and approved a final report, if applicable. The final payment is also contingent upon the submission of a final invoice that includes expenditures of grant funds reported by line item and compared to the approved Budget.

Public Act 279 of 1984 states that the state shall take all steps necessary to assure that payment for goods or services, is mailed within 45 days after receipt of the goods or services, a complete invoice for goods or services, or a complete contract for goods or services, whichever is later.

1.4 Monitoring and Reporting Program Performance

A. Monitoring. The Grantee shall monitor performance to assure that time schedules are being met and projected work by time period is being accomplished.

B. Quarterly Reports. The Grantee shall submit to the Grant Administrator **quarterly** performance reports that briefly present the following information:

1. Percent of completion of the project objectives. This should include a brief outline of the work accomplished during the reporting period and the work to be completed during the subsequent reporting period.

2.2 Record Retention

The Grantee shall retain all financial records, supporting documents, statistical records, and all other pertinent records for a period of seven (7) years or greater as provided by law following the creation of the records or documents.

2.3 Project Income

To the extent that it can be determined that interest was earned on advances of funds, such interest shall be remitted to the Grantor. All other program income shall either be added to the project budget and used to further eligible program objectives or deducted from the total program budget for the purpose of determining the amount of reimbursable costs. The final determination shall be made by the Grant Administrator.

2.4 Share-in-savings

The Grantor expects to share in any cost savings realized by the Grantee. Therefore, final Grantee reimbursement will be based on actual expenditures. Exceptions to this requirement must be approved in writing by the Grant Administrator.

2.5 Order of Spending

Unless otherwise required, Grantee shall expend funds in the following order: (1) private or local funds, (2) federal funds, and (3) state funds. Grantee is responsible for securing any required matching funds from sources other than the State.

2.6 Purchase of Equipment

The purchase of equipment not specifically listed in the Budget, Attachment B, must have prior written approval of the Grant Administrator. Equipment is defined as non-expendable personal property having a useful life of more than one year. Such equipment shall be retained by the Grantee unless otherwise specified at the time of approval.

2.7 Accounting

The Grantee shall adhere to the Generally Accepted Accounting Principles and shall maintain records which will allow, at a minimum, for the comparison of actual outlays with budgeted amounts. The Grantee's overall financial management system must ensure effective control over and accountability for all funds received. Accounting records must be supported by source documentation including, but not limited to, balance sheets, general ledgers, time sheets and invoices. The expenditure of state funds shall be reported by line item and compared to the Budget.

2.8 Audit

The Grantee agrees that the State may, upon 24-hour notice, perform an audit and/or monitoring review at Grantee's location(s) to determine if the Grantee is complying with the requirements of the Agreement. The Grantee agrees to cooperate with the State during the audit

The Grantor will make and maintain no more than one archival copy of each Deliverable, and each copy will contain all legends and notices and will be subject to the same conditions and restrictions as the original. The Grantor may also make copies of the Deliverable in the course of routine backups for the purpose of recovery of contents.

In the event that the Grantee shall, for any reason, cease to conduct business, or cease to support the Deliverable, the Grantor shall have the right to convert these licenses into perpetual licenses, with rights of quiet enjoyment, but subject to payment obligations not to exceed the then current rates.

3.2 Safety

The Grantee, all contractors, and subcontractors are responsible for insuring that all precautions are exercised at all times for the protection of persons and property. Safety provisions of all Applicable Laws and building and construction codes shall be observed. The Grantee, contractors, and every subcontractor are responsible for compliance with all federal, state and local laws and regulations in any manner affecting the work or performance of this Agreement and shall at all times carefully observe and comply with all rules, ordinances, and regulations. The Grantee, all contractors and subcontractors shall secure all necessary certificates and permits from municipal or other public authorities as may be required in connection with the performance of this Agreement.

3.3 Indemnification

Inasmuch as each party to this grant is a governmental entity of the State of Michigan, each party to this grant must seek its own legal representation and bear its own costs; including judgments, in any litigation which may arise from the performance of this grant. It is specifically understood and agreed that neither party will indemnify the other party in such litigation.

3.4 Cancellation

The State may terminate this Agreement without further liability or penalty to the State, its departments, divisions, agencies, offices, commissions, officers, agents and employees for any of the following reasons:

(a) Termination for Cause

In the event that Grantee breaches any of its material duties or obligations under this Agreement or poses a serious and imminent threat to the health and safety of any person, or the imminent loss, damage or destruction of any real or tangible personal property, the State may terminate this Agreement immediately in whole or in part, for cause, as of the date specified in the notice of termination. In the event that this Agreement is terminated for cause, in addition to any legal remedies otherwise available to the State by law or equity, Grantee shall be responsible for all costs incurred by the State in terminating this Agreement, including but not limited to, State administrative costs, reasonable attorneys' fees and court costs, and any reasonable additional costs the State may incur.

(b) Termination for Convenience

The State may terminate this Agreement for its convenience, in whole or part, if the State determines that such a termination is in the State's best interest. Reasons for such termination

of race, color, religion, national origin, ancestry, age, sex, height, weight, marital status, physical or mental disability. Grantee further agrees that every subcontract entered into for the performance of this Agreement will contain a provision requiring non-discrimination in employment, as here specified, binding upon each subcontractor. This covenant is required pursuant to the Elliott Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101, *et seq.* and the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101, *et seq.*, and any breach of this provision may be regarded as a material breach of the Agreement.

3.7 Unfair Labor Practices

Pursuant to 1980 PA 278, MCL 423.231, *et seq.*, the State shall not award a grant or subcontract to an employer whose name appears in the current register of employers failing to correct an unfair labor practice compiled pursuant to section 2 of the Act. This information is compiled by the United States National Labor Relations Board. A Grantee, in relation to the Agreement, shall not enter into a contract with a subcontractor, manufacturer, or supplier whose name appears in this register. Pursuant to section 4 of 1980 PA 278, MCL 423.324, the State may void any Agreement if, subsequent to award of the Agreement, the name of Grantor as an employer or the name of the subcontractor, manufacturer or supplier of Grantor appears in the register.

3.8 Certification Regarding Debarment

The Grantee certifies, by signature to this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Agreement by any federal or State department or agency. If the Grantee is unable to certify to any portion of this statement, the Grantee shall attach an explanation to this Agreement.

3.9 Illegal Influence

(a) The Grantee certifies, to the best of his or her knowledge and belief that:

(1) No federal appropriated funds have been paid nor will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this grant, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Grantee shall require that the language of this certification be included in the award documents for all grants or subcontracts and that all subrecipients shall certify and disclose accordingly.

4.5 Independent Contractor Relationship

The relationship between the State and Grantee is that of client and independent Contractor. No agent, employee, or servant of Grantee or any of its Subcontractors shall be or shall be deemed to be an employee, agent or servant of the State for any reason. Grantee will be solely and entirely responsible for its acts and the acts of its agents, employees, servants and subcontractors during the performance of the Agreement.

4.6 Conflicts

In the event of a conflict between the terms of this Agreement and any federal or state laws or regulations, the federal or state laws or regulations will supersede any contrary term contained in this Agreement.

Addendum I to Part II – General Provisions

SOLICITATION & AWARD TERMS FOR GRANT AGREEMENTS THAT INCLUDE FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5

Grant Agreements must require recipients and sub-recipients to:

1. **Maintain current registrations in the Central Contractor Registration (CCR) database. http://www.ccr.gov/**
2. **Report quarterly on project activity status in addition to any reporting requirements that currently apply to recipients of federal funds**
3. **Follow Buy American guidelines (Sec. 1605 of ARRA Act and Sec. 5.020 of this document)**
4. **Implement wage rate requirements (Sec. 1606 of ARRA Act and Sec. 5.030 of this document)**
5. **Ensure proper accounting and reporting of Recovery Act expenditures in Single Audits.**

Terms and Conditions for American Recovery and Reinvestment (ARRA) of 2009 Funded Grants 14

5.000 Sub-Recipients Requirements 14
5.010 Reporting & Registration Requirements (Section 1512) 14
5.020 Buy American Requirement (Section 1605) 14
5.022 REQUIRED Use of American Iron, Steel, and Other Manufactured Goods 14
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5.030 Wage Rate Requirements (Section 1606) 17
5.040 Inspection & Audit of Records 17
5.050 Whistle Blower Protection for Recipients of Funds 17
5.060 Funding of Programs 18
5.070 Fixed Price- Competitively Bid 18
5.080 Segregation of Costs 18
5.090 Publication 18
5.100 Buy Michigan Preference 18
5.110 Non- Discrimination 18
5.120 Prohibition on Use of Funds 18
5.130 False Claims Act 18
5.140 Conflicting Requirements 18
5.150 Job Opportunity Posting Requirements 18

of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

"Steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) *Domestic preference.*

(1) This term and condition implements:

(i) Section 1605(a) of Division A, Title XVI of the ARRA by requiring that all iron, steel, and manufactured goods used in the public building or public work are produced in the United States; and

(ii) Section 1605(d) of Division A, Title XVI of the ARRA, which requires the application of the Buy American requirement in a manner consistent with U.S. obligations under international agreements. The restrictions of Section 1605 of the ARRA do not apply to Designated country iron, steel, and/or manufactured goods procured for projects with an estimated value of $7,433,000 or more.

(2) The Grantee shall use only domestic or Designated country iron, steel and/or manufactured goods in performing work funded in whole or in part with funds available under the ARRA, except as provided in subparagraphs (3) and (4) of this paragraph (b).

(3) The requirement in paragraph (2) of this Section 5.022(b) does not apply to the material listed by the Federal Agency as follows:

none

[**List applicable excepted materials or indicate "none"**]

(4) The Federal Agency may add other iron, steel, and/or manufactured goods to the list in paragraph (b) (3) of this Section if the Federal government determines that—

(i) The cost of the domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) The application of section 1605 of the ARRA would be inconsistent with the public interest.

(c) *Request for determination of inapplicability of Section 1605 of the ARRA.*

(1)(i) Any Bidder's request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b) (4) of this Section shall include adequate information for Federal Agency evaluation of the request, including—

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(3) of this term and condition.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this Section.

(iii) The cost of iron, steel, and/or manufactured goods material shall include all delivery costs to the construction site and any applicable duty.

(iv) Any Grantee's request for a determination submitted after ARRA funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the Granteeor could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the Granteeor does not submit a satisfactory explanation, the Federal Agency need not make a determination.

If the Federal Agency determines that an exception based on unreasonable cost of domestic iron, steel, and/or manufactured goods applies, the State will evaluate a project requesting an exception to the requirements of section 1605 of the ARRA by adding to the estimated total cost of the project 25 percent of the project cost, if foreign iron, steel, or manufactured goods are used in the project based on unreasonable cost of comparable manufactured domestic iron, steel, and/or manufactured goods.

(d) Alternate project proposals.

(1) When a project proposal includes foreign iron, steel, and/or manufactured goods, other than Designated country iron, steel and/or manufactured goods, not listed in paragraph (b)(3) of the Section 6.022, the Bidder also may submit an alternate proposal based on use of equivalent domestic iron, steel, and/or manufactured goods.

(2) If an alternate proposal is submitted, the Bidder shall submit a separate cost comparison table prepared in accordance with paragraphs (c) and (d) of Section 5.022 the this RFP for the proposal that is based on the use of any foreign iron, steel, and/or manufactured goods for which the Federal Agency has not yet determined an exception applies.

(3) If the Federal Agency determines that a particular exception requested in accordance with paragraph (b) of Section 5.022 of this RFP does not apply, the State will evaluate only those proposals based on use of the equivalent domestic or designated country iron, steel, and/or manufactured goods, and the Grantee shall be required to furnish such domestic or designated country items.

5.030 Wage Rate Requirements (Section 1606)

All laborers and mechanics employed by grantees, subgrantees, contractors and subcontractors on projects funded in whole or in part with funds available under the ARRA shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality, as determined by the United States Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40 of the United States Code. (See ARRA Sec. 1606 & RFP Section 2.204 Prevailing Wage). The Secretary of Labor's determination regarding the prevailing wages applicable in Michigan is available at http://www.gpo.gov/davisbacon/mi.html.

5.040 Inspection & Audit of Records

The Grantee shall permit the United States Comptroller General or his representative or the appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1998 or his representative (1) to examine any records that directly pertain to, and involve transactions relating to, this grant; and (2) to interview any officer or employee of the Grantee or any of its subcontractors/subgrantees regarding the activities funded with funds appropriated or otherwise made available by the ARRA.

5.050 Whistle Blower Protection for Recipients of Funds

Grantee shall not discharge, demote or otherwise discriminate against an employee for disclosures by the employee that the employee reasonably believes are evidence of: (1) gross mismanagement of a contract or grant relating to Covered Funds; (2) a gross waste of Covered Funds; (3) a substantial and specific danger to public health or safety related to the implementation or use of Covered Funds; an abuse of authority related to implementation or use of Covered Funds; or (5) a violation of law, rule, or regulation related to an agency grant (including the competition for or negotiation of a grant) or grant, awarded or issued relating to Covered Funds. In this Subsection, "Covered Funds" shall have the same meaning as set forth in Section 1553(g)(2) of Division A, Title XV of the ARRA.

(a) Recipient must post notice of the rights and remedies available to employees under Section 1553 of Division A, Title XV of the ARRA. (For the Michigan Civil Service Whistle Blowers Rule 2-10 link to: http://www.michigan.gov/mdcs/0,1607,7-147-6877_8155-72500--,00.html)

(b) The Grantee shall include the substance of this clause including this paragraph (b) in all subcontracts and subgrants.

ADDENDUM II TO PART II – GENERAL PROVISIONS

5.020.1 Buy American Requirement (Section 1605)

-Designated country means:

(1) A World Trade Organization Government Procurement Agreement country,
(2) A Free Trade Agreement (FTA) country, or
(3) A United States-European Communities Exchange of Letters country

Countries not in the Addendum to Part II include Bahrain, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Oman and Peru.

5.090.1 Publication

a. You are encouraged to publish or otherwise make publicly available the results of the work conducted under the award.

b. An acknowledgement of Federal support and a disclaimer must appear in the publication of any material, whether copyrighted or not, based on or developed under this project as follows:

Acknowledgement: "This material is based upon work supported by the Department of Energy under Award Number(s) *DE-EE0000753."*

Disclaimer: "This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, make any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

4.7 Signatories

The signatories warrant that they are empowered to enter into this Agreement and agree to be bound by it.

Stanley F. Pruss, Director
Department of Energy, Labor & Economic Growth
State of Michigan

2/16/10
Date

A. John Szerlag
City Manager
City of Troy

Date

GRANT NO. BES-10-048

Rev. 10.26.07

Attachment B
Budget

Line Item	Grantor (State)	Grantee	Total
Contractual Services		$154,580	**$154,580**
Equipment	$250,000	$66,142	**$316,142**
TOTALS	**$250,000**	$220,722	**$470,722**

Attachment C
State Travel Rates

(Reserved)

Attachment D-1

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

STANLEY "SKIP" PRUSS
DIRECTOR

OFFICIAL

ARRA FISCAL REPORTING

DATE: February 1, 2010

SUBJECT: ARRA Fiscal Reporting

APPLICATION: EECBG Grantees

PURPOSE: To establish Fiscal Reporting Procedures for EECBG grants

REFERENCE: American Recovery and Reinvestment Act of 2009 (Recovery Act) Section 1512

CONTACT: Marilyn Carey, DELEG, Financial Services, Federal Finance Manager
Terri Eklund, DELEG, Financial Services, Accountant

TELEPHONE: (517) 335-1198
(517) 241-1668
FAX: (517) 241-2026

SUMMARY: President Barack Obama has called for an unprecedented level of transparency for how Federal dollars are being spent under the American Recovery and Reinvestment Act of 2009 (Recovery Act). As envisioned by the Recovery Act, this level of transparency is essential to drive accountability for the timely, prudent and effective spending of recovery dollars. It is critical that all recipients of employment and training funds under the Recovery Act prepare to implement the requirements of Section 1512 of the Recovery Act.

Section 1512 of the Recovery Act requires recipients to report on the use of Recovery Act funding, and provide detailed information, such as:

total amount of funds received
the amount spent on projects and activities by CFDA, including name, address, completion status
estimates of jobs created and retained
details on payments to subrecipients/vendors

Please note that this information is specific to section 1512 requirements and is IN ADDITION to all previous reporting requirements (ie. Financial Status reports including 269's, 9130's, RSA-2's, etc.)

Unfortunately, the Federal Office of Management and Budget may change the reporting requirements at any time. If these requirements do change, revised ARRA Fiscal Reporting instructions will be issued.

POLICY:

General Information:

Grantees reporting for Section 1512 reporting of ARRA funds is to be done quarterly on a CASH basis. The schedule is as follows:

Through September 25, 2009 due October 2, 2009
Through December 25, 2009 due January 4, 2010
Through March 26, 2010 due April 2, 2010
Through June 25, 2010 due July 2, 2010
Through September 24 2010 due October 1, 2010
Through December 24, 2010 due January 3, 2011
Through March 25, 2011 due April 1, 2011

The grantee will receive an e-mail from DELEG (mieecbgreporting.gov) on the Monday following the final reporting date of the quarter (indicated above) containing spreadsheets that should be used for the ARRA reporting.

The grantee should complete the spreadsheet in accordance with the instructions that are attached to the spreadsheet. Most of the information will be completed. They will need to complete the fields highlighted in yellow. The information related to Number of Jobs Created/Retained, Narrative Description of the Jobs created/retained, and Expenditure Detail will need to be updated on a quarterly basis.

Reporting Requirements:

The reports should be sent to mieecbgreporting@michigan.gov. Due to the limited time that is available for reporting, please do not mail your reports.

PLEASE NOTE This information is specific to section 1512 requirements and is IN ADDITION to all previous reporting requirements.

Accounting Systems
Amounts/Information reported must be based on documentation on hand. The amounts/information reported is subject to review and audit, where any cost not properly documented could be identified as an audit exception and be disallowed.

EFFECTIVE: February 17, 2009

EXPIRATION: Continuing

SIGNATORY: SIGNED
Marilyn Carey, DELEG, Financial Services, Federal Finance Manager

Attachment D-2

Agreement #:
Agreement Period
RE: EECBG

Submit to: mieecbgreporting@michigan.gov
Phone number (517) 335-1198
Phone number (517) 241-1668

Due:
Through March 26, 2010 due April 2, 2010
Through June 25, 2010 due July 2, 2010
Through September 24 2010 due October 1, 2010
Through December 24, 2010 due January 3, 2011
Through March 25, 2011 due April 1, 2011

This interagency agreement is funded with EECBG ARRA funding. Therefore, the following data elements need to be reported:

Name of Project or Activity:

Agreement Amount:

Amount Expended:

Number of jobs created/retained as a result of this agreement: Report the # of hours worked for each job that was created/retained using ARRA funding. Please note this information is for the quarter only. Guidance on Jobs Created/Retained can be found at: http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-08.pdf page 10

A narrative description of the employment impact (jobs created/retained) as a result of this agreement:

Total Number of Payments to Vendors that received less than $25,000: Please note this information is cumulative

Total Amount of Payments to Vendors that received less than $25,000: Please note this information is cumulative

Expenditure Detail: (see note below)

Vendor DUNS# or Zip Code + 4 digits	Vendor/Recipient Name	Expenditure Amount	Type of Expenditure

For vendors that received more than $25,000, please list them here. Please see the definitions below to determine if you have vendors.

Definitions:

Sub-Recipient - A non-federal organization spending Federal awards received from another organization to carry out a Federal program –not a program beneficiary.

Vendor - A dealer, distributor, merchant, or other seller providing goods or services that are required of the conduct of a Recovery program.

Sub-Recipient vs. Vendor Example: A State is the Prime Recipient. Agencies such as Community Action Agencies are sub-recipients. The company that the sub-recipient buys insulation from or is used to install the insulation is a vendor.

STATE OF MICHIGAN

JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF ENERGY LABOR & ECONOMIC GROWTH
LANSING

STANLEY "SKIP" PRUSS
DIRECTOR

MEMORANDUM

Date: February 17, 2010

To Grantee: City of Troy

Grant No: BES-10-048 Grant Period: 02/01/2010 to 01/31/2011

From: Jacqui Mieksztyn, Grant Administrator

Subject: Single Audit Act/Office of Management and Budget Circular A-133 Requirements

The federal Office of Management and Budget (OMB) Circular A-133 requires governmental and non-profit entities/grantees that spend $500,000 or more from all federal funding sources during the entity's/grantee's fiscal year to have a Single Audit conducted. The entity/grantee is required to submit a Single Audit report to all agencies that provided federal funds to the entity during the fiscal year being audited. Section .320(a) of OMB Circular A-133 states the Single Audit report must submitted to the grantor agencies within 30 days after the completion of the audit, but not later than nine months after the end of the entity's/grantee's fiscal year.

Grantee: Please complete the following section and return this memorandum to the address indicated below.

1. Type of entity (check one): ❑ Governmental or Public School District
   ❑ Public Community College, Public College/University, or Non-Profit
   ❑ Commercial or Private For-Profit

2. What is your entity's fiscal year ending date? _____

   IF ENTITY IS COMMERCIAL OR PRIVATE FOR-PROFIT, **DO NOT** COMPLETE 3 AND 4.

3. Has your entity previously had a Single Audit/OMB Circular A-133 conducted? ❑ Yes ❑ No

   If yes, identify the fiscal period of the last Single Audit conducted. _____

   If the Single Audit report is posted to a website, identify the website: _____

4. Will your entity spend $500,000 or more in total federal funds during your entity's fiscal year?
   ❑ Yes ❑ No

5. _____ _____
   Signature Date

6. _____ _____
   Please Print Name and Title of Entity's Financial Officer Telephone Number

Bureau of Energy Systems
611 W. OTTAWA • PO BOX 30221 • LANSING, MICHIGAN 48909
www.michigan.gov/deleg • (517) 241-6228

Bishop Jared Palmer of The Church of Jesus Christ of Latter-day Saints gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

The Regular Meeting of the Troy City Council was held Monday, April 19, 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 (Absent)
Mary Kerwin
Maureen McGinnis
Dane Slater

C. CERTIFICATES OF RECOGNITION:

C-1 Presentations:

a) On behalf of the City of Troy Employees' Casual for a Cause Program for the months of January and February 2010, Community Affairs Director Cindy Stewart presented a check in the amount of $1,018.00 to Mari Vaydik, Resources Development Director of *Alternatives for Girls*.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

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

The Mayor opened the public hearing. Having received no comment from the public, the Mayor closed the public hearing.

Resolution #2010-04-086
Moved by Kerwin
Seconded by Slater

RESOLVED, That Troy City Council hereby **AMENDS** Articles 4, 10 and 40 of the City of Troy Zoning Ordinance, pertaining to the regulation of agricultural uses in the R-1A through R-1E One Family Residential Zoning Districts, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 242), City Council Public Hearing Draft, as recommended by the Planning Commission.

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

MOTION CARRIED

E-2 Re-programming Community Development Block Grant (CDBG) Program Year 2007 Funds

The Mayor opened the public hearing. Having received no comment from the public, the Mayor closed the public hearing.

Resolution #2010-04-087
Moved by Kerwin
Seconded by McGinnis

WHEREAS, The Troy City Council, after conclusion of a Public Hearing on this date, April 19, 2010 has determined that program year 2007 unexpended funds of $92,641.00, should be re-programmed from Flood Drain Improvements to the Section 36 Park Improvement Project #36-100-035;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADDS** the Section 36 Park Improvement Project #36-100-035 to the list of CDBG projects for program year 2007.

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

MOTION CARRIED

F. PUBLIC COMMENT:

Harry Philo	Spoke in support of the Library
Kim Bryson	Spoke in support of the Community Center and Library
Rhonda Hendrickson **Friends of the Library**	Spoke in support of the Library
James Savage	Spoke in regard to various topics
Tim Koerner	Spoke in support of the Library
John Vert	Spoke in support of the Community Center ; discussed the 2010/11 Budget
Mary Ann Bernardi	Discussed camera positioning during Public Comment

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 Bid Waiver – Neptune Water Meters and Parts

Resolution #2010-04-088
Moved by Slater
Seconded by Fleming

WHEREAS, The City of Troy has been using Neptune water meters for over 20 years;

WHEREAS, A contract to supply Neptune meters through SLC Meter Service, Inc., the previous Michigan Neptune distributor expired 12/31/2009;

WHEREAS, Rio Supply Michigan Meter, Inc., the newly authorized sole Neptune distributor for Michigan, has offered a three-year contract for new water meters; and

WHEREAS, Oakland County has extended the use of their current contract for the purchase of water meter replacement parts through the Oakland County Cooperative Purchasing Program;

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 to purchase new Neptune water meters from the sole Michigan distributor, Rio Supply Michigan Meter, Inc. of Madison Heights, MI, at prices as contained in Attachment A for years 2010 and 2011 with a 3% increase in year 2012, 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** a contract to purchase Neptune water meter parts from Rio Supply Michigan Meter Inc, of Madison Heights, MI through the Oakland County Cooperative Purchasing Program.

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

MOTION CARRIED

H-4 Troy City Code Ordinance Amendment to Add New Provisions Relating to Commercial Motor Carriers – Chapter 106 – Traffic: Withdrawn by City Staff

I. CONSENT AGENDA:

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

Resolution #2010-04-089
Moved by McGinnis
Seconded by Slater

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item I-4d which **SHALL BE CONSIDERED** after Consent Agenda (I) items and Item I-4h which was **REMOVED** with no action to be taken, as printed.

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

MOTION CARRIED

I-2 Approval of City Council Minutes

Resolution #2010-04-089-I- 2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of April 5, 2010 as corrected and laid on the table.

I-3 No Proposed City of Troy Proclamations

I-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 1: Award to Low Bidder – Rough Weed Mowing Services

Resolution #2010-04-089-I-4a

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract for the Streets Department rough weed mowing services with an option to renew for two (2) additional years to the low total bidder, Cal Fleming Landscaping and Tree Service, Inc. of Roseville, MI, at unit prices contained in the bid tabulation opened on March 31, 2010, which includes Proposal B – the optional service of line trimming as needed 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.

b) Standard Purchasing Resolution 1: Bid Award – Low Bidders – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses

Resolution #2010-04-089-I-4b

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 (1) additional year to the lowest bidders, Tri-Turf of Farmington Hills, MI, and Great Lakes Turf, LLC of Grand Rapids, MI, at unit prices contained in the bid tabulation opened March 18, 2010, with contracts expiring December 31, 2010; and

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

c) Standard Purchasing Resolution 3: Exercise Renewal Option - Topsoil

Resolution #2010-04-089-I-4c

WHEREAS, On June 2, 2008, Troy City Council awarded a two-year contract for topsoil with an option to renew for one (1) additional year to the low bidder, Sterling Topsoil and Grading, Inc. of Fraser, MI (Resolution #2008-06-184-F-4b); and

WHEREAS, Sterling Topsoil and Grading, Inc. has agreed to exercise the option to renew the contract 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 contract for topsoil with Sterling Topsoil and Grading, Inc. of Fraser, MI, for an estimated total cost of $20,000.00 at unit prices contained in the bid tabulation opened May 14, 2008, with the contract expiring May 31, 2011.

e) Standard Purchasing Resolution 4: AEPA Cooperative Contract – Copiers

Resolution #2010-04-089-I-4e

RESOLVED, That Troy City Council hereby **APPROVES** a contract to provide copiers from Konica Minolta Business Solutions USA, Inc. on an ongoing basis through the Association of Educational Purchasing Agencies (AEPA) Cooperative Contract IFB #009-D established by the AEPA bid process and Oakland Schools contract #09-0036 under the same pricing structure, terms, and conditions, which expires February 28, 2011, with any copier agreement executed by then extending for a period of two additional twelve (12) month periods at an estimated savings of $55,000.00 over the next four (4) years.

f) Standard Purchasing Resolution 11: Rejection of Bids – Troy Daze Electrical Services

Resolution #2010-04-089-I-4f

RESOLVED, That Troy City Council hereby **REJECTS** all bid proposals for ITB-COT 10-07, Electrical Services for the 2010 Troy Daze Festival opened March 2, 2010, as the festival has been cancelled indefinitely.

g) Standard Purchasing Resolution 11: Rejection of Bids – Troy Daze Tent Rentals

Resolution #2010-04-089-I-4g

RESOLVED, That Troy City Council hereby **REJECTS** all bid proposals for ITB-COT 10-06, rental of tents and sidewalls for the 2010 Troy Daze Festival opened February 25, 2010, as the festival has been cancelled indefinitely.

h) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities – Finance, Administration and Intergovernmental Relations (FAIR) Steering Committee Spring Meeting – Removed with no action to be taken

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I-5 Rescind Bid Award: Troy Daze Festival - Fireworks

Resolution #2010-04-089-I-5

WHEREAS, On May 12, 2008, Troy City Council awarded a contract to provide three-year requirements of fireworks display for the Troy Daze Festival for years, 2008, 2009 and 2010 to the highest rated bidder, Mad Bomber Fireworks Productions of Kingsbury, IN (Resolution # 2008-05-154-F4a); and

WHEREAS, On April 5, 2010, Troy City Council determined it to be in the best interest of the Troy residents to cancel the Troy Daze Festival indefinitely (Resolution #2010-04-078 Item H-8);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the contract with Mad Bomber Fireworks Productions to provide fireworks display at the 2010 Troy Daze Festival.

I-6 Rescind Bid Award: Troy Daze Festival – Amusement Rides

Resolution #2010-04-089-I-6

WHEREAS, On April 7, 2008, Troy City Council awarded a contract to provide three-year requirements of amusement rides for the Troy Daze Festival for years, 2008, 2009 and 2010 to the sole bidder, Arnold Amusements, Inc. of Traverse City, MI (Resolution # 2008-04-120-F4h); and

WHEREAS, On April 5, 2010, Troy City Council determined it to be in the best interest of the Troy residents to cancel the Troy Daze Festival indefinitely (Resolution #2010-04-078 Item H-8);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the contract with Arnold Amusements, Inc. to provide amusement rides at the 2010 Troy Daze Festival.

I-7 Rescind Bid Award: Troy Daze Festival – Parking Services

Resolution #2010-04-089-I-7

WHEREAS, On August 25, 2008, Troy City Council approved a contract to provide three-year requirements of parking services for the Troy Daze Festival for years, 2008, 2009 and 2010 with the Troy Police Explorers Post 1950 (Resolution # 2008-08-270-F11); and

WHEREAS, On April 5, 2010, Troy City Council determined it to be in the best interest of the Troy residents to cancel the Troy Daze Festival indefinitely (Resolution #2010-04-078 Item H-8);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the contract with the Troy Police Explorers Post 1950 to provide parking services at the 2010 Troy Daze Festival.

I-8 Authorization to Request Reimbursement – Oakland County West Nile Virus Fund

Resolution #2010-04-089-I-8

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Parks and Recreation Department to seek reimbursement for an amount not to exceed $18,034.74, from Oakland County's West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of mosquitoes in the environment.

I-9 City of Troy v. Troywood Shops

Resolution #2010-04-089-I-9

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy* v. *Troywood Shops* (Oakland County Circuit Court Case No. 09-097976-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-10 City of Troy v. Midwest Master Investment

Resolution #2010-04-089-I-10

RESOLVED, That Troy City Council **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy* v *Midwest Master Investment* (Oakland County Circuit Court Case No. 09-097981-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-11 City of Troy v. Diajeff, LLC, et al

Resolution #2010-04-089-I-11

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy* v *Diajeff, LLC, et al,* (Oakland County Circuit Court Case No. 09-097973-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-12 City of Troy v. Old Troy, LLC, et al

Resolution #2010-04-089-I-12

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy* v *Old Troy, LLC, et al,* (Oakland County Circuit Court Case No. 09-097980-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-1b Address of "I" Items Removed for Discussion by City Council

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I-4 Standard Purchasing Resolutions:

d) Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Resolution
Moved by Kerwin
Seconded by Slater

WHEREAS, On August 17, 2009, Troy City Council awarded contracts for concrete pavement repair with an option to renew for two (2) additional one-year periods to the four lowest total bidders: Hard Rock Concrete, Inc. of Westland for proposal A, Local Roads; Dominic Gaglio Construction, Inc. of Southgate for proposal B, Industrial Roads; Major Cement Company of Detroit, for proposal C, Major Roads; and Dilisio Contracting, Inc. of Clinton Township for proposal D, Tri-Party County Roads (Resolution #2009-08-250-F-4c);

WHEREAS, Hard Rock Concrete, Inc., Dominic Gaglio Construction, Inc., Major Cement Company, and Dilisio Contracting, Inc. have agreed to exercise the first option to renew for one (1) additional year under the same prices, terms, and conditions;

WHEREAS, Hard Rock Concrete, Inc., Dominic Gaglio Construction, Inc., Major Cement Company, and Dilisio Contracting, Inc. have also agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at the rate of $50.00 per hour; and

WHEREAS, The Tri Party County Road agreement will be contingent upon the County's terms and approval;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** and **APPROVES** the first one-year renewal period to contract for concrete pavement repair with Hard Rock Concrete, Inc. of Westland, MI; Dominic Gaglio Construction, Inc. of Southgate, MI; Major Cement Company of Detroit, MI; and Dilisio Contracting, Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 29, 2009, not to exceed amounts budgeted, with contracts expiring June 30, 2011.

Vote on Resolution to Table Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Resolution #2010-04-090
Moved by Kerwin
Seconded by Fleming

RESOLVED, That Troy City Council hereby **TABLES** agenda item *I-4 Standard Purchasing Resolution, I-4d Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair* until after the recess.

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

MOTION CARRIED

The meeting **RECESSED** at 8:40 PM.

The meeting **RECONVENED** at 8:49 PM.

Vote on Resolution to Postpone Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Resolution #2010-04-091
Moved by Kerwin
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item *I-4 Standard Purchasing Resolution, I-4d Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair* until the Regular City Council Meeting of Monday, May 10, 2010.

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

MOTION CARRIED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2010-04-092
Moved by Fleming
Seconded by Slater

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 - Order of Business.

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

MOTION CARRIED

Vote on Resolution to Excuse Council Members Beltramini and Howrylak

Resolution #2010-04-093
Moved by Fleming
Seconded by Slater

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Martin Howrylak due to being out of the county and Council Member Beltramini due to family illness at the Regular City Council Meeting of Monday, April 19, 2010 and the Closed Session of Monday, April 19, 2010.

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

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): None Submitted

K. COUNCIL REFERRALS:

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

K-1 No Council Referrals Advanced

L. COUNCIL COMMENTS

L-1 Council Comments:

Mayor Schilling commented on the letter of thanks received from a family member from a resident at the American House and commended the Police, Fire and Parks and Recreation Departments for their contribution in assisting the residents.

Mayor Schilling referred to the communication received from the United States Postal Service and noted that if Troy's main post office building is leased or sold, some levels of service will remain at the current location and if not sold or leased, operations will remain intact.

Council Member Kerwin reported the County Executive Building in Pontiac hosted the first class for Michigan State University's *100 Free Training Opportunities in 30 Days* program. This program is open to the public. Further information for upcoming classes can be obtained on MSU's website at www.landpolicy.msu.edu.

M. REPORTS

M-1 Minutes – Boards and Committees:

a) Personnel Board/Final – June 2, 2008
b) Historic District Study Committee/Final – February 2, 2010
c) Building Code Board of Appeals/Final – February 3, 2010
d) Personnel Board/Draft – April 5, 2010

Noted and Filed

M-2 Department Reports:

a) Finance Department – City Council Expense Report – March 2010
b) Building Department – Permits Issued – March 2010

Noted and Filed

M-3 Letters of Appreciation:

a) Letter of Thanks to Police Department from Kathryn Brodt Regarding Response to Fire at American House

Noted and Filed

M-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Oakland County Community Mental Health Authority – Mental Health Month – May 2010

b) Village of Beverly Hills Resolution Calling on Representatives in Lansing and Washington to Protect State and Federal Funding for Michigan Roads and Bridges

c) Oakland County Board of Commissioners Resolution #10045 – Tri-Party Road Improvement Program – Amendment to Resolution #09221 and Committee Process

Noted and Filed

M-5 Troy Youth Assistance Board Meeting Minutes – March 18, 2010

Noted and Filed

M-6 Communication from Consumers Energy Regarding Incentive Check in the Amount of $3,800.00 for Participation in the Consumers Energy Business Solutions Program

Noted and Filed

M-7 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-15677-R

Noted and Filed

M-8 Communication from City Clerk Tonni Bartholomew Regarding the Recent Enactment of State Election Law Amendment Impacting Local Candidate Filing Deadline Reference in the Troy City Charter

Noted and Filed

M-9 Communication from United States Postal Service Regarding Site Disposal/ Development of Troy Main Post Office Building at 2844 Livernois

Noted and Filed

N. STUDY ITEMS

N-1 No Study Items Submitted

O. CLOSED SESSION:

O-1 Closed Session

Resolution #2010-04-094
Moved by Kerwin
Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *Troy v. Lukich Realty, LLC* and *Troy v. Firas I. Ibrahim and Reeta Ibrahim*.

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

MOTION CARRIED

P. ADJOURNMENT

The meeting **RECESSED** at 9:13 PM.

The meeting **RECONVENED** at 9:18 PM.

The meeting **ADJOURNED** at 9:21 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A. CALL TO ORDER:

The Special Study Session Meeting of the Troy City Council was held Tuesday, April 20, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:01 PM.

B. ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini (Arrived at 7:14 PM)
Mayor Pro Tem Wade Fleming
Martin Beltramini, Howrylak (Absent)
Mary Kerwin
Maureen McGinnis
Dane Slater

C. DISCUSSION ITEMS:

C-1 Restructuring City of Troy Government:

a) Continuation of Option 1 and Discussion of Policy Matters – City Manager, John Szerlag

John Szerlag, City Manager provided an overview of tonight's presentation and introduced the staff members participating in the discussion.

Steve Vandette, City Engineer described the rating system associated with roads and the amount of budgeted dollars necessary to bring all roads to a good rating. He reported currently Troy's roads are slipping to fair to poor with 52% of the roads rated fair to poor and 48% rated as good. He added that county major roads are the worse roads in the community.

Council Member Beltramini arrived at 7:14 PM.

John Lamerato, Assistant City Manager/Finance and Administration reviewed the projections for Option 1. He noted that projections for a three year budget are included and projections for a five year budget will be recalculated in September.

Gary Mayer, Chief of Police discussed impacts in regard to the level of services currently provided by the Police Department.

Carol Anderson, Parks and Recreation Director reported Federal and Department of Transportation funding are available for trails. She indicated that this money would not be awarded any sooner than six months from now.

The meeting **RECESSED** at 8:45 PM.

The meeting **RECONVENED** at 8:55 PM.

Cathy Russ, Library Director provided an overview of the changes proposed for the Library. She reported that there will be a one-third staff reduction; weekly hours will be reduced from sixty-five hours to fifty-five hours as required by state aide rules and they will be closed on Saturdays.

Loraine Campbell, Museum Manager discussed the 2010/2011 budget reductions occurring at the Museum. She proposed that the Museum hours be reduced to 10:00 AM until 3:00 PM on Tuesday through Thursday.

Carol Anderson, Parks and Recreation Director discussed the proposed 2010/2011 reductions planned for the Nature Center operations. Ms. Anderson anticipates that the trails and grounds will be open to the public similar to other park sites during the summer season. She continued that during the off-season, trails will be open during regular business hours and when the building is open. Ms. Anderson added that the building will be closed Monday through Wednesday and proposed hours for the public are:

Thursday-Friday	10:00 AM – 2:00 PM
Saturday	10:00 AM – 4:00 PM
Sunday	12:00 PM – 4:00 PM

Mr. Szerlag indicated that the last item is the Refuse Fund and proposed that the millage rate commensurate with the cost of garbage.

Mayor Schilling recalled that City Council supported Mr. Szerlag's proposal regarding the Refuse Fund's millage rate at their last meeting.

Council Member Kerwin confirmed that City Council gave that direction to City Management.

Council Member Fleming recalled that Council Member Howrylak requested further details from City Management regarding the expenses associated with the Refuse Fund.

Mr. Lamerato responded that information regarding the special revenue funds will be covered during budget discussions. He added that most of those costs are under contractual arrangements with Tringali and SOCCRA.

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b) Internal Grants and Public Engagement Activities – Council Member Robin Beltramini

Council Member Beltramini believes this is a plan worth pursuing, but believes it is a question for the other six Council Members.

Several Council Members present support the concept but raised questions concerning the dollar amount requested and the overall process involved for the implementation of Council Member Beltramini's proposal.

Council Member Beltramini provided further clarification regarding her proposal.

Mayor Schilling raised concerns about the proposal and provided reasons why she cannot support the proposal.

D. PUBLIC COMMENT:

Rhonda Hendrickson **Friends of the Library**	Supports the Library
Frank Howrylak	Discussed the management of the pension fund
Axelle Megerian	Supports the Library

E. ADJOURNMENT

The meeting **ADJOURNED** at 10:26 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A. CALL TO ORDER:

The Special Study Session Meeting of the Troy City Council was held Monday, April 26, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

B. ROLL CALL:

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

Vote on Resolution to Excuse Council Member Howrylak

Resolution #2010-04-095
Moved by Fleming
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Howrylak at the City Council Special Study Session of Monday, April 26, 1010 due to being out of the county.

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

MOTION FAILED

C. DISCUSSION ITEMS:

C-1 Proposed Fiscal Year 2010/2011 Annual Budget and Three-Year Budget

a) Overview of 2010/11 Budget

The proposed *Fiscal Year 2010/2011 Annual Budget* was presented by John M. Lamerato, Assistant City Manager/Finance and Administration.

John Szerlag, City Manager provided an overview of the *Personnel Summary.*

Mr. Lamerato summarized part-time position reductions in the various departments and reported findings from studies about full-time employees per 1,000 residents. He indicated that SEMCOG's benchmark is 5.7 per 1,000 and the City of Troy's is at 4.9.

Mr. Lamerato provided an overview of the General Fund: Revenues and Expenditures.

The meeting **RECESSED** at 8:47 PM.

The meeting **RECONVENED** at 8:57 PM.

Mr. Lamerato provided an overview of the Special Revenue Funds: CDBG, Community Fair, Local Street, Major Street, Budget Stabilization, and Refuse and Recycling Funds.

Mr. Lamerato provided an overview of the Special Revenue Funds: Internal Service Funds and Debt Service Funds.

D. PUBLIC COMMENT:

Rita Swider	Supports the Library
Rhonda Hendrickson **Friends of the Library**	Supports the Library
Kul Gauri	Supports the Library
Maureen Enright	Supports the Library
Edna Abraham	Supports the Library

E. ADJOURNMENT

The meeting **ADJOURNED** at 9:50 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A. CALL TO ORDER:

The Special Study Session Meeting of the Troy City Council was held Monday, May 3, 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
Mayor Pro Tem Wade Fleming
Martin Howrylak (Absent)
Mary Kerwin
Maureen McGinnis
Dane Slater

Vote on Resolution to Excuse Council Member Howrylak

Resolution #2010-05-096
Moved by Fleming
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Howrylak at the City Council Special Study Session of Monday, May 3, 2010 due to being out of the county.

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

MOTION CARRIED

C. DISCUSSION ITEM:

C-1 Proposed Fiscal Year 2010/2011 Annual Budget and Three-Year Budget

Mayor Schilling requested that the City Manager's office contact Council Member Howrylak prior to the May 10th, 2010 City Council Meeting to bring him up to date in regard to the information and discussions which have taken place at the Budget Study Sessions and address his concerns prior to the Budget Public Hearing and adoption.

John Szerlag, City Manager has instructed Community Affairs to prepare a DVD of the three budget sessions and will advise Council Member Howrylak to contact him with any questions.

John Lamerato, Assistant City Manager/Finance and Administration reviewed the 2010/2011 Budget which included the General Fund, Special Revenue, Internal Service and Debt Service Funds as discussed at the April 26th budget session. Mr. Lamerato also reviewed the Capital Projects, Enterprise Funds, and 3-Year Budget. He indicated that the public hearing and adoption of the 2010/2011 Budget will take place at the Monday, May 10th, 2010 Regular City Council Meeting.

The meeting **RECESSED** at 8:47 PM.

The meeting **RECONVENED** at 8:58 PM.

Discussion took place in regard to the proposed 3-Year Budget and Option 1 specific to staffing in the Planning Department, City Manager's Office and the Police Department.

Mr. Lamerato discussed the characteristics and guidelines of a multi-year budget and how it pertains to future budgets.

D. PUBLIC COMMENT:

James Savage	Supports wage reductions over lay-offs
Tom Krent	Discussed the impacts of former budgets
David Ashland	Suggested a 20% salary cut to save jobs; supports blended approach
Edna Abraham	Supports Library
Jill McClure	Supports Library

E. ADJOURNMENT:

The meeting **ADJOURNED** at 11:20 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

PROCLAMATION
CELEBRATING 70 YEARS
GORMAN'S

WHEREAS, What began in 1940 as a damaged railroad freight goods company founded as **Gorman's** would become a leader in Michigan's home furnishings scene for decades to come; and

WHEREAS, With four locations in Troy, Southfield, Novi and Lakeside, **Gorman's** has been offering the finest, style-leading selection of home furnishings for 70 years; and

WHEREAS, Bernie Moray, chairman and CEO of **Gorman's,** purchased the company in 1965, opening **Gorman's Contemporary Gallery** in Southfield the following year; and;

WHEREAS, In 1977, Moray and his partner, Jeff Roberts, expanded the company with the opening of a store in Troy. The third location in Novi opened in 1995 and its Lakeside store opened in 2000; and

WHEREAS, Through it all, **Gorman's** has maintained a fine reputation for showcasing some of the most celebrated lines in furniture such as Drexel Heritage, Henredon, Lexington, Stanley and a host of others, as well as some of the most talked about designers, including Martha Stewart, Donald Trump and Ralph Lauren; and

WHEREAS, the 13 specialty shops featured at **Gorman's** provide an extensive merchandise assortment for customers from around the world combined with interior design services at no charge with professionally trained experienced designers offering the individualized service that is a distinction at **Gorman's.** Clients range from new homeowners to entertainers, sports celebrities to captains of industry;

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby **congratulate Gorman's on its 70th Anniversary** and recognizes its impact upon the homes here in Troy and surrounding areas;

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of **Gorman's 70th Anniversary.**

Presented this 10th day of May 2010.

PROCLAMATION
National Association of Letter Carriers
Stamp Out Hunger Food Drive Day – May 8, 2010

WHEREAS, The National Association of Letter Carriers (NALC) in conjunction with the United States Postal Service (USPS) is sponsoring the **18th Annual NALC National Food Drive to "Stamp Out Hunger" on Saturday, May 8, 2010**; and

WHEREAS, NALC Branch 3126 in the City of Troy is participating in the National Food Drive, the largest one-day food drive in the nation; and

WHEREAS, The cost of inaction is too high, particularly in the face of many negative outcomes for our children and community which are preventable; and

WHEREAS, NALC President William H. Young encourages postal carriers and communities to work together, because as postal workers "no other people in America can possibly do what we can to fight hunger, reaching to every city and town, in every neighborhood and on every street;" and

WHEREAS, More than 1,400 local branches of the 300,000-member postal union collected a record 73.1 million pounds of food in last year's drive for local food banks, pantries and shelters, helping families throughout the nation;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **Saturday, May 8, 2010 as National Association of Letter Carriers "Stamp Out Hunger" Food Drive Day in the City of Troy**; and

BE IT FURTHER RESOLVED, that we invite **all Troy residents to leave non-perishable food at their mailboxes on Saturday, May 8, 2010**, to support our local letter carriers in their food drive to help alleviate hunger in our community and throughout the nation.

Presented this 8th day of May 2010.

May 6, 2010

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Mary Redden, Administrative Assistant to the City Manager

SUBJECT: Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over $10,000 - Michigan Municipal League

The Michigan Municipal League (MML), a state association of cities and villages, is a nonpartisan, nonprofit association working cooperatively to strengthen the quality of municipal government and administration.

Benefits of membership include advocacy of municipal issues and low-cost education about effective and efficient governance.

Funds are available in City Council's membership and dues account, 102.7958.

Payment of the attached invoice is recommended for annual dues in the amount of $12,534. These dues cover the time period of May 1, 2010 through April 30, 2011.

michigan municipal league

MICHIGAN MUNICIPAL LEAGUE
MEMBERSHIP RENEWAL INVOICE

2009 - 2010

Troy

ID: 492

Date: 03/01/2010

Membership Period: 05/01/2010 - 04/30/2011

RECEIVED
MAY 06 2010
CITY OF TROY
CITY MANAGER'S OFFICE

	2009 - 2010
* MML Dues	10,274
** Environmental Assessment	1,233
*** Legal Defense Fund	1,027
	$12,534

Total Due by May 01, 2010:
$12,534

Please sign, date and return one invoice copy with your payment.

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

_____
(Signature)

_____
(Date)

* MML dues include annual subscriptions to *The Review* for your officials at $12.00 per subscription, which is 50% of the regular subscription rate.

** The purpose of the EAA is to fund the Environmental Affairs Service (EAS) and its advocacy for the municipal point of view on environmental, public works and infrastructure issues at the state and federal levels. The EAS Limited one-on-one assistance to MML members concerning environmental protection mandates, transportation and public works activities is also available.

*** The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48107-7409
800-653-2483

CITY COUNCIL ACTION REPORT

April 16, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Private Agreement for AxleTech Site Improvements
Project No. 09.917.3

Background:

- The Engineering Department has reviewed the plans for this project and recommends approval. The plans include Concrete Approaches, Sanitary Monitoring Manhole, Underground Detention System, and Storm Sewer Connection. The site is located at 1400 Rochester Road which is between Maple and 14 Mile Roads, section 34.

Financial Considerations:

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

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

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

Options:

- Council can approve or deny the recommendation.

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

Prepared by: Antonio Cicchetti, PE
G:\Projects\Projects - 2009\09.917.3 - Axletech Building Addition\Agenda Item Memo (commercial).doc

City Of Troy

Contract for Installation of Municipal Improvements
(Private Agreement)

Project No.: **09.917.3**	Project Location: **1400 Rochester Road**
Resolution No:	Date of Council Approval:

This Contract, made and entered into this _____ day of _____, 2010 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Bostick Rochester Road** whose address is **32900 Dequindre, Warren, MI 48092** and whose telephone number is **586-939-5500** hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of **Concrete Approaches, Sanitary Monitoring Manhole, Underground Detention System, and Storm Sewer Connection** in accordance with plans prepared by **Nowak & Fraus Engineers** whose address is **1310 N. Stephenson Hwy., Royal Oak, MI 48067-1508** and whose telephone number is **248-399-0886** and approved prior to construction by the City in accordance with City of Troy specifications.

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

Refundable escrow deposit equal to the estimated construction cost of $ **15,000.00**. This amount will be deposited with the City in the form of (check one):

Cash	☐
Certificate of Deposit & 10% Cash	☐
Irrevocable Bank Letter of Credit & 10% Cash	☐
Check	☒
Performance Bond & 10% Cash	☐

Refundable cash deposit in the amount of $ **5,500.00**. This amount will be deposited with the City in the form of (check one):

Cash ☐ Check ☒

Non-refundable cash fees in the amount of $**3,573.00**. This amount will be paid to the City in the form of (check one):

Cash ☐ Check ☒

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

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

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

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

City Of Troy

Contract for Installation of Municipal Improvements
(Private Agreement)

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

OWNERS

By:

DENNIS K BOSTICK
Please Print or Type

_____

Please Print or Type

CITY OF TROY

By:

_____

Louise E. Schilling, Mayor

_____

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 16TH day of APRIL, A.D.20 10, before me personally appeared DENNIS K BOSTICK known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Donna L. Simpson

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 2-28-2012

DONNA L. SIMPSON
Notary Public, State of Michigan
County of Oakland
My Commission Expires Feb. 28, 2012
Acting in the County of OAKLAND

CITY COUNCIL ACTION REPORT

April 21, 2010

TO: John Szerlag, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Ratification to Correct Organizational Name for Recognition as a Nonprofit Organization Status from Michael Lanctot, Trustee of Friends of Jacob

Background:

- The applicant submitted the necessary paperwork to the City Clerk's office on July 27, 2009 requesting recognition as a nonprofit organization. At the time of the submittal, the applicant identified the organizational name as *Friends of Jacob Foundation* and the subsequent resolution was written as such.

- Resolution #2009-08-231-F-12 was approved at City Council's August 3, 2009 Regular Meeting recognizing *Friends of Jacob Foundation* as a nonprofit organization.

- The applicant contacted the City Clerk's office on April 21, 2010 indicating that the application was rejected because the organizational name on the *Local Governing Body Resolution for Charitable Gaming Licenses* does not agree with the organizational name as it appears on Form 1023, *Application for Recognition of Exemption.*

- City Management supports the ratification of Resolution #2009-08-231-F-12 to modify the organizational name from *Friends of Jacob Foundation* to *Friends of Jacob*.

CITY COUNCIL ACTION REPORT

July 27, 2009

TO: John Szerlag, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Request for Recognition as a Nonprofit Organization Status from Michael Lanctot, Trustee of Friends of Jacob Foundation

Background:

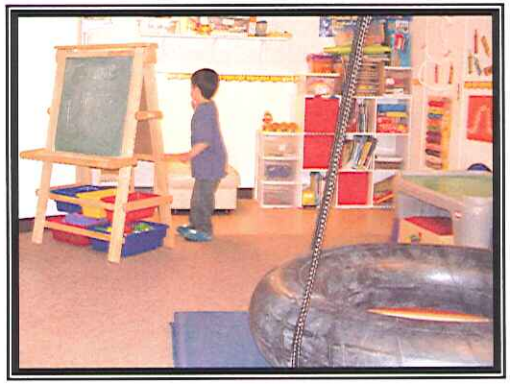
- Attached is a request from Michael Lanctot, Trustee of Friends of Jacob Foundation, seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes. It has been City Management's practice to support the approval of such requests.

Mayor and City Council

I am requesting a temporary gaming license to benefit from the poker room at the Big Beaver Tavern formally Larcos. The Friends of Jacob Foundation was established by a good friend of mine with an Autistic child. The intent of the Foundation is to help families like his dealing with all the difficulties raising a child with autism & other Pervasive Development Disabilities (PDD's). The Foundation can provide a monetary gift up to $2,000 to offset costs associated with therapy, education, or equipment. The ultimate goal for the foundation is to raise enough money to charter a plane & fly a group a families to Disney World where all expenses & special dietary needs would be met for them. This would be for Families that otherwise would never be able to take a trip such as this due to financial needs as well as the difficulties associated with traveling commercial with special needs children. Thank you for your consideration & please feel free to call me with any question regarding The Friends of Jacob Foundation (586-405-4300)

Michael Lanctot
Trustee

Helping enhance the lives of families with Autistic and other special needs children.



Our Mission

Our mission is to provide financial assistance and a network of support to families with special needs children, with an initial focus on Autism.

Families will be provided with assistance through:

- The purchase of specialized equipment
- Financial help with therapy, respite care, and other medical costs
- Other quality of life improvements

Friends of Jacob FOUNDATION

200 Kirts Boulevard, Suite D
Troy, MI 48084

Phone: 586-596-9197
Fax: 248-290-0507
E-mail: keith@friendsofjacob.org
www.friendsofjacob.org

Brochure printing provided by

RWD. Delivering Solutions That Perform 20 Years 1988 - 2008

Friends of Jacob FOUNDATION

Special friends helping special children

586-596-9197
www.friendsofjacob.org

Our Story

Jodi and I married in 1994. After trying to conceive for almost 6 years, we adopted Jacob in 2001. He was just 2 weeks old. It became noticeable at a couple months old that Jacob wasn't' crawling or making eye contact. We soon discovered that he was not only cognitively impaired, but Autistic as well. Today, Jacob is still non-verbal.

Jacob receives therapy weekly, which insurance does not cover. His significant health and respite costs are in addition to typical care expenses that every family incurs. Although my wife and I have good jobs, we have had to drastically cut back on our basic living expenses just to get by.

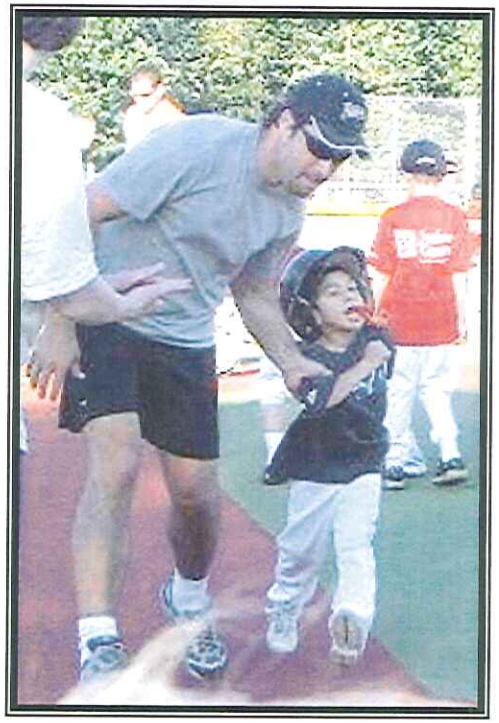
We were fortunate that my business associates were kind enough to organize the first annual fundraiser on behalf of Jacob in 2006. The event raised over $3,000 for Jacob's needs. These funds greatly enhanced Jacob's progress. We were able to purchase items that would help with his daily therapy, respite care, and medical bills. It was then that we knew we needed to help others as well.

In 2006, Friends of Jacob was merely a dream. Today, we are realizing that dream. Together we can make a difference in so many lives.

We hope our story inspires you, like so many people have inspired us.

Sincerely,

Keith and Jodi Malec



Ways to Help

- Donate products, services, or the use of facilities
- Donate prizes for raffle or silent auction
- Sponsor an event with a monetary donation
- Allow us to advertise events at your facility

The Friends of Jacob Foundation is a 501(C)3 non-profit tax-exempt organization. All contributions are eligible for tax deduction.

To refer a family or make a donation, please contact us at:

200 Kirts Boulevard
Suite D
Troy, MI 48084

Phone: 586-596-9197

Fax: 248-290-0507

keith@friendsofjacob.org

www.friendsofjacob.org

Friends of Jacob

FOUNDATION

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)

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

DEPARTMENT OF THE TREASURY

Date: JUN 04 2009

FRIENDS OF JACOB
C/O KEITH MALEC
200 KIRTS BLVD STE D
TROY, MI 48084

Employer Identification Number:
[redacted]
DLN:
[redacted]
Contact Person:
MARK I. TOMBACK [redacted]
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
September 8, 2008
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

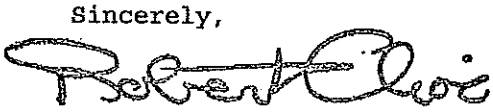
We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive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

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

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

FRIENDS OF JACOB

Sincerely,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Publication 4221-PC

Form **1023**
(Rev. June 2006)
Department of the Treasury
Internal Revenue Service

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

OMB No. 1545-0056

Note: *If exempt status is approved, this application will be open for public inspection.*

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

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

Part I Identification of Applicant

1 Full name of organization (exactly as it appears in your **organizing document**)
Friends of Jacob

2 c/o Name (if applicable)
Keith Malec

3 **Mailing address** (Number and street) (see instructions)
200 Kirts Blvd.

Room/Suite
Suite D

4 Employer Identification Number (EIN)

City or town, state or country, and ZIP + 4
Troy, MI 48084

5 Month the annual accounting period ends (01 – 12)
12

6 Primary contact (officer, director, trustee, or **authorized representative**)
a Name: **Keith Malec**
b Phone: **(586) 596-9197**
c Fax: (optional) **N/A**

7 Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, *Power of Attorney and Declaration of Representative,* with your application if you would like us to communicate with your representative. ☐ Yes ☑ No

8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role. ☐ Yes ☑ No

9a Organization's website: **www.friendsofjacob.org**

b Organization's email: (optional) **keith@friendsofjacob.org**

10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ. ☐ Yes ☑ No

11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) **09/08/2008**

12 Were you formed under the laws of a **foreign country?** ☐ Yes ☑ No
If "Yes," state the country.

Part II Organizational Structure

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

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

Part III Required Provisions in Your Organizing Document

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

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

Part IV Narrative Description of Your Activities

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

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

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

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

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

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

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

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

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

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

2a Are any of your officers, directors, or trustees **related** to each other through **family** or **business relationships**? If "Yes," identify the individuals and explain the relationship. ☐ Yes ☑ No

b Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees. ☐ Yes ☑ No

c Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship. ☐ Yes ☑ No

3a For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.

b Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through **common control**? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement. ☐ Yes ☑ No

4 In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.

a Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy? ☑ Yes ☐ No

b Do you or will you approve compensation arrangements in advance of paying compensation? ☑ Yes ☐ No

c Do you or will you document in writing the date and terms of approved compensation arrangements? ☑ Yes ☐ No

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

d	Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements?	☑ Yes	☐ No
e	Do you or will you approve compensation arrangements based on information about compensation paid by **similarly situated** taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.	☑ Yes	☐ No
f	Do you or will you record in writing both the information on which you relied to base your decision and its source?	☑ Yes	☐ No
g	If you answered "No" to any item on lines 4a through 4f, describe how you set compensation that is **reasonable** for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.		
5a	Have you adopted a **conflict of interest policy** consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c.	☑ Yes	☐ No
b	What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?		
c	What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?		
	Note: A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.		
6a	Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through **non-fixed payments**, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.	☐ Yes	☑ No
b	Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than $50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.	☐ Yes	☑ No
7a	Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at **arm's length**, and explain how you determine or will determine that you pay no more than **fair market value**. Attach copies of any written contracts or other agreements relating to such purchases.	☐ Yes	☑ No
b	Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales.	☐ Yes	☑ No
8a	Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f.	☐ Yes	☑ No
b	Describe any written or oral arrangements that you made or intend to make.		
c	Identify with whom you have or will have such arrangements.		
d	Explain how the terms are or will be negotiated at arm's length.		
e	Explain how you determine you pay no more than fair market value or you are paid at least fair market value.		
f	Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.		
9a	Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If "Yes," provide the information requested in lines 9b through 9f.	☐ Yes	☑ No

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

b Describe any written or oral arrangements you made or intend to make.

c Identify with whom you have or will have such arrangements.

d Explain how the terms are or will be negotiated at arm's length.

e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.

f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

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

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

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

Part VII **Your History**

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

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

Part VIII **Your Specific Activities**

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

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

c List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.

Part VIII Your Specific Activities *(Continued)*

4a Do you or will you undertake **fundraising**? If "Yes," check all the fundraising programs you do or will conduct. (See instructions.) ☑ Yes ☐ No

- ☑ mail solicitations
- ☑ email solicitations
- ☑ personal solicitations
- ☐ vehicle, boat, plane, or similar donations
- ☑ foundation grant solicitations
- ☑ phone solicitations
- ☑ accept donations on your website
- ☑ receive donations from another organization's website
- ☑ government grant solicitations
- ☑ Other

Attach a description of each fundraising program.

b Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements. ☐ Yes ☑ No

c Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements. ☐ Yes ☑ No

d List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.

e Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors. ☐ Yes ☑ No

5 Are you **affiliated** with a governmental unit? If "Yes," explain. ☐ Yes ☑ No

6a Do you or will you engage in **economic development**? If "Yes," describe your program. ☐ Yes ☑ No

b Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.

7a Do or will persons other than your employees or volunteers **develop** your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees. ☐ Yes ☑ No

b Do or will persons other than your employees or volunteers **manage** your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees. ☐ Yes ☑ No

c If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.

8 Do you or will you enter into **joint ventures**, including partnerships or **limited liability companies** treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate. ☐ Yes ☑ No

9a Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10. ☐ Yes ☑ No

b Do you provide child care so that parents or caretakers of children you care for can be **gainfully employed** (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). ☐ Yes ☐ No

c Of the children for whom you provide child care, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). ☐ Yes ☐ No

d Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k). ☐ Yes ☐ No

10 Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other **intellectual property**? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed. ☐ Yes ☑ No

Part VIII Your Specific Activities *(Continued)*

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

Part VIII **Your Specific Activities** *(Continued)*

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

Part X **Public Charity Status** *(Continued)*

e 509(a)(4)—an organization organized and operated exclusively for testing for public safety. ☐

f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit. ☐

g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public. ☐

h 509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross **investment income** and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions). ☐

i A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status. ☑

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

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

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

For Organization

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

Kevin Roach
(Type or print name of signer)

3/19/2009
(Date)

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

For IRS Use Only

IRS Director, Exempt Organizations

(Date)

b **Request for Definitive Ruling:** Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii). ☐

(i) (a) Enter 2% of line 8, column (e) on Part IX-A. Statement of Revenues and Expenses. _____

(b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box. ☐

(ii) (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each **disqualified person.** If the answer is "None," check this box. ☐

(b) For each year amounts are included on line 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A. Statement of Revenues and Expenses, or (2) $5,000. If the answer is "None," check this box. ☐

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

Part XI User Fee Information

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

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

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

Please Sign Here ▶ [signature] (Signature of Officer, Director, Trustee, or other authorized official)

Kevin Roach (Type or print name of signer)

3/19/2009 (Date)

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

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

ATTACHMENTS TO IRS FORM 1023

Part IV – Narrative Description of Your Activities

Friends of Jacob is a nonprofit corporation organized and operated exclusively for educational and charitable purposes. Specifically, this organization has been formed to provide relief to the poor, distressed and underprivileged. Our organization has designed and developed one (1) program in furtherance of our purposes.

Our program is entitled: **Friends of Jacob.** The purposes of this program are to provide relief to the poor, distressed and underprivileged. We further our purposes under this program by providing financial assistance to families with children with special needs (physical and developmental).

Our organization is dedicated to providing a vacation of a lifetime and a network of support to families with children who have Autism or other Pervasive Development Disabilities (PDDs).

Friends of Jacob was founded with Keith and Jodi Malec's son, Jacob, in mind. The Malecs were married in 1994 and adopted Jacob in 2001 at just 2 weeks old. It become noticeable right away that Jacob wasn't crawling or making eye contact and they soon discovered that Jacob was both Autistic and cognitively impaired. Although he had some words in his vocabulary, today he is non verbal and needs to receive therapy weekly which insurance does not cover. Like most families, they experienced and are continuing to experience overwhelming financial difficulties, and taking a family vacation was out of the question and always seemed to take the back seat to other financial priorities.

We will organize and conduct a family vacation every year. The vacation will be conducted in a group setting. These families have so much in common: the increased financial difficulties, unending medical appointments, various therapies, special diet needs, and all the other additional daily stresses associated with raising a special needs child. These things seem to overshadow what most other families simply take for granted. The ability for these families to take a family vacation isn't something that they would otherwise be able to achieve. Our organization seeks to organize the ultimate vacation for a large group of families with special needs children by providing the transportation and accommodations for them to travel and experience the magic together.

Vacation days and times are dependent largely on the place of destination, monies raised, and family schedules. It is also anticipated that most vacations will be conducted towards the latter months of the summer season. A full itinerary for the organized family vacation has yet to be completed. We anticipate that the activities will focus on the development of social and life skills, strengthening and providing respite for families, and education for families. The first family vacation is tentatively scheduled for the fall of 2009 and will be 5-7 days in duration.

A monetary gift of up to $2,000 will be given to families of children with special needs to offset costs associated with therapy, therapy/educational-like activities, and equipment. Any funds raised through the Friends of Jacob Foundation are dispersed to qualifying children and their families. Qualifying individuals eligible for disbursement of funds include families who have at least 1 child with a medically diagnosed pervasive developmental disorder (PDD) as outlined by the Diagnostic and Statistical Manual (DSM), Edition IV.

All interested parties for grant funds from the organization must complete and submit our "Request for Funds Application" as well as complete the funding agreement. Accompanying information, including the formal medical diagnosis and reference letters is required. On a monthly basis, the Allocations committee will review applications and make a formal recommendation to the Board of Directors for final approval. Approved parties will be notified and distributed the allocated funds. Non-approved parties will be asked to submit more information or a new application.

The activity is conducted on an as-needed basis to review applications. There are no formal office hours, but applications are accepted any day of the year. We hope to assist approximately 30 children with special needs and their families annually.

Records of transactions will be kept by the Executive Director and submitted to the Board on the monthly basis. Banking transactions will be completed by the Executive Director, the President or Treasurer. Our Treasurer will complete financial statements on a quarterly basis in the fiscal year. Any checks written by the organization will require 2 signatures and any amount in excess of $1,000 will require prior approval from the Board of Directors.

To further fund our program, we will conduct The First Annual Friends of Jacob Dancing for a Difference. This event will raise money for the organization. The event is taking place on March 26, 2009 at Club 22, located in Macomb, Macomb County, MI from 7:00 pm to 12:00 pm. The event will be open to the public.

There are no fees associated with this program. The officers and directors administer this program through a donation of their services. This program has already commenced and consumes 100% of the organization's time. This program will be advertised through home school organizations, email and personal contacts. It is funded through volunteer services, tuition for classes and donations to cover the nominal expenses associated with it. Planning for our program is conducted at our headquarters located at 200 Kirts Blvd., Ste. D, Troy, MI, 48084. Through the successful execution of our program, we further our purposes of providing relief to the poor, distressed and underprivileged.

Friends of Jacob; EIN: [redacted]

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

Line 1a

Name	Title	Address	Compensation
Kevin Roach	President/ Director	[redacted]	NONE
Keith Malec	Vice President/ Founder	[redacted]	NONE
Erik Wandrie	Secretary/ Director	[redacted]	NONE
Michael Lanctot	Treasurer/ Director	[redacted]	NONE
Craig Trompeter	Director	[redacted]	NONE

[The remainder of this page has been intentionally left blank.]

Line 3a

Name	Qualifications	Avg. Hours	Duties
Kevin Roach	Nonprofit management and leadership for 10 years. Master of Social Work degree from University of Pennsylvania and Bachelor of Science in Social Work from Saint Louis University	10	Oversees fiduciary operations of organization, assists in policies and procedures, and facilitates fund development activities. As President, hires and evaluates the Executive Director. Sitting member of all subcommittees within the Board of Directors.
Keith Malec	Sr. Account Manager with over 20 years experience working for a Tier One Automotive Supplier. Dale Carnegie graduate.	10	Oversees fiduciary operations of organization, assists in policies and procedures, and facilitates fund development activities. As Vice President, networks through business and community relationships. Provides the face, voice of Friends of Jacob through personnel experience.
Erik Wandrie	Sales professional with over ten years experience in the automotive supply industry. BSBA degree from Lawrence Technological University with a major in Marketing and minor in Small Business.	10	Oversees fiduciary operations of organization, assists in policies and procedures, and facilitates fund development activities. As Secretary, keeps written record of meetings and activities, recruits new members, and oversees marketing efforts.
Michael Lanctot	Internal Auditor/Coordinator Review and update plant quality procedures. Liason for plant. Bachelors in Business Management, Rochester College. 17 years of experience.	10	Oversees fiduciary operations of organization, assists in policies and procedures, and facilitates fund development activities. As treasures, oversee bank accounts, investments, and audits.
Craig Trompeter	Business Developement Manager (RWD technologies) 20 years Sales & marketing experience. University of Phoenix	10	Oversees fiduciary operations of organization, assists in policies and procedures, and facilitates fund development activities. Coordinates special events.

Line 5a

The CONFLICT OF INTEREST policy attached to this application was adopted by the Board of Directors and signed into effect by the Secretary.

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

Line 1a

Please see Part IV – Narrative Description of Your Activities for details.

Part VIII - Your Specific Activities

Line 4a

Mail Solicitations

We intend to solicit funds for our program by sending promotional materials via mail. No official plans or representative copies exist at this time.

Email Solicitations

We may solicit funds for our program by sending promotional materials via email. No official plans or representative copies exist at this time.

Personal Solicitation

We intend to solicit funds for our program through personal contact. No official plans exist at this time.

Phone Solicitations

We may solicit funds for our program by phone. No official plans or representative materials exist at this time.

Foundation Grants

We may apply for foundation grants for funds to operate our program in the future. No official plans exist at this time.

Website Solicitations

We have a website at www.friendsofjacob.org. Donations can be made online. In the future, we may also accept web-based donations from other sites. No official plans exist at this time.

Government Grants

We may seek grants at a later date to operate our programs. No official plans exist at this time.

Other

We may use any other legal means available to us as a non-profit corporation operating within our stated purpose to raise money to fund our programs.

Bylaws of

FRIENDS OF JACOB FOUNDATION

ARTICLE ONE - NAME AND PURPOSE

Section 1.01 - Name: The name of the organization shall be Friends of Jacob Foundation

Section 1.02 - Purpose: The Friends of Jacob Foundation is organized to offer a network of support and a variety of quality of life improvements to families with special needs children

ARTICLE TWO - MEMBERSHIP

Section 2.01 - Membership: Membership shall consist of the Board of Trustees and those individuals approved by the Board of Trustees.

ARTICLE THREE - MEETINGS, NOTICE, AND PARTICIPATION

Section 3.01 - Annual Meeting: The date of the regular annual meeting shall be set by the Board of Trustees who shall set the time and place.

Section 3.02 - Special Meetings: Special meetings may be called by the President, Executive Committee, or a majority vote of the Board of Trustees.

Section 3.03 - Notice: Notice of each meeting shall be given to each Trustee in writing not less than 3 days prior to the meeting. Notice of meetings may be given only by the President or Secretary. Unless otherwise required by law, the Articles or these Regulations, any such notice need not specify the purpose or purposes of the meeting.

Section 3.04 - Participation: Participation in a meeting via teleconference is allowed if it is not otherwise possible to attend that meeting in person.

ARTICLE FOUR - BOARD OF TRUSTEES

Section 4.01 - Role: The Board of Trustees is responsible for overall policy and direction of the Foundation. They will control and manage all the affairs, funds, and property. In addition to the powers granted herein, they shall have all powers designated in the Articles and such powers as are conferred upon them by the laws of the State of Michigan.

Section 4.02 - Size and Compensation: The Board shall have no more than eleven (11) and no less than five (5) trustees. Trustees receive no compensation for services rendered as Trustees. Trustees may be reimbursed for expenses incurred as Trustees in such amounts as the Trustees may determine.

Section 4.03 - Elections: Election of new Trustees or election of current Trustees to additional terms will occur as the first item of business at the annual meeting of the Board of Trustees, provided there is a quorum present. Trustees will be elected by a majority vote of the current Trustees.

Section 4.04 - Terms: All Trustees shall serve one (1) year terms, but are eligible for re-election. There is no limit to the number of times a Trustee can be re-elected.

Section 4.05 - Quorum: A quorum of the Trustees must be in attendance for business transactions to take place and motions to pass. A quorum shall be 50% of all Trustees.

Section 4.06 - Vacancies: When a vacancy on the Board of Trustees or Executive Committee exists, the Secretary must receive nominations for new Trustees or Officers from present Board members ten (10) days in advance of a Board meeting. These nominations shall be sent out to Board members with the regular Board meeting announcement, to be voted upon at the next Board meeting. All vacancies will be filled only to the end of the departed Trustee or Officer's term.

Section 4.07 - Resignation, Termination, and Absences: Resignation from the Board must be in writing and received by the Secretary. A Trustee may be terminated by the Board if he/she has three (3) unexcused absences from Board meetings in a year. A Trustee may be removed for other reasons by a three-fourths vote of the remaining Trustees.

ARTICLE FIVE – OFFICERS

Section 5.01 - Officers of the Board: Immediately following the annual election of Trustees, the Trustees so elected shall meet and organize by the election of four (4) officers: a President, Vice-President, Secretary, and Treasurer.

Section 5.02 - Terms: All Officers shall be elected to one (1) year terms. Officers may serve no more than five (5) consecutive terms.

Section 5.03 - Duties of the President: The President shall convene regularly scheduled Board meetings, shall preside or arrange for other members to of the Executive Committee to preside at each meeting in the following order: Vice President, Secretary, and Treasurer.

Section 5.04 - Duties of the Vice President: The Vice President shall chair committees on special subjects as designated by the board. In the absence of the President, the Vice President shall perform the duties of the President.

Section 5.05 - Duties of the Secretary: The Secretary shall be responsible for keeping records of Board actions, including overseeing the taking of minutes at all Board meetings, sending our meeting announcements, distributing copies of minutes and the agenda to each Trustee, and assuring that Foundation records are maintained.

Section 5.06 - Duties of the Treasurer: All monies, stocks, bonds, and other documents of value shall be received and safely kept by the Treasurer. The Treasurer shall make sure that the accounting of all funds is properly maintained. The Treasurer will also submit reports and updates as requested by the Board of Trustees or Executive Committee.

ARTICLE SIX - COMMITTEES

Section 6.01 - Committee Formation: The Board or the President may create committees and appoint members to such committees which, in their discretion, are desirable to further the work of the Foundation. Each committee thus created shall report to the Board, at its regular meetings and at such special meetings as the Board shall give them notice of. All action taken by any committee must be approved by the Board before it may be carried out or considered the act of the Foundation.

Section 6.02 - Executive Committee: The four officers serve as members of the Executive Committee. Except for the power to amend the Articles of Incorporation and Bylaws, the Executive Committee shall have all of the powers and authority of the Board of Directors in the intervals between meetings of Board of Directors. Any matters passed by the Executive Committee while the Board is not in session, shall be fully reported and reviewed at the next Board meeting. Three (3) members of the Executive Committee shall constitute a quorum. The Executive Committee has the authority to

advertise for, interview, review, evaluate, and make recommendations to the Board concerning the employment, performance, and retention of Executive Directors.

Section 6.03 - Allocations Committee: The Allocations Committee will make decisions regarding the distribution of benefits to families with special needs children who have submitted the appropriate information and application. The Allocations Committee will be comprised of three (3) Trustee members and four (4) non-Trustee members as appointed by the Executive Committee.

ARTICLE SEVEN - DIRECTOR AND STAFF

Section 7.01 - Executive Director: The Board may choose to employ an Executive Director. The Executive Director has day-to-day responsibility for the activities and operation of the Foundation, management of personnel, and implementation of policy and procedures adopted by the Board. The Executive Director is not Board member but will attend all Board meetings to report on the progress of the Foundation, answer questions of the Board members, and carry out the duties as described in the job description. The Board can designate other duties as deemed reasonable and necessary. Compensation for the Executive Director shall be set by the Board.

Section 7.02 - Staff: The Board may choose to employ staff as needed. The job description(s) and compensation for all positions will be set by the Board. The Executive Director will manage all personnel.

ARTICLE EIGHT - INDEMNIFICATION AND INSURANCE

Section 8.01 - Indemnification: The Board of Trustees will indemnify Board members in accordance with law whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding is brought again a Board member for any act or omission arising out of and in the course of the performance of his/her duties as Board member. In the case of a criminal or quasi-criminal action which results in a final disposition in favor of the Board member, the Board will defray all costs of defending the action, including reasonable counsel fees and expenses, together with costs of appeal, and will save harmless and protect the Board member from any financial loss

resulting from the action. Indemnification for exemplary or punitive damages is not required.

The Board shall arrange for and maintain appropriate insurance to cover all such damages, losses and expenses as set forth in Section 8.02

Section 8.02 - Insurance: The Foundation shall obtain insurance commonly known as directors' and officers' liability insurance and company reimbursement insurance with such coverage as the Trustees, in their discretion, shall deem appropriate.

ARTICLE NINE - MISCELLANEOUS

Section 9.01 - Amendments: These bylaws may be amended, or new bylaws may be adopted, when necessary by two-thirds affirmative vote of the Board of Trustees. Proposed amendments must be submitted to the Secretary to be sent out with regular Board announcements.

Section 9.02 - Action by Trustees Without a Meeting: Anything contained in the Bylaws to the contrary notwithstanding, any action which may be authorized or taken at a meeting of the Board or of a committee, may be authorized or taken without a meeting with the affirmative vote or approval of, and in a writing or writings signed by all of the Trustees or all of the members of such committee of the Trustees as the case may be. Any such writing shall be filed with or entered upon the records of the Foundation by the Secretary.

These bylaws were approved and adopted at a meeting of the Board of Trustees for Friends of Jacob Foundation by a two-thirds majority vote on this 25th day of February 2009.

President

Secretary

Michigan Department of Labor & Economic Growth

Filing Endorsement

This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT

for

FRIENDS OF JACOB

[redacted]

received by facsimile transmission on September 8, 2008 is hereby endorsed

Filed on September 8, 2008 by the Administrator.

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

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 8TH day of September, 2008.

, Director

Bureau of Commercial Services

Sent by Facsimile Transmission 08252

MSC/CD-402 (Rev. 1/99)

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES

Date Received	(FOR BUREAU USE ONLY)
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name: Imelda Vasquez, Legalzoom.com, Inc.
Address: 7083 Hollywood Blvd. Ste. 180
City: Los Angeles State: CA Zip Code: 90028

EFFECTIVE DATE:

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

ARTICLES OF INCORPORATION

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

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

ARTICLE I

The name of the corporation is: Friends of Jacob

ARTICLE II

The purpose or purposes for which the corporation is organized are:

Please see attachment

ARTICLE III

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

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

ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (if none, insert "none")

None

b. The description and value of its personal property assets are: (if none, insert "none")

None

c. The corporation is to be financed under the following general plan:

Fundraisers and Grants through the State.

d. The corporation is organized on a Directorship basis.
(Membership or Directorship)

ARTICLE IV

1. The address of the registered office is:

712 Abbott Road, East Lansing, Michigan 48823
(Street Address) (City) (ZIP Code)

2. The mailing address of the registered office, if different than above:

_____, Michigan _____
(Street Address or P.O. Box) (City) (ZIP Code)

3. The name of the resident agent at the registered office is:

National Registered Agents, Inc.

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
Legalzoom.com, Inc.	7083 Hollywood Blvd. Ste. 180, Los Angeles, CA 90028

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

I, (We), the incorporator(s) sign my (our) name(s) this 6th day of September, 2008.

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

Attachment to

Articles of Incorporation of

Friends of Jacob

This corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code. This Corporation shall be a nonprofit corporation. The specific purpose for which this corporation is organized is To provide financial assistance to families with children with special needs (physical and mental) through fundraising, grants, and local pairing with other foundations and charities.

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

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

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

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

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

TO: The Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: April 12, 2010
SUBJECT: Troy v P/G Equities Cort Limited Partnership

The City needed an additional 15 feet of right of way and a public utility easement from the property at 3921 Rochester Road (P/G Equities Cort Limited Partnership) for the Rochester Road Reconstruction project. A condemnation lawsuit was initiated, since we were unable to agree with the property owners for a voluntary sale. The only remaining issue is the amount of just compensation to be paid for the property. The case was recently submitted to case evaluation. Subsequently, we were able to negotiate a proposed consent judgment, which would finalize this case for the amount of the case evaluation, plus statutory costs and fees. In addition to setting forth the total just compensation, this proposed consent judgment also requires the property owner to move their sign out of the right of way area prior to June 1, 2010, to minimize any delay to the Road Improvement Project.

We recommend approval of the proposed consent judgment. 80% of the amount will be paid with federal funds, and the City is responsible for paying 20%, 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. 09-097983-CC
Hon. Shalina Kumar

P/G Equities Cort Limited Partnership, a
Michigan Partnership and National City Bank of
Michigan/ Illinois,

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
motznyat@troymi.gov

Alan T. Ackerman (P10025)
Darius W. Dynkowski (P52382)
Ackerman Ackerman & Dynkowski
Attorney for Defendant P/G Equities Cort Limited Partnership
100 W. Long Lake Rd., Ste. 210
Bloomfield Hills, MI 48304
(248) 537-1155
aackerman@sbcglobal.net
_____/

CONSENT JUDGMENT

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

PRESENT: _____
HON. SHALINA KUMAR
Oakland County Circuit Court Judge

This matter is before the Court upon Stipulation of the City of Troy ("Plaintiff") and Defendant P/G Equities Cort Limited Partnership, subsequent to the case evaluation process, where all participating parties accepted the case evaluation award.

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. Title to the property described in the Declaration of Taking entered by this Court on February 5, 2009 has vested in Plaintiff by virtue of filing the Complaint and Declaration of Taking, depositing the estimated just compensation and recording a copy of a Declaration of Taking with the Register of Deeds of Oakland County.

2. Total and Final Just Compensation for the taking in this matter is determined to be $43,500. Plaintiff is entitled to a credit in the amount of $16,800 for the estimated compensation that was previously paid in this matter, leaving a payment due in the amount of $26,700 for additional just compensation. In addition to Just Compensation, Plaintiff shall pay to Defendant statutory interest on the additional just compensation due pursuant to the Uniform Condemnation Procedures Act, MCL 213.51 et seq.

3. As set forth in paragraph 2, Plaintiff shall make a payment in the amount of $26,700 plus statutory interest in a check payable to Defendant P/G Equities Cort Limited Partnership.

4. Plaintiff shall also pay to Defendant the amount of $9,333.33 for statutory reimbursement of attorney fees, pursuant to MCL 213.66. This amount shall be paid in a check payable to Ackerman Ackerman & Dynkowski, P.C.

5. Plaintiff shall also reimburse Defendant P/G Equities Cort Limited Partnership, in the amount of $12,425.00 for expert real estate appraisal fees and other

expert witness fees, pursuant to MCL 213.66. This amount shall be paid in a check payable to Alan T. Ackerman – Costs.

6. The payments required pursuant to this Consent Judgment are made and accepted in compromise and settlement of any and all claims of Defendant against Plaintiff for just compensation for any of the property described in the Declaration of Taking or otherwise arising out of the taking for public purposes of the property described in the Declaration of Taking.

7. Defendant P/G Equities Cort Limited Partnership shall remove the existing sign on the subject property from its current location by June 1, 2010. The existing sign or any new sign shall be placed in a location outside of the easement on the subject property. Defendant P/G Equities Cort Limited Partnership shall be responsible for all costs related to the removal and relocation of the sign.

8. Subject to the enforcement of the terms herein, this Consent Judgment constitutes a final disposition of this case.

_____
HON. SHALINA KUMAR
Oakland County Circuit Court Judge

STIPULATED TO AND APPROVED
AS TO FORM AND CONTENT:

_____
Allan T. Motzny (P37580)
Lori Grigg Bluhm (P46908)
Troy City Attorney's Office
Attorney for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320
motznyat@troymi.gov

_____
Alan T. Ackerman (P10025)
Darius W. Dynkowsi (P52382)
Attorney for P/G Equities Cort Limited Partnership
100 W. Long Lake Rd., Ste. 210
Bloomfield Hills, MI 48304
(248) 537-1155
aackerman@sbcglobal.net

CITY COUNCIL ACTION REPORT

May 3, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
James A. Nash, Financial Services Director
Sandra L. Kasperek, City Treasurer

SUBJECT: Agenda Item – Assessment of Delinquent Accounts

Background:

The code of ordinances provides for transfer of delinquent accounts to the city tax roll.

Financial Considerations:

The delinquent accounts from the various funds to be assessed to the 2010 tax roll are as follows:

General Fund Invoices	$ 10,576.14	
Penalties	1,057.62	
		$ 11,633.76
Special Assessments	$ 6,516.90	
Penalties & Interest	2,127.16	
		8,644.06
Water & Sewer Accounts		
District 1	$176,213.01	
District 2	250,372.03	
District 3	316,821.06	
Invoices	57,768.66	
Penalties	80,118.04	
		881,292.80
Total to be assessed		$901,570.62

Options:

Staff recommends that City Council approve the assessment of delinquent accounts.

Prepared by: James A. Nash, Financial Services Director

CITY COUNCIL ACTION REPORT

April 30, 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**:** Alcohol Sales at the Troy Community Center

Background

- The Troy Community Center currently does not allow alcohol to be sold, served or consumed on the premises.
- There have been numerous requests to have this service and the Community Center has not been selected to host certain events due to the policy prohibiting alcohol.
- Staff would like to amend the prohibition of alcohol policy and allow alcohol at some events.
- Policies at city parks and the golf courses allow alcohol sales and/or consumption if the alcohol content is the same or less than beer.
- It is anticipated that allowing the consumption of alcohol under stringent guidelines will increase revenues for the Community Center.
- Strict adherence to local and state Liquor Control Commission laws and standards would be followed.
- The following local municipal Parks and Recreation facilities in metro Detroit permit alcohol to be sold and consumed on site: Dearborn Performing Arts Center, Canton Summit on the Green, Farmington Hills Longacre House, Huntington Woods and Plymouth
- If approved, the City would terminate the existing catering contract (A and S catering) and rebid with alcohol as a service available by the Contractor.
- The lease with Emerald Food Service would expire on December 31, 2010 but may be terminated early by giving 60 days notice. EFS contracts space in the Community Center for its Meals on Wheels operation and serves a hot meal at lunchtime to seniors. Attendance averages 40 per day. EFS leases the kitchen, storage rooms and offices on Monday – Friday and has exclusive use of the kitchen from 5:00 am to 2:00 pm. Rent of $9,000 annually is received from this contract.

Financial Considerations

- Under this new policy, an RFP for catering services would include several sources of revenue including rent for the use of the kitchen, office space and storage, and commissions from catering (including alcohol sales) within the Community Center.
- Based on estimates made from alcohol sales at other municipal Community Centers in Dearborn and Canton, the sale of alcohol at private events could earn, at minimum, approximately $10,000 in additional catering commissions.

Financial Considerations - Continued

- The opportunity to serve alcohol in the Community Center could earn $7,000 from new banquet room rentals.
- If a more well know caterer is selected from the RFP process, it is anticipated that they would be able to attract additional events to the Community Center through its brand recognition and ability to market the facility to new groups of people. A and S Catering is not known to patrons who are considering their services and provide little, if any, marketing exposure for the Center.

Policy Considerations

- Change of policy to allow the consumption and/or sale of alcohol at the Community Center would allow additional uses of the Community Center resulting in added revenue.
- All Troy Police Department and Michigan Liquor Control Commission recommendations, procedures and guidelines would be followed.
- Prior to implementing, staff will return with a report on policies and procedures.

Legal Considerations

- The caterer would be required to comply with the Michigan Liquor Control Act and the Troy City Ordinance. No license would be held in the City's name but by the user or caterer.
- A contract would also be established with the catering vendor for compliance of all licenses and guidelines.
- Liquor liability insurance with the City named as an additional issured would be required.
- Penalties and termination provisions would be established in the contract for catering services for violations of the Michigan Liquor Control Act or City Ordinance.

Recommendations

- Staff recommends that alcohol be permitted in the Community Center for events and sold by the "preferred" caterer. The contracts with A and S Catering and Emerald Food Service would be cancelled and a "preferred" caterer, with exclusive use of the kitchen and the ability to serve alcohol, would be selected through the RFP process.

Prepared By: Kraig Schmottlach, Community Center Facility Manager

CITY COUNCIL MEMORANDUM

May 6, 2010

TO: Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager, Finance and Administration
Cathy Russ, Library Director

SUBJECT: Mayor ProTem Fleming Request for State Librarian of Michigan Minimum Hours of Operation Waiver Resolution

- Mayor ProTem Fleming requested a proposed resolution for a waiver of minimum hours of operation from the State Librarian of Michigan.
- City Staff has drafted the requested resolution, as attached, for consideration at the May 10, 2010 City Council Regular meeting.

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, January 13, 2010, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 1:32 p.m.

Trustees Present: Mark Calice
John M. Lamerato
William R. Need (Ex-Officio)
Steven Pallotta
Thomas Rosewarne

Trustees Absent: Thomas J. Gordon, II
Mary Kerwin
A.John Szerlag

Minutes

Resolution # RH – 2010 – 1 - 1
Moved by Pallotta
Seconded by Rosewarne

RESOLVED, That the Minutes of the October 14, 2009 meeting be approved.

Yeas: All – 4
Absent: Gordon II, Kerwin, Szerlag

Investments

Resolution # RH – 2010 – 1- 2
Moved by Rosewarne
Seconded by Lamerato

RESOLVED, That the board invest $1,000,000 in the W & R Asset Strategy Fund.

Yeas: All – 4
Absent: Gordon II, Kerwin, Szerlag

Other Business- Election of Chair and Vice Chair

The board will elect a Chair and Vice Chair at the April, 2010 board meeting.

Other Business – 2010 Meeting Calendar

Resolution # RH – 2010 – 1- 3
Moved by Lamerato
Seconded by Pallotta

RESOLVED, That the board will meet on the following dates in 2010:

January 13, April 14, July 14 and October 13.

Yeas: All – 4
Absent: Gordon II, Kerwin, Szerlag

Public Comment

No public comment.

The next meeting is April 14, 2010 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:43 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\Retiree Health Care Benefits Plan & Trust\2010\1-13-10 Minutes_Final

A meeting of the **Joint Local Development Finance Authority – Troy Subcommittee (LDFA)** was held on Monday, February 1, 2010 at 3:00 p.m., at City Hall in the Council Board Room. Beltramini called the meeting to order at 3:00 p.m.

PRESENT: Robin Beltramini, Chair
Stephanie Bergeron
Mike Kidder
Maureen McGinnis (alternate)
Dane Slater (alternate)
Doug Smith (arrived @ 3:11 p.m.)
John Szerlag, City Manager

ABSENT: Mike Adamczyk

ALSO PRESENT: Mark Miller, Acting Assistant City Manager/Economic Development Services
Lori Grigg Bluhm, City Attorney
Brent Savidant, Acting Planning Director
Pamela Valentik, Economic Development Specialist
Patti Holland, Real Estate and Development Secretary
Ken Rogers, Automation Alley

VOTE TO APPROVE OF MINUTES FROM PREVIOUS MEETING

Resolution # LD-2010-02-001
Moved by Bergeron
Seconded by Beltramini

RESOLVED, That the minutes of April 27, 2009 be approved.

Yeas: All – 4
Nays: None
Absent: Adamczyk, Smith

OLD BUSINESS

None

NEW BUSINESS

D. 2010 Meeting Schedule

Resolution #LD-2010-02-002
Moved by Szerlag
Seconded by Kidder

RESOLVED, That the Board approves the 2010 meeting schedule.

Yeas: All – 4
Nays: None
Absent: Adamczyk, Smith

A. Declining Revenue Line Report

John Szerlag and Mark Miller discussed the estimated declining revenue with the Board.

C. Automation Alley Membership

Ken Rogers, Automation Alley Executive Director was present to discuss yearly membership incentives and the financial assistance request for Automation Alley. The Board discussed the importance of the yearly membership.

Resolution # LD-2010-02-003
Moved by Bergeron
Seconded by Smith

RESOLVED, That the LDFA Board approves a one-year Automation Alley Foundation Membership at a cost of $15,000.

Yeas: All – 5
Nays: None
Absent: Adamczyk

B. Automation Alley Financial Assistance Request

The Board discussed the request for financial assistance by Ken Rogers, Automation Alley Executive Director. The 2010/2011 budget will be prepared for the Board to review, which will include the request for $50,000.

B. Automation Alley Financial Assistance Request

The Board discussed the request for financial assistance by Ken Rogers, Automation Alley Executive Director. The 2010/2011 budget will be prepared including the $50,000 assistance for Automation Alley. Action on the 2010-11 LDFA budget is scheduled for the next LDFA Board meeting.

PUBLIC COMMENT

None

The meeting adjourned at 3:31 p.m.

Next Meeting: April 26, 2010

Robin E. Beltramini

Robin Beltramini, Chair

A meeting of the **Troy Youth Council (TYC)** was held on February 24, 2010 at 7:00 PM at Troy Community Center, 3179 Livernois. Shaina Sekhri called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Willa Adamo
Disha Bora
Supriya Jalukar
Ananya Mukundan
Kelly Niemiec
Sumana Palle
Sevita Rama
Shaina Sekhri
Rachita Singh

MEMBERS ABSENT: Vikram Prasad, Rajiv Vutukuru, Emily Wang, David Wylie
VISITORS: Dave Roberts, Assistant Fire Chief
STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2010-2-3

Moved by Rama
Seconded by Jalukar

RESOLVED, That the minutes of January 27, 2010 are approved.
Yes: All – 9
No: 0
Absent: 4 – Prasad, Vutukuru, Wang, Wylie

3. Attendance Report:

Report reviewed by council member. No comments.

4. Guest – Troy Fire Department – Dave Roberts, Assistant Fire Chief

Presented department structure, budget and operational information to Youth Council.

5. City Council Restructuring Options

Youth Council was updated on the results of the special millage election. Youth Council inquired as to the status of the facilities and the Youth Council group.

6. Teens Taking Action

Recap of Youth Voices event that was held on Friday, February 5, 2010. Members felt the event was worthwhile and beneficial.

7. Troy Daze

Event is scheduled for 2010.

8. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2010-2-4

Moved by	Adamo
Seconded by	Palle

RESOLVED that Prasad is excused.

Yes:	9
No:	0
Absent:	4 - Prasad, Vutukuru, Wang and Wylie

9. Public Comments – None

10. Youth Council Comments – None

11. Adjournment – Meeting adjourned at 8:01 p.m.

_____

Shaina Sekhri, chair

_____

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: March 24 at 7:00 P.M.

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, March 10, 2010, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:06 p.m.

Trustees Present: Mark Calice
Thomas J. Gordon, II
John M. Lamerato
Steve Pallotta
Thomas Rosewarne

Trustees Absent: Mary Kerwin
William R. Need (Ex-Officio)
A. John Szerlag

Also Present: Lori Grigg Bluhm, City Attorney
Thomas C. Michaud, VanOverbeke, Michaud & Timmony, P.C.
Daniel M. Rhodes, Daniel M. Rhodes, P.C.

Minutes

Resolution # ER – 2010-3-13
Moved by Pallotta
Seconded by Rosewarne

RESOLVED, That the Minutes of the February 10, 2010 meeting be approved as amended.

Yeas: All – 5
Absent: Kerwin, Szerlag

Other Business – Disability Retirement Request of Dave Kocenda

Thomas Michaud and Daniel Rhodes presented information to the Board on the disability request of Dave Kocenda.

Resolution # ER – 2010-3-14
Moved by Gordon II
Seconded by Lamerato

See attached resolution.

Yeas: All – 5
Absent: Kerwin, Szerlag

Other Business – Retirement Requests

Resolution # ER – 2010-3-15
Moved by Pallotta
Seconded by Lamerato

RESOLVED, That the Retirement Request of:

Name	James C. Nunelley
Pension Program	DC
Retirement Date	3/20/10
Department	Building Operations
Service Time	10 years, 3 months

Yeas: All – 5
Absent: Kerwin, Szerlag

Other Business – Investment Policy Review

The Board will continue the review of the Investment Policy at the April 14, 2010 meeting.

Public Comment

Cameron Wright introduced himself to the board.

The next meeting is April 14, 2010 at 12 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:13 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2010\3.10.10 – Minutes_Final

Resolution # ER – 2010-3-14
Moved by Gordon II
Seconded by Lamerato

RESOLVED, that the City of Troy Employee Retirement System Board of Trustees has received an application for a duty disability retirement from David W. Kocenda.

BE IT FURTHER RESOLVED that the Retirement Board is vested with the responsibility to determine whether David W. Kocenda is eligible to apply for a duty disability retirement from the City of Troy.

BE IT FURTHER RESOLVED, that at its February 10, 2010 regular meeting, the City of Troy Employee Retirement System Board of Trustees formally requested a legal opinion on the issue of the eligibility of David W. Kocenda to apply for a duty disability retirement, and has asked for the attorney to be present at the March 10, 2010 regular meeting to answer any additional questions concerning this issue and to provide further legal guidance, and has notified the attorney for David W. Kocenda of the meeting and has invited an opinion or discussion from Mr. Kocenda and/or his attorney, prior to the Board's discussion and deliberation on the matter.

BE IT FURTHER RESOLVED, that the City of Troy Employee Retirement Board of Trustees has received an opinion from its legal counsel, Michael VanOverbeke, and that the Board formally waives the attorney client privilege as to the March 4, 2010 letter from its attorney regarding the eligibility of David W. Kocenda to apply for a duty disability retirement from the City of Troy.

BE IT FURTHER RESOLVED, that the City of Troy Employee Retirement System Board of Trustees has reviewed the letter from its legal counsel Michael VanOverbeke, and has also invited an opinion or written documentation from David W. Kocenda and/or his attorney, and has provided an opportunity for further discussion and deliberation at the March 10, 2010 regular meeting of the Employee Retirement System, and has deliberated this issue.

BE IT FINALLY RESOLVED that after being fully advised on this matter, the City of Troy Employee Retirement System Board of Trustees determines that David W. Kocenda IS NOT eligible to apply for a duty disability retirement from the City of Troy.

Yeas: All – 5
Absent: Kerwin, Szerlag

The Board of Zoning Appeals meeting was called to order by Chair Clark at 7:30 p.m. on March 16, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:
Michael Bartnik
Glenn Clark
Kenneth Courtney
Donald L. Edmunds
Edward Kempen
Matthew Kovacs
David Lambert

Also Present:
Paul Evans, Inspector Supervisor
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – February 16, 2010

Resolution # BZA 2010-03-009
Motion by Edmunds
Support by Courtney

MOVED, To approve the February 16, 2010 Regular meeting minutes as published.

Yes: Bartnik, Clark, Courtney, Edmunds, Kempen, Lambert
Abstain: Kovacs

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, JAMES GREEN, 2325 KINGSBURY** – For relief to reconstruct the second floor over an existing detached accessory building:
   1) A variance from Zoning Ordinance Section 40.56.02 which limits detached accessory building height to one story or 14 feet, to allow a 16.9 foot tall detached accessory building.
   2) A variance from Zoning Ordinance Section 40.56.02 which requires the combined floor area of all detached accessory buildings not to exceed the ground floor footprint of the living area of the dwelling. The combined detached accessory building floor area after the reconstruction will be 3940 square feet. The ground floor footprint of the living area of the dwelling is 2614 square feet.

Mr. Evans presented a summary of the request for variances relating to height of a detached accessory building and ground floor area of all detached accessory buildings on the 3.2 acreage site. He addressed the site location, existing accessory buildings, and measurement specifications used by the City to determine height and usable square footage. Mr. Evans explained the floor surface area is not changing but the usable floor area is changing because of the increase in overall ceiling height for the majority of the structure.

The petitioner, James Green of 2325 Kingsbury, Troy, was present. Mr. Green said the original intent was to replace the roof, when it became apparent that the rafters and boards were rotted. The home improvement project resulted in additional square footage to accommodate a barn-like design.

James Diendorf of 23231 Hawthorne, Farmington, state licensed general contractor, was also present. Mr. Diendorf said the entire roof needs to be replaced, and Mr. Green would like the replacement to his preference.

Mr. Diendorf distributed photographs to the Board members.

There was discussion on the following:

- Use of additional square footage; i.e., storage, overhead clearance.
- Exterior style; traditional timber framing and historical appearance.
- First floor houses two miniature cows.
- Shed houses two tractors.
- Building has bathroom.
- Owner uses propone heat when working inside.
- No residential living in accessory building.

PUBLIC HEARING OPENED

Tim Opie of 2272 Prestwick, Troy, was present. Mr. Opie spoke favorably of the proposed construction and request for variances. He said his favorable comments are representative of the neighborhood, noting the neighbors are big proponents of the farm atmosphere.

PUBLIC HEARING CLOSED

Chair Clark announced the Planning Department received correspondence from David Vanker of 2289 Prestwick, who commented favorably on the request for variances.

Resolution # BZA 2010-03-010
Motion by Kovacs
Support by Edmunds

MOVED, To grant both variances; approve the total accessory building floor area to be 3940 square feet, where 2614 square feet is allowed, and increase the proposed midpoint to 16.9 feet tall, where 14 feet is allowed.

The variances would:
- Not be contrary to public interest.
- Do not permit the establishment of a prohibited use within a zoning district.
- Do not cause an adverse effect to properties in the immediate vicinity or zoning district.
- Relate only to property described in the application for variance.

Special Findings:
- Changing the roof style of the existing structure allows the petitioner increased use of the structure.
- Structure will be safer.
- The 3.2 acre parcel is a unique parcel in this area of the city.
- Applying the current Zoning Ordinance to this case precludes full enjoyment of the permitted use.
- Conforming is unnecessarily burdensome. Variance is not excessive.

Discussion on the motion on the floor.

Mr. Lambert voiced his support of the motion. He said the preservation and upkeep of the site would be an asset to the neighborhood.

Mr. Courtney commented that the change in building style similar to a barn is better than the appearance of an outbuilding.

Mr. Evans asked the petitioner if he was considering an alternative plan than originally submitted, based on the photographs distributed at tonight's meeting.

Mr. Green addressed the traditional timber framing and rough-hewn board. He indicated the exterior appearance would be the same.

Vote on the motion on the floor.

Yes: All present (7)

MOTION CARRIED

4. COMMUNICATIONS

None.

5. MISCELLANEOUS BUSINESS

Mr. Kovacs apologized for his absence at last month's meeting. He spoke favorably on the electronic version of the agenda meeting packet.

Mr. Bartnik asked if the cable schedule had changed for the BZA meetings. He said there was no broadcast of the meeting on Friday at 5 p.m.

Mr. Evans addressed the smooth transition in going electronic. He asked for additional feedback/comments and indicated that April's board meeting would be distributed electronically only.

6. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 7:52 p.m.

Respectfully submitted,

_____
Glenn Clark, Chair

_____
Kathy L. Czarnecki, Recording Secretary

G:\Board of Zoning Appeals Minutes\Draft\03-16-10 BZA Meeting_Draft.doc

The Board of Zoning Appeals meeting was called to order by Chair Clark at 7:30 p.m. on March 16, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:
Michael Bartnik
Glenn Clark
Kenneth Courtney
Donald L. Edmunds
Edward Kempen
Matthew Kovacs
David Lambert

Also Present:
Paul Evans, Inspector Supervisor
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – February 16, 2010

Resolution # BZA 2010-03-009
Motion by Edmunds
Support by Courtney

MOVED, To approve the February 16, 2010 Regular meeting minutes as published.

Yes: Bartnik, Clark, Courtney, Edmunds, Kempen, Lambert
Abstain: Kovacs

MOTION CARRIED

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Support by Edmunds

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- Structure will be safer.
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- Applying the current Zoning Ordinance to this case precludes full enjoyment of the permitted use.
- Conforming is unnecessarily burdensome. Variance is not excessive.

Discussion on the motion on the floor.

Mr. Lambert voiced his support of the motion. He said the preservation and upkeep of the site would be an asset to the neighborhood.

Mr. Courtney commented that the change in building style similar to a barn is better than the appearance of an outbuilding.

Mr. Evans asked the petitioner if he was considering an alternative plan than originally submitted, based on the photographs distributed at tonight's meeting.

Mr. Green addressed the traditional timber framing and rough-hewn board. He indicated the exterior appearance would be the same.

Vote on the motion on the floor.

Yes: All present (7)

MOTION CARRIED

4. COMMUNICATIONS

None.

5. MISCELLANEOUS BUSINESS

Mr. Kovacs apologized for his absence at last month's meeting. He spoke favorably on the electronic version of the agenda meeting packet.

Mr. Bartnik asked if the cable schedule had changed for the BZA meetings. He said there was no broadcast of the meeting on Friday at 5 p.m.

Mr. Evans addressed the smooth transition in going electronic. He asked for additional feedback/comments and indicated that April's board meeting would be distributed electronically only.

6. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 7:52 p.m.

Respectfully submitted,

Glenn Clark, Chair

Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on March 23, 2010 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert M. Schultz
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:
Thomas Strat

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-2010-03-018
Moved by: Vleck
Seconded by: Schultz

RESOLVED, To approve the revised Agenda as presented.

Yes: All present (8)
Absent: Strat

MOTION CARRIED

3. MINUTES – March 9, 2010 Regular Meeting

Resolution # PC-2010-03-019
Moved by: Edmunds
Seconded by: Schultz

RESOLVED, To approve the minutes of the March 9, 2010 Regular meeting as published.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Tagle, Ullmann
Abstain: Vleck
Absent: Strat

MOTION CARRIED

4. PUBLIC COMMENT

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Edmunds reported on the following Board of Zoning Appeals (BZA) meetings.

February 16, 2010
- Renewals Granted
  - 4755 Rochester (Good Development)
  - 2375 E. Maple (VFW Post)
- Renewal Postponed
  - 3670 John R (Boys & Girls Club)
- Case Hearings
  - 2735 E. Big Beaver – Granted relief to repair non-conforming structure
  - 2090 Rochester Road (Norm's Field of Dreams) – Granted outdoor dining canopy
  - 2325 Kingsbury – Adjourned

March 16, 2010
- Case Hearings
  - 2325 Kingsbury – Granted relief to reconstruct second floor over existing detached accessory building

Mr. Savidant announced that BZA agendas and meetings have transitioned to digital format.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported that there was no meeting in March.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on the following:

- Hidden Parc Site Condominium – Received Preliminary Site Condominium Site Plan approval by City Council on February 15, 2010.
- ZOTA 239, Used Car Sales in M-1 District – Received approval by City Council on March 15, 2010.
- Review of the Planning Commission April 13, 2010 Regular meeting agenda.

There was a brief discussion on the effects of the no smoking in public buildings legislation in relation to outdoor seating.

STUDY ITEMS

8. RAPID ENERGY ASSESSMENT PROCESS (REAP) – Presentation by Carlisle Wortman Associates, Inc. (CWA)

Mr. Branigan announced an Energy Efficiency and Conservation Block Grant (EECBG) has been awarded to the City in the amount of $944,000. Mr. Branigan addressed the Rapid Energy Assessment Process (REAP) that included assessment programs in four categories:

- Renewable Energy;
- Policy;
- Building Conservation; and
- Transportation.

Mr. Branigan said recommended projects were prioritized by four factors:

- Funding availability.
- Feasibility and data needs.
- Personnel required.
- Potential benefit.

Mr. Branigan reviewed the REAP process flowchart and internal and external energy measures. He indicated the City's Building Operations department would conduct comprehensive reporting and energy tracking.

Mr. Branigan reviewed the graphs on annual energy cost per City facility and the results of facility audits. He addressed reasons why the District Court House and Aquatic Center are excluded from the program. Mr. Branigan discussed the energy measures currently in place at the DPW Garage.

The implementation plan for the use of EECBG funds is:
- Municipal facilities improvements.
- LED lighting improvements.
- Wind energy project; install two smaller-scale vertical axis wind turbines.
- Transportation project; purchase six to ten hybrid vehicles over a period of three years.

Mr. Branigan briefly addressed the governmental form completed for the Energy Efficiency and Conservation Strategy.

9. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Energy and Natural Features Protection Article

Mr. Branigan discussed how findings of the Rapid Energy Assessment Process (REAP) might be incorporated in the rewrite of the Zoning Ordinance.

Discussed were:
- Wind energy conservation.
  - Windmills; size, height, type, efficiency, spires, horizontal and vertical turbines.
  - Large wind energy conservation (commercial).
  - Small wind energy conservation (residential).

  - Nuisances (noise, shadow flicker, bird pattern).
  - Regulations re setbacks, height, noise (sound pressure, pitch level, decibel level, "unheard" sound).
  - State regulations in the future.
  - Existing Zoning Ordinance requirements.
- Stormwater management.
- Natural features protection.
- Wetlands protection.
- Fill / soil erosion management.

9. A. TEMPORARY MERCHANT BUSINESSES

Mr. Savidant provided a history on the adoption of Chapter 61 of the City Code relative to the licensing of temporary merchant businesses. A local farmer approached the City with the concept of selling farm produce from the parking lot of the Oakland Mall. The operation would be under the cover of a tent. Mr. Savidant noted the tent could not be dismantled on a daily basis, as required by the City Code. Mr. Savidant asked for input from the Planning Commission on allowing the use. He said consideration could be given to amending the City Code with respect to the requirement of dismantling an operation on a daily basis.

Al Van Houtte of 24436 Riverwood Drive, Franklin, was present. Mr. Van Houtte is a 4th generation farmer from the Romeo/Armada area. He would like to sell fresh homegrown produce only, no dairy or other items, from the Oakland Mall parking lot. Mr. Van Houtte distributed photographs of other farmer market locations and temporary fencing. He expressed no concerns with security during closed hours of the operation.

Discussion followed.

There was consensus from the members that a farmer's market would be a great opportunity for both Mr. Van Houtte and the City.

Mr. Savidant will research the use of tents on site, and follow through with the City administration to go forward with an applicable amendment to the City Code.

9.B ADULT FOSTER CARE FACILITIES

Mr. Savidant reviewed the Zoning Ordinance as relates to adult foster care homes and group day care homes. Mr. Savidant said the Building Department received an application for permits to expand an existing adult foster care home. The applicant proposed to convert its garage into living space to accommodate an increase in the number of adults in the adult foster care home. The Building Department advised the applicant that the proposed expansion would be too intense and not permissible by the Zoning Ordinance.

Mr. Savidant said the Zoning Ordinance is silent with respect to increasing the number of adults in an adult foster care home to seven (7) or more adults in the R-1 One Family Residential zoning district. Mr. Savidant asked if a more intense use should be considered in a single family residential district to accommodate an increase in the number of adults permitted in an adult foster care home. He addressed the potential for a rezoning request to multiple family.

Mr. Savidant asked members if it would be appropriate to act on the matter now by initiating a Zoning Ordinance Text Amendment, or to address the matter with the re-write of the Zoning Ordinance.

Mr. Savidant addressed the following considerations relative to a more intense use:

- Additional negative secondary affects.
- Appropriate location.
- Size of property.
- Setbacks.
- Permit by right, or special use.

Discussion followed.

It was the consensus of the Planning Commission to defer the matter until the re-write of the Zoning Ordinance.

OTHER BUSINESS

10. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

None.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:15 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2010 PC Minutes\Final\03-23-10 Special Meeting_Final.doc

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, April 7, 2010 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Michael Carolan
Michael Pylar

ABSENT: John Szerlag

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Inspector Supervisor
Pam Pasternak, Recording Secretary

Mr. Dziurman stated that Mr. Szerlag was out of the City.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 3, 2010

Motion by Pylar
Supported by Carolan

MOVED, to approve the minutes of the meeting of February 3, 2010 as written.

Yeas: 3 – Dziurman, Carolan, Pylar
Absent: 1 – Szerlag

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. JEFF JOHNSON, HARMON SIGN COMPANY, 3775 ROCHESTER, for relief of Chapter 85 to erect a 170 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 170 square foot ground sign. The property in question is in the B-3 (General Business) Zoning District. Table 85.02.05 of the Sign Code requires that signs exceeding 100 square feet in area be setback at least 30' from the front property line. The petitioner is proposing to place this sign at 17.5' from the front property line along Rochester Road and 16' setback from the front property line along Troywood. Each face of this sign is 85 square foot in area but since the petitioner is proposing to install the sign in a "V" shape with a 90 degree angle the sign measurement is a total of all sides.

Mr. Jeff Johnson of Harmon Signs was present and stated that the main reason for this variance request was due to the widening of Rochester Road. If they tried to meet the required setback the sign would in the parking lot. There are a number of large trees along Rochester Road and although visibility is good driving south on Rochester, the sign is difficult to see for traffic traveling north on Rochester.

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

There is one (1) written approval on file. There are no written objections on file.

ITEM #2 – con't.

Mr. Evans asked if the bottom 4' of the sign would be blank. Mr. Johnson said that was correct, they simply wanted it off the ground and planned to add landscaping around it.

Mr. Evans asked the petitioner if they had any plans for additional signage and Mr. Johnson stated that they did not.

Mr. Pylar expressed concern about the sign limiting visibility along the sidewalk and asked if it could be moved back approximately 2 ½ 'to the west.

Mr. Johnson said that they hadn't considered that, but he was sure it would not be a problem.

Mr. Carolan said that he had gone out to the site and he believes the proposed location of the sign would help visibility to traffic along Troywood.

Mr. Johnson stated that he would look at this site and if possible would move the sign back.

Motion by Carolan
Supported by Pylar

MOVED, to grant Jeff Johnson, Harmon Sign Company, 3775 Rochester, relief of Chapter 85 to erect a 170 square foot ground sign 17.5' from the front property line along Rochester Road and setback 16' from the front property line along Troywood.

- Rochester Road widening project has created a hardship for the petitioner.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 3 – Carolan, Pylar, Dziurman
Absent: 1 – Szerlag

MOTION TO APPROVE REQUEST CARRIED

ITEM #3 – VARIANCE REQUESTED. GARDNER SIGNS, 755 W. BIG BEAVER, for relief of Chapter 85 to erect three (3) wall signs each measuring 320 square feet.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect three (3) wall signs on an existing building, each measuring 320 square feet in area. This property is zoned OSC (Office-Service-Commercial). Section 85.02.05 of the Sign Code allows one wall sign for each building not to exceed 200 square feet in area. Previous action by the Building Code Board of Appeals in 2005 allowed 3 signs that were 662 square feet in area each. Those signs are being removed and the petitioner is proposing to replace them with the new signs. Since the previous signs are being modified by more than 50%, Section 85.01.08 (2) b states that the previous action on the variance is terminated.

Mr. Jeff Prymas of Gardner Signs and Mr. Bart Quinby of PNC Ban were present. Mr. Prymas explained that National City Bank is now PNC Bank and they are asking to erect three (3) wall signs with a total square footage of 960 square feet. Mr. Prymas explained that the National City sign will be taken down and the PNC logo will replace it.

ITEM #3 – con't.

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

There are no written approvals or objections on file.

Motion by Pylar
Supported by Carolan

MOVED, to grant Gardner Signs, 755 W. Big Beaver, relief of Chapter 85 to erect three (3) wall signs totaling 880 square feet.

- New signs are 50% smaller than existing signs.
- Size of signs is small in relationship to the size of the building.
- Location of the signs at the top of a 25 story building would make a conforming size sign unreadable.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 3 – Dziurman, Carolan, Pylar
Absent: 1 – Szerlag

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. ADAM CONRAD, 2705 LOCKSLEY, for relief of Chapter 83 to install a 6' high fence 15' from the property line along Wolverine.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. The property in question is at the northwest corner of the intersection Locksley and Wolverine. Based upon the location of this property and the orientation of the adjacent houses, this property is a double front corner lot. As such, it has a front yard along both Locksley and Wolverine. Chapter 83 limits the height of fences in front yards to not more than 30 inches in height. The site plan submitted indicates a 6' high wood fence, setback 15' from the front property line along Wolverine.

Mr. Conrad was present and stated that he would like to put up this fence as he has children and a large dog and would like to provide safety for both. Mr. Conrad went on to say that they plan to install the fence behind the tree line and he does not believe that it will affect his neighbors as the view of it will be blocked from the street.

Mr. Dziurman asked if a variance would be required if the fence was placed along the east side of the house.

Mr. Stimac explained that if the fence were installed along the line of the house a 6' high fence would be allowed without a variance.

The Chairman opened the Public Hearing.

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

ITEM #4 – con't.

There are four (4) written approvals on file, two of which have conditions. There are three (3) objections on file.

Mr. Carolan stated that this was a fairly new subdivision and asked if there was a Homeowners Association.

Mr. Conrad stated that he had spoken to both the previous owner of the home as well as the president of the Homeowners Association and they both informed him that there are no restrictions regarding a privacy fence.

Mr. Carolan asked how close to the rear property line the fence would be and Mr. Conrad stated that he has a drainage easement at the back of the property and was not planning to extend the fence that far back.

Mr. Carolan asked what type of dog Mr. Conrad has and Mr. Conrad stated it was a Tree Hound and was a hunting dog.

Mr. Pylar asked if this dog could scale a fence that was 48" high. Mr. Conrad said that it probably could, but he was more concerned about keeping people and dogs out of his yard, rather than his dog getting out. Mr. Conrad also stated that the entire back of his house is exposed.

Mr. Dziurman asked what type of fence Mr. Conrad was planning to install.

Mr. Conrad state that they were planning to put up a dog-eared cedar privacy fence. This fence would also be painted or stained in a color in keeping with the color of their home.

Mr. Dziurman stated that the fence will be behind the tree line and is quite a way from the sidewalk.

Mr. Carolan asked if there were a number of similar requests that have been granted in the past.

Mr. Stimac stated that each case is studied individually, and in the past similar variances have been granted which have required landscaping between the fence and the sidewalk. This request is farther back from the property line than typically requested and the fence is also obscured by existing landscaping that is larger than typically has been required by the Board in similar circumstances.

Mr. Carolan expressed concern over the fact that there were three (3) solid objections and asked if this Board could dictate the color of the fence.

Mr. Dziurman stated that he does not think the color of the fence should be an issue for the Board to decide.

Mr. Conrad stated that they are new to this neighborhood and do not want to anger any of their neighbors. They are planning to put up a fence that will blend in with the area.

ITEM #4 – con't.

Motion by Carolan

MOVED, to grant Adam Conrad, 2705 Locksley relief of the Chapter 83 to install a 6' high fence 15' from the property line along Wolverine.

- Fence constructed within earth tones matching the color of the house.
- Fence to be constructed of PVC material.

Mr. Pylar stated that he does not like a PVC fence and would rather see a natural wood fence.

Mr. Carolan stated that he would amend his motion to have a wooden fence constructed rather than a PVC fence.

Mr. Pylar stated that he was concerned about the north side of the property and indicated that he would like additional landscaping in that area.

Mr. Conrad brought forth a picture of that area and stated that the fence would be located behind the existing landscaping, which would cover about 95% of the proposed fence. Mr. Conrad also stated that there are about six (6) arborvitaes along with fir and pine trees in that area.

Motion failed for lack of a second.

Motion by Carolan
Supported by Pylar

MOVED, to grant Adam Conrad, 2705 Locksley, relief of Chapter 83 to install a 6' high fence 15' from the property line along Wolverine.

- Fence will be constructed of wood.
- Fence will have an earth-tone color that will blend with the surroundings.
- Fence will be placed behind the existing tree line.

Yeas: 3 - Pylar, Dziurman, Carolan
Absent: 1 – Szerlag

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:14 A.M.

_____
Ted Dziurman, Chairman

_____
Pam Pasternak, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, April 7, 2010 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Michael Carolan
Michael Pylar

ABSENT: John Szerlag

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Inspector Supervisor
Pam Pasternak, Recording Secretary

Mr. Dziurman stated that Mr. Szerlag was out of the City.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 3, 2010

Motion by Pylar
Supported by Carolan

MOVED, to approve the minutes of the meeting of February 3, 2010 as written.

Yeas: 3 – Dziurman, Carolan, Pylar
Absent: 1 – Szerlag

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. JEFF JOHNSON, HARMON SIGN COMPANY, 3775 ROCHESTER, for relief of Chapter 85 to erect a 170 square foot ground sign.

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

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Mr. Evans asked if the bottom 4' of the sign would be blank. Mr. Johnson said that was correct, they simply wanted it off the ground and planned to add landscaping around it.

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Motion failed for lack of a second.

Motion by Carolan
Supported by Pylar

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Yeas: 3 - Pylar, Dziurman, Carolan
Absent: 1 – Szerlag

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:14 A.M.

_____
Ted Dziurman, Chairman

_____
Pam Pasternak, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on April 13, 2010, in the Council Chamber of 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.
Barbara A. Pallotta, Acting Recording Secretary
Adrienne Milnar, Student Representative

2. APPROVAL OF AGENDA

Resolution # PC-2010-04-020
Moved by: Schultz
Seconded by: Maxwell

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2010-04-021
Moved by: Edmunds
Seconded by: Schultz

RESOLVED, To approve the minutes of the March 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.

SPECIAL USE REQUESTS

Chair Hutson briefly outlined the role of the Planning Commission as it pertains to the Special Use process. He explained that after tonight's action by the Planning Commission, the applicant will first appear before the Board of Zoning Appeals and depending upon the outcome, the applicant will then return before the Planning Commission.

Chair Hutson noted that tonight's Public Comment will be limited to three minutes and he respectfully requested that speakers not repeat comments.

5. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 378) – Proposed Local Area Church, Southeast corner of Adams and Bolingbrooke (3586 Adams), Section 19, Currently Zoned R-1B (One Family Residential)

Zachary Branigan of Carlisle/Wortman Associates, Inc. provided a comprehensive overview of the Special Use Review for SU 378 dated April 9, 2010 included in the agenda packet. Mr. Branigan reported there are specific deficiencies of the project pertaining to: setbacks; site access and circulation; and landscaping. It is Mr. Branigan's recommendation that the Planning Commission take no action at this time and that the applicant apply for the necessary variances with the Board of Zoning Appeals.

R. Brent Savidant, Acting Planning Director noted that all correspondence received from the public has been forwarded to the Planning Commissioners.

Mr. Edmunds asked whether the applicant will appear before the Board of Zoning Appeals at their next meeting.

Mr. Savidant responded that the applicant has not yet submitted their application.

Mr. Tagle raised a question in regard to the load space requirements.

Mr. Branigan responded that the load space is based upon the square frontage of the building.

Mr. Strat asked whether the public will be notified as to when the applicant will appear before the Board of Zoning Appeals.

Mr. Savidant responded that the public is notified in the same manner as public hearings held before the Planning Commission.

Steve Carnwath stated he serves as a trustee and as an elder for the Detroit Meeting Rooms community. He has reviewed all of the correspondence received from the public and he is pleased about the amount of public interest. He continued by stating that Mr. Branigan has already addressed the two biggest questions about who they are and what is the impact of their organization. Mr. Carnwath reported that their organization also has locations in Berkley, Royal Oak and Clawson. He added that the Royal Oak location is the central meeting room and is the largest of their facilities. Mr. Carnwath indicated that the purpose of the Troy location is to bring together families that have migrated to Troy. Further, it is their intention to maintain and beautify the site.

Mr. Maxwell asked if the maximum capacity has been determined.

Mr. Carnwath responded that six families, less than thirty people will utilize the facility.

Mr. Maxwell understands that many churches experience a growth phase and asked the applicant to project their maximum capacity for this facility.

Mr. Carnwath responded that if they outgrow this facility, then they will look for another one. He explained that typically they have small gatherings and that large gatherings do not lend themselves to their type of worship.

Mr. Ullmann asked how many members would attend their worship services immediately upon opening.

Mr. Carnwath responded twenty-seven.

Mr. Ullmann is concerned that they are already at their maximum capacity.

Mr. Carnwath explained that their organization already has a larger site with a capacity of one-thousand. He further explained that the Troy facility is strictly for their communion services and their conversation meetings are held in the larger location. In addition, Mr. Carnwath stated that if there should be further migration to Troy, then they would look for another facility to accommodate those additional members.

Mr. Edmunds asked who would be responsible for policing the capacity requirements.

Mr. Carnwath believes that the fire department establishes those restrictions, but noted their fixed seating does not lend itself to a larger capacity.

Mr. Edmunds recalled that the applicant previously indicated they could accommodate seventy.

Mr. Carnwath responded that the plan originally included a capacity of seventy because at that point they considered adding a parking lot.

Mr. Strat is concerned with the structure and suggested that the applicant confirm capacity restrictions with the Fire Marshall and the Building Department.

Mr. Carnwath responded that he would defer to the engineer who designed the floor plan, but he is fairly confident that they meet the requirements.

Mr. Branigan interjected that ordinance issues are enforced by Code Enforcement.

Chair Hutson asked whether the applicant's organization is recognized as a 501.3(c) non-profit corporation.

Mr. Carnwath confirmed that the organization is recognized as a 501.3(c) non-profit corporation.

Mr. Savidant interjected that fire and building codes are considered during the final site plan approval process.

Mr. Tagle asked if the applicant has explored other locations or leasing options.

Mr. Carnwath responded that their organization does not lease nor do they lease their facilities to others for private social activities.

Mr. Tagle asked if their organization has a by-law that precludes leasing as an option.

Mr. Carnwath believes there could be a by-law.

Mr. Tagle has concerns in regard to capacity because it leaves a lot of the responsibility with the applicant.

Mr. Carnwath replied that their endeavor is to be a good neighbor.

Mr. Tagle stated it would be helpful if the applicant could provide examples of their other facilities.

Mr. Carnwath believes they have already presented that to the Planning Commission.

Mr. Savidant interjected that this issue has been discussed in general terms during a study session, but not provided as part of the preliminary site plan procedure.

Mr. Schultz is concerned about a single family home serving as a meeting hall. He would like to observe their other locations to determine if this proposed plan would fit into a single residential community. Mr. Schultz does not have an issue with a

church in residential zoning, but he does have issues with a single family home serving as a church in a residential neighborhood.

Mr. Carnwath assured the Planning Commission that he will supply the addresses for their other locations.

Chair Hutson opened the Public Hearing and the following public comment was received from:

Elizabeth Yee **Harlan School Crossing Guard**	Opposed, concerns about safety and use of the school parking lot.
Dennis McCardle	Opposed, concerns about a church in residential zoning and home values in surrounding area.
Susan Montgomery	Opposed, lives adjacent to location; believes churches should be situated on large lots.
Tom Cook	Opposed, concerns with traffic, the proximity to Harlan School's entrance, maintenance of property and children's safety.
Gary Jensen	Opposed, concerns about the safety of his two children who attend Harlan Elementary School.
Neil Strefling	Supports, lives adjacent to the location and is the most impacted neighbor; believes applicant has improved the site and as a result the value of his property has increased
John Herrick	Opposed, concerns with traffic.
Larry Ianni	Opposed, agrees with earlier comments; concerned about economic impact in regard to tax exemption the church will receive; believes there should be an additional exit in the meeting room.
Margaret Confer	Opposed, concerns with traffic.
Steve King **Harlan School Representative**	Supports, conditioned upon evening meetings only and no overflow parking permitted in the school's parking lot.
Tom Monroe	Opposed, concerns with pedestrian safety due to increased traffic conditions in the evening and on the weekend.
Bill Grier	Opposed, concerns with traffic and pedestrian safety issues occurring when evening events are held at the school because there are no sidewalks in the adjacent subdivision.
Sandi Marshall	Opposed, concerns with increased traffic and increased noise.
Cathy Kershenbaum	Opposed, concerns with increased traffic conditions when evening events are held at the school; circulated a petition and has 100 signatures of residents opposing the special use request. (Petition presented to Mr. Savidant)
Dawn Jensen	Opposed; concerned with increased and conflicting

	traffic, bad intersection; egress of the circular drive and potential of overflow parking on the street.
Jim Sheridan	Supports; City is still collecting tax dollars; believes there is still time to correct deficiencies.
Kyle Beardmore **Member of Detroit Meeting Rooms**	Supports; clarified that church members police the parking and capacity; noted there will be no signage identifying the church.

Having received no further public comment, Chair Hutson closed the Public Hearing.

Chair Hutson stated that the Planning Commission shall take no action on this item at this time because the Board of Zoning Appeals must first consider the applicant's variance requests. He explained that any Planning Commission action will depend upon the outcome of the action taken by the BZA.

6. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 376) – Proposed Taco Bell, East side of Rochester between Torpey and Harris (3268) Rochester, Section 23, Currently Zoned B-2 (Community Business) District

Zachary Branigan of Carlisle/Wortman Associates, Inc. provided a comprehensive overview of the *Special Use Review* for SU 376 dated April 8, 2010 included in the agenda packet. He noted that this proposal consists of an existing Taco Bell on Rochester Road and the site was formerly a different fast food establishment prior to becoming a Taco Bell. Although there are several site plan issues related to the application, Mr. Branigan explained the real reason the applicant is before the Planning Commission is that they are making minor site improvements related to the current road improvements taking place on Rochester Road. However, during the process of due diligence, Mr. Branigan reported it was determined that no special land use permit ever existed for the site even though one is required for a drive-thru restaurant facility in the B-2 District. He explained basically this is going through the motions of them applying for the special land use permit to allow an existing site that has been illegally existing as a non-conformity up until this time.

John Wollberg, Taco Bell representative stated that Mr. Branigan explained the project very well in his overview.

Mr. Savidant interjected that this site never received special use approval for the drive-thru and had it received special use approval in the past, the proposed changes would have most likely been approved administratively. He continued by stating that he initially was uncomfortable with the relocation of the dumpster because of the potential for increased noise that could impact the surrounding neighbors. However, Mr. Savidant noted that the neighbors were notified and the Planning Department has not received any communications from them.

Chair Hutson opened the Public Hearing for public comment. Having received no comment from the public, Chair Hutson closed the Public Hearing.

Mr. Schultz asked if anyone recalls when the original site plan was approved.

Mr. Savidant believes it was approximately twenty years ago.

Mr. Schultz cannot believe a certificate of occupancy was issued by the City for a plan that required special use approval.

Mr. Savidant suggested at the time the original restaurant was approved, that the requirement for the special use permit was a part of the initial site plan approval.

Mr. Branigan added that he understands that the site was something else before it was a Taco Bell. He continued by stating that the Taco Bell may have been there for almost twenty years but it was something else even before that. His point is that the drive-thru was approved a very, very long time ago.

Resolution # PC-2010-04-022
Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the Taco Bell restaurant, located on the east side of Rochester between Torpey and Harris (3268 Rochester), Section 23, within the B-2 zoning district, be granted, subject to the following conditions:

1. The applicant shall provide three (3) additional greenbelt trees along Rochester Road, as required.
2. The applicant shall provide a revised site plan addressing the informational items noted in the report prepared by Carlisle/Wortman Associates, Inc., dated April 8, 2010.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

7. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 377) – Proposed Service Station/Convenience Store, Southeast Corner of Rochester and Wattles (3990 Rochester), Section 23, Currently Zoned H-S (Highway Service) District

Zachary Branigan of Carlisle/Wortman Associates, Inc. provided a comprehensive overview of the *Special Use Review* for SU 377 dated March 5, 2010 and revised on April 6, 2010 included in the agenda packet. He noted he has spoken with applicant on several occasions, including last month. He continued that there were a series of items discussed with the applicant as a result of staff's review that

needed to be addressed. He noted that the revised site plan addresses a majority of those items.

On behalf of the applicant, Tom August, Attorney, stated they appeared before the Planning Commission on March 9th and since that date, they have submitted all materials that had been omitted and they have addressed all of the issues raised by staff and the Planning Commission. Mr. August added that Leo Gonzalez, Project Manager, and Sam Beydoun, Principal Owner, of the property are also present.

Mr. August stated the applicant is seeking an approval pursuant to MCL [213.54] such that the property is treated as though it were grandfathered in. He continued by stating they are also seeking recognition that the owners have the rights and benefits as if it were completely conforming with the zoning ordinance. Furthermore, Mr. August requested that any planning requirement, should the building be modified in the future be it set-back, size or otherwise, be such that the expansion is permitted under the city's zoning ordinance with nonconformity and that it is not further expanded. He continued by stating that the approval shall travel with the land and is transferable in perpetuity including alternate uses allowed by the zonings. He noted this would include rebuilding or construction of a new building, and would apply to future uses with respect to a nonconformity created by the public taking. Mr. August stated they are before the Planning Commission as a result of the taking of Rochester Road and Wattles Road.

Chair Hutson interjected by suggesting that the applicant take that request before the Board of Zoning Appeals or through a consent judgment.

Chair Hutson opened the Public Hearing for public comment. Having received no comment from the public, Chair Hutson closed the Public Hearing.

Mr. Schultz noted that all the landscaping is located on the north and south sides of the building with a three-foot screen wall. Mr. Schultz asked whether it is within the purview of the Planning Commission to eliminate the screen wall between the east property line and the sidewalk that comes off of Wattles Road so that the landscaping is shown.

Mr. Branigan stated the wall is there to replace areas where they are required to have a greenbelt. He explained that basically in lieu of the greenbelt, they can have a wall. He continued by stating that it does not offer any specifics about the length of the wall other than its height. Mr. Branigan believes that if the wall were removed altogether that it would still meet the spirit of intent, which is to provide a greenbelt there. He added that they would still have the wall near the parking.

Chair Hutson believes that they can only shrink it so much to be within the spirit, but if it goes too far they have abrogated the rules. He believes it would depend upon where they would want to do that.

Mr. Tagle asked whether this area or a part of this area fulfill the requirement of a greenbelt if the wall were removed.

Mr. Branigan believes it probably would fill the requirement of a greenbelt. However, he added that he would have to first determine what the plant species are. In addition, he believes that it is about thirty feet, so they would need to add one tree to meet the greenbelt requirement. He noted that the area clearly has sufficient depth to meet the requirement. He added that if it is thirty feet or less and if they had one tree, that would qualify as a street tree and they would be fine.

Mr. Schultz noticed that the diagonal wall along the northwest boundary does not seem to terminate at the same distance from the driveway as all the other walls. He thinks it would look better if it went around the angle and terminated the same distance from inside the curb as all the other walls on the property.

Mr. Branigan believes what they have there would meet the minimum requirements.

Mr. Savidant agreed and added although that section of the wall is proposed, it is not required. He guesses the question to the Planning Commission is whether they feel it is appropriate to keep the wall there because it will maintain the continuity for the frontage of the property.

Mr. Strat stated that these walls remind him of some of the walls they currently have where half of them are down and have different colors of brick. He does not know if there is a better solution, but believes they should look at that.

Mr. Schultz recalled there was a question raised at the last meeting about the material that the building was going to be built out of and he believes the answer was that it would be built with two different colors of brick. He asked the applicant if this structure is the same structure that is currently being built at Ten Mile Road and Orchard Lake.

On behalf of the applicant, Leo Gonzalez responded that the building is the same.

Mr. Schultz asked if the building is going to be built with block instead of brick.

Mr. Gonzalez replied that the building will be constructed with split face cement block with a color and a texture to it.

Mr. Edmunds understands that the knee wall would be constructed with the same split face material as the building.

Mr. Gonzalez would like to go on record by stating that yes, it will.

Mr. Branigan interjected that there is a detail of the wall on the site plan that shows an update of the same material. He added that both the old and new plans specify twelve inch split face sand rock beige and twelve inch split face merlot on the material elevations on the site plan sheet.

Chair Hutson asked whether Mr. Schultz would like to include his proposal regarding the brick wall in the resolution.

There was a general consensus of Planning Commission members present to include the recommendations made regarding the screen wall along the Wattles Road frontage from the east property line to the sidewalk running in off Wattles Road and the screen wall on the northwest corner of the property that is on a diagonal in the resolution.

Resolution # PC-2010-04-023
Moved by: Schultz
Seconded by: Ullmann

RESOLVED, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed service station/convenience store to 13 when a total of 15 spaces are required on the site based on the off-street parking space requirements for these uses, as per Article XL. This 2-space reduction is justified through the characteristics of the proposed uses, as outlined in the justification of the parking reduction, and therefore meets the standards of Article 40.20.12.

THEREFORE BE IT RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed service station/convenience store, located on the southeast corner of Rochester and Wattles, Section 23, within the H-S zoning district, be granted, subject to the following conditions:

1. The applicant shall provide an eight (8) foot wide sidewalk along Wattles Road.
2. The screenwall along the Wattles Road frontage from the east property line to the sidewalk running in off Wattles Road shall be eliminated.
3. The screenwall on the northwest corner of the property that is on a diagonal shall terminate at the same distance from the back of the curb as all other screenwalls.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

8. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 375) – Proposed Pro Car Wash East, East side of Rochester, South of Wattles, Section 23, Currently Zoned H-S (Highway Service) District

Zachary Branigan of Carlisle/Wortman Associates, Inc. provided a comprehensive overview of the *Special Use Review* for SU 375 dated March 17, 2010 and revised on April 7, 2010 included in the agenda packet. Mr. Branigan reported that this applicant either has to receive a variance from the Board of Zoning Appeals or revise their site plan to meet the landscaping requirement.

As a customer, Mr. Edmunds frequently uses the existing cross access for convenience and access to Rochester Road at the light.

Mr. Branigan stated although they do promote cross access, there are clearly striped perpendicular parking spaces there. He continued by stating that a customer is able to use it as a cross access only when there are no cars parked there. Mr. Branigan explained in order to designate that as cross access, they would have to provide an amendment and make sure that if those parking spaces are taken away, they are not causing nonconformity. He added that the applicant has been made aware that they need to address the cross access issue. At the time Mr. Branigan spoke with the applicant, he was made aware that the applicant may have a verbal agreement with the property owner to the north.

In response to the cross access situation, Robert Waldron, owner of Pro Car Wash East, advised that he has had a verbal agreement with the property owner to the north for forty-one years. He added that the owner is willing to provide him with anything he needs that would verify that the parking stripes were placed in error.

Mr. Schultz reiterated that at some point, the City will have to verify with the northern neighbor that the stripes have been eliminated and they are not a part of their site approval.

Mr. Waldron stated that the northern property owner is more than willing to sign a cross access agreement.

Chair Hutson asked if a license agreement would be more appropriate than a cross access agreement.

Mr. Branigan replied that Christopher Forsyth, Assistant City Attorney, would have to weigh in on that question but he does know that there has to be some sort of legal mechanism to guarantee that there is cross access before the site plan can move forward.

Mr. Forsyth stated the City does ask that a legal document be prepared in regard to the cross access and be submitted to the City Attorney's office for review.

Mr. Savidant added that it is fairly common to receive some pushback from property owners who do not want to encumber their property. He assured everyone that there are hundreds of reciprocal cross access agreements throughout the City.

Mr. Schultz requested that the applicant install closures to the dumpster doors that will keep the doors closed.

Mr. Waldron assured Mr. Schultz that he would correct that.

Chair Hutson opened the Public Hearing for public comment. Having received no comment from the public, Chair Hutson closed the Public Hearing.

Mr. Branigan asked whether it is the applicant's intent to appear before the Board of Zoning Appeals to seek a variance from the 10% landscaping requirement.

Mr. Waldron responded that it is his intent to appear before the Board of Zoning Appeals.

Because the applicant plans to appear before the Board of Zoning Appeals and tonight's meeting meets the statutory requirements, Mr. Branigan stated it is unnecessary for the Planning Commission to take action at this time.

OTHER BUSINESS

9. PUBLIC COMMENTS – Items on Current Agenda

Steve Carnwath of Detroit Meeting Rooms provided Mr. Savidant with an address listing of their other locations.

10. PLANNING COMMISSION COMMENTS

Mr. Strat asked whether all of the planning consultant assignments related to the zoning ordinance and amendments would be completed by June 1st.

Mr. Branigan stated his schedule does not indicate that the zoning ordinance would be completed by June 1st. However, he reported that a meeting is scheduled next week in regard to the Form Based Code District project and that the next step is to draft some of the districts. He explained they are specifically meeting with a subcontractor from Kansas City who is an architect and urban planner with whom they have worked with before. Mr. Branigan assured the Planning Commissioners that they are progressing and a draft should be ready soon.

Mr. Savidant added that the Planning Commissioners will be contacted by e-mail in regard to the exact schedule as soon as possible.

Mr. Strat asked when the Planning Commissioners can expect to receive a checklist from staff in regard to what is to be submitted to the Planning Commission for preliminary site plan approval. Mr. Strat added that the applicant should also submit samples of the materials that are being used in addition to also providing color samples.

Mr. Savidant understands that what Mr. Strat is requesting is an actual checklist to use as a tool when reviewing a site plan and that he will e-mail that to the Planning Commissioners tomorrow.

Mr. Branigan suggested that they provide the Planning Commissioners with what is currently in the ordinance and the proposed language so they can revise the checklist as needed.

Mr. Tagle asked whether it is possible to create standards for items such as screen walls along property lines. As an example, Mr. Tagle stated that DPW has standards for work in the right-of-way.

Mr. Savidant replied that there is not a lot of flexibility in the current ordinance for the applicant or the Planning Commission. He continued by stating that it needs to be recognized that there is a problem with these walls. Mr. Savidant needs to check with the Law Department regarding ordinances on the book regarding the enforcement of the continual maintenance of the walls.

Mr. Tagle explained is talking more about design standards similar to sidewalks or curb cuts.

Mr. Savidant responded that Mr. Tagle's suggestion is an approach they can take in regard to addressing the issues with walls and he will make a note of that.

Mr. Schultz is hoping there will be language providing authority in the new ordinance to enforce site plans, including landscaping. He explained many applicants let the trees die and currently there is no mechanism to have the landscaping replaced.

Mr. Savidant is of the opinion that a site plan is a contract and that landscaping provisions can be enforced. Mr. Savidant added that they can address that issue in the revisions being made to the zoning ordinance.

For the record, Mr. Savidant indicated that Student Representative Adrienne Milnar was present this evening and was sitting in the back of the room.

The Regular Meeting of the Planning Commission adjourned at 10:07 p.m.

Respectfully submitted,

_____
Michael W. Hutson, Chair

_____
Barbara A. Pallotta, Acting 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 April 13, 2010, in the Council Chamber of 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.
Barbara A. Pallotta, Acting Recording Secretary
Adrienne Milnar, Student Representative

2. APPROVAL OF AGENDA

Resolution # PC-2010-04-020
Moved by: Schultz
Seconded by: Maxwell

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2010-04-021
Moved by: Edmunds
Seconded by: Schultz

RESOLVED, To approve the minutes of the March 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.

SPECIAL USE REQUESTS

Chair Hutson briefly outlined the role of the Planning Commission as it pertains to the Special Use process. He explained that after tonight's action by the Planning Commission, the applicant will first appear before the Board of Zoning Appeals and depending upon the outcome, the applicant will then return before the Planning Commission.

Chair Hutson noted that tonight's Public Comment will be limited to three minutes and he respectfully requested that speakers not repeat comments.

5. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 378) – Proposed Local Area Church, Southeast corner of Adams and Bolingbrooke (3586 Adams), Section 19, Currently Zoned R-1B (One Family Residential)

Zachary Branigan of Carlisle/Wortman Associates, Inc. provided a comprehensive overview of the Special Use Review for SU 378 dated April 9, 2010 included in the agenda packet. Mr. Branigan reported there are specific deficiencies of the project pertaining to: setbacks; site access and circulation; and landscaping. It is Mr. Branigan's recommendation that the Planning Commission take no action at this time and that the applicant apply for the necessary variances with the Board of Zoning Appeals.

R. Brent Savidant, Acting Planning Director noted that all correspondence received from the public has been forwarded to the Planning Commissioners.

Mr. Edmunds asked whether the applicant will appear before the Board of Zoning Appeals at their next meeting.

Mr. Savidant responded that the applicant has not yet submitted their application.

Mr. Tagle raised a question in regard to the load space requirements.

Mr. Branigan responded that the load space is based upon the square frontage of the building.

Mr. Strat asked whether the public will be notified as to when the applicant will appear before the Board of Zoning Appeals.

Mr. Savidant responded that the public is notified in the same manner as public hearings held before the Planning Commission.

Steve Carnwath stated he serves as a trustee and as an elder for the Detroit Meeting Rooms community. He has reviewed all of the correspondence received from the public and he is pleased about the amount of public interest. He continued by stating that Mr. Branigan has already addressed the two biggest questions about who they are and what is the impact of their organization. Mr. Carnwath reported that their organization also has locations in Berkley, Royal Oak and Clawson. He added that the Royal Oak location is the central meeting room and is the largest of their facilities. Mr. Carnwath indicated that the purpose of the Troy location is to bring together families that have migrated to Troy. Further, it is their intention to maintain and beautify the site.

Mr. Maxwell asked if the maximum capacity has been determined.

Mr. Carnwath responded that six families, less than thirty people will utilize the facility.

Mr. Maxwell understands that many churches experience a growth phase and asked the applicant to project their maximum capacity for this facility.

Mr. Carnwath responded that if they outgrow this facility, then they will look for another one. He explained that typically they have small gatherings and that large gatherings do not lend themselves to their type of worship.

Mr. Ullmann asked how many members would attend their worship services immediately upon opening.

Mr. Carnwath responded twenty-seven.

Mr. Ullmann is concerned that they are already at their maximum capacity.

Mr. Carnwath explained that their organization already has a larger site with a capacity of one-thousand. He further explained that the Troy facility is strictly for their communion services and their conversation meetings are held in the larger location. In addition, Mr. Carnwath stated that if there should be further migration to Troy, then they would look for another facility to accommodate those additional members.

Mr. Edmunds asked who would be responsible for policing the capacity requirements.

Mr. Carnwath believes that the fire department establishes those restrictions, but noted their fixed seating does not lend itself to a larger capacity.

Mr. Edmunds recalled that the applicant previously indicated they could accommodate seventy.

Mr. Carnwath responded that the plan originally included a capacity of seventy because at that point they considered adding a parking lot.

Mr. Strat suggested that the applicant confirm capacity with the Fire Marshal and the Building Department.

Mr. Carnwath responded that he would defer to the engineer who designed the floor plan, but he is fairly confident that they meet the requirements.

Mr. Branigan interjected that ordinance issues are enforced by Code Enforcement.

Chair Hutson asked whether the applicant's organization is recognized as a 501.3(c) non-profit corporation.

Mr. Carnwath confirmed that the organization is recognized as a 501.3(c) non-profit corporation.

Mr. Savidant interjected that fire and building codes are considered during the final site plan approval process.

Mr. Tagle asked if the applicant has explored other locations or leasing options.

Mr. Carnwath responded that their organization does not lease nor do they lease their facilities to others for private social activities.

Mr. Tagle asked if their organization has a by-law that precludes leasing as an option.

Mr. Carnwath believes there could be a by-law.

Mr. Tagle has concerns in regard to capacity because it leaves a lot of the responsibility with the applicant.

Mr. Carnwath replied that their endeavor is to be a good neighbor.

Mr. Tagle stated it would be helpful if the applicant could provide examples of their other facilities.

Mr. Carnwath believes they have already presented that to the Planning Commission.

Mr. Savidant interjected that this issue has been discussed in general terms during a study session, but not provided as part of the preliminary site plan procedure.

Mr. Schultz is concerned about a single family home serving as a meeting hall. He would like to observe their other locations to determine if this proposed plan would fit into a single residential community. Mr. Schultz does not have an issue with a

church in residential zoning, but he does have issues with a single family home serving as a church in a residential neighborhood.

Mr. Carnwath assured the Planning Commission that he will supply the addresses for their other locations.

Chair Hutson opened the Public Hearing and the following public comment was received from:

Elizabeth Yee **Harlan School Crossing Guard**	Opposed, concerns about safety and use of the school parking lot.
Dennis McCardle	Opposed, concerns about a church in residential zoning and home values in surrounding area.
Susan Montgomery	Opposed, lives adjacent to location; believes churches should be situated on large lots.
Tom Cook	Opposed, concerns with traffic, the proximity to Harlan School's entrance, maintenance of property and children's safety.
Gary Jensen	Opposed, concerns about the safety of his two children who attend Harlan Elementary School.
Neil Strefling	Supports, lives adjacent to the location and is the most impacted neighbor; believes applicant has improved the site and as a result the value of his property has increased
John Herrick	Opposed, concerns with traffic.
Larry Ianni	Opposed, agrees with earlier comments; concerned about economic impact in regard to tax exemption the church will receive; believes there should be an additional exit in the meeting room.
Margaret Confer	Opposed, concerns with traffic.
Steve King **Harlan School Representative**	Supports, conditioned upon evening meetings only and no overflow parking permitted in the school's parking lot.
Tom Monroe	Opposed, concerns with pedestrian safety due to increased traffic conditions in the evening and on the weekend.
Bill Grier	Opposed, concerns with traffic and pedestrian safety issues occurring when evening events are held at the school because there are no sidewalks in the adjacent subdivision.
Sandi Marshall	Opposed, concerns with increased traffic and increased noise.
Cathy Kershenbaum	Opposed, concerns with increased traffic conditions when evening events are held at the school; circulated a petition and has 100 signatures of residents opposing the special use request. (Petition presented to Mr. Savidant)
Dawn Jensen	Opposed; concerned with increased and conflicting

	traffic, bad intersection; egress of the circular drive and potential of overflow parking on the street.
Jim Sheridan	Supports; City is still collecting tax dollars; believes there is still time to correct deficiencies.
Kyle Beardmore **Member of Detroit Meeting Rooms**	Supports; clarified that church members police the parking and capacity; noted there will be no signage identifying the church.

Having received no further public comment, Chair Hutson closed the Public Hearing.

Chair Hutson stated that the Planning Commission shall take no action on this item at this time because the Board of Zoning Appeals must first consider the applicant's variance requests. He explained that any Planning Commission action will depend upon the outcome of the action taken by the BZA.

6. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 376) – Proposed Taco Bell, East side of Rochester between Torpey and Harris (3268) Rochester, Section 23, Currently Zoned B-2 (Community Business) District

Zachary Branigan of Carlisle/Wortman Associates, Inc. provided a comprehensive overview of the *Special Use Review* for SU 376 dated April 8, 2010 included in the agenda packet. He noted that this proposal consists of an existing Taco Bell on Rochester Road and the site was formerly a different fast food establishment prior to becoming a Taco Bell. Although there are several site plan issues related to the application, Mr. Branigan explained the real reason the applicant is before the Planning Commission is that they are making minor site improvements related to the current road improvements taking place on Rochester Road. However, during the process of due diligence, Mr. Branigan reported it was determined that no special land use permit ever existed for the site even though one is required for a drive-thru restaurant facility in the B-2 District. He explained basically this is going through the motions of them applying for the special land use permit to allow an existing site that has been illegally existing as a non-conformity up until this time.

John Wollberg, Taco Bell representative stated that Mr. Branigan explained the project very well in his overview.

Mr. Savidant interjected that this site never received special use approval for the drive-thru and had it received special use approval in the past, the proposed changes would have most likely been approved administratively. He continued by stating that he initially was uncomfortable with the relocation of the dumpster because of the potential for increased noise that could impact the surrounding neighbors. However, Mr. Savidant noted that the neighbors were notified and the Planning Department has not received any communications from them.

Chair Hutson opened the Public Hearing for public comment. Having received no comment from the public, Chair Hutson closed the Public Hearing.

Mr. Schultz asked if anyone recalls when the original site plan was approved.

Mr. Savidant believes it was approximately twenty years ago.

Mr. Schultz cannot believe a certificate of occupancy was issued by the City for a plan that required special use approval.

Mr. Savidant suggested at the time the original restaurant was approved, that the requirement for the special use permit was a part of the initial site plan approval.

Mr. Branigan added that he understands that the site was something else before it was a Taco Bell. He continued by stating that the Taco Bell may have been there for almost twenty years but it was something else even before that. His point is that the drive-thru was approved a very, very long time ago.

Resolution # PC-2010-04-022
Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the Taco Bell restaurant, located on the east side of Rochester between Torpey and Harris (3268 Rochester), Section 23, within the B-2 zoning district, be granted, subject to the following conditions:

1. The applicant shall provide three (3) additional greenbelt trees along Rochester Road, as required.
2. The applicant shall provide a revised site plan addressing the informational items noted in the report prepared by Carlisle/Wortman Associates, Inc., dated April 8, 2010.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

7. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 377) – Proposed Service Station/Convenience Store, Southeast Corner of Rochester and Wattles (3990 Rochester), Section 23, Currently Zoned H-S (Highway Service) District

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Resolution # PC-2010-04-023
Moved by: Schultz
Seconded by: Ullmann

RESOLVED, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed service station/convenience store to 13 when a total of 15 spaces are required on the site based on the off-street parking space requirements for these uses, as per Article XL. This 2-space reduction is justified through the characteristics of the proposed uses, as outlined in the justification of the parking reduction, and therefore meets the standards of Article 40.20.12.

THEREFORE BE IT RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed service station/convenience store, located on the southeast corner of Rochester and Wattles, Section 23, within the H-S zoning district, be granted, subject to the following conditions:

1. The applicant shall provide an eight (8) foot wide sidewalk along Wattles Road.
2. The screenwall along the Wattles Road frontage from the east property line to the sidewalk running in off Wattles Road shall be eliminated.
3. The screenwall on the northwest corner of the property that is on a diagonal shall terminate at the same distance from the back of the curb as all other screenwalls.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

8. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 375) – Proposed Pro Car Wash East, East side of Rochester, South of Wattles, Section 23, Currently Zoned H-S (Highway Service) District

Zachary Branigan of Carlisle/Wortman Associates, Inc. provided a comprehensive overview of the *Special Use Review* for SU 375 dated March 17, 2010 and revised on April 7, 2010 included in the agenda packet. Mr. Branigan reported that this applicant either has to receive a variance from the Board of Zoning Appeals or revise their site plan to meet the landscaping requirement.

As a customer, Mr. Edmunds frequently uses the existing cross access for convenience and access to Rochester Road at the light.

Mr. Branigan stated although they do promote cross access, there are clearly striped perpendicular parking spaces there. He continued by stating that a customer is able to use it as a cross access only when there are no cars parked there. Mr. Branigan explained in order to designate that as cross access, they would have to provide an amendment and make sure that if those parking spaces are taken away, they are not causing nonconformity. He added that the applicant has been made aware that they need to address the cross access issue. At the time Mr. Branigan spoke with the applicant, he was made aware that the applicant may have a verbal agreement with the property owner to the north.

In response to the cross access situation, Robert Waldron, owner of Pro Car Wash East, advised that he has had a verbal agreement with the property owner to the north for forty-one years. He added that the owner is willing to provide him with anything he needs that would verify that the parking stripes were placed in error.

Mr. Schultz reiterated that at some point, the City will have to verify with the northern neighbor that the stripes have been eliminated and they are not a part of their site approval.

Mr. Waldron stated that the northern property owner is more than willing to sign a cross access agreement.

Chair Hutson asked if a license agreement would be more appropriate than a cross access agreement.

Mr. Branigan replied that Christopher Forsyth, Assistant City Attorney, would have to weigh in on that question but he does know that there has to be some sort of legal mechanism to guarantee that there is cross access before the site plan can move forward.

Mr. Forsyth stated the City does ask that a legal document be prepared in regard to the cross access and be submitted to the City Attorney's office for review.

Mr. Savidant added that it is fairly common to receive some pushback from property owners who do not want to encumber their property. He assured everyone that there are hundreds of reciprocal cross access agreements throughout the City.

Mr. Schultz requested that the applicant install closures to the dumpster doors that will keep the doors closed.

Mr. Waldron assured Mr. Schultz that he would correct that.

Chair Hutson opened the Public Hearing for public comment. Having received no comment from the public, Chair Hutson closed the Public Hearing.

Mr. Branigan asked whether it is the applicant's intent to appear before the Board of Zoning Appeals to seek a variance from the 10% landscaping requirement.

Mr. Waldron responded that it is his intent to appear before the Board of Zoning Appeals.

Because the applicant plans to appear before the Board of Zoning Appeals and tonight's meeting meets the statutory requirements, Mr. Branigan stated it is unnecessary for the Planning Commission to take action at this time.

OTHER BUSINESS

9. PUBLIC COMMENTS – Items on Current Agenda

Steve Carnwath of Detroit Meeting Rooms provided Mr. Savidant with an address listing of their other locations.

10. PLANNING COMMISSION COMMENTS

Mr. Strat asked whether all of the planning consultant assignments related to the zoning ordinance and amendments would be completed by June 1st.

Mr. Branigan stated his schedule does not indicate that the zoning ordinance would be completed by June 1st. However, he reported that a meeting is scheduled next week in regard to the Form Based Code District project and that the next step is to draft some of the districts. He explained they are specifically meeting with a subcontractor from Kansas City who is an architect and urban planner with whom they have worked with before. Mr. Branigan assured the Planning Commissioners that they are progressing and a draft should be ready soon.

Mr. Savidant added that the Planning Commissioners will be contacted by e-mail in regard to the exact schedule as soon as possible.

Mr. Strat asked when the Planning Commissioners can expect to receive a checklist from staff in regard to what is to be submitted to the Planning Commission for preliminary site plan approval. Mr. Strat added that the applicant should also submit samples of the materials that are being used in addition to also providing color samples.

Mr. Savidant understands that what Mr. Strat is requesting is an actual checklist to use as a tool when reviewing a site plan and that he will e-mail that to the Planning Commissioners tomorrow.

Mr. Branigan suggested that they provide the Planning Commissioners with what is currently in the ordinance and the proposed language so they can revise the checklist as needed.

Mr. Tagle asked whether it is possible to create standards for items such as screen walls along property lines. As an example, Mr. Tagle stated that DPW has standards for work in the right-of-way.

Mr. Savidant replied that there is not a lot of flexibility in the current ordinance for the applicant or the Planning Commission. He continued by stating that it needs to be recognized that there is a problem with these walls. Mr. Savidant needs to check with the Law Department regarding ordinances on the book regarding the enforcement of the continual maintenance of the walls.

Mr. Tagle explained is talking more about design standards similar to sidewalks or curb cuts.

Mr. Savidant responded that Mr. Tagle's suggestion is an approach they can take in regard to addressing the issues with walls and he will make a note of that.

Mr. Schultz is hoping there will be language providing authority in the new ordinance to enforce site plans, including landscaping. He explained many applicants let the trees die and currently there is no mechanism to have the landscaping replaced.

Mr. Savidant is of the opinion that a site plan is a contract and that landscaping provisions can be enforced. Mr. Savidant added that they can address that issue in the revisions being made to the zoning ordinance.

For the record, Mr. Savidant indicated that Student Representative Adrienne Milnar was present this evening and was sitting in the back of the room.

The Regular Meeting of the Planning Commission adjourned at 10:07 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Barbara A. Pallotta, Acting Recording Secretary

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The Special Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 4:00 p.m. on April 20, 2010 in the City van.

ROLL CALL

Present:
Donald Edmunds
Michael W. Hutson
Mark Maxwell
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:
Philip Sanzica
Mark J. Vleck

Also Present:
R. Brent Savidant, Acting Planning Director
Mark F. Miller, Assistant City Manager/Economic Development Services
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Kevin Klinkenberg, 180 Degrees Design & Architecture

Those in attendance drove the pre-defined route throughout the City of Troy and discussed zoning-related issues. Several stops were made along the way to provide attendees an opportunity to get out of the van and study sites more closely.

The van arrived back at Troy City Hall at 5:47 p.m., at which time Chair Hutson adjourned the meeting.

Respectfully submitted,

_____
Michael W. Hutson, Chair

_____
R. Brent Savidant, Recording Secretary

G:\Planning Commission Minutes\2010 PC Minutes\Draft\04-20-10 Special Meeting_Draft.doc

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Downtown Development Authority Minutes – Draft **April 21, 2010**

A meeting of the Downtown Development Authority was held on Wednesday, April 21, 2010 in the Lower Level Conference room, City Hall, 500 W. Big Beaver, Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

Present:
David Hay
Michele Hodges
Larry Keisling
Alan Kiriluk
P. Terry Knight
Dan MacLeish
Ernest Reschke
Douglas Schroeder (Arrived @ 7:33)
G. Thomas York

Absent:
Stuart Frankel
William Kennis
Louise Schilling
Harvey Weiss

Also Present:
John Szerlag
John Lamerato
Mark Miller
Lori Bluhm
Nino Licari
Brent Savidant
Zak Branigan

Minutes

Resolution: DD-10-01
Moved by: MacLeish
Seconded by: Hay

RESOLVED, That the minutes of the December 16, 2009 regular meeting be approved.

Yeas: All (8)
Absent: Frankel, Kennis, Schilling, Schroeder, Weiss

Old Business

None.

New Business

A. Big Beaver Design Guidelines

Zack Branigan of Carlisle/Wortman Associates, Inc. presented the draft of the design guidelines that correspond with the Big Beaver Corridor Study. There will be a joint meeting of the Planning Commission and the Troy Downtown Development Authority Board scheduled in the future.

B. Planning Department Report

Brent Savidant updated the board on two notable projects:

1. Ocean Prime addition
2. Spa Renaissance new-medical office

C. Monthly Financial Report

Received and filed.

D. Proposed 2010/11 Budget

Resolution: DD-10-02
Moved by: Reschke
Seconded by: York

RESOLVED, That proposed 2010/11 Budget be approved and forwarded to City Council for approval.

Yeas: All (9)
Absent: Frankel, Kennis, Schilling, Weiss

Public Comment

None.

Member Comment

None.

This meeting was adjourned at 8:45 a.m.

Next Meeting: May 19, 2010 at 7:30 a.m. in the Lower Level Conference Room, City Hall.

JML/bt\g\my documents\DDA\minutes and agendas\Draft Minutes of 04.21.10

A meeting of the **Troy Youth Council (TYC)** was held on April 28, 2010 at 7:00 PM at Troy Community Center, 3179 Livernois. Shaina Sekhri called the meeting to order at 7:03 p.m.

MEMBERS PRESENT:	Willa Adamo Disha Bora Supriya Jalukar Ananya Mukundan Kelly Niemiec Sumana Palle Shaina Sekhri David Wylie
MEMBERS ABSENT:	Vikram Prasad, Sevita Rama Rachita Singh, Rajiv Vutukuru, Emily Wang,
VISITORS:	None
STAFF PRESENT:	Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2010-4-5

Moved by Sekhri
Seconded by Wylie

RESOLVED, That the minutes of February 24, 2010 are approved.

Yes: All – 8
No: 0
Absent: 5 – Prasad, Rama, Singh, Vutukuru, Wang

3. Attendance Report:

Report reviewed by council members. No comments.

4. Guest – None

5. City Council Restructuring Options

Youth Council was updated on the status of the submitted budget and the changes in staffing and library, nature center and museum hours.

6. Teens Taking Action

No report.

7. Troy Daze

Youth Council was updated on the cancellation of the event for 2010.

8. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2010-4-6

Moved by	Wylie
Seconded by	Bora

RESOLVED that Prasad is excused.

Yes:	8
No:	0
Absent:	5 - Prasad, Rama, Singh, Vutukuru, Wang

9. Public Comments – None

10. Youth Council Comments – None

11. Adjournment – Meeting adjourned at 7:35 p.m.

_____

Shaina Sekhri, chair

_____

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: May 26 at 7:00 P.M.

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:

Trip Destination: **Lansing, MI** Date From: **4/13/2010** To: **4/14/2010**

Purpose of Trip: **Michigan Municipal League's Capital City Conference**

Items Dates:	Sun	Mon	Tues 13-Apr	Wed 14-Apr	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)			90.00	90.00				180.00
Enter Current Mileage Rate: $ 0.50 /mile			$45.00	$45.00				$90.00
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration				125.00				$125.00
Room (Attach all Receipts)				122.35				$122.35
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below								
TOTAL EXPENSE			45.00	292.35				$337.35

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	$247.35
Balance Due Employee	$90.00
(or) Balance Due City	

Mary Kerwin — Requested By — Date 4/21/10

Department Head — Date

Approved - Human Resources Director — Date

Approved - Financial Services Director — Date 4/21/10

Notes and Explanations:

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: **Mary Kerwin (hotel room)**

Trip Destination: **Lansing, MI** Date From: **4/13/2010** To: **4/14/2010**

Purpose of Trip: **Michigan Municipal League's Capital City Conference**

Items Dates:	Sun	Mon	Tues 13-Apr	Wed 14-Apr	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)								
Enter Current Mileage Rate: $ 0.50 /mile								
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration				125.00				$125.00
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				125.00				$125.00

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	$125.00
Balance Due Employee	
(or) Balance Due City	

Mary Redden — Requested By — Date 4/29/10

Department Head — Date

Approved - Human Resources Director — Date

Jane A Wood — Approved - Financial Services Director — Date 4-29-10

Notes and Explanations:

Charge to: Council's Education & Training Account

Account # 1027960110

M-02c

Form 87-007
1-P-1
Last revised 01/09

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Robin Beltramini** Position: **Council Member**

Other Employees Included in Request: * Roomed w/ Susan Rowe of Wayne, MI

Trip Destination: **Lansing, MI** Date From: **4/13/2010** To: **4/14/2010**

Purpose of Trip: **Michigan Municipal League's Capital City Conference**

Items Dates:	Sun	Mon	Tues 13-Apr	Wed 14-Apr	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)								
Enter Current Mileage Rate: $ 0.50 /mile								
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration								
Room (Attach all Receipts)				122.35				$122.35
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below				16.50				$16.50
Additional Other Detail, Explain Below								
TOTAL EXPENSE				138.85				$138.85

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	$122.35
P-Card Purchases	
Balance Due Employee	$16.50
(or) Balance Due City	

Robin E. Beltramini — April 30, 2010
Requested By — Date

Department Head — Date

Approved - Human Resources Director — Date

5/3/2010
Approved - Financial Services Director — Date

Notes and Explanations:

The "Other" expense is my parking fee for the city garage. Also enclosed is a check from Susan Rowe (council member Wyane MI) in the amount of $66.17 for 1/2 the room fee and $10 in parking fees.

Charge to: Council's Education & Training Account Account # 1027960110

CITY COUNCIL REPORT

April 21, 2010

TO: Honorable Mayor and City Council

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

SUBJECT: Senior Home Assistance Program (SHARP) Annual Report

Background:

- Attached please find the annual report for SHARP. SHARP performs free home repairs for seniors age 60+ and persons with disabilities. There are no income restrictions for the program.
- 434 requests were received in 2009 – up 17% from 2008.
- Volunteers donated 970 hours to SHARP in 2009.
- The breakdown by type of request is as follows: 25% electrical, 25% plumbing, 16% yard work, 15% carpentry, and 18% miscellaneous.
- With the switch to digital TV in 2009, SHARP helped 56 seniors install and learn how to operate their TV convertor box.
- 94% of recipients rated SHARP service as excellent. 6% rated it very good.
- SHARP Troy and the North Woodward Community Foundation helped Clawson and Madison Heights start SHARP programs in 2009.

Financial Considerations:

- The front desk staff at the Community Center takes the requests for SHARP service and forwards these requests to the volunteers. One Parks and Recreation Department supervisor is the City liaison for this program, involving 2-3 hours per month of her time.

Legal Considerations:

- SHARP volunteers are covered under the City of Troy's liability insurance. There have been no claims since the program started in 2007.

Policy Considerations:

- This program is offered in partnership with the North Woodward Community Foundation and is operated mainly by volunteers. It is a worthwhile program that promotes independence for seniors and helps them remain in their homes.

Prepared by Carla Vaughan

SHARP
Troy

SENIOR HOME ASSISTANCE REPAIR PROGRAM

Annual Report
March 1, 2010

SHARP-Troy
Annual Report

Executive Summary

The purpose of the Senior Home Assistance Repair Program (SHARP) is to assist seniors (age 60+) and physically challenged individuals, who are Troy homeowners, maintain their home and remain independent for a longer period of time. The program also enhances the quality of their life by making homes safer and by reducing some of the stress and confusion involved in making home repairs. The labor is free with the work being done by volunteers hoping to utilize their experiences and gain meaningful volunteers opportunities. Homeowners pay for supplies. The program is performed in partnership with the City of Troy and the North Woodward Community Foundation. This was the third year for the program. SHARP-Troy and the Foundation have helped start similar programs in Clawson (2008) and Madison Heights (2009).

The program operates on a calendar year basis. This report summarizes what was accomplished in 2009.

Funding for the program covered all expenses and there was a surplus to carry over into 2010. Major sources of funding were homeowners' donations, homeowner's reimbursement of supplies and miscellaneous donations. Trevarrow ACE Hardware and ACO were corporate sponsors.

Requests from homeowners increased in 2009. 434 requests were submitted which was an increase of ~17% over 2008.

As was the case in 2008, the requests came in from all sections of Troy. Using ZIP Codes the results showed 25% requests from 48083, 23% requests from 48084, 34% requests from 48085 and 18% requests from 48098. 81% of the requests were for single type of repairs (e.g. plumbing) while 19% of the requests were for multiple type of repairs (e.g., electrical and yard work). Repairs are tracked by repair type. The most requested repair was for Electrical and Plumbing, with Yardwork, Carpentry, Miscellaneous, Painting and HVAC in descending order. Taking into account time spent on assessments, initial repairs and follow up repairs, approximately 970 hours were worked by volunteers. (This does not include the number of hours volunteers spent on administrative tasks.)

Appreciation for the program again was heart warming. 94% of the homeowners rated the program as Excellent and 6% as Very Good. The results were higher than last year. These results and the homeowners' testimonials, as well as their donations, speak volumes of the nearly four dozen volunteers who have performed the repairs and help administer the program. One such comment said it all:

- "Your program is wonderful. It has renewed my hope to know that others really do care! Thank you!!"

For the second year a Smoke Detector Program was performed. This program was comprised of changing out batteries and replacing/adding smoke detectors. Homeowners who were helped in 2008 were contacted. Twenty-four (24) homeowners participated. Fifty-eight (58) batteries were replaced and six (6) smoke detectors installed.

In the last quarter of 2009, SHARP-Troy volunteers assisted the City of Madison Heights in becoming the third city with a SHARP program. Training of volunteers was performed. By the end of the year, the SHARP-Madison Heights program fully transitioned to being run by Madison Heights volunteers.

History

In December 2005, Dave Taylor attended a meeting at his church, Big Beaver United Methodist, where the pastor was late because he was asked by a senior parishioner he had gone to counsel to change a light bulb. The people at the meeting talked about how seniors could need such help with other repairs. Dave came up with the idea for starting a program to perform simple home repairs for senior homeowners over the age of 60 regardless of income. His concept was that labor would be provided free; the homeowners would only have to pay for supplies.

In early 2006 Dave met with Carla Vaughan of Troy Parks and Recreation his concept. Carla agreed that such a concept was very worthwhile and would offer to help implement such a program. With Carla's buy-in, Dave began recruitment of volunteers from the church. Five people came forward with general handyman backgrounds. In the spring Carla included a notice in the Senior Citizens Newsletters that was mailed to all seniors living in Troy. Dave and his small crew now soon were handling more work than they thought was going to be requested. It was evident to Dave there was a need for a city wide program. He dreamed of expanding his small program to the entire city.

Carla and Dave recognized that funding was going to be needed for such a program to move forward city wide. Carla knew of one source of funding that she had used in the past for some of her programs which was the North Woodward Community Foundation and she applied for a grant. Tom Kaszubski, Foundation President and Jim Cyrulewski, Foundation Secretary and Grant Committee Chairman met with Dave and Carla. Tom and Jim agreed to present the concept to the Community Foundation Board of Directors. The Board agreed to award a grant to expand the program and in addition provide resources to help develop and assist with on-going maintenance.

Organizational meetings were held to further define program scope and details. The concept of a Steering Committee was agreed upon. A set of by-laws was drafted for the Senior Home Assistance Repair Program (SHARP). Also a proposed organizational structure for the Steering Committee was developed which included liaison positions for the City of Troy Senior Program Representative, Troy People Concerned and the Foundation.

On January 25, 2007 a kick off meeting was held at the Troy Community Center announcing the City Wide Program. The public and press attended. Dave Taylor told of how this adventure had begun and dream for a program to help people in Troy. Dave's dream had become reality. The structure for the program is detailed in Appendix A.

In 2007, the first year of the program, 304 requests were handled; far exceeding expectations. In 2008 the number of requests increased to 371 showing a sustained need for such a program in Troy. In addition a supplemental program was initiated in 2008 for replacing smoke detectors batteries and faulty detectors. In 2009 the number of requests grew to 434. In the three years a total of 392 homeowners have been helped with their 1109 requests.

In 2008, the City of Clawson approached SHARP-Troy about starting a program in Clawson. In October 2008, with assistance from SHARP-Troy volunteers, the SHARP-Clawson program was kicked-off.

In November 2008 the Michigan Recreation and Park Association Committee notified SHARP Chairman Dave Taylor that the SHARP-Troy program was one of winners of the 2009 Michigan Recreation and Park Association Community Service Award. This award is given to individuals and organizations throughout the state of Michigan who show outstanding support to public recreation and park programs in their community.

In 2009, the City of Madison Heights approached SHARP-Troy about starting a program in Madison Heights. In September 2009, with assistance from SHARP-Troy volunteers, the SHARP-Madison Heights program was kicked-off.

Program Success in 2009

The following is an overview of the 2009 program success. In Appendix B the results are displayed graphically.

Requests

- **Overall**
  434 requests were submitted. The number of request increased ~17% over 2008.
  - The 434 requests that were served came from 208 homeowners. 89 of the homeowners submitted two or more requests. 96 were first time clients while 112 were repeat clients from previous years.
  - Also of the 434 requests, 81% resulted in one type of repair being performed while 19% resulted in two or more types of repairs being done. The split in 2008 was 78%/26% respectively.
  - 56 of the requests were for help with Television converter boxes needed to meet the federally mandated switch to HD by June, 2009. SHARP Volunteers received training on how to perform the installation at a November 2008 meeting. According to the FCC instructors, the SHARP program was the only volunteer program in Michigan at the time providing such assistance to homeowners.
- **Demographics**
  The program has demonstrated that there is a need city wide for such assistance. The breakdown of homeowners per ZIP Code was as follows**:**
  - ZIP Code 48083 25%
  - ZIP Code 48084 23%
  - ZIP Code 48085 34%
  - ZIP Code 48098 18%

  Requests from Codes 48083, 48084 and 48085 increased from 2008 while requests from Code 48098 were basically the same.

Work Performed

- **Assessments**
  Assessment Coordinators assigned to a request indicate on the Intake Form the amount of time spent determining what repairs need to be done and what resources (manpower and supplies) are required. A total of 64.36 hours were spent on assessments.
- **Description of repair category**
  Volunteers assigned to a request were asked to log on the Intake Form the repair preformed and the number of hours worked. Seven repair categories exist which are Electrical, Plumbing, Painting, Carpentry, HVAC, Yard and Miscellaneous. Within each category are subcategories to more specifically define the repair performed. (See Appendix C for detailed Job Codes) The data on work performed is used to determine what volunteer skills/professional services are most in need. A total of 902.2 hours were spent by volunteers on various repairs.
- **Work performed**

An analysis was performed of the requests completed. The results showed that the largest percentage of the repairs was for Electrical and Plumbing work which was the case in 2008 as well. The repair breakdown was as follows:

- Carpentry 16%
- Electrical 25%
- HVAC 1%
- Miscellaneous 10%
- Painting 7%
- Plumbing 25%
- Yardwork 16%

- **Administrative Tasks**
  Volunteers gave their time to perform administrative tasks. This includes maintaining the request database, preparing the meeting agendas and minutes, preparing the annual report, conducting training and attending meetings. Volunteers met each month except for December to review work performed. The Steering Committee met seven times. Total estimated time given was approximately 400 hours.

Performance

- **Survey Results**
  A survey form was left with each homeowner to obtain feedback on the work performed. A rating system of 1-5 with 5 as Excellent, 4 as Very Good, 3 as Good, 2 as Satisfactory and 1 as Unsatisfactory was used. The results of the surveys returned showed 94% of the Homeowners rated the work performed as Excellent and 6% as Very Good. The ratings were higher than last year. These high ratings are a testament to the dedicated volunteers who work on the SHARP program.

- **Testimonials**
  Comments from homeowners were also asked for on the survey card. The following is a sampling of the numerous comments received:

  - Your program is wonderful. It has renewed my hope to know that others really do care! Thank you!!
  - Very kind and thoughtful. Being a 80+ senior and barely able to do normal activities it certainly is comforting to know that I can call on SHARP and their volunteers to help the Seniors. Thank you very much!
  - Thanks to all your volunteers! They are a real blessing to all of us who needs help with some small jobs. Thank You!
  - I Love SHARP! As a widow you can't imagine what SHARP means to me and what a great service it is. Thank you!
  - Thank you very much for the SHARP program. I will mail a donation.
  - Very valuable service to those of us on retired/limited incomes and in need of home (minor) repairs. Thank you!
  - This is a wonderful program for Seniors. I highly recommend it. Thank you!

- I can't thank you enough for this service. Bravo SHARP for all that you do for the Senior Community!!
- Excellent service, friendly, did more than originally scheduled. Thank you!
- I couldn't be happier with the work. Very grateful!
- I never had anyone so kind and a job so well done.
- Great job!! Come again.
- Help is so appreciated. Volunteers do good work. SHARP is an excellent program.
- God Bless all you great volunteers!
- We are very grateful for the help given to us by the volunteers from SHARP
- Would highly recommend. Very courteous.
- Great service to community !
- You have made my life very helpful especially no stress when help is needed.
- They do very good work!
- I am extremely appreciative of this service. Thank you!
- Thanks so much for this helpful service. God bless you.
- Thank you! It's a great service and much needed.
- Dave did a great job. We are very thankful.
- This is a wonderful service. Volunteer Steve was so helpful, friendly and courteous. I am very please and grateful. Thank you
- Not only did a good job, but also taught me how to do it - Very good teacher!
- I am writing to tell you how very thankful I am that the SHARP program exits. I had water in my basement every where because the sump pump didn't work. I was so depressed and despondent. I called SHARP and they sent Jack - I don't even know his last name, but he was a Godsend. He came took the pump to the place that fixes that type of pump, stayed while they fixed it and came and installed it- the water went down. I can't tell you how happy and grateful I am. God Bless SHARP and God bless Jack!!
- Don and Tom did a wonderful job. I'm so happy to have railing to hang onto coming down the stairs.
- Jerry was very knowledgeable about his work.
- Keith did a very fine job. Thank you again!
- Wendy and her son did a wonderful job of sanding and painting my mail box post. It has never looked better. Thanks so much.

Smoke Detector Sub-Program

Included in the program was provision to replace faulty detectors and to add needed detectors as well as replace batteries. The sub-program was mainly conducted during the first four months of 2009. Twenty-four (24) homeowners participated. In total, fifty-eight (58) batteries and six (6) detectors were replaced. The Foundation worked with a local smoke detector supplier to obtain smoke detectors that met City of Troy standards and utilized batteries which have a ten year life

Financials

- **Sources of Funding**
  Total funds received were $5335.94. Sources of funding included homeowner's donations, homeowner's reimbursement of supplies and other donations. Homeowner donations were basically the same as 2008 ($3240 vs. $3270). As was the case in 2008, there was 100% reimbursement by homeowners for supplies purchased by SHARP volunteers at Trevarrow ACE, ACO or other supply stores. The breakdown was as follows:

  - Homeowner Donations 60.73%
  - Homeowners' Reimbursement 23.81%
  - Other Donations 15.46%

- **Fund Utilization**
  Total expenses were $3478.08. Uses of funds breakdown is as follows:

  - Hardware Stores Reimbursement 31.37%
  - Special Equipment 23.25%
  - Printing (Brochures, etc.) 13.01%
  - Smoke Detector Project Supplies 12.83%
  - Administrative Fee (5% of Income) 7.59%
  - Office Supplies (ID Badges, etc.) 4.92%
  - Postage 4.37%
  - Volunteer Reimbursements 2.67%

  As was the case in 2008, because Homeowners reimbursed the program for 100% of all repair material expenses, Homeowner donations were significantly more than expected and there were no requests for financial aid, there was a fund balance at the end of the year.

Conclusions

The following conclusion can be drawn from 2009:

- There continues to be a need for a city wide program that helps seniors and disabled homeowners regardless of income.
- The partnership of the City of Troy, North Woodward Community Foundation and dedicated volunteers has resulted in a very successful community action program.
- A Smoke Detector Battery Change out program is needed and should be continued.
- With careful planning the program can be self sustaining.
- Volunteers, especially seniors, are willing to give time to such a program.
- Homeowners are extremely appreciative as indicated by their generous donations and kind words.
- Even with the serious economic conditions in Michigan, people were able to pay for supplies and not need financial aid. This may not be the case in 2010. Funds have been budgeted accordingly using the fund balance.

SHARP

Annual Report

Appendices A, B, C

Appendix A

Program Structure

The North Woodward Community Foundation of Troy and the SHARP Steering Committee have worked closely with the City of Troy Parks and Recreation staff to ensure a program structure that efficiently responds to homeowner's requests and qualifies/trains volunteers.

Requests for Work Process Overview
Recognition was given that the request process needed to be kept simple with a central source for submittal of requests. All requests for repairs use a common document called the **Request Intake Form**. This form is available at the Troy Community Center. Forms are submitted to Parks and Recreation. Homeowners can also call in their request to Troy Parks and Recreation who in turn will fill out a Request Intake Form. Parks and Recreation sends the form to the North Woodward Community Foundation who establishes a unique number for each request. The Foundation then sends a copy of the form to the Intake Coordinator and Database Coordinator.

The Intake Coordinator reviews the form and calls the homeowner if any clarification is required. Once the form is acceptable to the Intake Coordinator, he forwards the numbered request to a member of the Assessment Coordination Team. An Assessment Coordinator contacts the homeowner within two weeks of a submitted request to assess the repairs to be done. Some simple tasks may be done by the Assessment Coordinator during the assessment visit.

When the assessment is done, the Request Intake Form is sent to the Foundation and the Database Coordinator who populates the database used to provide request information on the SHARP-Troy Web Site. (This site is only accessible by SHARP-Troy volunteers.) There are two ways volunteers can learn what requests to volunteer for:

- Volunteers can access the Web Site to select requests they are willing to perform. They contact the Foundation who sends the volunteer the Request Intake Form.
  -or-
- The Volunteer Coordinator contacts volunteers on open requests. The Volunteer Coordinator contacts the Foundation who in turn sends the volunteer the Request Intake Form.

The volunteer contacts the homeowners to schedule a mutually agreeable time to perform tasks requested.

Volunteers are provided project envelopes that contain survey and donation cards. Homeowners are asked to fill out the survey card to rate the service and provide comments. Homeowners are told to use the donation card if they wish to contribute to the program. Homeowners are provided an envelope to return the cards to the North Woodward Community Foundation. Their donation is tax deductible. Volunteers return the completed Request Intake Form to the Foundation office.

Volunteers Security Provisions
The program is covered for liability insurance by the City of Troy. This requires that all volunteers complete a City of Troy Volunteer Application Form, agree to a background check and agree to follow City of Troy work rules.

Additional security provisions have been instituted. All volunteers are required to wear a specially designed photo ID badge. The badges are produced by the Foundation. The badges are replaced annually. Homeowners are informed that they are only to allow people who wear the SHARP badge on their premises

Training Program
All volunteers are required to take a specially designed training class given by the SHARP Training Coordinator. Once the volunteers have gone through the class, they can be assigned to a request. A Training Manual has been developed which is given to each volunteer. The Training Coordinator maintains the manual and issues updates.

Volunteer Recruitment Program
Articles in the Senior Newsletter and Newspapers as well as recruitment by other volunteers were used to find additional volunteers in 2009. In 2009, forty-three (43) volunteers participated in the program.

Homeowners Information Program
A brochure has been developed. The brochure has been distributed to interested seniors at the Troy Community Center and City Hall. Likewise articles in the Senior Newsletter and newspapers have been used to publicize the program to homeowners.

Supplier Program
The program attempts to minimize cash transactions by volunteers by teaming with local supply stores. The North Woodward Community Foundation has arranged with the local ACO and ACE Trevarrow Hardware Stores to participate by establishing a respective special SHARP account that provides a reduction in the bill for all supplies purchased. This difference in what the homeowner pays the Foundation and what the Foundation pays the supply stores is used to help pay for program expenses. (ACE Trevarrow has been involved with the program since January 2007. ACO became involved in late 2008.)

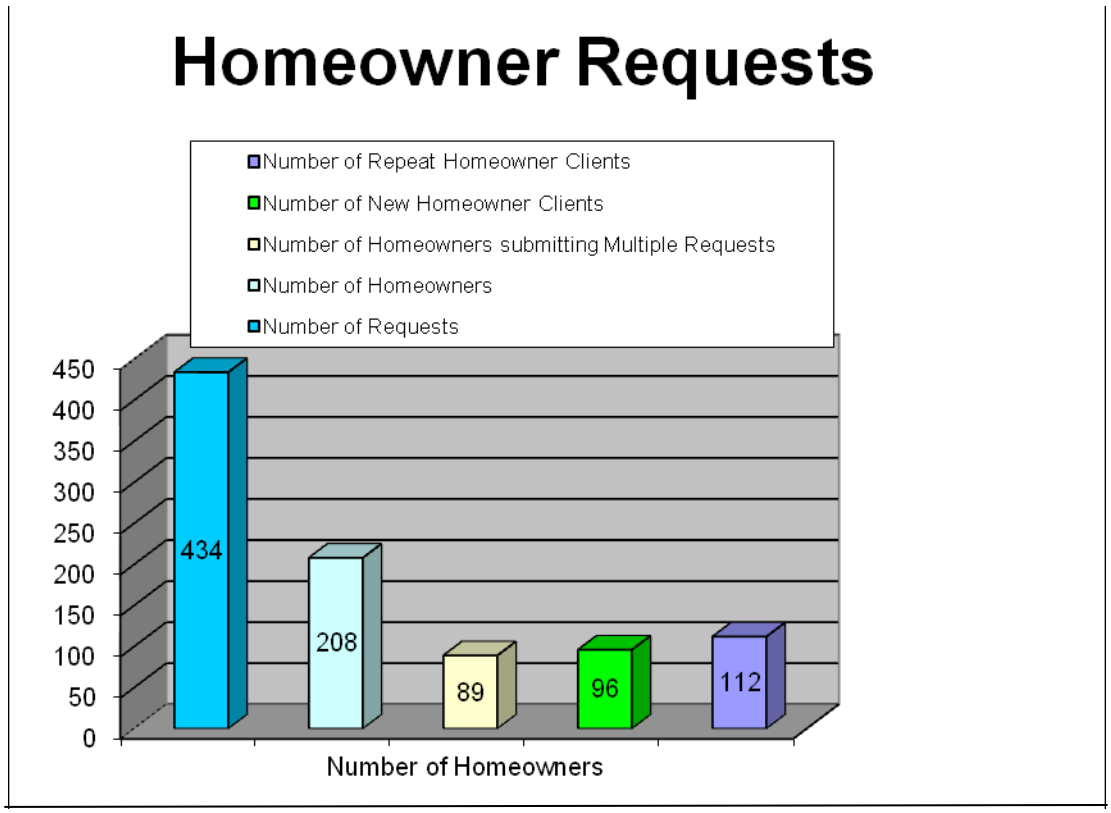
SHARP volunteers can use the account by providing the request number. When the Volunteers return the completed Request Intake Form, they include any supply receipts and homeowner supply reimbursement checks in the Request Envelope.

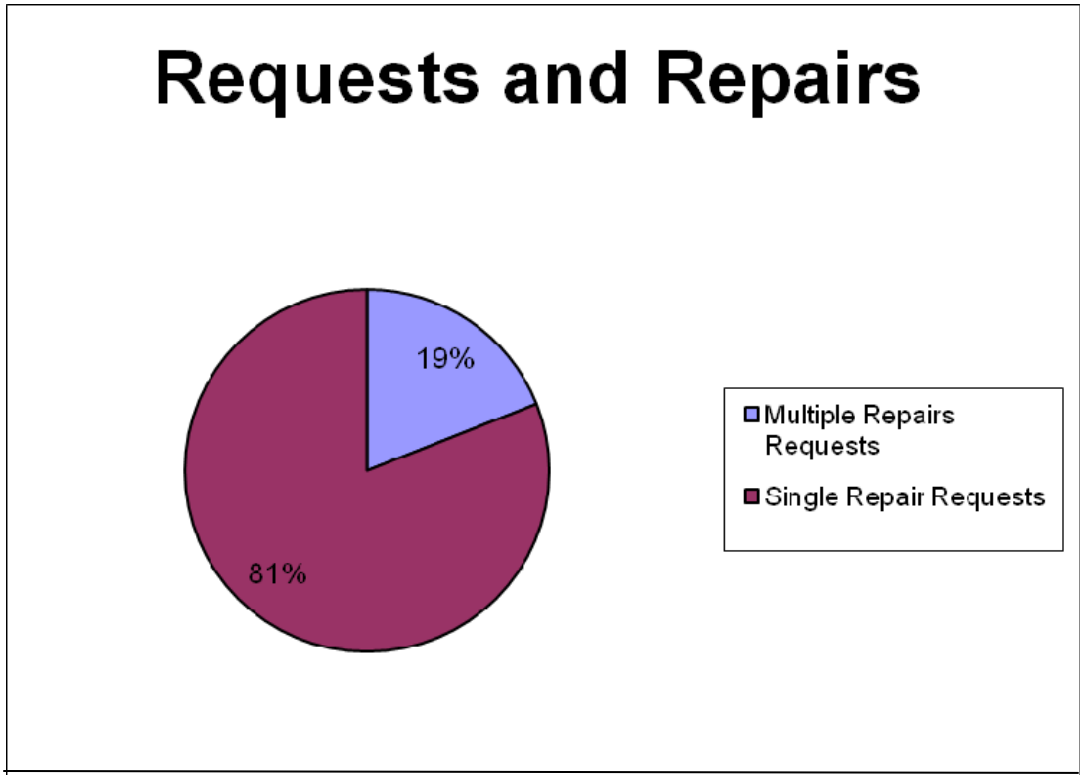
Financial Services
Grateful homeowners have shown they want to make donations. The North Woodward Community Foundation provides the vehicle for homeowners to make such tax reduction donations. The Foundation developed a donation package that is left with homeowners. The Foundation sends out an acknowledgement letter than can be used for tax purposed to all homeowners who make a donation. In 2009, nearly $3300 was received from homeowners who were helped.

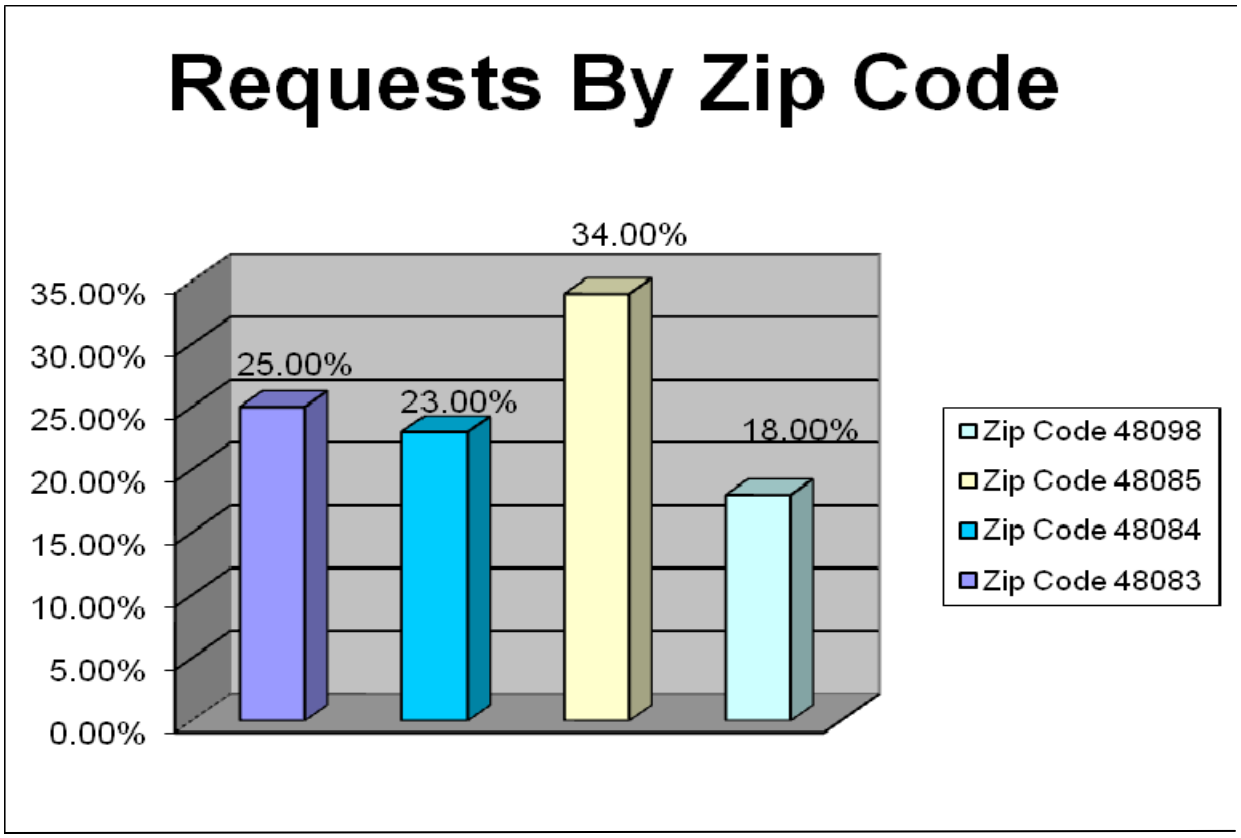
The Foundation also provides all the financial services under an agreement with the City of Troy. This includes payments and reconciliation of expenses with ACE and ACO Hardware Stores, reimbursement of volunteers, development of budget, development of monthly financial statements, preparation of all state filings and handling of the Foundation SHARP-Troy Component Fund.

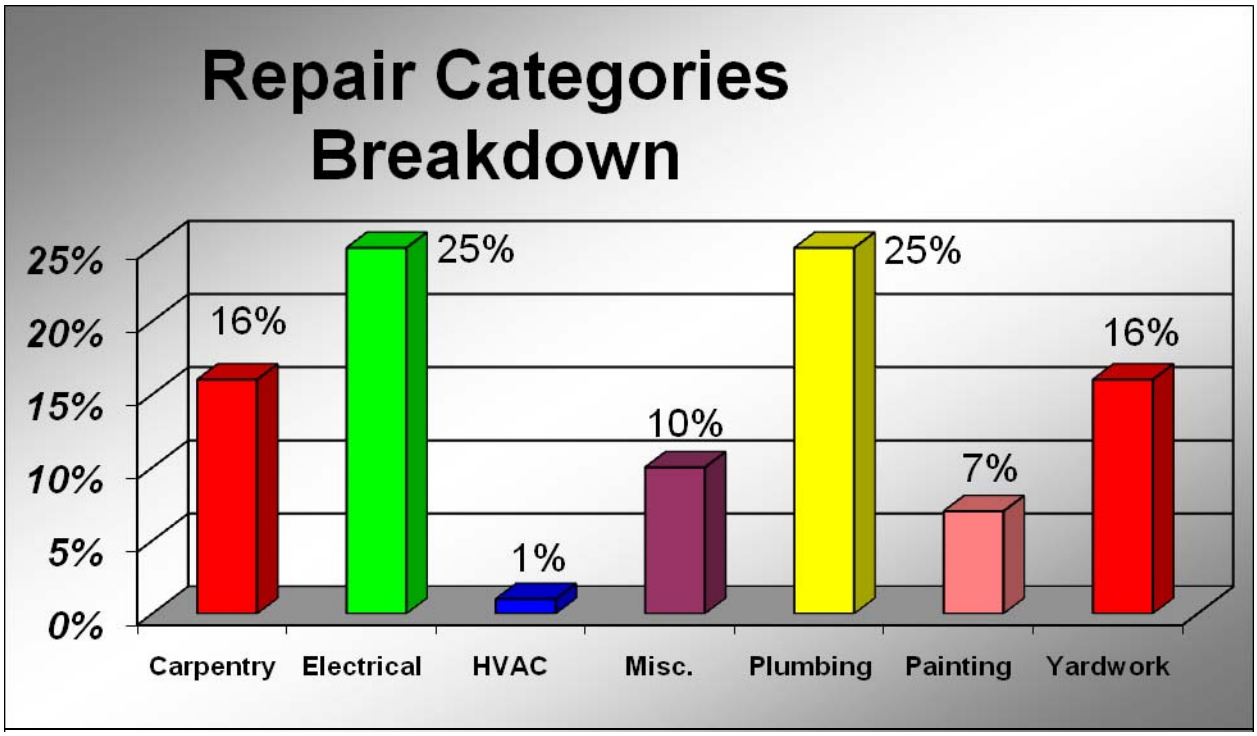
Appendix B
Charts

- **Homeowners Requests**
- **Multiple vs. Single Job Requests**
- **Requests by ZIP Codes**
- **Types of Work**
- **Survey Results**
- **Income**
- **Funds Utilization**

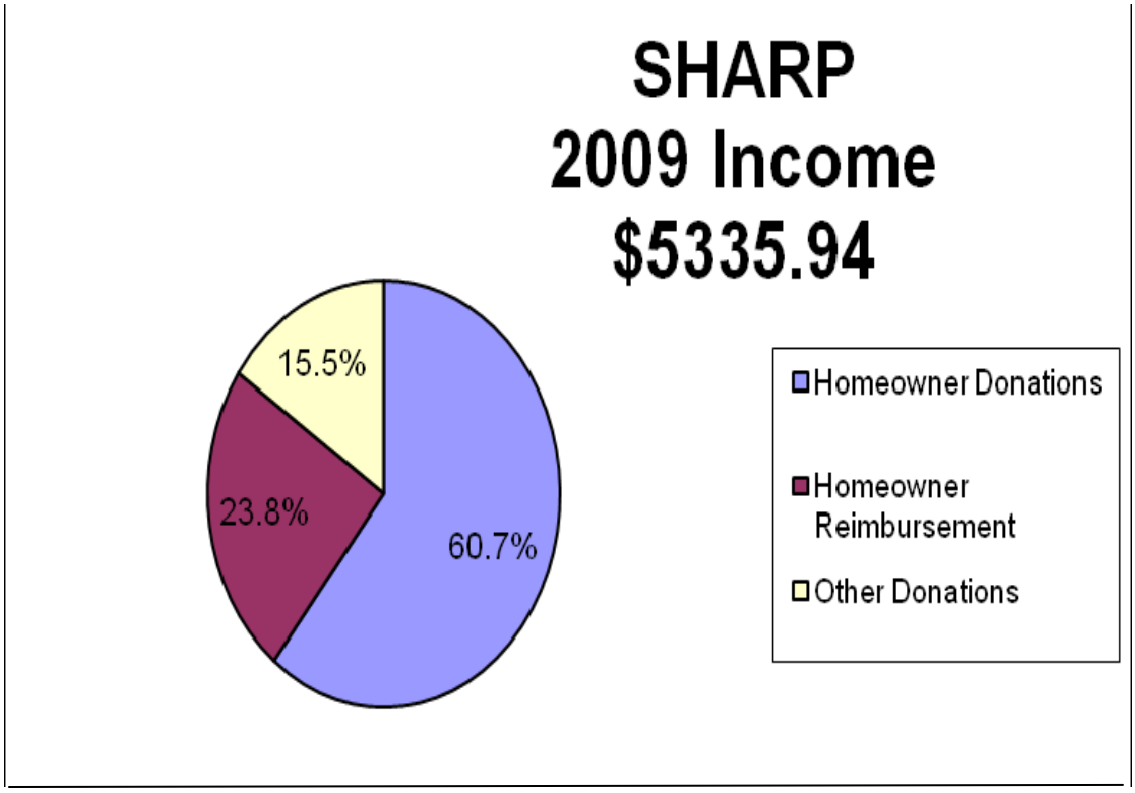

Homeowner Requests
Number of Repeat Homeowner Clients
Number of New Homeowner Clients
Number of Homeowners submitting Multiple Requests
Number of Homeowners
Number of Requests
450
400
350
300
250
200
150
100
50
0
434
208
89
96
112
Number of Homeowners

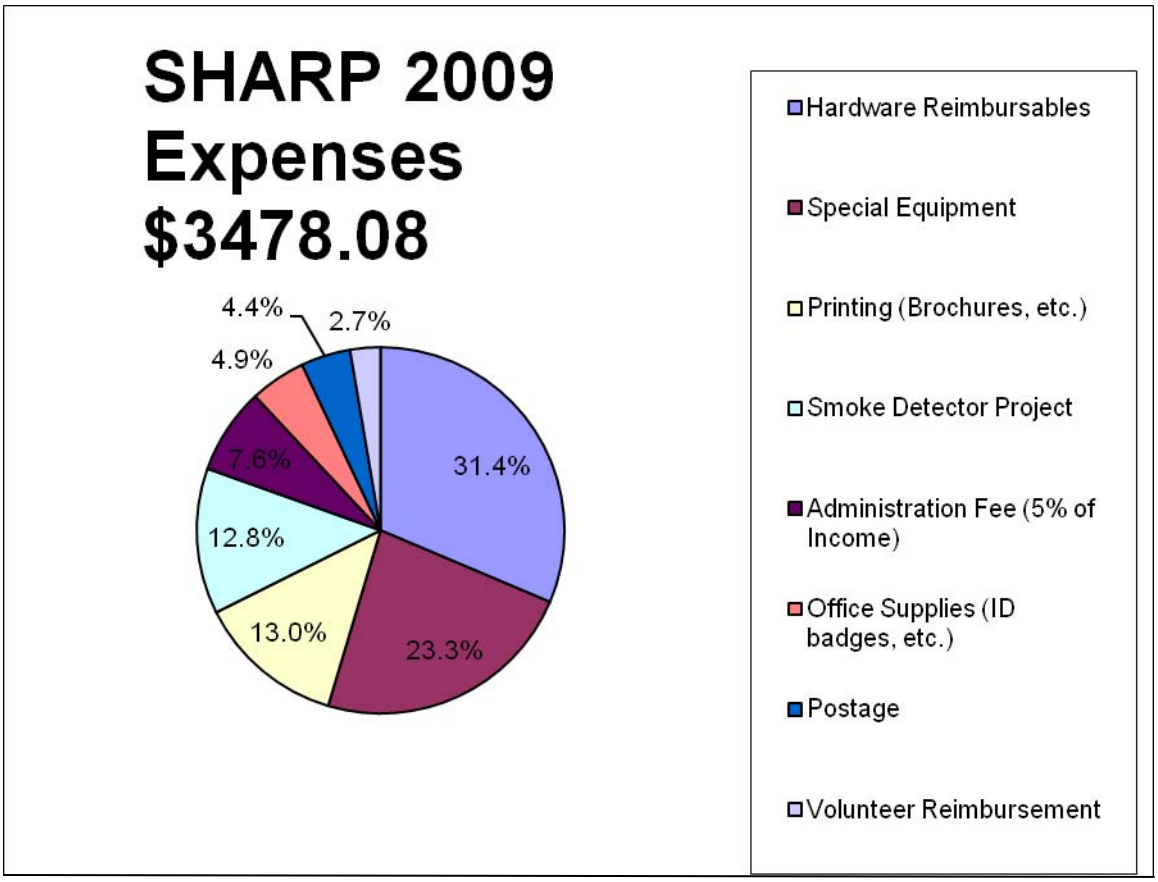

Requests and Repairs
19%
81%
Multiple Repairs Requests
Single Repair Requests


Requests By Zip Code
35.00%
30.00%
25.00%
20.00%
15.00%
10.00%
5.00%
0.00%
25.00%
23.00%
34.00%
18.00%
Zip Code 48098
Zip Code 48085
Zip Code 48084
Zip Code 48083


Repair Categories Breakdown
25%
20%
15%
10%
5%
0%
16%
25%
1%
10%
25%
7%
16%
Carpentry
Electrical
HVAC
Misc.
Plumbing
Painting
Yardwork

Client Survey Results
Cleint Satisfaction with Work
Excellent
Very Good
Good
Satisfactory
Unsatisfactory
94.0%
6.0%
0.0%
0.0%
0.0%
0%
20%
40%
60%
80%
100%
Rating Percentage


SHARP
2009 Income
$5335.94
15.5%
23.8%
60.7%
Homeowner Donations
Homeowner Reimbursement
Other Donations


SHARP 2009
Expenses
$3478.08
4.4%
2.7%
4.9%
7.6%
31.4%
12.8%
13.0%
23.3%
Hardware Reimbursables
Special Equipment
Printing (Brochures, etc.)
Smoke Detector Project
Administration Fee (5% of Income)
Office Supplies (ID badges, etc.)
Postage
Volunteer Reimbursement

Appendix C
Repair job Codes

Electrical Category

E1) Replace light bulb or repair outlet
E2) Replace light fixture or electrical outlet
E3) Replace exterior light fixture
E4) Miscellaneous
E5) Need professional

Plumbing Category

P1) Replace washers on faucet
P2) Replace faucet
P3) Replace parts in toilet
P4) Replace garbage disposal
P5) Miscellaneous
P6) Need professional

Painting Category

Pa1) Patch drywall or touch up paint
Pa2) Paint interior room
Pa3) Paint exterior
Pa4 Miscellaneous
Pa5) Need professional

Carpentry Category

C1) Reattach loose boards or trim
C2) Replace trim or bad boards
C3) Replace door
C4) Replace door locks
C5) Build handicap ramp
C6) Miscellaneous
C7) Need professional

Yard Category

Y1) Clean gutters
Y2) Trim Shrubs
Y3) Remove shrubs
Y4) Trim Tree
Y5) Miscellaneous
Y6) Need contractor

Miscellaneous Category

M1) Take stuff to curb
M2) Flip mattress
M3) anything else

HVAC Category

H1) Replace Thermostat
H2) Replace Filter
H3) Relight Pilot
H4) Replace thermal couple
H5) Replace humidifier pad
H6) Miscellaneous
H7) Need professional

TO: Members of the Troy City Council

FROM: Lori Grigg Bluhm, City Attorney
Robert F. Davisson, Assistant City Attorney
Christopher J. Forsyth, Assistant City Attorney
Susan M. Lancaster, Assistant City Attorney
Allan T. Motzny, Assistant City Attorney

DATE: April 10, 2010
SUBJECT: 2010 First Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the FIRST quarter of 2010 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. *Behr America v. City of Troy, et. al.*- This case is a plat revision action filed by Behr America against the City of Troy, the Road Commission for Oakland County, the Oakland County Drain Commission, the Michigan Department of Transportation, the Michigan Department of Environmental Quality, The Michigan Department of Natural Resources, the Treasurer of State of Michigan, the Detroit Edison Company and owners within 300 feet of the Behr America property located at 2700 Daley Drive.

Behr America is requesting a revision of Supervisor's Plat No. 11, in order to remove the plat's roadway designation of a portion of Daley Street, which has already been vacated by resolution of the Troy City Council. The City of Troy has filed an Answer to the Complaint, and the parties are now conducting discovery. Witness and Exhibit Lists have been filed by the parties in the discovery phase. The State of Michigan has required clarification of the easement that was granted to the City of Troy reserving a vehicular turn around. A public hearing will be scheduled as soon as possible on a new proposed vacation. The parties continue to negotiate an acceptable Consent Judgment, which could be entered immediately after Council action on the proposed vacation. Case evaluation was waived by Court order. A draft of a Consent Judgment is being reviewed by the Defendants, and will be submitted to City Council for its review and approval. Plaintiffs have been delayed in finalizing this matter, but expect to move forward soon. The Court has set another pre-trial date for January 26, 2010, and the parties expect a Consent Judgment to be entered on or before that date. **A Consent Judgment was entered with the Court on January 26, 2010. This case is now closed.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

ROCHESTER ROAD IMPROVEMENT PROJECT

1. *City of Troy v RCU Independence Inc and Sentry Inc.* The City filed this condemnation action to acquire property located at 3688 Rochester Road in connection with the Rochester Road Improvement Project. The case was assigned to Judge Bowman of the Oakland County Circuit Court. Defendants filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction. In this Motion, they argued that the City did not engage in sufficient negotiations after making the written good faith offer for the property. The City argued that it was in compliance with all the statutory requirements. After oral argument, the Court dismissed the case, relying on the alleged lack of jurisdiction. The City filed an Appeal with the Michigan Court of Appeals, which is pending. **(first case)** In the meantime, the City filed a second condemnation complaint after additional discussions with the attorney representing the property owner. On July 29, 2009, the Court entered an Order for Payment of Estimated Compensation and Surrender of Possession. This occurred only after the City agreed to assume the expenses for moving the car wash on the property. The **second** case is now in the discovery phase of the litigation on the issue of just compensation. The City is still pursuing the appeal of the dismissal of the initial case to resolve the different statutory interpretations of the parties, since this issue is likely to arise in future condemnation matters. Discovery Continues. Case Evaluation has been

scheduled for February 3, 2010. **The Court rescheduled case evaluation in the second case for May 5, 2010. In addition, the Defendant filed a Motion seeking a preliminary payment to cover its costs for moving the car wash buildings and equipment. Pursuant to a negotiated order entered on January 27, 2010, the City has placed an estimated amount in an escrow account, and will use this account to reimburse Defendant for its necessary relocation costs. As to the first case in the Michigan Court of Appeals, all appellate briefs have been timely filed, and the parties are waiting for the Court to schedule oral argument.**

2. *City of Troy v Sentry Inc. and RCU Independence.* The City filed this condemnation action to acquire property located at 3785 Rochester Road in connection with the Rochester Road Improvement Project. The case was assigned to Judge Grant of the Oakland County Circuit Court. Defendants filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction on the basis of alleged insufficient negotiations after the written good faith offer was made. The City argued it was in compliance with all statutory requirements. After oral argument, the Court dismissed the case, relying on the alleged lack of jurisdiction. The City filed a Motion for Reconsideration, which is still pending with the Court. In the meantime, the City filed a second condemnation complaint after additional discussions with the attorney representing the property owner. The parties stipulated to an Order for Payment of Estimated Compensation and Surrender of Possession that was entered on July 29, 2009, after the City agreed to assume expenses for moving the car wash on the property. The only issue remaining is the final amount of just compensation. Discovery continues as it relates to that issue. **The Defendant filed a Motion seeking a preliminary payment to cover its costs for moving the car wash buildings and equipment. Pursuant to a negotiated order entered on January 27, 2010, the City has placed an estimated amount in an escrow account, and will use this account to reimburse Defendant for its necessary relocation costs.**

3. *City of Troy v Midwest Master Investment.* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3525-3529 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing. **Case Evaluation was held on March 3, 2010. As a result of the case evaluation process, the parties are working on a proposed consent judgment to finalize this case.**

4. *City of Troy v MNAD Property LLC.* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3424 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The

case is now in the discovery phase. Case evaluation is scheduled for January 6, 2010. **A Consent Judgment was entered with the Court on February 23, 2010, and the case is now closed.**

5. *City of Troy v Troywood Shops*. The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3718-3736 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing**. Case evaluation was held on March 3, 2010, and as a result of the case evaluation process, the parties are negotiating a proposed consent judgment to finalize this case.**

6. *City of Troy v Lukich Realty*. The City of Troy filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3900 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing. **Case Evaluation is scheduled for April 7, 2010.**

7. *City of Troy v Picano Land Limited Partnership* (Case No 09-097975). The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3775 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing. Case evaluation is scheduled for January 6, 2010. **As a result of the case evaluation process, a consent judgment was entered on February 18, 2010 between the property owner and the City. Michigan Bell, n/k/a SBC, although not actively participating in this lawsuit, subsequently attempted to leverage the City into paying additional sums by threatening to file a motion to set aside this consent judgment.**

8. *City of Troy v Picano Land Limited Partnership* (Case No 09-097982). The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is also with the address of 3775 Rochester Road (one Picano's parcel is vacant without its own address). The City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing. Case evaluation is scheduled for January 6, 2010. **The case evaluation award was not mutually accepted, and therefore the case continued on the trial schedule. In the interim, the Court ordered the**

parties into mandatory facilitation, which was similarly unsuccessful in resolving the issue of total just compensation. The case is now scheduled for jury trial on May 3, 2010.

9. *City of Troy v JMT Properties.* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3381 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. A consent judgment has been approved, but it has not been entered. **Based on some new developments, the parties are now working on a revised consent judgment.**

10. *City of Troy v P/G Equities.* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3921 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing. **As a result of case evaluation, held on March 3, 2010, the parties are negotiating a proposed consent judgment.**

11. *City of Troy v William H. Price* (Price Funeral Home). The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3725 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing. **Case evaluation is scheduled for May 5, 2010.**

12. *City of Troy v William H. Price* (Property Adjoining Funeral Home). The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is addressed at 3725 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing. **Case evaluation is scheduled for May 5, 2010.**

13. *City of Troy v. Atto Construction.* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3921 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Case evaluation is scheduled for April 10, 2010. **The parties negotiated a consent judgment, which was entered by the Court on February 16, 2010. This case is now closed.**

14. *City of Troy v. Rochester Square Associates, et. al..* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3946 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Case evaluation will occur on January 6, 2010. Jury trial is scheduled for April 1, 2010. **As a result of the case evaluation process, a consent judgment was negotiated, and was entered by the Court on February 18, 2010. This case is now closed.**

15. *City of Troy v. Susan Sandleman as Trustee for the Ester Jeffrey Trust.* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3914 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Case evaluation is currently scheduled for October 2009. **A Consent Judgment was entered with the Court on January 8, 2010, and the case is now closed.**

16. *City of Troy v. Old Troy, LLC.*. The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3278 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Case evaluation is set for March 2010. The jury trial is scheduled for May 20, 2010. **As a result of the case evaluation process, the parties are negotiating a proposed consent judgment.**

17. *City of Troy v. Ida Rudack Trust, et. al..* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3615 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Case evaluation is March 3, 2010. The jury trial is scheduled for May 17, 2010. **The case evaluation was postponed until May 5, 2010. Jury trial is scheduled for August 16, 2010.**

18. *City of Troy v. Diajeff, LLC..* The City filed this condemnation action in connection with the Rochester Road Improvement project. This property is at 3754 Rochester Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Case evaluation is March 3, 2010. The jury

trial is scheduled for June 21, 2010. **As a result of the case evaluation process, the parties are negotiating a proposed consent judgment.**

19. <u>City of Troy v BG's L.L.C.</u> After obtaining a possession and use agreement, the City was unable to voluntarily purchase this property for the Rochester Road Improvement Project, and therefore a condemnation lawsuit was filed on January 19, 2010. The property is at 3545 Rochester Road, and the City has already acquired title to the subject property. The only remaining issue is the amount of just compensation to be paid. The case is now in the discovery phase.

20. <u>City of Troy v Safeway Acquisition Co.</u> After obtaining a possession and use agreement, the City was unable to voluntarily purchase the necessary property required for the Rochester Road Improvement Project from the gas station at 3990 Rochester Road. The City therefore filed this condemnation action on January 19, 2010. The City has acquired title to the subject property and the only remaining issue is the amount of just compensation to be paid. The case is now in the discovery phase.

<u>WATTLES ROAD IMPROVEMENT PROJECT</u>

1. *<u>City of Troy v Firas and Reeta Ibrahim.</u>* The City filed this condemnation action in connection with the Wattles Road Improvement project. This property is at 1131 E. Wattles Road, and the City has now acquired title to the property that was required for the road construction project. The case will continue to allow a jury to determine the value of the property that was acquired by the City. The case is now in the discovery phase. Discovery is continuing. **Case evaluation is scheduled for April 7, 2010.**

D. <u>CIVIL RIGHTS CASES</u>

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. *<u>Gerald Molnar v. Janice Pokley, the City of Troy et al</u>*.- Plaintiff filed this lawsuit against the City and Troy Detective Janice Pokley, after a jury found him not guilty of the charge of Criminal Sexual Conduct in the Second Degree. Plaintiff alleges that the City and Detective Pokley violated his constitutional rights to be from an unreasonable seizure, due process, and equal protection. These constitutional violations allegedly occurred during the criminal sexual conduct investigation of Plaintiff. Plaintiff also claims that the Troy defendants conspired with other named defendants to violate his constitutional rights, and intentionally inflicted emotional distress on Plaintiff. Plaintiff is requesting an unspecified amount of compensatory, exemplar, and punitive damages. On February 27,

2007, Troy filed a motion to dismiss, or in the alternative summary judgment. Plaintiff filed his response to our motion to dismiss on May 21, 2007. On August 28, 2008, the Court listened to the oral arguments on our motion to dismiss. On September 4, 2008, the Court issued an opinion and order granting our motion to dismiss Detective Pokely and the City. On September 10, 2008, Plaintiff filed a notice of appeal, and is seeking a reversal of this dismissal with the United States Court of Appeals for the Sixth Circuit (includes Michigan, Tennessee, Kentucky, and Ohio). After hosting a telephonic pre-trial conference, the Court will provide the briefing schedule for the parties. Plaintiff filed his appellate brief on June 18, 2009. Troy's response brief is due July 17th. The City's brief was timely filed. Oral argument was held December 3, 2009. On December 29, 2009 the Court of Appeals issued an unpublished opinion affirming the District Court's dismissal of Plaintiff's complaint. **Plaintiff subsequently filed an application for hearing en banc with the Sixth Circuit Court on January 12, 2010, seeking to overturn the favorable Court of Appeals decision. The City filed its brief in response to this application. On March 17, 2010, without oral argument, the Sixth Circuit issued an order that denied Plaintiff's application. Although there is no appeal of right to the United States Supreme Court, the Plaintiff could file a writ of certiorari, asking the Supreme Court to overturn the dismissals of this case. This action must be taken on or before June 15, 2010.**

2. ***Hal Stickney v David Nordstrom, City of Troy et al*. Plaintiff, who is proceeding without an attorney, has filed this action against the City of Troy and retired Troy Police Officer David Nordstrom, retired Sgt. Barry Whiteside and Captain Keith Frye, as well as several Oakland County defendants and former business associates. This case stems from the investigation and prosecution of Plaintiff on an aggravated stalking charge, where Plaintiff was ultimately acquitted. Plaintiff alleges that the City and the Troy police officers violated his constitutional rights to be free from unreasonable seizure and a violation of his constitutional due process rights. Plaintiff also claims that the Troy defendants conspired with the other named defendants to violate his constitutional rights, and intentionally inflicted emotional distress on Plaintiff. Plaintiff is requesting damages in the amount of seven million dollars.**

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when

operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. *Mary Ann Hennig v. City of Troy-* Plaintiff has filed this lawsuit, claiming that the City is liable for injuries she sustained after her vehicle was struck by a Troy Police Officer as he was pursuing a suspected drug dealer. Her complaint alleges serious impairment of a bodily function, in that she has neurological damages. The City has filed an answer to the complaint, and the parties are now conducting discovery. The parties have exchanged witness list, expert witness lists and exhibit lists. The parties are continuing to do discovery including updating medical records and deposing witnesses. The Plaintiff has been examined by an orthopedic physician chosen by the City and is scheduled to be examined during the week of October 22, 2008 by a clinical neuropsychologist chosen by the City. Discovery is continuing. On December 12, 2007, the Court ordered facilitation of the case, which is scheduled for March 4, 2008. If the parties are unable to settle the case with facilitation, then a jury trial is scheduled to start on April 22, 2008. The Court ordered facilitation was conducted on March 28, 2008. In the interim, the City filed a Motion for Summary Disposition, alleging that Plaintiff cannot establish negligence, or that Ms. Hennig's injuries satisfy the no-fault minimum threshold standard, which is that the injuries constitute a "serious impairment of a bodily function." Troy's Motion will be heard on April 23, 2008. The jury trial date has been adjourned to July 29, 2008. Judge Mester denied our motion for summary disposition, finding an issue of fact that would need to be resolved at trial. The City filed a motion for reconsideration of this decision, which was denied by Judge Mester in a written opinion. As allowed under the governmental immunity state statute, the circuit court case has now been stayed so that the City can pursue an appeal with the Michigan Court of Appeals prior to the conclusion of a trial. The City timely filed its appeal on June 3, 2008. The City's Brief is due on or before October 8, 2008. The City timely filed its appellate brief, as well as a reply to Plaintiff/ Appellee's brief. Oral argument in the Court of Appeals is scheduled for July 7, 2009. The Court of Appeals has remanded the case for trial. The Circuit Court has re-opened discovery, and has set a jury trial date of June 1, 2010. **The case has been assigned to Judge Martha Anderson, who has retained the June 1, 2010 scheduled jury trial date.**

2. *Nancy Huntley, Legal Guardian of Carolyn Huntley, a Protected Person v. City of Troy-* This lawsuit was filed in the Oakland County Circuit Court. Plaintiff alleges that on June 29, 2007, Carolyn Huntley was walking on the sidewalk located in front of 511 Cardinal, Troy, Michigan when she tripped and fell on an elevated concrete slab. Plaintiff alleges that Troy was negligent in failing to maintain the sidewalk; to provide adequate inspections; to give notice of a dangerous condition; and to use reasonable care in the design of the sidewalk. The City filed an Answer and Affirmative Defenses and also filed a Motion for Summary

Disposition, arguing that Plaintiff failed to provide notice, as required by MCL 691.1404. Plaintiff's response to this motion is due on October 7, 2009, and Judge Rudy Nichols has scheduled oral argument for October 28, 2009. The parties are waiting on the Court's decision on the motion. **On March 9, 2010, the Court issued its written opinion, granting in part and denying in part our motion for summary disposition. As a result, the public nuisance and nuisance per se claims are now dismissed. The parties are conducting discovery on the alleged defective highway claim.**

3. *Raquel Chidiac v Edwin Julian and City of Troy* – This lawsuit was filed by Plaintiff Raquel Chidiac, who suffered injuries after colliding with a Troy Police Officer at Big Beaver and John R roads. Plaintiff alleges that on October 3, 2009 at around 7:00 p.m. she was traveling eastbound on Big Beaver Road when her vehicle was struck by a Troy Police vehicle. She is alleging the City is liable pursuant to the motor vehicle exception to governmental immunity, and also under the Michigan Owner Liability Act, MCL 257.401. She is alleging that she suffered serious and permanent injuries, and is seeking damages in excess of $25,000. We filed an answer on December 8, 2009. **The City filed a motion for summary disposition requesting dismissal of the individual Troy police officer. The Court has scheduled the hearing on this motion for April 28, 2010.**

F. MISCELLANEOUS CASES

1. *Kocenda v City of Troy***-** David Kocenda has filed a complaint against the City of Troy, Chief Craft, Captain Murphy, Captain Mott, Lieutenant Hay, Lieutenant Pappas, and Lieutenant Rossman, alleging Defamation and Intentional Infliction of Emotional Distress. Plaintiff, a Troy police officer, claims he was offered a job as a police officer with the City of Palm Beach Gardens, Florida, but the offer was retracted because of false information provided by Troy and its officers. He contends remarks made by Troy employees constitute both Defamation and Intentional Infliction of Emotional Distress. He is seeking damages in excess of $25,000. The lawsuit was filed in Oakland County Circuit Court and assigned to Judge Fred Mester. Troy's responsive pleading is due December 18, 2007. The City has filed a Motion for Summary Disposition, seeking a dismissal of the lawsuit against the City and its officers. The Court will set the date for the hearing on our motion. The Court granted the Motion for Summary Disposition and dismissed the case. Several months after the dismissal of his lawsuit, Kocenda filed an untimely Motion for Reconsideration. The Motion for Reconsideration was denied. Kocenda has now filed a Claim of Appeal with the Michigan Court of Appeals, seeking a reversal of the dismissal and/or the denial of the Motion for Reconsideration. The City filed a Motion to Dismiss the Claim of Appeal for lack of jurisdiction on the basis it was untimely. The Court of Appeals granted the motion and dismissed the appeal on August 27, 2008. We then filed a motion seeking costs from Kocenda and/or his attorney. This motion was pending as of the end of the quarter. The Court granted our motion for costs, and $100.00 was paid to the City. Kocenda subsequently filed a Motion for Relief from

Order in Oakland County Circuit. In that motion, he alleged there was newly discovered evidence and that the original Order Granting Summary Disposition should be set aside. The motion was denied. Kocenda filed a delayed application for leave to appeal with the Michigan Court of Appeals. On May 21, 2009, the Court of Appeals granted the delayed application for leave to appeal but limited Kocenda's appeal to whether or not Judge Mester abused his discretion in denying Kocenda's motion to amend his complaint to allege a claim for tortious interference with a business relationship. Plaintiff's appellate brief covered issues that went beyond the Court's earlier limitations. The City filed a motion to strike the matters that exceeded the Court's narrow ruling. This motion was denied by the Court, but the City was expressly authorized to address these additional issues in its responsive brief, which was timely filed. The parties are now waiting for the Court to schedule oral argument. **The Michigan Court of Appeals scheduled oral argument for May 4, 2010.**

2. *Frank Lawrence v City of Troy* – Mr. Lawrence is the brother of Thomas Lawrence who was issued two civil infraction traffic citations on October 4, 2008 for "no proof of insurance" and "failure to change address on driver's license". Frank Lawrence filed a FOIA request with Troy Police Department asking for a number of items, including but not limited to: all video recordings, radio transmissions, records and the officer's disciplinary file (if any), and the police policy on issuing "quota' tickets. Under Michigan Court Rule 2.303 (A)(3) discovery is not permitted in civil infraction actions. Additionally, FOIA does not require the release of information which would constitute an unwarranted invasion of personal privacy or law enforcement information such a, but not limited to, disciplinary files of police officers, personal telephone numbers, and operational manuals. Mr. Lawrence's FOIA was denied for these reasons. Instead of filing an appeal of the FOIA denial to the City Manager, Mr. Lawrence appealed the denial to the Oakland County Circuit Court. Mr. Lawrence filed a Motion for Summary Disposition and the City responded. Without requiring oral arguments, Judge Steven Andrews denied Mr. Lawrence's Motion for Summary Disposition in an Opinion and Order dated December 1, 2008. Judge Andrews also granted Summary Disposition in the City's favor. Mr. Lawrence filed a Claim of Appeal with the Michigan Court of Appeals on December 22, 2008. The Court of Appeals in an unpublished opinion partially reversed the trial court, and remanded the matter for further proceedings including a determination by the trial court of whether or not specific documents are exempt from disclosure. The parties are waiting for the Court to schedule a court date. **The Court did not schedule any dates during this quarter.**

3. *Andrew Zurowski v City of Troy.* In this claim and delivery action, the Plaintiff is seeking a court order for the return of two rifles that were confiscated when the Troy police were dispatched to his home. Since there was a great concern that Mr. Zurowski was a danger to himself and others, the two rifles were confiscated. The case was filed in the 52-4 District Court and assigned to Judge Drury. The case was filed on December 7, 2009. The City has answered the complaint and is awaiting a court date for a pretrial or trial. **The Court scheduled a pretrial for April 13, 2010.**

4. *Sean Steven Seyler v. City of Troy and Troy Police Department.* Mr. Seyler filed this Freedom of Information Act case against the City, seeking the police report and his lab test results, which were also simultaneously requested as criminal discovery within 48 hours of Mr. Seyler's drunk driving arrest. The City has filed a Motion for Summary Disposition, arguing that the documents requested were either already provided as criminal discovery or are otherwise exempt from disclosure. The Court will issue a scheduling order setting the date for oral argument. **The Court entertained oral arguments on March 24, 2010, and granted our motion for dismissal.**

5. *William and Elaine Middlekauff v. City of Troy.* The Middlekauffs filed this lawsuit in the 52-4 District Court, alleging that a City employee told them that the City would reimburse them to have a private contractor remove City trees from their property at 2449 Oak Ridge Drive in Troy, which fell in the intense wind storm of June 8, 2008. The Middlekauffs demand $6,103, claiming breach of contract, promissory estoppel (reliance on a promise) and fraud and misrepresentation. **The City filed a motion for summary disposition, which was heard on March 4, 2010. The Court held the matter in abeyance for 60 days, and allowed Plaintiffs to obtain discovery to counter our motion for summary disposition.**

G. CRIMINAL APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

1. City of Troy v Erik Ziegler. The Defendant in this case is charged with Operating While Intoxicated. He filed a filed a Motion to Suppress and Dismiss, alleging the stop of his motor vehicle was improper and was in violation of the Fourth Amendment. An evidentiary hearing was held on August 27, 2009. At the conclusion of the hearing, 52-4 District Court Judge Martone denied Defendant's motion. The Defendant has filed an application for leave to appeal the decision to the Oakland County Circuit Court. The appeal was assigned to Oakland County Circuit Court Judge Nanci J. Grant. A hearing on the application for leave to appeal is scheduled for October 14, 2009. The Defendant's application for leave to appeal was granted and the parties were directed to file briefs. Oral argument on the appeal was held on December 9, 2009. We are awaiting a decision from the Court. **On February 25, 2010, Judge Grant issued her Order and Opinion affirming the trial court's decision to deny Defendant's Motion to Suppress and Dismiss. The Defendant filed an Application for Leave to Appeal with the Michigan Court of Appeals. The City's response is due in April.**

ADMINISTRATIVE PROCEEDINGS

1. *In the matter of the Petitions on National Pollution Discharge Elimination Systems (NPDES Phase II General Permits).* The City has joined several other municipalities in challenging several of the mandates in the NPDES Phase II General Permit, which was recently issued by the MDEQ. The new NPDES

permit requires some storm water management techniques that exceed the federal mandates, and/or are not justified, based on the high cost of the mandate, in relation to the nominal environmental benefits. A status conference for the parties is set for October 1, 2008. The municipalities are currently exploring the coordination of efforts with other parties. Community representatives are meeting with representatives from the MDEQ to discuss possible resolutions of this matter without the necessity of a full blown administrative hearing. The parties are continuing to negotiate with the MDEQ. The City of Riverview filed a class action complaint in the Ingham County Circuit Court, challenging the permit requirements as unfunded mandates. The petitioners to the NPDES permit administrative proceeding are named as participants in the proposed class action lawsuit. As a result, the class action determination may have an impact on the administrative proceeding. The motion for class certification is scheduled for October 15, 2009. Class certification was granted. Hearings regarding the procedure for the new class action are set for January 2010. **The Court granted class action status, and the administrative proceedings are now being delayed.**

If you have any questions concerning these cases, please let us know.

M-02f

CITY COUNCIL REPORT

RECEIVED

APR 30 2010

CITY OF TROY
CITY MANAGER'S OFFICE

April 30, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance and Administration
James A. Nash, Financial Services Director

SUBJECT: March 31, 2010 - Quarterly Financial Report

Background:

- Section 8.6 of the City Charter requires a quarterly financial report be provided to City council.

Financial Considerations:

- The quarterly report provides City Council with an update on the financial condition of the City.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- Providing the quarterly financial report relates to Council Goal IV, "Effectively and professionally communicate internally and externally".

Options:

- This report is submitted for City Council review and to be noted and filed. I am happy to provide additional information or answer any questions that may arise.

CITY OF TROY

QUARTERLY FINANCIAL REPORT

FOR THE NINE MONTHS ENDED MARCH 31, 2010

- QUARTER END HIGHLIGHTS
- STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
- INVESTMENT LISTING (TYPE, LOCATION, RATE, MATURITY DATE)
- BANK BALANCES (LOCATION, FUND, BALANCE)

QUARTER END HIGHLIGHTS
(MARCH 31, 2010)

GENERAL FUND

- REVENUE THRU THE 3rd QTR. SHOWS A 4 ½% INCREASE AS A PERCENTAGE OF BUDGET RECOGNIZED WHEN COMPARED TO LAST YEAR. THIS IS SOLELY ATTRIBUTABLE TO THE ONE-TIME TRANSFER IN OF $1.2 MILLION FROM THE BROWNFIELD REVOLVING LOAN FUND DISSOLUTION.
- INVESTMENT INCOME IS DOWN IN EXCESS OF $200,000 COMPARED TO THE SAME PERIOD LAST YEAR.
- YEAR TO DATE EXPENDITURES AS A PERCENTAGE OF BUDGET (67%) ARE IN LINE WITH LAST YEAR.
- LICENSE AND PERMIT REVENUE IS DOWN $260,000 COMPARED TO THE SAME PERIOD LAST YEAR.
- STATE SHARED REVENUE IS PROJECTED AT $5.6 MILLION VS THE ORIGINAL STATE ESTIMATE OF $6.6 MILLION. TO DATE WE HAVE RECEIVED $50,200 LESS BASED ON THE REVISED ESTIMATE.

SYLVAN GLEN GOLF COURSE

- REVENUE IS DOWN $84,260 (21,453 VS 23,057 ROUNDS) COMPARED TO THE SAME PERIOD LAST YEAR.

SANCTUARY LAKE GOLF COURSE

- REVENUE IS UP $2,604 (15,456 VS 14,834 ROUNDS) COMPARED TO THE SAME PERIOD LAST YEAR.

DEPARTMENT HIGHLIGHTS

- PASSPORT ACTIVITY (JULY THRU MARCH.) –1,135 TRANSACTIONS; 379 PHOTOS GENERATING $32,820 IN REVENUE.

- NEW RESIDENT PACKET DISTRIBUTION JULY – MARCH (415) JULY –MARCH (571)
  BREAKDOWN:

	2008/09	2009/10
OUT OF COUNTRY	15	7
OUT OF STATE	28	28
TROY-TO-TROY	122	202
IN STATE	250	334

- LIBRARY REVENUE – NEW FEE STRUCTURE THRU MARCH 31, 2010

FAX	$ 873
NON – RES. INTERNET	4,591
EXAM PROCTORING	2,155
EXHIBITS	635
NON – RES BLOOMFIELD HILLS	14,200
TECH. SALES	1,287
	$ 23,741

- BULIDING OPERATIONS – NATURAL GAS SAVINGS (ST. OF MICH. MiDEAL PROGRAM) $50,137 JULY THRU MARCH, 2010.

- WINTER MAINTENANCE – SALT USEAGE JAN-MARCH

	2009	2010
	4,671 TONS	2,880 TONS
COST PER TON	$31.32	$53.24

CAPITAL PROJECTS

- THROUGH MARCH 31, 2010 WE HAVE EXPENDED $ 8.4 MILLION ON CAPITAL PROJECTS.

Monthly Financial Report
General Fund
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
General Fund Revenues					
TAXES	36,487,454	35,908,540	218,127	35,690,605	99.39
LICENSES AND PERMITS - BUSINESS	40,315	35,000	3,069	37,886	108.25
LICENSES AND PERMITS - NON-BUSINESS	1,196,875	1,544,000	85,242	773,870	50.12
FEDERAL GRANTS	33,314	12,100	63,546	81,829	676.28
STATE GRANTS	6,488,998	6,747,500	984,432	3,054,807	45.27
CONTRIBUTIONS FROM LOCAL UNITS	186,245	168,630	0	34,278	20.33
CHARGES FOR SERVICES - FEES	1,562,257	2,178,600	35,391	732,369	33.62
CHARGES FOR SERVICES - RENDERED	1,845,242	1,648,650	222,828	740,583	44.92
CHARGES FOR SERVICES - SALES	112,346	142,500	32,834	128,855	90.42
CHARGES FOR SERVICES - REC	3,595,631	3,915,000	396,849	2,633,661	67.27
FINES AND FORFEITURES	1,053,360	1,071,000	70,488	971,914	90.75
INTEREST & RENT	1,546,222	1,533,640	83,552	731,842	47.72
OTHER REVENUE	702,632	627,500	140,234	489,206	77.96
OTHER FINANCING SOURCES	5,008,469	6,516,510	2,827,437	6,085,691	93.39
	59,859,359	**62,049,170**	**5,164,030**	**52,187,398**	**84.11**
General Fund Expenditures					
FINANCE	3,182,963	3,150,020	246,494	2,171,010	68.92
POLICE	24,482,226	25,230,580	1,686,462	17,398,021	68.96
FIRE	4,422,114	4,451,610	222,896	3,128,512	70.28
BUILDING INSPECTION	2,137,944	2,019,290	117,272	1,362,412	67.47
ENGINEERING	2,525,115	2,414,420	120,931	1,509,429	62.52
STREETS AND DRAINS	5,687,383	5,726,110	352,228	3,432,337	59.94
OTHER GENERAL GOVERNMENT	2,235,372	2,292,290	232,955	1,502,946	65.57
COUNCIL/EXEC ADMINISTRATION	3,748,989	3,731,120	246,914	2,395,041	64.19
PARKS AND RECREATION	9,527,698	8,844,530	648,341	5,894,511	66.65
LIBRARY/MUSEUM	4,167,249	4,189,200	361,800	2,795,012	66.72
	62,117,055	**62,049,170**	**4,236,293**	**41,589,231**	**67.03**

Monthly Financial Report
Refuse Fund
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Refuse Fund Revenues					
TAXES	3,564,456	3,893,330	0	3,893,267	100.00
CHARGES FOR SERVICES - SALES	6,993	4,500	260	3,428	76.17
INTEREST & RENT	38,342	40,000	1,159	19,244	48.11
OTHER FINANCING SOURCES	0	150,000	0	0	0.00
	3,609,791	**4,087,830**	**1,419**	**3,915,939**	**95.80**
Refuse Fund Expenditures					
CONTRACTORS SERVICE	3,859,931	3,891,000	481,954	2,690,329	69.14
OTHER REFUSE EXPENDITURE	9,621	74,000	14,111	55,075	74.43
RECYCLING	92,243	122,830	8,645	89,924	73.21
	3,961,794	**4,087,830**	**504,711**	**2,835,329**	**69.36**

Monthly Financial Report
Downtown Dev Authority Fund
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Downtown Dev Authority Fund Revenues					
TAXES	3,603,726	3,438,850	0	3,438,964	100.00
INTEREST & RENT	265,306	250,000	7,806	76,448	30.58
OTHER FINANCING SOURCES	0	5,520,420	0	0	0.00
	3,869,032	**9,209,270**	**7,806**	**3,515,412**	**38.17**
Downtown Dev Authority Fund Expenditures					
OTHER GENERAL GOVERNMENT	702,811	5,350,000	97,740	1,780,051	33.27
TRANSFERS OUT	3,540,354	3,859,270	885,022	3,732,705	96.72
	4,243,165	**9,209,270**	**982,762**	**5,512,756**	**59.86**

Monthly Financial Report
Capital Fund
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Capital Fund Revenues					
TAXES	8,386,956	7,882,000	0	7,881,570	99.99
STATE GRANTS	4,770,314	2,447,740	344,301	353,234	14.43
CONTRIBUTIONS FROM LOCAL UNITS	0	400,000	0	0	0.00
CHARGES FOR SERVICES - FEES	107,119	90,000	0	59,689	66.32
CHARGES FOR SERVICES - RENDERED	274,865	152,000	4,047	202,205	133.03
FINES AND FORFEITURES	800	359,000	0	0	0.00
INTEREST & RENT	465,029	407,200	18,072	179,841	44.17
OTHER REVENUE	345,989	0	17,457	219,248	0.00
OTHER FINANCING SOURCES	3,244,379	20,145,460	0	0	0.00
	17,595,451	**31,883,400**	**383,877**	**8,895,786**	**27.90**
Capital Fund Expenditures					
TRANSFERS OUT	180,675	215,000	0	0	0.00
OTHER GENERAL GOVERNMENT	1,755,590	2,086,700	13,522	375,698	18.00
POLICE	346,778	790,000	6,554	121,129	15.33
FIRE	236,800	1,368,000	8,348	1,031,535	75.40
BUILDING INSPECTION	0	0	0	0	0.00
ENGINEERING	15,595	54,000	0	0	0.00
STREETS AND DRAINS	13,632,587	20,960,700	1,222,574	6,160,028	29.39
COUNCIL/EXEC ADMINISTRATION	0	70,000	0	0	0.00
PARKS AND RECREATION	591,297	4,459,000	8,009	133,050	2.98
LIBRARY/MUSEUM	1,068,992	1,880,000	105,446	596,869	31.75
	17,828,313	**31,883,400**	**1,364,452**	**8,418,308**	**26.40**

Monthly Financial Report
Sanctuary Lake Golf Course
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sanctuary Lake Golf Course Revenues					
CHARGES FOR SERVICES - SALES	24,300	32,000	405	12,893	40.29
CHARGES FOR SERVICES - REC	893,951	1,150,000	30,995	531,378	46.21
INTEREST & RENT	5,441	7,000	0	264	3.77
OTHER REVENUE	216	0	10	278	0.00
	923,909	**1,189,000**	**31,411**	**544,814**	**45.82**
Sanctuary Lake Golf Course Expenditures					
SANCTUARY LAKE GREENS	799,638	853,670	95,674	512,784	60.07
SANCTUARY LAKE PRO SHOP	840,324	1,116,630	10,586	462,599	41.43
SANCTUARY LAKE CAPITAL	0	25,000	4,800	0	0.00
	1,639,962	**1,995,300**	**111,061**	**975,383**	**48.88**

Monthly Financial Report
Sylvan Glen Golf Course
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sylvan Glen Golf Course Revenues					
CHARGES FOR SERVICES - SALES	22,801	27,000	451	12,263	45.42
CHARGES FOR SERVICES - REC	952,269	988,000	12,349	476,505	48.23
INTEREST & RENT	233,910	230,520	8,601	168,822	73.24
OTHER REVENUE	363	0	0	0	0.00
OTHER FINANCING SOURCES	0	509,580	0	0	0.00
	1,209,343	**1,755,100**	**21,401**	**657,590**	**37.47**
Sylvan Glen Golf Course Expenditures					
SYLVAN GLEN GREENS	778,524	780,150	67,151	448,335	57.47
SYLVAN GLEN PRO SHOP	325,438	287,770	18,781	226,232	78.62
SYLVAN GLEN CAPITAL	0	687,180	0	33,717	4.91
	1,103,962	**1,755,100**	**85,932**	**708,285**	**40.36**

Monthly Financial Report
Aquatic Center Fund
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Aquatic Center Fund Revenues					
CHARGES FOR SERVICES - REC	457,265	460,000	1,435	200,341	43.55
INTEREST & RENT	29,429	30,200	0	22,177	73.43
OTHER REVENUE	-25	0	0	0	0.00
	486,670	**490,200**	**1,435**	**222,517**	**45.39**
Aquatic Center Fund Expenditures					
AQUATIC CENTER	601,859	630,290	53,018	406,850	64.55
CAPITAL	0	28,000	0	0	0.00
	601,859	**658,290**	**53,018**	**406,850**	**61.80**

Monthly Financial Report
Sewer Fund
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sewer Fund Revenues					
CHARGES FOR SERVICES - FEES	89,679	200,000	1,374	89,386	44.69
CHARGES FOR SERVICES - RENDERED	9,660,522	12,250,000	673,002	5,928,994	48.40
INTEREST & RENT	567,890	425,000	24,545	193,372	45.50
OTHER REVENUE	662,597	0	0	0	0.00
	10,980,688	**12,875,000**	**698,921**	**6,211,752**	**48.25**
Sewer Fund Expenditures					
ADMINISTRATION	8,402,146	9,978,950	777,212	5,687,472	56.99
CAPITAL	0	2,690,000	24,885	629,454	23.40
MAINTENANCE	637,737	1,033,090	34,329	420,428	40.70
TRANSFERS OUT	704,200	725,000	181,250	543,750	75.00
	9,744,083	**14,427,040**	**1,017,676**	**7,281,103**	**50.47**

Monthly Financial Report
Water Fund
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Water Fund Revenues					
CHARGES FOR SERVICES - FEES	608,018	560,000	39,540	453,907	81.05
CHARGES FOR SERVICES - RENDERED	39,848	50,000	1,000	55,859	111.72
CHARGES FOR SERVICES - SALES	12,430,259	16,090,000	878,383	7,798,582	48.47
INTEREST & RENT	611,657	552,000	27,203	136,190	24.67
OTHER REVENUE	1,009,594	0	0	0	0.00
	14,699,377	**17,252,000**	**946,126**	**8,444,539**	**48.95**
Water Fund Expenditures					
TRANS AND DISTRIBUTION	163,249	223,370	22,921	142,133	63.63
CUSTOMER INSTALLATION	96,344	101,820	7,963	73,890	72.57
CONTRACTORS SERVICE	116,165	181,090	9,371	81,657	45.09
MAIN TESTING	34,397	82,590	540	12,509	15.15
MAINTENANCE OF MAINS	332,388	438,360	26,862	288,947	65.92
MAINTENANCE OF SERVICES	300,641	246,820	7,369	165,446	67.03
MAINTENANCE OF METERS	472,424	617,370	26,408	453,797	73.50
MAINTENANCE OF HYDRANTS	283,473	375,090	14,661	221,764	59.12
WATER METERS & TAP-INS	326,229	353,180	8,254	188,523	53.38
ADMINISTRATION	10,445,602	12,458,780	1,603,737	7,065,937	56.71
CAPITAL	0	8,360,000	77,285	4,024,158	48.14
WATER METER READING	50,833	92,150	9,527	71,393	77.47
ACCOUNTING & COLLECTING	76,850	95,850	10,481	83,503	87.12
	12,698,596	**23,626,470**	**1,825,378**	**12,873,658**	**54.49**

Monthly Financial Report
Motor Pool
For the Period Ending March 31, 2010

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Motor Pool Revenues					
CHARGES FOR SERVICES - RENDERED	86,723	84,480	12,165	104,778	124.03
INTEREST & RENT	3,808,464	3,825,250	224,782	2,518,542	65.84
OTHER REVENUE	419,037	473,600	2,799	306,807	64.78
OTHER FINANCING SOURCES	0	1,886,730	0	0	0.00
	4,314,224	**6,270,060**	**239,746**	**2,930,127**	**46.73**
Motor Pool Expenditures					
ADMINISTRATION	551,990	641,930	52,916	374,827	58.39
OPERATION AND MAINTENANCE	3,417,313	3,790,390	664,685	2,265,240	59.76
DPW FACILITY MAINTENANCE	366,624	406,540	45,252	247,683	60.92
CAPITAL	16,000	1,431,200	0	103,340	7.22
	4,351,927	**6,270,060**	**762,853**	**2,991,090**	**47.70**

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2010	4	1	7	COMERICA	2010	1	29	.120	CD	2,101,819		2,101,818.56
	2010	4	8	7	CITI SM BR	2009	5	21	.100	MM	1,648		1,648.23
	2010	4	8	9	CITI SM BY	2009	12	23	.244	FNMA	2,026,000		2,025,582.42
	2010	4	15	7	COMERICA	2010	2	11	.120	CD	1,058,392		1,058,392.13
	2010	4	22	7	PRIV BANK	2010	2	4	.350	CD	1,722,678		1,722,677.60
	2010	4	29	7	CITIZENS	2010	2	4	.350	CD	2,233,790		2,233,790.24
	2010	4	30	9	FITB	2003	2	27	.250	NOW	7,259,685		7,259,685.29
	2010	4	30	7	HUNT BANK	2004	8	27	.100	MM	600,280		600,279.56
	2010	4	30	9	MBIA	2005	11	18	.400	CLASS	1,688,245		1,688,245.08
	2010	4	30	9	CITIZENS	2006	5	4	.250	MMIA	1,649,740		1,649,739.77
	2010	4	30	9	FITB	2006	9	8	.250	NOW	2,128,807		2,128,806.53
	2010	4	30	7	ML	2008	4	30	.125	MM	4,905,338		4,905,338.45
	2010	4	30	7	FITB	2008	5	31	.200	MM	2,172,977		2,172,976.79
	2010	4	30	7	FITB	2009	8	27	.400	NOW ACCT	21,407,254		21,407,254.37
	2010	4	30	7	CITIZENS	2009	9	11	.500	CITIZ #1	2,002,478		2,002,478.03
	2010	4	30	7	CITIZENS	2009	9	14	.500	CITIZ #2	2,002,437		2,002,436.89
	2010	4	30	7	CHART ONE	2009	10	15	.250	GOVT POOL	4,074,517		4,074,516.86
	2010	4	30	7	AMBASSADOR	2010	1	11	.150	MMF	1,000,118		1,000,118.44
	2010	5	3	9	PNC	2009	7	30	.344	FNMA	1,172,000		1,168,835.60
	2010	5	5	7	PRIV BANK	2010	3	4	.350	CD	2,122,549		2,122,549.43
	2010	5	13	7	CHART ONE	2009	11	9	.240	CD	2,020,252		2,020,251.97
	2010	5	20	7	CITIZENS	2010	3	4	.350	CD	1,225,777		1,225,776.73
	2010	5	27	7	FLAGSTAR	2009	11	27	.290	CD ARS	3,671,612		3,671,611.78
	2010	6	3	7	CITIZENS	2010	3	11	.350	CD	2,113,790		2,113,789.89
	2010	6	3	7	CITIZENS	2010	3	18	.400	CD	1,423,768		1,423,768.23
	2010	6	3	7	FITB	2010	3	18	.150	CD	1,030,803		1,030,803.25
	2010	6	3	7	BOM	2010	3	18	.450	CD	202,584		202,584.35
	2010	6	3	7	HUNT BANK	2010	3	25	.160	CD	1,106,859		1,106,858.66
	2010	6	10	7	PRIV BANK	2010	3	25	.300	CD	1,069,857		1,069,856.84
	2010	8	15	9	FITB	2008	7	30	5.000	3451	70,790		70,790.11
	2010	9	1	9	FITB	2009	6	4	3.000	INGHAM CTY	1,750,000		1,772,552.50
	2010	10	1	9	FITB	2008	11	25	5.000	89	625,052		625,051.96
	2010	10	15	9	FITB	2009	4	27	1.605	2984	614,843		614,843.35
	2010	10	25	9	FITB	2007	11	26	5.000	2649	372,000		372,000.00
	2010	10	25	9	FITB	2008	1	25	5.500	13	81,320		81,320.01
	2010	10	25	9	FITB	2008	12	26	5.000	2777	339,000		339,000.00
	2010	10	28	9	FITB	2008	2	1	5.000	FHLM 3000	632,272		632,271.93
	2010	11	25	9	FITB	2008	1	25	5.500	3072	72,608		72,608.00
	2010	11	30	9	FITB	2003	5	19	5.000	FHLM 95237	189,189		189,188.60
	2010	11	30	9	FITB	2008	2	25	5.500	FHLM 2687	1,811,800		1,811,750.00
	2010	12	17	9	FITB	2009	9	15	.635	2004-028	896,311		896,311.42
	2010	12	30	9	FITB	2008	4	25	6.000	2006-43	100,660		100,659.74
	2010	12	31	9	FITB	2007	11	26	5.000	2898	148,757		148,756.78
	2011	3	15	9	FITB	2005	11	30	5.000	2802	92,725		92,724.62
	2011	3	25	9	FITB	2006	6	30	5.000	86	126,262		126,261.98
	2011	4	1	9	FITB	2009	6	9	2.250	MONROE CTY	1,000,000		1,000,000.00
	2011	4	3	9	FITB	2009	7	30	.569	FNMA 123	3,576,006		3,576,005.61

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2011	4	25	9	FITB	2007	1	9	5.500	2003-80	145,827		145,827.00
	2011	5	16	9	FITB	2008	5	30	3.600	FHR03 2640	175,664		175,664.00
	2011	6	15	9	FITB	2008	12	26	4.080	2006-66	1,322,984		1,322,984.39
	2011	6	30	9	FITB	2008	2	25	6.000	2006-26	2,619,076		2,619,075.67
	2011	7	15	9	FITB	2010	3	9	.090	FHLM 3014	133,000		132,341.67
	2011	8	15	9	FITB	2009	10	27	.523	2002-038	631,939		631,938.56
	2011	8	25	9	FITB	2007	9	28	5.500	FNMA 3061	546,593		546,593.14
	2011	8	30	9	FITB	2010	2	16	.730	2921	4,391,444		4,391,444.11
	2013	11	1	9	FITB	2009	3	31	5.550	MMBDA 09	510,000		510,000.00
	2014	11	1	9	FITB	2009	3	31	5.800	MMBA 09	300,000		300,000.00
	2015	11	1	9	FITB	2009	3	31	6.370	MMBA 2009	500,000		500,000.00
										TOTAL			100,990,437.12
591	2010	4	15	7	HUNT BANK	2010	2	11	.150	CD	181,089		181,088.98
	2010	4	30	7	COMERICA	1997	7	1	.250	GOV'T POOL	2,143,126		2,143,126.49
	2010	4	30	7	FITB	2008	5	31	.090	MM	505,786		505,785.74
	2010	4	30	7	CITIZENS	2009	4	3	.250	GOVT POOL	165,825		165,824.55
	2010	4	30	7	CITIZENS	2009	9	1	.250	MM #2	2,097,867		2,097,866.84
	2010	4	30	7	CITIZENS	2009	9	1	.250	MM #1	1,065,557		1,065,557.19
	2010	5	1	9	FITB	2009	3	30	3.250	LYON TWP	210,000		210,000.00
	2010	5	20	7	NATL CITY	2010	2	19	.200	CD	1,653,331		1,653,330.56
	2010	6	15	9	FITB	2008	8	14	4.000	2630	8,370		8,369.64
	2010	9	1	9	FITB	2009	6	4	3.000	ING CNTY	1,010,000		1,010,000.00
	2010	10	30	9	FITB	2009	10	30	.523	38	92,267		92,267.10
	2010	11	25	9	FITB	2009	10	23	.526	123	109,094		109,093.63
	2010	12	28	9	FITB	2008	5	27	3.500	2640	124,112		124,112.28
	2011	1	25	9	FITB	2009	6	25	3.310	FNMA T06	176,724		176,723.78
	2011	2	15	9	FITB	2008	2	25	6.000	FNMA 26	927,399		927,399.41
	2011	2	18	9	FITB	2009	12	29	.630	FNMA 028	338,327		338,327.28
	2012	5	1	9	FITB	2009	7	23	3.170	VEST BONDS	75,000		75,000.00
	2014	5	1	9	FITB	2009	7	23	4.100	VEST BONDS	125,000		125,000.00
	2015	5	1	9	FITB	2009	7	23	4.450	VEST BONDS	125,000		125,000.00
										TOTAL			11,133,873.47
										TOTAL			112,124,310.59

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

BANK ACCOUNTS
3/31/2010

BANK	FUND	POOLED INVESTMENT BALANCE
Fifth Third	General	1,734,173.62
Fifth Third	Trust & Agency	1,789,033.26
Huntington Bank	Investment-MM	600,279.56
TOTAL		4,123,486.44

CITY COUNCIL REPORT

Date May 6, 2010

TO: John Szerlag, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Board and Committee Members – Advisory Committee for Senior Citizens

Background:

- David Ogg, Advisory Committee for Senior Citizens member, was directed by Mayor Pro Tem Fleming to contact the City Clerk's office in regard to his request to appoint new members to fill the current vacancies on the committee. Mr. Ogg explained that because the membership is unable to meet quorum they have been unable to hold their monthly meetings.
- The membership of the committee is nine members, with each member serving 3-year terms.
- Currently there are seven active members, two of which have terms that expired on 4/30/2010. Each of the two members has requested reappointment to the committee. Pursuant to State Law, the members are able to continue to serve until replaced or resigned.
- At this time there is not a membership quorum issue with the Advisory Committee for Senior Citizens, nor are they statutorily governed. However in light of Mr. Ogg's request, I am providing you with Council's recent action directing City Administration to refrain from placing non-statutory or Charter mandated board and committee nominations on City Council agendas until City Council has had an opportunity to meet in study session to discuss the purpose, function and impact on City staff for all boards and committees unless the board or committee cannot meet quorum with the current members.

Resolution to Refrain From Placing Board and Committee Nominations on City Council Agendas

Resolution
Moved by Kerwin
Seconded by Slater

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to **REFRAIN** from placing non-statutory or Charter mandated board and committee nominations on City Council agendas until City Council has had an opportunity to meet in study session to discuss the purpose, function and impact on City staff for all boards and committees.

Vote on Resolution to Revise Procedures for Board and Committee Nominations

Resolution #2010-01-002
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the proposed resolution to include, "unless the board or committee cannot meet quorum with the current members."

Yes: Beltramini, Howrylak, McGinnis, Slater, Schilling
No: Kerwin
Absent: Fleming
MOTION CARRIED

Vote on Resolution to Revise Procedures for Board and Committee Nominations as Amended

Resolution #2010-01-003
Moved by Kerwin
Seconded by Slater

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to **REFRAIN** from placing non-statutory or Charter mandated board and committee nominations on City Council agendas until City Council has had an opportunity to meet in study session to discuss the purpose, function and impact on City staff for all boards and committees unless the board or committee cannot meet quorum with the current members.

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

MOTION CARRIED

CITY COUNCIL REPORT

April 30, 2010

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police
Wendell Moore, Research & Technology Administrator

SUBJECT: 2010 Year-To-Date Calls for Police Service Report

Each quarter the police department publishes a year-to-date report comparing the current year's data to the previous year. This data includes calls for police service, criminal offenses, arrests, clearance rates, traffic crashes and citations issued. The police department data reporting complies with the National Incident Based Reporting System (NIBRS).

The first quarter statistics reflect an overall decrease in Group A crimes. Group A crimes are typically the most serious offenses and closely correspond to the categories the FBI uses to determine serious crime rates for a community. Of additional interest are areas that depict increasing trends, specifically breaking and entering. In the first quarter of 2010 incidents of breaking and entering increased by 31.0% (13 incidents).

In March, plainclothes Troy officers arrested two suspects burglarizing a residence in Sterling Heights. Evidence recovered in subsequent search warrants linked the suspects to four (4) residential burglaries in Troy and numerous residential burglaries within the tri-county area. Those clearances are not reflected on the first quarter report. Plainclothes Troy officers also arrested a suspect burglarizing a Subway restaurant in Waterford Township in March. We believe that he is responsible for a significant number of business burglaries within the tri-county area. Investigators have been unable to conclusively link him to Troy business burglaries at the time of this report but his signature crime has stopped.

These arrests, resulting investigations and clearances demonstrate the impact of a few serial criminals on our community. We are fortunate to have the investigative resources to stop them.

- Group A Crime decreased 9.7% (74 incidents) from the 2009 level. Within the group, the following categories show notable variations:
  - Assault Offenses: Down 17.9% (30 incidents)
  - Breaking and Entering: Up 31.0% (13 incidents)
  - Counterfeiting/Forgery: Down 50.0% (5 incidents)
  - Drug/Narcotic Offenses: Down 19.3% (11 incidents)
  - Embezzlement: Down 38.5% (5 incidents)

- Group B Crime decreased 16.4% (50 incidents). Significant variations from the 2009 levels occurred in the following:
  - Bad Checks: Down 23.5% (4 incidents)
  - Driving Under the Influence: Down 22.2% (24 incidents)
  - Liquor Law Violations: Down 25.0% (3 incidents)

- Total incidents of crime (Group A & B combined) decreased by 11.6% (124 incidents).

- Clearance rates, the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted, continue to be high:
  - 33.3% of reported Group A Crime
  - 78.6% of reported Group B Crime
  - 46.2% of all reported crime has been cleared

- Total Arrests decreased 16.4% (119 arrests)
  - Group A Crime Arrests: Decreased 16.2% (50 arrests)
  - Group B Crime Arrests: Decreased 22.0% (62 arrests)

  The increase in the number of Fraud Offense arrests (300%) can be attributed to an increase in the number of in-progress crimes reported and the subsequent apprehension of suspects. The majority of these arrests were for the fraudulent use of credit cards.

- Group C (non-criminal) calls for police service decreased by 5.1% (371 incidents).

- Year-to-date reported traffic crashes and citations issued are:
  - Property Damage crashes decreased 1.4% (8 crashes)
  - Injury crashes decreased 34.4% (42 crashes)
  - Fatal crashes decreased from 1 to 0

- Total traffic citations issued decreased 25.3% (996 citations)
  - Hazardous traffic citations issued decreased 15.9% (400 citations)
  - Non-Hazardous traffic citations issued decreased 36.5% (104 citations)
  - License/title/registration citations issued decreased 32.7% (277 citations)
  - Parking citations issued decreased 76.0% (215 citations)

- Overall crimes and non-criminal calls for police service are down 6.0% (502 crimes/calls for service)

Troy Police Department

1st Quarter 2010/2009 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent	1st Quarter		Percent	1st Quarter		Percent	1st Quarter	
Group A Crime Categories	2010	2009	Change	2010	2009	Change	2010	2009	Change	2010	Percent
Arson	0	1	-	0	1	-	0	0	NC	0	0.0%
Assault Offenses	138	168	-17.9%	177	195	-9.2%	31	40	-22.5%	53	29.9%
Bribery	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Breaking and Entering	55	42	31.0%	55	43	27.9%	4	12	-66.7%	4	7.3%
Counterfeiting/Forgery	5	10	-50.0%	5	10	-50.0%	1	3	-66.7%	1	20.0%
Destruction/Damage/Vandalism	59	56	5.4%	63	58	8.6%	3	1	200.0%	1	1.6%
Drug/Narcotic Offenses	46	57	-19.3%	68	92	-26.1%	45	72	-37.5%	60	88.2%
Embezzlement	8	13	-38.5%	8	13	-38.5%	11	10	10.0%	4	50.0%
Extortion/Blackmail	1	0	+	1	0	+	0	0	NC	0	0.0%
Fraud Offenses	43	49	-12.2%	46	51	-9.8%	16	4	300.0%	16	34.8%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Kidnapping/Abduction	0	0	NC	0	2	-	0	0	NC	0	0.0%
Larceny/Theft Offenses	307	332	-7.5%	313	340	-7.9%	143	158	-9.5%	109	34.8%
Motor Vehicle Theft	19	18	5.6%	20	20	NC	0	0	NC	2	10.0%
Pornography/Obscene Material	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Prostitution Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Robbery	0	4	-	0	4	-	0	1	-	0	0.0%
Sex Offenses, Forcible	3	7	-57.1%	3	7	-57.1%	0	0	NC	0	0.0%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	1	2	-50.0%	2	7	-71.4%	1	5	-80.0%	1	50.0%
Weapon Law Violations	4	4	NC	4	5	-20.0%	4	3	33.3%	4	100.0%
Group A Total	689	763	-9.7%	765	848	-9.8%	259	309	-16.2%	255	33.3%
Group B Crime Categories											
Bad Checks	13	17	-23.5%	13	17	-23.5%	2	3	-33.3%	0	0.0%
Curfew/Loitering/Vagrancy	0	1	-	0	1	-	0	0	NC	0	0.0%
Disorderly Conduct	17	25	-32.0%	17	30	-43.3%	3	6	-50.0%	3	17.6%
Driving Under the Influence	84	108	-22.2%	93	128	-27.3%	83	111	-25.2%	89	95.7%
Drunkenness	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Family Offenses, Nonviolent	2	2	NC	2	2	NC	0	1	-	0	0.0%
Liquor Law Violations	9	12	-25.0%	16	25	-36.0%	17	39	-56.4%	12	75.0%
Peeping Tom	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Runaway (Under 18)	3	3	NC	3	3	NC	0	0	NC	0	0.0%
Trespass of Real Property	4	6	-33.3%	6	6	NC	3	2	50.0%	2	33.3%
All Other	122	130	-6.2%	154	161	-4.3%	112	120	-6.7%	133	86.4%
Group B Total	254	304	-16.4%	304	373	-18.5%	220	282	-22.0%	239	78.6%
Group A and B Total	943	1,067	-11.6%	1,069	1,221	-12.4%	479	591	-19.0%	494	46.2%

Above data includes both completed and attempted offenses.

Troy Police Department

1st Quarter 2010/2009 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent	1st Quarter		Percent	1st Quarter		Percent	1st Quarter	
Description	**2010**	**2009**	**Change**	**2010**	**2009**	**Change**	**2010**	**2009**	**Change**	**2010**	**Percent**
Alarms	711	768	-7.4%	711	768	-7.4%	NA	NA	NA	NA	NA
All Other	6,242	6,556	-4.8%	6,319	6,673	-5.3%	127	134	-5.2%	NA	NA
Group C Miscellaneous Total	6,953	7,324	-5.1%	7,030	7,441	-5.5%	127	134	-5.2%	NA	NA
Group E Fire Total	6	13	-53.8%	6	13	-53.8%	NA	NA	NA	NA	NA
Grand Totals	7,902	8,404	-6.0%	8,105	8,675	-6.6%	606	725	-16.4%	494	46.2%

Traffic Crashes and Citations

Reportable Traffic Crashes				2010 Alcohol Involved Crashes	2009 Alcohol Involved Crashes
Personal Injury	80	122	-34.4%	6 Incidents-7.5% involved alcohol	2 Incidents--1.6% involved alcohol
Property Damage	583	591	-1.4%	9 Incidents-1.5% involved alcohol	6 Incidents--1.0% involved alcohol
Fatal	0	1	-	0 Incidents-0.0% involved alcohol	0 Incidents--0.0% involved alcohol
Total Reportable	663	714	-7.1%	15 Incidents-2.3% involved alcohol	8 Incidents--1.1% involved alcohol
Private Property Crashes	171	239	-28.5%		
Crashes Grand Total	834	953	-12.5%		
Traffic Citations					
Hazardous	2,123	2,523	-15.9%		
Non-hazardous	181	285	-36.5%		
License, Title, Registration	571	848	-32.7%		
Parking	68	283	-76.0%		
Traffic Citations Total	2,943	3,939	-25.3%		

DATE: May 3, 2010

TO: John Szerlag, City Manager

FROM: Mark Miller, Acting Assistant City Manager Economic Development Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Permits issued April 2010

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Fnd. New	1	$2,000,000.00	$17,115.00
Completion (New)	1	$1,000.00	$35.00
Add/Alter	9	$575,000.00	$6,715.00
Sub Total	**11**	**$2,576,000.00**	**$23,865.00**
COMMERCIAL			
Add/Alter	14	$3,836,712.00	$33,750.00
Sub Total	**14**	**$3,836,712.00**	**$33,750.00**
RESIDENTIAL			
New	4	$792,376.00	$8,390.00
Add/Alter	30	$434,199.00	$6,905.00
Garage/Acc. Structure	6	$32,600.00	$710.00
Pool/Spa/Hot Tub	1	$34,000.00	$455.00
Repair	1	$4,975.00	$115.00
Wreck	1	$0.00	$60.00
Sub Total	**43**	**$1,298,150.00**	**$16,635.00**
TOWN HOUSE/CONDO			
Add/Alter	1	$1,200.00	$55.00
Sub Total	**1**	**$1,200.00**	**$55.00**
RELIGIOUS			
Add/Alter	1	$8,500.00	$195.00
Sub Total	**1**	**$8,500.00**	**$195.00**

MISCELLANEOUS

Signs	20	$0.00	$2,405.00
Fences	17	$0.00	$265.00
Sub Total	**37**	**$0.00**	**$2,670.00**
TOTAL	**107**	**$7,720,562.00**	**$77,170.00**

PERMITS ISSUED DURING THE MONTH OF APRIL 2010

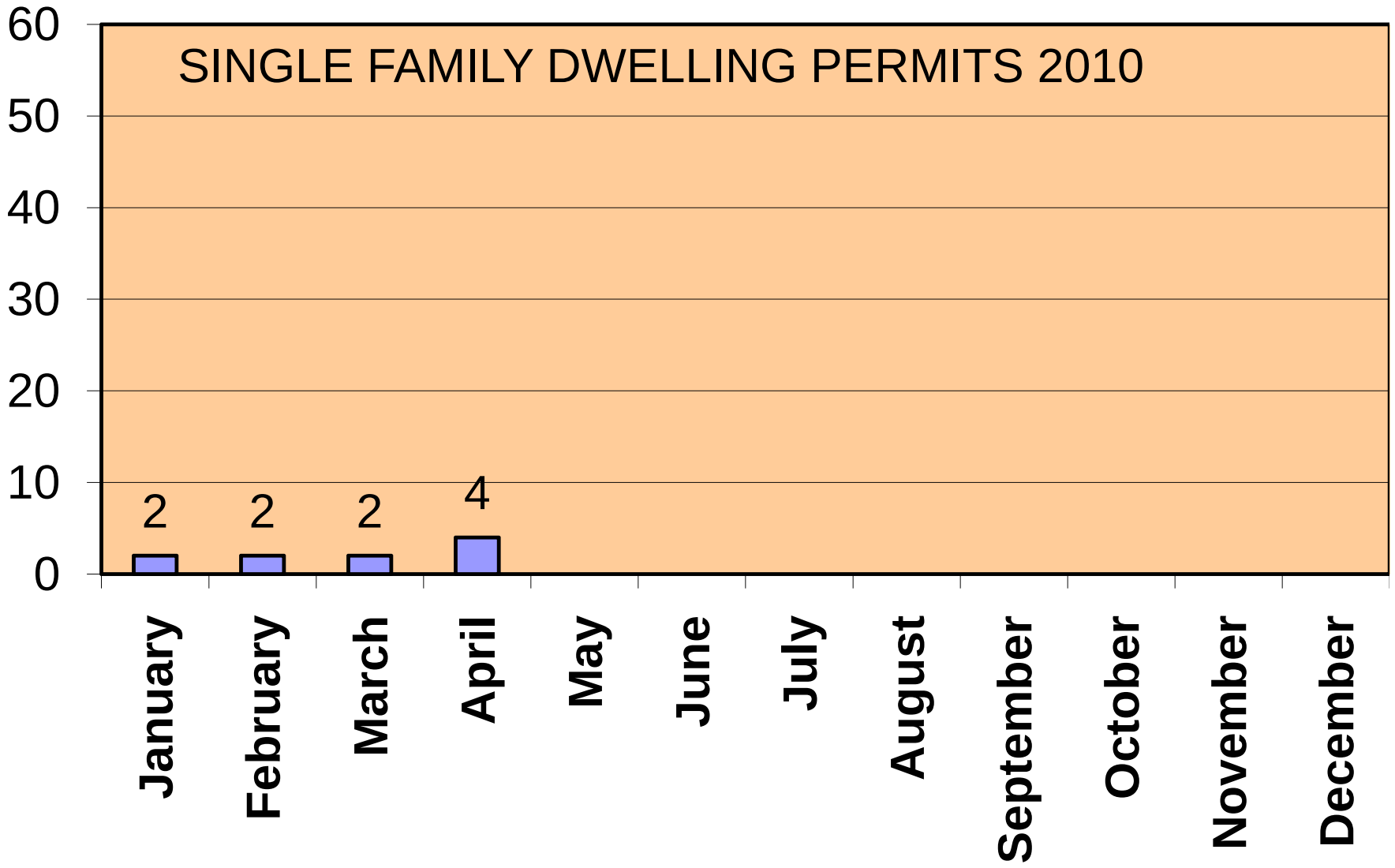
	NO.	PERMIT FEE
Mul. Dwel. Insp.	96	$1,920.00
Cert. of Occupancy	27	$3,251.50
Plan Review	71	$9,180.00
Microfilm	22	$268.00
Building Permits	107	$77,170.00
Electrical Permits	105	$6,219.00
Mechanical Permits	84	$4,865.00
Plumbing Permits	80	$5,085.00
Storm Sewer Permits	7	$189.00
Sanitary Sewer Permits	12	$330.00
Sewer Taps	10	$5,064.00
TOTAL	**621**	**$113,541.50**

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF APRIL 2010

	NO.	LICENSE FEE
Mech. Contr.-Reg.	25	$125.00
Elec. Contr.-Reg.	25	$375.00
Master Plmb.-Reg.	19	$95.00
Sign Inst. - Reg.	8	$80.00
E. Sign Contr-Reg.	4	$60.00
Fence Inst.-Reg.	1	$10.00
Bldg. Contr.-Reg.	17	$170.00
F.Alarm Contr.-Reg.	3	$45.00
TOTAL	**102**	**$960.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2009	PERMIT VALUATION 2009	BUILDING PERMITS 2010	PERMIT VALUATION 2010
JANUARY	66	$5,215,813.00	49	$2,919,092.00
FEBRUARY	39	$2,463,134.00	72	$5,986,270.00
MARCH	76	$3,344,007.00	92	$4,612,004.00
APRIL	95	$3,005,226.00	107	$7,720,562.00
MAY	122	$1,679,112.00	0	$0.00
JUNE	148	$2,708,849.00	0	$0.00
JULY	106	$4,158,316.00	0	$0.00
AUGUST	117	$3,212,653.00	0	$0.00
SEPTEMBER	113	$3,557,220.00	0	$0.00
OCTOBER	110	$6,598,673.00	0	$0.00
NOVEMBER	88	$6,096,477.00	0	$0.00
DECEMBER	80	$3,346,191.00	0	$0.00
TOTAL	**1160**	**$45,385,671.00**	**320**	**$21,237,928.00**


SINGLE FAMILY DWELLING PERMITS 2010
60
50
40
30
20
10
0
2
2
2
4
January
February
March
April
May
June
July
August
September
October
November
December

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF APRIL 2010

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	MARINO, RODNEY	6905 ROCHESTER	120,000
Commercial, Add/Alter	MANAGEMENT RESOURCE SYSTEMS, IN	2800 W BIG BEAVER V-350	128,777
Commercial, Add/Alter	INTERIOR PARTNERSHIP GROUP INC	900 WILSHIRE 280	193,635
Commercial, Add/Alter	D & S CONTRACTORS, INC	333 STEPHENSON 100	125,000
Commercial, Add/Alter	LEE CONTRACTING INC	1870 TECHNOLOGY	3,000,000
Total Commercial, Add/Alter			3,567,412
Industrial, Add/Alter	ROTH INCORPORATED	1896 BARRETT	250,000
Total Industrial, Add/Alter			250,000
Industrial, Foundation New	KEMP BUILDING AND DEVELOPMENT	1400 ROCHESTER	2,000,000
Total Industrial, Foundation New			2,000,000

Records 8

Total Valuation: 5,817,412

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING FOR THE CUSTOMERS OF THE DETROIT EDISON COMPANY CASE NO. U-16246

- The Detroit Edison Company may reconcile its 2009 Restoration Expense Tracking Mechanism and its 2009 Line Clearance Expense Report, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- The first public hearing in this matter will be held:

DATE/TIME:	May 13, 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 James N. Rigas
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 March 23, 2010, application of The Detroit Edison Company (Detroit Edison) to reconcile its Restoration Expense Tracking Mechanism (RETM) for the period of January 1, 2009 through December 31, 2009 and its 2009 Line Clearance Expense Report. Detroit Edison's 2009 restoration expenses included in the RETM are less than the amount included in rates and the Company proposes to refund $15.3 million, including carrying charges, to its customers. In addition, Detroit Edison's 2009 Line Clearance Expense is less than the amount included in rates and the Company proposes to refund $487,398, including carrying charges, to its customers.

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) 241-6180 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 May 6, 2010. (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, Michigan 48226.

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 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) 241-6180.

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.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

April 19, 2010

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING FOR THE CUSTOMERS OF THE DETROIT EDISON COMPANY CASE NO. U-16358

- The Detroit Edison Company may reconcile its 2009 Energy Optimization Plan expenses, implement Energy Optimization surcharges and other related relief pursuant to Public Act 295 of 2008, if the Michigan Public Service Commission approves its request.

- The information below describes how a person may participate in this case.

- You may call or write The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.

- The first public hearing in this matter will be held:

DATE/TIME:	May 18, 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 Daniel E. Nickerson, Jr.
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 April 15, 2010, application of The Detroit Edison Company (Detroit Edison) to reconcile its 2009 Energy Optimization Plan expenses pursuant to Public Act 295 of 2008. Detroit Edison states that based upon the operation of the 2009 surcharge, the residential class was underrecovered by $2,131,587; the Commercial and Industrial (C&I) secondary class was overrecovered by $814,266; and the C&I primary class was overrecovered by $3,936,280. Detroit Edison proposes to address its 2009 over and undercollections of revenues in its amended Energy Optimization proceeding filed in Case No. U-15806. Detroit Edison seeks Commission approval of its Energy Optimization reconciliation for the 2009 Energy Optimization plan year,

its necessary accounting authority, and a determination that the company's reconciliation meets all relevant requirements of Public Act 295.

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) 241-6180 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 May 11, 2010. (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, Michigan 48226.

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 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) 241-6180.

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.

April 26, 2010

CITY COUNCIL REPORT

April 30, 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: Financial Assistance for Community Center Passes and Recreation Programs

Background

- On November 5, 2001, Troy City Council approved a Financial Aid Policy for Troy residents with low income to receive a discount for an annual pass for the new Troy Community Center Recreation areas – fitness room, gym, and pool.
- Financial assistance for recreation and senior programs have been offered for many years.
- Assistance is based on low-income status and any extenuating circumstances. The income guidelines of the Oakland County Community Development Block Grant Program are attached.
- Financial assistance income levels are – low (10%), very low (25%), and extremely low (50%).
- Financial assistance for those residents with a permanent disability and seniors also can qualify for a 10% discount on an annual recreation pass.
- Only one discount can be provided per individual/household.
- Proposed financial assistance discounts for Community Center passes will be amended as follows:

Income Level	Current	Proposed
Extremely Low Income	50%	25%
Very Low Income	25%	15%
Low Income	10%	10%
Disability	10%	10%

- There are two other financial assistance programs currently offered for Troy residents – 1) residents age 60 and over (senior citizens) who wish to register for a program; 2) residents under age 18 who wish to register for a program. Both are limited to one scholarship per individual, per term.
- The proposed change to financial aid is as follows:

	Income Level	Current Discount	Proposed Discount
Youth	Extremely Low	100%	50%
Youth	Very Low	75%	25%
Youth	Low Income	25%	10%
Senior	Very Low/Extremely Low	50%	25%

Financial Considerations

This fiscal year 41 recipients have qualified for Recreation Pass financial aid discounts totaling $2973. It is estimated that the total expense of these discounts will be $3400 for the fiscal year.

Year-to-date discounts for 2009-10

50% discount: Adults – 17; Youth – 7
25% discount: Adults – 11; Youth – 4
10% discount: Adults – 2

There have been 12 senior scholarships awarded this fiscal year totaling $329. It is estimated that approximately $400 in total scholarships will be granted at the end of the fiscal year.

In the past, senior recreation programs have been subsidized, however, with the 2010-11 budget, programs will not be subsidized. Financial assistance will be offered to those qualifying based on income levels.

There have been 20 youth scholarships awarded this fiscal year totaling approximately $1900 in financial assistance. It is estimated that $2500 in financial assistance will be granted for the fiscal year.

Legal Considerations

- No legal considerations are involved in the financial assistance program.

Policy Considerations

- As previously authorized, the City Manager can establish fees for services in the Recreation Program Division (Resolution #2003-11-596).
- Staff will implement the revised financial assistance percentages effective June 1, 2010.

Attachment 1

Community Development Block Grant Income Guidelines

Low income is defined as follows (effective for all applications received on or after May 14, 2009):

Persons/Household	Extremely Low Income	Very Low Income	Low Income
1	< $14,900	$24,850	$39,750
2	< $17,050	$28,400	$45,450
3	< $19,150	$31,950	$51,100
4	< $21,300	$35,500	$56,800
5	< $23,000	$38,350	$61,350
6	< $24,700	$41,200	$65,900
7	< $26,400	$44,000	$70,450
8	< $28,100	$46,850	$75,000

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

The City of Tomorrow... ...Today

May 5, 2010

Gary R. Sakwa
GRAND/SAKWA PROPERTIES, L.L.C.
28470 Thirteen Mile Road, Suite #220
Farmington Hills, MI 48334

Regarding: Midtown Square and Village at Midtown Square – Troy/Birmingham Intermodal Transit Facility

Dear Mr. Sakwa:

Please be informed that the City of Troy, in cooperation with the City of Birmingham, has funded the Transportation Center (Troy/Birmingham Intermodal Transit Facility) identified within the First Amended and Restated Consent Judgment for the development commonly known as Midtown Square and Village at Midtown Square. The funding sources include:

$ 250,000 - Energy Efficiency and Conservation LED Demonstration Grant Michigan from the Department of Energy, Labor & Economic Growth

$8,400,000 - American Recovery and Reinvestment Act (ARRA) High-Speed Intercity Passenger Rail (HSIPR) Program, Federal Rail Administration (FRA) secured through a TIGER grant

$1,300,000 - Federal Congressional Bus & Bus Facilities earmark, Federal Transit Administration (FTA) secured by Congressman Peters

In addition to the cities, the Troy Chamber of Commerce and Birmingham Bloomfield Chamber are critical partners in securing the funding. Therefore, the cities are moving forward to make the facility a reality.

The Troy/Birmingham Intermodal Transit Facility will provide passenger rail service accessible from both Cities. A tunnel under the CN railway line will provide a barrier-free non-motorized link between the regional bus terminal in Troy and the rail platform in Birmingham. Relocation of the existing Birmingham Amtrak stop to the Troy/Birmingham Intermodal Transit Facility will provide for intermodal transit connections to all Birmingham and Troy bus routes, intercity rail service, taxi, airport and black sedan services.

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

The Troy/Birmingham Intermodal Transit Facility will be a hub in the Detroit Regional Mass Transit plan and will serve as a catalyst for coordinated regional mass transit in Metro Detroit. Incorporated into the site is green building technology, energy efficient utility systems and low impact development practices. LED lighting is an integral component of the site and is proposed to be used in multiple applications, including tunnel lighting, interior and exterior building lighting, LED signage, street lighting, pedestrian walkway lighting and landscape lighting.

Both Cities are at a point in the development process to submit for preliminary site plan approval to both Cities. It has been the practice to have the Troy Planning Commission and Birmingham Planning Board meet jointly to discuss and take action upon the site plan package. The site plans, as drawn, include a minor encroachment upon the Midtown Square property. The Cities' site plan process requires that the property owners consent to seek preliminary site plan approval for the Transit Facility upon Grand/Sakwa property.

If permission to seek site plan approval is not granted, the Cities' engineer shall redesign the site plan without any encroachment. Therefore we would like to meet with you and/or your staff to discuss this encroachment. At this meeting there are a number of other issues which need to be discussed; ranging from cross-access easements and construction access easements to maintenance of Doyle Drive.

In the past we have met with Mr. Gary Cooper from Grand/Sakwa regarding the Transit Facility and Midtown Square and will continue those discussions. Please feel free to call or email me to discuss the Transit Facility.

Respectfully Submitted,

Mark F. Miller,
Acting Assistant City Manager/Economic Development Services
(248) 524-3351 direct dial
millermf@troymi.gov

Attachments: Preliminary Site Plan

c: Troy City Council
Lori Grigg Bluhm, Troy City Attorney
Jana Ecker, Birmingham City Planner
Michele Hodges, Troy Chamber of Commerce
Tom Markus, Birmingham City Manager
Brent Savidant, Troy Planning Director
Steve Vandette, Troy City Engineer
Carrie Zarotney, Birmingham Bloomfield Chamber

MFM/mr\Transit Center\Grand Sakwa\05.06.10 – Re Funding

INTERMODAL TRANSIT FACILITY

CITIES OF TROY & BIRMINGHAM, MICHIGAN

J. FINK PARTNERS INC.

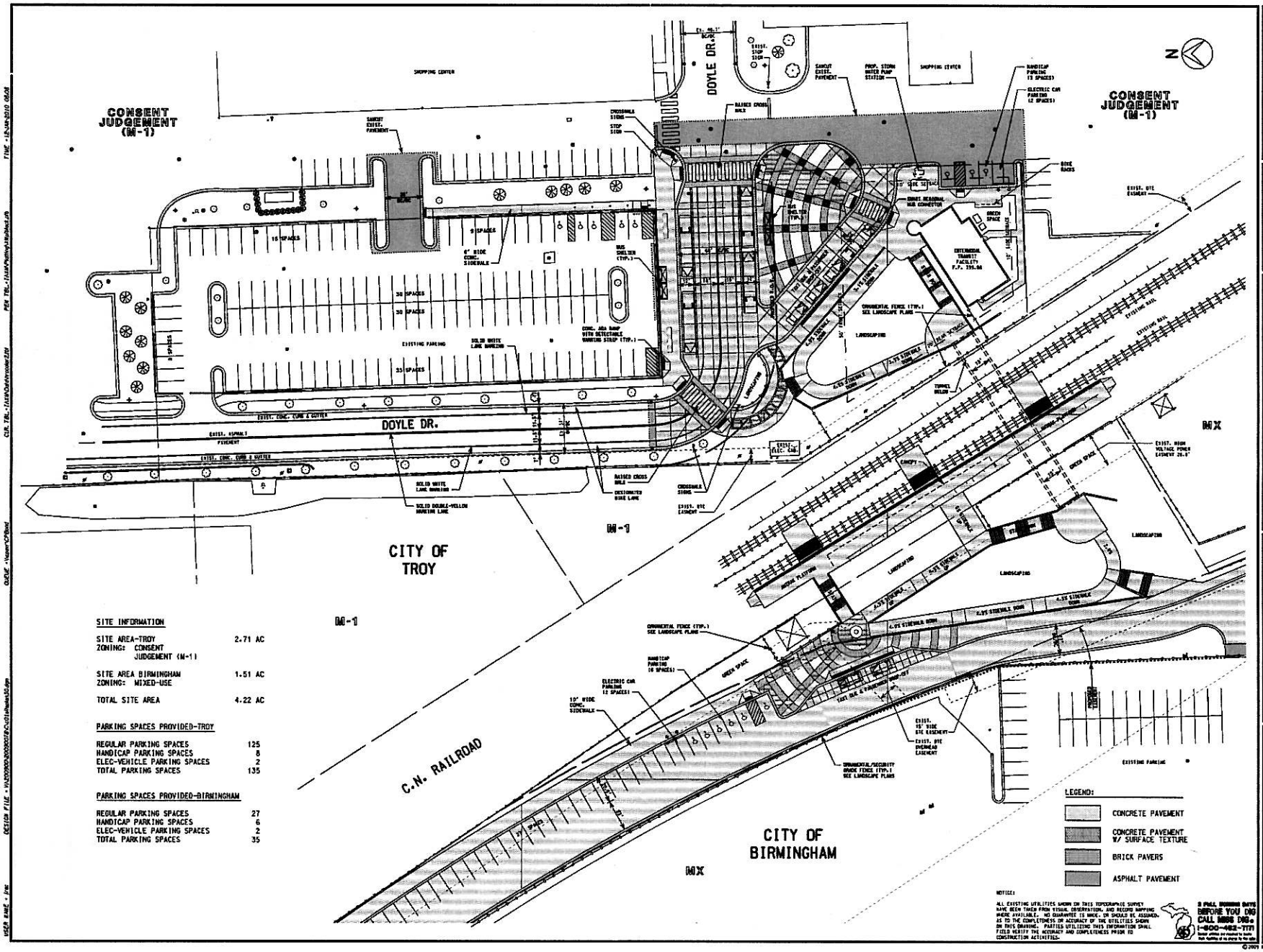
CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners / Landscape Architects

HRC

NORTH
SCALE: 1"=30'
January 11, 2010

City of Troy

City of Birmingham



SITE INFORMATION

SITE AREA-TROY ZONING: CONSENT JUDGEMENT (M-1)	2.71 AC
SITE AREA BIRMINGHAM ZONING: MIXED-USE	1.51 AC
TOTAL SITE AREA	4.22 AC

PARKING SPACES PROVIDED-TROY

REGULAR PARKING SPACES	125
HANDICAP PARKING SPACES	8
ELEC-VEHICLE PARKING SPACES	2
TOTAL PARKING SPACES	135

PARKING SPACES PROVIDED-BIRMINGHAM

REGULAR PARKING SPACES	27
HANDICAP PARKING SPACES	6
ELEC-VEHICLE PARKING SPACES	2
TOTAL PARKING SPACES	35

NOTICE:
ALL EXISTING UTILITIES SHOWN ON THIS TOPOGRAPHIC SURVEY HAVE BEEN TAKEN FROM VISUAL OBSERVATION, AND RECORD MAPPING WHERE AVAILABLE. NO GUARANTEE IS MADE, OR SHOULD BE ASSUMED, AS TO THE COMPLETENESS OR ACCURACY OF THE UTILITIES SHOWN ON THIS DRAWING. PARTIES UTILIZING THIS INFORMATION SHALL FIELD VERIFY THE ACCURACY AND COMPLETENESS PRIOR TO CONSTRUCTION ACTIVITIES.

3 FULL WORKING DAYS BEFORE YOU DIG CALL MISS DIG: 1-800-482-7171

City of Troy
City of Birmingham

HRC
HARLEY, ROTH & CLARK, INC
Consulting Engineers
2800 CENTERPOINT PARKWAY SUITE 100
PONTIAC, MICH. 48340
PHONE: (248) 454-4200
FAX : (248) 454-4201
WEB SITE: http://www.hrc-engr.com

DATE	ADDITIONS AND/OR REVISIONS
7-11-10	PRELIMINARY SITE PLAN SUBMITTAL
10-14-08	UPDATED SITE PLAN
9-11-08	REVISED SITE PLAN
9-21-08	JOINT PLANNING COMM. STUDY SESSION

DESIGNED	J.A.S.
DRAWN	J.A.R.
CHECKED	J.A.S.
APPROVED	R.M.A.

PROJECT LOCATION

CITIES OF TROY & BIRMINGHAM

INTERMODAL TRANSIT FACILITY

OAKLAND COUNTY MICHIGAN

SITE PLAN

HRC JOB NO. 20090078	SCALE 1" = 30'
DATE AUGUST 2009	SHEET NO. C-01 OF

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