



AGENDA

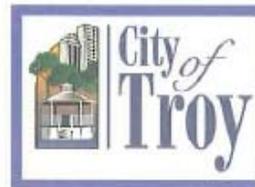
Regular Meeting of the

CITY COUNCIL OF THE CITY OF TROY

OCTOBER 11, 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 cursive script, appearing to read "John Szerlag".

John Szerlag, City Manager



CITY COUNCIL AGENDA

October 11, 2010 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Father Joseph Antypas of St. Joseph Antiochian Orthodox Church 1

PLEDGE OF ALLEGIANCE 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

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SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 10

None Scheduled 10

INVOCATION: Father Joseph Antypas of St. Joseph Antiochian Orthodox Church**PLEDGE OF ALLEGIANCE****A. CALL TO ORDER:****B. ROLL CALL:**

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

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2010-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of Monday, October 11, 2010 due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**C-1 Certificates of Recognition and Special Presentations Scheduled**

- a) Suzanne Wiggins, Executive Director Paint Creek Center for the Arts, will give a presentation regarding the *Regional Arts Award*.
- b) Cindy Stewart, Community Affairs Director will present a check in the amount of \$681.00 to Ann Comiskey, Executive Director for the *Troy Community Coalition* on behalf of the City of Troy *Employees' Casual for a Cause Program* for the months of July and August 2010.
- c) Margaret Wojciechowski and Sandy Porter, APCS Board Members will receive a proclamation from the City of Troy recognizing the *25th Anniversary Celebration* of the American Polish Cultural Society.

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

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

Resolution #2010-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1201 Stephenson, Troy, MI. 48083-1116, Parcel # 88-20-35-102-038, 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 an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, 1201 StephensonSuggested Resolution

Resolution #2010-10-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 11, 2010, established an Industrial Development District (IDD) for property known as 1201 Stephenson, Troy MI. 48083-1116, Parcel # 88-20-35-102-038; and

WHEREAS, An Application has been submitted by Witzenmann USA, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1201 Stephenson, Troy MI. 48083-1116, for ten (10) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 11, 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 Witzenmann USA, LLC, at 1201 Stephenson, Troy MI. 48083-1116 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 Witzenmann USA, LLC, at 1201 Stephenson, Troy MI. 48083-1116 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 Witzenmann USA, LLC, Inc., at 1201 Stephenson, Troy MI. 48083-1116, Parcel # 88-20-35-102-038, for personal property for a term of ten (10) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Witzenmann USA, LLC, 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 Witzenmann USA, LLC, 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) – 1870-1932 Technology

Suggested Resolution

Resolution #2010-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1870-1932 Technology, Troy, MI. 48083-4242, Parcel # 88-20-35-276-006, 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 an Industrial Facilities Exemption Certificate (IFEC) for Magna Powertrain, 1870-1932 Technology

Suggested Resolution

Resolution #2010-10-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 11, 2010, established an Industrial Development District (IDD) for property known as 1870-1932 Technology, Troy MI. 48083-4242, Parcel # 88-20-35-276-006; and

WHEREAS, An Application has been submitted by Magna Powertrain of America, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1870-1932 Technology, Troy MI. 48083-4242, for eleven (11) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 11, 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 Magna Powertrain of America, at 1870-1932 Technology, Troy, MI. 48083-4242 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 Magna Powertrain of America, at 1870-1932 Technology, Troy, MI. 48083-4242 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 Magna Powertrain of America, Inc., at 1870-1932 Technology, Troy MI. 48083-4242, Parcel # 88-20-35-276-006, for personal property for a term of eleven (11) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Magna Powertrain of America, 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 Magna Powertrain of America, 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:

a) Mayoral Appointments: None Scheduled

b) City Council Appointments/Confirmation: None Scheduled

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

I-3 Request for Closed Session

Suggested Resolution

Resolution #2010-10-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, *Troy v Ida Rudack Trust*, as permitted by MCL15.268 (e), Pending Litigation.

Yes:

No:

I-4 Interlocal Agreement for Participation in a Crash Investigation Team with Auburn Hills Police Department and Bloomfield Township Police Department

Suggested Resolution

Resolution #2010-10-

Moved by
Seconded by

WHEREAS, The Troy Police Department Traffic Safety Unit (TSU) has worked to help establish a Crash Investigation Team comprised of officers from Troy, Auburn Hills and Bloomfield Township; and

WHEREAS, An Interlocal Agreement will outline the purpose, responsibilities, and liability of each of the participating agencies;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached Interlocal Agreement for participation in the Crash Investigation Team; and

BE IT FURTHER RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Chief of Police to sign the Interlocal Agreement on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2010-10-

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 Minutes

Suggested Resolution

Resolution #2010-10-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Special Joint and the 7:30 PM Regular City Council Meetings of October 4, 2010 as submitted.

J-3 Proposed City of Troy Proclamation:

Suggested Resolution
Resolution #2010-10-

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

a) 25th Anniversary Celebration of the American Polish Cultural Society

J-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 8: Best Value Award – Energy Audit**

Suggested Resolution
Resolution #2010-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the energy audits for eleven (11) municipal buildings in the City of Troy to the highest scoring respondent, Energy Finance Analytics of Lansing, MI, as a result of a best value process, which the Troy City Council determines to be in the public interest, for an estimated total cost of \$39,840.00 at unit prices contained in the RFP tabulation opened September 22, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

b) Standard Purchasing Resolution 1: Award to Low Bidder – Type ‘K’ Copper Tubing

Suggested Resolution
Resolution #2010-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Type “K” Copper Tubing to the low bidder, Progressive Plumbing Supply of Warren, MI, for an estimated total cost of \$23,940.00 at unit prices contained in the bid tabulation opened electronically on September 27, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-5 Application for Outdoor Dining Area for Marico, Inc. (Big Beaver Tavern)**a) New Outdoor Service Area**

Suggested Resolution
Resolution #2010-10-

RESOLVED, That the request from Marico, Inc., 645 East Big Beaver Road, Troy 48083, Oakland County, for a new Outdoor Service (1 area) to be held in conjunction with 2010 Class C Licensed Business with Dance Permit, Entertainment Without Dressing Rooms, and 2 Bars, be **CONSIDERED** for **APPROVAL**; and

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

b) Agreement

Suggested Resolution

Resolution #2010-10-

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

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Marico, Inc., 645 East Big Beaver Road, Troy 48083, Oakland County, for a new Outdoor Service (1 area) to be held in conjunction with 2010 Class C Licensed Business with Dance Permit, Entertainment Without Dressing Rooms, and 2 Bars, and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Request for Recognition as a Nonprofit Organization Status from Pasquale Longordo, President of *Drivers Against Testing & Talking* (DATT Group)

Suggested Resolution

Resolution #2010-10-

RESOLVED, That Troy City Council hereby **APPROVES** the request from *Drivers Against Testing & Talking* (DATT Group) asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, **CONTINGENT** upon compliance with state law, MCL 432.103 (k)(ii) as recommended by City Management.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: No Announcements Forwarded

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): No Memorandums Forwarded

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) Parks and Recreation Board – Final – March 18, 2010
- b) Library Advisory Communitus – Draft – September 9, 2010
- c) Liquor Advisory Committee – Final – September 13, 2010

N-2 Department Reports:

- a) City Council Expense Report – October 2010
- b) Economic Development Activity Report – September 2010

N-3 Letters of Appreciation:

- a) Letter of Appreciation from Lynn Stevens Naoum Thanking Police Officer Ray Piper

N-4 Proposed Proclamations/Resolutions from Other Organizations: None Forwarded

N-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Electric Customers of The Detroit Edison Company – Case No. U-16356

O. STUDY ITEMS

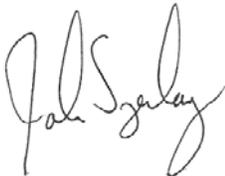
O-1 No Study Items

P. CLOSED SESSION:

P-1 Troy v Ida Rudack Trust

Q. ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, October 18, 2010 - Community Development Block Grant - 2011 Application

SCHEDULED CITY COUNCIL MEETINGS:

Monday, October 18, 2010..... Regular Meeting
Monday, November 8, 2010 Regular Meeting
Monday, November 15, 2010 Regular Meeting
Monday, November 22, 2010 Regular Meeting
Monday, December 6, 2010 Regular Meeting
Monday, December 13, 2010 Regular Meeting
Monday, December 20, 2010 Regular Meeting

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

None Scheduled



CITY COUNCIL AGENDA ITEM

Date: October 11, 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 Witzenmann USA, LLC, 1201 Stephenson

Background:

Witzenmann USA, LLC, is expanding its North American operations into Michigan, at 1201 Stephenson. As part of their expansion, they intend to purchase machinery and equipment valued at \$11,384,000. They will also add 75 new jobs to Troy, and the state. 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 10 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 \$11,384,000. Over the 10 year life of the abatement, the estimated total taxes would be \$430,804.91, of which \$137,148.01 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$215,402.46, of which \$68,574.01 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\Witzenmann\Memo IDD 10.11.10 Revised

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.

RECEIVED

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date received by Local Unit JUN 23 2010
STC Use Only	
▶ Application Number	▶ Date Received by STC CITY OF TROY ASSESSING DEPT.

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) Witzenmann USA, LLC		▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3944	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1201 Stephenson Highway, Troy, MI 48083		▶ 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	▶ 3b. School Code 63150
		4. Amount of years requested for exemption (1-12 Years) 10	

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.

Witzenmann USA will expand operations in North America, installing additional manufacturing capacity for production of automotive, construction, agriculture and heavy truck exhaust flex components and assemblies. Technology that will be installed includes state-of-the art welding of thin wall stainless steel tubing, hydroforming and laser welding.

6a. Cost of land and building improvements (excluding cost of land)	▶ \$0.00
* 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	▶ \$11,384,000.00
* Attach itemized listing with month, day and year of beginning of installation, plus total	Personal Property Costs
6c. Total Project Costs	▶ \$11,384,000.00
* 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 ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	9/1/10	12/31/12	▶ <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. **0 - New to Troy** ▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. **75 new jobs created**

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))?
 Yes 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 Marvin Pisarczyk	13b. Telephone Number (586) 756-1900	13c. Fax Number (586) 756-1700	13d. E-mail Address marvin.pisarczyk@witzenman
14a. Name of Contact Person Marvin Pisarczyk	14b. Telephone Number (586) 756-1900	14c. Fax Number (586) 756-1700	14d. E-mail Address marvin.pisarczyk@witzenman
▶ 15a. Name of Company Officer (No Authorized Agents) Marvin Pisarczyk			
15b. Signature of Company Officer (No Authorized Agents) <i>Marvin Pisarczyk</i>		15c. Fax Number (586) 756-1700	15d. Date June 22, 2010
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 2200 Centerwood, Warren, MI 48091		15f. Telephone Number (586) 756-1900	15g. E-mail Address marvin.pisarczyk@witzenman

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 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 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. <input checked="" type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code 3944	16d. School Code 63150
17. Name of Local Government Body City of Troy	▶ 18. Date of Resolution Approving/Denying this Application

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 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

Witzenmann USA
 Personal Property
 Troy, MI facility

1.35

	<u>Euro</u>	<u>USD</u>
tube welding machine left	584,000 € \$	788,400
tube welding machine right	584,000 € \$	788,400
tube cutter 2.2m left	175,200 € \$	236,520
tube cutter 2.2m right	175,200 € \$	236,520
welding source	23,360 € \$	31,536
welding source	23,360 € \$	31,536
bfu	876,000 € \$	1,182,600
tube inserter	292,000 € \$	394,200
bftl	1,460,000 € \$	1,971,000
basic equipment welding system	113,880 € \$	153,738
PQ46 tube welding tool	17,520 € \$	23,652
TIVCT tube welding tool	17,520 € \$	23,652
BMW F25 tube welding tool	17,520 € \$	23,652
installation costs	23,360 € \$	31,536
shipping costs	73,000 € \$	98,550
Manual Benny Assembly & Liner	584,000 € \$	788,400
Auto Ring Feeder	51,852 € \$	70,000
	5,091,772 € \$	6,873,892
CAT Laser welder	518,519 € \$	700,000
CAT Flexcells	148,148 € \$	200,000
John Deere Flexcells	259,259 € \$	350,000
Oven	44,444 € \$	60,000
ACRO Welder	74,074 € \$	100,000
	1,044,444 € \$	1,410,000
Special tooling	1,111,111 € \$	1,500,000
Additional investment - liner manufacturing	1,111,111 € \$	1,500,000
Misc furniture/equipment	74,074 € \$	100,000
	2,222,222 € \$	3,100,000
	8,358,439 € \$	11,383,892

Applicant Name WITZENMANN USA, LLC
--

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
-----------	--

City of Troy - Assessing Department
Witzenmann USA, LLC
Estimate of Total Taxes and Tax Savings for IFEC Application

Market Value	11,384,000	10,131,760	7,700,138	5,159,092	3,095,455	1,671,546	819,057	368,576	154,802	58,825	21,177
50% of Value	5,692,000	5,065,880	3,850,069	2,579,546	1,547,728	835,773	409,529	184,288	77,401	29,412	10,588
Year		1	2	3	4	5	6	7	8	9	10
Depreciation		0.8900	0.7600	0.6700	0.6000	0.5400	0.4900	0.4500	0.4200	0.3800	0.3600
Taxable Value		5,065,880	3,850,069	2,579,546	1,547,728	835,773	409,529	184,288	77,401	29,412	10,588

Taxes	100% of Millage	Taxes									
Trans County	0.59000	\$2,988.87	\$2,271.54	\$1,521.93	\$913.16	\$493.11	\$241.62	\$108.73	\$45.67	\$17.35	\$6.25
Int Schools	4.64610	\$23,536.59	\$17,887.80	\$11,984.83	\$7,190.90	\$3,883.08	\$1,902.71	\$856.22	\$359.61	\$136.65	\$49.19
Comm Coll	3.36900	\$17,066.95	\$12,970.88	\$8,690.49	\$5,214.29	\$2,815.72	\$1,379.70	\$620.87	\$260.76	\$99.09	\$35.67
State Ed	1.58440	\$8,026.38	\$6,100.05	\$4,087.03	\$2,452.22	\$1,324.20	\$648.86	\$291.99	\$122.63	\$46.60	\$16.78
School Op	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sch Debt	5.03820	\$25,522.92	\$19,397.42	\$12,996.27	\$7,797.76	\$4,210.79	\$2,063.29	\$928.48	\$389.96	\$148.19	\$53.35
Admin City	4.70000	\$23,809.64	\$18,095.32	\$12,123.87	\$7,274.32	\$3,928.13	\$1,924.79	\$866.15	\$363.78	\$138.24	\$49.77
Admin City	0.19928	\$1,009.51	\$767.23	\$514.04	\$308.43	\$166.55	\$81.61	\$36.72	\$15.42	\$5.86	\$2.11
City	9.40000	\$47,619.27	\$36,190.65	\$24,247.73	\$14,548.64	\$7,856.27	\$3,849.57	\$1,732.31	\$727.57	\$276.48	\$99.53
Total	29.52698	\$149,580.12	\$113,680.89	\$76,166.20	\$45,699.72	\$24,677.85	\$12,092.15	\$5,441.47	\$2,285.42	\$868.46	\$312.64

Total 10 Years \$430,804.91
Total City 10 Yr \$137,148.01

50% Total 10 Yr	\$215,402.46	Net Total Taxes Abated
50% Total City 10 Yr	\$68,574.01	Net Total City Taxes Abated
2% Total City 10 Yr	\$1,371.48	Application Fee (2% total city)



1305

1201

STEPHENSON



06/23/10

Witzenmann USA, LLC – IFT Application – Legal Description

Parcel ID 88-20-35-102-038

1201 Stephenson, Troy, MI 48083-1116

T2N, R11E, SEC 35
INDUSCO'S OAKLAND INDUSTRIALCOMPLEX
S 76 FT OF LOT 7,
ALL OF LOT 8,
E 115 FT OF LOT 15 &
S 76 FT OF E 115 FT OF LOT 16

NET LEASE

This Lease is made as of June _____, 2010, by and between **JOEL NOSANCHUK**, P. O. Box 668, Bloomfield Hills, Michigan 48303-0668 ("Landlord"), and **WITZENMANN USA LLC, a Michigan limited liability company**, 2200 Centerwood Drive, Warren, Michigan 48091 ("Tenant"), who agree as follows:

SECTION 1 THE PREMISES

1.01 Landlord hereby leases to Tenant the real property located in the City of **Troy**, County of **Oakland**, and State of **Michigan**, more particularly described in **Exhibit "A"** attached to, and made an integral part of, this Lease (the "Land"), together with the building and other improvements on the Land, including without limitation those described in **Exhibit "C"** attached (the "Improvements")(the Land and the Improvements collectively will constitute and be referred to in this Lease as the "Premises"), more commonly known as **1201 Stephenson Highway, a single story industrial building containing 57,589 square feet.**

SECTION 2 THE TERM

2.01 The Term will commence (the "Commencement Date") on **September 1, 2010** or the date Landlord tenders possession of the Premises to Tenant, ready for occupancy, but not earlier than September 1, 2010.

The Term will be **ten (10) years** from and after the Commencement Date. If the Commencement Date is other than the first day of calendar month, the Term will be extended to terminate at the end of the calendar month in which it would otherwise terminate under the preceding sentence and the payment provisions in Section 3.01 shall also be extended.

2.02 The date shown in Section 2.01 represents Landlord's estimate of the date the Premises will be ready for occupancy. Landlord agrees to use its best efforts to complete all work, and to tender possession to Tenant, on or before the date shown in Section 2.01, or the extended date, if any, provided for therein. If Landlord is unable, for any reason beyond his control, to tender possession on that date, Tenant may not terminate this Lease; however, if the Premises are not substantially completed by October 31, 2010, Tenant shall be entitled to a rent abatement in the sum of Six Hundred Thirty-Nine and 87/100 (\$639.87) Dollars for each day after October 31, 2010 until the Premises are substantially completed. The rent abatement shall be applied against ensuing monthly rent payments.

2.03 The Premises will be conclusively deemed "ready for occupancy" under Section 2.01 as soon as the work to be done as described in **Exhibit "C"** has been substantially completed. The Premises will not be considered unready or incomplete if only minor or unsubstantial details of construction, decoration or mechanical adjustments remain to be done within the building, or if only landscaping or exterior trim remains to be done outside the building, or if the delay in the availability of the Premises for Tenant's occupancy is caused in whole or in part by Tenant. Landlord will require its workmen to cooperate with Tenant's installers of equipment, trade fixtures, furnishings and decorations attached to the Improvements to the maximum extent possible, but Tenant agrees that delay of or interference with Landlord's preparation of the Premises caused by such installers will not postpone the Commencement Date or the obligation to begin paying rent. By occupying the Premises, Tenant will be deemed to have accepted the Premises and acknowledged that they are in the condition called for in this Lease. Provided the Premises are otherwise substantially completed, the Commencement Date shall not be delayed or postponed in the event Tenant has not completed the construction and/or installation of the second floor mezzanine in accordance with Paragraph 31 of **Exhibit "C"**, nor shall the Commencement Date be delayed or postponed in the event Landlord has not completed construction of the lunchroom and quality lab under the mezzanine.

2.04 If Landlord permits Tenant to enter into possession of the Premises, prior to the Commencement Date, Tenant agrees that such occupancy will be deemed to be under all the

provisions of this Lease, except Tenant shall not be required to pay the rental established therein during such period of early occupancy.

2.05 Upon request by Landlord, Tenant will execute a written instrument confirming the Commencement Date and the expiration date of the Term.

2.06 Landlord represents and warrants to Tenant that the materials and equipment furnished pursuant to the Landlord's Work will be of good quality and new unless otherwise approved by Tenant, that the work will be free from defects, that the work will be completed in a good, workmanlike manner consistent with industry standards, and that the work will conform with the requirements of the specifications set forth in Exhibit "C". If, within one hundred eighty (180) days after occupancy of the Premises by Tenant, Tenant discovers that any of the work or materials supplied are not in compliance with this Paragraph or the specifications of Exhibit C, Tenant shall provide to Landlord a written notice, specifying in detail the nature and extent of the defects. Landlord shall repair or replace the defective work, and if Landlord fails to do so within a reasonable time, Tenant may, after written notice to Landlord, make such repairs and replacements. All reasonable costs and expenses incurred by Tenant in making such repairs and replacements shall be credited against the subsequent rent coming due.

2.07 When the Premises are ready for occupancy, Landlord and Tenant shall compile a "Punch List" of any items in need of adjustment, repair or correction, if any.

SECTION 3 THE BASE RENT

3.01 Rent shall not commence until the Commencement Date. Tenant agrees to pay to Landlord, as Minimum Net Rental for the original Term of this Lease, the total amount of

in monthly installments as follows:

September 1, 2010 through August 31, 2011
September 1, 2011 through August 31, 2012
September 1, 2012 through August 31, 2013
September 1, 2013 through August 31, 2014
September 1, 2014 through August 31, 2015
September 1, 2015 through August 31, 2016
September 1, 2016 through August 31, 2017
September 1, 2017 through August 31, 2018
September 1, 2018 through August 31, 2019
September 1, 2019 through August 31, 2020

3.02 Each monthly installment of Minimum Net Rental will be paid in advance without any setoffs or deductions, on the first day of each and every month (the "Rent Day") during the Term, at the office of the Landlord at the address first shown above, or at such other place as Landlord from time to time may designate in writing. Landlord acknowledges receipt of representing **the first (1st) month's rent**. In the event the Commencement Date is other than the first day of a calendar month, the rental for the partial first calendar month of the Term will be prorated accordingly.

3.03 Landlord and Tenant acknowledge and agree that this is a Net Lease. Except as otherwise provided herein, all costs, expenses and charges of every nature relating to the Premises which may be attributable to, or become due during, the Term will be paid by Tenant, and Tenant will indemnify and hold harmless Landlord from and against such costs, expenses and charges.

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 23, 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 \$1,371.48, equal to 2% of the estimated abated city taxes, for processing the application for tax abatement submitted by Witzenmann USA, LLC, 1201 Stephenson, 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 **Witzemann USA, LLC**, (“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), **Witzemann USA, LLC**, understands that through its investment of \$11,384,000.00 ~~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 **10** years after either completion of construction of the facilities, or December 31, 2022, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2012, **Witzemann USA, LLC**, 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.) **Witzemann USA, LLC**, 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**.

Witzemann USA, LLC, 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.) **Witzemann USA, LLC**, 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.) **Witzemann USA, LLC**, 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, October 11, 2010 at 7:30 P.M. to consider the establishment of an Industrial Development District (IDD) at the following location:

88-20-35-102-038 1201 Stephenson, Troy, MI. 48083-1116
T2N, R11E, Section 35 Oakwood Industrial Complex, Part of Lots 7, 8, 15, & 16

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
MARK RAJTER
4400 LIVERNOIS
TROY MI 48098-4799

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

WITZENMANN USA LLC
Attn: MARVIN PISARCZYK
1201 STEPHENSON
TROY MI 48083-1116

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

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

OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

WITZENMANN USA LLC
Attn: MARVIN PISARCZYK
2200 CENTERWOOD
WARREN MI 48091

E - 01 Resolution for Establishment of an Industrial Development District (IDD) at 1201 Stephenson

Suggested Resolution

Resolution # 2010-

Moved by:

Seconded by:

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1201 Stephenson, Troy, MI. 48083-1116, Parcel # 88-20-35-102-038, 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:



CITY COUNCIL AGENDA ITEM

Date: October 11, 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 Witzenmann USA, LLC, at 1201 Stephenson

Background:

Witzenmann USA, LLC, is expanding their North American operations in Michigan, at 1201 Stephenson. As part of their expansion, they intend to purchase machinery and equipment valued at \$11,384,000. They will also add 75 new jobs to Troy. 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 10 years.

Financial Considerations:

The projected amount of the investment is \$11,384,000. Over the 10 year life of the abatement, the estimated total taxes would be \$430,804.91, of which \$137,148.01 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$215,402.46, of which \$68,574.01 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\Witzenmann\Memo IFEC 10.11.10

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, October 11, 2010 at 7:30 P.M. to consider the request from Witzenmann USA, LLC, for the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-35-102-038 1201 Stephenson, Troy, MI. 48083-1116
T2N, R11E, Section 35 Oakwood Industrial Complex, Part of Lots 7, 8, 15, & 16

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
MARK RAJTER
4400 LIVERNOIS
TROY MI 48098-4799

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

WITZENMANN USA LLC
Attn: MARVIN PISARCZYK
1201 STEPHENSON
TROY MI 48083-1116

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

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

OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

WITZENMANN USA LLC
Attn: MARVIN PISARCZYK
2200 CENTERWOOD
WARREN MI 48091

E - 02 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) to Witzenmann USA, LLC – 1201 Stephenson

Suggested Resolution

Resolution # 2010-

Moved by:

Seconded by:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 11, 2010, established an Industrial Development District (IDD) for property known as 1201 Stephenson, Troy MI. 48083-1116, Parcel # 88-20-35-102-038; and

WHEREAS, An Application has been submitted by Witzenmann USA, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1201 Stephenson, Troy MI. 48083-1116, for ten (10) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 11, 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 Witzenmann USA, LLC, at 1201 Stephenson, Troy MI. 48083-1116 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 Witzenmann USA, LLC, at 1201 Stephenson, Troy MI. 48083-1116 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 Witzenmann USA, LLC, Inc., at 1201 Stephenson, Troy MI. 48083-1116, Parcel # 88-20-35-102-038, for personal property for a term of ten (10) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Witzenmann USA, LLC, 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 Witzenmann USA, LLC, 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:



CITY COUNCIL AGENDA ITEM

Date: October 4, 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
Magna Powertrain at 1870-1932 Technology

Background:

Magna USA is opening a new division, Magna Powertrain of America, in Troy at 1870-1932 Technology. As part of their expansion, they intend to purchase machinery and equipment valued at \$8,776,000. They will also add 103 new jobs to the 93 existing jobs they have in Troy. 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 11 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 \$8,776,000. Over the 11 year life of the abatement, the estimated total taxes would be \$344,230.24, of which \$109,232.50 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$172,115.12, of which \$54,616.25 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\Magna PT\Memo IDD 10.04.10

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 08/03/10 NL #6345
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) Magna Powertrain of America/MPT D&CCS Engineering	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 55114	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1870, 1900, 1932 Technology Drive	▶ 1d. City/Township/Village (indicate which) City of 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 Warren Consolidated	▶ 3b. School Code 50230
4. Amount of years requested for exemption (1-12 Years) 12		

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.

Commerical Office and Automotive Research Facility with Light Prototype capabilities.

The office section of this facility will be used as Corporate Headquarters for Magna Powertrain of America, Inc. This will include Corporate Officers, Sales, Purchasing, Quality, IT and Product Engineering. See Attachment details.

6a. Cost of land and building improvements (excluding cost of land)	▶ \$0.00
* Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	
6b. Cost of machinery, equipment, furniture and fixtures	▶ \$8,776,000.00
* Attach itemized listing with month, day and year of beginning of installation, plus total	
6c. Total Project Costs	▶ \$8,776,000.00
* 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 ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	4/1/10	12/31/12	▶ <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. 93	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 103
--	---

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

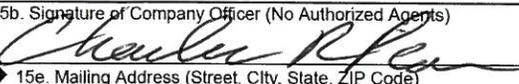
▶ 12b. Date district was established by local government unit (contact local unit)

▶ 12c. Is this application for a speculative building (Sec. 3(8))?
 Yes 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 Timothy Sinacola	13b. Telephone Number (248) 680-4930	13c. Fax Number (248) 524-5570	13d. E-mail Address timothy.sinacola@magnapowertrain.com
14a. Name of Contact Person Dave Sage	14b. Telephone Number (248) 524-5527	14c. Fax Number (248) 524-5570	14d. E-mail Address david.sage@magnapowertrain.com
▶ 15a. Name of Company Officer (No Authorized Agents) Charles Pear			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (248) 524-5570	15d. Date 8/2/2010
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 1775 Research Drive, Troy, MI 48083		15f. Telephone Number (248) 680-4940	15g. E-mail Address charlie.pear@magnapowertrain.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 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.	
16c. LU/CI Code 55114	16d. School Code 63150
17. Name of Local Government Body City of Troy	▶ 18. Date of Resolution Approving/Denying this Application

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 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				
▶ LU/CI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
Attachment A - Building improvements, Machinery & Equipment List , and Furniture & Fixture List
2/15/2010 - page 1-3

Building Improvements

DESCRIPTION TYPE	PROJECTED INSTALL DATE	EXPECTED COST
------------------	---------------------------	------------------

Carpet/Paint/Lighting

Carpet	Corp Office	2010	\$198,000
Paint	Corp Office	2010	\$35,000
Lighting	Corp Office	2010	\$60,000

	Total	\$293,000
--	-------	------------------

Lobby Upgrade

	Corp Office	2010	\$22,000
--	-------------	------	----------

	Total	\$22,000
--	-------	-----------------

MEP

Power UpGrade	Engineering	2010	\$1,050,000
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	Total	\$1,050,000
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APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
Attachment A - Building improvements, Machinery & Equipment List , and Furniture & Fixture List
2/15/2010 - page 2 of 3

Machinery and Equipment List

DESCRIPTION TYPE	PROJECTED INSTALL DATE	EXPECTED COST
------------------	---------------------------	------------------

DATA Room/Equipment

Servers	Corp Office	2010	\$78,000
Air Conditioners	Corp Office	2010	\$83,000
Generator	Corp Office	2010	\$43,000
Switch/Controls/Other	Corp Office	2010	\$61,000
Total			\$265,000

DATA/IT

Software/Hardware Purchases	Corp Office	Thru 2012	\$518,000
Software/Hardware Purchases	Engineering	Thru 2012	\$720,000
Software Licenses	Engineering	Thru 2012	\$1,800,000
Total			\$3,038,000

Leased Equipment

Leased Copiers		Thru 2012	\$216,000
Total			\$216,000

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
Attachment A - Building improvements, Machinery & Equipment List , and Furniture & Fixture List
2/15/2010 - page 3 of 3

Furniture, Fixture and Equipment Transfers

DESCRIPTION TYPE	PROJECTED INSTALL DATE	EXPECTED COST
------------------	---------------------------	------------------

Equipment Purchased

Cabling	Corp Office	2010	\$130,000
Offices/Cafeteria	Corp Office	2010	\$102,000
Signage	Corp Office	2010	\$33,000
Other	Corp Office	2010	\$85,000
Bedplates	Engineering	Thru 2012	\$172,000
Dynamometer	Engineering	Thru 2012	\$1,910,623
Labs/Test Stands	Engineering	Thru 2012	\$438,000
Other	Engineering	Thru 2012	\$890,377

\$3,761,000

Equipment Transferred

Moved from Syracuse Engineering 2010 thru 2011

Liebher		2010	\$3,312
Lorenz Shaper		2010	\$4,378
Okuma Grinder		2010	\$5,917
Brown & Sharp CMM		2010	\$4,041
Charimlles EDM		2010	\$0
Gleason Hob		2010	\$0
Kapp Grinder		2010	\$59,657
Gleason Pointer		2010	\$5,888
Mitsubishi Shaver		2010	\$12,301
Gleason CMM		2010	\$16,725
Hoffman Balancer		2010	\$0
Demco Dyno		2010	\$0
Environmental Chamber		2010	\$1,292
Environmental Chamber		2010	\$1,292
Horiba Dyno		2010	\$0
LDS Shaker		2010	\$8,344
Synch Performance Stand		2010	\$763
New Brunswick Freezer		2010	\$652
MTS Rotary and Linear hydraulic test stands		2011	\$5,947

Total \$130,510

TOTALS

Carpet/Paint/Lighting	\$293,000
Lobby Upgrade	\$22,000
MEP	\$1,050,000
DATA Room/Equipment	\$265,000
DATA/IT	\$3,038,000
Leased Equipment	\$216,000
Equipment Purchased	\$3,761,000
Equipment Transferred	\$130,510

GRAND TOTAL \$8,775,510

Applicant Name Magna Powertrain of America

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
-----------	--

**City of Troy - Assessing Department
Magna Powertrain of America
Estimate of Total Taxes and Tax Savings for IFEC Application**

Market Value	8,776,000	7,898,400	6,160,752	4,189,311	2,534,533	1,355,975	650,868	283,128	111,835	39,702	12,705	3,748
50% of Value	4,388,000	3,949,200	3,080,376	2,094,656	1,267,267	677,988	325,434	141,564	55,918	19,851	6,352	1,874
Year	1	2	3	4	5	6	7	8	9	10	11	
Depreciation	0.9000	0.7800	0.6800	0.6050	0.5350	0.4800	0.4350	0.3950	0.3550	0.3200	0.2950	
Taxable Value	3,949,200	3,080,376	2,094,656	1,267,267	677,988	325,434	141,564	55,918	19,851	6,352	1,874	

Taxes	100% of Millage	Taxes										
Trans County	0.59000	\$2,330.03	\$1,817.42	\$1,235.85	\$747.69	\$400.01	\$192.01	\$83.52	\$32.99	\$11.71	\$3.75	\$1.11
Int Schools	4.64610	\$18,348.38	\$14,311.73	\$9,731.98	\$5,887.85	\$3,150.00	\$1,512.00	\$657.72	\$259.80	\$92.23	\$29.51	\$8.71
Comm Coll	2.94300	\$11,622.50	\$9,065.55	\$6,164.57	\$3,729.57	\$1,995.32	\$957.75	\$416.62	\$164.57	\$58.42	\$18.69	\$5.51
State Ed	1.58440	\$6,257.11	\$4,880.55	\$3,318.77	\$2,007.86	\$1,074.20	\$515.62	\$224.29	\$88.60	\$31.45	\$10.06	\$2.97
School Op	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sch Debt	6.82260	\$26,943.81	\$21,016.17	\$14,291.00	\$8,646.05	\$4,625.64	\$2,220.31	\$965.83	\$381.50	\$135.43	\$43.34	\$12.78
Admin City	3.43640	\$13,571.03	\$10,585.40	\$7,198.07	\$4,354.84	\$2,329.84	\$1,118.32	\$486.47	\$192.16	\$68.22	\$21.83	\$6.44
Admin City	0.20023	\$790.73	\$616.77	\$419.40	\$253.74	\$135.75	\$65.16	\$28.34	\$11.20	\$3.97	\$1.27	\$0.38
City	9.40000	\$37,122.48	\$28,955.53	\$19,689.76	\$11,912.31	\$6,373.08	\$3,059.08	\$1,330.70	\$525.63	\$186.60	\$59.71	\$17.61
Total	29.62273	\$116,986.07	\$91,249.13	\$62,049.41	\$37,539.89	\$20,083.84	\$9,640.24	\$4,193.51	\$1,656.43	\$588.03	\$188.17	\$55.51

Total 11 Years	\$344,230.24
Total City 11 Yr	\$109,232.50

50% Total 11 Yr	\$172,115.12	Net Total Taxes Abated
50% Total City 11 Yr	\$54,616.25	Net Total City Taxes Abated
2% Total City 11 Yr	\$1,092.32	Application Fee (2% total city)

August 3, 2010

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

From: Leger A. (Nino) Licari, City Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests to the fact that the City of Troy has charged an application fees in the amount of \$1,092.32, equal to 2% of the estimated abated City taxes for the life of the exemption for Magna Powertrain of America, 1870 - 1932 Technology, Troy, MI 48083-4242.

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

Signed: Leger A. (Nino) Licari, City Assessor

Dated:

Magna Powertrain of America
Aerial of Site
IFT Application

1835

TECHNOLOGY

1870

1900

1932



Legal Description:

Magna Powertrain of America
IFT Application
1870 – 1932 Technology
Troy, MI 48083-4242
88-20-35-276-006

T2N, R11E, SEC 35
PART OF NE 1/4
BEG AT PT DIST
N 00-07-20 E 399.85 FT &
N 89-12-00 W 568.54 FT
FROM E 1/4 COR,
TH N 89-12-00 W 744.12 FT,
TH N 00-25-25 E 252.56 FT,
TH ALG CURVE TO LEFT,
RAD 467.50 FT, CHORD BEARS
N 65-35-08 E 236.57 FT,
DIST OF 239.17 FT,
TH ALG CURVE TO RIGHT,
RAD 407.50 FT, CHORD BEARS
N 70-31-33 E 273.34 FT,
DIST OF 278.75 FT,
TH S 89-52-40 E 270.02 FT,
TH S 00-07-20 W 451.27 FT
TO BEG 6.70 A
05/01/86 FR 226-034 & 052



TROY TECHNOLOGY PARK
 1835-1975 TECHNOLOGY DRIVE
 AND 1960 RING ROAD
 TROY, MICHIGAN

TRIPLE NET LEASE

THIS LEASE is made and entered into this 24 day of March 2010, by and between "Landlord" (as defined in Section 1.1 below), and "Tenant" (as defined in Section 1.2 below).

1. **PRIMARY TERMS.** The following are the primary terms and provisions of this Lease, including certain critical definitions.

1.1 "Landlord": SOUTH TROY TECH, L.L.C., a Michigan limited liability company
 5700 Crooks Road, SUITE 400 C/O THE HAYMAN COMPANY
 Troy, Michigan ~~48068~~ 48088

1.2 "Tenant": MAGNA POWERTRAIN OF AMERICA, INC., a Delaware corporation
 1775 Research Drive
 Troy, Michigan 48083

All notices to tenant shall be sent to Tenant at the Leased Premises (described below), with a copy to Magna Powertrain Inc., 50 Casmir Court, Concord, Ontario, Canada, L4K 4J5, Attention: General Counsel.

1.3 "Leased Premises": The buildings ("Buildings") located at 1870, 1900 and 1932 Technology Drive (Buildings B, C and D), City of Troy, Oakland County, Michigan 48083, containing approximately ninety-seven thousand three hundred eighty-nine (97,389) rentable square feet (the "Leased Premises"), together with the non-exclusive use of the driveways and the use of those designated parking areas as depicted on the site plan attached hereto as Exhibit "A." The legal description of the Troy Technology Park, of which the Leased Premises is a part, is set forth on Exhibit "B" attached hereto.

1.4 "Term": Seven (7) years and four (4) months. (See Section 3)
 A. "Commencement Date" is May 1, 2010
 B. "Rent Commencement Date" is September 1, 2010
 C. "Expiration Date" is August 31, 2017.

1.5 "Base Rent" (aggregate): [REDACTED] (See Section 3)

1.6 Monthly / Annual Installments of Base Rent. (See Section 3)

Months 1 - 4: Base Rent Abated
 Spt Months 5 - 16: [REDACTED]
 Months 17 - 28: [REDACTED]
 Months 29 - 40: [REDACTED]
 Months 41 - 52: [REDACTED]
 Months 53 - 64: [REDACTED]
 Months 65 - 76: [REDACTED]
 Months 77 - 88: [REDACTED]

1.7 "Permitted Use": Automotive powertrain and other related testing, development, research, engineering, design, sales and related administrative and operational support and ancillary uses and for no other reason without the prior written consent of Landlord, which shall not be unreasonably or arbitrarily withheld or refused. (See Section 4)

1.8 Hazardous Substances: EXCEPT AS OTHERWISE PROVIDED HEREIN, THE USE OF HAZARDOUS SUBSTANCES ON THE LEASED PREMISES IS PROHIBITED.

1.9 Brokers: Landlord's Broker: The Hayman Company
 Tenant's Broker: Colliers International (See Section 35)

1.10 Due at Signing: [REDACTED] Monthly Base Rent
 [REDACTED] Estimated Monthly Installment of Additional Rent
TOTAL DUE AT SIGNING

1.11 Condition: This Lease is conditional upon Tenant receiving approval, on or before April 30, 2010, of certain State and local incentives which have been sought by Tenant; provided that such condition is agreed to be for the sole benefit of Tenant and Tenant shall have the right to waive or withdraw such condition at any time. In the event that the within condition is not fulfilled by April 30, 2010, Tenant may terminate this Lease by providing Landlord with written notice of termination which must be received by Landlord by not later than 5:00 PM Troy,

Handwritten signatures

33. **BROKER'S COMMISSION.** Tenant represents and warrants unto the Landlord that there are no claims for brokerage commissions or finder's fees in connection with this Lease, other than to Collier's International, whose commission shall be paid by Landlord pursuant to a separate written agreement, and Tenant agrees to indemnify Landlord and hold it harmless from all liabilities arising from any such claim arising from an alleged agreement or act by the indemnifying party (including, without limitation, the cost of counsel fees in connection therewith); such agreement to survive the termination of this Lease.

34. **OPTION TO EXTEND.** Provided Tenant has not been in default beyond any applicable cure periods under this Lease and has continuously maintained possession of the Leased Premises and operated its business throughout the immediately preceding lease term, Tenant shall have the right to extend the term of the Lease for three (3) periods of five (5) years each commencing on the expiration of the original lease term; option term one or option term two as the case may be. Written notice of Tenant's election to extend the term of this Lease must be received by Landlord via certified mail, return receipt requested, at least 180 days prior to the expiration of the original lease term, option term one or option term two, as the case may be, failing which Tenant shall be deemed to waive such option, time being declared of the essence. In the event Tenant exercises the options contained in this Section 36, and thereafter, but prior to the commencement of the forthcoming option term, ceases to remain in possession of the Leased Premises or discontinues the operation of its business, Tenant's exercise of its option to extend the term of this Lease shall be deemed null and void at Landlord's election. The renewals shall be on the same terms and conditions of this Lease, with base rental increased as provided below. Provided, however, that the Base Rent to be paid by Tenant during the Option Term 1 shall be the lesser of: (i) the rental rates set forth in the table below; or (ii) ninety (90%) percent of the then prevailing rental rate (as hereinafter defined).

<u>Months</u>	<u>Rent/Sq. Foot</u>	<u>Annual Minimum Base Rent</u>	<u>Monthly Minimum Base Rent</u>
Option Term 1			
89 – 100			
101 – 112			
113 – 124			
125 – 136			
137 -148			
Option Term 2			
149 – 160	90% of Prevailing Rental Rate		
161 – 172	90% of Prevailing Rental Rate		
173 – 184	90% of Prevailing Rental Rate		
185 - 196	90% of Prevailing Rental Rate		
197 - 208	90% of Prevailing Rental Rate		
Option Term 3			
209 – 220	90% of Prevailing Rental Rate		
221 – 232	90% of Prevailing Rental Rate		
233 – 244	90% of Prevailing Rental Rate		
245 – 256	90% of Prevailing Rental Rate		
257 - 268	90% of Prevailing Rental Rate		

For purposes hereof, the "Prevailing Rental Rate" means the rental rate charged at the commencement of such extended Term, for renewals of space in the Buildings of equivalent quality, size, utility and location, with the length of the extended Term and the credit standing of Tenant to be taken into account. In the event that ninety (90%) percent of the Prevailing Rental Rate is utilized for purposes of determining the Base Rent for Option Term 1, the Base Rent for subsequent years under the Option Term 1 shall be calculated at ninety (90%) percent of then applicable Prevailing Rental Rate. The Base Rent for each year in Option Term 2 and Option Term 3 shall be calculated at ninety (90%) percent of then applicable Prevailing Rental Rate.

Within thirty (30) days after receipt of Tenant's notice to renew, Landlord shall deliver to Tenant written notice of the Prevailing Rental Rate and shall advise Tenant of the required adjustment to Base Rent, if any, and the other terms and conditions offered. Tenant shall, within fifteen (15) days after receipt of Landlord's notice, notify Landlord in writing whether Tenant accepts or rejects Landlord's determination of the Prevailing Rental Rate. If Tenant timely notifies Landlord that Tenant accepts Landlord's determination of the Prevailing Rental Rate, then, on or before the commencement date of the applicable Option Term, Landlord and Tenant shall execute an amendment to this Lease extending the Term on the same terms provided in this Lease, except as follows:

- (a) Base Rent for the balance of the option Term shall be adjusted annually to then Prevailing Rental Rate;
- (b) Tenant shall have no further renewal options other than those which are expressly granted herein; and
- (c) Landlord shall lease to Tenant the Leased Premises in their then-current condition, and except as otherwise provided herein, Landlord shall not provide to Tenant any allowances or other tenant inducements.

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

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

This agreement between **Magna Powertrain of America**, (“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), **Magna Powertrain of America**, understands that through its investment of \$8,776,000 ~~and its qualification for Michigan Economic Growth Authority incentives~~, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is **11** years after either completion of construction of the facilities, or December 31, 2023, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2012, **Magna Powertrain of America** 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.) **Magna Powertrain of America**, 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**.

Magna Powertrain of America, 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.) **Magna Powertrain of America**, 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.) **Magna Powertrain of America**, 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: _____

Louise E. Schilling , Mayor
City of Troy
500 W Big Beaver
Troy, MI 48084-5285

_____ (date)

Signed: _____

Tonni L. Bartholomew
City Clerk

_____ (date)

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, October 11, 2010 at 7:30 P.M. to consider the establishment of an Industrial Development District (IDD) at the following location:

88-20-35-276-006 1870-1932 Technology, Troy, MI. 48083-4242
T2N, R11E, Section 35 part of NE 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.*

WARREN CON SCHOOLS
Attn: TOM WALL
31300 ANITA
WARREN MI 48093-1697

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

MACOMB INTERMEDIATE SCHOOLS
Attn: PAUL J BODIYA
44001 GARFIELD
CLINTON TWSHP MI 48038-1100

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

MAGNA POWERTRAIN
Attn: CHARLIE PEAR
1775 RESEARCH
TROY MI 48083

MAGNA POWERTRAIN
Attn: CHARLIE PEAR
1870 – 1932 TECHNOLOGY
TROY MI 48083-4242

E - 03 Resolution for Establishment of an Industrial Development District (IDD) at 1201 Stephenson

Suggested Resolution

Resolution # 2010-

Moved by:

Seconded by:

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1870-1932 Technology, Troy, MI. 48083-4242, Parcel # 88-20-35-276-006, 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:



CITY COUNCIL AGENDA ITEM

Date: October 11, 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 Magna Powertrain at 1870-1932 Technology

Background:

Magna USA, is opening a new division, Magna Powertrain of America, in Troy at 1870-1932 Technology. As part of their expansion, they intend to purchase machinery and equipment valued at \$8,776,000. They will also add 103 new jobs to the 93 existing jobs they have in Troy. 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 11 years.

Financial Considerations:

The projected amount of the investment is \$8,776,000. Over the 11 year life of the abatement, the estimated total taxes would be \$344,230.24, of which \$109,232.50 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$172,115.12, of which \$54,616.25 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\Magna PT\Memo IFEC 10.11.10 Revised

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, October 11, 2010 at 7:30 P.M. to consider the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-35-276-006 1870-1932 Technology, Troy, MI. 48083-4242
T2N, R11E, Section 35 part of NE 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

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Attn: CHARLIE PEAR
1775 RESEARCH
TROY MI 48083

MAGNA POWERTRAIN
Attn: CHARLIE PEAR
1870 – 1932 TECHNOLOGY
TROY MI 48083-4242

E - 04 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) to Magna Powertrain of America – 1870-1932 Technology

Suggested Resolution

Resolution # 2010-

Moved by:

Seconded by:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 11, 2010, established an Industrial Development District (IDD) for property known as 1870-1932 Technology, Troy MI. 48083-4242, Parcel # 88-20-35-276-006; and

WHEREAS, An Application has been submitted by Magna Powertrain of America, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1870-1932 Technology, Troy MI. 48083-4242, for eleven (11) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 11, 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 Magna Powertrain of America, at 1870-1932 Technology, Troy, MI. 48083-4242 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 Magna Powertrain of America, at 1870-1932 Technology, Troy, MI. 48083-4242 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 Magna Powertrain of America, Inc., at 1870-1932 Technology, Troy MI. 48083-4242, Parcel # 88-20-35-276-006, for personal property for a term of eleven (11) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Magna Powertrain of America, 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 Magna Powertrain of America, 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:



CITY COUNCIL AGENDA ITEM

Date: September 27, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police
David Livingston, Lieutenant

Subject: Interlocal Agreement for Participation in a Crash Investigation Team with Auburn Hills Police Department and Bloomfield Township Police Department

Background

The Troy Police Department Traffic Safety Unit is responsible for investigating serious injury and fatal crashes that occur within the City of Troy. When these types of investigations are conducted they sometimes involve the payment of overtime if officers have to come in from home to investigate these crashes. In an effort to reduce overtime costs and also to foster a good working relationship with adjoining jurisdictions, the City of Troy Police Department, along with Auburn Hills and Bloomfield Township Police Departments, have proposed to enter into an Interlocal Agreement whereby officers from each of the participating agencies would be available to assist, in an on-duty capacity, with serious and fatal crash investigations.

The attached Agreement will outline the purpose, responsibilities, and liability of each of the participating agencies.

A resolution by the City Council exercising approval of the Agreement between the City of Troy, the City of Auburn Hills, and the Township of Bloomfield is required.

Recommendation

It is recommended that the Interlocal Agreement be approved as written. By approving this document each of the participating agencies should see a reduction in overtime costs related to the investigations of serious injury and fatal crashes.

City Attorney's Review as to Form and Legality

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Date

**INTERLOCAL AGREEMENT
FOR PARTICIPATION IN THE TROY POLICE DEPARTMENT
CRASH INVESTIGATION TEAM**

THIS INTERLOCAL AGREEMENT entered into by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (“Troy”), the City of Auburn Hills, 1827 North Squirrel Rd., Auburn Hills, Michigan 48326 (“Auburn Hills”) and the Charter Township of Bloomfield, 4200 Telegraph Rd., Bloomfield Hills, Michigan 48303 (“Bloomfield”) all located in the County of Oakland, State of Michigan, collectively referred to as the “Parties”, or “Party” shall govern participation in the Troy Crash Investigation Team (hereafter “CIT”).

RECITALS

Article VII, Section 28 of the Michigan Constitution of 1963 provides, in part, that two or more counties, townships, cities, villages, or districts, or any combination thereof, may, among other things, enter into contractual undertakings or agreements with one another for the joint administration of any of the functions or powers which each would have the power to perform separately; and,

The Urban Cooperation Act of 1967, being MCLA 124. 501, et. seq. provides that public agencies may exercise jointly any power, privilege, or authority that each agency may exercise separately; and,

The Parties have decided that it is in the best interests of such local governmental unit to participate in the Troy Police Department Crash Investigations Team, to exercise such additional powers, functions, duties, and responsibilities granted to the CIT and imposed upon it by this Agreement; and,

The Parties endeavor to realize and benefit from each other’s Police Department’s accumulated expertise and recognize substantial savings in time, effort, and expenses to each individual governmental unit by participating in the CIT; and,

The Parties share concerns regarding the impact of traffic crashes on the commuting public and businesses within each community and the positive outcomes of an efficient crash investigation

The Parties endeavor to realize and benefit from each officer's accumulated expertise and recognize substantial savings in time, effort, and expenses to each individual Agency by participating in the CIT,

Therefore, in consideration of the foregoing, the Parties agree to this Inter-local Agreement as set forth below.

AGREEMENT

Based upon the foregoing statements, the Parties agree to the following terms, conditions, representations, considerations and acknowledgements and mutually agree as follows:

1. The CIT will perform the activities and duties described below:
 - a. Combine officers from each jurisdiction when possible to assist with the investigation of fatal crashes.
 - b. Combine officers from each jurisdiction when possible to assist with the investigation of serious injury crashes resulting in serious impairment of a body function where there is the probability of criminal prosecution. Serious impairment of a body function is defined in section 257.58c of the Michigan Motor Vehicle Code.
 - c. Combine officers from each jurisdiction when possible to assist with the investigation of a large scale crash such as a multi vehicle pileup on a freeway.
 - d. CIT officers will attend combined training sessions to maintain proficiencies in various areas of crash investigation.
 - e. Evaluate opportunities to reduce costs to each agency by sharing expenses regarding the purchase of crash investigation equipment.

2. To accomplish the objectives of the CIT, the City of Auburn Hills Police Department (AHPD), ~~and~~ the Charter Township of Bloomfield Police Department (BTPD) and City of Troy Police Department (TPD) agree to detail at least one (1) officer with advanced accident investigation training when requested by a Party

to this agreement. During this period of assignment, the agency having jurisdiction where the crash occurred shall maintain all supervisory responsibilities for the crash scene.

- a. Crash investigation officers assigned to the CIT shall work under the authority of the requesting agency having jurisdiction over the crash scene.
- b. Officers assigned to the CIT shall have received certification in Accident Investigation level I and II at a minimum.
- c. The agency having jurisdiction over the crash scene where any alleged misconduct has taken place will conduct investigations of misconduct by CIT personnel and will assist each participating agency by investigating any allegations of misconduct by a CIT officer relating to his or her CIT activities. Any finding of misconduct by a CIT officer will be referred to the respective agency for appropriate administrative action.

3. Each Party will provide their own office space and necessary resources for their own CIT officers to finalize their investigation and storage of their respective agencies crash investigation equipment.

4. In no event will any Party to this agreement charge any ~~direct costs rate~~ to an agency covered by this agreement for the administration or implementation of this Agreement

5. No Party is obligated under this Agreement to use CIT resources exclusively and is expressly allowed to seek other similar venues on an as needed basis without violating this Agreement.

6. This Agreement shall remain in effect until terminated by all of the Parties. Any Party may terminate its participation under this Agreement by giving thirty (30) days written notice to the Parties. TPD may terminate this Agreement if it is no longer in the best interest of Troy to continue the same or for any other reason.

7. Parties agree that at all times and for all purposes under the terms of this Agreement, there is no employer-employee relationship between the Parties. No liability, right or benefit associated with any employer-employee relationship shall

be implied by the terms of this Agreement or services, activities or duties performed under this Agreement. Each Party shall be responsible for all benefits for its officers, including, but not limited to, wages, salaries, disability payments and/or benefits, pension benefits, worker's compensation claims and/or benefits, including derivative benefits, dependent benefits or other benefits relating to disability and worker's compensation, and claims for damages to or destruction of its own equipment or its officer's clothing, and claims for its own officer's medical expenses

8. Each Party agrees to be liable for, defend, pay on behalf of, indemnify, and hold harmless the other Party, its officers, elected and appointed officials, employees and others working for that Party from any third party claims, demands, suits or loss of any nature, including, but not limited to, bodily injury or death and/or property damage, which arises out of or is in any way connected with any activities or duties performed under this Agreement. This duty to indemnify, defend and hold harmless shall include all costs of litigation or defense of claims including attorney fees, costs and expert fees.

9. The Parties agree that all indemnification and hold harmless promises, waivers of liability, representations, insurance coverage obligations, liabilities, and/or any other related obligations provided for in this Agreement with regard to any acts, occurrences, events, transactions, or claims, either occurring or having their basis in any events or transactions that occurred before the termination of this Agreement, shall survive termination.

10. Within ten (10) days from the execution of this Agreement, each Party shall provide a Certificate of Insurance, acceptable to the other Party, demonstrating that general liability coverage is available for any and all claims for personal injury or property damage which are or might be caused by activities or duties performed under this Agreement by any Party. Each Party agrees to keep said insurance coverage in full force and effect for the term of this Agreement. Each Party shall submit to the other Party, prior to the expiration of any insurance coverage, the new Certificate(s) of Insurance acceptable to the other Party. Any Certificate of Insurance shall name the other Parties as additional insureds and contain the following cancellation notice:

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

Any Party may request a copy of said insurance certificate at any time

During this Agreement, failure to produce a certificate of insurance within twenty (20) days of a request by a Party may allow the requesting Party to terminate this Agreement.

A lapse in the insurance coverage required under the Agreement shall be considered a material breach of this Agreement and the Agreement shall become null and void automatically as to the lapsing Party at any time such a lapse in coverage exists.

11. This Agreement sets forth the entire Agreement between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not constructed strictly for or against any Party. The Parties acknowledge that they have taken all actions and secured all approvals necessary to authorize and complete this Agreement.

12. This Agreement shall be in full force and effect and is legally binding upon each Party at such time as it is signed and certified by all Parties .

13. This Agreement may be amended from time to time in writing and approved by resolution of the appropriate governing body of the Parties. The effective date of any amendment shall be the date as of which the last of the necessary Parties has approved the amendment.

14. This Agreement shall remain in full force and effect and shall bind the Parties executing the Agreement and said governing body of the Party adopting a resolution giving its approval to this Agreement until terminated as provided in this Agreement.

15. If a court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from this Agreement. The remainder of this Agreement shall remain in full force and effect.

16. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6th Judicial Circuit Court, Oakland County, Michigan where jurisdiction and venue are proper.

17. The Recitals shall be considered an integral part of this Agreement.

18. The Parties agree that they shall promptly deliver to the other Parties written notice and copies of any claims, complaints, charges, or any other accusations or allegations of negligence or other wrongdoing, whether civil or criminal in nature that the other Parties become aware of and which involves the performance of activities or duties under this Agreement. Unless otherwise provided by law and/or Michigan Court Rule, the Parties agree to cooperate with one another in any investigation conducted by the other Party or Parties of any acts or performances of any activities under this Agreement.

19. Any written notice required or permitted under this Agreement shall be considered delivered to a Party as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Services. All notices under this Agreement are to be sent to the Chief of Police of each of the Parties.

20. This Agreement may be executed in several counterparts each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, this Agreement has been duly executed this _____ day of _____ 2010.

CITY OF AUBURN HILLS

TOWNSHIP OF BLOOMFIELD

By: _____

By: _____

Its: _____

Its: _____

By: _____

By: _____

Its: _____

Its: _____

CITY OF TROY

By: _____

Its: _____

By: _____

Its: _____

Pastor A.C. Phipps of Evanswood Church of God gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, October 4, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations Scheduled

- a) A presentation was given by Marla J. Larsen-Williams, Real Estate Specialist with the United States Postal Service regarding Troy's main Post Office property.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2010-10-209
Moved by Schilling
Seconded by Slater

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take action on an item that does not appear on the Agenda.

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

MOTION CARRIED

Vote on Resolution to Reduce Public Comment, Rule #16 – Members of the Public & Visitors

Resolution #2010-10-210

Moved by Schilling

Seconded by Slater

RESOLVED, That Troy City Council hereby **REDUCES** Public Comment, Council Rule #16, *Members of the Public & Visitors*, from five minutes to three minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: Beltramini, Kerwin, McGinnis, Slater, Schilling

No: Fleming, Howrylak

MOTION CARRIED**E. PUBLIC HEARINGS:****E-1 No Public Hearings Scheduled****F. PUBLIC COMMENT:**

Julie Sigler:	Spoke in support of <i>Library Proposal I</i> .
Trudy Barone:	Spoke in support of <i>Library Proposal I</i> .
Audre Zembrzuski:	Raised unanswered questions in regard to library proposals.
Tyler Bouque:	Spoke in support of the library.
Gordon Schepke:	Spoke in opposition of all library proposals.
Paul Beck:	Spoke in opposition of any millage increase.
Wayne Stutzman:	Raised questions and expressed opposition to proposed ICMA study.
Marcella Doherty:	Spoke in support of <i>Library Proposal I</i> .
Marvin Reinhardt:	Discussed various topics related to the City of Troy.
Kevin Miller:	Spoke in support of <i>Library Proposal I</i> .
Susan Rothfuss:	Spoke in support of <i>Library Proposal I</i> .
Minesh Baxi:	Spoke in opposition of all library proposals and any millage increase.
Kim Yanchyschyn:	Spoke in support of <i>Library Proposal I</i> .
Edna Abraham:	Spoke in support of <i>Library Proposal I</i> .
James Savage:	Spoke in opposition of Transit Center and any new taxes.
Sharon MacDonell:	Spoke in support of <i>Library Proposal I</i> .
Arjun Namineni:	Spoke in support of <i>Library Proposal I</i> .
Justin Coven:	Spoke in support of <i>Library Proposal I</i> .
Tim Burns:	Provided an Oakland County update.
County Commissioner District #19	
Thomas Burke:	Clarified his prior comments made in regard to the <i>Distracted Drivers</i> ordinance; spoke in support of <i>Troy Citizens United</i> .
Janice Daniels:	Raised questions in regard to the budget process; spoke in opposition of all library proposals; supports petition currently circulating offering another option for the library.
Edward Kempen:	Spoke in opposition of all four library proposals.

Tom Krent: Spoke in support of *Library Proposal I*.
 Aaron Green: Future resident spoke in support of *Library Proposal I*.
 Jeanne Stine: Spoke in support of *Library Proposal I*.
 Rhonda Hendrickson: Spoke in support of *Library Proposal I*.

G. RESPONSE / REPLY TO PUBLIC COMMENT

The meeting **RECESSED** at 9:18 PM.

The meeting **RECONVENED** at 9:26 PM.

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 **Appointments to Boards and Committees:**

a) **Mayoral Appointments: None Scheduled**

b) **City Council Appointments/Confirmation: None Scheduled**

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

I-3 **Request for Closed Session – None Requested**

I-4 **Winter Maintenance Agreement – Road Commission for Oakland County (RCOC)**

Resolution #2010-10-211

Moved by Kerwin

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the 2010-2011 Winter Maintenance Agreement between the Road Commission for Oakland County (RCOC) and the City of Troy for Snow and Ice Control of nine segments of Priority I and Priority II county roads, which are described and outlined in Exhibit A; and

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

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

No: Howrylak

MOTION CARRIED

I-5 Consulting/Professional Services Agreement with the International City Management Association (ICMA)

Resolution

Moved by Slater

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **AWARDS** an agreement for consulting / professional services with the International City Management Association (ICMA) of Washington, DC, not-to-exceed \$208,360.00 including travel costs, in accordance with the Professional Services Agreement to be dated October 5, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with the award **CONTINGENT** upon the contractor's submission of properly executed contract documents and all other specified requirements; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents on behalf of the City of Troy; and

BE IT FINALLY RESOLVED, That the General Fund Budget is **AMENDED** by increasing the Human Resources budget by \$208,360.00 and that the source of funds will come from the Capital Projects Fund Local Roads budget.

Vote on Resolution to Amend Agenda Item I-5 Consulting/Professional Services Agreement with the International City Management Association (ICMA)

Resolution #2010-10-212

Moved by Beltrami

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** the resolution for Agenda Item I-5 *Consulting/Professional Services Agreement with the International City Management Association (ICMA)* by **STRIKING** "BE IT FINALLY RESOLVED, That the General Fund Budget is **AMENDED** by increasing the Human Resources budget by \$208,360.00 and that the source of funds will come from the Capital Projects Fund Local Roads budget."; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the resolution for Agenda Item I-5 *Consulting/Professional Services Agreement with the International City Management Association (ICMA)* by **INSERTING** "BE IT FURTHER RESOLVED, That the cost of these consulting services be absorbed by the departments being evaluated"; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the resolution for Agenda Item I-5 *Consulting/Professional Services Agreement with the International City Management Association (ICMA)* by **INSERTING** "BE IT FINALLY RESOLVED, That City Council may **AMEND** the General Fund Budget to pay the remainder or general expenses not paid by the departments after delivery of the final report from the consultant."

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

No: None

MOTION CARRIED**Vote on Resolution for Agenda Item I-5 Consulting/Professional Services Agreement with the International City Management Association (ICMA) as Amended**

Resolution #2010-10-213

Moved by Slater

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **AWARDS** an agreement for consulting / professional services with the International City Management Association (ICMA) of Washington, DC, not-to-exceed \$208,360.00 including travel costs, in accordance with the Professional Services Agreement to be dated October 5, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with the award **CONTINGENT** upon the contractor's submission of properly executed contract documents and all other specified requirements; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents on behalf of the City of Troy; and

BE IT FURTHER RESOLVED, That the cost of these consulting services be absorbed by the departments being evaluated; and

BE IT FINALLY RESOLVED, That City Council may **AMEND** the General Fund Budget to pay the remainder or general expenses not paid by the departments after delivery of the final report from the consultant.

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

No: Howrylak

MOTION CARRIED**J. CONSENT AGENDA:**

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

Resolution #2010-10-214

Moved by Beltramini

Seconded by Howrylak

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

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

No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2010-10-214-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 6:30 PM Special City Council Meeting as submitted and the 7:30 PM Regular City Council Meeting of September 20, 2010 as amended.

J-3 Proposed City of Troy Proclamations: None Proposed

J-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds**

Resolution #2010-10-214-J-4a

1) Troy Community Coalition

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2010/2011 fiscal year to the *Troy Community Coalition* to provide community services to prevent drug and alcohol abuse in the amount of \$50,000.00; and

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

2) Common Ground

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2010/2011 fiscal year to *Common Ground* to provide community service programs to the residents of the City of Troy in the amount of \$2,040.00; and

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

3) HAVEN

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2010/2011 fiscal year to the *HAVEN Program* to provide community services to support victims of domestic assault for the residents of the City of Troy in the amount of \$4,370.00; and

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

4) Avondale Youth Assistance

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2010/2011 fiscal year to the *Avondale Youth Assistance* to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of \$2,920.00 which shall be paid in one installment; and

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

5) Troy Youth Assistance

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2010/2011 fiscal year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$17,080.00 which shall be paid in quarterly installments; and

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

J-5 Application for New SDM License for San Marino Club, Inc.**a) New License**

Resolution #2010-10-214-J-5a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** San Marino Club, Inc. for a New SDM License located at 1685-1695 East Big Beaver Road, Troy, MI 48083, Oakland County {MLCC Request #487689} “above all others”; and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Agreement

Resolution #2010-10-214-J-5b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with San Marino Club, Inc. for a New SDM license located at 1685-1695 East Big Beaver Road, Troy, MI 48083, Oakland County {MLCC Request #487689} and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Announcement of Public Hearing for October 18, 2010 – Community Development Block Grant (CDBG) 2011 Application

Resolution #2010-10-214-J-6

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing at their Regular meeting on Monday, October 18, 2010 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the adoption of the Community Development Block Grant 2011 application in the approximate amount of \$173,970.00 to fund eligible projects.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: No Announcements Forwarded

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): No Memorandums Forwarded

L. COUNCIL REFERRALS:

L-1 No Council Referrals Advanced

M. COUNCIL COMMENTS

M-1 Council Comments Advanced:

Mayor Schilling commented on the success of the Troy Fire Department's Annual Open House held on Sunday, October 3rd.

Council Member Beltramini provided information regarding the Michigan Municipal Leagues' *Center for Twenty-first Century Communities Report* and noted how it mirrors the *Vision 2020 Report*.

Council Member Kerwin recognized several Michigan communities for the innovative projects they submitted to participate in the Michigan Municipal Leagues' community excellence competition known as "The Race for the Cup."

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Library Advisory Board – Final – June 10, 2010
- b) Board of Zoning Appeals – Draft – July 20, 2010
- c) Board of Zoning Appeals – Final – July 20, 2010
- d) Liquor Advisory Committee Minutes – Final – August 9, 2010
- e) Planning Commission Special/Study Meeting – Final – August 24, 2010
- f) Planning Commission/Birmingham Planning Board Special/Joint - Draft – September 8, 2010
- g) Liquor Advisory Committee – Draft – September 13, 2010

- h) Planning Commission Regular Meeting – Draft – September 14, 2010
- i) Board of Zoning Appeals – Draft – September 21, 2010
- j) Board of Zoning Appeals/Study Session – Draft – September 21, 2010
- k) Election Commission – Draft – September 23, 2010
Noted and Filed

N-2 Department Reports:

- a) 2010 Third Quarter Litigation Report
Noted and Filed

N-3 Letters of Appreciation: No Letters of Appreciation

N-4 Proposed Proclamations/Resolutions from Other Organizations: None Forwarded

-
- N-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Natural Gas Customers of The Consumers Energy Company – Case No. U-16441**
Noted and Filed

-
- N-6 Library Proposals / Ordinance Initiative Petition**
Noted and Filed

O. STUDY ITEMS:

-
- O-1 No Study Items**

P. CLOSED SESSION:

-
- P-1 None Requested**

ADJOURNMENT:

The meeting **ADJOURNED** at 10:04 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A. CALL TO ORDER:

A Special Joint Meeting of the Troy City Council and Planning Commission was held Monday, October 4, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 10:10 PM.

B. ROLL CALL:**City Council:**

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

Planning Commission:

Chair Michael W. Hutson
Donald L. Edmunds
Mark Maxwell
Philip Sanzica
Robert M. Schultz
Thomas Strat (Absent)
John J. Tagle
Lon M. Ullmann
Mark J. Vleck (Absent)

C. DISCUSSION ITEMS:

Economic Development Initiatives – Power Point presentation:

- a) **Introduction** – John Szerlag, City Manager
- b) **Importance of Economic Development** - John Szerlag, City Manager
- c) **Planning Commission and Economic Development – What Have We Done So Far** – Mark Miller, Acting Assistant City Manager/Economic Development Services
- d) **Zoning Ordinance Update** – R. Brent Savidant, Acting Planning Director
- e) **How to Create an Environment of Investment Using the Zoning Ordinance** – Brent Savidant, Acting Planning Department Director
- f) **Introduction to Form-Based Codes** – Richard Carlisle, Carlisle/Wortmen Associates - Planning Consultant
- g) **Update on Current Projects**
- h) **Development Applications** – Brent Savidant, Acting Planning Department Director
- i) **Economic Development** – Pamela Valentik, Economic Development Specialist
- j) **Discussion of Planning Commission and Economic Development Topics**

D. PUBLIC COMMENT:

Audre Zembrzuski: Commented on the success of the joint meeting.

ADJOURNMENT

The meeting **ADJOURNED** at 11:22 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

**PROCLAMATION
25th ANNIVERSARY CELEBRATION OF
THE AMERICAN POLISH CULTURAL SOCIETY**

WHEREAS, The **American Polish Cultural Society** (APCS) was established 25 years ago in 1985 to hold and maintain in the Detroit Metropolitan area a “Polish Center,” serving as a coordinating site for various Polish-American organizations and other ethnic groups, to build, expand and maintain suitable facilities for the promotion of better Polish-American relations; and

WHEREAS, The **American Polish Cultural Center** building at 2975 E. Maple Road at Dequindre was dedicated in 1989 and with the establishment of this Cultural Center in Troy, the **APCS** serves as one of the major focal points for Polish culture in southeast Michigan; and

WHEREAS, The objectives of the **American Polish Cultural Center** are to encourage the participation of Polonians, both American and foreign-born, in pursuit of their heritage and culture, and to bring about an awareness of the contributions of Poles and Americans of Polish descent to the world community; and

WHEREAS, Together with their sister organization, the **American Polish Cultural Society**, they have presented numerous concerts, fine and folk art exhibits, historic displays, cultural events, traditional holiday celebrations and workshops in Polish folk arts; and

WHEREAS, The groups house a lending library, host Polish language classes and discussion groups, and provide meeting facilities for local community organizations of various ethnic groups; and

WHEREAS, The **American Polish Cultural Society’s** first 25 years have resulted in an excellent reputation, thanks to their dedicated volunteer members and fine staff;

NOW, THEREFORE, BE IT RESOLVED that the Troy City Council does hereby congratulate the **American Polish Cultural Society** on its **25th Anniversary** and offers best wishes to the **APCS** on their 25th Anniversary Banquet on October 17, 2010; and

BE IT FURTHER RESOLVED that the City of Troy proudly recognizes the **American Polish Cultural Society** as an integral and positive part of the community and proudly recognizes the strength and stability that the **American Polish Cultural Society** brings to its membership.

Presented this 11th day of October, 2010



CITY COUNCIL AGENDA ITEM

October 1, 2010

To: John Szerlag, City Manager

From: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Steven Pallotta, Director of Building Operations
Zachary Branigan LEED AP, Consultant

Subject: Standard Purchasing Resolution 8: Best Value Award – Energy Audits

Background

On July 22, 2010, Statements of Qualifications (SOQ) were received to qualify energy professionals to perform energy efficiency audits for eleven (11) municipal buildings in the City of Troy. One-Hundred Forty-Four (144) companies were notified via the Michigan Intergovernmental Trade Network (MITN) website with four (4) proposals received. Two companies were disqualified; one for not providing the Sample document(s) as requested, and the other for failing to meet insurance specifications. The two (2) remaining companies met the minimum qualifications and were interviewed.

A committee consisting of Mark Miller, Acting Assistant City Manager/Economic Development Services; Steven Pallotta, Director of Building Operations, and Zachary Branigan, Consultant with Carlisle/Wortman Associates were the raters for the entire best value process.

After the interviews, a Detailed Pricing Proposal was requested and received from the two remaining firms on September 22, 2010. Based on the scoring criteria for the statement of qualifications, interview, detailed proposal and pricing analysis, the committee recommends awarding the contract to the highest rated respondent, Energy Finance Analytics of Lansing, Michigan. (see Executive Summary attached)

Recommendation

City management recommends awarding a contract to Energy Finance Analytics of Lansing, as a result of a best value process to complete the energy audits for eleven (11) municipal buildings in the City of Troy, which will include data collection, analysis and energy simulation, then report results for an estimated total cost of \$39,840.00 to be completed within three (3) months of contract execution.

Award is contingent upon the recommended bidder's submission of properly executed contract and proposal documents, including insurance certificates and all other specified requirements.

Fund Availability

Funds are available in the Building Operations capital fund for buildings and improvements and reimbursed through the Energy Efficiency and Conservation Block Grant (EECBG) Program.



EXECUTIVE SUMMARY

ENERGY AUDIT SERVICES

STATISTICS:

- ◆ **One Hundred Forty-Four (144) entities were notified via the MITN e-procurement website**
- ◆ **Four (4) statements of qualifications were received.**
- ◆ **Two (2) organizations met the pass/fail criteria**
- ◆ **Both remaining organizations were interviewed**
- ◆ **Energy Finance Analytics is being recommended as the result of a best value process.**

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

Organization	SCORE
Energy Finance Analytics	167.67
AKT Peerless	162.07

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

- EAM Engineering
- Madison Electric / Standard Group

STATEMENT OF NO INTEREST

- None

Attachments:

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



WEIGHTED FINAL SCORING
Energy Audit Services

Final Score Calculation:

$$\begin{array}{r}
 20\% \text{ SOQ Score} \\
 30\% \times \text{Interview Score} \\
 50\% \times \text{Detailed Price Proposal Score} \\
 100\% \hspace{15em} = \text{Final Weighted Score}
 \end{array}$$

NOTE: In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 200.

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

Phase 2

Weighted Average Score for Statement of Qualification Evaluation: 20%

RATERS	1	2	3	Average	Final Weighted Score (x .20)
Vendors:					
AKT Peerless	200	180	200	193	38.67
Energy Finance Analytics	105	130	195	143	28.67

Phase 3

Weighted Average Score for Interview: 30%

RATERS	1	2	3	Average	Final Weighted Score (x .30)
Vendors:					
AKT Peerless	186	200	198	195	58.40
Energy Finance Analytics	112	156	175	148	44.30

Phase 4

Weighted Average Score for Detailed Proposal: 20%

RATERS	1	2	3	Average	Final Weighted Score (x .20)
Vendors:					
AKT Peerless	76	156	162	131	26.3
Energy Finance Analytics	164	172	184	173	34.7

Weighted Average Score for Price: 30%

RATERS	Weighted Criteria - Difference in Costs {1-(Proposal Price-low price/low price)} x Available Points	Final Weighted Score (x .30)
Vendors:		
AKT Peerless	{1-(54,000-39,840/39,840)} x 200	38.70
Energy Finance Analytics	{1-(39,840-39,840/39,840)} x 200	60.0



FINAL SCORE:

VENDORS:	AKT Peerless	Energy Finance Analytics
SOQ Score	38.67	28.67
Interview Score	58.40	44.30
Detailed Proposal Score	26.30	34.70
Pricing Score	38.70	60.0
FINAL SCORE	162.07	167.67

G:/Purchasing/QBS Documents/SOQ-COT 10-17 Energy Audits/Executive Summary -Energy Audits Services - WeightedRatingSummary 8.10.doc



SELECTION PROCESS

SECTION 4: CRITERIA FOR SELECTION ENERGY AUDITS

Page 1 of 1

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

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

Phase 1: Minimum Qualifications Evaluation (Pass/Fail)

Firms will be required to meet minimum established criteria in order to go to the second phase of the process. (Evaluation Sheet Proposal)

Phase 2: Statement of Qualifications Evaluation

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

Phase 3: Interview Score

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

Phase 4: Detailed Proposals

The Detailed Proposals will include the following information, at a minimum:

- a. Complete firm, fixed price, proposal for all services / deliverables..
- b. Include overhead costs.
- c. Note all reimbursable costs.
- d. Cost plus a percentage is not acceptable.

Phase 5: Final Scoring and Selection – based on scoring from Phase 3 and Phase 4

The firm(s) with the highest final weighted score(s) will be recommended to the Troy City Council for Award. The final weighted score shall be based on:

20% SOQ Score
30% x Interview Score
50% x Detailed Proposal Score
100% = Final Weighted Score

Base points = 200

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

Opening Date -- 9/22/10
 Date Reviewed -- 9/22/10

CITY OF TROY
 TABULATION
 ENERGY AUDITS

FIRM NAME:

Energy Finance Analytics, LLC	AKT Peerless Environmental & Energy Services

PROPOSAL: TO PROVIDE ENERGY AUDITS FOR THE CITY OF TROY

FOUR (4) COPIES	(Yes or No)	Y	Y
COMPLETION SCHEDULE	(Yes or No) Can Meet	Y	Y
PROJECT WORK PLAN / TIMELINE	(Yes or No) Attached	Y Appendix C: Timeline	N Blank
STATEMENT OF WORK	(Yes or No) Attached	Y Appendix A	Y Appendix B

COST PROPOSAL:	COMPLETE FOR SUM OF	COMPLETE FOR SUM OF
CITY HALL	\$ 11,200.00	\$ 20,000.00
DPW GARAGE	\$ 7,600.00	\$ 7,000.00
FIRESTATION #1	\$ 1,320.00	\$ 2,500.00
FIRESTATION #2	\$ 1,220.00	\$ 2,500.00
FIRESTATION #3	\$ 1,900.00	\$ 2,500.00
FIRESTATION #4	\$ 1,000.00	\$ 2,500.00
FIRESTATION #5	\$ 1,100.00	\$ 2,500.00
FIRESTATION #6	\$ 1,100.00	\$ 2,500.00
NATURE CENTER	\$ 2,300.00	\$ 2,500.00
LIBRARY 7,200.00	\$	\$ 5,500.00
POLICE/FIRE TRAINING CNT	\$ 3,900.00	\$ 4,000.00
GRAND TOTAL:	\$ 39,840.00	\$ 54,000.00

HOURLY RATE FEE SCHEDULED	(Yes or No)	Y	Y
	Attached	Appendix B: Hourly Rates	Appendix A

PAYMENT TERMS:	Net 30 Days	Monthly Billing
EXCEPTIONS:	N/A Blank	
ACKNOWLEDGEMENT:	Signed Y or N	Y

ATTEST:
 Diane Fisher
 Susan Leirstein
 Julie Hamilton

 Susan Leirstein CPPO CPPB
 Purchasing Director

Opening Date -- 7/22/10
 Date Reviewed --7-22-10

CITY OF TROY
 TABULATION
 ENERGY AUDITS

FIRM NAME:

EAM	Madison	AKT Peerless	Energy
Engineering	Electric/Standard	Environmental	Finance
	Group	& Energy Services	Analytics

PROPOSAL: TO PROVIDE ENERGY AUDITS FOR ELEVEN CITY BUILDINGS FOR THE CITY OF TROY

FOUR (4) COPIES	(Yes or No)	Yes	Yes	Yes	Yes
Samples of Similar Energy Audit projects (Y or N)		No	Yes	Yes	Yes
INSURANCE:	Can Meet	Yes	Yes	Yes	Yes
	Cannot Meet				
	Signed Y or N	Yes	Yes	Yes	Yes
INDEMNIFICATION CLAUSE:	Y or N	No	Yes	Yes	Yes
EXTENSION OF AWARD TO MITN PURCHASING COOP:Y/N		Yes	Yes	Yes	Yes
EXCEPTIONS:		Blank	Blank	Blank	Blank
ACKNOWLEDGEMENT: Signed	Y or N	Yes	Yes	Yes	Yes
TWO FORMS: Non-Collusion & Legal Status:	Y/N	Yes	Yes	Yes	Yes
ADDENDUM #1 Attached:	Y or N	Yes	Yes	Yes	Yes

 Susan Leirstein CPPO CPPB
 Purchasing Director

ATTEST:

 Debra A Doyle

 Steve Pallotta

 Linda Bockstanz



CITY COUNCIL AGENDA ITEM

Date: September 27, 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 – Type ‘K’ Copper Tubing

Background

On September 27, 2010, bid proposals were received electronically to furnish Type ‘K’ Copper Tubing. Sixty-four (64) vendors were notified of this solicitation via the MITN website. Seven (7) vendors submitted secured bids electronically, and one (1) vendor submitted a statement of no bid. Due to the volatility of the commodity market, prices are only good for thirty (30) days.

Recommendation

City management recommends awarding the contract for copper tubing to low bidder, Progressive Plumbing Supply of Warren, MI for an estimated total cost of \$23,940.00 at unit prices contained in the bid tabulation.

Fund Availability

Funds for this material are available through the 2010-2011 Water Department Operating Supply Account for tap-ins.

Payment Terms / Discount	Warranty Info	Delivery / Start Date	Price Firm Through
2% 10th net 30 days	manufacturer's standard warranty	within 30 days of award	One Time Purchase (See Pricing Guarantee)
net 30		7 days	One Time Purchase (See Pricing Guarantee)
1% 15 days		one week	One Time Purchase (See Pricing Guarantee)
net 30 days	manufacturer	7 days from rec. of po#	One Time Purchase (See Pricing Guarantee)
Net 30	Per Manufacturer	2 to 3 weeks	One Time Purchase (See Pricing Guarantee)
Net 30		5-7 Business Days	One Time Purchase (See Pricing Guarantee)
NET 30	MANUFACTURER	3-21 DAYS	One Time Purchase (See Pricing Guarantee)

Minimum Order	Exceptions Taken	Comments/Exceptions
No	No	
No	No	
Yes Minimum Order Qty: 6000	No	
Yes Minimum Order Qty: 6000 Minimum Order Amount: \$24,780.00	No	COPPER PRICING IS GOOD 30 DAYS
Yes Minimum Order Qty: 6000	No	
No		1 Pricing is \$250.00 per 60 Ft. roll. The total for 100 - 60 ft. rolls would be \$25,000. The city of Troy receives free shipping on all orders from Grainger per the state of MI contract.
Yes Minimum Order Qty: 6000 Minimum Order Amount: \$30,000.00	No	



CITY COUNCIL AGENDA ITEM

Date: September 27, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *G.M.*
Captain Gerard Scherlinck, Services Division *G.S.*
Sergeant Russell Harden *R.H.*
Officer James Feld *J.M.F.*
Jeff Oberski *J.O.*

Subject: Application for Outdoor Dining Area for Marico, Inc. (Big Beaver Tavern)

Background

Marico, Inc. requests an Outdoor Dining Area to be located at 645 East Big Beaver Road, Troy, MI 48083, Oakland County {MLCC Req. #565601} for the Big Beaver Tavern.

On September 13, 2010, Mr. Mark Larco, owner answered questions for the Liquor Advisory Committee. Mr. Larco explained to the Committee that a fenced outdoor patio has been constructed on the west side of the building. The area will seat 25-30 patrons and will be serviced by the interior bar.

The Police Department did not find any disqualifying factors for this request. In addition, the Liquor Advisory Committee unanimously approved their request.

The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules.

Recommendation

Recommend approval of the request from Marico, Inc. for Outdoor Dining Area.

LIQUOR ADVISORY COMMITTEE MINUTES – DRAFTSEPTEMBER 13, 2010

A regular meeting of the Liquor Advisory Committee was held on Monday, September 13, 2010 in the Lower Level Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 6:58 p.m.

Roll Call

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
Bohdan L. Ukraineec

ABSENT: David S. Ogg
Timothy P. Payne

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

Resolution to Excuse Committee Members Ogg & Payne

Resolution #LC2010-09-022
Moved by Hall
Seconded by Ukraineec

RESOLVED, That the absence of Committee members Ogg & Payne at the Liquor Advisory Committee meeting of September 13, 2010 be **EXCUSED**.

Yes: 5
No: 0
Absent: Ogg, Payne

Resolution to Approve Minutes of August 9, 2010 Meeting

Resolution #LC2010-09-023
Moved by Hall
Seconded by Ukraineec

RESOLVED, That the Minutes of the August 9, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Ogg, Payne

Agenda Items

1. **Marico, Inc.**, 645 East Big Beaver Road Troy, MI 48083 (*Big Beaver Tavern*) requests New Outdoor Service (1 Area) to be held in conjunction with 2010 Class C Licensed Business with Dance Permit, Entertainment Without Dressing Rooms, and 2 Bars {MLCC Req. #565601}.

Present to answer questions from the Committee was Mark Larco. Mr. Larco explained to the Committee that a fenced outdoor patio has been constructed on the west side of the building. The area will seat 25-30 patrons and will be serviced by the interior bar.

Officer Feld advised the Committee that there was no research that determined that this request should not be approved.

Resolution #LC2010-09-024
Moved by Kaltsounis
Seconded by Ukrainec

RESOLVED, That the Liquor Advisory Committee recommends that the request of Marico, Inc., 645 East Big Beaver Road Troy, MI 48083 (*Big Beaver Tavern*) for a New Outdoor Service (1 Area) to be held in conjunction with 2010 Class C Licensed Business with Dance Permit, Entertainment Without Dressing Rooms, and 2 Bars be **APPROVED**.

Yes: 5
No: 0
Absent: Ogg, Payne

Informational Items

Officer Feld advised the Committee on the following:

Quantity of Class C/SDM Licenses in Troy

- 58 Class C
- 9 Class C/Resort
- 3 Class B/Hotel
- 27 Class C/SDM

Violations at CVS

The following is a violation history for sales to minors at 4963 John R:

- 07/19/10
- 02/21/08
- 05/03/07
- 07/25/00

Directed Patrol Unit Decoy Operation

The Police Department's Directed Patrol Unit recently performed compliance checks of licensed establishments within the City. Three sale-to-minor violations occurred: (1) Kroger at 1237 North Coolidge Highway; (2) Camp Ticonderoga at 5725 Rochester Road; and (3) Mr. B's at 3946 Rochester Road.

Inventory Verification

It has not been decided who in the City will conduct \$250,000 inventory verification on retail establishments with SDM licenses. Also, the frequency of these inspections has not been determined. Assistant City Attorney Lancaster stated she will check with the Building Department as to their involvement.

Smoker's Express

City Council accepted the Liquor Advisory Committee's recommendation and denied the applicant's request for an SDM license. The applicant indicated he will appeal to the MLCC.

Numan Troy, Inc.

This business indicates it is still interested in pursuing the SDM license.

Space Station of Troy, Inc.

This business indicates it is still interested in pursuing the SDM license.

Square Lake Diner, LLC

This business has purchased a liquor license from Pontiac.

Simbad, Inc.

This business is changing the hours of food service.

Mr. Bootleg Pizza, Inc.

This was merely a paperwork issue and the matter has been resolved.

Embassy Suites

MLCC Hearing is scheduled for 09/20/10 at 11:00 a.m. at the Sterling Heights Civic Center, 40555 Utica Road, Sterling Heights for the disturbance on 12/31/09.

Capital Grille

This business is requesting an outdoor service area.

Additional Items

October Meeting

There was a brief discussion regarding scheduling next month's meeting for October 4, 2010 instead of October 11, 2010.

Resolution #LC2010-09-025

Moved by Ehlert

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee meeting be scheduled for October 4, 2010 instead of October 11, 2010 and this change is **APPROVED**.

Yes: 5

No: 0

Absent: Ogg, Payne

Assistant City Attorney Lancaster advised the Committee that research was done after a clothing store at the Somerset Collection was observed serving champagne to their customers. Ms. Lancaster stated that our City criminal ordinance prohibits serving alcohol in a public place. The alcohol service would be allowed if the business was closed for a private event. Officer Feld stated he planned to visit the store and inform them of the City ordinance.

The meeting adjourned at 7:25 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: MARICO INC, DBA BIG BEAVER TAVERN Date: 8-11-10
Address: 645 E. BIG BEAVER Type of License/s: EXISTING TYPE C #9053
City/State/Zip: Troy, MI 48063 MLCC Request ID: #9053

This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

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

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: Cindy Karadish
Sally Zbori

By: Matthew R Godwin

Subscribed and sworn to before me this 11th day of August
Notary Public, Macomb County, MI
Acting in the County of Oakland
My commission expires: July 10, 2014

200-10
MATTHEW R GODWIN
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires: July 10, 2016
Acting in the County of Oakland

CITY OF TROY

Witnesses: _____

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

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



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

FOR MLCC USE ONLY

Request ID # 565601
 Business ID # 5907

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

JULY 19, 2010

TO: TROY POLICE DEPARTMENT
 CHIEF OF POLICE
 500 W BIG BEAVER ROAD
 TROY, MI 48084-5285

Re: MARICO, INC. REQUESTS NEW OUTDOOR SERVICE (1 AREA) TO BE HELD IN CONJUNCTION WITH 2010 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, ENTERTAINMENT WITHOUT DRESSING ROOMS, & (2) BARS, LOCATED AT 645 E BIG BEAVER, TROY, MI 48083, OAKLAND COUNTY.

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:
 Weekdays _____ A.M. to _____ A.M. _____
 Sundays _____ A.M. to _____ A.M./P.M.

Recommended Recommended, subject to final inspection Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:
 Weekdays _____ A.M. to _____ A.M. _____
 Sundays _____ A.M. to _____ A.M./P.M.

Recommended Recommended, subject to final inspection Not Recommended

DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ENTERTAINMENT PERMIT

Recommended Recommended, subject to final inspection Not Recommended

Law Enforcement Recommendation (cont'd)

Page 2

July 19, 2010

<input type="checkbox"/> TOPLESS ACTIVITY PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input checked="" type="checkbox"/> OUTDOOR SERVICE (1 AREA) <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> PARTICIPATION PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ADDITIONAL BAR PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

Signed:

Signature and Title

Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

dl



CITY COUNCIL AGENDA ITEM

Date: September 27, 2010

To: John Szerlag, City Manager

From: Tonni L. Bartholomew, City Clerk

Subject: Request for Recognition as a Nonprofit Organization Status from Pasquale Longordo, President of *Drivers Against Texting & Talking* (DATT Group)

Background

Attached is a request from Pasquale Longordo, President of *Drivers Against Texting & Talking* (DATT Group) seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes.

Recommendation

It has been City Management's practice to support the approval of such requests.

Fund Availability

There are no financial considerations associated with this item.

City Attorney's Review as to Form and Legality

There are no legal considerations associated with this item.

September 21, 2010

To the Troy Mayor & City Council:

We at the Drivers Against Texting & Talking (DATT Group) would like to ask permission from the City Council to organize a raffle in accordance to Michigan Gaming Commission rules and regulations. Therefore we are required to obtain a "**Local Governing Body Resolution for Charitable Gaming Licenses**" approved through the city council of Troy.

Our organization was originated in Troy, MI in 2008 and has tax exempt 501c3 status through the IRS. We have recently partnered with the Troy Police Department in their fight against distracted driving. In addition our main sector of our organization is to work directly with all the public schools in the south east Michigan area namely the Troy public high schools to drive awareness by placing banners, literature, driving simulators, victim speakers and so on. This can only be accomplished with the proper funding as we currently have approval with over 150 public schools and counting. It is only through raffles and other fundraising means that we can generate these funds as they will be put back into the community by means of awareness.

To name a few other accolades and endorsements are with Senator Buzz Thomas (originator of the texting ban bill), Kathleen Straus (Michigan Department of Education Chair), Oprah Winfrey Show on April 30th, Michigan State Police, MADD, SADD and, many more. Our organization also helps assist victims that were involved in a tragic distracted driving accident by setting aside a portion of our funds to them.

In conclusion we at DATT Group would like greatly appreciate if we can receive this acceptance and approval from the City Council for our Local Governing Body Resolution for Charitable Gaming License because it would ultimately help everyone in the long run by keeping our roads safe.

Regards



Pasquale Longordo – President

9/21/10

Date



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

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
 (Required by MCL 432.103(9))

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

called to order by _____ on _____
DATE

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

Moved by _____ and supported by _____

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

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

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

gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
 adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
 PENALTY: Possible denial of application.
 BSL-CG-1153(R10/06)

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



MIKE COX
ATTORNEY GENERAL

P.O. BOX 30214
LANSING, MICHIGAN 48909

August 23, 2010

Drivers Against Texting And Talking
836 Chapin St
Birmingham, MI 48009

Dear Sir/Madam:

Re: Drivers Against Texting And Talking CS.CT 44469

Thank you for submitting initial forms and related information. Determinations are based on Michigan laws for licensing and/or registering charities, the Charitable Organizations and Solicitations Act (COSA), MCL 400.271 et seq. and the Supervision of Trustees for Charitable Purposes Act (STCPA), MCL 14.251 et seq.

This organization is now licensed under COSA. The enclosed Charitable Solicitation License explains your responsibilities for renewal and for notifying us of certain changes made within the organization. This license is separate from licenses required by the Bureau of Lottery or other agencies. Professional fundraisers you may hire to solicit or receive funds, plan, or carry out solicitation campaigns in Michigan must obtain a separate license with our office.

This organization is also now registered as a charitable trust under the STCPA. Registration requires an annual financial report. Annual financial statements submitted for renewal of the Solicitation License satisfy the Charitable Trust reporting requirement as long as the organization is licensed. If in the future you no longer are required to have a Solicitation License, you must submit an IRS 990, 990-EZ, 990-PF, audited financial statement, or other acceptable accounting each year to satisfy the Charitable Trust reporting requirement.

This letter will be retained to show notification of our requirements. If you have questions, please go to our website at www.michigan.gov/ag and click on the 'Charities' hotlink located in the right frame of the homepage or contact our office.

Sincerely,


Joanne Gram, Analyst
Charitable Trust Section
(517) 373-1152

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

EFFECTIVE DATE
August 23, 2010



LICENSE #

Drivers Against Texting And Talking
836 Chapin St
Birmingham, MI 48009

CHARITABLE SOLICITATION LICENSE

of

Drivers Against Texting and Talking

EXPIRATION DATE: July 31, 2011

1. **Your next application to renew this license is due no later than July 01, 2011.** This is 30 days prior to the expiration date shown above. Please calendar the date now. Forms are available on the Attorney General's web site at: www.michigan.gov/ag or may be requested by contacting the Charitable Trust Section at (517) 373-1152.
2. **Extensions** of the license may be requested if required information will not be available prior to the renewal application due date. A written request for an extension must be received on or before the above expiration date of the license.
3. **Throughout the year,** notify us within 30 days of changes in the following:
 - Name or address
 - Resident agent
 - Fiscal year end
 - Amendments to the bylaws or constitution of the organization
 - Amendments to your articles of incorporation. submitting copies of amendments assumed names or name changes that show evidence of proper filing with the appropriate state agency
 - If any other state has prohibited solicitation activity by your organization
 - Board of directors
 - Methods of soliciting donations
 - Purposes
4. Any **contracts** you enter into with professional fund raisers must be submitted to our office within 10 days of execution.

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

DEPARTMENT OF THE TREASURY

Date: JUN 21 2010

DRIVERS AGAINST TEXTING AND TALKING
C/O DATT
836 CHAPIN ST
BIRMINGHAM, MI 48009

Employer Identification Number:

DLN:

Contact Person:
ELIZABETH ZAEBST ID#
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
March 3, 2010
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

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

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

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

Sincerely,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

Michigan Department of Energy, Labor & Economic Growth

Filing Endorsement

This is to Certify that the CERTIFICATE OF AMENDMENT - CORPORATION

for

DRIVERS AGAINST TEXTING AND TALKING

ID NUMBER:

received by facsimile transmission on April 8, 2010 is hereby endorsed

Filed on April 9, 2010 by the Administrator.

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



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 9TH day of April, 2010.

A handwritten signature in black ink, appearing to read "J. Schepke", written over a horizontal line.

Director

Bureau of Commercial Services

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

OMB No. 1545-0056

Note: If exempt status is approved, this application will be open for public inspection.

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

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

Part I Identification of Applicant

1 Full name of organization (exactly as it appears in your organizing document)		2 c/o Name (if applicable)
Drivers Against Texting and Talking		DATT
3 Mailing address (Number and street) (see instructions)	Room/Suite	4 Employer Identification Number (EIN)
560 Kirts Blvd	125	
City or town, state or country, and ZIP + 4		5 Month the annual accounting period ends (01 - 12)
Troy MI 48084-4141		12
6 Primary contact (officer, director, trustee, or authorized representative)		b Phone:
a Name: Noah Lenk Authorized Representative		c Fax: (optional)
7 Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9a Organization's website: www.dattgroup.org / www.keepingdriversaware.com		
b Organization's email: (optional) contact@dattgroup.org		
10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) 03 / 05 / 2010		
12 Were you formed under the laws of a foreign country ? If "Yes," state the country.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Part II Organizational Structure

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

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

Part III Required Provisions in Your Organizing Document

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

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

Part IV Narrative Description of Your Activities

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

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

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

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
Laura Lenk	Director	560 Kirts blvd ste 125 Troy, MI 48084	\$50,000
Linda Vereeke	Director	560 Kirts blvd ste 125 Troy, MI 48084	\$37,500
Pasquale Longordo	Director	560 Kirts blvd ste 125 Troy, MI 48084	\$50,000
Nancy Longordo	Director	560 Kirts blvd ste 125 Troy, MI 48084	\$37,500

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

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

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
Laura Lenk	Director	560 Kirts blvd ste 125 Troy, MI 48084	\$50,000
Pasquale Longordo	Director	560 Kirts blvd ste 125 Troy, MI 48084	\$50,000

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

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

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

- 2a** Are any of your officers, directors, or trustees **related** to each other through **family or business relationships**? If "Yes," identify the individuals and explain the relationship. **Yes** **No**
- b** Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees. **Yes** **No**
- c** Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship. **Yes** **No**

- 3a** For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.
- b** Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through **common control**? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement. **Yes** **No**

- 4** In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.
 - a** Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy? **Yes** **No**
 - b** Do you or will you approve compensation arrangements in advance of paying compensation? **Yes** **No**
 - c** Do you or will you document in writing the date and terms of approved compensation arrangements? **Yes** **No**

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

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

- 5a** Have you adopted a **conflict of interest policy** consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c. Yes No
- b** What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?
- c** What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?

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

- 6a** Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through **non-fixed payments**, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation. Yes No
- b** Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation. Yes No

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

- 8a** Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f. Yes No
- b** Describe any written or oral arrangements that you made or intend to make.
- c** Identify with whom you have or will have such arrangements.
- d** Explain how the terms are or will be negotiated at arm's length.
- e** Explain how you determine you pay no more than fair market value or you are paid at least fair market value.
- f** Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.

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

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

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

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

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

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

Part VII Your History

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

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

Part VIII Your Specific Activities

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

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

Part VIII Your Specific Activities (Continued)

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

Part VIII Your Specific Activities (Continued)

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

Part VIII Your Specific Activities (Continued)

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

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

Part IX Financial Data

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

A. Statement of Revenues and Expenses

	Type of revenue or expense	Current tax year	3 prior tax years or 2 succeeding tax years			(e) Provide Total for (a) through (d)
		(a) From <u>03/05/10</u> To <u>12/31/10</u>	(b) From <u>01/01/11</u> To <u>12/31/11</u>	(c) From <u>01/01/12</u> To <u>12/31/12</u>	(d) From..... To	
Revenues	1 Gifts, grants, and contributions received (do not include unusual grants)	220000	293333	293333		
	2 Membership fees received					
	3 Gross investment income					
	4 Net unrelated business income					
	5 Taxes levied for your benefit					
	6 Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)					
	7 Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)					
	8 Total of lines 1 through 7	220000	293333	293333		
	9 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)					
	10 Total of lines 8 and 9	220000	293333	293333		
11 Net gain or loss on sale of capital assets (attach schedule and see instructions)						
12 Unusual grants						
13 Total Revenue Add lines 10 through 12	220000	293333	293333			
Expenses	14 Fundraising expenses	3000	4000	4000		
	15 Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)	22000	29333	29333		
	16 Disbursements to or for the benefit of members (attach an itemized list)					
	17 Compensation of officers, directors, and trustees	131250	175000	175000		
	18 Other salaries and wages	35000	46666	46666		
	19 Interest expense					
	20 Occupancy (rent, utilities, etc.)	27000	36000	36000		
	21 Depreciation and depletion					
	22 Professional fees	2000	2000	2000		
	23 Any expense not otherwise classified, such as program services (attach itemized list)					
	24 Total Expenses Add lines 14 through 23	220250	292999	292999		

Part IX Financial Data (Continued)

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

Year End:

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

Part X Public Charity Status

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

- 1a Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed. If you are unsure, see the instructions. Yes No
- b As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document. Go to line 2.
- 2 Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI. Yes No
- 3 Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4. Yes No
- 4 Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation? Yes No
- 5 If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.
- The organization is not a private foundation because it is:
- a 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A.
 - b 509(a)(1) and 170(b)(1)(A)(ii)—a **school**. Complete and attach Schedule B.
 - c 509(a)(1) and 170(b)(1)(A)(iii)—a **hospital**, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C.
 - d 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D.

Part X Public Charity Status (Continued)

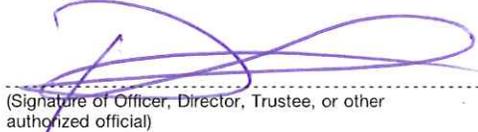
- e 509(a)(4)—an organization organized and operated exclusively for testing for public safety.
- f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit.
- g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that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

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

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

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

For Organization


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

Paquale Longordo

(Type or print name of signer)

04/08/2010

(Date)

Director

(Type or print title or authority of signer)

For IRS Use Only

IRS Director, Exempt Organizations

(Date)

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

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

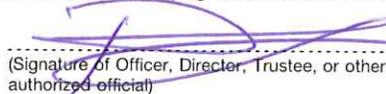
Part XI User Fee Information

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

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

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

**Please
Sign
Here**


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

Pasquale Longordo

(Type or print name of signer)

04/08/2010

(Date)

Director

(Type or print title or authority of signer)

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

Form **1023** (Rev. 6-2006)

Schedule A. Churches

- 1a** Do you have a written creed, statement of faith, or summary of beliefs? If "Yes," attach copies of relevant documents. **Yes** **No**
- b** Do you have a form of worship? If "Yes," describe your form of worship. **Yes** **No**
- 2a** Do you have a formal code of doctrine and discipline? If "Yes," describe your code of doctrine and discipline. **Yes** **No**
- b** Do you have a distinct religious history? If "Yes," describe your religious history. **Yes** **No**
- c** Do you have a literature of your own? If "Yes," describe your literature. **Yes** **No**
- 3** Describe the organization's religious hierarchy or ecclesiastical government. _____
- 4a** Do you have regularly scheduled religious services? If "Yes," describe the nature of the services and provide representative copies of relevant literature such as church bulletins. **Yes** **No**
- b** What is the average attendance at your regularly scheduled religious services? _____
- 5a** Do you have an established place of worship? If "Yes," refer to the instructions for the information required. **Yes** **No**
- b** Do you own the property where you have an established place of worship? **Yes** **No**
- 6** Do you have an established congregation or other regular membership group? If "No," refer to the instructions. **Yes** **No**
- 7** How many members do you have? _____
- 8a** Do you have a process by which an individual becomes a member? If "Yes," describe the process and complete lines 8b-8d, below. **Yes** **No**
- b** If you have members, do your members have voting rights, rights to participate in religious functions, or other rights? If "Yes," describe the rights your members have. **Yes** **No**
- c** May your members be associated with another denomination or church? **Yes** **No**
- d** Are all of your members part of the same **family**? **Yes** **No**
- 9** Do you conduct baptisms, weddings, funerals, etc.? **Yes** **No**
- 10** Do you have a school for the religious instruction of the young? **Yes** **No**
- 11a** Do you have a minister or religious leader? If "Yes," describe this person's role and explain whether the minister or religious leader was ordained, commissioned, or licensed after a prescribed course of study. **Yes** **No**
- b** Do you have schools for the preparation of your ordained ministers or religious leaders? **Yes** **No**
- 12** Is your minister or religious leader also one of your officers, directors, or trustees? **Yes** **No**
- 13** Do you ordain, commission, or license ministers or religious leaders? If "Yes," describe the requirements for ordination, commission, or licensure. **Yes** **No**
- 14** Are you part of a group of churches with similar beliefs and structures? If "Yes," explain. Include the name of the group of churches. **Yes** **No**
- 15** Do you issue church charters? If "Yes," describe the requirements for issuing a charter. **Yes** **No**
- 16** Did you pay a fee for a church charter? If "Yes," attach a copy of the charter. **Yes** **No**
- 17** Do you have other information you believe should be considered regarding your status as a church? If "Yes," explain. **Yes** **No**

Schedule B. Schools, Colleges, and Universities

If you operate a school as an activity, complete Schedule B

Section I Operational Information

- 1a** Do you normally have a regularly scheduled curriculum, a regular faculty of qualified teachers, a regularly enrolled student body, and facilities where your educational activities are regularly carried on? If "No," do not complete the remainder of Schedule B. Yes No
- b** Is the primary function of your school the presentation of formal instruction? If "Yes," describe your school in terms of whether it is an elementary, secondary, college, technical, or other type of school. If "No," do not complete the remainder of Schedule B. Yes No
- 2a** Are you a public school because you are operated by a state or subdivision of a state? If "Yes," explain how you are operated by a state or subdivision of a state. Do not complete the remainder of Schedule B. Yes No
- b** Are you a public school because you are operated wholly or predominantly from government funds or property? If "Yes," explain how you are operated wholly or predominantly from government funds or property. Submit a copy of your funding agreement regarding government funding. Do not complete the remainder of Schedule B. Yes No
- 3** In what public school district, county, and state are you located?
- 4** Were you formed or substantially expanded at the time of public school desegregation in the above school district or county? Yes No
- 5** Has a state or federal administrative agency or judicial body ever determined that you are racially discriminatory? If "Yes," explain. Yes No
- 6** Has your right to receive financial aid or assistance from a governmental agency ever been revoked or suspended? If "Yes," explain. Yes No
- 7** Do you or will you contract with another organization to develop, build, market, or finance your facilities? If "Yes," explain how that entity is selected, explain how the terms of any contracts or other agreements are negotiated at arm's length, and explain how you determine that you will pay no more than fair market value for services. Yes No

Note. Make sure your answer is consistent with the information provided in Part VIII, line 7a.

- 8** Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services. Yes No

Note. Answer "Yes" if you manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.**Section II Establishment of Racially Nondiscriminatory Policy**Information required by **Revenue Procedure 75-50.**

- 1** Have you adopted a racially nondiscriminatory policy as to students in your organizing document, bylaws, or by resolution of your governing body? If "Yes," state where the policy can be found or supply a copy of the policy. If "No," you must adopt a nondiscriminatory policy as to students before submitting this application. See Publication 557. Yes No
- 2** Do your brochures, application forms, advertisements, and catalogues dealing with student admissions, programs, and scholarships contain a statement of your racially nondiscriminatory policy? Yes No
- a** If "Yes," attach a representative sample of each document.
- b** If "No," by checking the box to the right you agree that all future printed materials, including website content, will contain the required nondiscriminatory policy statement.
- 3** Have you published a notice of your nondiscriminatory policy in a newspaper of general circulation that serves all racial segments of the community? (See the instructions for specific requirements.) If "No," explain. Yes No
- 4** Does or will the organization (or any department or division within it) discriminate in any way on the basis of race with respect to admissions; use of facilities or exercise of student privileges; faculty or administrative staff; or scholarship or loan programs? If "Yes," for any of the above, explain fully. Yes No

Schedule C. Hospitals and Medical Research Organizations

Check the box if you are a **hospital**. See the instructions for a definition of the term "hospital," which includes an organization whose principal purpose or function is providing **hospital or medical care**. Complete Section I below.

Check the box if you are a **medical research organization** operated in conjunction with a hospital. See the instructions for a definition of the term "medical research organization," which refers to an organization whose principal purpose or function is medical research and which is directly engaged in the continuous active conduct of medical research in conjunction with a hospital. Complete Section II.

Section I Hospitals

- | | |
|---|--|
| 1a Are all the doctors in the community eligible for staff privileges? If "No," give the reasons why and explain how the medical staff is selected. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2a Do you or will you provide medical services to all individuals in your community who can pay for themselves or have private health insurance? If "No," explain. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b Do you or will you provide medical services to all individuals in your community who participate in Medicare? If "No," explain. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c Do you or will you provide medical services to all individuals in your community who participate in Medicaid? If "No," explain. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3a Do you or will you require persons covered by Medicare or Medicaid to pay a deposit before receiving services? If "Yes," explain. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b Does the same deposit requirement, if any, apply to all other patients? If "No," explain. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4a Do you or will you maintain a full-time emergency room? If "No," explain why you do not maintain a full-time emergency room. Also, describe any emergency services that you provide. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b Do you have a policy on providing emergency services to persons without apparent means to pay? If "Yes," provide a copy of the policy. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c Do you have any arrangements with police, fire, and voluntary ambulance services for the delivery or admission of emergency cases? If "Yes," describe the arrangements, including whether they are written or oral agreements. If written, submit copies of all such agreements. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5a Do you provide for a portion of your services and facilities to be used for charity patients? If "Yes," answer 5b through 5e. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b Explain your policy regarding charity cases, including how you distinguish between charity care and bad debts. Submit a copy of your written policy. | |
| c Provide data on your past experience in admitting charity patients, including amounts you expend for treating charity care patients and types of services you provide to charity care patients. | |
| d Describe any arrangements you have with federal, state, or local governments or government agencies for paying for the cost of treating charity care patients. Submit copies of any written agreements. | |
| e Do you provide services on a sliding fee schedule depending on financial ability to pay? If "Yes," submit your sliding fee schedule. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 6a Do you or will you carry on a formal program of medical training or medical research? If "Yes," describe such programs, including the type of programs offered, the scope of such programs, and affiliations with other hospitals or medical care providers with which you carry on the medical training or research programs. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b Do you or will you carry on a formal program of community education? If "Yes," describe such programs, including the type of programs offered, the scope of such programs, and affiliation with other hospitals or medical care providers with which you offer community education programs. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7 Do you or will you provide office space to physicians carrying on their own medical practices? If "Yes," describe the criteria for who may use the space, explain the means used to determine that you are paid at least fair market value, and submit representative lease agreements. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 8 Is your board of directors comprised of a majority of individuals who are representative of the community you serve? Include a list of each board member's name and business, financial, or professional relationship with the hospital. Also, identify each board member who is representative of the community and describe how that individual is a community representative. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 9 Do you participate in any joint ventures? If "Yes," state your ownership percentage in each joint venture, list your investment in each joint venture, describe the tax status of other participants in each joint venture (including whether they are section 501(c)(3) organizations), describe the activities of each joint venture, describe how you exercise control over the activities of each joint venture, and describe how each joint venture furthers your exempt purposes. Also, submit copies of all agreements. | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Note. Make sure your answer is consistent with the information provided in Part VIII, line 8.

Schedule C. Hospitals and Medical Research Organizations (Continued)**Section I Hospitals** (Continued)

- 10** Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services. **Yes** **No**
- Note.** Answer "Yes" if you do manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.
-
- 11** Do you or will you offer recruitment incentives to physicians? If "Yes," describe your recruitment incentives and attach copies of all written recruitment incentive policies. **Yes** **No**
-
- 12** Do you or will you lease equipment, assets, or office space from physicians who have a financial or professional relationship with you? If "Yes," explain how you establish a fair market value for the lease. **Yes** **No**
-
- 13** Have you purchased medical practices, ambulatory surgery centers, or other business assets from physicians or other persons with whom you have a business relationship, aside from the purchase? If "Yes," submit a copy of each purchase and sales contract and describe how you arrived at fair market value, including copies of appraisals. **Yes** **No**
-
- 14** Have you adopted a **conflict of interest policy** consistent with the sample health care organization conflict of interest policy in Appendix A of the instructions? If "Yes," submit a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," explain how you will avoid any conflicts of interest in your business dealings. **Yes** **No**

Section II Medical Research Organizations

- 1** Name the hospitals with which you have a relationship and describe the relationship. Attach copies of written agreements with each hospital that demonstrate continuing relationships between you and the hospital(s).
-
- 2** Attach a schedule describing your present and proposed activities for the direct conduct of medical research; describe the nature of the activities, and the amount of money that has been or will be spent in carrying them out.
-
- 3** Attach a schedule of assets showing their fair market value and the portion of your assets directly devoted to medical research.

Schedule D. Section 509(a)(3) Supporting Organizations

Section I Identifying Information About the Supported Organization(s)

1 State the names, addresses, and EINs of the supported organizations. If additional space is needed, attach a separate sheet.

Name	Address	EIN
	-----	-
	-----	-

2 Are all supported organizations listed in line 1 public charities under section 509(a)(1) or (2)? If "Yes," go to Section II. If "No," go to line 3. Yes No

3 Do the supported organizations have tax-exempt status under section 501(c)(4), 501(c)(5), or 501(c)(6)? Yes No

If "Yes," for each 501(c)(4), (5), or (6) organization supported, provide the following financial information:

- Part IX-A. Statement of Revenues and Expenses, lines 1–13 and
- Part X, lines 6b(ii)(a), 6b(ii)(b), and 7.

If "No," attach a statement describing how each organization you support is a public charity under section 509(a)(1) or (2).

Section II Relationship with Supported Organization(s)—Three Tests

To be classified as a supporting organization, an organization must meet one of three relationship tests:

- Test 1: "Operated, supervised, or controlled by" one or more publicly supported organizations, or
- Test 2: "Supervised or controlled in connection with" one or more publicly supported organizations, or
- Test 3: "Operated in connection with" one or more publicly supported organizations.

1 Information to establish the "operated, supervised, or controlled by" relationship (Test 1)
Is a majority of your governing board or officers elected or appointed by the supported organization(s)? If "Yes," describe the process by which your governing board is appointed and elected; go to Section III. If "No," continue to line 2. Yes No

2 Information to establish the "supervised or controlled in connection with" relationship (Test 2)
Does a majority of your governing board consist of individuals who also serve on the governing board of the supported organization(s)? If "Yes," describe the process by which your governing board is appointed and elected; go to Section III. If "No," go to line 3. Yes No

3 Information to establish the "operated in connection with" responsiveness test (Test 3)
Are you a trust from which the named supported organization(s) can enforce and compel an accounting under state law? If "Yes," explain whether you advised the supported organization(s) in writing of these rights and provide a copy of the written communication documenting this; go to Section II, line 5. If "No," go to line 4a. Yes No

- 4 Information to establish the alternative "operated in connection with" responsiveness test (Test 3)
- a Do the officers, directors, trustees, or members of the supported organization(s) elect or appoint one or more of your officers, directors, or trustees? If "Yes," explain and provide documentation; go to line 4d, below. If "No," go to line 4b. Yes No
 - b Do one or more members of the governing body of the supported organization(s) also serve as your officers, directors, or trustees or hold other important offices with respect to you? If "Yes," explain and provide documentation; go to line 4d, below. If "No," go to line 4c. Yes No
 - c Do your officers, directors, or trustees maintain a close and continuous working relationship with the officers, directors, or trustees of the supported organization(s)? If "Yes," explain and provide documentation. Yes No
 - d Do the supported organization(s) have a significant voice in your investment policies, in the making and timing of grants, and in otherwise directing the use of your income or assets? If "Yes," explain and provide documentation. Yes No
 - e Describe and provide copies of written communications documenting how you made the supported organization(s) aware of your supporting activities.

Schedule D. Section 509(a)(3) Supporting Organizations (Continued)**Section II Relationship with Supported Organization(s)—Three Tests (Continued)**

- 5** Information to establish the "operated in connection with" integral part test (Test 3)
Do you conduct activities that would otherwise be carried out by the supported organization(s)? If "Yes," explain and go to Section III. If "No," continue to line 6a. **Yes** **No**
- 6** Information to establish the alternative "operated in connection with" integral part test (Test 3)
a Do you distribute at least 85% of your annual **net income** to the supported organization(s)? If "Yes," go to line 6b. (See instructions.) **Yes** **No**
If "No," state the percentage of your income that you distribute to each supported organization. Also explain how you ensure that the supported organization(s) are attentive to your operations.
b How much do you contribute annually to each supported organization? Attach a schedule.
c What is the total annual revenue of each supported organization? If you need additional space, attach a list.
d Do you or the supported organization(s) **earmark** your funds for support of a particular program or activity? If "Yes," explain. **Yes** **No**
- 7a** Does your organizing document specify the supported organization(s) by name? If "Yes," state the article and paragraph number and go to Section III. If "No," answer line 7b. **Yes** **No**
b Attach a statement describing whether there has been an historic and continuing relationship between you and the supported organization(s).

Section III Organizational Test

- 1a** If you met relationship Test 1 or Test 2 in Section II, your organizing document must specify the supported organization(s) by name, or by naming a similar purpose or charitable class of beneficiaries. If your organizing document complies with this requirement, answer "Yes." If your organizing document does not comply with this requirement, answer "No," and see the instructions. **Yes** **No**
- b** If you met relationship Test 3 in Section II, your organizing document must generally specify the supported organization(s) by name. If your organizing document complies with this requirement, answer "Yes," and go to Section IV. If your organizing document does not comply with this requirement, answer "No," and see the instructions. **Yes** **No**

Section IV Disqualified Person Test

You do not qualify as a supporting organization if you are **controlled** directly or indirectly by one or more **disqualified persons** (as defined in section 4946) other than **foundation managers** or one or more organizations that you support. Foundation managers who are also disqualified persons for another reason are disqualified persons with respect to you.

- 1a** Do any persons who are disqualified persons with respect to you, (except individuals who are disqualified persons only because they are foundation managers), appoint any of your foundation managers? If "Yes," (1) describe the process by which disqualified persons appoint any of your foundation managers, (2) provide the names of these disqualified persons and the foundation managers they appoint, and (3) explain how control is vested over your operations (including assets and activities) by persons other than disqualified persons. **Yes** **No**
- b** Do any persons who have a family or business relationship with any disqualified persons with respect to you, (except individuals who are disqualified persons only because they are foundation managers), appoint any of your foundation managers? If "Yes," (1) describe the process by which individuals with a family or business relationship with disqualified persons appoint any of your foundation managers, (2) provide the names of these disqualified persons, the individuals with a family or business relationship with disqualified persons, and the foundation managers appointed, and (3) explain how control is vested over your operations (including assets and activities) in individuals other than disqualified persons. **Yes** **No**
- c** Do any persons who are disqualified persons, (except individuals who are disqualified persons only because they are foundation managers), have any influence regarding your operations, including your assets or activities? If "Yes," (1) provide the names of these disqualified persons, (2) explain how influence is exerted over your operations (including assets and activities), and (3) explain how control is vested over your operations (including assets and activities) by individuals other than disqualified persons. **Yes** **No**

Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation

Schedule E is intended to determine whether you are eligible for tax exemption under section 501(c)(3) from the postmark date of your application or from your date of incorporation or formation, whichever is earlier. If you are not eligible for tax exemption under section 501(c)(3) from your date of incorporation or formation, Schedule E is also intended to determine whether you are eligible for tax exemption under section 501(c)(4) for the period between your date of incorporation or formation and the postmark date of your application.

- 1** Are you a church, association of churches, or integrated auxiliary of a church? If "Yes," complete Schedule A and stop here. Do not complete the remainder of Schedule E. **Yes** **No**
-
- 2a** Are you a public charity with annual **gross receipts** that are normally \$5,000 or less? If "Yes," stop here. Answer "No" if you are a private foundation, regardless of your gross receipts. **Yes** **No**
- b** If your gross receipts were normally more than \$5,000, are you filing this application within 90 days from the end of the tax year in which your gross receipts were normally more than \$5,000? If "Yes," stop here. **Yes** **No**
-
- 3a** Were you included as a subordinate in a group exemption application or letter? If "No," go to line 4. **Yes** **No**
- b** If you were included as a subordinate in a group exemption letter, are you filing this application within 27 months from the date you were notified by the organization holding the group exemption letter or the Internal Revenue Service that you cease to be covered by the group exemption letter? If "Yes," stop here. **Yes** **No**
- c** If you were included as a subordinate in a timely filed group exemption request that was denied, are you filing this application within 27 months from the postmark date of the Internal Revenue Service final adverse ruling letter? If "Yes," stop here. **Yes** **No**
-
- 4** Were you created on or before October 9, 1969? If "Yes," stop here. Do not complete the remainder of this schedule. **Yes** **No**
-
- 5** If you answered "No" to lines 1 through 4, we cannot recognize you as tax exempt from your date of formation unless you qualify for an extension of time to apply for exemption. Do you wish to request an extension of time to apply to be recognized as exempt from the date you were formed? If "Yes," attach a statement explaining why you did not file this application within the 27-month period. Do not answer lines 6, 7, or 8. If "No," go to line 6a. **Yes** **No**
-
- 6a** If you answered "No" to line 5, you can only be exempt under section 501(c)(3) from the postmark date of this application. Therefore, do you want us to treat this application as a request for tax exemption from the postmark date? If "Yes," you are eligible for an advance ruling. Complete Part X, line 6a. If "No," you will be treated as a private foundation. **Yes** **No**
- Note.** Be sure your ruling eligibility agrees with your answer to Part X, line 6.
- b** Do you anticipate significant changes in your sources of support in the future? If "Yes," complete line 7 below. **Yes** **No**

Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation (Continued)

7 Complete this item only if you answered "Yes" to line 6b. Include projected revenue for the first two full years following the current tax year.

Type of Revenue	Projected revenue for 2 years following current tax year		
	(a) From To	(b) From To	(c) Total
1 Gifts, grants, and contributions received (do not include unusual grants)			
2 Membership fees received			
3 Gross investment income			
4 Net unrelated business income			
5 Taxes levied for your benefit			
6 Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)			
7 Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)			
8 Total of lines 1 through 7			
9 Gross receipts from admissions, merchandise sold, or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)			
10 Total of lines 8 and 9			
11 Net gain or loss on sale of capital assets (attach an itemized list)			
12 Unusual grants			
13 Total revenue. Add lines 10 through 12			

8 According to your answers, you are only eligible for tax exemption under section 501(c)(3) from the postmark date of your application. However, you may be eligible for tax exemption under section 501(c)(4) from your date of formation to the postmark date of the Form 1023. Tax exemption under section 501(c)(4) allows exemption from federal income tax, but generally not deductibility of contributions under Code section 170. Check the box at right if you want us to treat this as a request for exemption under 501(c)(4) from your date of formation to the postmark date. ▶

Attach a completed Page 1 of Form 1024, Application for Recognition of Exemption Under Section 501(a), to this application.

Schedule F. Homes for the Elderly or Handicapped and Low-Income Housing**Section I General Information About Your Housing**

- 1** Describe the type of housing you provide.
-
- 2** Provide copies of any application forms you use for admission.
-
- 3** Explain how the public is made aware of your facility.
-
- 4a** Provide a description of each facility.
- b** What is the total number of residents each facility can accommodate?
- c** What is your current number of residents in each facility?
- d** Describe each facility in terms of whether residents rent or purchase housing from you.
-
- 5** Attach a sample copy of your residency or homeownership contract or agreement.
-
- 6** Do you participate in any joint ventures? If "Yes," state your ownership percentage in each joint venture, list your investment in each joint venture, describe the tax status of other participants in each joint venture (including whether they are section 501(c)(3) organizations), describe the activities of each joint venture, describe how you exercise control over the activities of each joint venture, and describe how each joint venture furthers your exempt purposes. Also, submit copies of all joint venture agreements. **Yes** **No**
- Note.** Make sure your answer is consistent with the information provided in Part VIII, line 8.
-
- 7** Do you or will you contract with another organization to develop, build, market, or finance your housing? If "Yes," explain how that entity is selected, explain how the terms of any contract(s) are negotiated at arm's length, and explain how you determine you will pay no more than fair market value for services. **Yes** **No**
- Note.** Make sure your answer is consistent with the information provided in Part VIII, line 7a.
-
- 8** Do you or will you manage your activities or facilities through your own employees or volunteers? If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage your activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for your activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how you determine you will pay no more than fair market value for services. **Yes** **No**
- Note.** Answer "Yes" if you do manage or intend to manage your programs through your own employees or by using volunteers. Answer "No" if you engage or intend to engage a separate organization or independent contractor. Make sure your answer is consistent with the information provided in Part VIII, line 7b.
-
- 9** Do you participate in any government housing programs? If "Yes," describe these programs. **Yes** **No**
-
- 10a** Do you own the facility? If "No," describe any enforceable rights you possess to purchase the facility in the future; go to line 10c. If "Yes," answer line 10b. **Yes** **No**
- b** How did you acquire the facility? For example, did you develop it yourself, purchase a project, etc. Attach all contracts, transfer agreements, or other documents connected with the acquisition of the facility.
- c** Do you lease the facility or the land on which it is located? If "Yes," describe the parties to the lease(s) and provide copies of all leases. **Yes** **No**

Schedule F. Homes for the Elderly or Handicapped and Low-Income Housing (Continued)**Section II Homes for the Elderly or Handicapped**

- 1a** Do you provide housing for the elderly? If "Yes," describe who qualifies for your housing in terms of age, infirmity, or other criteria and explain how you select persons for your housing. **Yes** **No**
- b** Do you provide housing for the handicapped? If "Yes," describe who qualifies for your housing in terms of disability, income levels, or other criteria and explain how you select persons for your housing. **Yes** **No**
-
- 2a** Do you charge an entrance or founder's fee? If "Yes," describe what this charge covers, whether it is a one-time fee, how the fee is determined, whether it is payable in a lump sum or on an installment basis, whether it is refundable, and the circumstances, if any, under which it may be waived. **Yes** **No**
- b** Do you charge periodic fees or maintenance charges? If "Yes," describe what these charges cover and how they are determined. **Yes** **No**
- c** Is your housing affordable to a significant segment of the elderly or handicapped persons in the community? Identify your **community**. Also, if "Yes," explain how you determine your housing is affordable. **Yes** **No**
-
- 3a** Do you have an established policy concerning residents who become unable to pay their regular charges? If "Yes," describe your established policy. **Yes** **No**
- b** Do you have any arrangements with government welfare agencies or others to absorb all or part of the cost of maintaining residents who become unable to pay their regular charges? If "Yes," describe these arrangements. **Yes** **No**
-
- 4** Do you have arrangements for the healthcare needs of your residents? If "Yes," describe these arrangements. **Yes** **No**
-
- 5** Are your facilities designed to meet the physical, emotional, recreational, social, religious, and/or other similar needs of the elderly or handicapped? If "Yes," describe these design features. **Yes** **No**

Section III Low-Income Housing

- 1** Do you provide low-income housing? If "Yes," describe who qualifies for your housing in terms of income levels or other criteria, and describe how you select persons for your housing. **Yes** **No**
-
- 2** In addition to rent or mortgage payments, do residents pay periodic fees or maintenance charges? If "Yes," describe what these charges cover and how they are determined. **Yes** **No**
-
- 3a** Is your housing affordable to low income residents? If "Yes," describe how your housing is made affordable to low-income residents. **Yes** **No**
- Note.** Revenue Procedure 96-32, 1996-1 C.B. 717, provides guidelines for providing low-income housing that will be treated as charitable. (At least 75% of the units are occupied by low-income tenants or 40% are occupied by tenants earning not more than 120% of the very low-income levels for the area.)
- b** Do you impose any restrictions to make sure that your housing remains affordable to low-income residents? If "Yes," describe these restrictions. **Yes** **No**
-
- 4** Do you provide social services to residents? If "Yes," describe these services. **Yes** **No**

Schedule G. Successors to Other Organizations

1a Are you a **successor** to a **for-profit organization**? If "Yes," explain the relationship with the **predecessor** organization that resulted in your creation and complete line 1b. **Yes** **No**

b Explain why you took over the activities or assets of a for-profit organization or converted from for-profit to nonprofit status.

2a Are you a successor to an organization other than a for-profit organization? Answer "Yes" if you have taken or will take over the activities of another organization; or you have taken or will take over 25% or more of the fair market value of the net assets of another organization. If "Yes," explain the relationship with the other organization that resulted in your creation. **Yes** **No**

b Provide the tax status of the predecessor organization.

c Did you or did an organization to which you are a successor previously apply for tax exemption under section 501(c)(3) or any other section of the Code? If "Yes," explain how the application was resolved. **Yes** **No**

d Was your prior tax exemption or the tax exemption of an organization to which you are a successor revoked or suspended? If "Yes," explain. Include a description of the corrections you made to re-establish tax exemption. **Yes** **No**

e Explain why you took over the activities or assets of another organization.

3 Provide the name, last address, and EIN of the predecessor organization and describe its activities.

Name: _____ **EIN:** _____
Address: _____

4 List the owners, partners, principal stockholders, officers, and governing board members of the predecessor organization. Attach a separate sheet if additional space is needed.

Name	Address	Share/Interest (If a for-profit)

5 Do or will any of the persons listed in line 4, maintain a working relationship with you? If "Yes," describe the relationship in detail and include copies of any agreements with any of these persons or with any for-profit organizations in which these persons own more than a 35% interest. **Yes** **No**

6a Were any assets transferred, whether by gift or sale, from the predecessor organization to you? If "Yes," provide a list of assets, indicate the value of each asset, explain how the value was determined, and attach an appraisal, if available. For each asset listed, also explain if the transfer was by gift, sale, or combination thereof. **Yes** **No**

b Were any restrictions placed on the use or sale of the assets? If "Yes," explain the restrictions. **Yes** **No**

c Provide a copy of the agreement(s) of sale or transfer.

7 Were any debts or liabilities transferred from the predecessor for-profit organization to you? If "Yes," provide a list of the debts or liabilities that were transferred to you, indicating the amount of each, how the amount was determined, and the name of the person to whom the debt or liability is owed. **Yes** **No**

8 Will you lease or rent any property or equipment previously owned or used by the predecessor for-profit organization, or from persons listed in line 4, or from for-profit organizations in which these persons own more than a 35% interest? If "Yes," submit a copy of the lease or rental agreement(s). Indicate how the lease or rental value of the property or equipment was determined. **Yes** **No**

9 Will you lease or rent property or equipment to persons listed in line 4, or to for-profit organizations in which these persons own more than a 35% interest? If "Yes," attach a list of the property or equipment, provide a copy of the lease or rental agreement(s), and indicate how the lease or rental value of the property or equipment was determined. **Yes** **No**

Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures
Section I *Names of individual recipients are not required to be listed in Schedule H. Public charities and private foundations complete lines 1a through 7 of this section. See the instructions to Part X if you are not sure whether you are a public charity or a private foundation.*

- 1a** Describe the types of educational grants you provide to individuals, such as scholarships, fellowships, loans, etc.
- b** Describe the purpose and amount of your scholarships, fellowships, and other educational grants and loans that you award.
- c** If you award educational loans, explain the terms of the loans (interest rate, length, forgiveness, etc.).
- d** Specify how your program is publicized.
- e** Provide copies of any solicitation or announcement materials.
- f** Provide a sample copy of the application used.
- 2** Do you maintain case histories showing recipients of your scholarships, fellowships, educational loans, or other educational grants, including names, addresses, purposes of awards, amount of each grant, manner of selection, and relationship (if any) to officers, trustees, or donors of funds to you? If "No," refer to the instructions. **Yes** **No**
- 3** Describe the specific criteria you use to determine who is eligible for your program. (For example, eligibility selection criteria could consist of graduating high school students from a particular high school who will attend college, writers of scholarly works about American history, etc.)
- 4a** Describe the specific criteria you use to select recipients. (For example, specific selection criteria could consist of prior academic performance, financial need, etc.)
- b** Describe how you determine the number of grants that will be made annually.
- c** Describe how you determine the amount of each of your grants.
- d** Describe any requirement or condition that you impose on recipients to obtain, maintain, or qualify for renewal of a grant. (For example, specific requirements or conditions could consist of attendance at a four-year college, maintaining a certain grade point average, teaching in public school after graduation from college, etc.)
- 5** Describe your procedures for supervising the scholarships, fellowships, educational loans, or other educational grants. Describe whether you obtain reports and grade transcripts from recipients, or you pay grants directly to a school under an arrangement whereby the school will apply the grant funds only for enrolled students who are in good standing. Also, describe your procedures for taking action if the terms of the award are violated.
- 6** Who is on the selection committee for the awards made under your program, including names of current committee members, criteria for committee membership, and the method of replacing committee members?
- 7** Are relatives of members of the selection committee, or of your officers, directors, or **substantial contributors** eligible for awards made under your program? If "Yes," what measures are taken to ensure unbiased selections? **Yes** **No**

Note. If you are a private foundation, you are not permitted to provide educational grants to **disqualified persons**. Disqualified persons include your substantial contributors and foundation managers and certain family members of disqualified persons.

Section II *Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section.*

- 1a** If we determine that you are a private foundation, do you want this application to be considered as a request for advance approval of grant making procedures? **Yes** **No** **N/A**
- b** For which section(s) do you wish to be considered?
- 4945(g)(1)—Scholarship or fellowship grant to an individual for study at an educational institution
 - 4945(g)(3)—Other grants, including loans, to an individual for travel, study, or other similar purposes, to enhance a particular skill of the grantee or to produce a specific product
- 2** Do you represent that you will (1) arrange to receive and review grantee reports annually and upon completion of the purpose for which the grant was awarded, (2) investigate diversions of funds from their intended purposes, and (3) take all reasonable and appropriate steps to recover diverted funds, ensure other grant funds held by a grantee are used for their intended purposes, and withhold further payments to grantees until you obtain grantees' assurances that future diversions will not occur and that grantees will take extraordinary precautions to prevent future diversions from occurring? **Yes** **No**
- 3** Do you represent that you will maintain all records relating to individual grants, including information obtained to evaluate grantees, identify whether a grantee is a disqualified person, establish the amount and purpose of each grant, and establish that you undertook the supervision and investigation of grants described in line 2? **Yes** **No**

Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures
(Continued)

Section II Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section. (Continued)

- 4a** Do you or will you award scholarships, fellowships, and educational loans to attend an educational institution based on the status of an individual being an *employee of a particular employer*? If "Yes," complete lines 4b through 4f. Yes No
- b** Will you comply with the seven conditions and either the percentage tests or facts and circumstances test for scholarships, fellowships, and educational loans to attend an educational institution as set forth in Revenue Procedures 76-47, 1976-2 C.B. 670, and 80-39, 1980-2 C.B. 772, which apply to inducement, selection committee, eligibility requirements, objective basis of selection, employment, course of study, and other objectives? (See lines 4c, 4d, and 4e, regarding the percentage tests.) Yes No
- c** Do you or will you provide scholarships, fellowships, or educational loans to attend an educational institution to employees of a particular employer? Yes No N/A
 If "Yes," will you award grants to 10% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39? Yes No
- d** Do you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer? Yes No N/A
 If "Yes," will you award grants to 25% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39? If "No," go to line 4e. Yes No
- e** If you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer, will you award grants to 10% or fewer of the number of employees' children who can be shown to be eligible for grants (whether or not they submitted an application) in that year, as provided by Revenue Procedures 76-47 and 80-39? Yes No N/A
 If "Yes," describe how you will determine who can be shown to be eligible for grants without submitting an application, such as by obtaining written statements or other information about the expectations of employees' children to attend an educational institution. If "No," go to line 4f.
- Note.** Statistical or sampling techniques are not acceptable. See Revenue Procedure 85-51, 1985-2 C.B. 717, for additional information.
- f** If you provide scholarships, fellowships, or educational loans to attend an educational institution to *children of employees of a particular employer* without regard to either the 25% limitation described in line 4d, or the 10% limitation described in line 4e, will you award grants based on facts and circumstances that demonstrate that the grants will not be considered compensation for past, present, or future services or otherwise provide a significant benefit to the particular employer? If "Yes," describe the facts and circumstances that you believe will demonstrate that the grants are neither compensatory nor a significant benefit to the particular employer. In your explanation, describe why you cannot satisfy either the 25% test described in line 4d or the 10% test described in line 4e. Yes No

BCS/CD-515 (Rev. 04/09)

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH BUREAU OF COMMERCIAL SERVICES		
Date Received	(FOR BUREAU USE ONLY)	
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.	
Name		
Address		
City	State	ZIP Code
Document will be returned to the name and address you enter above. If left blank document will be mailed to the registered office.		EFFECTIVE DATE:

CERTIFICATE OF AMENDMENT TO THE ARTICLES OF INCORPORATION For use by Domestic Profit and Nonprofit Corporations

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 284, Public Acts of 1972, (profit corporations), or Act 162, Public Acts of 1982 (nonprofit corporations), the undersigned corporation executes the following Certificate:

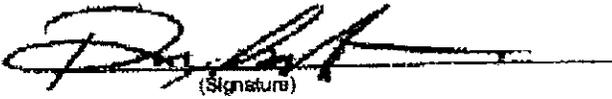
1. The present name of the corporation is: LIV
2. The identification number assigned by the Bureau is: 70803U

3. Article 1 of the Articles of Incorporation is hereby amended to read as follows: Drivers Against Texting and Talking

4. Profit or Nonprofit Corporation: For amendments adopted by unanimous consent of incorporators before the first meeting of the board of directors or trustees.

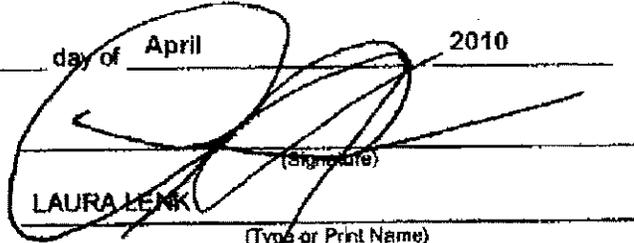
The foregoing amendment to the Articles of Incorporation was duly adopted on the 7th day of April, 2010, in accordance with the provisions of the Act by the unanimous consent of the incorporator(s) before the first meeting of the Board of Directors or Trustees.

Signed this 7th day of April, 2010


(Signature)

PASQUALE LONGORDO

(Type or Print Name)


(Signature)

LAURA LENK

(Type or Print Name)

(Signature)

(Signature)

(Type or Print Name)

(Type or Print Name)

5. Profit Corporation Only: Shareholder or Board Approval

The foregoing amendment to the Articles of Incorporation proposed by the board was duly adopted on the _____ day of _____, _____, by the: (check one of the following)

- shareholders at a meeting in accordance with Section 611(3) of the Act.
- written consent of the shareholders having not less than the minimum number of votes required by statute in accordance with Section 407(1) of the Act. Written notice to shareholders who have not consented in writing has been given. (Note: Written consent by less than all of the shareholders is permitted only if such provision appears in the Articles of Incorporation.)
- written consent of all the shareholders entitled to vote in accordance with Section 407(2) of the Act.
- board of a profit corporation pursuant to section 611(2) of the Act.

Profit Corporations and Professional Service Corporations

Signed this _____ day of _____, _____

By _____
(Signature of an authorized officer or agent)

(Type or Print Name)

Michigan Department of Energy, Labor & Economic Growth

Filing Endorsement

This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT

for

LIV

ID NUMBER: 70803U

received by facsimile transmission on March 3, 2010 is hereby endorsed

Filed on March 3, 2010 by the Administrator.

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



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, In the City of Lansing, this 3RD day of March, 2010.

A handwritten signature in black ink, appearing to read "J. Hughes", written over a horizontal line.

Director

Bureau of Commercial Services

RCB/CO-592 (Rev. 11/08)

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH BUREAU OF COMMERCIAL SERVICES										
Date Received	(FOR BUREAU USE ONLY)									
This document is effective on the date filed, unless a subsequent effective date within 30 days after received date is stated in the document.										
<table border="1" style="width: 100%;"> <tr> <td colspan="3">Name</td> </tr> <tr> <td colspan="3">Address</td> </tr> <tr> <td>City</td> <td>State</td> <td>Zip Code</td> </tr> </table>		Name			Address			City	State	Zip Code
Name										
Address										
City	State	Zip Code								
<p>Document will be returned to the name and address you enter above. If left blank document will be mailed to the registered office.</p>										
EFFECTIVE DATE										

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

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

Articles:

ARTICLE I

The name of the corporation is:

LIV

ARTICLE II

The purpose or purposes for which the corporation is organized are:

PLEASE SEE ATTACHMENT #1

ARTICLE III

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

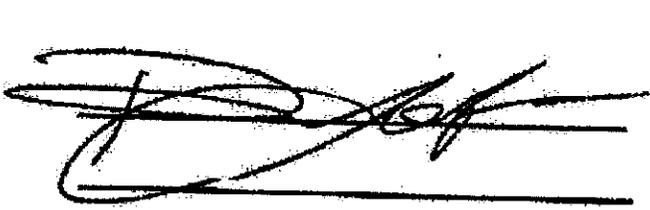
2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is

_____ . If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

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

PLEASE SEE ATTACHMENT #2 FOR ARTICLES VI THROUGH IX

I, (We), the incorporator(s) sign my (our) name(s) this 25 day of FEBRUARY, 2010.



PASQUALE LONGORDO



LAURA LENK

Attachment #1

ARTICLE II

The purpose or purposes for which the corporation is organized are

The corporation is organized exclusively for the purposes set forth in the Section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding provision of any future United States Internal Revenue Law (the "Code"). The corporation is incorporated for the purpose of soliciting, receiving and administering funds exclusively for such religious, charitable, scientific, literary and educational purposes as permitted for organizations defined in Section 501(c)(3) of the Internal Revenue Code and by a Nonprofit corporation organized under the law of the State of Michigan pursuant to the Act.

1. The primary goals of the corporation is to, but not necessarily be limited to, the following:
 - a. To provide educational and counseling services to families and individuals who are financially distressed, in turn creating a promising outlook for the future of those who lack the knowledge to properly manage their financials.
 - b. To work in sync with mortgage servicers and other creditors to negotiate affordable solutions to individuals' financial difficulties.

ARTICLE III

3. C. The corporation is to be financed under the following plan

- a. State, Federal and Foundation Grants.
- b. Donations.
- c. Federal Funds.
- d. Fees
- e. Investments.
- f. Other lawfully funds received.

Attachment #2

ARTICLE VI

Powers and Limitations

The corporations may exercise generally any power which is consistent with the purposes described above and which a nonprofit corporation organized under the provisions of the Michigan Nonprofit Corporation Act may exercise. The corporation may deal with and distribute the corporations property in such a manner as will best promote its objectives and purposes, without limitation except such, if any, as may be contained in the instruments under which such property is conveyed to the corporation.

Notwithstanding any other provisions of these Articles, the corporation shall not carry on any activities or have any purposes that are not permitted for (i) an organization exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code and other related legislation and regulations as the now exist or may hereafter be amended or (ii) an organization contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code and related legislation and regulations as the now exist or may hereafter be amended. No substantial part of the corporation direct or indirect activities shall consist of carrying on propaganda or otherwise attempting to influence legislation. The corporation shall not participate in or intervene in (including publication or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

ARTICLE VII

Limitation of Volunteer Director and Officer Liability

A volunteer director or volunteer officer shall not be personally liable to the corporation for monetary damages for a breach of the director's or officer's fiduciary duty, except that the liability of a director or officer is not eliminated or limited for:

1. a breach of the director's or officer's duty of loyalty to the corporation;
2. acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of the law;
3. a violation of Section 551(1) of the Michigan Nonprofit Corporations Act, which section relates to the making of unauthorized distributions or loans;
4. a transaction from which the director or officer derived an improper personal benefit ; or

Attachment #2

5. an act or omission that is grossly negligent.

Provisions of this article added by amendment shall apply only to acts or omissions and to breaches of duty occurring after the date the amended article was adopted.

If the Michigan Nonprofit Corporation Act is amended to further eliminate or limit the liability of a volunteer director or officer, then volunteer director or officer (in addition to the circumstances in which a director or officer is not personally liable as set forth in the preceding paragraph) shall, to the fullest extent permitted by the Michigan Nonprofit Corporation Act as so amended, not be liable to the corporation. No amendment to or alteration, modification, or repeal of this article shall increase the liability or alleged liability of any volunteer director or officer of the corporation for or with respect to any acts or omissions of such director or officer occurring prior to such amendment, alteration, modification, or repeal.

ARTICLE IX

Dedication of Assets

The corporations shall hold and administer all its assets and accumulated income to effectuate its tax-exempt purposes. No part of the income or assets of this corporation shall inure to the private benefit of any individual or director. If the corporation's purposes fail or if the corporation ceases to be approved as a tax-exempt organization under the Internal Revenue Code, and any such defect is not cured by appropriate amendment, or if the corporation voluntarily dissolves, then all of the corporations assets and accumulated income shall be distributed to such other organizations or units of the government as the directors (or in default of designation by the directors, the Circuit Court for the County of Oakland, Michigan) shall designate as best accomplishing the purposes for which the corporation was formed, provided that (i) each organization receiving such assets is qualified as tax-exempt under Section 501(c)(3) of the Internal Revenue Code or the corresponding provisions of any subsequent federal tax laws and (ii) each distribution to a unit of government is made for a public purpose to the United States federal government or to a state or local government. The corporation shall be dissolved after all its property has been so distributed.

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, March 18, 2010 at the Troy Community Center, room 301. Chairman, Tom Krent called the meeting to order at 7:05 pm.

Present:	Rusty Kaltsounis, member	Tom Krent, member
	Janice Zikakis, member	Divya Subramanian, student rep.
	Kathleen Fejes, member	Meaghan Kovacs, member
	Stuart Redpath, member	Jeff Biegler, staff
	Stuart Alderman, staff	Carol K. Anderson, staff

Absent: JoAnn Thompson, Gary Hauff, Tod Gazetti, and Jeff Stewart.

Staff Reports

- A. Directors Report – With the failure of the millage last month there will be changes to the operation of this department. All changes are not yet known but staff will provide information as changes are made.
- B. Recreation Report – Staff is brainstorming ways to increase revenue. Some ideas that are being considered are; alcohol in banquet rooms, advertising, and sponsorships.

The department has a Facebook page now with “Our Commitment To You” explaining that we will continue a program that we start or advertise.

Staff had training for marketing of an e-Newsletter. This service will send emails to our patrons with updates on programs we are offering. It is a free service provided by Oakland County and will be called “E-News Update.” Look for it soon.

- C. Parks Report – Budget cuts will affect the parks division with decreases in the number of summer laborers and the number of hours they will work. No park staff after 6 pm on weekdays and 8 pm on weekends.

A recommendation was sent to City Council to cancel Troy Daze due to the amount of staff time involved and anticipated budget cuts.

Resolution # PR - 2010 - 03 - 02

Moved by Kaltsounis

Seconded by Zikakis

RESOLVED, that the minutes from February 18, 2010 are approved as submitted.

Yes: All

No: None

MOTION CARRIED

New Business

- A. Aquatic Center Report – Although weather affected attendance and lessons, staff hours were also reduced. More daily passes were sold due to uncertain economy and unpredictable weather.

New brochure this year has all the general information and inserts have the fees and other detailed information so changes can easily be made.

Old Business

- A. Park Naming – The board discussed submitted and other names for the park in Section 36 with a consensus that the name needed to be short, concise and identifiable to that area. Among potential names, Milverton Park was discussed. The reasons Milverton was considered include:
 1. The area has been referred to as Milverton Park for some time.
 2. Milverton Street is easily identified on a map making it easy to find for visitors.
 3. A resident who lived on Milverton (Jacques Nixon) initiated the process in retaining the property as parkland.

Resolution # PR 2010-03-03

Moved by: Kaltsounis

Seconded by: Zikakis

RESOLVED, That Section 36 park should be named Milverton Park.

Yes: 4 (Kaltsounis, Zikakis, Redpath, Kovacs)

No: 2 (Krent, Fejes)

MOTION CARRIED

Director’s Report continued – At this time the budget is not complete but staff will call a meeting in April for recommendation by this board. It may be the regular meeting date.

Member Comments - Meaghan Kovacs mentioned that her neighbors don’t like that T-ball for the five-year-olds is two nights per week. Mr. Alderman responded that we are doing surveys of the parents that will give us more detailed information. In addition, there have been parents who’ve contacted staff that prefer two nights per week.

Ms. Kovacs inquired why Safety Town is offered all day for one week. Mr. Alderman replied that it was reduced to one week so that the children could participate in other activities. Feedback in the past has been that parents prefer one week sessions all day rather than two weeks.

Mr. Kaltsounis said he met a fisherman at Firefighters Park that caught an 18” fish and had caught one larger just shortly before that. The fisherman liked the wildflowers that are growing there and has seen photographers taking pictures of the flowers. The man commented that it’s a beautiful park and he likes the fishing there.

Ms. Zikakis asked if flowers would be planted this year. Mr. Biegler responded there wouldn’t be any except on Big Beaver and the DDA. Ms. Zikakis asked if he had ever thought of asking the two garden clubs and Mr. Biegler said he will investigate the possibility.

The meeting adjourned at 8:15 p.m.



 Tom Krent, Chairman



 Mary Williams, Recording Secretary

RESOLVED, That the November 11, 2010, meeting of the Library Advisory Board be cancelled as the Library is closed that date.

Yes: 5— Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2010-09-04

Moved by Zembrzuski
Seconded by Wheeler

RESOLVED, That the Library Advisory Board schedule a special meeting at 7 pm, Thursday, November 4, 2010, with the purpose of discussing Library business.

Yes: 5— Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2010-09-05

Moved by Gauri
Seconded by Wheeler

RESOLVED, That the Library Advisory Board approve the revised Troy Public Library General Public Meeting Room Use Policy, dated September, 2010.

Yes: 5— Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

REPORTS & COMMUNICATIONS

- A. **Director's Report**—was received and filed.
- B. **Suburban Library Cooperative Report**—given by B. Duggan, was received and filed.
- C. **Friends of the Troy Public Library Report**— given by P. Kwik, was received and filed.
- D. **Gifts**—Four gifts were noted.
- E. **Informational Items:** <http://sl.libcoop.net/troy/lib/eventcalendar.asp>
- F. **Visitors Comments**—for June/July/August were discussed

Resolution #LB-2010-09-06

Moved by Wheeler
Seconded by Duggan

RESOLVED, To adjourn the meeting.

Yes: 5— Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

The Library Board meeting adjourned at 7:39 P.M.

The next meeting of the Library Advisory Board is Thursday, October 14, 2010, at 7 pm.

Lynne Gregory
Chairman

Phillip Kwik
Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, September 13, 2010 in the Lower Level Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 6:58 p.m.

Roll Call

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
Bohdan L. Ukraineec

ABSENT: David S. Ogg
Timothy P. Payne

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

Resolution to Excuse Committee Members Ogg & Payne

Resolution #LC2010-09-022
Moved by Hall
Seconded by Ukraineec

RESOLVED, That the absence of Committee members Ogg & Payne at the Liquor Advisory Committee meeting of September 13, 2010 be **EXCUSED**.

Yes: 5
No: 0
Absent: Ogg, Payne

Resolution to Approve Minutes of August 9, 2010 Meeting

Resolution #LC2010-09-023
Moved by Hall
Seconded by Ukraineec

RESOLVED, That the Minutes of the August 9, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Ogg, Payne

Agenda Items

1. **Marico, Inc.**, 645 East Big Beaver Road Troy, MI 48083 (*Big Beaver Tavern*) requests New Outdoor Service (1 Area) to be held in conjunction with 2010 Class C Licensed Business with Dance Permit, Entertainment Without Dressing Rooms, and 2 Bars {MLCC Req. #565601}.

Present to answer questions from the Committee was Mark Larco. Mr. Larco explained to the Committee that a fenced outdoor patio has been constructed on the west side of the building. The area will seat 25-30 patrons and will be serviced by the interior bar.

Officer Feld advised the Committee that there was no research that determined that this request should not be approved.

Resolution #LC2010-09-024

Moved by Kaltsounis

Seconded by Ukrainec

RESOLVED, That the Liquor Advisory Committee recommends that the request of Marico, Inc., 645 East Big Beaver Road Troy, MI 48083 (*Big Beaver Tavern*) for a New Outdoor Service (1 Area) to be held in conjunction with 2010 Class C Licensed Business with Dance Permit, Entertainment Without Dressing Rooms, and 2 Bars be **APPROVED**.

Yes: 5
No: 0
Absent: Ogg, Payne

Informational Items

Officer Feld advised the Committee on the following:

Quantity of Class C/SDM Licenses in Troy

58 Class C
9 Class C/Resort
3 Class B/Hotel
27 Class C/SDM

Violations at CVS

The following is a violation history for sales to minors at 4963 John R:

07/19/10
02/21/08
05/03/07
07/25/00

Directed Patrol Unit Decoy Operation

The Police Department's Directed Patrol Unit recently performed compliance checks of licensed establishments within the City. Three sale-to-minor violations occurred: (1) Kroger at 1237 North Coolidge Highway; (2) Camp Ticonderoga at 5725 Rochester Road; and (3) Mr. B's at 3946 Rochester Road.

Inventory Verification

It has not been decided who in the City will conduct \$250,000 inventory verification on retail establishments with SDM licenses. Also, the frequency of these inspections has not been determined. Assistant City Attorney Lancaster stated she will check with the Building Department as to their involvement.

Smoker's Express

City Council accepted the Liquor Advisory Committee's recommendation and denied the applicant's request for an SDM license. The applicant indicated he will appeal to the MLCC.

Numan Troy, Inc.

This business indicates it is still interested in pursuing the SDM license.

Space Station of Troy, Inc.

This business indicates it is still interested in pursuing the SDM license.

Square Lake Diner, LLC

This business has purchased a liquor license from Pontiac.

Simbad, Inc.

This business is changing the hours of food service.

Mr. Bootleg Pizza, Inc.

This was merely a paperwork issue and the matter has been resolved.

Embassy Suites

MLCC Hearing is scheduled for 09/20/10 at 11:00 a.m. at the Sterling Heights Civic Center, 40555 Utica Road, Sterling Heights for the disturbance on 12/31/09.

Capital Grille

This business is requesting an outdoor service area.

Additional Items

October Meeting

There was a brief discussion regarding scheduling next month's meeting for October 4, 2010 instead of October 11, 2010.

Resolution #LC2010-09-025

Moved by Ehlert

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee meeting be scheduled for October 4, 2010 instead of October 11, 2010 and this change is **APPROVED**.

Yes: 5

No: 0

Absent: Ogg, Payne

Assistant City Attorney Lancaster advised the Committee that research was done after a clothing store at the Somerset Collection was observed serving champagne to their customers. Ms. Lancaster stated that our City criminal ordinance prohibits serving alcohol in a public place. The alcohol service would be allowed if the business was closed for a private event. Officer Feld stated he planned to visit the store and inform them of the City ordinance.

The meeting adjourned at 7:25 p.m.



Max K. Ehlert, Chairman



Patricia A. Gladysz, Secretary II

CITY COUNCIL EXPENSE REPORT
Month of October, 2010

OKD

<u>Council Person</u>	<u>Expense Date</u>	<u>Purpose</u>	<u>Amount</u>	<u>Totals</u>
Beltrami, Robin	10/4/2010	Quarterly Fax & DSL Line October, November, December 2010	\$ 123.72	
				\$ 123.72
Maureen McGinnis	10/4/2010	Quarterly DSL Line October, November, December 2010	\$ 137.85	
				\$ 137.85
Wade Fleming	10/4/2010	Quarterly Fax & DSL Line October, November, December 2010	\$ 215.70	
				\$ 215.70
Howrylak, Martin F.			\$ -	
				0.00
Kerwin, Mary	10/4/2010	Quarterly Fax & DSL Line October, November, December 2010	\$ 212.85	
				\$ 212.85
Schilling, Louise E.	10/4/2010	Quarterly Fax & DSL Line October, November, December 2010	\$ 117.90	
				\$ 117.90
Dane Slater			\$ -	
				\$ -
Total for Month				\$ 808.02

NOTE: This report is presented in compliance with Rules of Procedure for the City Council,
Item 18. Miscellaneous Expenses

Date Prepared: 10/4/2010
Final Preparation By: J. Nash

N-2a



CITY COUNCIL AGENDA ITEM

October 6, 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 – September 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**

GloStream

GloStream recently moved its headquarters into 1050 Wilshire and is occupying approximately 12,000 square feet of office space. GloStream is a leader in the health care IT industry. The company has developed an Electronic Medical Records (EMR) software, used by doctors to better manage their operations. Their software, GloEMR, was one of the first in the country to be certified by the Certification Commission for Health Information Technology. GloStream has 30 employees at their Troy facility and plan to expand with much-anticipated growth in 2011.

These are projects that we are currently working on:

- Met with representatives of a European manufacturing company that is considering opening a manufacturing facility in Michigan/U.S.
- Met with a company that is looking to secure financing to establish a headquarters facility in Troy for their life science project.

- **BUSINESS RETENTION AND EXPANSION**

SilkRoute Global

Currently in Troy, SilkRoute Global is an IT company that designs and delivers customized, state-of-the-art vendor managed inventory and supply chain management systems for companies large retailers and distributors all over the world.



CITY COUNCIL AGENDA ITEM

The company was considering relocating their operations to California, but working with the MEDC and Oakland County, the City was able to retain the company in Troy and attract their growth investment. SilkRoute Global will occupy office space on Stephenson Highway within the BlueWave facility and plans to create 53 jobs within five years.

AxleTech International

On September 17th, AxleTech International officially opened the doors to their new, 210,000 square foot home. A manufacturer of axle systems used in defense, heavy duty vehicles, AxleTech will operate their headquarters and engineering operations, aftermarket warehousing and brake system assembly at this new facility. Staff worked diligently with the MEDC and Oakland County to retain this company in our region. The company has already grown to a staff of 200 employees and plans to create additional jobs within the next few years.

These are projects that we are currently working on:

- Met with representatives of a company about retaining their newly-acquired operations here in Troy.
 - Met with a manufacturing company that is considering buying a vacant industrial building to consolidate their growing business operations.
 - Met with a manufacturing company that is planning to hire additional employees this year and needed assistance in job recruitment and screening.
 - Met with an industrial IT company, that relocated into a larger facility, to discuss market diversification resources
- **OUTREACH INITIATIVES**

City Manager's Roundtable Meeting

On September 8th, City Management held its first City Manager's Roundtable Meeting. These meetings will be conducted on a monthly basis as an opportunity for executive level management to discuss ideas, solutions and initiatives that can drive Troy to the top of the economic development race. Executives from Altair Engineering; Derderian, Kann, Seyferth & Salucci, P.C.; Flagstar Bank; Heller Machine; Illumisys; Somanetics and Somerset Inn were in attendance, representing employers that provide over 2,500 jobs in Troy.

Troy CAN

For the past few months, staff has participated in an initiative with the Troy School District to develop a strategy that will identify the existing needs of Troy's employees and employers and prepare resources that will prepare Troy's workforce for future needs of our business community. The committee is comprised of over 30 representatives from government, education and business and meets regularly to discuss this strategic plan.



CITY COUNCIL AGENDA ITEM

Pamela Valentik, Economic Development Specialist, Peggy Sears, Human Resources Director and Cathy Russ, Library Director participate in the program on behalf of the City of Troy.

To date, much of the discussion has been the need to better communicate new and existing resources that are available to the employer and workforce community. Ideas such as resource guides, websites, educational forums and advocacy have been discussed. Currently, the Troy Public Library offers a variety of resources for the job seeker including classes, publications and one-on-one assistance in the areas of online job searching, resume building, interviewing skills and application assistance.

The committee has identified the Troy Public Library as an ideal, "One-Stop-Shop" for disseminating information on Troy CAN's strategic plan and the many tools available to individuals looking for employment opportunities and companies looking for business development assistance. This parlayed with the many programs that the library already offers to Troy's workforce community with further enhance Troy's competitive advantage to retain a highly-skilled workforce and attract tomorrow's innovative companies.

Sent: Monday, September 27, 2010 12:57 PM
To: Cynthia A Stewart
Subject: Troy Police
(Personal information deleted. GGM 602)

Dear Cindy: On September 11, 2010, my Father passed away at our home in Troy after a long battle with cancer. We did home hospice through Hospice of Michigan, so the Troy Police Department was notified by the Hospice nurse of an "unresponsive person", as required. Officer Ray Piper was the responding officer. Frankly, I was a little bit nervous about that part of the protocol. I knew the police had to make the visit, but I was afraid that it might be very unsettling for my family to have a detached third person there when we were all still very much in shock and openly grieving. Officer Piper did his job effectively and objectively, but he did it with an incredible amount of kindness and compassion. He was really quite remarkable. Our entire family is grateful for the way that he handled the situation and the dignity with which he addressed my Father's remains. He made a horrible day a little less horrible. Please thank him for us. Lynn Naoum

Lynn Stevens Naoum
Troy, MI 48098

#10-27819

P.O. RAY PIPER

RAY - THANK YOU FOR THE
KINDNESS + COMPASSION YOU
DISPLAYED TO THIS FAMILY.
IT SHOWS YOUR DEDICATION
TO THE MISSION OF TROY PD.

Lynn

CITY MANAGER
BULLETIN BOARD
DIVISION COMMANDERS
FILES

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
FOR THE ELECTRIC CUSTOMERS OF
THE DETROIT EDISON COMPANY
CASE NO. U-16356**

- The Detroit Edison Company may reconcile its renewable energy plan costs associated with the plan approved in Case No. U-15806, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- The first public hearing in this matter will be held:

DATE/TIME: October 13, 2010, at 9:00 a.m.
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge Daniel E. Nickerson, Jr.

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the August 31, 2010 application of The Detroit Edison Company (Detroit Edison), which requests that the Commission review its implementation of the Renewable Energy Plan approved by the Commission in Case No. U-15806, and determine that Detroit Edison's 2009 renewable cost reconciliation and its 2008 PA 295 revenues collected and expenses through 2009 are reasonable and prudent and meet all relevant requirements under 2008 PA 295. Detroit Edison is also seeking to reconcile the pertinent revenues recorded and the allowance for the

DELEG is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

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nonvolumetric Revenue Recovery Mechanism with the amounts actually expensed and projected according to the Company's Renewable Energy Plan.

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 October 6, 2010. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, Jon P. Christinidis, One Energy Plaza, Detroit, MI 48226-1279.

Any person wishing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing 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 Detroit Edison's request may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of The Detroit Edison Company, One Energy Plaza, Detroit, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6180.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 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.; 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.

September 21, 2010