

AGENDA

Regular Meeting of the

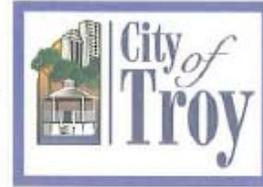
CITY COUNCIL OF THE CITY OF TROY

SEPTEMBER 13, 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.



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is fluid and cursive.

John Szerlag, City Manager



**CITY COUNCIL
AGENDA**

September 13, 2010 – 7:30 PM
 Council Chambers
 City Hall - 500 West Big Beaver
 Troy, Michigan 48084
 (248) 524-3317

INVOCATION: Mayor Pro Tem Wade Fleming **1**

PLEDGE OF ALLEGIANCE **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: **1**

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INVOCATION: Mayor Pro Tem Wade Fleming

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) Excuse Absent Council Members:

Suggested Resolution

Resolution #2010-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Special and Regular City Council Meetings of Monday, September 13, 2010 due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations Scheduled

- a) Proclamation presented to Rotary Club President William Cowger, and Rotarians Eileen Heasley and Ian Anderson in observance of *Patriot Week*, September 11-17, 2010.**

The Troy Rotary Club is supporting the observance of Patriot Week on September 11-17. This week is anchored by two key dates: September 11th (the anniversary of the terrorist attacks) and September 17th (Constitution Day, the anniversary of the signing of the Constitution by our founding fathers). The inaugural week of this event was held in 2009 as a way to renew our patriotic spirit by celebrating the First Principles, Founding Fathers and vital documents that make our country strong.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:**E-1 Establishment of an Industrial Development District (IDD) – 1462 E. Big Beaver**

Resolution #2010-09-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1462 E Big Beaver, Troy, MI. 48084-1950, Parcel # 88-20-26-126-028, in accordance with City Council Policy Resolution #2009-02-042; and

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

Yes:
No:

E-2 Granting of a Industrial Facilities Exemption Certificate (IFEC) for Metro Technologies, Ltd., 1462 E. Big Beaver

Resolution #2010-09-
Moved by
Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on September 13, 2010, established an Industrial Development District (IDD) for property known as 1462 E Big Beaver, Troy MI, 48083-1950, Parcel # 88-20-26-126-028; and

WHEREAS, An Application has been submitted by Metro Technologies, Ltd., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1462 E Big Beaver, Troy MI, 48083-1950, for five (5) years; and

WHEREAS, After due an proper notice by the City Clerk, the City Council, on September 13, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Metro Technologies, Ltd., at 1462 E Big Beaver, Troy MI, 48083-1950 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Metro Technologies, Ltd., at 1462 E Big Beaver, Troy MI, 48083-1950 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Metro Technologies, Ltd., Inc., at 1462

E Big Beaver, Troy MI, 48083-1950, Parcel # 88-20-26-126-028, for personal property for a term of five (5) years, CONTINGENT upon the execution of a Letter of Agreement between the City of Troy and Metro Technologies, Ltd., and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Metro Technologies, Ltd., a copy of which shall be ATTACHED to the original minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971

Yes:

No:

E-3 Establishment of an Industrial Development District (IDD) – 1972 Meijer

Resolution #2010-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1972 Meijer, Troy, MI. 48084-7143, Parcel # 88-20-32-226-024, in accordance with City Council Policy Resolution #2009-02-042; and

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

Yes:

No:

E-4 Granting of a Industrial Facilities Exemption Certificate (IFEC) for Sulzer Metco, Inc. – 1972 Meijer

Resolution #2010-09-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on September 13, 2010, established an Industrial Development District (IDD) for property known as 1972 Meijer, Troy MI, 48084-7143, Parcel # 88-20-32-226-024; and

WHEREAS, An Application has been submitted by Sulzer Metco, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1972 Meijer, Troy MI, 48084-7143, for seven (7) years; and

WHEREAS, After due an proper notice by the City Clerk, the City Council, on September 13, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the

possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Sulzer Metco, Inc., at 1972 Meijer, Troy MI, 48084-7143 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Sulzer Metco, Inc., at 1972 Meijer, Troy MI, 48084-7143 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND** that the granting of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Sulzer Metco, Inc., Inc., at 1972 Meijer, Troy MI, 48084-7143, Parcel # 88-20-32-226-024, for personal property for a term of seven (7) years, contingent upon the execution of a Letter of Agreement between the City of Troy and Sulzer Metco, Inc., and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the Letter of Agreement between the City of Troy and Sulzer Metco, Inc., a copy of which shall be attached to the original minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and transmit same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971

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. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Appointments to Boards and Committees: Parks and Recreation Board

a) Mayoral Appointments: None Scheduled

b) City Council Appointments/Confirmation: Parks and Recreation Board

Suggested Resolution

Resolution #2010-09-

Moved by

Seconded by

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

Parks and Recreation Board

Appointed by Council (7-Regular: 3-Year Term; 1-Troy School Board : 1-Year Term; Troy Daze Committee: 1-Year Term; Adv. Committee for Sr. Citizens)

Gary Hauff – Troy School District Representative

Term Expires 07/31/2011

Yes:

No:

I-2 Nominations for Appointments to Boards and Committees: None Scheduled

I-3 Request for Closed Session

Suggested Resolution

Resolution #2010-09-

Moved by

Seconded by

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

permitted by MCL 15.268 (c), **Strategy for Labor Negotiations**, and as permitted by MCL 15.268(h) (MCL 15.243(g)).

Yes:

No:

I-4 Designation of Voting Delegate and Alternates at the Annual Business Meeting of the National League of Cities

Suggested Resolution

Resolution #2010-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **DESIGNATES** _____ as Voting Delegate and hereby **DESIGNATES** _____ and _____ as the Alternate Voting Delegates to cast votes (2) of the City of Troy at the Annual Business Meeting of the National League of Cities to be held Saturday, December 4, 2010 in Denver, CO.

Yes:

No:

I-5 Adoption of Troy City Council Code of Ethics

Suggested Resolution

Resolution #2010-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** the *City Council Code of Ethics* as presented.

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2010-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) _____, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes:

No:

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

J-2 Approval of City Council MinutesSuggested Resolution

Resolution #2010-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 23, 2010 as submitted.

J-3 Proposed City of Troy Proclamation:Suggested Resolution

Resolution #2010-09-

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

- a) *Patriot Week* – September 11-17, 2010

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Asphalt Patching Material - Cold**

Suggested Resolution

Resolution #2010-09-

RESOLVED, That Troy City Council hereby **AWARDS** a seasonal contract for asphalt patching material – QPR/UPM to the low bidder, Saginaw Asphalt Paving Company of Saginaw, MI at the unit price contained in the bid tabulation electronically received August 16, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring April 30, 2011; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** a seasonal contract for asphalt patching material – QPR/UPM to the low bidder, Saginaw Asphalt Paving Company of Saginaw, MI **CONTINGENT** upon the contractor's submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

- b) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 10-3 – North Adams Valley & Orchard Highlands Pavement Rehabilitation**

Suggested Resolution

Resolution #2010-09-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 10-3, North Adams Valley & Orchard Highlands Pavement Rehabilitation to ProLine Asphalt Paving, 11797 29 Mile Road, Washington, MI 48095 for their low total bid amount of \$621,292.79; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 10-3, North Adams Valley & Orchard Highlands Pavement Rehabilitation to ProLine Asphalt Paving, 11797 29 Mile Road, Washington, MI 48095 **CONTINGENT UPON** submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work **IS AUTHORIZED** in an amount not to exceed 25% of the total project cost.

c) **Standard Purchasing Resolution 2: Bid Award - Lowest Bidders Meeting Specifications – Fitness Equipment**

Suggested Resolution
Resolution #2010-09-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase and install two (2) Octane Pro #3700 Ellipticals, one (1) Octane #4700 Smart Stride Elliptical, one (1) Octane Xride XR6000 Seated Elliptical Cross Trainer, two (2) Matrix #E5xc Total Body Ellipticals, and three (3) Matrix #A3x Ascent Trainers at the Troy Community Center to the lowest bidder meeting specifications, All Pro Exercise of Farmington Hills, MI at an estimated net total cost of \$26,755.00 including trade-ins, at prices contained in the bid tabulation dated August 25, 2010, a copy of which shall be attached to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase and install three (3) PreCor AMT 100i Ellipticals, and one (1) SciFit RST #7000 Seated Stepper at the Troy Community Center to the lowest bidder, Direct Fitness Solutions, LLC of Mundelein, IL at an estimated net total cost of \$11,135.00 including trade-ins, at prices contained in the same bid tabulation dated August 25, 2010; and

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

d) **Standard Purchasing Resolution 2: Bid Award - Lowest Bidders Meeting Specifications – Firefighting Turnout Gear**

Suggested Resolution
Resolution #2010-09-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish one-year requirements of new structural firefighting turnout gear for the Troy Fire Department to the lowest bidder meeting specifications, Apollo Fire Equipment Company of Romeo, MI, for an estimated total cost of \$144,540.00 at unit prices contained in the bid tabulation opened August 10, 2010, a copy of which shall be attached to the original Minutes of this meeting, with a contract expiration of June 30, 2011.

e) **Standard Purchasing Resolution 1: Award to Low Bidder – Air Compressor Maintenance & Repair**

Suggested Resolution
Resolution #2010-09-

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract to provide air compressor maintenance and repair for the Troy Fire Department to the low bidder, Southeast Equipment, Inc of Troy, MI, for an estimated three-year cost of \$18,815.25 at unit prices contained in the bid tabulation opened August 10, 2010, a copy of which shall be attached to the original Minutes of this meeting, with a contract expiration of December 31, 2013; and

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

J-5 Traffic Committee Recommendations

Suggested Resolution
Resolution #2010-09-

a) **Installation of STOP Sign on Fernleigh at Cottonwood**

RESOLVED, That Troy City Council hereby **APPROVES** the installation of a STOP sign on Fernleigh at Cottonwood.

b) **Establishment of a NO PARKING ZONE on Witherbee**

RESOLVED, That Troy City Council hereby **APPROVES** the establishment of a NO PARKING zone on the south side of Witherbee, from Graefield to the west property line of 1740 Witherbee and on the west side of Graefield, from Witherbee to the south property line of 1740 Witherbee, during school days only, between the hours of 8:15 – 9:15 a.m. and 3:15 – 4:15 p.m.

c) **Establishment of Fire Lanes/Tow Away Zones at 130 Town Center**

RESOLVED, That Troy City Council hereby **APPROVES** the establishment of fire lanes/tow away zones at 130 Town Center as recommended by the Fire Department.

d) **Establishment of Fire Lanes/Tow Away Zones at 5903-5953 John R**

RESOLVED, That Troy City Council hereby **APPROVES** the establishment of fire lanes/tow away zones at 5903-5953 John R as recommended by the Fire Department.

J-6 Vehicle Auction Services

Suggested Resolution
Resolution #2010-09-

WHEREAS, In an effort to right size the City's fleet of vehicles and equipment and obtain the highest resale value for surplus equipment;

WHEREAS, A potentially broader audience can be targeted through live public auctions and simulcast technology; and

WHEREAS, The results of a market survey show that Greater Detroit Auto Auction offers the best value to the City when considering fees, administration preparation and follow-up, number of attendees, and frequency of events;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the addition of Greater Detroit Auto Auction of Brownstown, MI to conduct future auctions for out-of-service and surplus vehicles and equipment at an auction fee of \$85.00 per vehicle plus a towing fee of \$90.00 each. In addition, auction fees for vehicles selling at \$10,000.00 and over are \$150.00 per vehicle plus towing of \$90.00 or higher, depending on the GVW rating of the vehicle with the contract expiring September 30, 2012, or upon a pricing change, whichever comes first; and

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

J-7 Jeffrey Moneer Abbaya v. City of Troy

Suggested Resolution
Resolution #2010-09-

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney's Office to defend the City of Troy in the Abbaya v. City of Troy lawsuit, and is **AUTHORIZED** to pay reasonable and necessary costs and fees in the defense of the action.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):

- a)** Organizational Restructuring Proposal from the International City Management Association (ICMA)
- b)** Towing Administrative Fees

L. COUNCIL REFERRALS:

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

L-1 No Council Referrals Advanced

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Animal Control Appeal Board /Final – May 27, 2009
- b) Advisory Committee for Senior Citizens/Final – June 3, 2010
- c) Planning Commission/Draft – August 10, 2010
- d) Planning Commission/Final – August 10, 2010
- e) Employees’ Retirement System Board of Trustees/Draft – August 11, 2010
- f) Advisory Committee for Senior Citizens/Draft – September 2, 2010

N-2 Department Reports:

- a) Economic Development Activity Report – August 2010
- b) Parks and Recreation Program Fees and Age Requirements

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Mayor Schilling from Donna Lukich Regarding the Quick Response Received from John Szerlag and Mark Miller

N-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) City of Royal Oak – Resolution Encouraging Elected Representatives to Amend State Law to Make Local Public Buildings Gun-Free Zones
- b) Notice of Hearing for Electric and Natural Gas Customers of Consumers Energy Company – Case No. U-16412

N-5 Memorandum Regarding Library Millage Ballot Question Titles

N-6 Letter from Foster Swift Collins & Smith PC / Attorneys to Ruth Johnson – Oakland County Clerk

N-7 Letter from Joseph J. Rozell, Oakland County Director of Elections to Anne Seurnyck of Foster Swift Collins & Smith PC / Attorneys

N-8 Medical Marihuana Act

O. STUDY ITEMS

O-1 None submitted

P. CLOSED SESSION:

P-1 Closed Session

Q. ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

No Future City Council Public Hearings Scheduled

SCHEDULED CITY COUNCIL MEETINGS:

Monday, September 20, 2010	Special City Council
Monday, September 20, 2010	Regular City Council
Monday, September 27, 2010	Regular City Council
Monday, October 4, 2010	Regular City Council
Monday, October 4, 2010	Special Joint Meeting - City Council and Planning Commission
Monday, October 11, 2010	Regular City Council
Monday, October 18, 2010	Regular City Council
Monday, November 8, 2010	Regular City Council
Monday, November 15, 2010	Regular City Council
Monday, November 22, 2010	Regular City Council
Monday, December 6, 2010	Regular City Council
Monday, December 13, 2010	Regular City Council
Monday, December 20, 2010	Regular City Council

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

Monday, September 20, 2010	Special City Council
Monday, October 4, 2010	Special Joint Meeting - City Council & Planning Commission



CITY COUNCIL AGENDA ITEM

Date: September 13, 2010

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration
Nino Licari, City Assessor

Subject: Public Hearing for the establishment of an Industrial Development District (IDD) for Metro Technologies, Ltd., 1462 E. Big Beaver

Background:

Metro Technologies, Ltd., located at 1462 E. Big Beaver is expanding their operations to better compete for business. As part of their expansion, they intend to purchase machinery and equipment valued at \$809,000. They will also add 3 new jobs to the 5 existing positions they will maintain. They are asking for Personal Property Tax Abatement, which they qualify for under the former City Council Policy Resolution (attached), which was in effect at the time of the application.

The Industrial Facility Exemption Certificate (IFEC) would be for 5 years.

In order to grant the IFEC, an Industrial Development District must first be established, as the City Council has not designated all non-residential areas to be IDD's. This is the reason for the back to back Public Hearings.

Financial Considerations:

The projected amount of the investment is \$809,000. Over the 5 year life of the abatement, the estimated total taxes would be \$34,144.76, of which \$10,870.09 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$17,072.76, of which \$5,435.04 would be abated City taxes.

Legal Considerations:

The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.



CITY COUNCIL AGENDA ITEM

Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2006-06-238.

City Council goal II, "Retain and attract investment while encouraging redevelopment" is met with this application.

Recommendation:

Since both legal and policy considerations are met, staff would recommend establishing the district, and granting the tax abatement for the subsequent Public Hearing.

Options:

City Council may establish the IDD (and approve the tax abatement). Or, City Council may choose to not establish a district at this site. In which case, the Council must then deny any tax abatement.

NI/nl H:IFT\MetroTech\Memo IDD 09.13.10

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date received by Local Unit
STC Use Only	
▶ Application Number	▶ Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) Metro Technologies Ltd.	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3544	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1462 E. Big Beaver Rd. Troy, MI 48083	▶ 1d. City/Township/Village (indicate which) City	▶ 1e. County Oakland
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	▶ 3a. School District where facility is located Troy	▶ 3b. School Code 260 63150
▶ 4. Amount of years requested for exemption (1-12 Years) 5 YEARS		

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Please Reference Attached Letter that contains full list.

6a. Cost of land and building improvements (excluding cost of land)	▶ <u>0</u>
* Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures	▶ <u>809,000.00</u>
* Attach itemized listing with month, day and year of beginning of installation, plus total	Personal Property Costs
6c. Total Project Costs	▶ <u>\$809,000.00</u>
* Round Costs to Nearest Dollar	Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements ▶	<u> </u>	<u> </u>	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	<u>5/13/10</u>	<u>12/1/12</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project 5	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 3
--	---

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	
b. TV of Personal Property (excluding inventory)	
c. Total TV	

▶ 12a. Check the type of District the facility is located in:

Industrial Development District Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit)	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Craig Blust	13b. Telephone Number (248) 528-9240	13c. Fax Number (248) 528-0845	13d. E-mail Address craig@mtl-troy.com
14a. Name of Contact Person Craig Blust	14b. Telephone Number (248) 528-9240	14c. Fax Number (248) 528-0845	14d. E-mail Address craig@mtl-troy.com
▶ 15a. Name of Company Officer (No Authorized Agents) Patricia Hook			
15b. Signature of Company Officer (No Authorized Agents) <i>Patricia J. Hook</i>		15c. Fax Number (248) 528-0845	15d. Date 6/11/10
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 1462 E. Big Beaver Rd. Troy, MI 48083		15f. Telephone Number (248) 528-9240	15g. E-mail Address pat@mtl-troy.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input checked="" type="checkbox"/> 2. Resolution establishing district <input checked="" type="checkbox"/> 3. Resolution approving/denying application. <input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation <input checked="" type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action. N/A 4. Lease Agreement showing applicants tax liability.	16d. School Code 63150
16c. LUCI Code 3544	▶ 18. Date of Resolution Approving/Denying this Application
17. Name of Local Government Body CITY OF TROY	

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk <i>Toni Bartholomew</i>	19b. Name of Clerk TONNI BARTHOLOMEW	19c. E-mail Address T.BARTHOLOMEW@TROYMI.GOV
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 500 W BIG BEAVER TROY MI 48084-5254		
19e. Telephone Number 248-524-3316	19f. Fax Number 248-524-1770	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal



To the attention of:

MEDC and the City of Troy Economic Development Services

Subject:

Metro Technologies request for PA 198 Tax Abatement – May 14, 2010

Updated Post May 12 meeting

List of Eligible Capital Expenditures: (May 11, 2010 thru Dec 1, 2012)

Tarus CNC High Speed Mill (3 plus 2) -----	\$ 645,000 actual
Model # HS-812/48	
CNC Mill Custom Foundation / Pit-----	\$ 35,000 est.
CNC Mill Transport / Rigging and Installation -----	\$ 12,000 est.
CNC Mill 90 degree Mill Head and Tooling -----	\$ 21,000 est.
2 year loan interest -----	<u>NA</u>
CNC High Speed Mill Total Investment -----	\$ 713,000
Cad and Office Computer Purchases -----	\$ 13,500 est.
Cad and Office Software Purchases -----	\$ 18,000 est.
Mig / Tig Weld Equipment (Multiple systems)-----	<u>\$ 64,500 est</u>
PA 198 Tax Abatement Request -----	\$ 809,000

Per the meeting between Metro Technologies and City of Troy Economic Development Services group, on May 12, 2010 at 9am, it was stated by Nino Licari that with our May 11th and May 05th emails, sent to and received by the City of Troy Economic Development Services group, Metro Technologies is approved to proceed with all purchases that will be involved in this Tax Abatement application and that all purchases of new equipment will be eligible for PA 198 Tax Abatement by the fact that they were purchased after the May 11, 2010 email acknowledgement requesting a PA 198 Tax Abatement. The return email from Nino Licari on 5-13-2010 acknowledges receipt of noted email which will serve as Metro's letter of intent. Email attached.

Thank you,

Patricia Hook, John Hook and Craig Blust.

From: Craig Blust (Craig@mfl-froy.com)

Sent: Thursday, May 13, 2010 12:47 PM

To: Jerome Katz; Pamela L Valenfik; Mark F Miller; John Szerlag;

Nino A Licari

Cc: Karen Hochstein; Pat Hook

Subject: May 12 2010 9am meeting summary - PA 198 Tax Abatement -

City of Troy and State of Michigan - Metro Technologies Large

CNC Mill Equipment Purchase Under Review

Pamela, John, Nino and Mark,

Thank you for meeting with us, with such short notice, yesterday. Metro Technologies is proceeding with the PA 198 Tax Abatement request which will include all eligible purchased items from May 11, 2010 through Dec 31, 2012.

Per the meeting between Metro Technologies and City of Troy Economic Development Services group, on May 12, 2010 at 9am, it was stated by Nino Licari that with our May 11th and May 05th emails, as well as this May 13th email confirmation, sent to and received by the City of Troy Economic Development Services group, Metro Technologies is approved to proceed with all purchases that will be involved in this Tax Abatement application and that all purchases of new equipment will be eligible for PA 198 Tax Abatement by the fact that they were purchased after the May 11, 2010 email acknowledgement requesting a PA 198 Tax Abatement.

To show our level of commitment to increasing and improving our technical and advanced manufacturing capability, Metro Technologies Ltd. ownership has agreed and will proceed with the purchase of the Tarus CNC mill and all of the items listed in the document, which you received yesterday. I have attached an updated version of the document which removes the interest that is not eligible for the Tax Abatement. Our ownership has also agreed to proceed with 1 Fronius welder and intends on purchasing a second welder within the next couple of weeks.

We will be processing the PA 198 Tax Abatement application and mailing it to the required address within 7days from today.

Location:

**Metro Technologies Ltd.
1462 East Big Beaver Rd.
Troy MI 48083**

Owned by: Patricia I Hook, Alfred J Hook plus three daughters (Susan, Karen and Lisa) (Hook Real Estate Investments LLC)

Applicant Name METRO TECHNOLOGIES, LTD
--

Fiscal Statement (to be completed by local unit)

	<u>YES</u>	<u>NO</u>
Is this project:		
Real Property?	<input type="checkbox"/>	<input type="checkbox"/>
Personal Property?	<input type="checkbox"/>	<input type="checkbox"/>
Both Real and Personal Property - New Facility?	<input type="checkbox"/>	<input type="checkbox"/>
Both Real and Personal Property - Rehabilitation Facility?	<input type="checkbox"/>	<input type="checkbox"/>
Both New and Replacement Facility?	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Project Investment (not assessed value):

Real Property	Personal Property	Total
---------------	-------------------	-------

	<u>YES</u>	<u>NO</u>	<u>REMARKS</u>
1. A. Has the proper local authority reviewed the plan?	<input type="checkbox"/>	<input type="checkbox"/>	_____
B. Is the project located in a certified industrial park?	<input type="checkbox"/>	<input type="checkbox"/>	_____
C. Is this a renovation or expansion of an existing building?	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Will this project require improvement of your road service?	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Will this project require improvement of your sanitary sewer services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Will this project require improvement of your storm sewer services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Will this project require improvement of your water services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Will this project require additional police personnel, police equipment or a need for new police building expansion?	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building?	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Will this project require other costs?	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?	<input type="checkbox"/>	<input type="checkbox"/>	_____

If you answered yes to any of questions 2 through 8, the appropriate sections of the Supplement to Fiscal Statement form must be completed and accompany the IFT application. Call (517) 373-3272 to obtain that form.

LOCAL UNIT CERTIFICATION

This is to certify that the following has been provided as accurately as possible.

Signature	Name and Title of Local Governmental Unit Official
-----------	--



E BIG BEAVER

E BIG BEAVER





07/08/10

Metro Technologies, Ltd. IFT Application – Legal Description

Parcel ID 88-20-26-126-028

T2N, R11E, SEC 26
PART OF NW 1/4
BEG AT PT DIST
N 88-53-15 N 14.37 FT
FROM N 1/4 COR,
TH S 00-56-45 W 55 FT,
TH N 88-53-15 W 270 FT,
TH N 00-56-45 E 200 FT,
TH S 88-53-15 E 120 FT,
TH N 00-56-45 E 350 FT,
TH S 88-53-15 E 150 FT
TO BEG EXC
N 102 FT TAKEN FOR BIG BEAVER RD
2.09 A
12-7-95 FR 026 & 027

**City of Troy - Assessing Department
Metro Technologies, Ltd.
Estimate of Total Taxes and Tax Savings for IFEC Application**

Market Value	809,000	741,610	618,058	463,605	309,132	180,379
50% of Value	404,500	370,805	309,029	231,803	154,566	90,189
Year		1	2	3	4	5
Depreciation		0.9167	0.8334	0.7501	0.6668	0.5835
Taxable Value		370,805	309,029	231,803	154,566	90,189

Taxes	100% of Millage	Taxes	Taxes	Taxes	Taxes	Taxes
Trans	0.59000	\$218.78	\$182.33	\$136.76	\$91.19	\$53.21
County	4.64610	\$1,722.80	\$1,435.78	\$1,076.98	\$718.13	\$419.03
Int Schools	3.36900	\$1,249.24	\$1,041.12	\$780.94	\$520.73	\$303.85
Comm Coll	1.58440	\$587.50	\$489.63	\$367.27	\$244.89	\$142.90
State Ed	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Op	5.03820	\$1,868.19	\$1,556.95	\$1,167.87	\$778.73	\$454.39
Sch Debt	4.70000	\$1,742.78	\$1,452.44	\$1,089.47	\$726.46	\$423.89
Admin	0.19928	\$73.89	\$61.58	\$46.19	\$30.80	\$17.97
City	9.40000	\$3,485.57	\$2,904.87	\$2,178.95	\$1,452.92	\$847.78
Total	29.52698	\$10,948.76	\$9,124.69	\$6,844.43	\$4,563.87	\$2,663.02

Total 5 Years	\$34,144.76
Total City 5 Yr	\$10,870.09

50% Total 5 Yr	\$17,072.38	Net Total Taxes Abated
50% Total City 5 Yr	\$5,435.04	Net Total City Taxes Abated
2% Total City 5 Yr	\$108.70	Application Fee (2% total city)

07/08/10

E-7 Amending the Personal Property Tax Abatement Policy

Resolution #2009-02-042

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the industrial base of the community, (c) reducing economic obsolescence of the industrial base, (d) providing homogenous industrial areas, (e) encouraging industrial expansion, (f) providing for improved public facilities in industrial areas, and (g) encouraging attractive, viable industrial sites; and

WHEREAS, The Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax exemptions for certain industrial properties which meet certain criteria established by the Act;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the following minimum criteria, as authorized by the Industrial Facilities Tax Act (P.A. 1974 No. 198):

1. An Industrial Facilities Exemption Certificate (IFEC) tax abatement shall not be granted until there is compliance with MCL 207.559; and
2. Real property shall not qualify for an IFEC tax abatement, except for those unique situations where there are building improvements that are required to support the personal property that otherwise qualifies for a tax abatement; and
3. Leasehold property shall not qualify for an IFEC tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City's request; and
4. An IFEC tax abatement shall not be issued for a period or term exceeding 12 years; and
5. An IFEC tax abatement shall not be issued unless an Applicant will create more than 10 jobs and/or has a personal property investment of at least \$750,000.00, and/or owns the underlying real property or has a lease for the underlying property that exceeds 5 years, as long as two of the three criteria are satisfied.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the use of the following matrix to calculate the length of an IFEC tax abatement, where the increase in the number of jobs created will increase the term of the IFEC abatement, and similarly the increase in the personal property investment and the ownership/lease conditions on the real property will increase the term of the IFEC abatement:

Tax Abatement Matrix					
Job Creation		Building Terms		PP Investment	
10 - 24	1 year	Own	4 years	\$ 750,000	1 year
25 - 49	2 years	Lease		\$ 2,000,000	2 years
50 - 99	3 years	1 - 5 year	None	\$ 5,000,000	3 years
100 - 149	4 years	6 - 9 year	2 years	\$ 10,000,000	4 years
150 - 199	5 years	10 + year	4 years	\$ 20,000,000	5 years
200 +	6 years				

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the implementation of an application fee equal to 2 % of the estimated personal property taxes abated under the terms of the IFEC tax abatement, or the actual costs of processing the application, whichever is less, and the City of Troy will not charge or collect any other fees for the application, in keeping with MCL 207.555 (3).

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

MOTION CARRIED

July 8, 2010

To: State Tax Commission
P.O. Box 30471
Lansing, MI 48909-7971

From: Leger (Nino) Licari, Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests that the City of Troy has charged a fee of \$108.70, equal to 2% of the estimated abated city taxes, for processing the application for tax abatement submitted by Metro Technologies, Ltd., 1462 E. Big Beaver, Troy, MI.

Further, no other fee or concession has been charged or accepted in regards to this application, or consideration thereof.

Signed, Leger (Nino) Licari, City Assessor

Dated

Signed,

Dated

**CITY OF TROY
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE LETTER OF AGREEMENT**

This agreement between **Metro Technologies, Ltd.**, (“Company”) and the **City of Troy**, is for the purpose of fulfilling the requirements of Public Act 198, as amended in Public Act 334, Section 22.

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Metro Technologies, Ltd.**, understands that through its investment of \$3,540,651.00 ~~and its qualification for Michigan Economic Growth Authority incentives~~, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is **5** years after either completion of construction of the facilities, or December 31, 2017, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2012, **Metro Technologies, Ltd.**, will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **Metro Technologies, Ltd.**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

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

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

- 5.) **Metro Technologies, Ltd.**, agrees that it will operate the Project in accordance with all applicable Federal, State and Local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, noise control, other environmental regulations, and all of the terms and conditions of any Consent Judgment governing the parcel.
- 6.) By execution of the Agreement, it is understood that the Company's investment in the Project, and the City of Troy's investment in the granting of the IFEC is to encourage economic growth within the City of Troy.

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

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

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

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

Signed: _____ (date) _____

Name:

Title:

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

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

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, September 13, 2010 at 7:30 P.M. to consider the establishment of an Industrial Development District (IDD) at the following location:

88-20-26-126-028 1462 E Big Beaver, Troy, MI. 48084-1950
T2N, R11E, Section 26 Part of the Northwest 1/4

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

TROY SCHOOL DISTRICT
MICHAEL ADAMCZYK
4400 LIVERNOIS
TROY MI 48098-4799

OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266

OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

OAKLAND COUNTY PTA
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479

OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341

METRO TECHNOLOGIES LTD
Attn: CRAIG BLUST
1462 E BIG BEAVER
TROY MI 48083-1950



CITY COUNCIL AGENDA ITEM

Date: September 13, 2010

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration
Nino Licari, City Assessor

Subject: Public Hearing for the granting of an Industrial Facilities Exemption Certificate (IFEC) for Metro Technologies, Ltd., 1462 E. Big Beaver

Background:

Metro Technologies, Ltd., located at 1462 E. Big Beaver is expanding their operations to better compete for business. As part of their expansion, they intend to purchase machinery and equipment valued at \$809,000. They will also add 3 new jobs to the 5 existing positions they will maintain. They are asking for Personal Property Tax Abatement, which they qualify for under the former City Council Policy Resolution (attached), which was in effect at the time of the application.

The Industrial Facility Exemption Certificate (IFEC) would be for 5 years.

Financial Considerations:

The projected amount of the investment is \$809,000. Over the 5 year life of the abatement, the estimated total taxes would be \$34,144.76, of which \$10,870.09 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$17,072.76, of which \$5,435.04 would be abated City taxes.

Legal Considerations:

The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.

Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2006-06-238.

City Council goal II, "Retain and attract investment while encouraging redevelopment" is met with this application.



CITY COUNCIL AGENDA ITEM

Recommendation:

Since both legal and policy considerations are met, staff would recommend granting the tax abatement.

Options:

City Council may approve the tax abatement. Or, City Council may choose not to grant the abatement. In which case, the Petitioner may appeal that decision to the State Tax Commission (STC).

NI/nl H:IFT\MetroTech\Memo IFEC 09.13.10

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, September 13, 2010 at 7:30 P.M. to consider the request from Metro Technologies, Ltd., for the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-26-126-028 1462 E Big Beaver, Troy, MI. 48084-1950
T2N, R11E, Section 26 Part of the Northwest 1/4

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

TROY SCHOOL DISTRICT
MICHAEL ADAMCZYK
4400 LIVERNOIS
TROY MI 48098-4799

OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266

OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

OAKLAND COUNTY PTA
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479

OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341

METRO TECHNOLOGIES LTD
Attn: CRAIG BLUST
1462 E BIG BEAVER
TROY MI 48083-1950



CITY COUNCIL AGENDA ITEM

Date: September 13, 2010

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration
Nino Licari, City Assessor

Subject: Public Hearing for the establishment of an Industrial Development District (IDD) for Sulzer Metco, Inc., 1972 Meijer

Background:

Sulzer Metco, Inc., located at 1972 Meijer is expanding their operations to better compete for business. As part of their expansion, they intend to purchase machinery and equipment valued at \$3,540,651. They will also add 12 new jobs to the 38 existing positions they will maintain. They are asking for Personal Property Tax Abatement, which they qualify for under the former City Council Policy Resolution (attached), which was in effect at the time of the application.

The Industrial Facility Exemption Certificate (IFEC) would be for 7 years.

In order to grant the IFEC, an Industrial Development District must first be established, as the City Council has not designated all non-residential areas to be IDD's. This is the reason for the back to back Public Hearings.

Financial Considerations:

The projected amount of the investment is \$3,540,651. Over the 7 year life of the abatement, the estimated total taxes would be \$157,697.41, of which \$50,203.43 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$78,848.70, of which \$25,101.72 would be abated City taxes.

Legal Considerations:

The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.



CITY COUNCIL AGENDA ITEM

Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2006-06-238.

City Council goal II, "Retain and attract investment while encouraging redevelopment" is met with this application.

Recommendation:

Since both legal and policy considerations are met, staff would recommend establishing the district, and granting the tax abatement for the subsequent Public Hearing.

Options:

City Council may establish the IDD (and approve the tax abatement). Or, City Council may choose to not establish a district at this site. In which case, the Council must then deny any tax abatement.

NI/nl H:IFT\Sulzer Metco\Memo IDD 09.13.10

Application for Industrial Facilities Tax Exemption Certificate

issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date received by Local Unit 6/17/10
STC Use Only	
▶ Application Number	▶ Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) Sulzer Metco, Inc.	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3398	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1972 Meijer Drive	▶ 1d. City/Township/Village (indicate which) Troy	▶ 1e. County Oakland
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	▶ 3a. School District where facility is located TROY PUBLIC	▶ 3b. School Code 63150
	▶ 4. Amount of years requested for exemption (1-12 Years) Seven (7)	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

See attachment

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ \$0.00
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ \$3,930,000.00 3,540,651
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ \$3,930,000.00 3,540,651
Total of Real & Personal Costs	

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)		Owned	Leased
Real Property Improvements			▶	<input type="checkbox"/>	<input type="checkbox"/>
Personal Property Improvements	7/1/10	12/31/10	▶	<input checked="" type="checkbox"/>	<input type="checkbox"/>

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 38	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 12
--	--

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	N/A
b. TV of Personal Property (excluding inventory)	N/A
c. Total TV	N/A

▶ 12a. Check the type of District the facility is located in:

Industrial Development District Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit)	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

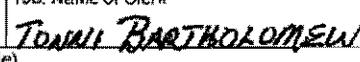
13a. Preparer Name Daniel Peterson	13b. Telephone Number (312) 861-4276	13c. Fax Number (312) 861-9400	13d. E-mail Address dpeterson@nationalbureau.co
14a. Name of Contact Person Daniel Peterson	14b. Telephone Number (312) 861-4276	14c. Fax Number (312) 861-9400	14d. E-mail Address dpeterson@nationalbureau.co
▶ 15a. Name of Company Officer (No Authorized Agents) Janis Gzik			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (516) 338-2132	15d. Date 6/10/2010
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 1101 Prospect Ave. Westbury, NY 11509		15f. Telephone Number (516) 338-2430	15g. E-mail Address janis.gzik@sulzer.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for <u>N/A</u> Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	16d. School Code 63150 TROY PUBLIC
16c. LUCI Code 3398	▶ 18. Date of Resolution Approving/Denying this Application
17. Name of Local Government Body CITY OF TROY	

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk 	19b. Name of Clerk TOMMI BARTHOLOMEW	19c. E-mail Address T.BARTHOLOMEW@TROYMI.GOV
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 500 W BIG BEAVER TROY MI 48064-5254		
19e. Telephone Number 248-524-3316	19f. Fax Number 248-524-1770	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

**Application for Industrial Facilities Tax Exemption Certificate
Sulzer Metco, Inc. Troy, Michigan**

5. Sulzer Metco coats and enhances surfaces, produces materials & equipment for these purposes and develops machining processes for special components. The primary activity of Sulzer Metco (US) Inc.'s Troy, MI facility is the manufacture of metal alloy powders by gas atomization. Coatings produced using these powders improve performance and extend the service life of components in aerospace, power, automotive, and industrial applications. This investment includes two coreless induction furnaces operating in tandem on top of a single atomization vessel and will double the productivity with respect to a conventional atomizer."

Industrial Facility Exemption Equipment List

Sulzer Metco, Inc.
1972 Meijer Drive
Troy, Michigan

Installation is to begin in July 2010

Component	Cost (USD)
Power Supply, Furnaces, Heated Tundish	1,010,000
Atomizing Vessel, Structural, Piping	969,066
Process Instrumentation and Automation	466,964
Integrated Screening System	366,000
Refractory Monitoring	266,372
Material Handling	208,008
Dust Collection	140,000
Electrical	114,241
Engineering and Permits	65,197
Contingency (9%)	324,526

N/A N/A 6/17/10
N/A N/A 6/17/10

Total

3,930,374

INCORRECT N/A 6/17/10

3,540,651 CORRECTED N/A 6/17/10



Phone (312) 861-9300

Fax (312) 861-9400

www.nationalbureau.com

National Bureau of Property Administration, Inc.

Two Prudential Plaza, Suite 2525

180 North Stetson Avenue, Chicago, Illinois 60601

June 16, 2010



Nino Licari
City Assessor
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Re: Application for Industrial Facilities Exemption Certificate ... Personal Property Only
Sulzer Metco, Inc.

Dear Mr. Licari:

Attached you will find the completed Application for Industrial Facilities Exemption Certificate (IFT). This application covers the current expansion project planned by Sulzer Metco, Inc. (Sulzer) for the period July 2010 through December 2010. The current planned project is detailed in the attachment to the IFT application.

Sulzer anticipates that this expansion will increase employment by 12 people within two years of completion of the project and retain 38 employees. The estimated investment in Personal Property covered by this IFT application is \$3,930,000.00.

The availability of the IFT tax abatement was an essential factor in locating this project in Troy, Michigan. Sulzer very much appreciates the assistance of the City of Troy in planning this large investment in the Troy, Michigan community.

We are convinced that this expansion will benefit the Troy, Michigan community and its citizens for years to come. Sulzer continues to make a significant commitment to Troy, Michigan and looks forward to continuing its support to the surrounding community in the future.

Mr. Licari, in our phone discussion this past week you offered to complete the School Code and School District information. Thank you for this assistance. If you should have any questions, or need any additional information, please do not hesitate to contact me.

Sincerely,

Daniel Peterson, CMI, CPA
President, COO

RECEIVED

JUN 17 2010

CITY OF TROY
ASSESSING DEPT.

SULZER

Sulzer Metco (US) Inc.
1101 Prospect Avenue
Westbury, NY 11590
United States of America
www.sulzermelco.com

Nino Licari
City Assessor
Troy, Michigan
500 West Big Beaver Road
Troy, MI 48084-5285

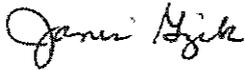
Phone direct +1 (516) 338-2430
Fax direct +1 (516) 338-2132
E-Mail direct Janis.Gzik@sulzer.com
Date February 23, 2010

Regarding: Notification of letter of intent to file an IFT application

Dear Mr. Licari,

This is to inform you that Sulzer Metco (US) Inc. will be filing an IFT application for its Troy, Michigan location in the near future.

Best Regards,



Janis Gzik
SMUS VP Finance

cc: Dan Peterson, National Bureau

Applicant Name SULZER METCO, INC.

Fiscal Statement (to be completed by local unit)

- | | <u>YES</u> | <u>NO</u> |
|--|--------------------------|--------------------------|
| Is this project: | | |
| Real Property? | <input type="checkbox"/> | <input type="checkbox"/> |
| Personal Property? | <input type="checkbox"/> | <input type="checkbox"/> |
| Both Real and Personal Property - New Facility? | <input type="checkbox"/> | <input type="checkbox"/> |
| Both Real and Personal Property - Rehabilitation Facility? | <input type="checkbox"/> | <input type="checkbox"/> |
| Both New and Replacement Facility? | <input type="checkbox"/> | <input type="checkbox"/> |

Estimated Project Investment (not assessed value):

Real Property	Personal Property	Total
---------------	-------------------	-------

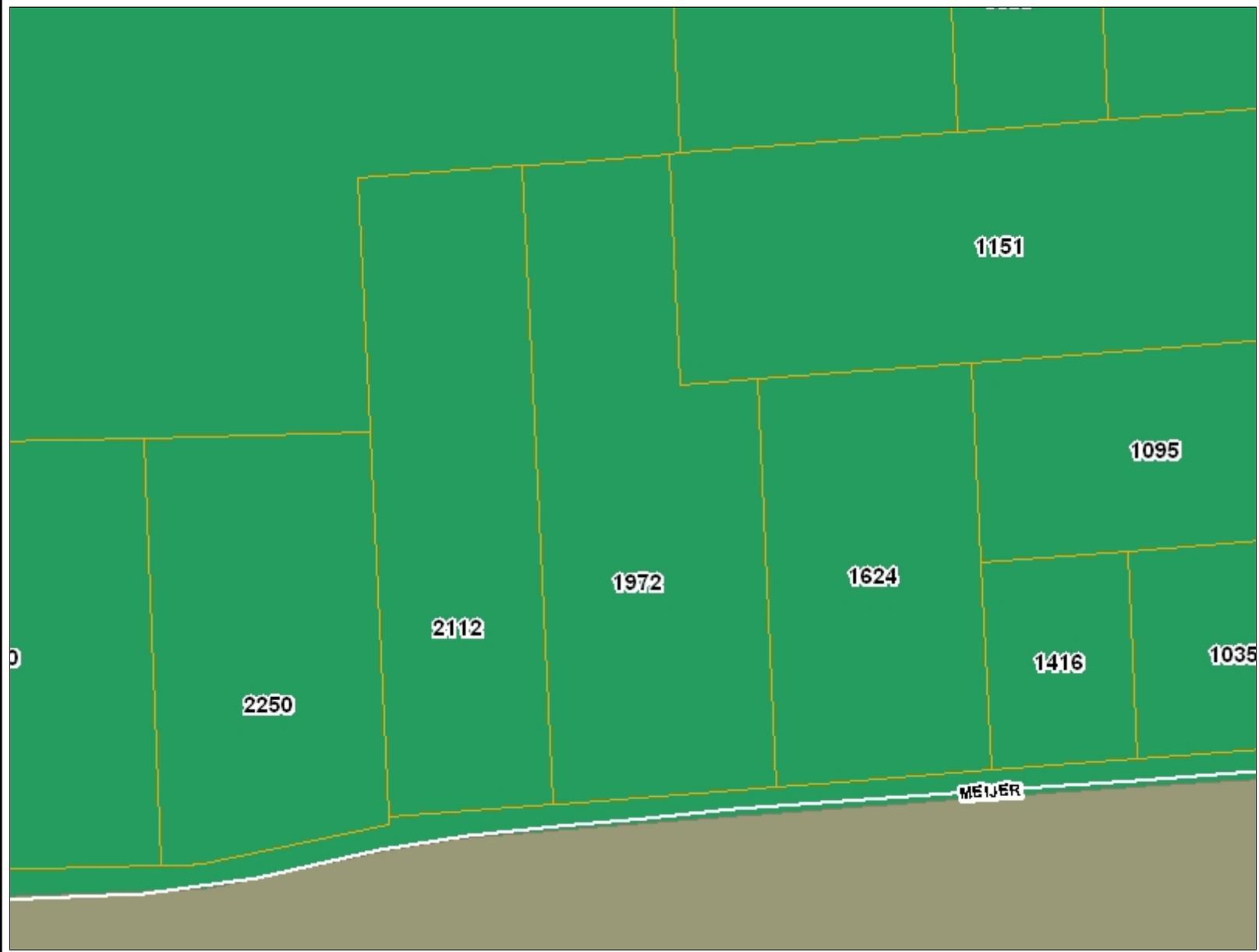
	<u>YES</u>	<u>NO</u>	<u>REMARKS</u>
1. A. Has the proper local authority reviewed the plan?	<input type="checkbox"/>	<input type="checkbox"/>	_____
B. Is the project located in a certified industrial park?	<input type="checkbox"/>	<input type="checkbox"/>	_____
C. Is this a renovation or expansion of an existing building?	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Will this project require improvement of your road service?	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Will this project require improvement of your sanitary sewer services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Will this project require improvement of your storm sewer services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Will this project require improvement of your water services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Will this project require additional police personnel, police equipment or a need for new police building expansion?	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building?	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Will this project require other costs?	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?	<input type="checkbox"/>	<input type="checkbox"/>	_____

If you answered yes to any of questions 2 through 8, the appropriate sections of the Supplement to Fiscal Statement form must be completed and accompany the IFT application. Call (517) 373-3272 to obtain that form.

LOCAL UNIT CERTIFICATION

This is to certify that the following has been provided as accurately as possible.

Signature	Name and Title of Local Governmental Unit Official
-----------	--





06/17/10

Sulzer Metco, Inc., IFT Application – Legal Description

Parcel ID 88-20-32-226-024

T2N, R11E, SEC 32
OAKWOOD INDUSTRIAL PARK
E 8.72 FT OF LOT 1, ALSO
ALL OF LOT 2, ALSO
W 102.28 FT OF LOT 3
12-20-84 FR 021 & 022

City of Troy - Assessing Department
Sulzer Metco, Inc.
Estimate of Total Taxes and Tax Savings for IFEC Application

Market Value	3,540,651	3,245,715	2,704,979	2,029,005	1,352,940	789,441	394,878	164,625
50% of Value	1,770,326	1,622,857	1,352,489	1,014,502	676,470	394,720	197,439	82,312
Year		1	2	3	4	5	6	7
Depreciation		0.9167	0.8334	0.7501	0.6668	0.5835	0.5002	0.4169
Taxable Value		1,622,857	1,352,489	1,014,502	676,470	394,720	197,439	82,312

Taxes	100% of Millage	Taxes						
Trans	0.59000	\$957.49	\$797.97	\$598.56	\$399.12	\$232.88	\$116.49	\$48.56
County	4.64610	\$7,539.96	\$6,283.80	\$4,713.48	\$3,142.95	\$1,833.91	\$917.32	\$382.43
Int Schools	3.36900	\$5,467.41	\$4,556.54	\$3,417.86	\$2,279.03	\$1,329.81	\$665.17	\$277.31
Comm Coll	1.58440	\$2,571.26	\$2,142.88	\$1,607.38	\$1,071.80	\$625.39	\$312.82	\$130.42
State Ed	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Op	5.03820	\$8,176.28	\$6,814.11	\$5,111.27	\$3,408.19	\$1,988.68	\$994.74	\$414.71
Sch Debt	4.70000	\$7,627.43	\$6,356.70	\$4,768.16	\$3,179.41	\$1,855.19	\$927.96	\$386.87
Admin	0.19928	\$323.40	\$269.52	\$202.17	\$134.80	\$78.66	\$39.35	\$16.40
City	9.40000	\$15,254.86	\$12,713.40	\$9,536.32	\$6,358.82	\$3,710.37	\$1,855.93	\$773.74
Total	29.52698	\$47,918.07	\$39,934.92	\$29,955.18	\$19,974.12	\$11,654.90	\$5,829.78	\$2,430.44

Total 7 Years	\$157,697.41
Total City 7 Yr	\$50,203.43

50% Total 7 Yr	\$78,848.70	Net Total Taxes Abated
50% Total City 7 Yr	\$25,101.72	Net Total City Taxes Abated
2% Total City 7 Yr	\$502.03	Application Fee (2% total city)

06/22/10

FIRST AMENDMENT attached to and made a part of that certain Lease dated March 22, 2002, between **FIRST INDUSTRIAL, L.P.**, as Landlord, and **SULZER METCO (US), INC.**, as Tenant, covering Premises at 1972 Meijer Drive, Troy, Michigan.

NOTWITHSTANDING anything to the contrary contained in the Lease to which this First Amendment is attached to and made a part thereof, the Landlord and Tenant agree as follows:

1. Rider I – Option to Renew of the Lease dated March 22, 2002 (pursuant to which Tenant was granted a five (5) year Term extension option) is hereby deleted in its entirety from the Lease and is declared null and void.
2. Notwithstanding that the Lease now contains no right or option in favor of the Tenant to extend or renew the Lease Term, Landlord and Tenant have nonetheless agreed to extend the Term of the Lease for five (5) years, commencing September 1, 2007 and terminating August 31, 2012.

The Base Rent for the said extended five (5) year Term shall be \$ _____

instalments in advance as follows:

Period

Monthly Base Rent

3. Subject to any changes required by local authorities, Landlord agrees to construct at its cost the tenant improvements described in attached Exhibit B-1 (the "Tenant Improvements"). Landlord will use commercially reasonable efforts to complete the Tenant Improvements as soon as reasonably possible after the Date of this First Amendment, such construction to be completed in a good and workmanlike manner. All installations shall be in a location acceptable to Landlord, consistent with the specifications attached as Exhibit B-1. For purposes of Section 20 of this Lease, the Tenant Improvements shall be treated as Alterations.
4. Grant of Option. Tenant shall have an option to extend the term of this Lease for one (1) additional period of five (5) years, beginning September 1, 2012 and ending August 31, 2017 (hereinafter referred to as the "Extension Period"). Tenant shall not be entitled to so extend the Term of the Lease if then in default or if during the year immediately preceding the date for exercise of the option, Tenant shall have been in default under this Lease for any prior consecutive period of two (2) months, or any non-consecutive period totaling four (4) months.

Exercise of Option. The option to extend the Term granted in the above paragraph shall be exercised by written notice to Landlord given not more than two hundred forty (240) nor less than one hundred eighty (180) days prior to the expiration date of the extended Term commencing September 1, 2012.

E-7 Amending the Personal Property Tax Abatement Policy

Resolution #2009-02-042

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the industrial base of the community, (c) reducing economic obsolescence of the industrial base, (d) providing homogenous industrial areas, (e) encouraging industrial expansion, (f) providing for improved public facilities in industrial areas, and (g) encouraging attractive, viable industrial sites; and

WHEREAS, The Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax exemptions for certain industrial properties which meet certain criteria established by the Act;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the following minimum criteria, as authorized by the Industrial Facilities Tax Act (P.A. 1974 No. 198):

1. An Industrial Facilities Exemption Certificate (IFEC) tax abatement shall not be granted until there is compliance with MCL 207.559; and
2. Real property shall not qualify for an IFEC tax abatement, except for those unique situations where there are building improvements that are required to support the personal property that otherwise qualifies for a tax abatement; and
3. Leasehold property shall not qualify for an IFEC tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City's request; and
4. An IFEC tax abatement shall not be issued for a period or term exceeding 12 years; and
5. An IFEC tax abatement shall not be issued unless an Applicant will create more than 10 jobs and/or has a personal property investment of at least \$750,000.00, and/or owns the underlying real property or has a lease for the underlying property that exceeds 5 years, as long as two of the three criteria are satisfied.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the use of the following matrix to calculate the length of an IFEC tax abatement, where the increase in the number of jobs created will increase the term of the IFEC abatement, and similarly the increase in the personal property investment and the ownership/lease conditions on the real property will increase the term of the IFEC abatement:

Tax Abatement Matrix					
Job Creation		Building Terms		PP Investment	
10 - 24	1 year	Own	4 years	\$ 750,000	1 year
25 - 49	2 years	Lease		\$ 2,000,000	2 years
50 - 99	3 years	1 - 5 year	None	\$ 5,000,000	3 years
100 - 149	4 years	6 - 9 year	2 years	\$ 10,000,000	4 years
150 - 199	5 years	10 + year	4 years	\$ 20,000,000	5 years
200 +	6 years				

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the implementation of an application fee equal to 2 % of the estimated personal property taxes abated under the terms of the IFEC tax abatement, or the actual costs of processing the application, whichever is less, and the City of Troy will not charge or collect any other fees for the application, in keeping with MCL 207.555 (3).

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

MOTION CARRIED

June 22, 2010

To: State Tax Commission
P.O. Box 30471
Lansing, MI 48909-7971

From: Leger (Nino) Licari, Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests that the City of Troy has charged a fee of \$502.03, equal to 2% of the estimated abated city taxes, for processing the application for tax abatement submitted by Sulzer Metco, Inc., 1972 Meijer, Troy, MI.

Further, no other fee or concession has been charged or accepted in regards to this application, or consideration thereof.

Signed, Leger (Nino) Licari, City Assessor

Dated

Signed,

Dated

**CITY OF TROY
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE LETTER OF AGREEMENT**

This agreement between **Sulzer Metco, Inc.**, (“Company”) and the **City of Troy**, is for the purpose of fulfilling the requirements of Public Act 198, as amended in Public Act 334, Section 22.

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Sulzer Metco, Inc.**, understands that through its investment of \$3,540,651.00 ~~and its qualification for Michigan Economic Growth Authority incentives~~, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is 7 years after either completion of construction of the facilities, or December 31, 2017, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2012, **Sulzer Metco, Inc.**, will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **Sulzer Metco, Inc.**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

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

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

- 5.) **Sulzer Metco, Inc.**, agrees that it will operate the Project in accordance with all applicable Federal, State and Local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, noise control, other environmental regulations, and all of the terms and conditions of any Consent Judgment governing the parcel.
- 6.) By execution of the Agreement, it is understood that the Company's investment in the Project, and the City of Troy's investment in the granting of the IFEC is to encourage economic growth within the City of Troy.

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

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

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

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

Signed: _____ (date) _____

Name:

Title:

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

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

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, September 13, 2010 at 7:30 P.M. to consider the establishment of an Industrial Development District (IDD) at the following location:

88-20-32-226-024 1972 Meijer, Troy, MI. 48084-7143
T2N, R11E, Section 32 Oakwood Industrial Park, Part of Lots 1, 2, & 3

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

TROY SCHOOL DISTRICT
MICHAEL ADAMCZYK
4400 LIVERNOIS
TROY MI 48098-4799

OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266

OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

OAKLAND COUNTY PTA
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479

OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341

SULZER METCO
Attn: JANIS GZIK
1101 PROSPECT AVE
WESTBURY NY 11509

NATIONAL BUREAU OF PROPERTY
Attn: DANIEL PETERSON
TWO PRUDENTIAL PLAZA STE 2525
180 N STETSON AVE
CHICAGO IL 60601



CITY COUNCIL AGENDA ITEM

Date: September 13, 2010

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration
Nino Licari, City Assessor

Subject: Public Hearing for the granting of an Industrial Facilities Exemption Certificate (IFEC) for Sulzer Metco, Inc., 1972 Meijer

Background:

Sulzer Metco, Inc., located at 1972 Meijer is expanding their operations to better compete for business. As part of their expansion, they intend to purchase machinery and equipment valued at \$3,540,651. They will also add 12 new jobs to the 38 existing positions they will maintain. They are asking for Personal Property Tax Abatement, which they qualify for under the former City Council Policy Resolution (attached), which was in effect at the time of the application.

The Industrial Facility Exemption Certificate (IFEC) would be for 7 years.

Financial Considerations:

The projected amount of the investment is \$3,540,651. Over the 7 year life of the abatement, the estimated total taxes would be \$157,697.41, of which \$50,203.43 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$78,848.70, of which \$25,101.72 would be abated City taxes.

Legal Considerations:

The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.

Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2006-06-238.

City Council goal II, "Retain and attract investment while encouraging redevelopment" is met with this application.



CITY COUNCIL AGENDA ITEM

Recommendation:

Since both legal and policy considerations are met, staff would recommend granting the tax abatement.

Options:

City Council may approve the tax abatement. Or, City Council may choose not to grant the abatement. In which case, the Petitioner may appeal that decision to the State Tax Commission (STC).

NI/nl H:IFT\Sulzer Metco\Memo IFEC 09.13.10

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, September 13, 2010 at 7:30 P.M. to consider the request from Sulzer Metco, Inc., for the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-32-226-024 1972 Meijer, Troy, MI. 48084-7143
T2N, R11E, Section 32 Oakwood Industrial Park, Part of Lots 1, 2, & 3

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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4400 LIVERNOIS
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CLARENCE E BRANTLEY
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BLOOMFIELD HILLS MI 48304-2266

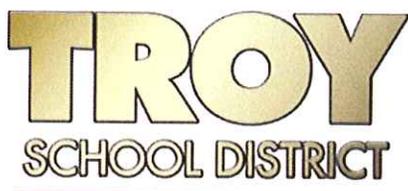
OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

OAKLAND COUNTY PTA
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479

OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341

SULZER METCO
Attn: JANIS GZIK
1101 PROSPECT AVE
WESTBURY NY 11509

NATIONAL BUREAU OF PROPERTY
Attn: DANIEL PETERSON
TWO PRUDENTIAL PLAZA STE 2525
180 N STETSON AVE
CHICAGO IL 60601



4400 Livernois
Troy, Michigan 48098-4777

Barbara A. Fowler, Ph.D.
Superintendent of Schools

248.823.4003
Fax: 248.823.4012
bfowler2@troy.k12.mi.us

August 18, 2010

Ms. Barbara A. Pallotta
Deputy City Clerk
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Dear Ms. Pallotta:

This letter is to inform you that Gary Hauff has been recommended by the Troy Board of Education to continue as the school district's representative on the Troy Parks and Recreation Board for the 2010/2011 school year. His home mailing address is:

3794 Wayfarer
Troy, MI 48083

His e-mail address is: hauff57@hotmail.com.

Please let him know when the first meeting is scheduled.

Sincerely,

A handwritten signature in black ink that reads "Barbara A. Fowler". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Barbara A. Fowler, Ph.D.
Superintendent

cc: Mr. Gary Hauff

To strengthen
and promote
cities as centers
of opportunity,
leadership, and
governance.



National League of Cities

1301 Pennsylvania Ave., N.W.
Washington, D.C. 20004-1763

202-626-3000

Fax: 202-626-3043

www.nlc.org

2010 Officers

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Ronald O. Loveridge
Mayor
Riverside, California

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Council Member
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Mayor
Willmar, Minnesota

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James C. Hunt
Councilmember
Clarksburg, West Virginia

Executive Director

Donald J. Borut

August 20, 2010

Ms. Tonni L. Bartholomew
City Clerk
City of Troy
500 W Big Beaver Rd
Troy, MI 48084-5254

Dear Ms. Bartholomew:

The National League of Cities (NLC) Annual Business Meeting will be held on Saturday, December 4, 2010, at the conclusion of the Congress of Cities and Exposition in Denver, CO. As a direct member city, your city is entitled to vote at this meeting. Based on the population as of the 2000 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found on the table on the reverse of the credentials form.

To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up the city's voting card at the Credentials Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. The Credentials Booth will be open during scheduled times throughout the Congress of Cities.

Please return the completed form to NLC by fax 202-626-3109 on or before October 30, 2010. If you have any questions, please contact Tata Sidibe, sidibe@nlc.org or 202-626-3188 or Mae Davis, mdavis@nlc.org, 202-626-3150.

Thank you,

Donald J. Borut
Executive Director



CREDENTIALS FORM

NATIONAL LEAGUE OF CITIES · 2010 CONGRESS OF CITIES · DENVER, COLORADO

At the Annual Business Meeting on Saturday, December 4, 2010, each direct member city of NLC is entitled to cast from one to 20 votes based upon the city's population per the 2000 census, through its designated voting delegate. Please indicate below your city and state, voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3109, by the October 30, 2010, deadline.

The official voting delegate and alternate(s) for the city/town of:

City of Troy MI 80959 (2)

(type or print the name of your city/town and state)

VOTING DELEGATE:

1. NAME _____

TITLE _____

ALTERNATE VOTING DELEGATE(S):

2. NAME _____

TITLE _____

3. NAME _____

TITLE _____

FOR OFFICE USE ONLY (DO NOT WRITE IN THIS SPACE)		
<i>Voting card issued to:</i>		

<i>(signature)</i>		
Votes: _____		
1 _____	2 _____	3 _____

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 30, 2010
ATTENTION: TATA SIDIBE, MEMBERSHIP RELATIONS ASSISTANT
FAX: 202-626-3109

Signature (city representative): _____



**NATIONAL LEAGUE OF CITIES
2010 CONGRESS OF CITIES
DENVER, COLORADO**

Number of Votes – Annual Business Meeting

Direct Member Cities

Article IV, Section 2 of the National League of Cities bylaws specifies the number of votes that each NLC direct member city is entitled to cast at the Annual Business Meeting at the Congress of Cities. Member cities are required by the bylaws to cast unanimous votes.

CITY POPULATION (per 2000 Census)	NUMBER OF VOTES
Under 50,000	1 vote
50,000 – 99,999	2 votes
100,000 – 199,999	4 votes
200,000 – 299,999	6 votes
300,000 – 399,999	8 votes
400,000 – 499,999	10 votes
500,000 – 599,999	12 votes
600,000 – 699,999	14 votes
700,000 – 799,999	16 votes
800,000 – 899,999	18 votes
900,000 and above	20 votes



CITY COUNCIL AGENDA ITEM

Date: August 25, 2010

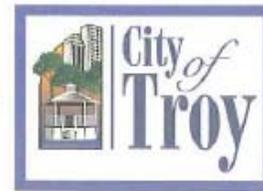
To: John Szerlag, City Manager

From: Tonni L. Bartholomew, City Clerk

Subject: Adoption of Troy City Council Code of Ethics

Background

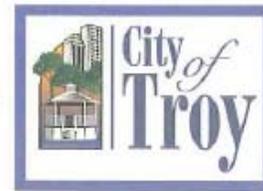
The attached document reflects the City Council recommended Code of Ethic document as proposed at the Council Study Session held on Monday, August 16, 2010 with the inclusion of Council Member Kerwin's proposed modification, which was laid on the Council table at the Regular City Council meeting of August 23, 2010.



Troy City Council Code of Ethics

The Troy City Council shall:

- Respect the confidentiality of privileged information;
- Recognize that an individual council member has no authority to speak or act for council;
- Work with other council members to establish effective policies;
- Delegate authority for the running of the city to the manager and staff;
- Encourage the free expression of opinion by all council members;
- Seek systematic communications between council, staff, and all elements of the community;
- Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
- Make every effort to attend all meetings;
- Become informed concerning the issues to be considered at each meeting;
- Avoid conflicts of interest or the appearance thereof;
- Refrain from using this position for personal benefit nor for the benefit of family members or business associates.



Troy City Council Code of Ethics

As a member of Troy City Council, I will:

- Respect the confidentiality of privileged information;
- Recognize that an individual council member has no authority to speak or act for council;
- Work with other council members to establish effective policies;
- Delegate authority for the running of the city to the manager and staff;
- Encourage the free expression of opinion by all council members;
- Seek systematic communications between council, staff, and all elements of the community;
- Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
- Make every effort to attend all meetings;
- Become informed concerning the issues to be considered at each meeting;
- Avoid conflicts of interest or the appearance thereof;
- Refrain from using this position for personal benefit nor for the benefit of family members or business associates.

Signed this _____ day of _____ By: _____
Council Member

Council Member Beltramini 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, August 23, 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 - Absent
 Martin Howrylak
 Mary Kerwin
 Maureen McGinnis
 Dane Slater

Vote on Resolution to Excuse Mayor Pro Tem Fleming

Resolution #2010-08-175
 Moved by Beltramini
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Fleming at the Regular City Council Meeting of Monday, August 23, 2010, due to being absent from the County.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations Scheduled

- a) On behalf of the Information Technology Department, Alex Bellak, GIS Administrator provided a 10-minute presentation associated with receiving the Special Achievement in GIS (SAG) Award from Environmental Systems Research Institute, Inc. (ESRI).

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

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

Tim Burns	Oakland County update regarding free immunizations
Audre Zembruski	Library; lawsuits; voter education
Marvin Reinhardt	Troy Police Academy; transit center; race relations
James Savage	Big Beaver Rd. and Rochester Rd. intersection; Big Beaver Corridor Study; Futuring Study; Civic Center park
Richard Peters	New law

G. RESPONSE / REPLY TO PUBLIC COMMENT**H. POSTPONED ITEMS:**

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Appointments to Boards and Committees: None Scheduled

I-2 Nominations for Appointments to Boards and Committees: None Scheduled

I-3 Request for Closed Session – None Requested

I-4 Designation of Voting Delegates at the Annual Meeting of the Michigan Municipal League

Resolution #2010-08-176

Moved by Beltramini

Seconded by Schilling

RESOLVED, That Troy City Council hereby **DESIGNATES** Council Member Kerwin as Principal Official Representative (Official Voting Delegate) and hereby **DESIGNATES** Council Member McGinnis as the Alternate Official Representative (Official Alternate Voting Delegate) to cast the vote of the City of Troy at the Annual Business Meeting of the Michigan Municipal League to be held September 21 through September 24, 2010 in Dearborn, Michigan.

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

No: None

Absent: Fleming

MOTION CARRIED

I-5 Joint Meeting with Planning Commission to Discuss Economic Development Initiatives

Resolution #2010-08-177

Moved by Kerwin

Seconded by McGinnis

RESOLVED, That a joint meeting between the Troy City Council and the Troy Planning Commission be **SCHEDULED** on Monday, October 4, 2010, immediately following the Regular City Council Meeting, in the Lower Level Conference Room, to Discuss Economic Development Initiatives.

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

No: None

Absent: Fleming

MOTION CARRIED

I-6 General Obligation Unlimited Tax Refunding Bonds

Resolution #2010-08-178

Moved by Beltramini

Seconded by Slater

WHEREAS, Pursuant to the provisions of Act 279, Public Acts of Michigan, 1909, as amended ("Act 279") and the City Charter of the City of Troy (the "City"), and as a result of the affirmative vote of the City's electors at the general election in the City on April 5, 1999, the City issued its General Obligation Unlimited Tax Bonds, Series 2003 (Public Safety Facilities and City Hall) (the "2003 Bonds") in the aggregate principal amount of \$14,500,000 for the purpose of defraying the cost of the acquisition and construction of various public safety facilities in the City and the renovation, reconstruction and equipping of the City Hall Building and appurtenant facilities and the costs incident thereto; and

WHEREAS, The 2003 Bonds remain outstanding in the aggregate principal amount of \$11,000,000, mature in various principal amounts on October 1 in the years 2010 through 2020 and bear interest at rates per annum which vary from 3.500% to 4.500%; and

WHEREAS, Part VI of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") authorizes the City to refund all or any part of its outstanding securities; and

WHEREAS, The City has received a proposal from Fifth Third Securities, Inc. (the "Underwriter") to refund part of the outstanding 2003 Bonds; and

WHEREAS, The City Manager has recommended that this resolution be adopted in order to effect the refunding of part of the outstanding 2003 Bonds and this Council has determined that it is in the best interest of the City that such refunding be undertaken.

NOW, THEREFORE, BE IT RESOLVED:

1. AUTHORIZATION OF BONDS -- PURPOSE.

Bonds of the City, aggregating the principal sum of not to exceed Ten Million Dollars (\$10,000,000) (the "Refunding Bonds"), shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding part of the 2003 Bonds (the "2003 Bonds To Be Refunded"). The City Manager shall determine which of the 2003 Bonds shall be refunded and the principal amount of the Refunding Bonds at the time of sale.

2. BOND DETAILS.

The Refunding Bonds shall be designated "General Obligation Unlimited Tax Refunding Bonds, Series 2010B;" shall be dated as of such date as shall be approved by the City Manager at the time of sale; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 6% per annum to be determined by the City Manager at the time of sale payable on such dates as shall be determined by the City Manager at the time of sale; and shall mature in such principal amounts and on such dates and in such years as shall be determined by the City Manager at the time of sale.

3. PAYMENT OF PRINCIPAL AND INTEREST.

The principal of and interest on the Refunding Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Refunding Bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each Refunding Bond as shown on the registration books at the close of business on the fifteenth day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

4. PRIOR REDEMPTION.

The Refunding Bonds shall be subject to redemption prior to maturity if so determined by the City Manager at the time of sale and if so determined, upon such terms and conditions as shall be approved by the City Manager.

5. BOOK-ENTRY SYSTEM.

Initially, one fully-registered bond for each maturity of the Refunding Bonds, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "Participants") in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the Refunding Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the bond registrar and paying agent shall deliver, transfer and exchange bond

certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this resolution. DTC may determine to discontinue providing its services with respect to the Refunding Bonds at any time by giving notice to the City and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the bond registrar and paying agent shall be obligated to deliver bond certificates in accordance with the procedures established by this resolution. In the event bond certificates are issued, the provisions of this resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the bond registrar and paying agent to do so, the City and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Refunding Bonds to any Participant having Refunding Bonds certificated to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Refunding Bonds.

Notwithstanding any other provision of this resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the Refunding Bonds and all notices with respect to the Refunding Bonds shall be made and given, respectively, to DTC as provided in the Blanket Issuer Letter of Representations previously entered into by the City and DTC, and the City Manager is authorized to enter into any additional documents with DTC on behalf of the City as deemed to be appropriate in order to accomplish the issuance of the Refunding Bonds in accordance with law and this resolution.

6. BOND REGISTRAR AND PAYING AGENT.

The Huntington National Bank is hereby appointed as bond registrar and paying agent for the Refunding Bonds, and the City Manager is authorized to enter into an agreement with the bond registrar and paying agent. The City Manager from time to time may designate, and may enter into an agreement with, a successor bond registrar and paying agent, which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.

7. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS.

The Refunding Bonds shall be executed in the name of the City by the facsimile signatures of the Mayor and the City Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the Refunding Bonds. After the Refunding Bonds have been executed and authenticated for delivery to the Underwriter, they shall be delivered by the Treasurer to the Underwriter upon receipt of the purchase price. Additional Refunding Bonds bearing the facsimile signatures of the Mayor and the City Clerk and upon which the seal of the City (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of the Refunding Bonds. The bond registrar and paying agent shall indicate on each Refunding Bond the date of its authentication.

8. EXCHANGE AND TRANSFER OF BONDS.

Any Refunding Bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Refunding Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bond.

Each Refunding Bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such Refunding Bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Refunding Bond, the bond registrar and paying agent on behalf of the City shall cancel the surrendered Refunding Bond and shall authenticate and deliver to the transferee a new Refunding Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bond. If, at the time the bond registrar and paying agent authenticates and delivers a new Refunding Bond pursuant to this section, payment of interest on the Refunding Bonds is in default, the bond registrar and paying agent shall endorse upon the new Refunding Bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____."

The City and the bond registrar and paying agent may deem and treat the person in whose name any Refunding Bond shall be registered upon the books of the City as the absolute owner of such Refunding Bond, whether such Refunding Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Refunding Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such Refunding Bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of Refunding Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange Refunding Bonds or portions of Refunding Bonds which have been selected for redemption.

9. FORM OF REFUNDING BONDS.

The Refunding Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
 STATE OF MICHIGAN
 COUNTY OF OAKLAND
 CITY OF TROY
 GENERAL OBLIGATION UNLIMITED TAX REFUNDING BOND, SERIES 2010B

INTEREST RATE MATURITY DATE DATE OF ORIGINAL ISSUE CUSIP

Registered Owner:

Principal Amount:

The City of Troy, County of Oakland, State of Michigan (the "City"), acknowledges itself indebted to, and for value received hereby promises to pay to, the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of The Huntington National Bank, the bond registrar and paying agent, located in Grand Rapids, Michigan, or other designated office, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution, and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount from the Date of Original Issue set forth above, or such later date through which interest has been paid, until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first days of _____ and _____ in each year, commencing on _____ 1, 20___. Principal and interest are payable in lawful money of the United States of America.

This bond is one of a series of bonds aggregating the principal sum of _____ Dollars (\$_____) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 34, Public Acts of 2001, as amended) and a resolution adopted by the City Council of the City and an order adopted by the City Manager of the City (said resolution and order herein collectively referred to as the "Resolution") for the purpose of refunding the City's outstanding General Obligation Unlimited Tax Bonds, Series 2003 (Public Safety Facilities and City Hall) maturing in the years 20__ through 20__. The full faith and credit of the City are hereby pledged for the prompt payment of the principal of and interest on this bond. The City is authorized and required to levy annually ad valorem taxes, without limitation as to rate or amount, to pay such principal and interest as the same shall become due.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be

authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

Bonds maturing prior to _____, _____, are not subject to redemption prior to maturity. Bonds maturing on and after _____, _____, are subject to redemption prior to maturity at the option of the City, in such order as shall be determined by the City, on any one or more dates on and after _____, _____. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus interest to the date fixed for redemption and a premium as follows:

___% of the par value if called for redemption on or after _____, _____, but prior to _____, _____;

No premium if called for redemption on or after _____.

Not less than thirty nor more than sixty days' notice of redemption shall be given to the registered owners of bonds called to be redeemed by mail to each registered owner at the registered address. Bonds or portions of bonds called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this bond is one, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, The City of Troy, County of Oakland, State of Michigan, by its City Council, has caused this bond to be executed in its name by facsimile signatures of the Mayor and City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

CITY OF TROY

By: _____
Tonni L. Bartholomew, City Clerk

By: _____
Louise E. Schilling, Mayor
(SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolution.

The Huntington National Bank
Bond Registrar and Paying Agent

By: _____
Authorized Representative

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ (please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

END OF BOND FORM

10. SECURITY.

The full faith and credit of the City are hereby pledged to the payment of the principal of and interest on the Refunding Bonds. There shall be levied upon all taxable property in the City upon the tax roll of the year 2011 and upon the tax roll of each year thereafter while any of the Refunding Bonds shall be outstanding, an amount such that the estimated collections therefrom will be sufficient to pay promptly at maturity the principal and interest maturing on the Refunding Bonds prior to the time of the following year's tax collections. Taxes required to be levied to pay principal of and interest on the Refunding Bonds shall be levied without limitation as to rate or amount.

11. DEFEASANCE.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Refunding Bonds, shall have been deposited in trust, this resolution

shall be defeased and the owners of the Refunding Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Refunding Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

12. PRINCIPAL AND INTEREST FUND.

There shall be established for the Refunding Bonds a Principal and Interest Fund. From the proceeds of the sale of the Refunding Bonds there shall be set aside in the Principal and Interest Fund any accrued interest received from the Underwriter at the time of delivery of the same. The proceeds of the taxes (both current and delinquent) to be used to pay the principal and interest on the Refunding Bonds when due shall be deposited as collected in the Principal and Interest Fund and so long as the principal or interest on the Refunding Bonds remain unpaid, no moneys shall be withdrawn from such fund except to pay such principal and interest or to pay from any investment earnings on such fund the fees and expenses of the bond registrar and paying agent.

13. PAYMENT OF ISSUANCE EXPENSES -- ESCROW FUND.

The remainder of the proceeds of the Refunding Bonds shall be used, together with available moneys of the City, if any, to pay the issuance expenses of the Refunding Bonds and to establish an escrow fund for the 2003 Bonds To Be Refunded. After the issuance expenses have been paid or provided for the remaining proceeds and City moneys, if any, shall be used to establish an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing and used to pay the principal of, interest on and redemption premiums on the 2003 Bonds To Be Refunded. The Escrow Fund shall be held by The Huntington National Bank, hereby appointed as escrow agent (the "Escrow Agent"), in trust pursuant to an escrow agreement (the "Escrow Agreement") which irrevocably shall direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the 2003 Bonds To Be Refunded when due prior to redemption and to call the 2003 Bonds To Be Refunded for redemption at such time as shall be determined in the Escrow Agreement. The City Manager shall approve the Escrow Agreement at the time of sale of the Refunding Bonds and shall be authorized to execute and deliver the Escrow Agreement for and on behalf of the City. The amounts held in the Escrow Fund shall be such that the cash and the investments and the income received thereon will be sufficient without reinvestment to pay the principal of, interest on and redemption premiums on the 2003 Bonds To Be Refunded when due at maturity or call for redemption as required by the Escrow Agreement.

14. APPROVAL OF DEPARTMENT OF TREASURY.

The issuance and sale of the Refunding Bonds shall be subject to permission being granted therefor by the Department of Treasury of the State of Michigan as provided in Act 34. If necessary, the City Manager is authorized to file an application with the Department of Treasury for approval of the Refunding Bonds.

15. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF REFUNDING BONDS.

The Refunding Bonds shall be sold pursuant to a negotiated sale to the Underwriter as hereinafter provided, and it is hereby determined that such negotiated sale is in the best interests of the City and is calculated to provide the maximum flexibility in pricing the Refunding Bonds. The City Manager is authorized to enter into a Bond Purchase Agreement with the Underwriter, which Bond Purchase Agreement shall set forth the 2003 Bonds To Be Refunded and the principal amount, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, purchase price to be paid by the Underwriter with respect to the Refunding Bonds and such other terms and provisions as the City Manager determines to be necessary or appropriate in connection with the sale of the Refunding Bonds. The Bond Purchase Agreement and the terms of the Refunding Bonds set forth therein shall be approved by an order adopted by the City Manager at the time of the sale of the Refunding Bonds. The Mayor, the Clerk, the City Manager and the Treasurer are each hereby authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Refunding Bonds in accordance with the provisions of this resolution. In making the determination in the order authorizing the sale of the Refunding Bonds and in the Bond Purchase Agreement with respect to principal maturities and dates, interest rates, purchase price of the Refunding Bonds and compensation to be paid to the Underwriter, the City Manager shall be limited as follows:

- a) The interest rate on any Refunding Bond shall not exceed 6% per annum.
- b) The final maturity date of the Refunding Bonds shall not be later than October 1, 2020.
- c) The present value of the savings (net of issuance costs) to be realized by the issuance of the Refunding Bonds shall be equal to or greater than 3% of the principal amount of the 2003 Bonds To Be Refunded.
- d) The purchase price of the Refunding Bonds shall not be less than 98% of the principal amount thereof.
- e) The Underwriter's discount with respect to the Refunding Bonds or the compensation to be paid to the Underwriter shall not exceed 1% of the principal amount of the Refunding Bonds.

16. REPLACEMENT OF BONDS.

Upon receipt by the City Clerk of proof of ownership of an unmatured Refunding Bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the City Clerk, the City Clerk may authorize the bond registrar and paying agent to deliver a new executed Refunding Bond to replace the Refunding Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Refunding Bond is lost, apparently destroyed or wrongfully taken, the City Clerk may authorize the bond registrar and paying agent to pay the Refunding Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement Refunding Bond. The bond registrar and paying agent, for each new Refunding Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the City in the premises. Any Refunding Bond delivered pursuant to the provisions of this Section 16 in lieu of any Refunding Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Refunding Bond in substitution for which such Refunding Bond was delivered.

17. TAX COVENANT.

The City covenants to comply with all applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to assure that the interest on the Refunding Bonds will be and will remain excludable from gross income for federal income tax purposes. The Mayor, the Clerk, the City Manager, the Treasurer and other appropriate City officials are authorized to do all things necessary (including the making of such covenants of the City as shall be appropriate) to assure that the interest on the Refunding Bonds will be and will remain excludable from gross income for federal income tax purposes.

18. QUALIFIED TAX EXEMPT OBLIGATIONS.

The Refunding Bonds are hereby designated as "qualified tax exempt obligations" as described in Section 265(b)(3)(B) of the Code.

19. OFFICIAL STATEMENT.

The City Manager is authorized to cause the preparation of an official statement for the Refunding Bonds for the purpose of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the Refunding Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the Underwriter to enable the Underwriter to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

20. CONTINUING DISCLOSURE.

The Mayor and the City Clerk are hereby authorized to execute a certificate of the City to comply with the continuing disclosure undertaking of the City with respect to the Refunding Bonds pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

21. PROFESSIONAL SERVICES.

The following are appointed to act in the following capacities with respect to the Refunding Bonds:

As financial consultant: Bendzinski & Co., Municipal Finance Advisors
Detroit, Michigan

As Underwriter: Fifth Third Securities, Inc.
Cincinnati, Ohio

As bond counsel: Dickinson Wright PLLC
Bloomfield Hills, Michigan

22. CONFLICTING RESOLUTIONS.

All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** this resolution **AUTHORIZING** the issuance of not to exceed \$10,000,000 General Obligation Unlimited Tax Refunding Bonds, Series 2010B.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2010-08-179-J-1a
Moved by McGinnis
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

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

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2010-08-179-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 16, 2010 as submitted.

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Tee Shirts

Resolution #2010-08-179-J-4a

WHEREAS, On October 5, 2009, Troy City Council awarded a one-year contract with an option to renew for one additional year for Tee Shirts to the low total bidder, Customs T's of Clawson, Michigan (Resolution #2009-10-301-F-4c); and

WHEREAS, On March 15, 2010, Troy City Council rescinded with prejudice the contract award to Custom T's and re-awarded the contract for Tee Shirts to the next lowest bidder, Impressive Promotional Products LLC of Clawson (Resolution #2010-03-070-I5); and

WHEREAS, Impressive Promotional Products LLC has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby exercises the option to renew the contract with Impressive Promotional Products LLC to provide Tee Shirts under the same prices, terms, and conditions for one additional year at unit prices contained in the bid tabulation opened September 2, 2009, to expire September 30, 2011.

J-5 City of Troy v. BG's LLC

Resolution #2010-08-179-J-5

RESOLVED, That the City of Troy City Council **APPROVES** the proposed Consent Judgment in the City of Troy v BG's L.L.C. condemnation case, and authorizes payment in the amounts stated therein, and further authorizes the City Attorney's Office to **EXECUTE** the document on behalf of the City of Troy, and a copy is to be **ATTACHED** to the original minutes of this meeting.

J-6 Application for a New SDM Liquor License – Super City Smoker's Express, LLC

Resolution #2010-08-179-J-6

WHEREAS, The LAC is an advisory committee of City Council; and

WHEREAS, The Liquor Advisory Committee (LAC) reviewed the application of Super City Smoker's Express, as well as supporting documentation and verbal representations made at its meetings and after deliberation, recommends denial of the application since the applicant has convictions for crimes of violence.

NOW, THEREFORE BE IT RESOLVED, That Troy City Council hereby **RECOMMENDS DENIAL** of the application from Super City Smoker's Express, L.L.C. for a new SDM License to be located at 2981 East Big Beaver, Troy, MI 48083, Oakland County, {MLCC Request #524881} and **DIRECTS** that a copy of this Resolution be forwarded to the MLCC.

J-7 Approval to Temporarily Waive Parking Restrictions

Resolution #2010-08-179-J-7

RESOLVED, That the City Council of the City of Troy does hereby waive the no parking restrictions on the East side of Northfield Parkway from the parking lot entrance to

Congregation Shir Tikvah to the entrance to Boulan Park, on Wednesday, September 8, 2010, 7:00 pm – 11:00 pm, Thursday, September 9, 2010, 9:00 am – 5:00 pm, Friday, September 17, 2010, 7:00 pm – 11:00 pm, Saturday, September 18, 2010, 9:00 am – 9:00 pm.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) IDD & IFEC for Metro Technologies, Ltd., 1462 E. Big Beaver – Monday, September 13, 2010
 - b) IDD & IFEC for Sulzer Metco, Inc., 1972 Meijer – Monday, September 13, 2010
-

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):

- a) Request to Schedule a Study Session with Barry Demp of Barry Demp Coaching
 - b) Adoption of Troy City Council Code of Ethics
-

L. COUNCIL REFERRALS:

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

L-1 No Council Referrals Advanced

M. COUNCIL COMMENTS

M-1 Council Comments

Council Member Kerwin thanked all the volunteers for their hard work during “Art on the Lake” this past weekend.

Council Member Beltramini reminded all that this week is Restaurant Week in Troy

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Liquor Advisory Committee/ Final – June 14, 2010
 - b) Liquor Advisory Committee/Draft – August 9, 2010
Noted and Filed
-

N-2 Department Reports: None Submitted

N-3 Letters of Appreciation:

- a) Letter to Stu Alderman from Jillian Cavellier, thanking Parks and Recreation for offering quality programs
- b) Letter to Rick Shepler from Ed Kuefler, thanking Water Department employees for their assistance

Noted and Filed

N-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Notice of Hearing for Gas Customers of Consumers Energy Company
Noted and Filed

O. STUDY ITEMS

- O-1 Energy Efficiency and Conservation Block Grant

P. CLOSED SESSION:

- P-1 Closed Session – None Requested

Q. ADJOURNMENT

The meeting **RECESSED** at 8:27 PM.

The meeting **RECONVENED** at 8:36 PM.

The meeting **ADJOURNED** at 9:28 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

City of Troy

PROCLAMATION
PATRIOT WEEK
SEPTEMBER 11 - 17, 2010

WHEREAS, The history and First Principles of the United States of America should serve as the cornerstone of civic education. In great reverence to the victims of the 9/11 attacks, we acknowledge that American citizens must take time to honor the principles, founders, documents, and symbols of their history; and

WHEREAS, The events that led to the signing of The Constitution of the United States of America by the delegates of the Constitutional Convention on September 17, 1787, have significance for every American and are honored in public schools across the nation on September 17 as Constitution Day; and

WHEREAS, Revolution, the rule of law, social compact, equality, unalienable rights, and limited government are the First Principles upon which America was founded and flourishes; and

WHEREAS, Exceptional, visionary, and indispensable Americans such as Thomas Paine, Patrick Henry, John Adams, John Marshall, George Washington, Abraham Lincoln, Frederick Douglass, Martin Luther King, Jr., Elizabeth Cady Stanton, Susan Anthony, Thomas Jefferson, and James Madison founded and advanced the United States; and

WHEREAS, The Bennington Flag, work of Betsy Ross, American Flag, Suffragist Flag, Union Flag, Gadsden Flag, and the flag of the state of Michigan are key physical symbols of American history that should be studied and remembered by each American citizen;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby proclaim **September 11-17, 2010** as Michigan Patriot Week in the City of Troy, Michigan, symbolically beginning this celebration on September 11 and concluding on Constitution Day;

BE IT FURTHER RESOLVED, That the City Council calls upon the citizens, businesses, nonprofit organizations, and schools in Troy to recognize and participate in this extended holiday by honoring and celebrating the First Principles, key historical figures, founding documents, and symbols of America so that they may offer the reverence that is due to our free republic.

Presented this 13th day of September 2010.

Louise E. Schilling
Louise E. Schilling, Mayor

Wade Fleming
Wade Fleming, Mayor Pro-Tem

Robin E. Beltramini
Robin E. Beltramini, Councilwoman

Martin F. Howrylak
Martin F. Howrylak, Councilman

Maureen McGinnis
Maureen McGinnis, Councilwoman

Mary Kerwin
Mary Kerwin, Councilwoman

Dane Slater
Dane Slater, Councilman





CITY COUNCIL ACTION REPORT

August 23, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder –
Asphalt Patching Material - Cold

Background

- On August 16, 2010, bid proposals were received electronically to furnish seasonal requirements of Asphalt Patching Material – Cold.
- 45 vendors were notified of the bid opportunity via the MITN system with two (2) on-line bid responses received.

Financial Considerations

- Funds are available through the Public Works operating budgets for Streets and Water Divisions.
- The unit price for this season is 7.6% less than last season. (\$83.16 vs. \$76.84)

Legal Considerations

- ITB-COT 10-13, to furnish seasonal requirements of Asphalt Patching Material - Cold was competitively bid as required by City Charter and Code.
- The award is contingent upon contractor's submission of proper insurance certificates, and all other specified requirements.

Policy Considerations

- QPR/UPM material is used in the general patching and maintenance of major and local roads, and drains.

Recommendation

- City Management recommends awarding a contract for seasonal requirements of asphalt patching material, QPR/UPM – Delivered, to the low bidder, Saginaw Asphalt Paving Company of Saginaw, MI for an estimated total cost of \$30,736.00 at the unit price contained in the bid tabulation electronically tabulated August 16, 2010, to expire April 30, 2011.

Opening Date -- 08/16/10
 Date Reviewed - 08/18/10

CITY OF TROY
 BID TABULATION
 ASPHALT PATCHING MATERIAL - COLD

jh

VENDOR NAME: **			Saginaw Asphalt Paving Co		Cadillac Asphalt LLC	
Description	UOM	Qty	Unit Price	Ext Price	Unit Price	Ext Price
QPR/UPM or Approved Alternate - Delivered	TON	400	\$ 76.84	\$ 30,736.00	\$ 92.00	\$ 36,800.00
Brand Requirement:			Brand Name or Approved Equal			
Manufacturer: QPR/UPM			Quoting Brand Specified		MC 250 W/Pav 192 Wayne Co. Rd. Comm.	
Model Number:			Quoting Brand Specified		Dura Patch	
Vendor Comments:			Blank		The Cold Patch bid is specified by Wayne County Road Comm.	
Pricing Guarantee:			4/30/2011		Through April -30, 2011	
Payment Terms / Discount:			Net 30 Days		Net 30 days	
Warranty Info:			Blank		N/A	
Delivery / Start Date:			2 days		48 hour notice Monday through Friday	
Minimum Order?			Yes, Minimum order quantity of 50 is required.		Yes, Minimum order amount of \$4600 is required.	
Price Firm Through?			1 Season - Expire 4/30/2011 (must hold price for duration of contract term)		1 Season - Expire 4/30/2011 (must hold price for duration of contract term)	
Exceptions Taken?			No		Yes	
Comments/Exceptions:					Cold Mix we are quoting is Wayne County Road Comm. and The City of Detroit Spec.	
Insurance: Can Meet Y/N			Yes		Missing Sheet	

PROPOSAL: Seasonal Requirements of Asphalt Patching Material - Cold Patch

ATTEST:

** Denotes Low Bidder

Diane Fisher

 Tom Rosewarne

 Linda Bockstanz

 Susan Leirstein CPPO, CPPB
 Purchasing Director



CITY COUNCIL AGENDA ITEM

Date: August 30, 2010

To: John Szerlag, City Manager

From: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer *SV*

Subject: Agenda Item – Standard Purchasing Resolution #1: Award to Low Bidder
Contract 10-3 – North Adams Valley & Orchard Highlands Pavement Rehabilitation

Background

Bids were received and publicly read on August 26, 2010. The low bid of \$621,292.79 as submitted by ProLine Asphalt Paving as can be seen in the attached tabulation of bids. The engineer's estimate at the time of bidding was \$757,490.00. The low bid is therefore \$136,197.21 or 21.9% below the engineer's estimate.

Work includes milling the asphalt surface, base repairs, curb & gutter repairs, new sidewalk ramps and an asphalt overlay on Orchard Trail, Timberwyck, Red Fox, Bronson, Black Pine and Tarragona Way in Section 18. The work is anticipated to start in October and be complete by mid-November.

Recommendation

It is recommended that City Council award a contract for the North Adams Valley & Orchard Highlands Pavement Rehabilitation project to ProLine Asphalt Paving, 11797 29 Mile Road, Washington, MI 48095 for their low total bid amount of \$621,292.79.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 25% of the original project cost due to unknown joint conditions exposed after the milling operation and prior to placement of the asphalt overlay.

Fund Availability

Funds for this work are included in the 2010-11 Local Road Fund. The budgeted amount includes funds for construction, inspection and contingencies.

Legal Considerations

Work was competitively bid and publicly opened with seven (7) bidders responding. The award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.



BID TAB – CONTRACT 10-3

Project: North Adams Valley & Orchard Highlands Pavement Rehabilitation

Bids Due: August 26, 2010

Project Number: 10.104.5

<u>BIDDER</u>	<u>TOTAL BID</u>
1. ProLine Asphalt Paving	\$621,292.79
2. Ajax Paving Industries, Inc.	\$633,494.50
3. Cadillac Asphalt LLC	\$658,943.50
4. Barrett Paving Materials, Inc.	\$734,418.50
5. Florence Cement Co.	\$741,703.50
6. Asphalt Specialists, Inc.	\$796,550.00
7. Nagle Paving	\$797,970.00

PROJECT AREA MAP - CONTRACT 10-3 NORTH ADAMS VALLEY & ORCHARD HIGHLANDS





CITY COUNCIL AGENDA ITEM

Date: September 2, 2010

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications
Fitness Equipment

Background

On August 25, 2010, bids were received and opened for ITB-COT10-28 to provide fitness equipment for the Troy Community Center less trade-ins. This equipment will replace equipment that is past its warranty period and is consistent with our policy to maintain up-to-date equipment for the Community Center fitness room customers.

There were 33 vendors notified via the MITN system with two bids received, as well as one statement of no bid.

Two companies submitted bids: Direct Fitness Solutions, LLC and All Pro Exercise. The bids were examined and Direct Fitness Solutions, LLC did not meet specifications on Item #1- Item #5, as no substitutions were allowed, due to an already diverse equipment base. All Pro Exercise submitted a no bid on Item #6 and both companies submitted prices for Item #7.

Bid specifications included a one (1) for two (2) exchange on equipment. For every new piece of equipment purchased by the City from a vendor, that vendor will be required to purchase (2) two trade-ins from the 27 pieces of equipment listed in Item #8.

Recommendation

City management recommends awarding a contract to purchase and install two (2) Octane Pro #3700 Ellipticals, one (1) Octane #4700 Smart Stride Elliptical, one (1) Octane Xride XR6000 Seated Elliptical Cross Trainer, two (2) Matrix #E5xc Total Body Ellipticals, and three (3) Matrix #A3x Ascent Trainers for the Troy Community Center to the lowest bidder meeting specifications, All Pro Exercise of Farmington Hills, MI for an estimated net total cost of \$26,755.00 including trade-ins, at prices contained in the bid tabulation dated August 25, 2010.

In addition, City management recommends awarding a contract to purchase and install three (3) PreCor AMT #100i Ellipticals, and one (1) SciFit RST #7000 Seated Stepper for the Troy Community Center to the lowest bidder, Direct Fitness Solutions, LLC of Mundelein, IL for an estimated net total cost of \$11,135.00 including trade-ins, at prices contained in the bid tabulation dated August 25, 2010.



CITY COUNCIL AGENDA ITEM

September 2, 2010

To: John Szerlag, City Manager
Re: Bid Award – Fitness Equipment

Fund Availability

The funds for these purchases are available in the Community Center General Operating Supplies Account.

G:/Bid Award 10-11 New Format/Award Standard Purchasing Resolution 2 - Fitness Equipment ITB-COT 10-28 09.10.doc

Opening Date -- 8/25/10
 Date Reviewed - 8/30/10

CITY OF TROY
 BID TABULATION
 PHYSICAL FITNESS EQUIPMENT

VENDOR NAME: sl

All Pro Exercise	Direct Fitness		
	Solutions, LLC		

**PROPOSAL: PURCHASE NEW PHYSICAL FITNESS EQUIPMENT FOR TROY COMMUNITY CENTER LESS TRADE-INS
 -- NO SUBSTITUTIONS ALLOWED --**

DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
ITEM #1				
Two (2) Octane Pro #3700 Ellipticals	\$ 3,795.00	DMS		
ITEM #2				
One (1) Octane #4700 Smart Stride Ellipticals	\$ 4,295.00	DMS		
ITEM #3				
One (1) Octane Xride XR 6000 Seated Elliptical Cross Trainer	\$ 3,795.00	DMS		
ITEM #4				
Two (2) Matrix #E5xc Total Body Elliptical	\$ 3,395.00	DMS		
ITEM #5				
Three (3) Matrix #A3x Ascent Trainers	\$ 4,695.00	DMS		
ITEM #6				
Three (3) PreCor AMT#100i Ellipticals	No Bid	\$ 5,695.00		
ITEM #7				
One (1) SciFit RST #7000 Seated Stepper	\$ 3,895.00	\$ 3,550.00		
SUB-TOTAL AWARDED ITEMS:	\$ 36,555.00	\$ 20,635.00		
ITEM #8				
PURCHASE OF CITY'S (27) TRADE-INS				
Six (6) Life Fitness - Recumbent Bikes	\$ (400.00)	\$ (200.00)		
Three (3) Life Fitness Version 3 Upright Bikes	\$ (250.00)	\$ (200.00)		
Two (2) Life Fitness Version 4 Upright Bikes	\$ (350.00)	\$ (200.00)		
Two (2) Life Fitness HR Elliptical	\$ (700.00)	\$ (300.00)		
One (1) Stair Master 4600	\$ (400.00)	\$ (200.00)		
Four (4) Precor EFX-554i Elliptical	\$ (750.00)	\$ (1,000.00)		
Four (4) Precor EFX-546i Elliptical	\$ (850.00)	\$ (1,000.00)		
Three (3) Precor AMT 100i Elliptical	\$ (1,300.00)	\$ (1,500.00)		
Two (2) SciFit RST 7000 Seated Stepper	\$ (800.00)	\$ (300.00)		
Total to Deduct:	\$ (9,800.00)	\$ (9,500.00)		
ESTIMATED TOTAL AWARDED ITEMS:	\$ 26,755.00	\$ 11,135.00		
AUTHORIZED DEALER: Yes or No	Y	Y		
DESCRIPTIVE LITERATURE Yes or No	Blank	Blank		
DELIVERY SCHEDULE: Yes or No	Y	By October 1, 2010 If PO is rec'd by 9/3/ - Y		
SERVICE FACILITY: Location:	Farmington Hills	Manchester, MI		
Miles	25	90		
Response	48 Hours	24-48 Hours		

Opening Date -- 8/25/10
 Date Reviewed - 8/30/10

CITY OF TROY
 BID TABULATION
 PHYSICAL FITNESS EQUIPMENT

VENDOR NAME:		All Pro Exercise	Direct Fitness Solutions, LLC		
CONTACT INFORMATION:					
	Names	Don King	Jack Summers		
	24Hr Phone	(248) 789-0469	(734) 478-6633		
	Hrs of Operation	9AM - 5PM	7AM - 7PM		
WARRANTY: (3) Years Minimum		Included			
		Yes or No	Yes or No		
	All Wear Items	Yes	Yes		
	All Parts & Labor	Yes	Yes		
	Free 2nd Day Parts	Yes	Yes		
	Free Service call	Yes	Yes		
	Document Marked	Blank	Blank		
NO SUBCONTRACTORS:	Yes or No	Not Marked	Complies		
INSURANCE:	Can meet	XX	XX		
	Cannot meet				
PAYMENT TERMS:		Net 30	Net 30		
WARRANTY:		AS SPECIFIED			
EXCEPTIONS:		Blank	Bidding PreCor		
			(SEE BID DOCUMENT)		
ALL OR NONE AWARD	Yes or No	No	No		
ACKNOWLEDGEMENT: Signed	Yes or No	Yes	Yes		

NO BIDS:
ProMaxima

ATTEST:
Brian Goul
Diane Fisher
Julie Hamilton

BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDERS

 Susan Leirstein, CPPO CPPB
 Purchasing Director



CITY COUNCIL AGENDA ITEM

September 7, 2010

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications
Firefighting Turnout Gear

Background

On August 10, 2010, five (5) bid proposals were received to provide one-year requirements of new structural firefighting turnout gear. A total of seventy-one (71) vendors were notified via the MITN system.

NFPA standard 1971 limits structural firefighting turnout ensemble components to a maximum service life of ten years from date of manufacture. Over 50% of the turnout gear in use by Troy Fire department personnel exceeds the maximum service life as it was manufactured in 1998. The standard indicates that after ten (10) years of service all components including turnout coats and pants must be removed from service and can no longer be used for structural firefighting.

The Fire department has standardized on the Janesville Commando protective coat and bunker pant ensemble based on evaluations by the Troy Fire department and surrounding departments including Rochester Hills, Bloomfield Township, and others.

Bid specifications based on the current Janesville Commando protective equipment in use were developed and published. Three of the vendors submitted bids for protective equipment that did not meet the bid specifications; West Shore Fire bid Globe Classix gear and Emergency Vehicle Services bid Innotex gear, neither of these offer the lumbar support required in the specification. This is a vital part of the gear as it gives additional back support to firefighters and reduces injuries. Douglas Safety Systems bid Fire Dex Assault gear which listed a number of exceptions to the specifications including the moisture barrier and thermal liner both of which are vital protection factors. Apollo Fire Equipment was the only bidder that bid protective equipment which meets all bid specifications. NFPA standards prohibit intermixing of brands; therefore, all acceptable turnout gear issued under this proposal must be manufactured by Lion Apparel.

The Fire department was awarded a US Fire Administration Fire Act grant for \$208,000.00 to purchase the turnout gear in the 2009 and 2010 budgets.



CITY COUNCIL AGENDA ITEM

September 7, 2010

To: John Szerlag, City Manager
Re: Bid Award – Turnout Gear

Recommendation

City management recommends awarding a contract to purchase the Janesville Commando gear manufactured by Lion Apparel from the lowest bidder meeting specifications, Apollo Fire Equipment Company of Romeo, MI, for an estimated total cost of \$144,540.00.

Fund Availability

Funds are budgeted in the Fire Operations - Fire Equipment budget for this equipment.

The Fire department was awarded a federal grant for turnout gear totaling \$208,000.00, which includes a 20% City match. Approximately \$63,546.00 of the grant funds was used to purchase turnout gear in fiscal year 2009-2010; and the remaining funds will be used for this year's purchase. The unit cost is \$1,606.00 per set of gear, which includes a coat, pant and suspenders with a total cost of \$144,540.00. The grant will reimburse the City \$115,563.00.

Prepared by: Peter Hullinger, Fire Staff Technician

G:/Bid Award 10-11 New Format/ Award Standard Purchasing Resolution 2 - TurnoutGear ITB-COT 10-25 09.10.doc

VENDOR NAME:

West Shore Fire, Inc.	Douglass Safety Systems	Emergency Vehicle Services Inc	Apollo Fire Equipment Company
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ITEM	EST QTY	DESCRIPTION	PRICE/EA	PRICE/EA	PRICE/EA	PRICE/EA
1.	90	COAT: Make Model Manufacturer	Disqualified	Disqualified	Disqualified	\$ 975.00
					Inno 55K3	Commando
			Classix	Assault	32JAZ-RWZ	CMDM
			Globe	Fire Dex	Innotex	Lion Apparel
2.	90	PANT: Make Model Manufacturer	DMS \$ 630.00	DMS \$ 671.71	DMS \$ 657.44	\$ 631.00
				FX	Inno 55k3	Super Pant
			Classix		32JAZ-RWZ	PSUM
			Globe	Fire Dex	Innotex	Lion Apparel
3.	90	SUSPENDERS: Make Model Manufacturer	Included in pant price \$ -	\$ 30.24	Included w/pants \$ -	Included in pant price \$ -
				Sp38		Ez-H-Back
			Classix	Hback		SB342
			Globe	Fire Dex	Innotex	Lion Apparel
ESTIMATED TOTAL PRICE:			Disqualified	Disqualified	Disqualified	\$ 144,540.00
AUTHORIZED DEALER:			Yes	Yes	Yes	Yes
CONTACT INFORMATION: Hours of Operation 24 Hr Phone #			M - F 8 AM to 5 PM 800-632-6184	M - F 8 AM to 5 PM 989-687-7600	M - F 7 AM to 5 PM 517-983-2841	M - F 8 AM to 4:30 PM 586-752-1800
DESCRIPTIVE LITERATURE: Attached / Marked			A	COPY	Blank	Pg 15 - Commodo
EXTENDED TO MITN GROUP:			Yes	No	Yes	Yes
PAYMENT TERMS:			Net 30	Net 30 Days	15 Days ARO	Net 30 Days
WARRANTY:			See Attachment B 45-60 days after complete sizing	Limited Lifetime	2 years	Standard MFG
DELIVERY:				4 - 6 Weeks	6 - 8 weeks ARO	60 -75 Days
EXCEPTIONS:			Blank	All Exceptions listed on separate page	Clarification Sheet Attached To Bid	Blank
ACKNOWLEDGEMENT: Signed Y or N			Yes	Yes	Yes	Yes
NON-COLLUSION AFFIDAVIT: Y or N Attached			Yes	Yes	Yes	Yes
SPECIFICATION PAGES: Attached Y or N			Yes	Yes	Yes	Yes

PROPOSAL: One-Year Requirements of New Structural Firefighting Turnout Gear for the Troy Fire Department

BOLDFACE TYPE DENOTES LOWEST BIDDER MEETING SPECIFICATIONS

ATTEST:

Irene Newman
 Peter Hullinger
 Linda Bockstanz

Susan Leirstein CPPO CPPB
 Purchasing Director

VENDOR NAME:

Time Emergency			
Equipment			

ITEM	EST QTY	DESCRIPTION	PRICE/EA			
1.	90	COAT: Make Model Manufacturer	\$ 935.00			
			G-xcel			
			Globe			
2.	90	PANT: Make Model Manufacturer	\$ 675.00			
			G-xcel			
			Globe			
			Included			
3.	90	SUSPENDERS: Make Model Manufacturer	\$ -			
			Globe			
ESTIMATED TOTAL PRICE:			\$ 144,900.00			
AUTHORIZED DEALER:			Yes			
CONTACT INFORMATION: Hours of Operation 24 Hr Phone #			9 AM to 5 PM 248-674-4253			
DESCRIPTIVE LITERATURE: Attached / Marked			Globe g-xcel			
EXTENDED TO MITN GROUP:			Yes			
PAYMENT TERMS:			Net 30 Days			
WARRANTY:			1 yr on garment defects Lifetime on hardware			
DELIVERY:			45 - 60 Days ARO			
EXCEPTIONS:			None			
ACKNOWLEDGEMENT: Signed Y or N			Yes			
NON-COLLUSION AFFIDAVIT: Y or N Attached			Yes			
SPECIFICATION PAGES: Attached Y or N			Yes			



CITY COUNCIL AGENDA ITEM

September 7, 2010

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 1 – Award To Low Bidder: Air Compressor Maintenance & Repair

Background

On August 10, 2010, four (4) bid proposals were received to provide three-year requirements of Air Compressor Maintenance and Repair for the Troy Fire department. A total of fifty-five (55) vendors were notified via the MITN system.

The Fire department has eight stationary breathing air compressors and two mobile air compressors. Each unit has a filtration unit required for breathing air. Periodic testing of the breathing air supplied by Fire department air compressors is required by the NFPA standard on breathing air quality for fire and emergency services. The standard requires that quarterly air quality tests be submitted to an accredited laboratory and that air filters be replaced annually. The standard also requires that the air compressors be maintained in accordance with the manufacturer's specifications.

The bid specifies set pricing for the required air testing and scheduled maintenance and an hourly rate for demand service for breakdowns. Parts required for repairs are an additional cost.

Recommendation

City management recommends awarding a three-year contract to the low bidder, Southeast Equipment, Inc of Troy, MI to test and maintain ten (10) breathing air compressors for an estimated three-year cost of \$18,815.25.

Fund Availability

Funds are budgeted annually in the Fire Halls contractual services account.

Prepared by: Peter Hullinger, Fire Staff Technician

G:/Bid Award 10-11 New Format/Award Standard Purchasing Resolution 1 - AirCompressorMtnce ITB-COT 10-26 09.10.doc

jh/sl

VENDOR NAME:

Southeast	R & R Fire	PVT - Pressure
Equipment, Inc.	Truck Repair, Inc	Vessel Testing

PROPOSAL: Air Compressor maintenance and repair for the Troy Fire Department

QTY	DESCRIPTION	Per Visit	Per Visit	Per Visit
ITEM #1- Annual Maintenance Cost				
4 ea	Hypress, 220 Volt, 3ph, 6000psi electric driven	\$ 445.19	\$ 567.99	\$ 850.00
1 ea	Airtex Pack, 5.5 E3 Serial 946137	\$ 426.25	\$ 549.48	\$ 800.00
1 ea	Eagle, Hamworthy 22 cfm block, trailer mounted, 6000 psi, diesel driven	\$ 559.76	\$ 586.70	\$ 850.00
1 ea	Mako K-15, Bauer 16 cfm block, trailer mounted, 4500 psi, gas driven	\$ 459.12	\$ 554.92	\$ 850.00
1 ea	Bauer H13V, 6000 psi, Securus P-2 Filtration System	\$ 459.12	\$ 550.17	\$ 900.00
1 ea	Bauer H25B 20hp, 6000 psi, Securus P-5 Filtration System	\$ 527.62	\$ 642.72	\$ 900.00
1 ea	Bauer 3.5 cfm block, Bauer Securus P-2 Filtration System	\$ 459.12	\$ 574.74	\$ 800.00
GRAND TOTAL PER YR - ITEM #1		\$ 4,671.75	\$ 5,730.69	\$ 8,500.00
BAUER PARTS: In Stock - Y or N Dollar Amt Stocked		No	Yes	Yes
		\$ -	\$ 1,500.00	\$ 1,000.00
TOTAL PARTS INVENTORY: In Stock Inventory Value		\$ -	\$ 10,000.00	\$ 4,000.00
ITEM #2 - Repair Service				
Estimated Hours Per Year - 40 hours				
	Regular Time / Hour Per Man	\$ 40.00	\$ 75.00	\$ 92.50
	Overtime / Hour Per Man	\$ 60.00	\$ 75.00	N/A
	Holiday Time / Hour Per Man	\$ 60.00	\$ 112.50	N/A
	Crew Size	One	One	One + Owner
	Travel Time	\$ -	Blank	N/A
ESTIMATED TOTAL ITEMS 1 & 2: (Per Year)		\$ 6,271.75	\$ 8,730.69	\$ 15,900.00
ESTIMATED GRAND TOTAL: (All Three-Years)		\$ 18,815.25	\$ 26,192.07	\$ 47,700.00
REPAIR PARTS:			All parts are Cost Plus 20%	
	Discount of %	0%		0%
	Parts Price List (Y or N)	1 & 2 (Yes)	Blank	?
	Dated	7/1/2010	Blank	Aug-10
	Markup or Markdown	Blank	Blank	0%
	Alternate Parts Pricing	Blank	Cost plus Markup	Lawrence Factor
				US Made
INSURANCE:	Can meet	XX	XX	XX
	Cannot Meet			

Opening Date -- 8/10/10
 Date Reviewed -- 8/17/10

CITY OF TROY
 BID TABULATION
 AIR COMPRESSOR MAINTENANCE & REPAIR

VENDOR NAME:	Southeast Equipment, Inc.	R & R Fire Truck Repair, Inc	PVT - Pressure Vessel Testing
SITE INSPECTION:	Yes	Yes	No
Visited site - Y or N	Presently Does Service	8/9/2010	
Date			
CONTACT INFORMATION:	M - F 8 AM to 5 PM	8 AM to 4:30 PM	Noon to 7 PM
Hrs of Operations	248-895-7531	800-413-4798	586-944-3111
Phone			
TECHNICIANS TRAINING:	Yes	Yes	Will Submit if approved
Attached: Y or N	#1	"A"	No
Marked			
YEARS IN BUSINESS	5 Years	7 yrs - Technician 1 yr - Company	40 Years
PAYMENT TERMS:	Net 30	Net 30	Net 30
WARRANTY:	Manufacturers	1 year	30 Days
SERVICE DATE(S)	As Requested	As Required	Blank
EXCEPTIONS:	None	Blank	Blank
ACKNOWLEDGEMENT:			
Completed - Y or N	Yes	Yes	Yes

PROPOSAL: Three-Year Requirements to Provide Air Compressor Maintenance & Repair

BOLDFACE TYPE DENOTES LOW BIDDER

ATTEST:

Irene Newman
Peter Hullinger
Linda Bockstanz

 Susan Leirstein CPPO, CPPB
 Purchasing Director

Opening Date -- 8/10/10
 Date Reviewed -- 8/17/10

CITY OF TROY
 BID TABULATION
 AIR COMPRESSOR MAINTENANCE & REPAIR

VENDOR NAME:

MBR Services		
of North America LLC		

PROPOSAL: Air Compressor maintenance and repair for the Troy Fire Department

QTY	DESCRIPTION	Per Visit		
ITEM #1- Annual Maintenance Cost				
4 ea	Hypress, 220 Volt, 3ph, 6000psi electric driven	\$ 1,884.00		
1 ea	Airtex Pack, 5.5 E3 Serial 946137	\$ 1,884.00		
1 ea	Eagle, Hamworthy 22 cfm block, trailer mounted, 6000 psi, diesel driven	\$ 1,884.00		
1 ea	Mako K-15, Bauer 16 cfm block, trailer mounted, 4500 psi, gas driven	\$ 1,884.00		
1 ea	Bauer H13V, 6000 psi, Securus P-2 Filtration System	\$ 1,884.00		
1 ea	Bauer H25B 20hp, 6000 psi, Securus P-5 Filtration System	\$ 1,884.00		
1 ea	Bauer 3.5 cfm block, Bauer Securus P-2 Filtration System	\$ 1,884.00		
GRAND TOTAL PER YR - ITEM #1		\$ 18,840.00		
BAUER PARTS: In Stock - Y or N Dollar Amt Stocked		No		
		\$ -		
TOTAL PARTS INVENTORY: In Stock Inventory Value		\$ 10,000.00		
ITEM #2 - Repair Service				
Estimated Hours Per Year - 40 hours				
	Regular Time / Hour Per Man	\$ 75.00		
	Overtime / Hour Per Man	\$ 112.50		
	Holiday Time / Hour Per Man	\$ 150.00		
	Crew Size	One		
	Travel Time	\$ 37.50		
ESTIMATED TOTAL ITEMS 1 & 2: (Per Year)		\$ 21,840.00		
ESTIMATED GRAND TOTAL: (All Three-Years)		\$ 65,520.00		
REPAIR PARTS:				
Discount of %		Blank		
Parts Price List (Y or N)		N/A		
Dated		N/A		
Markup or Markdown		+ 15%		
Alternate Parts Pricing		Cost + 15%		
INSURANCE: Can meet		XX		
Cannot Meet				

Opening Date -- 8/10/10
 Date Reviewed -- 8/17/10

CITY OF TROY
 BID TABULATION
 AIR COMPRESSOR MAINTENANCE & REPAIR

VENDOR NAME:	MBR Services of North America LLC		
<hr/>			
SITE INSPECTION: Visited site - Y or N Date	No		
CONTACT INFORMATION: Hrs of Operations Phone	8 AM to 5 PM 989-876-2500		
TECHNICIANS TRAINING: Attached: Y or N Marked	No		
YEARS IN BUSINESS	20 Years		
PAYMENT TERMS:	Net 30		
WARRANTY:	Mfg. on Parts 6 Months on Labor		
SERVICE DATE(S)	Blank		
EXCEPTIONS:	N/A		
ACKNOWLEDGEMENT: Completed - Y or N	Yes		



CITY COUNCIL AGENDA ITEM

Date: August 26, 2010

To: John Szerlag, City Manager

From: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer *SV*
William J. Huotari, Deputy City Engineer/Traffic Engineer *WJH*

Subject: Traffic Committee Recommendations
August 18, 2010

Background

The Traffic Committee considered these items at the August 18, 2010 meeting and made the following recommendations (minutes attached):

Recommendations

Recommend installation of a STOP sign on eastbound Cottonwood at Fernleigh (Item 3).

Recommend establishing a NO PARKING zone on the south side of Witherbee, from Graefield to the west property line of 1740 Witherbee and on the west side of Graefield, from Witherbee to the south property line of 1740 Witherbee, during school days only, between the hours of 8:15 – 9:15 a.m. and 3:15 – 4:15 p.m. (Item 4).

Recommend establishing fire lanes/tow away zones at 130 Town Center (Item 5).

Recommend establishing fire lanes/tow away zones at 5903-5953 John R (Item 6).

Financial Considerations

Signs cost approximately \$115.

Policy Considerations

Troy has enhanced the health and safety of the community.

A regular meeting of the Troy Traffic Committee was held Wednesday, August 18, 2010 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Sarah Binkowski
Ted Halsey
Richard Kilmer
Pete Ziegenfelder

ABSENT: John Diefenbaker
Jan Hubbell
Gordon Schepke

Also present: Bill Huotari, Deputy City Engineer/Traffic Engineer
Yelena Guzyayeva, 1740 Witherbee
Frank Mediati, 3855 Fairfax Drive

2. Minutes – January 20, 2010

RESOLUTION #2010-08-03

Moved by Kilmer
Seconded by Binkowski

To approve the January 20, 2010 minutes.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Schepke)
MOTION CARRIED

REGULAR BUSINESS

3. Install STOP Sign on Fernleigh at Cottonwood

Norbert Weinert of 3668 Fernleigh requests installation of a STOP sign on Fernleigh at Cottonwood. See attached report.

RESOLUTION #2010-08-04

Moved by Halsey
Seconded by Kilmer

Recommend installation of a STOP sign on eastbound Cottonwood at Fernleigh.

YES: All-4
 NO: None
 ABSENT: 3 (Diefenbaker, Hubbell, Schepke)
 MOTION CARRIED

4. **Install NO PARKING Signs in front of 1740 Witherbee and along the side of the Property on Graefield.**

Sergey Guzyayev and Yelena Guzyayeva, of 1740 Witherbee, request that NO PARKING signs be installed along their property which fronts on Witherbee as well as Graefield. There is adequate parking on the Pembroke School property, but Ms. Guzyayeva told the committee that school visitors prefer to park on the street, half on her lawn, leaving trash, damaging the lawn and breaking their sprinkler system. The cars parked there also become a sight obstruction, making it difficult to see cars coming along Witherbee. She would prefer that parking be prohibited at all times.

In order to be consistent with parking regulations around other Troy schools, the committee would rather prohibit parking only during school arrival and dismissal times.

RESOLUTION #2010-08-05

Moved by Binkowski
 Seconded by Halsey

Recommend that a NO PARKING zone be established on the south side of Witherbee, from Graefield to the west property line of 1740 Witherbee and on the west side of Graefield, from Witherbee to the south property line of 1740 Witherbee, during school days only, between the hours of 8:15 – 9:15 a.m. and 3:15 – 4:15 p.m.

YES: All-4
 NO: None
 ABSENT: 3 (Diefenbaker, Hubbell, Schepke)
 MOTION CARRIED

5. **Establish Fire Lanes at 130 Town Center**

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2010-08-06

Moved by Halsey
 Seconded by Kilmer

Recommend establishing fire lanes/tow away zones at 130 Town Center, as recommended by the Fire Department.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Schepke)
MOTION CARRIED

6. Establish Fire Lanes at 5903-5953 John R

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

Frank Mediati, manager of the shopping center at 5903-5953 John R, addressed the committee. He objected to the usual Fire Lane signs, saying that vendors have to load and unload behind the shopping center. He proposed that the signs eliminate the words NO STANDING OR STOPPING, and proposed signs indicating FIRE LANE, NO PARKING, TOW AWAY ZONE. Lt. Caloia of the Fire Department and Lt. Livingston of the Police Department agreed that this was an acceptable compromise to allow vendors' vehicles to remain for a few minutes to load and unload.

RESOLUTION #2010-08-07

Moved by Halsey
Seconded by Binkowski

Recommend establishing fire lanes/tow away zones at 5905 John R, as recommended by the Fire Department.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Schepke)
MOTION CARRIED

7. Public Comment

No one wished to address the committee.

8. Other Business

There was no other business.

9. Adjourn

The meeting adjourned at 8:10 p.m.

Pete Ziegenfelder, Chairperson

Laurel Nottage, Recording Secretary



TRAFFIC COMMITTEE REPORT

July 12, 2010

TO: Traffic Committee

FROM: Bill Huotari, Deputy City Engineer/Traffic Engineer

SUBJECT: Fernleigh at Cottonwood
Stop Sign Request

Background:

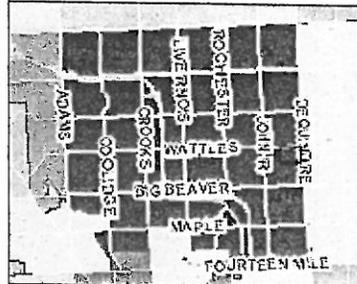
- Norbert Weinert of 3668 Fernleigh requests that a STOP sign be placed on Fernleigh at Cottonwood.
- Mr. Weinert stated that this intersection is used as a cut through to Wattles through Timbercrest Farms on the west side of Fernleigh.
- The speed limit on both streets is 25 mph.
- Fernleigh is a local gravel road, which runs north-south and is considered the major road at the intersection based on volumes and geometrics.
- Cottonwood is also a local paved street and runs east-west and is considered the minor road.
- Average daily traffic (ADT) on Fernleigh is 171 vehicles per day (vpd), while ADT on Cottonwood is 36 vpd.
- 85th percentile speeds are 28 mph on Fernleigh and 23 mph on Cottonwood.
- A review of the crash history shows no crashes over the past five (5) years.
- The major sight distance obstructions are the trees and shrubs in the southwest quadrant. This area will have a sidewalk constructed in the future when the new subdivision is complete, which would involve clearing of the area within the right-of-way. The majority of the existing trees and brush lie on private property and would not be removed as part of the sidewalk construction. A sketch of the southwest quadrant is included for your review.
- Pictures from April 2010 and July 2010 are attached to show this area before and after vegetation has established.
- The city requested that our traffic engineering consultant review the request and provide a report of their findings and recommendations (copy attached).
- The safe approach speed was found to be less than 10 mph.
- The report recommends that the intersection control be modified from "no traffic control" to a STOP sign on eastbound Cottonwood at Fernleigh.

Recommendations:

- Staff recommends that a STOP sign be placed on eastbound Cottonwood at Fernleigh.

Suggested Resolutions:

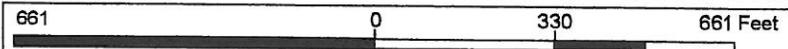
- a. Recommend installation of a STOP sign on eastbound Cottonwood at Fernleigh.
- b. Recommend no changes at the intersection of Cottonwood and Fernleigh.



Legend

- Road Centerline
- Major Road
- Industrial Road
- Local Road
- Hydrography Poly
- Hydrography Arc
- Parcels
- Aerial Photos - 2008**
- Red: Band_1
- Green: Band_2
- Blue: Band_3

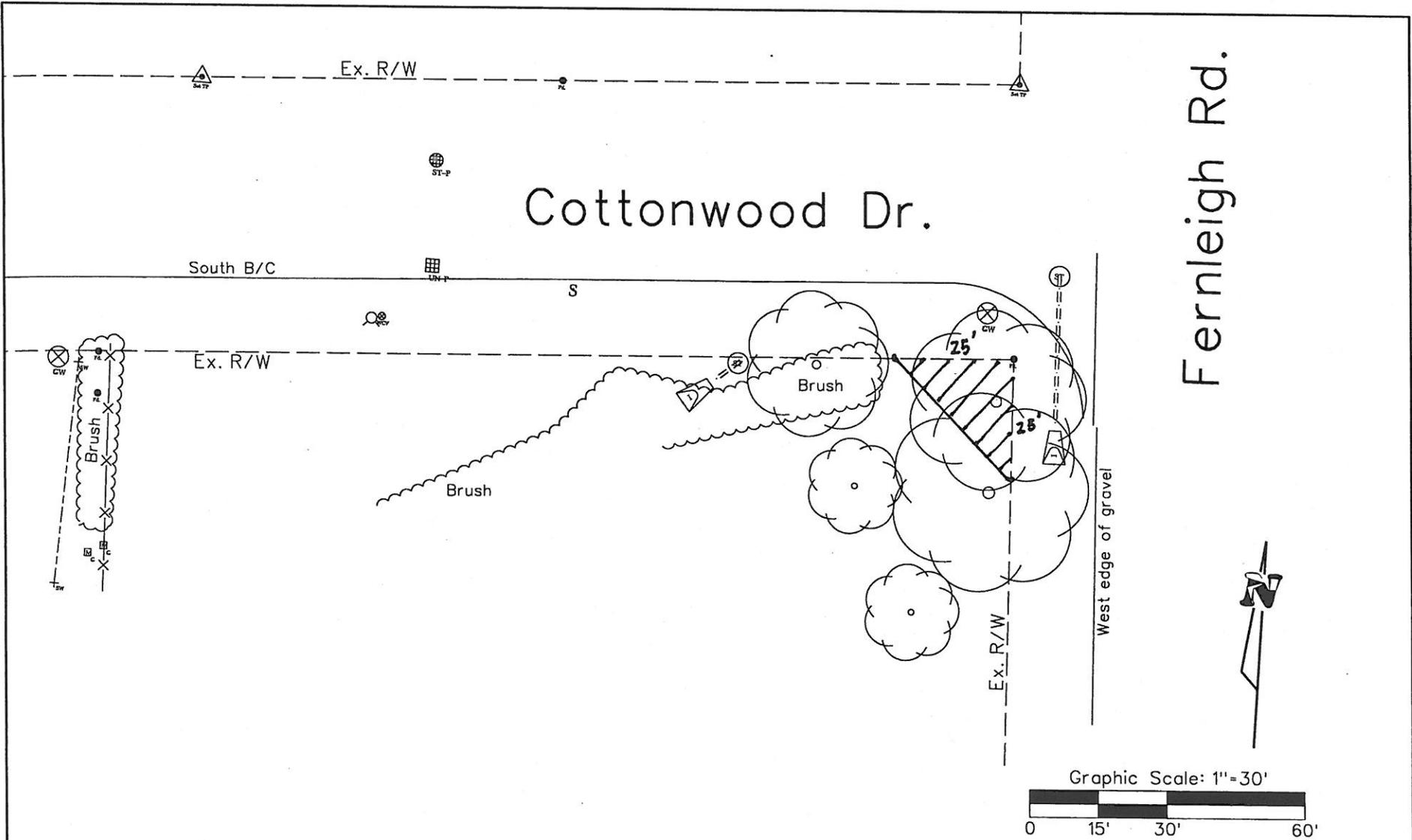
1: 3,965



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

Notes
Cottonwood at Fernleigh
STOP Sign Request

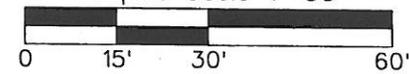
ITEM 3



Fernleigh Rd.

Cottonwood Dr.

Graphic Scale: 1"=30'



CITY OF TROY			
OAKLAND COUNTY, MICHIGAN			
Sketch of Intersection SW Cor. of Fernleigh & Cottonwood			
FILE: Cottonwood_051810.DGN			
SCALE	DRAWN BY	NAME GJBIII	DATE 05
HOR. 1"=30'	CHECKED BY	NAME	DATE XX
VER. 1"=X'		SHEET NO.	JOB
	STEVEN J. VANDETTE, P.E.	10F1	N/A
	CITY ENGINEER		

Document Prepared By
George J. Ballard III, P.S.
Land Surveyor

DATE _____ REV. _____
CONTRACT NO.
N/A

ITEM 3

May 7, 2010



Mr. William Huotari, P.E.
Deputy City Engineer
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Subject: Traffic Control Recommendation for the intersection of Fernleigh Drive and Cottonwood Drive
OHM JN: 0128-10-0020

Dear Mr. Huotari:

As requested, we have reviewed the Fernleigh Drive/Cottonwood Drive intersection to determine the proper traffic control. The subject intersection is a T-intersection located in the City of Troy between John R and Dequindre Roads and south of Wattles Road. Fernleigh Drive is a local street, which runs north-south forming a T-intersection at the north end with Wattles Road and making a 90 degree turn to the east at the south end, becoming Winter Drive. Cottonwood Drive is a local street running in the east-west direction forming T-intersections at both ends (with Fernleigh Drive at the east end and Timbercrest Drive at the west end). The speed limit on both streets is 25 mph. There is currently no traffic control at the intersection. Reference the attachments for intersection photos.

Background on Traffic Control Determination

Based on the *Michigan Manual of Uniform Traffic Control Devices (MMUTCD)* there are four conditions where STOP signs may be warranted:

- At the intersection of a less important road with a main road where application of the normal right-of-way rule is unduly hazardous.
- On a street entering a through highway or street.
- At an unsignalized intersection in a signalized area.
- At other intersections where a combination of high speed, restricted view, or crash records indicate a need for control by the STOP sign.

Many times STOP signs are installed where they may not be warranted. Traffic experts agree that unnecessary STOP signs:

- Cause accidents they are designed to prevent.
- Breed contempt for other necessary STOP signs.
- Waste millions of gallons of gasoline annually.
- Create added noise and air pollution.
- Increase, rather than decrease, speeds between intersections.

The use of "multiway-STOP" or "all-way" STOP sign installation is discouraged. The multiway-STOP warrant requires the volumes of traffic per approach leg on intersecting roads to be approximately equal.

The use of a YIELD sign is intended to assign the right-of-way at intersections where it is not usually necessary to stop before proceeding into the intersection. Conversely, the STOP sign is intended for use where it is usually necessary to stop before proceeding into the intersection. The following conditions should be fully evaluated to determine how the right-of-way should be assigned:

- **Traffic Volumes:** Normally, the heavier volume of traffic should be given the right-of-way.
- **Approach Speeds:** The higher speed traffic should normally be given the right-of-way.
- **Types of Highways:** When a minor highway intersects a major highway, it is usually desirable to control the minor highway.
- **Sight Distance:** Sight distance across the corners of the intersection is the most important factor and is critical in determining safe approach speeds.

Traffic Volumes

24-Hour traffic volumes were provided by the City of Troy. The counts indicate the average daily traffic (ADT) on Fernleigh Drive to be 171 with Cottonwood Drive at 36. The highest peak hour volumes along each road are 17 for Fernleigh Drive and 6 on Cottonwood Drive. The MMUTCD indicates that multi-way STOP control could be warranted if there were at least 300 vehicles per hour from the major street approaches and 200 units (vehicles, pedestrians and bicycles) per hour from the minor street approaches for the same eight hours on an average day. Based on the peak hour volumes alone, the option of multi-way STOP control does not meet warrants. In addition, the traffic volumes at the intersection are not directionally balanced, which is required for multi-way STOP control.

With the pedestrian and vehicular traffic added together (assuming 20 pedestrians per hour) this location is still far below warrant thresholds for multi-way STOP control. All traffic counts are provided as an attachment to this letter. Pedestrian traffic has not been counted at the intersection.

Crash Analysis

Based on information provided by the City of Troy there have been no crashes reported at this intersection in the past five years.

Approach Speeds

The approach speed limit on both streets is 25 mph. Speed limits alone cannot be used in this case to determine which direction of traffic should be assigned the right-of-way.

Types of Highways

Although both Fernleigh Drive and Cottonwood Drive are considered local streets, Fernleigh Drive is considered the major road at this intersection based on the traffic volumes. The road with the heavier volume of traffic, Fernleigh Drive, should be given the right-of-way.

Sight Distance

The major sight distance obstructions at the intersection are the trees and shrubs in southwest quadrant. The trees, shrubs and sight distance come into play when determining the safe approach speeds for the intersection. The safe approach speed is the speed at which a vehicle can approach an intersection and still stop in time to avoid a collision with a vehicle on the cross street. Safe approach speeds are determined through calculations.

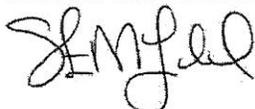
Mr. William Huotari, I
May 7, 2010
Page 3

When the safe approach speed is found to be less than 10 mph for the minor road, a STOP sign is commonly used. In this case, the safe approach speed on Cottonwood Drive was found to be less than 10 mph; therefore a STOP sign is the recommended treatment. The safe approach speed calculation spreadsheet is attached for your reference.

Recommendation

OHM recommends that the intersection control be modified from "no traffic control" to a STOP sign on the Cottonwood Drive eastbound approach to the intersection. We recommend against modifying the intersection to multi-way STOP control.

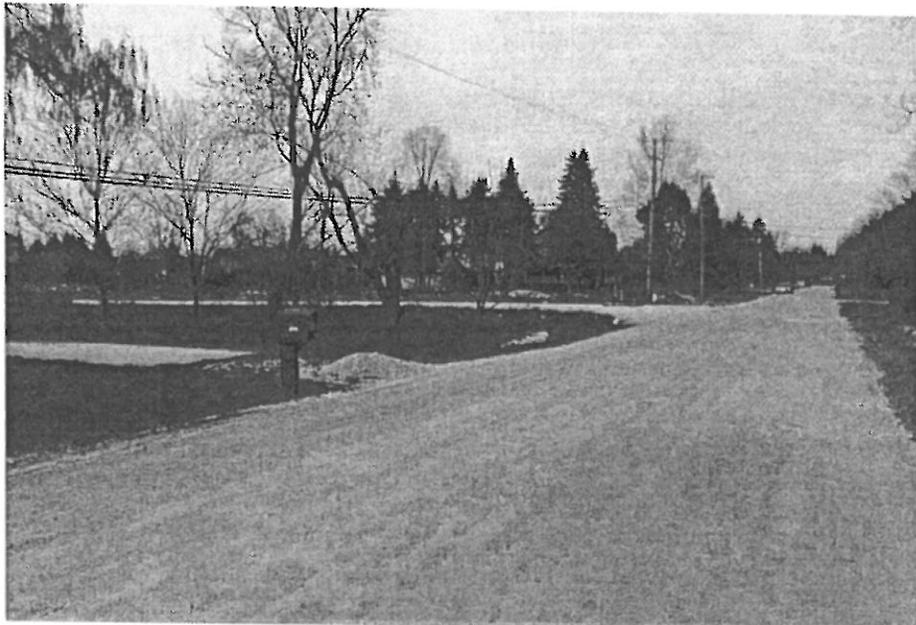
Sincerely,
Orchard Hiltz & McCliment, Inc.



Steven M. Loveland, PE, PTOE
Traffic Project Engineer

Attachments:

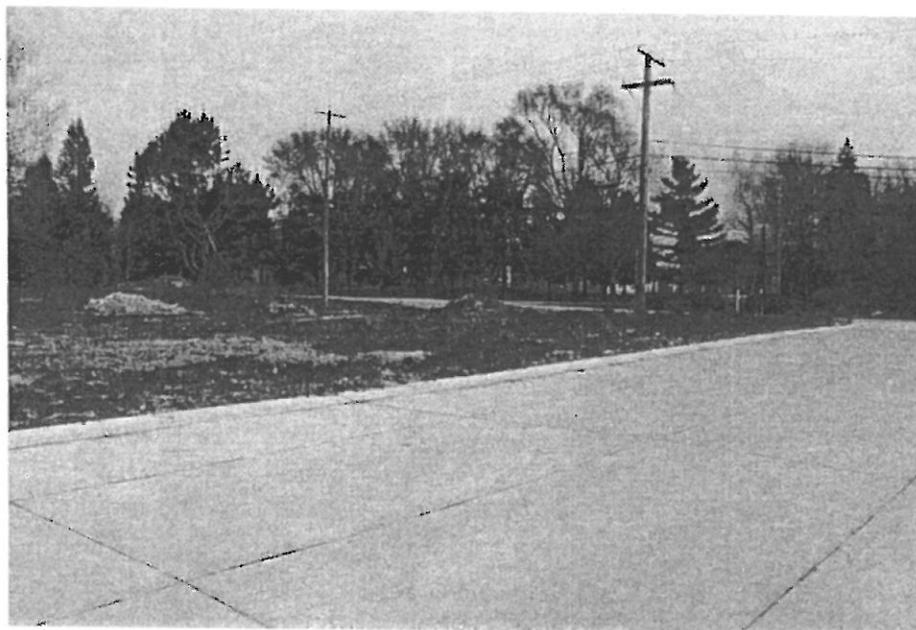
- Intersection Photos
- Traffic Counts
- Safe Approach Speed Calculation Spreadsheet.



Looking north along Fernleigh



Looking East along Cottonwood (trees and shrub obstructions on SW quadrant)



Looking northeast from Cottonwood



Looking south along Fernleigh

ITEM 3

APRIL 2010

Safe Approach Speed Calculation

Fernleigh and Cottonwood
City of Troy, MI

Major = Fernleigh
Local = Cottonwood

Date: 5/7/2010
Analyst: S. Loveland

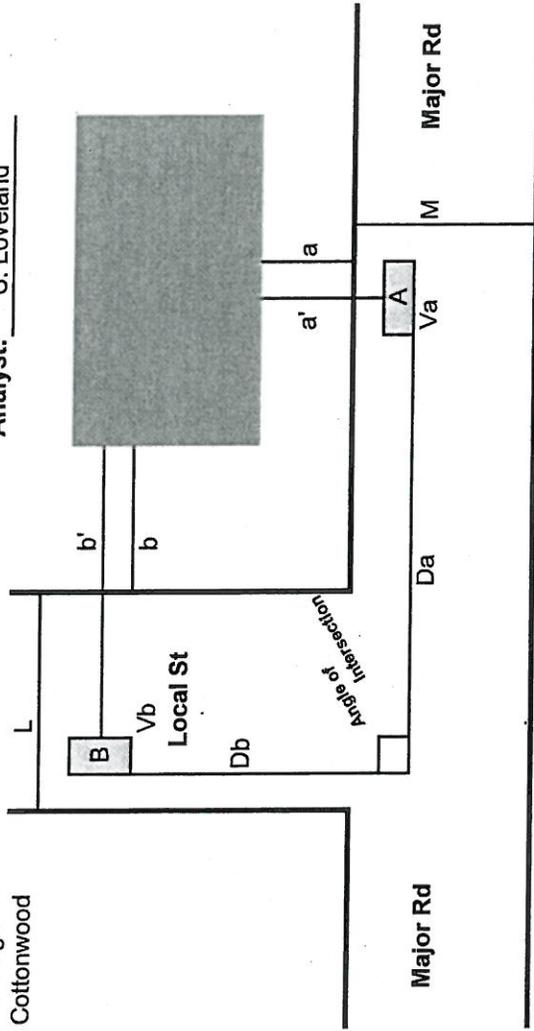
Measured:

Width of Roads
Major: M = 24 (ft)
Local: L = 26 (ft)

Distance to Obstruction (tree in SW quadrant)
a = 24 (ft)
b = 22 (ft)

Angle of Intersection
Delta = 90 (degrees)

Major Rd Posted
Speed Limit = 25 (mph)



Assumed:

Speed of Vehicle A = Posted Speed Limit
on Major Road + 5 (mph)
Va = 30 (mph)

Perception / Reaction Time (AASHTO)
t = 2.0 (sec)

Coefficient of friction (AASHTO)
f = 0.40

Clearance distance in excess of safe stopping distance (AAA)
C = 15 (ft)

Intermediate Calculations:

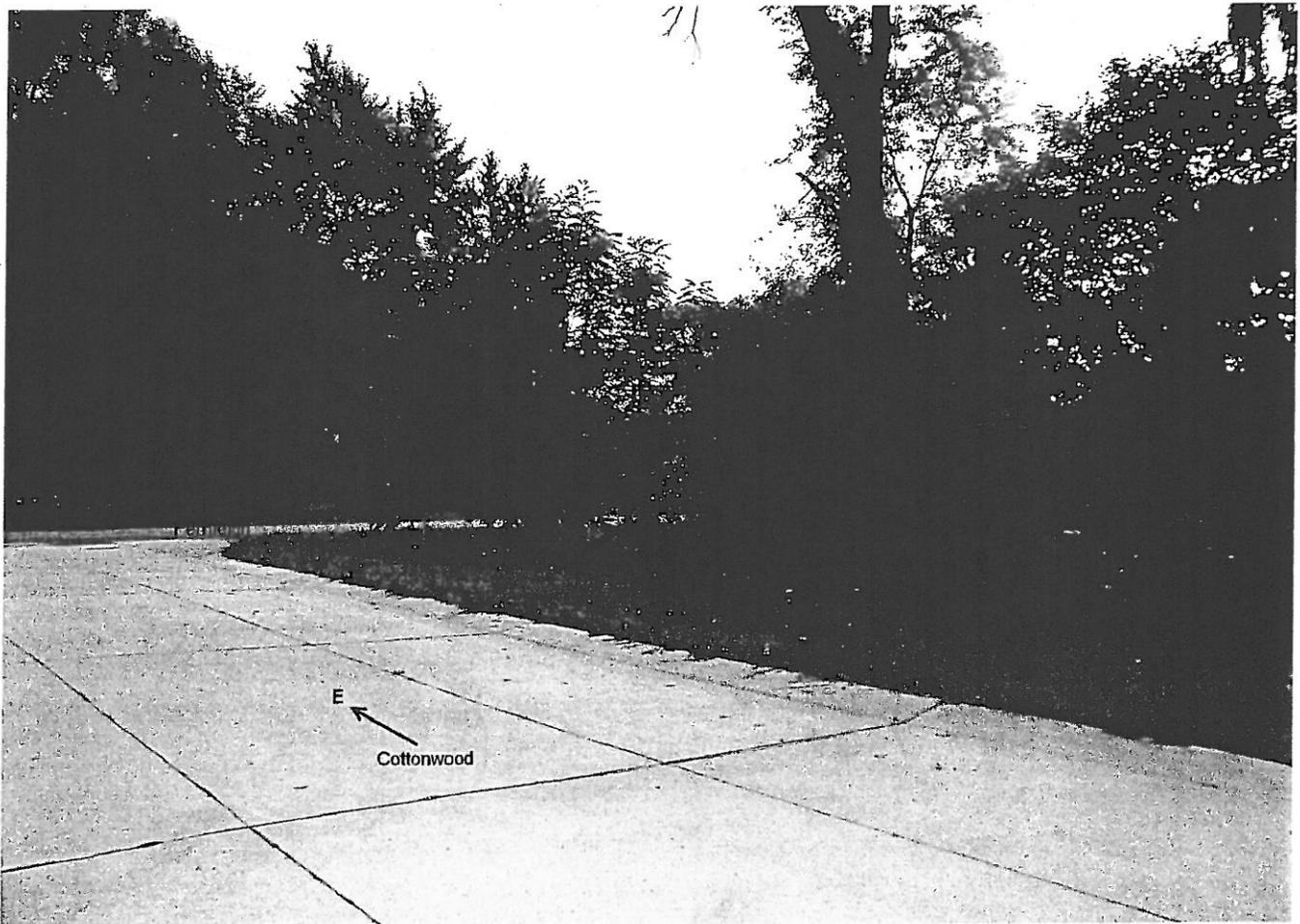
Da = 178
Db = 42
a' = 33
b' = 38

Calculated Safe Approach Speed for Vehicle
Approaching on Local Rd
Vb = 7.6 (mph)

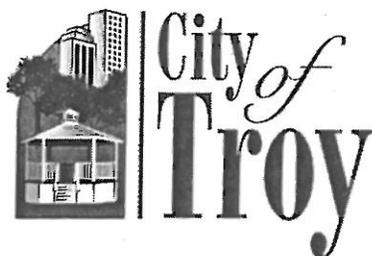
Notes: Enter field measurements in yellow highlighted area.
Blue fields are std. default values; change only for cause.
Calculated by spreadsheet

Recommended ROW control for local street
based on safe approach speed :

STOP Sign



JULY 2010



TRAFFIC COMMITTEE REPORT

July 26, 2010

TO: Traffic Committee

FROM: Bill Huotari, Deputy City Engineer/Traffic Engineer *WJA*

SUBJECT: 1740 Witherbee Drive – NO Parking Signs Request

Background:

- Mr. Sergey Guzyayev of 1740 Witherbee requests that NO Parking signs be installed along his property fronting Witherbee as well as Graefield.
- 1740 Witherbee is located directly across from Pembroke Elementary School.
- Mr. Guzyayev reports that during the school year, vehicles park near his property when dropping off or picking up children from the school.
- He also reports that vehicles have driven across his lawn causing damage to his irrigation system five (5) times which he has paid to repair.
- His issues became exacerbated when No Parking signs were installed on the south side of Witherbee, from Eton to Graefield (TCO #06-01-P, Council approval November 13, 2006).
- The north side of Witherbee is currently posted No Parking due to fire hydrants located along the north side of the road.
- When TCO #06-01-P was considered at the October 18, 2006 Traffic Committee meeting, affected residents attended the Traffic Committee meeting to oppose full-time parking prohibition on the south side of Witherbee.
- A compromise was reached at that meeting and No Parking signs were subsequently approved, but the restrictions were limited to School Days Only, between the hours of 8:15 – 9:15 a.m. and 3:15 – 4:15 p.m.

Recommendations:

- Staff recommends that No Parking signs be installed as requested by the resident on both sides of the property at 1740 Witherbee with the following limitations, to be consistent with the previously approved TCO #06-01-P:
 - Prohibit parking on the south side of Witherbee from Graefield to the west property line of 1740 Witherbee and on the west side of Graefield, from Witherbee to the south property line of 1740 Witherbee during school days only between the hours of 8:15 – 9:15 a.m. and 3:15 – 4:15 p.m.

Suggested Resolutions:

- a. Recommend that a NO PARKING zone be established on the south side of Witherbee, from Graefield to the west property line of 1740 Witherbee and on the west side of Graefield, from Witherbee to the south property line of 1740 Witherbee during school days only between the hours of 8:15 – 9:15 a.m. and 3:15 – 4:15 p.m.
- b. Recommend no changes at 1740 Witherbee.

Mr. William J. Huotari
Deputy City Engineer/Traffic Engineer
500 West Big Beaver
Troy, MI 48084

In addition to our conversation in City Hall, we report:

During the schooldays of Pembroke Elementary School, many different private cars park near our property for dropping off and picking up kids to and from school. The curbs on the streets outside our home on the streets Witherbee and Graefield are very low. Because of that, the cars always drive onto our lawn, and the kids walk on the grass. This by itself is not a problem, but there is always garbage left behind, and tire tracks on our lawn. The situation became worse a couple years ago when near almost all the houses on our main street, Witherbee, "no parking" signs were set up. We have repaired our sprinkler system, which has been damaged by cars driving onto the lawn, 5 times. Another major issue with cars parking near our house is all the cars block the view of kids crossing the street, and more importantly block the view of cars driving by. This is a safety hazard that the schoolchildren acting as "crossing guards" **cannot** handle, especially such high volumes of traffic all cramped in one lane.

Because of the reasons stated above, we ask that you please set up "no parking" signs on our territory on the streets Witherbee and Graefield. It will be a modification well worth any time or money spent.

I have included picture of the streets mentioned on page 2 of this document. Thank you very much for your interest in our matter.

Sincerely,

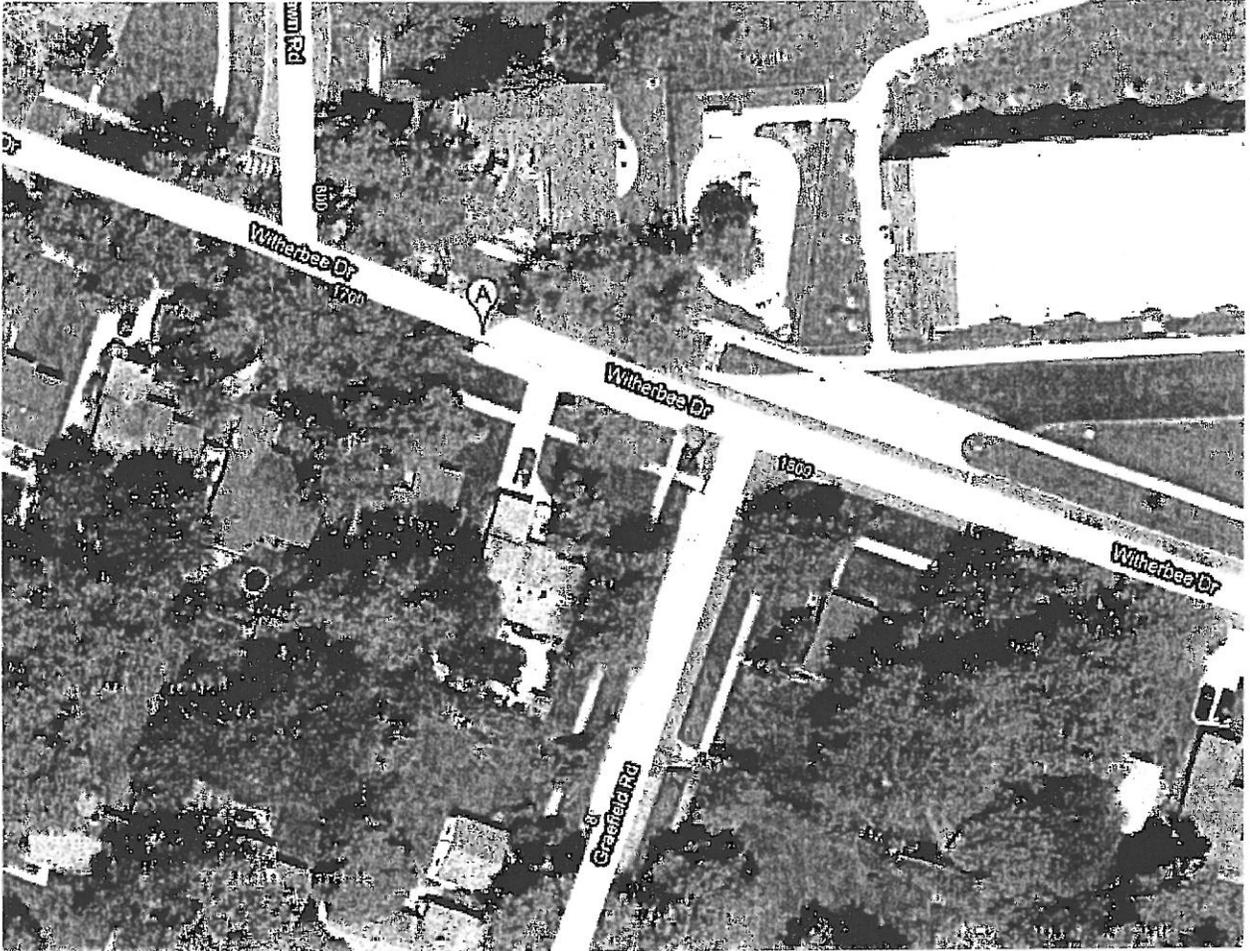
Sergey Guzyayev and Yelena Guzyayeva

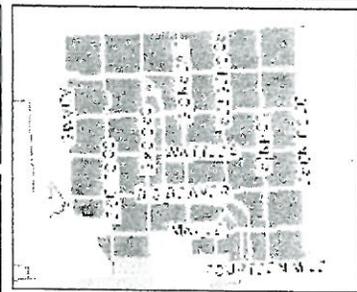
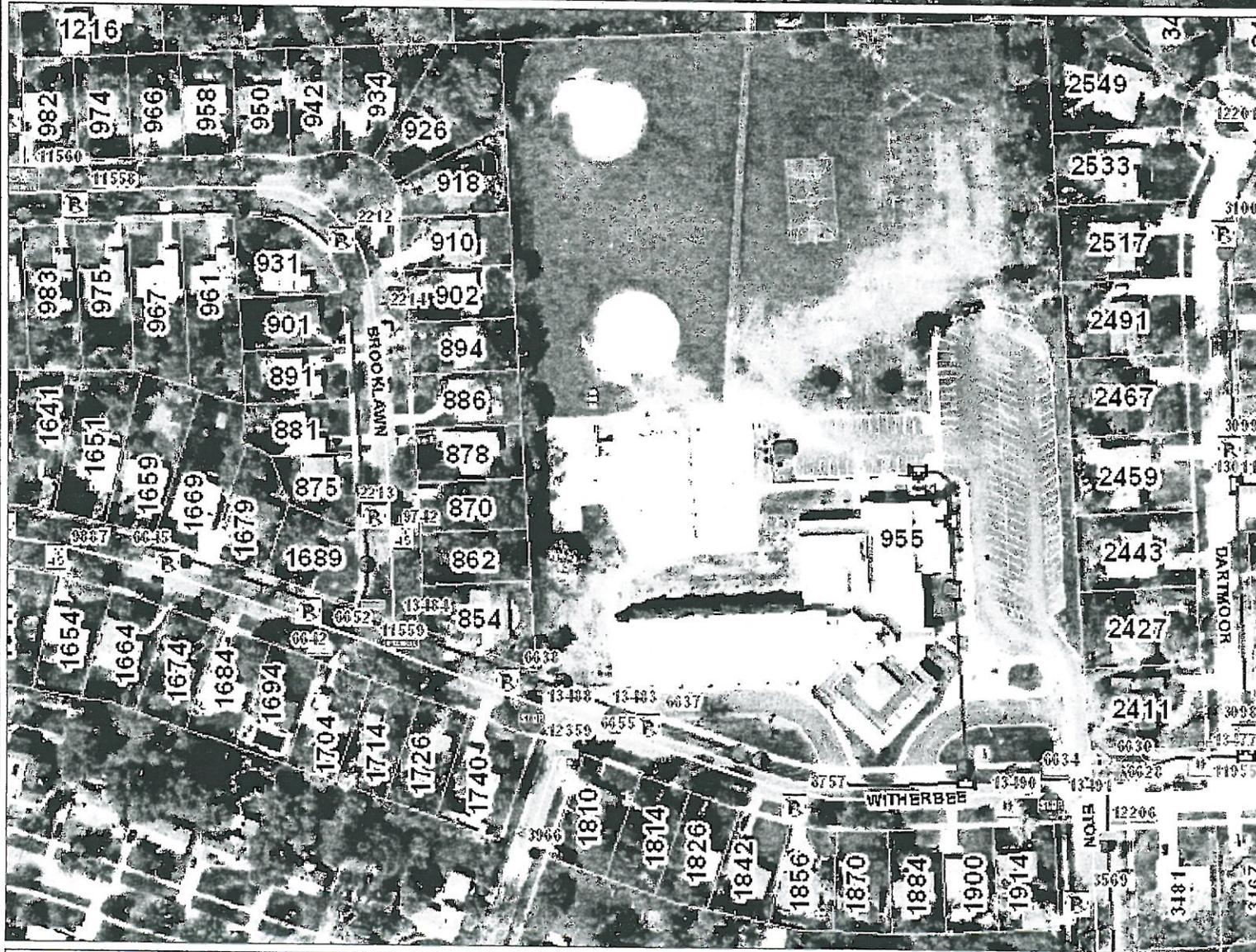
1740 Witherbee Dr.

Troy, MI 48084

sergey.guzyayev@gmail.com

Yellow lines indicated which areas to be blocked off.



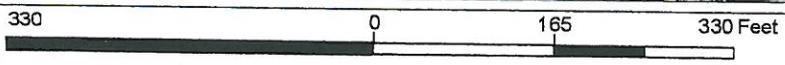


- ### Legend
- #### Street Signs
- <all other values>
 - AAR
 - B3-1
 - B3-3 - INTERSTATE HIGHWAY 75
 - B4-5
 - B5-1L
 - B5-1R
 - B6-2R - INTERSTATE HIGHWAY 7
 - BUS
 - CITYLIMITS - CITY LIMITS
 - CUSTOM SIGN
 - D1-1
 - D1-2
 - D1-3A
 - D10-2 - MILEPOST (2 DIGIT)
 - D11-1
 - D2-3
 - D3-1
 - D3-2
 - D4-2
 - D7-1
 - D7-2
 - D9-1
 - D9-14
 - D9-1A
 - E1-3
 - E1-4
 - E6-2A
 - GAS
 - M1-1
 - M1-4 - US ROUTE MARKER
 - M2-2 - JUNCTION SIGN
 - M3-1 - NORTH AUXILIARY MARK
 - M3-2 - EAST AUXILIARY MARKER
 - M3-3 - SOUTH AUXILIARY MARKER
 - M3-4

1: 1,980



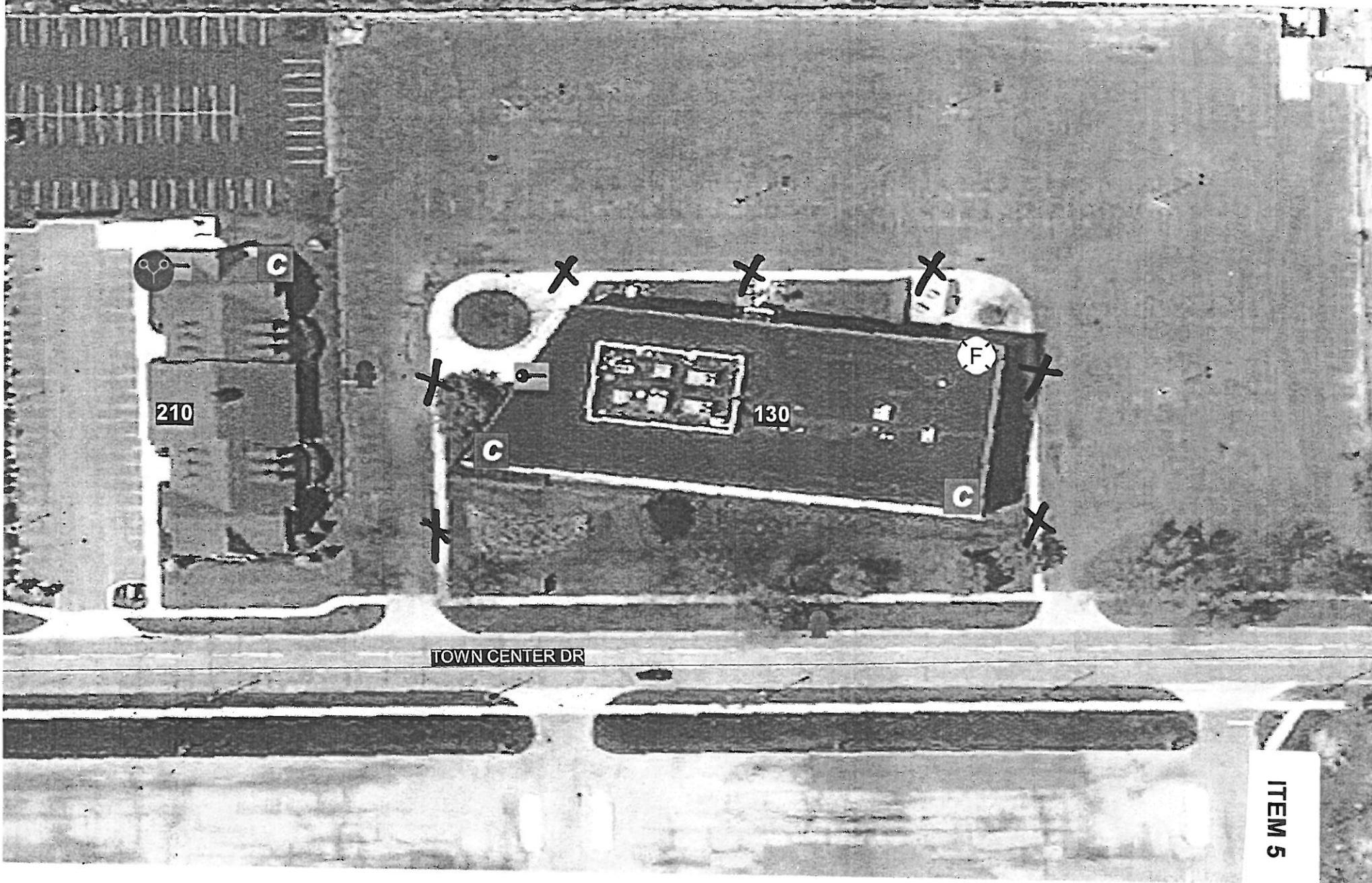
Notes
Enter Map Description



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

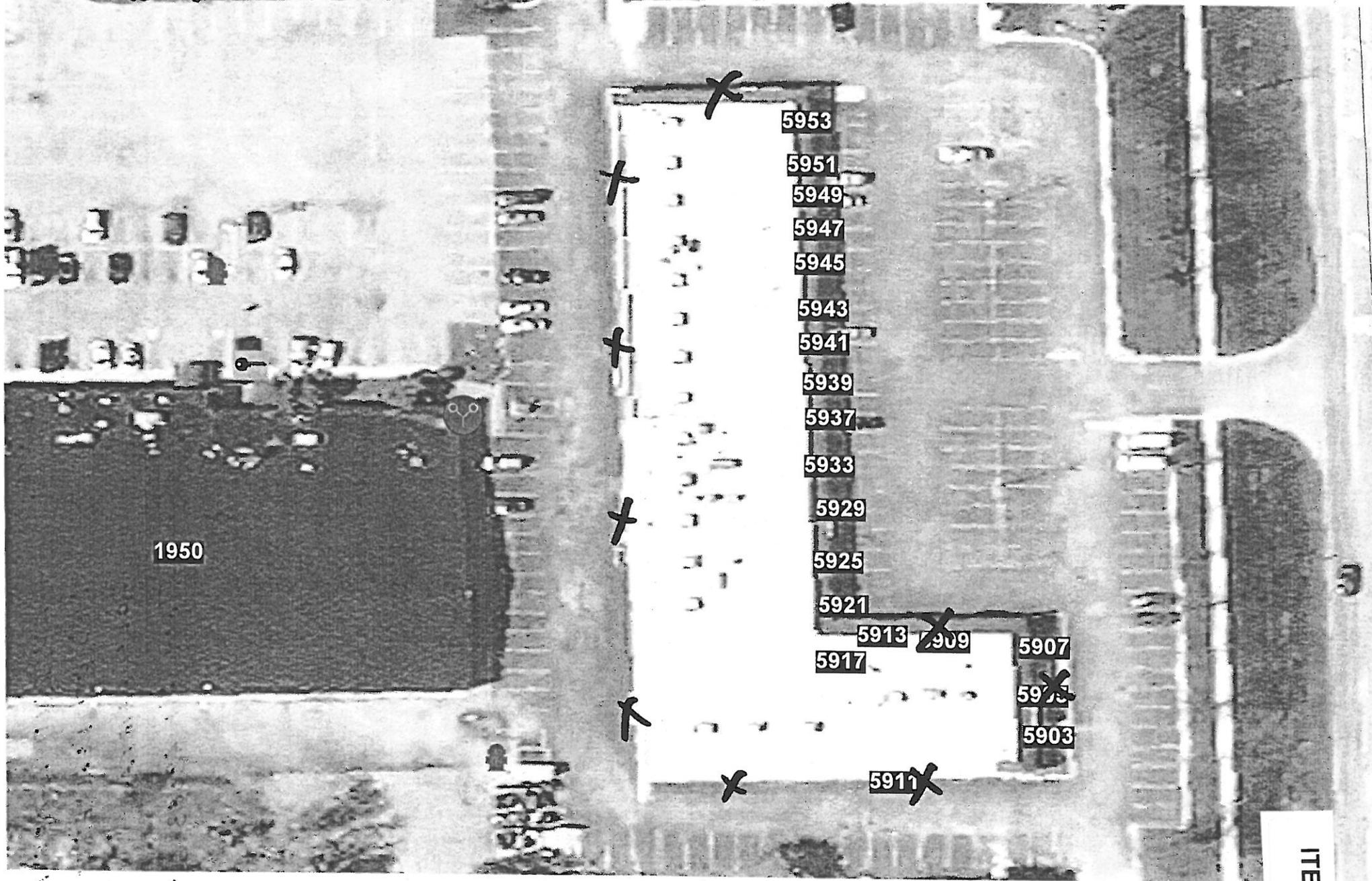


130 TOWN CENTER - FIRE LANES



ITEM 5

EMERALD LAKES PLAZA - FIRE LANES





CITY COUNCIL AGENDA ITEM

August 30, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Vehicle Auction Services

BACKGROUND

In right sizing the City's fleet of vehicles and equipment, it is the recommendation of staff to contract with an outside public auction site with live sales plus simulcast technology to target a potentially broader audience.

With reduced staff and an increased workload, using the Greater Detroit Auto Auction will shift the responsibility for advertising preparation, bidder interaction, administrative follow-up and paperwork to the auctioneer allowing for improved efficiencies within the department.

The MTIN surplus auction website will continue to serve as a viable option when in the City's best interest.

RECOMMENDATION

Authorization is requested to sell out-of-service and surplus vehicles and equipment on an as-needed basis at Greater Detroit Auto Auction, located in Brownstown, Michigan, for an auction fee of \$175.00 per vehicle (\$85.00 sale fee and \$90.00 towing fee) for a period of two years. On vehicles selling for \$10,000 or more, the sale fee is \$150.00 plus towing. The auction fee also includes vehicle/equipment storage, run fee, rerun fee, advertising on internet site (www.greaterdetroitaa.com), email to over 10,000 buyers, dealers and previous attendees, and auctioneer services. The Saturday auction draws an average of 200-300 attendees in the summer and 500-700 attendees in the winter months.

ADDITIONAL INFORMATION

This request would be reviewed at the conclusion of two years. Granting this authorization would expedite the sale of out-of-service/surplus vehicles and equipment, which in turn would bring a higher resale value. After sales close each month, a report would be sent to Council detailing the results of the sale.

Greater Detroit Auto Auction is located at 19865 Telegraph Rd., Brownstown, MI. Auctions are held on Wednesday at 5:00pm and Saturday at 10:00am. At this time internet bidding is for dealers only. A check is processed for the proceeds of the auction and mailed to the City within three business days of the sale less the fees for the auction service. (see Market Survey attached)

As the Fleet Division continues to reduce the number of vehicles, it will be necessary to acquire the services of heavy equipment and specialty auction sites in the near future.

FUND AVAILABILITY

Monies are budgeted in the Motor Pool fund under equipment operation and maintenance.

Prepared by: Samuel P. Lamerato, CPFP, Superintendent of Fleet Maintenance



CITY COUNCIL AGENDA ITEM

August 30, 2010

To: John Szerlag, City Manager
Re: Vehicle Auction Services

MARKET SURVEY

AUCTION HOUSE	LOCATION	DAYS HELD WEEKLY	FEES	PUBLIC AUCTION
Greater Detroit Auto	Brownstown	Wed (pm) /Sat (am)	\$175 includes towing – \$10K & over \$150 + towing	Yes
Motor City Auto	Fraser	Saturday (pm)	\$185 + towing, \$20 slot fee, NTE \$100 for five or more vehicles	Yes
Manheim Detroit	Carleton	Tuesday (am)	\$75 + towing, +\$30 if sold via internet	No, Dealer license required



CITY COUNCIL AGENDA ITEM

August 30, 2010

APPENDIX - Vehicle Auction Services

SUPPLEMENTAL INFORMATION

The Fleet Division continues to work to right size the City fleet due to the downsizing of City departments and vehicles reaching their replacement life cycle. The following vehicles and equipment will be auctioned. Additional vehicles and equipment will be added to the auction list in the near future.

YEAR	MAKE	MODEL	DEPARTMENT
1999	Plymouth	Breeze	Assessing
2002	Dodge	Ram Pickup	Building
2002	Dodge	Ram Pickup	Building
2002	Dodge	Ram Pickup	Building
2002	Dodge	Ram Pickup	Building
2002	Dodge	Ram Pickup	Building
2002	Dodge	Ram Pickup	Parks
2004	GMC	Pickup	Parks
1997	John Deere	Mower 1145	Parks
1999	John Deere	Mower 1145	Parks
1999	John Deere	Mower 1145	Parks
2007	Ford	Crown Victoria	Police
2007	Ford	Crown Victoria	Police
2004	Ford	Crown Victoria	Police
2005	Ford	Crown Victoria	Police
2005	Ford	Crown Victoria	Police
2005	Ford	Crown Victoria	Police

Prepared by: Samuel P. Lamerato, CPFP, Superintendent of Fleet Maintenance – Vehicle Auction Information



CITY COUNCIL AGENDA ITEM

Date: September 7, 2010

To: Troy City Council Members

From: Lori Grigg Bluhm, City Attorney *LGB*
Allan T. Motzny, Assistant City Attorney *ATM*

Subject: Jeffrey Moneer Abbaya v. City of Troy

Background

Plaintiff Jeffrey Moneer Abbaya filed the attached claim and delivery lawsuit against the City of Troy. It has been filed in the 52-4 District Court, and assigned to Judge William E. Bolle. Mr. Abbaya is seeking the return of a pistol that was confiscated from him in connection with his arrest for drunk driving. In addition to the drunk driving arrest, which occurred on August 2, 2010, Mr. Abbaya also violated the statute governing concealed weapons. As a result, the Troy Police Department is seeking direction from the Court as to the disposition of the weapon. If Judge Bolle, through the adjudication of this matter, orders the return of the weapon, then the City will comply. On the other hand, if Judge Bolle determines that the weapon is subject to forfeiture, then the City will initiate this process as well. In the interim, the weapon will be safely kept by the Troy Police Department.

Mr. Abbaya is also seeking attorney fees and costs, in addition to the return of the gun (which he values at \$700) and ammunition.

Recommendation

Absent any objection from City Council, the City Attorney's Office will defend the City's interest in this case.

ATM/Litigation/Abbaya

Proposed Resolution:

RESOLVED, that the City Attorney's Office is hereby DIRECTED to defend the City of Troy in the *Abbaya v. City of Troy* lawsuit, and is AUTHORIZED to pay reasonable and necessary costs and fees in the defense of the action.

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN
52-4 JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

CASE NO.

10 @ 02602 JB

Court address
520 W. Big Beaver, Troy, MI 48084

Court telephone no.

(248) 528-0400

Plaintiff's name(s), address(es), and telephone no(s).
Jeffrey Moneer Abbaya
65 Maywood Avenue
Pleasant Ridge, MI 48069

v

Defendant's name(s), address(es), and telephone no(s).
City of Troy
500 W. Big Beaver
Troy, MI 48084

Plaintiff's attorney, bar no., address, and telephone no.
Edward A. Bajoka (P70919)
3150 Livernois, Suite 235
Troy, MI 48083
(248) 740-8384/Fax (248) 740-8548

AUG 24 2010 PM02:15

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
--------	----------------------	-------------

*This summons is invalid unless served on or before its expiration date.
This document must be sealed by the seal of the court.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties

An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village)
City of Pleasant Ridge, MI

Defendant(s) residence (include city, township, or village)

Date

Signature of attorney/plaintiff Edward A. Bajoka

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter, you may fully participate in court proceedings, please contact the court immediately to make arrangements

Handwritten initials: a sb...

Original - Court
1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Return

Approved, SCAO

54-2 STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	COMPLAINT Claim and Delivery	CASE NO.
---	--	----------

Court address: 520 W. Big Beaver, Troy, MI 48084
 Court telephone no.: (248) 528-0400

Plaintiff(s) Jeffrey Moncer Abbaya	v	Defendant(s) City of Troy
---------------------------------------	---	------------------------------

COMPLAINT

1. The plaintiff is lawfully entitled to possession of the following described property, with an estimated value of \$ 700.00
Describe property.

.40 Springfield Arms 9mm hand gun (Tag #1000004333.002) and magazine (unloaded) and 9 rounds (Tag #100000433 003)

10-23/10

2. Property claimed is an independent piece of property, and/or
 a portion of divisible property of uniform kind, quality, and value

3. The plaintiff's basis and reason for claim is:

Plaintiff's gun was confiscated for safe keeping during an OWI arrest on August 2, 2010. Plaintiff was advised by the arresting officer that he could retrieve his gun when he was released from custody. The Troy police would not release the gun as promised the next day upon Plaintiff's release. Plaintiff maintains his innocence on the OWI charge.

SUPPLEMENTAL COMPLAINT (if applicable)

- 4. This action is based upon a security agreement debt. The plaintiff claims the balance due of \$
A copy of the security agreement is attached.
- 5. The plaintiff claims the following damages because of the defendant's unlawful taking or detention:
Attorney fees and court costs

RECEIVED FOR FILING
 2010 AUG 24 10:00 AM
 CLERK OF COURT
 JUDICIAL DISTRICT
 TROY, MI

6. The plaintiff claims a judgment for the return of the described property, or for the value of the property, and also for damages in the amount of \$ 2,000.00

08/24/2010

Date


 Signature of attorney/plaintiff P70919
 Edward A. Bajoka Est. no.



CITY COUNCIL AGENDA ITEM

September 7, 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
Tonni L. Bartholomew, City Clerk
Lori Grigg Bluhm, City Attorney
Susan Leirstein, Purchasing Director
Gary Mayer, Police Chief
William Nelson, Fire Chief
Peggy E. Sears, Human Resources Director

Subject: Organizational Restructuring Proposal from the International City Management Association (ICMA)

At the June 21, 2010 City Council meeting, the contents of a memorandum submitted by Council Member Dane Slater was discussed. Two of these elements pertain to an independent review of all City departments, and a wage and benefit comparison of Troy employees to other communities. There was a consensus of City Council members present directing the City Manager to provide City Council with neutral third party options proficient in independently evaluating City departments that have not yet been reviewed.

To accommodate Council's direction in this matter, attached is a proposal from ICMA addressing 8 specific elements: Police Department; Fire Department; City Manager's Office; Finance and IT Departments; City Assessor's Office, City Clerk's Office, Human Resources, Purchasing, City Treasurer's Office; City Attorney's Office; benefit comparative analysis; and maintenance functions.

Essentially, this independent third party review will look at how we operate; explore other options for service delivery; and recommend the best course of action. The proposal also identifies team members for this engagement, and lists qualifications thereof.

If we authorize ICMA to proceed by the end of September, all 8 elements can be completed by the end of February 2011.

The aggregate cost for all 8 elements ranges from \$196,660 to \$211,360. And given the outcome of finding the most efficient manner in which to deliver services, as well as what it takes to be sustainable in terms of staffing, we believe cost savings will be achieved far greater than cash outlay for this project. Most of the funding can come from two sources: General Fund Balance and a transfer from Capital to General Fund (this is because recent Capital projects have come in or will come in under budget).



CITY COUNCIL AGENDA ITEM

So too, we are looking at two other sources, although they may be a long shot: drug forfeiture monies for the Police element; and a request to the Michigan Municipal League under their Shared Public Services Initiative.

As always, please feel free to call should you have any questions.

c: Department Directors
Assistant Department Directors
Supervisors

JS/mr\AGENDA ITEMS\2010\09.13.10 – Organizational Restructuring Proposal



Leaders at the Core of Better Communities



Proposal

Organizational Restructuring

City of Troy, Michigan



***Helping Local Governments Achieve
Measurable Results***



Leaders at the Core of Better Communities

Submitted by and reply to:
Craig R. Rapp
Director

ICMA Consulting Services
International City/City Management Association
777 North Capitol Street, NE – Suite 500
Washington, DC 20002

Phone: 202.962.3583 e – mail: Craig.Rapp@icma.org



Leaders at the Core of Better Communities

September 2, 2010

Mr. John Szerlag
City Manager
City of Troy
500 W. Big Beaver
Troy, MI 48084

Re: Request for Proposal

Dear Mr. Szerlag:

ICMA *Consulting Services* is pleased to provide this proposal in response to your request to provide assistance with the City of Troy's organizational restructuring efforts.

Our team has extensive experience in the areas of municipal operations, organizational structure and staffing, strategic and business planning, financial assessment, service prioritization, and performance measurement. We pride ourselves on delivering enterprise-wide solutions to our clients, and serving as an objective, trusted advisor on a wide range of organizational issues. As our proposal describes, our project will be delivered by a team of consultants who each have decades of direct experience working in and consulting with local governments. We will provide the City of Troy with the proven expertise you need for your restructuring effort.

As the membership association for more than 9,100 chief appointed administrators, assistant administrators, and other city and county officials throughout the world, ICMA has provided professional development, technical assistance, and leading edge information to local governments since 1914. Our ability to provide practical solutions to address organizational challenges, combined with our consulting expertise, makes ICMA uniquely qualified to assist the City of Troy.

We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig R. Rapp". The signature is fluid and cursive, with a large initial "C" and "R".

Craig R. Rapp,
Director
ICMA Consulting Services



Leaders at the Core of Better Communities

PROPOSAL

City of Troy, Michigan – Organizational Restructuring

Introduction

ICMA recognizes that the City of Troy has already taken drastic steps to restructure operations to address declining revenues. Our comprehensive approach will deliver broad-based recommendations that the city can use to continue this process and to effectively allocate and deploy staff and other resources.

I. ICMA's Unique Qualifications

There are four core concepts that make ICMA uniquely qualified to meet requirements for this project.

- (1) Tailored Approach - Our approach will be tailored to the specific requirements and conditions of the City of Troy as opposed to an off-the-shelf assessment model.
- (2) Knowledge and Experience - Our team members have direct, practical experience with organizational restructuring that has resulted in improved service delivery. In addition, team members have over 150 years of combined experience leading local governments that have been recognized for performance excellence.
- (3) Capacity Development - Our approach will build on the city's knowledge, skills, abilities, and resources. This will ensure that our recommendations can be fully implemented and are sustainable.
- (4) City-wide Perspective - While the request for proposal does not include an organizational restructuring of the entire city government, our recommendations and assistance are designed to guarantee that our work meets the needs of the city as a whole. This means we will be mindful of the complex interrelationships that exist between the various departments and the larger organization. This perspective ensures that our recommendations will not conflict with the City's overall policies, practices and strategic direction.

II. ICMA Project Team

ICMA presents the following team members for this engagement. In addition to the individuals listed below, ICMA's team will include partnerships with the International Municipal Lawyers Association (IMLA), the Center for State and Local Government Excellence, and our own ICMA Center for Performance Measurement.

Craig R. Rapp, ICMA–CM, Director, ICMA Consulting Services

Craig Rapp will serve as the principal in charge for this project. As Director of ICMA *Consulting Services*, Mr. Rapp provides a broad range of services to local governments across the country. He oversees ICMA's consulting practice and is a nationally prominent speaker on a variety of subjects relating to management excellence. His background includes over 30 years experience as a senior executive in both the public and private sectors. He was the City Manager in three cities, an executive for a regional agency, and Vice President of a local government consulting firm. His specific areas of expertise are organizational improvement, strategic planning, and community engagement. He has been certified as a Baldrige evaluator in Minnesota.

Leonard A. Matarese, ICMA–CM, Director, Public Safety Services, ICMA Consulting Services

Mr. Matarese is a specialist in public sector administration with particular expertise in public safety issues. He has 40 years experience as a law enforcement officer, police chief, public safety director, city manager and major city Human Resources Commissioner. He was one of original advisory board members and trainer for the first NIJ/ICMA Community Oriented Policing Project which has subsequently trained thousands of municipal practitioners on the techniques of the community policing philosophy over the past 18 years. He has conducted numerous studies of emergency services agencies with particular attention to matching staffing issues with calls for service workload. Recognized as an innovator by his law enforcement colleagues he served as the Chairman of the SE Quadrant, Florida, and Blue Lighting Strike Force, a 71agency consortium, U.S. Customs Service anti-terrorist and narcotics task force and as president of the Miami-Dade County Police Chief's Association. He represents ICMA on national projects involving the United States Department of Homeland Security, The Department of Justice, Office of Community Policing and the Department of Justice, Office Bureau of Justice Assistance. He also serves as a project reviewer for National Institute of Justice

Thomas Wieczorek, Manager, Public Safety Programs, ICMA Consulting Services, retired City Manager, Ionia, MI; former Executive Director, Center for Public Safety Excellence

Mr. Wieczorek is an expert in fire and emergency medical services operations. He has served as a police officer, fire chief, director of public safety and city manager and is former Executive Director of the Center for Public Safety Excellence (formerly the Commission on Fire Accreditation International, Inc.) and was an author on the most recent "Standards of Response" book printed by the CPSE. He has taught a number of programs at Grand Valley State University, the National Highway Traffic Safety Administration (NHTSA), and Grand Rapids Junior College. He has testified frequently for the Michigan Municipal League before the legislature and in several courts as an expert in the field of accident reconstruction. He is the past-president of the Michigan Local Government Manager's Association; served as the vice-chairperson of the Commission on Fire Officer Designation; and serves as a representative of ICMA on the NFPA 1710 career committee. Tom received the Mark E. Keane "Award for Excellence" in 2000 from the ICMA, the Association's highest award and was honored as City Manager of the Year (1999) and Person of the Year (2003) by the Rural Water Association of Michigan, and distinguished service by the Michigan Municipal League in 2005.

James Prosser, ICMA-CM, - President, JDP Public Partnership Group, Senior Management Consultant, ICMA Consulting Services

Mr. Jim Prosser has over 30 years experience in city management, most recently serving as the first city manager for Cedar Rapids Iowa. During his time in Cedar Rapids, Jim led efforts to reorganize and streamline city operations; consolidating departments, eliminating over 50 middle and upper management positions and establishing performance measures. In addition to his city management experience, Jim served seven years leading Ehlers & Associates financial and management consulting practice in Minnesota and Illinois. Jim is also a Certified Independent Public Finance Advisor (CIPFA) by the National Association of Independent Public Finance Advisors. His expertise includes financial planning, strategic planning, redevelopment, community engagement and performance management.

Susan Robinson - Senior Management Consultant, ICMA Consulting Services

Ms. Sue Robinson has over 35 years experience as a senior executive in local government, consulting and non-profit sector management, serving as a City Manager, Assistant Superintendent for Finance and Information Systems for the Arlington Virginia Public Schools, deputy director of administration for the Government Finance Officers Association, and as a private consultant to local government. While in Arlington, Sue managed an operating budget in excess of \$400 million and led restructuring efforts in a variety of functional areas, including a major effort to reorganize all technology and information system functions. She has a broad background in all areas of municipal management with a particular emphasis in finance, capital improvement budgeting, technology and urban planning.

Jon Thiel – Senior Management Consultant, ICMA Consulting Services

Mr. Jon Thiel is currently the Operations and Maintenance Director for the City of Brooklyn Park, MN, a full-service city of 75,000 in the Minneapolis-St. Paul metropolitan area. In his current role, he is directly responsible for all Public Works, Parks and Recreation, Building Operations Golf Course and Fleet maintenance operations. He has over 40 years of experience in public works operations, serving as Director in three cities and as an engineering consultant. Over his long career, Jon has consolidated Public Works, Parks and Building Operations, established a systems operations approach including performance metrics, and has generated over \$50 million in documented savings and deferred maintenance costs. Jon holds numerous professional certifications including Certified Facilities Manager; Certified Fleet Manager; Certified MN Building Official; MN Water Supply Systems Operator (Class B); MN Wastewater Treatment Operator (Class S-B); MN Certified On-Site Sewage Treatment Evaluator; and Certified Civil Engineering Technician (Senior)

Joshua Franzel, Ph.D., Vice President of Research for the Center for State and Local Government Excellence

Dr. Joshua Franzel is vice president of research for the Center for State and Local Government Excellence and also is a member of ICMA's Public Policy team. He has worked for both the Delaware and Florida Legislatures, as well as for and with several local governments. More recently, Dr. Franzel was a Presidential Management Fellow with the International Trade Administration (U.S. Department of Commerce) and the Office of Management and Budget, where he was involved in the Federal Enterprise Architecture program. His publications and research have focused on government innovation, e-government, state and local government management, public finance, demographics, and public employee benefits and compensation. Dr. Franzel will serve as senior advisor in the area of benefits analysis.

Michael Lawson, Director, Center for Performance Measurement

Mr. Mike Lawson has 29 years of professional experience—including 13 with ICMA, nine with the state municipal league in Connecticut and seven with the U.S. Advisory Commission on Intergovernmental Relations. His expertise includes performance measurement/management for local governments, tax policy, and intergovernmental fiscal relations. Mr. Lawson will serve as senior advisor for the project. He will lend expert advice and direct the efforts of the researchers in the Center for Performance Measurement who will provide comparison data from other jurisdictions, including performance measures. Mike holds a master's degree in public affairs from the School of Public and Environmental Affairs at Indiana University. He is a Phi Beta Kappa graduate of Purdue University.

Additional Public Safety Specialized Staff and Consultants

Kenneth Chelst, Ph.D, Data Analysis Subject Matter Expert, Senior Public Safety Services Consultant, ICMA Consulting Services

Dr. Chelst is an expert in the application of advanced mathematical models for all emergency resources planning, especially police. He lead a demonstration project for the City of Detroit Police Department which cut response times by 40% using continuous improvement and data driven decision making. Over the past two decades he has studied several dozen emergency services operations using data driven techniques to determine the most efficient organizational structures to provide public safety services. He holds a Ph.D. degree in operations research from M.I.T. where his dissertation topic was Mathematical Models of Police Patrol Deployment. His research interests include operations research models applied to emergency services and structured decision making. Dr. Kenneth Chest will serve as the lead data expert for police operations.

Paul O'Connell, Senior Public Safety Services Consultant, ICMA Consulting Services

Dr. O'Connell is a leading expert on the application of Compstat model Police Management principles to public administration organizations. He has been a full time member of the Criminal Justice faculty at Iona College in New Rochelle since 1994. He received his Ph.D. from CUNY where his doctoral thesis was the history and development of the Compstat model of Police Management. Dr. O'Connell began his professional career in criminal justice in 1981, serving the New York City Police Department first as a police officer, and then as a Police Academy instructor, in-service trainer and curriculum developer. After receiving an MPA in 1984 and J.D. in 1989, he worked as a trial attorney with the firm of Cummings & Lockwood in Stamford, CT. Presently, he is the chair of Iona College's Criminal Justice department, where he also conducts funded research, publishes scholarly papers and lectures widely on the topics of police performance measurement, integrity management and law enforcement training systems. Dr. O'Connell has provided consulting services to a variety of government agencies, including assessment of existing policing policies and practices and development of proactive management strategies. Over the years, he has collaborated with the Center for Technology in Government (Albany, NY), Giuliani Partners (New York, NY) and the Center for Society, Law and Justice (U. of New Orleans)

Dov Chelst, Ph.D. – Senior Quantitative Analyst, ICMA Consulting Services

Dr. Chelst specializes in data and statistical analysis. He has taught the subject matter for nearly 10 years at the university level and has a Ph.D. in Mathematics from Rutgers University and a B.A. Summa Cum Laude in Mathematics and Physics from Yeshiva University. Dr. Chelst has managed the data collection and analysis of over 36 city and county public safety agencies within the past two years. He is an expert in extracting CAD data and developing using statistics from that information.

James McCabe, Senior Public Safety Services Consultant, ICMA Consulting Services

Dr. McCabe retired as an Inspector with the New York City Police Department after 20 years of service. As Inspector his assignments included Commanding Officer of the NYPD Office of Labor Relations and Commanding Officer of the Training Bureau. As a Deputy Inspector he was the Commanding Officer of the Police Academy with direct supervision of over 750 staff officers and 2,000 recruits. As Executive Officer, Police Commissioner's Office. His field experience includes, Commanding Officer, 110th Precinct, Executive Officer, 113th Precinct, assignment to the Operations Division/Office of Emergency Management and uniform patrol as on officer and Sergeant in Manhattan. He has published extensively and presented to numerous conference including Academy of Criminal Justice Sciences. He holds a Ph.D. and M. Phil, in Criminal Justice, from CUNY Graduate Center, an M.A. in Criminal Justice, from John Jay College, an M.A. in Labor and Policy Studies, SUNY Empire State College, and B.A. in Psychology, CUNY Queens College, June, 1989. He is a graduate of the Executive Management Program, Harvard University's John F. Kennedy School of Government, and the FBI National Academy.

William Berger, Senior Public Safety Services Consultant, ICMA Consulting Services

Mr. Bill Berger is a nationally recognized expert in police management with particular expertise in law enforcement technologies. He is currently Chief of the Palm Bay, Florida Police Department serving a population of over 100,000 over 100 square miles. There he is implementing numerous new technologies in cooperation with public and private sector organizations including programs involving DNA collection, enhanced rapid police response to in progress crimes and use of UAV (unmanned aircraft vehicles); currently testing and working with FAA to fly for police surveillance unmanned aircraft; first in nation. Previously he served as Chief of Police of North Miami Beach, Florida for 15 years where he routinely gained national recognition for his implementation of new technologies, including speech recognition for in car police computers. Prior to his appointment as Chief of Police he served with the City of Miami Police Department, working as Executive Commander of the Training Unit and Police Academy and was also the youngest Chief of the Miami Police Department Homicide Bureau.

David Martin, Ph.D, Data Analysis Subject Matter Expert, Public Safety Services Consultant, ICMA Consulting Services

Dr. Martin specializes in public policy analysis and program evaluation. He has worked with several police departments to develop crime mapping and statistical analysis tools. In these projects he has developed automated crime analysis tools and real-time, dashboard-style performance indicator systems for police executive and command staff. Dr. Martin teaches statistics at Wayne State University. He is also the program evaluator for four Department of Justice Weed and Seed sites. He is an expert in the use of mapping technology to analyze calls for service workload and deployments.

Malhar Kale, Quantitative Analyst, ICMA Consulting Services

Mr. Kale is an expert in the use of GIS based software tools for public safety agencies. He holds a Master of Science in Statistics from Sam Houston State University, a Master of Science in Industrial Engineering from the University of Texas and a Bachelors of Mechanical Engineering from Sardar Patel University, India

ICMA Center for Performance Measurement

The ICMA Center for Performance Measurement (CPM) is dedicated to helping local governments measure, compare, and improve municipal service delivery. ICMA's Comparative Performance Measurement Program currently assists over 150 cities and counties in the United States and Canada with the collection, analysis, and application of performance information. CPM engages cities year around in an effort to develop and maintain performance measurement systems. This project will include key CPM staff who will provide comparative performance and general organizational information.

Center for State and Local Government Excellence

The mission of the Center for State and Local Government Excellence (SLGE) is to help state and local governments become knowledgeable and competitive employers so they can attract and retain talented, committed, well-prepared individuals to public service. ICMA will engage key SLGE staff - using the Center's research, data, and expertise to develop a quick-reference benefit comparative analysis for use by the City of Troy leadership.

International Municipal Lawyers Association (IMLA)

The International Municipal Lawyers Association (IMLA) is a non-profit, professional organization that has been an advocate and resource for local government attorneys since 1935. Owned solely by over 2500 members, IMLA services as an international clearinghouse of legal information and cooperation on municipal legal matters. IMLA collects from and disseminates information to its membership across the United States and Canada and helps governmental officials prepare for litigation and develop new local laws. Every year, IMLA's legal staff provides accurate, up-to-date information and valuable counsel on hundreds of requests and provides a variety of services, publications and programs to help its members. IMLA will lead the effort to analyze the law department and coordinate its findings and recommendations with the ICMA project management team.

III. ICMA's Approach to the Project

The City of Troy, Michigan is undertaking structural changes to accommodate significant financial challenges. Those changes include improved efficiencies, outsourcing (to realize improved efficiencies and reduced labor costs) and changes in service levels. Major aspects of this restructuring have been designed and some have already been implemented. ICMA has been asked to provide a proposal to address eight specific elements. The sections below outline in brief the key steps to be taken to address each element. For elements 1-6 and 8, ICMA will conduct a review of the department(s), identify a set of options for delivering the service in the most efficient and effective manner, and provide an opinion regarding the sustainability of the department(s) based upon the proposed action(s).

This approach will result in a draft report and presentation in the areas assessed, as well as a final report. With regard to element 1-Police services, ICMA's director of public safety services, Leonard Matarese, has had previous discussions with City representatives and has proposed an in-depth solution in line with those discussions and understanding of the organizational issues. The attached appendix offers a summary of that proposal. For element 7- Benefits Analysis, due to its unique nature, a review and report will be prepared by the Center for State and Local Government Excellence, supplemented by other ICMA staff. This report will, however, be integrated into the final recommendations and sustainability evaluation.

The ICMA project team will work closely with the City Manager, senior management and each department to ensure an accurate understanding of both expectations and the current operating environment.

ELEMENT ONE – POLICE DEPARTMENT

Project Requirement:

- Conduct data analysis of workload, deployment, scheduling, response times and other indicators using Operations Research techniques.
- Review organizational structure to determine most efficient design and staffing.
- Evaluate Human Resources practices within department.
- Analyze the agency's equipment & facilities for highest and best use.
- Determine if the agency is fully using all available technologies.
- Review the performance and staffing of the investigations and crime scene units.
- Evaluate levels of community involvement
- Analyze police & procedures to determine if they meet "best practices."
- Evaluate the effectiveness of the efforts to date to consolidate services, including pending efforts

Responsible Team Members: See appendix for description of police services.

ELEMENT TWO – FIRE DEPARTMENT

Project Requirement:

- Review current performance of fire suppression and related emergency services with attention to sustainability of the volunteer element.
- Review of career fire service elements that support the volunteer forces and supplement emergency services responses. Evaluate the career positions of the Fire Department against job descriptions and national standards.
- Review the number of career personnel and determine whether the Fire Department will be sustainable with fewer career personnel.
- Explore opportunities or options for restructuring.
- Determine advantages and disadvantages of each alternative.
- Analyze costs and benefits of each alternative.
- Evaluate the ability to maintain desired service levels and Council ranked priorities over the 5-year projection period.

Responsible Team Members: Thomas Wieczorek, Leonard Matarese

ELEMENT THREE – CITY MANAGER’S OFFICE

Project Requirement:

- Review and evaluate the recent restructuring of the office based on analysis of core services, functions and Council priority outputs.
- Explore further opportunities or options for restructuring, consolidation or outsourcing of functions.
- Determine advantages and disadvantages of each alternative.
- Analyze costs and benefits of each alternative.
- Evaluate the ability to maintain desired service levels and Council ranked priorities over the 5-year projection period.

Responsible Team Members: Craig Rapp; Jim Prosser; Susan Robinson, Michael Lawson/CPM

ELEMENT FOUR – FINANCE AND I.T. DEPARTMENTS

Project Requirement:

- Identify core services, functions and Council propriety outputs for the Finance and IT Departments
- Review and evaluate staffing in relation to core services, functions and outputs.
- Investigate opportunities and options for alternative delivery methods to include outsourcing and consolidation of functions.
- Determine advantages and disadvantages of each alternative.
- Analyze costs and benefits of each alternative.
- Evaluate the City’s ability to maintain desired service levels functions and Council ranked priorities with proposed reductions over the 5-year projection period.

Responsible Team Members: Craig R. Rapp; Jim Prosser; Susan Robinson, Michael Lawson/CPM

ELEMENT FIVE – HUMAN RESOURCES, PURCHASING, CLERK, TREASURY, and ASSESSOR’S DEPARTMENTS

Project Requirement:

- Identify core services, functions and propriety outputs for the Human Resources, Purchasing, Clerk, Treasury and Assessor’s Departments.
- Review staffing in relation to core services, functions and outputs.
- Investigate opportunities and options for alternative delivery methods to include further consolidation of and outsourcing of functions.
- Determine advantages and disadvantages of each alternative.
- Analyze costs and benefits of each alternative.
- Evaluate the City’s ability to maintain desired service levels functions and Council ranked priorities with proposed reductions over the 5-year projection period.

Responsible Team Members: Craig Rapp; Jim Prosser; Susan Robinson, Michael Lawson/CPM
Leonard A. Matarese

ELEMENT SIX – LAW DEPARTMENT

Project Requirement:

- Identify core services, functions and propriety outputs for the City Attorney’s Office.
- Review staffing in relation to core services, functions and outputs.
- Investigate opportunities and options for alternative delivery methods including consolidation and outsourcing of functions.
- Determine advantages and disadvantages of each alternative.
- Analyze costs and benefits of each alternative.
- Evaluate the City’s ability to maintain desired service levels functions and Council ranked priorities with proposed reductions over the 5-year projection period

Responsible Team Members: ICMA Consulting Services and IMLA (International Municipal Law Association)

ELEMENT SEVEN – BENEFIT COMPARATIVE ANALYSIS

Project Requirement:

- Review recently implemented employee benefit changes (specifically to pension and retiree health care benefits).
- Evaluate and compare overall retirement benefit packages to other jurisdictions, the state government, and other sectors.
- Briefly discuss the City’s ability to recruit and retain employees with current benefit offerings contrasted against their ability using adjusted benefit components.
- Provide a comparison of employee salaries and benefits paid by the city to similar jurisdictions

Responsible Team Members: ICMA Consulting Services / CSLGE- Dr. Joshua Franzel/CPM

ELEMENT EIGHT – MAINTENANCE FUNCTIONS

Project Requirement:

- Identify core services, functions and Council propriety outputs for the maintenance functions, including, but not limited to functions within Public Works, Parks and Recreation and Building Operations.
- Review and evaluate staffing in relation to core services, functions and outputs, and in particular, evaluate staffing related to the City’s snow and ice control procedures.
- Investigate opportunities and options for alternative delivery methods to include further consolidation and outsourcing of functions
- Determine advantages and disadvantages of each alternative.
- Analyze costs and benefits of each alternative.
- Evaluate the City’s ability to maintain desired service levels functions and Council ranked priorities with proposed reductions over the 5-year projection period.

Responsible Team Members: Jon Thiel, Craig R. Rapp; Jim Prosser; Susan Robinson, Michael Lawson/CPM

WORK PLAN

To accomplish the work as listed above ICMA will conduct the following review both on and off-site:

1. Meet with staff and consultants identified by the City Manager to clarify current department deliverables, core service requirements and service delivery systems (Meeting 1).
2. Meet with affected department leadership and key staff regarding service delivery, processes, organizational culture
3. Review background sources to become familiar with elements to be reviewed (existing staff reports and notes, key outcomes and prioritized outputs, budget, performance measures/objectives, job descriptions; department functions and expectations).
4. Identify private and public sector benchmarks (to the extent available) for primary department functions.
5. Identify service delivery system options (including continuation, privatization, regional service sharing, collaboration, elimination).
6. Review draft results with City Manager designated team (Meeting 2);
7. Finalize data report, prepare and present results and recommendation report (Meeting 3)

Base Requirements

Fundamental to the success of this project will be the evaluation of staffing in relationship to core services. In order to ensure that this evaluation is conducted appropriately, the development of a sound baseline methodology and framework regarding the definition of core services is necessary—regardless whether one element or all elements are analyzed. In addition, because a determination regarding the sustainability of proposed actions over a subsequent five year period is a critical component of this project, a methodology and framework will also be necessary for this analysis.

The development of these methodologies and frameworks will be a “start-up” cost. For that reason, the fees listed below for elements 3-6 and 8 are expressed as ranges. The lower amount is the fee without the base requirements included; the higher level is the fee with the base requirement spread across all five elements. Understanding that ICMA may not be engaged to review all elements, this fee is listed separately to identify it as a cost, regardless of the number of elements involved.

Deliverables - ICMA will prepare a report with recommendations for each of the elements outlined.

The report will provide:

- 1. Review of each of the departments identified in Elements 1-6, and 8 specifically responding to the type of analysis requested to include:**
 - Primary functions and outcomes currently provided by each department.
 - Outcome priorities for each department based on available resources.
 - Gaps in outcomes required to maintain core services

- 2. Options for delivering identified services in the most efficient and effective manner including:**
 - Recommended alternatives for providing acceptable service levels within current financial constraints.

 - Analysis of each department to determine the effect of restructuring or elimination on the city's prioritized outputs and performance measures.

- 3. Comparative analysis of the employee benefit package currently provided by the City.**

- 4. An opinion regarding the sustainability of the planned action(s) based upon:**
 - Analysis of the departments to determine whether operations and services can be maintained over time at the level required to meet the City Council's desired outcomes.

 - Analysis of the long-term impact of the current benefit package offered to City employees.

IV. Proposed Fees

The following table includes proposed fees for each element, including estimated travel expenses.

The fees for elements 3-6, and 8 are listed as ranges. This is due to the necessity to undertake the activities listed in **Base Requirements**

Element	Fee
1- Police	\$74,600
Travel Budget - Police	Actual cost- est. \$8,000
2 - Fire	\$5,100
3 – City Manager’s Office	\$11,000 - \$12,460*
4 – Finance and IT	\$16,600 - \$18,060*
5 – HR, Purchasing, Clerk, Treasury Departments	\$19,560- \$21,020*
6 – Law Department	\$13,500-14,460*
7 – Benefit Comparative Analysis	\$15,200
8 – Public Works	\$21,100-22,460*
Base Requirements *	* \$7,300
Travel Budget – All Other Elements	Actual Cost est. \$12-\$20,000

REFERENCES

1. **City of Novi, Michigan**
Clay Pearson
City Manager
248-347-0420
cpearson@cityofnovi.org
2. **City of Alameda, California**
Ann Marie Gallant
City Manager
510.747.4881
amgallant@ci.alameda.ca.us
3. **County of Pasco, Florida**
Michele Baker
Chief Assistant County Administrator
727.847.8103
mbaker@pascocountyfl.net
4. **Michigan House of Representatives Committee on Health Care Reform**
Mark Meadows
State Rep. Mark Meadows (D)
517.373.1786
markmeadows@house.mi.gov
To learn more about CSLGE visit <http://slge.org>

Appendix -Description of Services for Element 1

DETERMINING STAFFING AND DEPLOYMENT IN POLICE DEPARTMENTS

Police agencies routinely speak about "recommended officers per 1,000 population" or a "National Standard" for staffing, or comparisons to other municipalities.

There are no such standards. Nor are there "recommended numbers of "officer per thousand". Nor is it useful to make comparisons with other communities.

The International Association of Chiefs of Police (IACP) states; "Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions"

Joseph Brann, the first Director of the COPS Office and retired chief of police in Haywood, California wrote in "Officer's per Thousand and other Urban Myths" appearing in *ICMA's PM Magazine*,

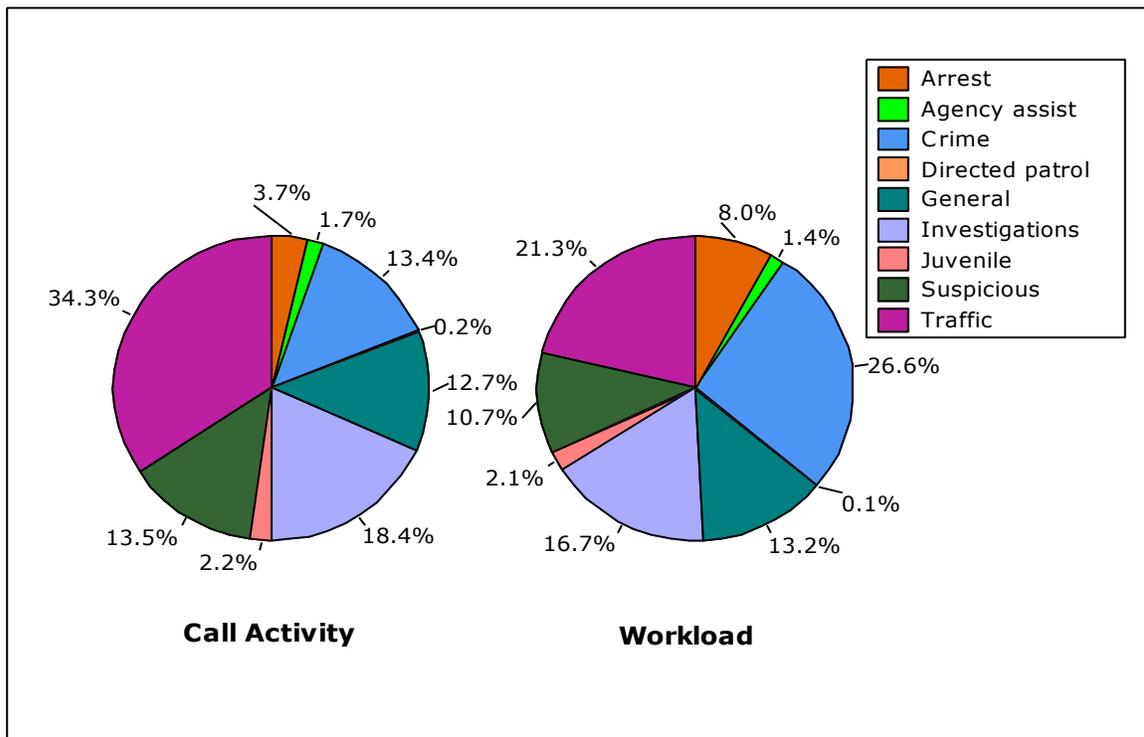
"A key resource is discretionary patrol time, or the time available for officers to make self-initiated stops, advise a victim in how to prevent the next crime, or call property owners, neighbors, or local agencies to report problems or request assistance. Understanding discretionary time, and how it is used, is vital. Yet most departments do not compile such data effectively. To be sure, this is not easy to do and, in some departments' may require improvements in management information systems."

Staffing decisions, particularly in patrol, must be made based upon actual workload and very few police agencies have the capability of conducting that analysis. Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, consistent with the community's ability to fund.

ICMA's team of doctoral level experts in Operations Research in Public Safety have created in **The ICMA Patrol Workload & Deployment Analysis System** the ability to produce detailed information on workload even in those agencies without sophisticated management information systems. Using the raw data extracted from the police department's CAD system our team converts calls for service into police services workload and then effectively graphs workload reflecting seasonally, weekday / weekend and time of day variables. Using this information the police department can contrast actual workload with deployment and identify the amount of discretionary patrol time available (as well as time commitments to other police activities).

Police service workload differentiates from calls for service in that calls for service are a number reflecting the incidents recorded. Workload is a time measurement recording the actual amount of police time required to handle calls for service from inception to completion. Various types of police service calls require differing amounts of time (and thus affect staffing requirements). As such, call volume (number of calls) as a percentage of total number of calls could be significantly different than workload in a specific area as a percentage of total workload. The graph following sample graph demonstrates this difference in units.

Calls for Service vs. Workload



ICMA has found that the most effective way to manage operations, including public safety, is to decisions based upon the interpretation and analysis of data and information.

To achieve this, a data analysis of police department workload, staffing and deployment will be conducted. By objectively looking at the availability of deployed hours and comparing those to the hours necessary to conduct operations, staffing expansion and/or reductions can be determined and projected. Additionally the time necessary to conduct proactive police activities (such as directed patrol, community policing and selected traffic enforcement) will be reviewed to provide the city with a meaningful methodology to determine appropriate costing allocation models.

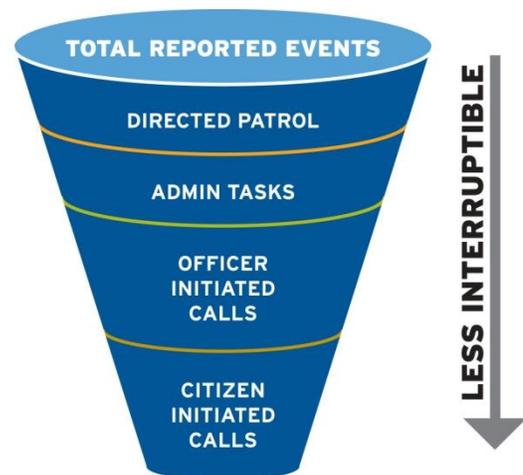
Further, we will review existing deployment, particularly of the patrol force, to determine appropriate staffing levels throughout the day with particular attention to the size and number of patrol zones or beats.

Understanding the difference between the various types of police department events and the staffing implications is critical to determining actual deployment needs.

Data Analysis

This portion of the study will look at the total deployed hours of the police department with a comparison to the time being spent to currently provide services. The analysis will review response times both cumulative as well as average for all services. In addition, a documentation request will be issued to the police department outlining information needed for a full operational review.

The ICMA has assembled a team of experts that are uniquely qualified to extract raw data from Computer Aided Dispatch Systems and conduct comprehensive analysis. The Team will utilize operations research methods in conducting the analysis. This approach is unique in the consulting field and was developed specifically by ICMA.

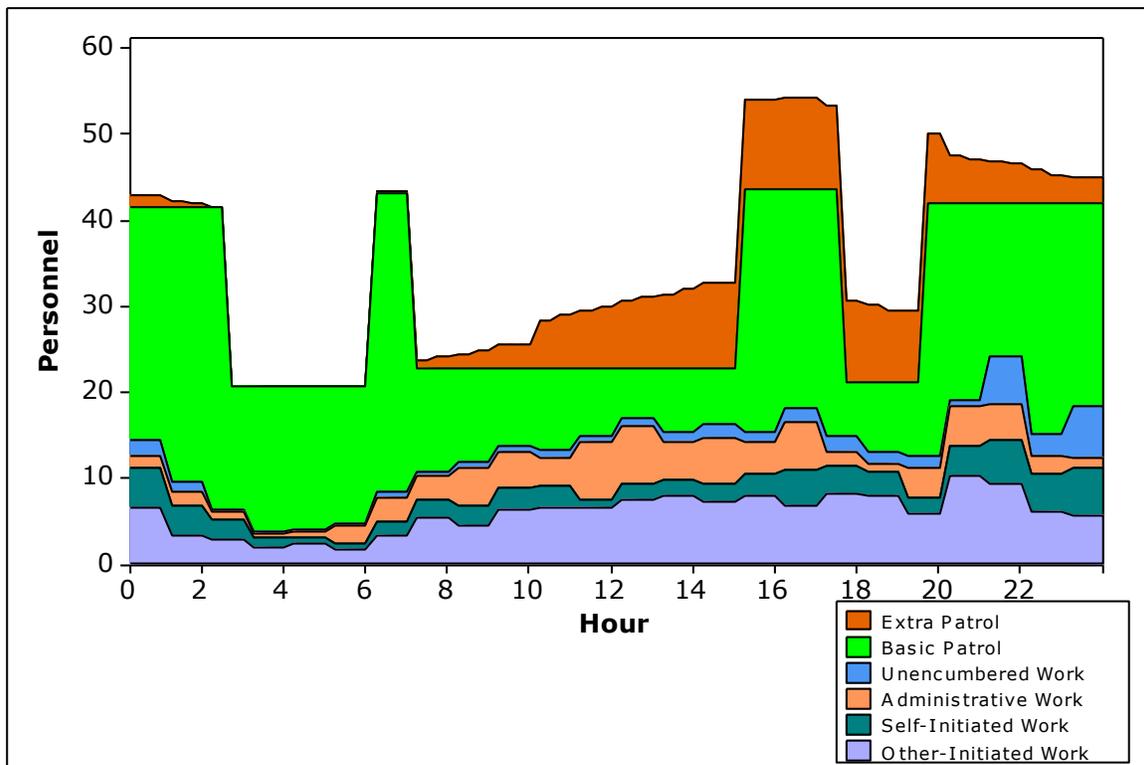


Workload vs. deployment analysis sample

This is one of the ways we show the amount of available, non-committed patrol time compared to workload. As you can see we break out the various activities, convert them to time and then compare to available manpower. The deployment is based upon actual hours worked.

So in this example, at noon there are approximately 17 hours of work (including citizen initiated & officer initiated calls for services, including traffic) and administrative activities (meals, vehicle, reports, etc.). There are approximately 30 man hours of available resources meaning that at that hour, on average, of the 30 officers on duty 16 are busy on activities.

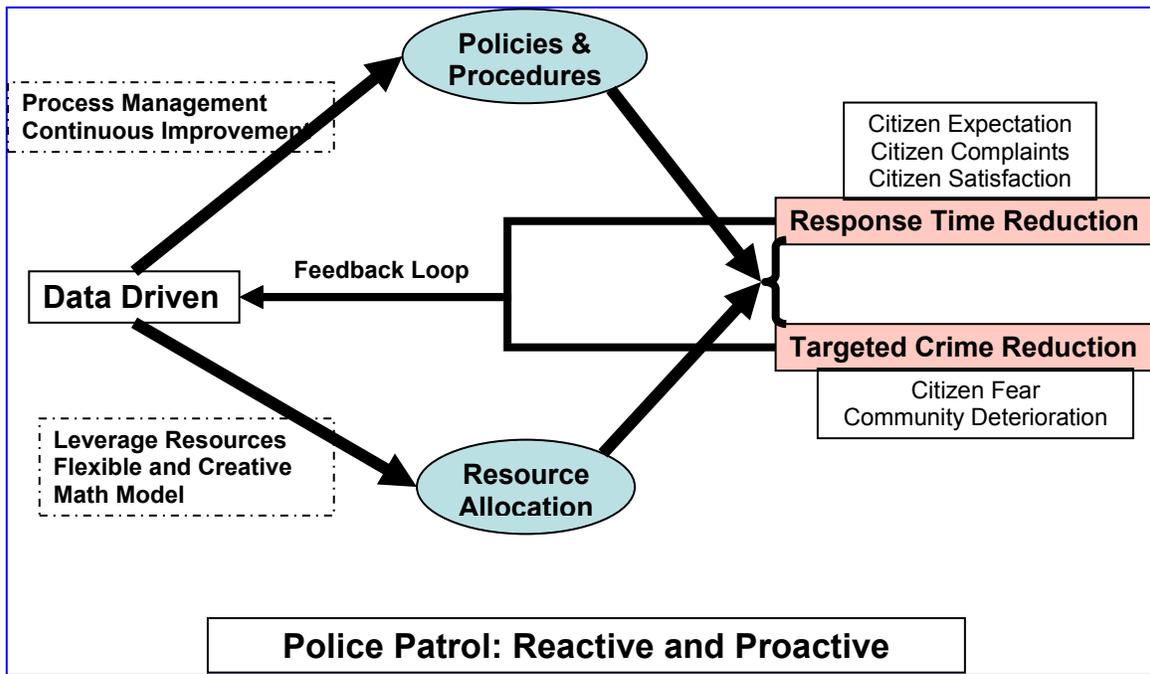
The area shown in green and brown is uncommitted time. This is the area where staffing decisions impact – it becomes a policy issue as to how much uncommitted time a city wants, and is willing to pay for.



Patrol Force – Analysis of Data and Patrol Force Planning

Background – Police Patrol

Police departments utilize their patrol forces in two modes: reactively to respond to calls for service and proactively to address crime problems as well ongoing nuisance issues. (See Figure 1.) Detectives provide another element of a primarily reactive force, seeking to solve crimes that have already been committed.



Reactively – citizen initiated calls

- ❑ High priority calls – citizens expect extremely rapid response
- ❑ Moderate Priority calls – Best practice departments manage citizens’ expectation by letting them know a realistic response time and then meeting or surpassing their expectation. If there is an unexpected further delay, the citizen is contacted with up-to-date information
- ❑ Low priority calls – Best practice departments find creative strategies such as a telephone crime reporting so as to free up the patrol force for either rapid response to a high priority call or to continue with crime-directed activities
- ❑ On-Scene handling: The manner in which a police officer handles himself or herself on-scene plays a critical role in developing or discouraging citizen support for the police department

Rapid response to the highest priority calls can sometimes mean the difference between life and death but is unlikely to broadly influence the crime rate. Meeting or exceeding citizen expectations reduces the number of citizen complaints and increases community support for the police department. Community support is a critical element in developing a proactive crime directed patrol force. With accurate and timely data, a police department can reduce response time by adopting a philosophy of data driven continuous improvement that usually entails first finding the multiple root causes of slow response and then changing operating policies that contribute to the problem. They can also reduce response time by making data driven strategic decisions that better match patrol force levels with police patrol workloads.

Proactively – Police initiated in cooperation with citizenry

- ❑ Police departments use detailed crime data to develop both short-term targeted activities and long lasting strategic initiatives
- ❑ Police departments can use specially assigned units in conjunction with the in-between call time of the patrol force
- ❑ Performance measures and accountability of management is a critical element of this strategy
- ❑ Activities need to be tracked so as to determine their effectiveness and to continually evolve so as to respond to changing crime patterns

Proposed Study

1. Document current police patrol performance and workload levels
2. Establish a range of performance goals and objectives for the Police Department
3. Identify opportunities to improve on performance with existing resources
4. Estimate the manpower requirements and associated costs that would be needed to

5. achieve Town and police management specified performance objectives
Provide guidance on routine standard reports that should be used to track performance

Current Performance

Consultant will analyze in-depth four weeks of summer data and four weeks of winter data and assess variations by time of day, day of week, season and district. The analysis will include all of the following:

- a) Patrol deployment levels
- b) Average response time to different call priorities
- c) Proportion of calls in each category for which response times are unacceptably long. For example, we will determine the proportion of high priority calls that experience response times of longer than 10 minutes
- d) Document time periods during the week in which response times seem excessive
- e) Average and median time spent on calls with different priorities
- f) Proportion of calls with unusually long time spent on-scene
- g) Proportion of calls requiring more than one patrol unit
- h) Resources allocated to proactive patrol
- i) Resources consumed on non-value added activities

Opportunities for Improvement

To examine whether or not patrol resources are efficiently deployed over 24-7 time period, consultant will graph deployment levels against workloads by time of day, day of week, and by patrol areas. Consultant will analyze and graph police response time by call priority level and shift to identify significant patterns/differences in police response. These response time analyses will also separate out and analyze the components of police response -- call queue time, travel time, and time on scene. Consequently, a series of trend charts, maps and data tables will describe police response time in detail and will provide the variables needed for developing a plan based on Operations Research methods.

Consultant will observe and meet with dispatch operations to determine the extent of best practices employed to efficiently dispatch patrol units. We will discuss and document the extent that the police patrol management is applying principles of performance based management and continuous improvement to efficiently utilize police resources. We will then employ Operations Research models of police patrol to determine how much response time and proactive patrol might be improved with better alignment of resources and workloads.



CITY COUNCIL AGENDA ITEM

Date: August 27, 2010

To: John Szerlag, City Manager

From: Gary G. Mayer, Chief of Police *(Handwritten: FNR #607)*

Subject: Towing Administrative Fees

Background

The City of Troy currently charges an Administrative Fee of \$10.00 for vehicles that are towed or impounded pursuant to the towing Agreement.

A census of area police departments revealed that Troy PD charges an administrative fee that is significantly less than the average rate charged by those jurisdictions, and significantly less than actual costs. A study of the actual costs incurred by the City to process an impound is at least \$30.00 per vehicle. It is anticipated that the proposed increase will generate an additional \$37,800.00 in revenue, and that the revenue generated will almost equal the actual administrative costs.

Pursuant to the towing Agreement with A&M Towing, "the Administrative Fee is subject to change by resolution of City Council, in its discretion. The Administrative Fee may be changed at any time."

Recommendation

It is anticipated that an increase in the Administrative Fee will have a positive financial impact on the city in the form of offsetting actual costs by an increase in revenue.

City Attorney's Review as to Form and Legality

(Handwritten signature: Lori Grigg Bluhm)
 Lori Grigg Bluhm, City Attorney

(Handwritten date: 9/8/2010)
 Date



INTEGRITY * RESPECT * LAWS AND THE CONSTITUTION * ACCOUNTABILITY * PROBLEM SOLVING * PROFESSIONALISM

MEMORANDUM

DATE: August 24, 2010

TO: Gary G. Mayer, Chief of Police

FROM: Keith A. Frye, Captain *(initials) #607*

RE: Towing Administrative Fees

Troy PD is authorized to assess an Administrative Fee for all vehicles that are towed or impounded pursuant to the contract with A & M Towing. The contract states:

“At the time a vehicle that is towed or impounded under this Agreement is released from custody, or at any other time when the tow bill is paid, the CONTRACTOR shall collect for the CITY an Administrative Fee in the amount set by City Council. The Administrative Fees collected on behalf of the City will be submitted to the Troy Police Department each quarter, after CONTRACTOR receives an invoice from the City. The current Administrative fee is \$10.00. CONTRACTOR acknowledges that the Administrative Fee is subject to change by resolution of City Council, in its discretion. The Administrative Fee may be changed at any time.” (pg. 16)

An informal survey of area police departments revealed that Troy PD charges an administrative fee that is significantly less than the average rate charged by those jurisdictions.

<u>Jurisdiction</u>	<u>Admin Fee</u>
Berkley	\$50.00
Beverly Hills *	\$25.00 (\$45.00 if entered in LEIN)
Birmingham	\$25.00
Bloomfield Hills	\$25.00
Clawson	\$100.00
Hazel Park	\$35.00
Madison Heights	\$10.00
Pleasant Ridge	\$25.00
Royal Oak	\$35.00
Troy	\$10.00
Warren	\$25.00
Average	\$33.18

During the 2009 calendar year, 1891 vehicles were towed on behalf of Troy PD, generating \$18,910.00 in administrative fees.

A study of the actual costs incurred for the administration of impounded vehicles is shown to be approximately \$30.00 per vehicle, based on the hourly rate of impounding officers + salary & benefits of a Police Service Aide.

In 2010, 868 vehicles were towed from January to July, generating \$8,680.00 in administrative fees. Assuming that 2010 is comparable to 2009, approximately \$18,900.00 would be generated in administrative fees. If the administrative fee were raised to \$30.00 (which is still below the average of other area police departments), then an additional \$37,800.00 in revenue would be generated annually. The additional \$37,800.00 + \$18,900 = \$56,700, which is closer to the actual cost of \$62,787.00. I propose presenting an option for City Council to consider raising the administrative fee charged for vehicles towed or impounded from \$10.00 to \$30.00.

ANIMAL CONTROL APPEAL BOARD MINUTES – FINAL **MAY 27, 2009**

A special meeting of the Animal Control Appeal Board was held on Wednesday, May 27, 2009 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:35 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
 Al Petruilis, Vice-Chairperson
 Patrick Carolan, Secretary
 Kathleen Melchert
 V. James Viola

ALSO PRESENT: ACO Karen Livingston
 Susan Lancaster, Assistant City Attorney
 Pat Gladysz

Resolution to Approve Minutes of September 3, 2008 Meeting

Resolution #AC2009-05-001
Moved by Carolan
Seconded by Viola

RESOLVED, that the Minutes of the September 3, 2008 meeting of the Animal Control Appeal Board be approved.

Yes: 4
No: 0
Absent: 0

Agenda Items

1. Georgette Carter, residing at 1309 Minnesota, appeals the decision of the animal control officer rejecting the permit for three chickens on her property.

Present to answer questions from the Committee was Georgette Carter.

Mrs. Carter informed the Board of her desire to have two to three red star hens on her property (aerial maps were distributed). She gave details of the coop that

would be constructed of wood, chicken wire, and welding mesh and placed in the rear of her treed yard. The feed will be held in a modern container that will prevent it from dropping to the ground. Mrs. Carter also mentioned the rabbits that they currently are housing.

The assistant city attorney stated the following facts:

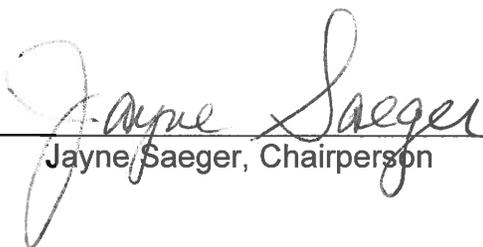
- Application for permit dated 03/02/09
 - two bunny rabbits
 - three red star hens
- Application for appeal dated 05/08/09
 - three chickens
- Notice from City Clerk's Office to nearby residents
 - three chickens

Since Mrs. Carter's application for appeal and the City Clerk's notice did not include the rabbits, the Animal Control Appeal Board would be unable to make a decision on that issue at this meeting.

Mrs. Carter decided to withdraw her appeal for the chickens with the intention to refile an amended appeal for rabbits and chickens. The Animal Control Appeal Board would hear both items in due course.

A special meeting will be scheduled to hear the amended appeal of Georgette Carter.

The meeting adjourned at 8:15 p.m.



Jayne Saeger, Chairperson



Patricia A. Gladysz, Secretary II

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, June 3, 2010 at the Troy Community Center. Chair David Ogg called the meeting to order at 1 PM.

Present: James Berar, Member
David Ogg, Member
JoAnn Thompson, Member
Jo Rhoads, Member
Pauline Noce, Member
Carla Vaughan, Staff

Absent: None

Visitors: None

Approval of Minutes

Resolution # SC-2010-06-001
Moved by Berar
Seconded by Rhoads

RESOLVED, That the Minutes of Feb. 4, 2010 be approved as submitted.

Yes: 5
No: 0

MOTION CARRIED

Visitor Comments

None

OLD BUSINESS

Golf Course: Carla reported that the City Council tabled the item at their last meeting and it will probably be on the next agenda.

NEW BUSINESS

Suggestion Box: Carla reported that there were no suggestions

Election of Officers and Recommendation for Park Board Representative:

Resolution # SC-2010-6-002
Moved by Ogg
Seconded by Rhoads

RESOLVED That JoAnn Thompson was elected Chair.

Yes: 5

No: 0

MOTION CARRIED

Resolution # SC-2010-6-003

Moved by

Seconded by Noce

RESOLVED That Pauine Noce was elected as Vice Chair

Yes: 5

No: 0

MOTION CARRIED

Resolution # SC-2010-6-004

Moved by Noce

Seconded by Rhoads

RESOLVED That JoAnn Thompson was recommended for reappointment to the Park Board

Yes: 5

No: 0

MOTION CARRIED

Senior Discount: A discussion was held about whether or not the senior discount the City offers for various things should be based on age or income. Committee members felt that the discount that many area business offer to seniors is not based on income and it is offered because it is good for business. The same would apply to the City operations. Another reason the City should keep the discount is that it shows appreciation for seniors.

REPORTS

Park Board: No report.

Senior Program: Carla reported that enrollment in computer classes for Winter 2010 was double what it was in Winter 2009. A new captioned phone that uses the Internet instead of a second phone line has been donated to the Community Center and people can come in and try it out. Approximately 300 people attended the Expo in March. Troy's 50+ pickleball program was one of five programs nationwide to receive a healthy aging award from the National Council on Aging. Senior Week was very poorly attended and it looks like the Senior Council is going to fold. A second dinner is planned in June – the popular Chef's Choice buffet with entertainment by the Heritage Concert Band. Fees are going up for all Parks and Recreation programs beginning with the summer session. The newsletter will be reduced from ten to six issues beginning with the July/August issue.

Medi-Go: No report.

OLHSA: Jo Rhoads reported that she is resigning from this committee. JoAnn Thompson and Pauline Noce will cover the meeting until new members are appointed to the Advisory Committee. At that time, the new members will be given the opportunity to get involved.

Oakland County Senior Advisory Board: Jo Rhoads reported that she is also resigning from this committee. JoAnn Thompson and Pauline Noce will cover the meeting until new members are appointed to the Advisory Committee. At that time, the new members will be given the opportunity to get involved.

Member Comments

The meeting was adjourned at 1:47 PM.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on August 10, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:

Mark J. Vleck

Also Present:

R. Brent Savidant, Acting Planning Director
Allan Motzny, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Wanda Norman, Planning Department Intern
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-08-054

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, To approve the Agenda, as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2010-08-055

Moved by: Tagle
Seconded by: Sanzica

RESOLVED, To approve the minutes of the July 13, 2010 Regular 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.

PRELIMINARY SITE PLAN REVIEWS

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 862 A) – Proposed Weston Downs, Southeast Corner of Wattles and Finch Road, Section 21, Currently Zoned R-1T (One Family Attached Residential) District

Mr. Branigan presented a summary of the preliminary site plan application. He addressed the required setbacks with respect to the proposed change in site layout. Mr. Branigan indicated no action is required at tonight's meeting because the petitioner must apply for and potentially receive a variance from the Board of Zoning Appeals.

The petitioner, Joe Maniaci of Mondrian Properties, 50215 Schoenherr, Shelby Township, was present. Mr. Maniaci said the intent of the proposed change in site layout is to better market the remaining units. He said the proposal is a viable option within the Master Deed and site alterations are allowed with the approval of the City. Mr. Maniaci said the density would remain the same, and the reduction of each unit footprint would create additional open space. Mr. Maniaci briefly addressed the ownership of a detached site condominium.

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 068 A) – Proposed Bethany Villa Housing Association, West of John R Road and South of E. Big Beaver (1680 Jackson), Section 26, Currently Zoned RM-1 (Multiple Family Residential) District

Mr. Branigan presented a summary of the proposed Preliminary Site Plan application. He addressed the required setbacks between buildings in an RM-1 zoning district, and the formula established by Section 31.30.00.C. Mr. Branigan is confident the proposed community building location exceeds the minimum setback requirement.

Mr. Branigan further addressed parking with respect to a possible parking reduction and/or shared parking with the adjacent church.

Michael Houseman, construction manager, of Wolverine North America, 4045 Barden, Grand Rapids, was present. Mr. Houseman said the purpose of the community building is to house the offices of the housing association, as well as provide a facility for crafts, Meals on Wheels and similar functions. He addressed the potential to reduce parking on site and/or reach a shared parking agreement with the adjacent church. Mr. Houseman indicated the association board is agreeable to working with the City on a parking reduction.

Mr. Savidant said the Planning Department is comfortable in going forward with the preliminary site plan as submitted, noting a parking reduction, landbanking of parking and/or a shared parking agreement with the church could be approved administratively at the time of final site plan submission.

Mr. Edmunds said the open space is wonderful, and a community building would be an asset. He would be amenable to shared parking.

Resolution # PC-2010-08-056

Moved by: Schultz

Seconded by: Maxwell

RESOLVED, That Preliminary Site Plan Approval for the proposed Bethany Villa Housing Association Community Building, located West of John R Road and South of E. Big Beaver, Section 26, within the RM-1 zoning district, be granted, subject to the following conditions:

1. Parking reductions to Zoning Ordinance required levels and/or landbanking of parking may be granted administratively by staff.
2. If additional permanent parking reductions are requested, such action shall be brought back to the Planning Commission.

Discussion on the motion on the floor.

Mr. Savidant asked for clarification on the motion. It is understood that the petitioner would landbank up to 50 spaces. Should the petitioner not construct any parking spaces and a shared parking arrangement is agreed to by the church located to the north, the landbanked parking will remain until such time that the spaces are needed. Further, should the petitioner decide to eliminate and not landbank the parking spaces, the petitioner must come back to the Planning Commission.

There was discussion on the provision of handicapped parking spaces.

- Motion amenable to allow handicapped spaces on site.
- Petitioner to create handicapped spaces as well as employee spaces on site.

Vote on the motion on the floor.

Yes: All present (8)

Absent: Vleck

MOTION CARRIED

SPECIAL USE REQUEST

8. **PUBLIC HEARING – SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 382)** – Proposed The Barkshire, North of Maple, West of Crooks (1501 Temple City Drive), Section 29, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. The outstanding items Mr. Branigan addressed were:

- Corrections to site data on site plan sheets.
- Removal of five (5) parallel parking spaces to the east.
- Alternative parking proposal; reduction of parking.
- Fencing details.

Mr. Branigan expressed support of the application conditioned on acceptable solutions to the deficiencies noted, and the applicant submitting a revised set of plans reflecting the elimination of the five (5) parallel parking spaces and proposed parking solution.

Planning Commission members discussed the following:

- Five (5) parallel parking spaces on the east.
- Noise concerns; communications received by Planning Department.
- Surrounding tenants/uses.

Mark Farlow of Victor Saroki & Associates, 430 N. Old Woodward, Birmingham, was present.

Also present were Rita Dunker, property owner, and Steven Sorensen of Professional Engineering Associates, 2430 Rochester Court, Troy.

Mr. Farlow indicated they met with City staff to discuss the proposed plan. He said Ms. Dunker, as a good neighbor, made contact with those who voiced concerns in writing to the Planning Department. Mr. Farlow addressed noise concerns, fencing material, the design layout (geothermal technology, floor plan, play areas, kennels), and daily operations of the facility.

Ms. Dunker discussed her management experience with this type of facility.

Mr. Sorensen indicated it was understood from their discussions with the City's Engineering Department that they are supportive of the proposed pet waste elimination method.

Items discussed at length were:

- Fencing material (opaque).
- Insulation (interior and exterior walls, windows, doors, sound continuation).
- Artificial turf; aggregate base.
- Pet waste elimination.
 - Solid and liquid.
 - Storm sewer or sanitary sewer.
 - Resolution relating to Special Use Approval for kennel at 2300 Bellingham.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Members Ullmann and Sanzica said they could not support the application as proposed because of their concerns with the proposed pet waste elimination method.

Mr. Farlow said the proposed parking spaces along the east façade would be designated for employee parking. He is agreeable to providing a paved walkway to service the spaces to the front entrance. Mr. Farlow said the lane is shared with the property owner to the east, and is one-way directional only. Mr. Farlow said he would work with the City on an appropriate parking solution.

Mr. Motzny clarified that the matter of storm sewer or sanitary sewer for pet waste elimination is an Engineering Department determination usually. But he noted the Planning Commission has the latitude with a Special Use application to impose conditions on an approval or postpone the item to seek further information and/or guidance from the Engineering Department.

Mr. Branigan asked to make the record clear that his written review does not expressly support approval of the Special Use application until such time that items noted in the report are addressed.

It was agreed that City staff and the Planning Consultant would meet with the petitioner to discuss alternative solutions for the treatment of pet waste and screen wall materials.

Resolution # PC-2010-08-057

Moved by: Schultz

Seconded by: Hutson

RESOLVED, To postpone action on this item until such time that:

1. The petitioner, staff, and consultants review and revise liquid waste management systems and screen wall materials to improve the

- environmental impact of the project and to provide adequate privacy and wellbeing to the neighboring property owners; and
2. The applicant has agreed to add four (4) additional parking spaces to the main parking lot and eliminate the five (5) spaces to the east of the building.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

OTHER BUSINESS

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

There was a brief discussion on:

- Transit Center.
 - September 8 Joint Meeting with Birmingham.
 - Potential to meet prior to scheduled Joint Meeting.
 - Legal clarification on site plan approval (Michigan Zoning Enabling Act).
- Zoning Ordinance Rewrite.
 - Potential to schedule additional meetings in effort to meet goals/objectives.
 - Update on progress made by Planning Consultant and Planning Department.

The Regular Meeting of the Planning Commission adjourned at 9:07 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

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Seconded by: Edmunds

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Absent: Vleck

MOTION CARRIED

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Seconded by: Sanzica

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Mr. Branigan presented a summary of the proposed Preliminary Site Plan application. He addressed the required setbacks between buildings in an RM-1 zoning district, and the formula established by Section 31.30.00.C. Mr. Branigan is confident the proposed community building location exceeds the minimum setback requirement.

Mr. Branigan further addressed parking with respect to a possible parking reduction and/or shared parking with the adjacent church.

Michael Houseman, construction manager, of Wolverine North America, 4045 Barden, Grand Rapids, was present. Mr. Houseman said the purpose of the community building is to house the offices of the housing association, as well as provide a facility for crafts, Meals on Wheels and similar functions. He addressed the potential to reduce parking on site and/or reach a shared parking agreement with the adjacent church. Mr. Houseman indicated the association board is agreeable to working with the City on a parking reduction.

Mr. Savidant said the Planning Department is comfortable in going forward with the preliminary site plan as submitted, noting a parking reduction, landbanking of parking and/or a shared parking agreement with the church could be approved administratively at the time of final site plan submission.

Mr. Edmunds said the open space is wonderful, and a community building would be an asset. He would be amenable to shared parking.

Resolution # PC-2010-08-056

Moved by: Schultz

Seconded by: Maxwell

RESOLVED, That Preliminary Site Plan Approval for the proposed Bethany Villa Housing Association Community Building, located West of John R Road and South of E. Big Beaver, Section 26, within the RM-1 zoning district, be granted, subject to the following conditions:

1. Parking reductions to Zoning Ordinance required levels and/or landbanking of parking may be granted administratively by staff.
2. If additional permanent parking reductions are requested, such action shall be brought back to the Planning Commission.

Discussion on the motion on the floor.

Mr. Savidant asked for clarification on the motion. It is understood that the petitioner would landbank up to 50 spaces. Should the petitioner not construct any parking spaces and a shared parking arrangement is agreed to by the church located to the north, the landbanked parking will remain until such time that the spaces are needed. Further, should the petitioner decide to eliminate and not landbank the parking spaces, the petitioner must come back to the Planning Commission.

There was discussion on the provision of handicapped parking spaces.

- Motion amenable to allow handicapped spaces on site.
- Petitioner to create handicapped spaces as well as employee spaces on site.

Vote on the motion on the floor.

Yes: All present (8)

Absent: Vleck

MOTION CARRIED

SPECIAL USE REQUEST

8. **PUBLIC HEARING – SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 382)** – Proposed The Barkshire, North of Maple, West of Crooks (1501 Temple City Drive), Section 29, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the Planning Consultant report on the proposed Preliminary Site Plan application. The outstanding items Mr. Branigan addressed were:

- Corrections to site data on site plan sheets.
- Removal of five (5) parallel parking spaces to the east.
- Alternative parking proposal; reduction of parking.
- Fencing details.

Mr. Branigan expressed support of the application conditioned on acceptable solutions to the deficiencies noted, and the applicant submitting a revised set of plans reflecting the elimination of the five (5) parallel parking spaces and proposed parking solution.

Planning Commission members discussed the following:

- Five (5) parallel parking spaces on the east.
- Noise concerns; communications received by Planning Department.
- Surrounding tenants/uses.

Mark Farlow of Victor Saroki & Associates, 430 N. Old Woodward, Birmingham, was present.

Also present were Rita Dunker, property owner, and Steven Sorensen of Professional Engineering Associates, 2430 Rochester Court, Troy.

Mr. Farlow indicated they met with City staff to discuss the proposed plan. He said Ms. Dunker, as a good neighbor, made contact with those who voiced concerns in writing to the Planning Department. Mr. Farlow addressed noise concerns, fencing material, the design layout (geothermal technology, floor plan, play areas, kennels), and daily operations of the facility.

Ms. Dunker discussed her management experience with this type of facility.

Mr. Sorensen indicated it was understood from their discussions with the City's Engineering Department that they are supportive of the proposed pet waste elimination method.

Items discussed at length were:

- Fencing material (opaque).
- Insulation (interior and exterior walls, windows, doors, sound continuation).
- Artificial turf; aggregate base.
- Pet waste elimination.
 - Solid and liquid.
 - Storm sewer or sanitary sewer.
 - Resolution relating to Special Use Approval for kennel at 2300 Bellingham.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Members Ullmann and Sanzica said they could not support the application as proposed because of their concerns with the proposed pet waste elimination method.

Mr. Farlow said the proposed parking spaces along the east façade would be designated for employee parking. He is agreeable to providing a paved walkway to service the spaces to the front entrance. Mr. Farlow said the lane is shared with the property owner to the east, and is one-way directional only. Mr. Farlow said he would work with the City on an appropriate parking solution.

Mr. Motzny clarified that the matter of storm sewer or sanitary sewer for pet waste elimination is an Engineering Department determination usually. But he noted the Planning Commission has the latitude with a Special Use application to impose conditions on an approval or postpone the item to seek further information and/or guidance from the Engineering Department.

Mr. Branigan asked to make the record clear that his written review does not expressly support approval of the Special Use application until such time that items noted in the report are addressed.

It was agreed that City staff and the Planning Consultant would meet with the petitioner to discuss alternative solutions for the treatment of pet waste and screen wall materials.

Resolution # PC-2010-08-057

Moved by: Schultz

Seconded by: Hutson

RESOLVED, To postpone action on this item until such time that:

1. The petitioner, staff, and consultants review and revise liquid waste management systems and screen wall materials to improve the

- environmental impact of the project and to provide adequate privacy and wellbeing to the neighboring property owners; and
2. The applicant has agreed to add four (4) additional parking spaces to the main parking lot and eliminate the five (5) spaces to the east of the building.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

OTHER BUSINESS

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

There was a brief discussion on:

- Transit Center.
 - September 8 Joint Meeting with Birmingham.
 - Potential to meet prior to scheduled Joint Meeting.
 - Legal clarification on site plan approval (Michigan Zoning Enabling Act).
- Zoning Ordinance Rewrite.
 - Potential to schedule additional meetings in effort to meet goals/objectives.
 - Update on progress made by Planning Consultant and Planning Department.

The Regular Meeting of the Planning Commission adjourned at 9:07 p.m.

Respectfully submitted,



Michael W. Hutson, Chair



Kathy L. Czarnecki, Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, August 11, 2010, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:11 p.m.

Trustees Present: Mark Calice
Thomas J. Gordon, II
Mary Kerwin
William R. Need (Ex-Officio)
Steve Pallotta
Thomas Rosewarne
A. John Szerlag

Trustees Absent: John M. Lamerato

Also Present: Tim McLean

Minutes

Resolution # ER – 2010-8-31

Moved by Kerwin

Seconded by Szerlag

RESOLVED, That the Minutes of the July 14, 2010 meeting be approved.

Yeas: All – 6

Absent: Lamerato

Public Comment

Martin Howrylak commented on investment options.

The next meeting is September 8, 2010 at 12 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 12:40 p.m.

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Sept. 2, 2010 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1:05 PM.

Present: James Berar, Member
David Ogg, Member
JoAnn Thompson, Member
Jo Rhoads, Member
Pauline Noce, Member
Carla Vaughan, Staff

Absent: None

Visitors: Gloria Dixon

Approval of Minutes

Resolution # SC-2010-09-001
Moved by Noce
Seconded by Rhoads

RESOLVED that the Minutes of June 3, 2010 be approved as submitted.

Yes: 5
No: 0

MOTION CARRIED

Visitor Comments

None

OLD BUSINESS

None

NEW BUSINESS

Suggestion Box: Carla reported that there were two comments about the high cost to bring non-resident grandchildren to the Community Center and the Aquatic Center. The non-resident youth rate for a Community Center guest pass is \$10. The non-resident rate for the Aquatic Center is \$11.50.

Senior Salute Day: Carla asked if any committee member would like to volunteer to man the booth. It is Monday, Oct. 4 from 10 – 2 in Royal Oak. Jo Rhoads will do it.

REPORTS

Park Board: No report.

Senior Program: The newsletter has been reduced from ten to six issues. Approximately 400 seniors receive it in the mail, and another 1,000 via email. In addition, we take copies to Oakland Park Towers and 1,500 people pick them up here at the Community Center. We are gearing up for the open house on Sept. 9 and hope to encourage participation in the fall programs.

Medi-Go: Medi-Go is developing a punch card and Jo Rhoads wants to promote these cards as gifts for Medi-Go riders.

OLHSA: No report.

Oakland County Senior Advisory Board: No report.

Member Comments

The meeting was adjourned at 1:30 PM.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary



CITY COUNCIL AGENDA ITEM

September 8, 2010

To: The Honorable Mayor and City Council Members

From: John Szerlag, City Manager
Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Pamela Valentik, Economic Development Specialist

Subject: Economic Development Activity Report – August 2010

Below is an update on the City's economic development activities. In some situations, the projects are in preliminary stages and the company is not prepared to share this information publicly, thus we have left out the name of the company. Please contact the City Manager's Office if you have any questions.

- **BUSINESS ATTRACTION**

Van Rob

A Canadian firm that performs metal stamping and product development for the automotive industry has recently opened a Michigan engineering and sales office in 9,000 square feet of office space. The company plans to create five jobs in the first year and upwards of 39 jobs in the future.

IPS Technical Services

This is a new company providing CIO services and consulting, focusing on healthcare IT and litigation IT. The company is located at 4555 Investment Drive.

These are projects that we are currently working on:

- An automotive supplier who maintains their North American headquarters in Troy but is now considering the establishment of a manufacturing facility.
- A claims processing client currently located in west Michigan that is exploring opening a regional office in Troy.
- An IT company that is looking to enter the Michigan market and purchase an office building.
- An Asian medical device manufacturer who is looking to enter the U.S. market and open a sales and service office with the potential for manufacturing capabilities in the future.
- Working with a developer to attract a medical device manufacturing facility.



CITY COUNCIL AGENDA ITEM

- **BUSINESS RETENTION AND EXPANSION**

Motion Index Drives

Motion Index Drives is a privately-held company that designs and manufactures automation system drives and devices. The company recently relocated in to a larger facility on Maple Road.

These are projects that we are currently working on:

- A German company that currently operates a sales and engineering office in Troy and is currently looking for a location to expand their operations.
- An engineering and product development company that is considering purchasing a vacant, industrial building and consolidating some manufacturing and engineering functions.
- Met with a company to discuss resources and programs to improve company's financial stability.
- Visited with a defense manufacturer with headquarters in Troy to discuss their plans for growth.
- An automotive supplier that is considering a consolidation of their southeast Michigan operations. The company will purchase an existing, vacant industrial building.

- **OUTREACH INITIATIVES**

Military Vehicles Exhibition – Prospecting Event

Staff attended the Military Vehicles Exhibition held at Cobo Hall on August 12th. This event draws over 500 companies that are involved in the military/defense manufacturing industry. Companies come from all over the country and this is the second year that Michigan has hosted this national exhibition. This is also the second year that staff has attended the event jointly with representatives of the Michigan Economic Development Corporation and Oakland County to proactively recruit companies to Troy and visit the exhibits of existing Troy companies.

Chamber Building Owners & Managers Meeting Presentation

Recently, the Troy Chamber of Commerce reinstated their Building Owners and Managers Committee. On August 26th, they held their second meeting where staff attended and presented information on Troy's recently updated Tax Abatement Policy. Staff will continue to attend these meetings as part of their economic development outreach initiatives to commercial property owners, property management firms and brokers.



CITY COUNCIL REPORT

September 8, 2010

TO: Honorable Mayor and City Council

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

SUBJECT: Parks and Recreation Senior Program Fees and Age Requirements

Background:

This memo serves as a response to a council inquiry regarding the fee structure and age requirements for senior programs.

Program fees are set to cover costs. At one time, senior recreation programs and services were offered at no cost or very low fees. Over time, fees have been increased and are now set to cover costs. The fees for senior classes are generally lower than adult fitness classes. Programs that are sponsored can be offered at a reduced fee or no cost. For example, two of the four water aerobics sessions are offered at no cost as HAP sponsors these classes.

Financial assistance is offered to those ages 50 and older for senior classes. The maximum annual income to qualify is \$24,450 for a one-person household. There were seven seniors who received this assistance in FY 2009/10.

Offering discounts to seniors is a marketing strategy to attract participants to parks and recreation programs and facilities. Many businesses with full time professional marketing departments offer senior discounts because this type of pricing is good for business. These discounts are offered for a variety of reasons including: positive word of mouth which brings additional patrons to programs, patron loyalty to the programs, as well as a willingness to pay for additional services when there is a discount.

A survey of surrounding Parks and Recreation Departments found that the majority including Canton, Oakland County, Royal Oak, Farmington Hills, and Southfield, offer senior discounts.

The fixed income that most senior citizens have causes them to be cautious and frugal in their spending. These citizens have little idea how much money they will need in their lifetime and are reluctant to pay more than they have to for services. Without a discount, these patrons will go elsewhere if the service is available at a lower rate. By offering a discount, market share increases.

Many more seniors will take advantage of a senior discount than will take advantage of financial assistance. Many seniors will not ask for financial assistance even if they qualify but will seek reduced rates on programs and services.

The Parks and Recreation Department offer discounts to seniors 60 and older for Community Center fitness memberships and at the two municipal golf courses.

The minimum age for senior programs is 50. The senior age requirement at 50 may seem low; however, this enables a wider range of offerings as there are more people in the demographic. Traditional sedentary senior programs appealed to older seniors. Many current seniors are more likely to be attracted to active, less sedentary activities. Those programs require a wider age range to reach minimum enrollments. Many parks and recreation agencies set the minimum age of 50 for senior programs for these reasons.

The Parks and Recreation Department does not set the age for the following programs/services: the federally funded lunch program, Medi-Go transportation, food distributions, and SHARP. These programs require a participant reach the minimum age of 60.

HUD establishes the minimum age for the home chore program at 62.

Participants in the Northwest Parks and Recreation league must be 55 as established by league rules. This is a league comprised of Oakland County communities. Currently, Troy players participate in the volleyball and softball league.

The minimum age for the Community Center discount and the golf course discount is 60. The minimum age for these services is set higher than other programs to cover costs.

Financial Considerations:

The program fees and budget are set to account for financial assistance or a senior discount.

Legal Considerations:

There are no legal considerations

Policy Considerations:

Changing the policy would result in a departure from the way we have traditionally operated the senior program and may result in fewer participants to programs.

Recommendation:

Staff recommends that programming for seniors continue to be structured to cover costs.

RECEIVED

AUG 25 2010

CITY OF TROY
CITY MANAGER'S OFFICEOK
JP

August 20, 2010

Dear Mayor Schilling,

Finally, I had a little ray of sunshine during the Rochester Road construction in front of my restaurant (Lukich Family Dining), thanks to the quick response of Mr. John Szerlag and Mr. Mark Miller to my recent problem.

Last week the Northbound traffic was moved to the East side of Rochester Road just up to my restaurant, and then it continued North on the West side of the road.

The problem was that the sign that was to direct cars where to enter our parking lot was removed. When I tried to find out where my sign went, I was told they could not find it.

I even had a difficult time trying to figure out how to enter our parking lot because of the curve that the traffic had to follow in front of our property.

Out of desperation I called Mr. Szerlag and explained my problem. He and Mr. Miller came right out to assess the situation.

By the time I arrived at my restaurant the next morning, a new sign was in place.

I can't express enough how much I appreciate the quick response I received from Mr. Szerlag and Mr. Miller.

We are all looking forward to November and the completion of the construction. I know we will all be proud of the new Rochester Road with the islands and new lights.

Sincerely,

Donna Lukich

Donna Lukich



OK
JP

MEMBER MICHIGAN MUNICIPAL LEAGUE

At a Regular Meeting of the Royal Oak City Commission held on Monday, August 16, 2010, in City Hall, 211 Williams Street, the following Resolution was adopted:

WHEREAS, Michigan law currently provides that with the exception of a security guards, peace officers, persons who are licensed to carry a concealed weapon, and those with the permission of an owner or agent to possess a firearm on his or her premises, firearms are not permitted in depository financial institutions or subsidiaries or affiliates of depository financial institutions; churches or other houses of worship; courts; theatres; sports arenas; day care centers; hospitals; or State-licensed liquor establishments; and

WHEREAS, persons who are licensed to carry a concealed weapon may not, as a general rule, carry a concealed pistol in a school or on school property; in a public or private child care or day care center; in a sports arena or stadium; in a State-licensed bar or tavern; on property or in a facility owned or operated by a church or other place of worship; in an entertainment facility with a seating capacity of 2,500 or more; in a hospital; or in a dormitory or classroom of a community college, college, or university; and

WHEREAS, the Michigan Court of Appeals ruled in the 2003 case of Michigan Coalition For Responsible Gun Owners v. City of Ferndale that under existing State law, local units of government are precluded from enacting and enforcing ordinances that make local public buildings gun-free zones; and

WHEREAS, the inability of a local unit of government to enact and enforce ordinances that make local public buildings gun-free zones has a chilling effect upon the general public's interest in attending open meetings in those buildings, and upon the exercise of the general public's First Amendment rights at those meetings;

NOW, THEREFORE, BE IT RESOLVED, that the Royal Oak City Commission hereby encourages our elected representatives to amend State law to make local public buildings gun-free zones.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to Governor Jennifer Granholm, State Senator John Pappageorge and State Representative Marie Donigan.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to all cities, townships and villages located in Oakland County.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Royal Oak City Commission at a meeting held on August 16, 2010.

Melanie Halas

City Clerk

211 Williams Street • P.O. Box 64 • Royal Oak, MI 48068-0064 • Phone Area Code (248)

www.ci.royal-oak.mi.us

Assessor.....246-3110	Engineering246-3260	Ice Arena246-3950	Recreation246-3180
Building Insp.....246-3210	FAX246-3001	Info Systems.....246-3080	Rental Assistance.....246-3290
Cable T.V. (WROK).....246-3770	Finance.....246-3030	Motor Pool246-3370	Senior/Community Ctr.....246-3900
City Attorney.....246-3240	Fire Dept. (Bus.).....246-3800	Planning & Zoning.....246-3280	TDD246-3010
City Clerk246-3050	General Info.....246-3000	Police Dept. (Bus.).....246-3500	Treasurer.....246-3140
City Manager246-3200	Housing Assistance.....246-3130	Public Service Dept.....246-3300	Water Bills246-3160
Code Enforcement246-3210	Human Resources246-3070	Purchasing246-3202	



STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING
FOR THE ELECTRIC AND NATURAL GAS CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-16412

- The Michigan Public Service Commission will be conducting regulatory reviews, revisions, determinations and/or approvals necessary for Consumers Energy Company to fully comply with certain provisions of Public Act 295 of 2008.
- The rates, terms and conditions associated with the implementation of an Amended Energy Optimization Plan, among other issues, will be considered in Case No. U-16412.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A public hearing will be held:

DATE/TIME: September 20, 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 Sharon L. Feldman

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 Consumers Energy Company's (Consumers Energy) application to be filed by September 10, 2010, seeking approval of its Amended Energy Optimization Plan.

Consumers Energy plans to seek approval of an Amended Energy Optimization Plan, which is a plan for achieving compliance with the energy optimization provisions of 2008 PA 295. The amended plan is expected to include descriptions of the programs that Consumers

Energy intends to implement to meet the energy optimization standards established by the Act, as well as the estimated cost of those programs. The total cost of the electric Energy Optimization Plan proposed by Consumers Energy over the remaining 4-year period of the plan is projected to be approximately \$262 million. The Company plans to seek approval of revised Energy Optimization surcharges to recover these costs from electric customers.

The total cost of the natural gas Energy Optimization Plan proposed by Consumers Energy over the remaining 4-year period of the plan is projected to be approximately \$191 million. The Company plans to seek approval of revised Energy Optimization surcharges to recover these costs from natural gas 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 email 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 September 17, 2010. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's attorney, Raymond McQuillan, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his/her wish to make a statement of position. All information submitted to the Commission in this matter will become public information: available on the Michigan Public Service Commission's website, and subject to disclosure.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of Consumers Energy's application will be posted upon filing on the Commission's website at: michigan.gov/mpscedockets, and at the office of Consumers Energy Company, One Energy Plaza, Jackson, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6180.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1909 PA 300, as amended, MCL 462.2 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.

August 30, 2010

Page 2
U-16412



CITY COUNCIL AGENDA ITEM

Date: September 8, 2010

To: Mayor and City Council

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

Subject: Library Millage Ballot Question Titles

Background

The Oakland County Clerk recently placed the November 2, 2010 ballot language/candidates on the County web page for public viewing. A copy of the Troy ballot questions from the County web page is attached. Concerns have been received regarding the differences in the title appearance of the four millage questions. The concerns relate to proposal numbering and bolding of one title. Neither of these items is reviewed by the City Clerk or the governing body as part of the certification process. The certification process includes only signature verification match and confirmation of the 50 signature minimum requirement. Once these items are verified, the petitions, including ballot language, were immediately certified to the Oakland County Clerk's office for placement on the November 2, 2010 General Election ballot.

Subsequent to the initial petition certification to the Oakland County Clerk, one petition circulator submitted a title modification prior to the August 10, 2010 petition filing deadline. The title modification was immediately forwarded to the Oakland County Clerk's office.

As you will recall, the November 2008 Ballot Charter Amendment required Council to take corrective action. This Council action was mandated by the Attorney General, after a review of the ballot language, as required statutorily by the Home Rule Cities Act. The Attorney General determined that the petition, as circulated, was defective. This November Election's four library millage ballot questions, in contrast, are not Charter amendment questions. Instead, they were submitted under MCL 397.201a (PA 164 of 1877), which has very limited statutory language. There is no expressed or implied authority to modify or alter petition language or form.

The Oakland County Clerk is statutorily required to have ballots delivered to the local clerk no later than September 18th for the upcoming election. Ballots are currently in the printing process and our delivery is anticipated in a few days to meet the Federal Overseas and Military mailing requirement (45 days prior to the election). The State of Michigan and the Department of Justice closely monitor the mailing of Military and Overseas ballots. Filing deadlines and ballot timelines are very tight; therefore, deadlines and review details are closely monitored.

Should City Ordinance No. 2010-14, the Memorial Park Parking Lot Ordinance, which is an ordinance to designate the Memorial Park parking lot (which is located east of Memorial Park) for continued use in support of public recreation, be approved?

Shall the ordinance be adopted?

CITY OF TROY

LIBRARY MILLAGE PROPOSAL 1

Shall the tax limitation imposed on all taxable real and tangible personal property within the City of Troy, Oakland County, Michigan, be increased for said City in an amount not to exceed .9885 mill (\$.9885 on each \$1,000 of taxable value) for a period of ten (10) years, 2011 to 2020 inclusive, to provide funds for establishing, operating, and equipping a public library in the City of Troy pursuant to Section 10a of 1877 PA 164 and for all other library purposes authorized by law; and shall the City levy such new additional millage for said purpose; the estimate of the revenue the City will collect if the millage is approved and levied in the 2011 calendar year is approximately \$4,280,000? As required by law, revenue from this millage will be disbursed into a dedicated library fund that is under the exclusive control of an independent public library board.

LIBRARY MILLAGE PROPOSAL

Shall the tax limitation imposed on all taxable real and tangible personal property within the City of Troy, Oakland County, Michigan, be increased for said City in an amount not to exceed .9585 mill (\$.9585 on each \$1,000 of taxable value) for a period of ten (10) years, 2011 to 2020 inclusive, to provide funds for establishing, operating, and equipping a public library in the City of Troy pursuant to Section 10a of 1877 PA 164 and for all other library purposes authorized by law; and shall the City levy such new additional millage for said purpose; the estimate of the revenue the City will collect if the millage is approved and levied in the 2011 calendar year is approximately \$4,150,000? As required by law, revenue from this millage will be disbursed into a dedicated library fund that is under the exclusive control of an independent public library board.

LIBRARY MILLAGE PROPOSAL

Shall the tax limitation imposed on all taxable real and tangible personal property within the City of Troy, Oakland County, Michigan, be increased for said City in an amount not to exceed .9855 mill (\$.9855 on each \$1,000 of taxable value) for a period of three (3) years, 2011 to 2020 inclusive, to provide funds for establishing, operating, and equipping a public library in the City of Troy pursuant to Section 10a of 1877 PA 164 and for all other library purposes authorized by law; and shall the City levy such new additional millage for said purpose; the estimate of the revenue the City will collect if the millage is approved and levied in the 2011 calendar year is approximately \$4,267,000? As required by law, revenue from this millage will be disbursed into a dedicated library fund that is under the exclusive control of an independent public library board.

LIBRARY MILLAGE PROPOSAL

Shall the tax limitation imposed on all taxable real and tangible personal property within the City of Troy, Oakland County, Michigan, be increased for said City in an amount not to exceed .9995 mill (\$.9995 on each \$1,000 of taxable value) for a period of ten (10) years, 2011 to 2020 inclusive, to provide funds for establishing, operating, and equipping a public library in the City of Troy pursuant to Section 10a of 1877 PA 164 and for all other library purposes authorized by law; and shall the City levy such new additional millage for said purpose; the estimate of the revenue the City will collect if the millage is approved and levied in the 2011 calendar year is approximately \$4,330,000? As required by law, revenue from this millage will be disbursed into a dedicated library fund that is under the exclusive control of an independent public library board.

FOSTER SWIFT

FOSTER SWIFT COLLINS & SMITH PC | ATTORNEYS

Lansing | Farmington Hills | Grand Rapids | Detroit | Marquette

Lansing
313 S. Washington Square
Lansing MI 48933

Farmington Hills
32300 Northwestern Highway - Suite 230
Farmington Hills MI 48334

Grand Rapids
1700 E. Beltline NE - Suite 200
Grand Rapids MI 49525

Marquette
205 S. Front Street - Suite 2D
Marquette MI 49855

Detroit
333 W. Fort Street - 11th Floor
Detroit MI 48226

Holland
151 Central Avenue - Suite 260
Holland MI 49423

Walter S. Foster
1878-1961
Richard B. Foster
1908-1996
Theodore W. Swift
1928-2000
John L. Collins
1926-2001

Webb A. Smith
Allan J. Claypool
Gary J. McRay
Stephen I. Jurmu
Scott A. Storey
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Timothy P. Burkhard
Janene McIntyre
David R. Russell
Mindi M. Johnson

Of Counsel
Lawrence B. Lindemer
David VanderHaagen
Allan O. Maki

Writer's Direct Phone: 616.726.2240

Fax: 517.367.7196

Reply To: Grand Rapids

E-Mail: aseurynek@fosterswift.com

August 25, 2010

Ms. Ruth Johnson
Oakland County Clerk
Oakland County
1200 N. Telegraph, Building 12 East
Pontiac, MI 48341

Dear Ms. Johnson:

Re: City of Troy; Library Millage Election

We represent the petitioner who filed the first petition submitted to the City Clerk of the City of Troy under Section 10a of the City, Village and Township Libraries Act, 1877 PA 164 ("PA 164"), MCL 397.210a to place a library millage on the ballot at the November 2, 2010 election. The purpose of the ballot proposal submitted by our client was to establish and fund the Troy Public Library. As you may be aware, the Library is scheduled to close on June 30, 2011 because it will no longer be funded by the City of Troy. To that end, in compliance with Section 10a, the petitioners prepared and filed a petition and also submitted ballot language ("First Proposal"); we understand that you accepted the First Proposal for inclusion at the November 2010 election. The First Proposal included a millage request for .9885 mill for 10 years.

After the First Proposal was filed and accepted, 3 additional petitions and ballot proposals were filed with the City. These petitioners used the exact language, including the same purpose, from the First Proposal but slightly changed the millage amount. The second proposal was for .9585

Ms. Ruth Johnson
August 25, 2010
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mill for 10 years. The third proposal was for .9855 mill for 3 years (but the ballot proposal indicates it will be collected from 2011 to 2020, which would actually be a 10 year proposal) and the fourth proposal was for .9995 mill for 10 years. Our understanding is that the 3 additional proposals have been submitted to your office and will also be on the November ballot.

Based on the fact that the last 3 petitioners changed the millage amount only slightly on each of the three proposals, it is clear that the last three proposals submitted to your office were done so to confuse voters. These proposals vary from the First Proposal only by a small fraction of a mill. One is .0110 mill greater; one is .0030 mill less and one is .0300 mill less than the First Proposal. It was reported in the Oakland Press on Monday, August 23, 2010, that you opposed the "deceptive" Tea Party because it could send a "dangerous precedent that people could start all kinds of parties trying to deceive people." Here, there will be a similarly dangerous precedent set. Based on the minimal change in millage amounts, it appears that the last three ballot proposals were submitted to disrupt the democratic election process. It will now be difficult for voters to vote "yes" or "no" on the library tax; they will first have to try and figure out what is the "right" millage proposal submitted by the petitioners whose only interest is to save the Troy Library. Further, this type of action will cause the ballot length to "grow exponentially," a concern also cited by you in the August 23, 2010 Oakland Press article. We share your concerns about deceptive practices designed to fool voters and that is the purpose of this letter.

In our opinion, based on the minimal change in the millage amounts, the obvious reason the last three millage proposals were submitted was to cause voter confusion. To that end, we request that the County reconsider its decision to permit the last three petitions and millage proposals from appearing on the November 2, 2010 ballot.

At the very least, we request that the County refuse to certify for inclusion on the ballot the millage proposal for .9855 mills. Section 24f of the General Property Tax Act, requires that the ballot shall state the "duration of the millage in years." MCL 211.24f(2)(c). The ballot language for the .9855 mill request states that it is a 3 year millage but also states the duration will be from 2011 to 2020 inclusive, which would be a ten year millage. This is contradictory and confusing. Further, Section 10a of PA 164 requires that the petition (1) state the rate of taxation and (2) the number of years for which the tax shall be levied. Here, the petition for .9855 mill states it shall be a 3 year millage beginning in 2011. The statute further requires the City Clerk to give notice of "the rate and *any duration mentioned in the petition.*" MCL 211.24f. The ballot proposal provides two separate durations, not simply the duration specified in the petition. Thus, the ballot language does not meet the standards imposed by PA 164; therefore, the ballot proposal is defective and should not be included on the November 2, 2010 ballot.

FOSTER SWIFT
FOSTER SWIFT COLLINS & SMITH PC || ATTORNEYS

Ms. Ruth Johnson
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Page 3

We understand the deadline for printing ballots is fast approaching, so we would appreciate your immediate consideration of this matter.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC

Anne M. Seuryneck

Anne M. Seuryneck

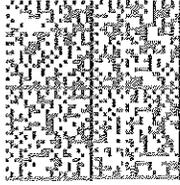
AMS:cmk

cc: Tonni L. Bartholomew
Lori G. Bluhm

FOSTER SWIFT
FOSTER SWIFT COLLINS & SMITH PC II ATTORNEYS

1700 E. Beltline Ave NE
Suite 200
Grand Rapids MI 49525

Jonni L. Bartholomew
City Clerk
City of Troy
500 W. Big Beaver
Troy, MI 48084



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Ruth Johnson
Oakland County Clerk/Register of Deeds

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Elections Division

September 2, 2010

Ms. Anne Seurnyck
 32300 Northwestern Highway – Suite 230
 Farmington Hills, MI 48334

Dear Ms. Seurnyck,

Thank you for your correspondence of August 25th, 2010 regarding the library millage proposals in the City of Troy.

While ballot language is required to be certified to our office (as we are the responsible party for ballot layout and programming for the November General Election), we have no statutory authority to refuse, alter or otherwise deny a proposal access to the ballot that is certified to us by a local clerk.

The City Clerk of the City of Troy certified 4 proposals to our office for inclusion on the November ballot. By law, we are required to place each of them on the ballot. This is a local matter, and your concerns are best addressed with the City Clerk as she is the individual responsible for the certification of these petitions.

Sincerely,
 COUNTY OF OAKLAND

Joseph J. Rozell
 Director of Elections

JJR/egm

cc: Tonni L. Bartholomew, Troy City Clerk
 Lori G. Bluhm, Troy City Attorney

Administrative Offices
 1200 N Telegraph, Dept 415
 Pontiac MI 48341-0415
 (248) 858-0560
 clerk@oakgov.com

Elections Division
 1200 N Telegraph, Dept 417
 Pontiac MI 48341-0417
 (248) 858-0564
 elections@oakgov.com

Legal & Vital Records
 1200 N Telegraph, Dept 413
 Pontiac MI 48341-0413
 (248) 858-0581
 clerklegal@oakgov.com

Register of Deeds Office
 1200 N Telegraph, Dept 480
 Pontiac MI 48341-0480
 (248) 858-0605
 deeds@oakgov.com



CITY COUNCIL AGENDA ITEM

Date: September 7, 2010

To: Troy City Council

From: A. John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Gary Mayer, Police Chief
Mark F. Miller, Acting Assistant City Manager/Economic Development Services
R. Brent Savidant, Acting Planning Director

Subject: Medical Marihuana

Background

Michigan voters approved an initiative legislative proposal in November 2008, permitting the use and cultivation of marihuana for specified medical conditions. As an initiative petition, there was no requirement or opportunity to scrutinize the proposed new law for potential conflicts with other laws. The ballot proposal only highlighted the proposed changes, and deferred to the Department of Community Health for the implementation of this new law, which was designed to:

- Permit physician approved use of marihuana by registered patients with debilitating medical conditions....
- Permit registered individuals to grow limited amounts of marihuana for qualifying patients in an enclosed, locked facility.
- Require ... an identification card system for patients qualified to use marihuana and individuals qualified to grow marihuana. . . . (Excerpts from ballot proposal)

Under the Michigan Constitution, once an initiative proposal is approved by a majority of the electorate, the provisions are effective 10 days after certification. In addition, any amendments to laws enacted by initiative petition must be approved by a 3/4 vote of each house of the Michigan legislature, which presents a significant hurdle to any subsequent legislative clarifications. (Michigan Constitution, Article 2, Section 9). Many people believe that through litigation, some of the ambiguities in the statute will be resolved. Unfortunately, the litigation process takes months to finalize, and it hasn't even been started yet. In the interim, municipalities are taking different approaches to address medical marihuana:

- Many Michigan communities are enacting moratoriums on any medical marihuana legislation, which provides them with additional time to study the issues.
- Other communities rely on federal law, which arguably pre-empts the new state law. Under federal law, the possession, use, and cultivation of marihuana is prohibited. Many of these communities have taken affirmative action by passing an ordinance



CITY COUNCIL AGENDA ITEM

expressly prohibiting any violation of local, state, or federal laws. The ACLU has sent letters to at least some of these communities, threatening to challenge this position. According to the ACLU, the state medical marihuana statute pre-empts local ordinances.

- Some communities are embracing the medical marihuana industry, and are expressly allowing for compassion care clinics or cooperative grow operations in certain areas. Some of these communities have passed regulations to limit marihuana to one concentrated area, instead of dispersed throughout the municipality (similar to adult use restrictions).
- Some communities limit medical marihuana to residential areas. Many of these communities have imposed licensing requirements, to insure that any additional lighting and electrical modifications required by a marihuana grow operation meet safety requirements.

To date, City Administration has received limited inquiries about potential medical marihuana grow or distribution businesses in the City. In each case, the proposed operation was prohibited by state statute or local ordinances. In addition, there was a tenant who temporarily used an industrial building in the City to grow marihuana, but this was in violation of existing City ordinances, and the tenant has now moved his business out of the City. After some recent zoning cases, the City amended many of its zoning ordinances, which places the City in a different regulatory position than many other municipalities who are struggling with state or federal law pre-emption issues.

The City of Troy has not taken any affirmative action on the state medical marihuana law, especially since our zoning ordinances, combined with state statutory provisions, provides additional protections against medical marihuana dispensaries and large scale grow operations. The federal government also has the ability to enforce its laws prohibiting the possession, use and growth of marihuana as a Schedule I controlled substance. Although U.S. Attorney General Eric H. Holder, Jr., has declared that he will not prioritize the prosecution of those persons who are compliant with state medical marihuana laws (in 14 states), he also states “we will not tolerate drug traffickers who hide behind claims of compliance with state law to mask activities that are clearly illegal.” (October 2009)

The City of Troy is protected by federal law enforcement against the criminal marihuana enterprises. Although some persons have expressed concerns about the presence of physicians in the City that advertise and cater to prospective medical marihuana patients, the City cannot prohibit this limited activity. City employees are otherwise limited to the enforcement of its existing laws. However, if City Council desires to take some type of affirmative action on this issue, then City Administration is happy to provide some alternatives for your consideration, after detailing the possible pre-emption issues. Please let us know if there are any questions concerning this matter.

A summary of the medical marihuana law is attached for your review.

Summary of Michigan Medical Marihuana Act (MCL 333.26421 et. seq.)

Qualification of patients:

- Persons with chronic or “debilitating medical conditions” obtain a certification from a physician that the individual is likely to receive some benefit from a medical use of marihuana.
- Physicians do not prescribe medical marihuana, and pharmacies do not distribute medical marihuana.
- Persons under 18 years old may qualify with parent/guardian consent and certification from two physicians. The parents/ guardians must serve as a primary caregiver.

Registration of qualifying patients and primary caregivers:

- Prospective patients submit a yearly application, with the physician’s certification, to the Michigan Department of Community Health (MDCH). The patients must also specifically designate and identify all care-givers who are authorized to possess marihuana for the patient.
- MDCH has 15 days to approve the application, or deny based on the failure to include the required documentation or falsification of the documentation.
- MDCH must issue registry identification cards to the qualifying patient. Renewals can be obtained yearly thereafter.
- MDCH must also issue a registry identification card to the designated primary care giver, if requested. The registry identification card shall identify the qualified patient(s) served. Primary care givers can serve a maximum of five qualified patients, and must not have any prior drug convictions.
- The application, supporting documentation, identification of the patient and also the primary care giver is confidential, and it is a criminal violation to disclose this information to anyone (\$1,000 fine and up to 6 months jail time).
- Disclosure of the above confidential information is also limited for local law enforcement. With probable cause of a violation of law, police officers can request a copy of a registry card, and can then verify its status with the MDCH.
- Non-specific information, such as the number of applications; qualifying patients; certifying physicians; revoked registrations; and the types of debilitating medical conditions shall be annually reported.
- Registry cards from other states will also be recognized in Michigan.

Possession and Use Limitations:

- Can’t possess or use marihuana on a school bus or on any pre-school, primary or secondary school.
- Can’t possess or use marihuana in any correctional facility.
- Can’t smoke marihuana in any public place or public transportation (but can possess it)

CITY COUNCIL AGENDA ITEM

- Can't perform job responsibilities under the influence of marihuana that constitute negligence or professional malpractice.
- Can't operate cars, aircraft or boats while under the influence of marihuana (other state laws prohibit driving with any presence of marihuana).
- Can't use marihuana if you don't have a serious or debilitating medical condition.

Rules Regarding Acquisition and Cultivation of Marihuana

- Patients and primary care givers can possess up to 2.5 ounces of usable marihuana for each designating qualified patient (up to 5 additional persons)
- Designated care givers can also cultivate up to 12 marihuana plants for each qualifying patient (up to 5). The size of the plants is not limited, and this also includes the seeds, stalks, and unusable roots of the plants.
- All marihuana plants must be kept in an enclosed, locked facility, which is defined as a "closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient." (MCL 333.26423)

Protections for Registered Patients and Care givers and Physicians

- Patients with the registration card can't be arrested or prosecuted under state law, as long as they are compliant.
- If the patient or care giver has a registration card, then it is presumed that they are compliant with the state statute.
- Patients, care givers, and physicians cannot be civilly penalized or disciplined or face any other civil penalty (forfeiture, seizure of narcotic paraphernalia, etc.) as long as there is compliance with the state statute. This includes occupational and professional discipline.
- Qualified patients and care givers shall not be denied visitation with their children, unless there is an articulated and substantiated unreasonable danger to the minor(s).
- Registered care givers can be compensated for the costs associated with their work.

LGB