



**AGENDA**  
**AMENDED**

Regular Meeting of the

**CITY COUNCIL**  
**OF THE CITY OF TROY**

**NOVEMBER 22, 2010**  
**CONVENING AT 7:30 P.M.**

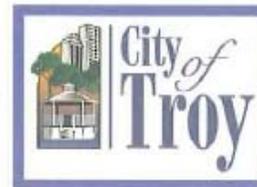
**Submitted By**  
**The City Manager**

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***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](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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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-AMENDED**  
November 22, 2010 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

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**INVOCATION: Mark Biebuyck of Kensington Community Church**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

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

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2010-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of Monday, November 22, 2010 due to \_\_\_\_\_.

Yes:

No:

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

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**C-1** None Scheduled

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

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**E-1** No Public Hearings Scheduled

**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**

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**G-1 Memorandum: Response to James Savage Comments: No Stopping, Standing, Parking Signs on Big Beaver, Livernois to Rochester**

## **H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

## **I. REGULAR BUSINESS:**

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**I-1 Appointments to Boards and Committees: None Scheduled**

a) **Mayoral Appointments: None Scheduled**

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

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

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

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**I-4 Troy Nature Society – Start-up Seed Money Request**

Suggested Resolution

Resolution #2010-11-

Moved by

Seconded by

WHEREAS, As a group of citizens has formed a Michigan Non-Profit Tax Except Corporation for the purpose of assuming operational control of the Lloyd A. Stage Nature Center on July 1, 2011;

WHEREAS, The Troy City Council is supportive of efforts to maintain quality of life venues; and

WHEREAS, The Troy City Council has committed funds for the purpose of supporting these efforts;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the request from the *Troy Nature Society* for payment of \$20,000.00 for the purpose of facilitating start-up operations for assuming operational control of the Lloyd A. Stage Nature Center.

Yes:

No:

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**I-5 Ratification of Contract Extension and Early Retirement Incentive Program – Troy Fire Staff Officers Association (TFSOA) 2011-2014**

Suggested Resolution

Resolution #2010-11-

Moved by

Seconded by

WHEREAS, A tentative agreement has been reached between the City of Troy and Troy Fire Staff Officers Association (TFSOA) for the period July 1, 2011 through June 30, 2014;

WHEREAS, Michigan’s continuing rising unemployment and reductions in the taxable value of real estate are adversely affecting the City of Troy’s operating revenues;

WHEREAS, Michigan’s continuing economic distress has led City management to project significant budget short-falls for fiscal years 2011, 2012; 2013;

WHEREAS, Economic uncertainty demands that the City of Troy government reduce operational expenses while improving efficiency and effectiveness;

WHEREAS, One recognized means of reducing operational expenses while simultaneously creating opportunities for reorganization and restructuring is to provide a voluntary separation incentive for City employees to retire;

WHEREAS, Approximately 5 Troy Fire Staff Officer Association (TFSOA) employees will meet the eligibility criteria for retirement from City employment as of December 31, 2010; and 3 Troy Fire Staff Officer Association (TFSOA) employees are within five years of meeting the eligibility criteria for retirement from City employment as of December 31, 2010; and

WHEREAS, The proposed *Early Retirement Incentive Program* has been reviewed and is recommended by City management as a mechanism to reduce workforce levels, create position vacancies, and provide City management with the opportunity to reduce costs, reorganize and restructure operations;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** implementation of the following *Early Retirement Incentive Program* to be offered to the TFSSA bargaining unit retirement system members who will be eligible to retire, or are within five years of eligibility, on or before December 31, 2010; and

BE IT FURTHER RESOLVED, That the *Early Retirement Incentive Program* **MAY BE OFFERED** during a 45-day window of opportunity beginning November 29, 2010 and ending January 13, 2011, with said incentive being the option of a lump sum payment of \$1,000 for each full year of retirement service as of December 31, 2010 or the conversion from a DC pension plan to a DB pension plan; and

BE IT FURTHER RESOLVED, That funding for the *Early Retirement Cash Incentive Program* **SHALL BE OBTAINED** from funds made available in the Fire Department budget, and funding for the Early Retirement DC to DB Program **SHALL BE OBTAINED** from the funds contained in the members' DC accounts; and

BE IT FURTHER RESOLVED, That employees in the Defined Benefit and Defined Contribution retirement plans desiring to participate in the *Early Retirement Incentive Program* **MUST FILE** written application to retire no less than 30 days in advance of their requested retirement date which shall be no later than February 22, 2011 with the Employees' Retirement System on the appropriate form, but in no event shall the application form be filed later than January 21, 2011; and

BE IT FURTHER RESOLVED, That the lump sum Early Retirement Incentive pay **SHALL NOT** be included in the final average compensation (FAC) for employees on the Defined Benefit Plan; contributions **WILL BE** made to an employee's Defined Contribution Plan by the City of Troy and the employee as a result of this lump sum payment; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to negotiate participation in the *Early Retirement Incentive Program* with represented Employees Retirement System members in collective bargaining proceedings; and

BE IT FINALLY RESOLVED, That a three-year extension of the 2006-2011 collective bargaining agreement between the City of Troy and TFSSA for the period July 1, 2011 through June 30, 2014 as presented is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement;

Yes:

No:

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**I-6 Agreement to Abide by Restrictive Covenants for Transit Center Property-**  
**REMOVED BY CITY ATTORNEY**

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**I-7 Declaratory Action – Kempen Initiative Library Ordinance Petition**

Suggested Resolution

Resolution #2010-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to file a declaratory action with the Oakland County Circuit Court to obtain clarity as to the Kempen initiative library ordinance petition.

Yes:

No:

**J. CONSENT AGENDA:**

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

Suggested Resolution

Resolution #2010-11-

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:

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

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**J-2 Approval of City Council Minutes**

Suggested Resolution

Resolution #2010-11-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of November 15, 2010 as submitted.

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**J-3 Proposed City of Troy Proclamation:**

Suggested Resolution

Resolution #2010-11-

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamation: *National Family Caregivers Month – November 2010.*

**J-4 Standard Purchasing Resolutions:****Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Rental Equipment Including Operators**Suggested Resolution

Resolution #2010-11-

WHEREAS, On November 9, 2009, Troy City Council awarded contracts to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season to Florence Cement Company, DiPonio Contracting, Sterling Topsoil and Grading and ABC Paving Company as a result of an informal quote process at the hourly rates contained in Appendix A (Resolution #2009-11-338-F-13); and

WHEREAS, All four (4) vendors have agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts to provide snow removal services with Florence Cement Company, DiPonio Contracting, Sterling Topsoil and Grading, and ABC Paving Company under the same prices, terms and conditions expiring April 15, 2011, **CONTINGENT** upon contractors' submission of properly executed contract documents, including insurance certificates and all other specified requirements; and

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

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to extend the hourly contract prices to other contractors after the awarded vendors have been employed to speed the snow removal process during times of snow emergencies.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None submitted**

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted****L. COUNCIL REFERRALS:**

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

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**L-1 No Council Referrals Advanced**

**M. COUNCIL COMMENTS**

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**M-1 No Council Comments Advanced**

**N. REPORTS**

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**N-1 Minutes – Boards and Committees:**

- a) Employees’ Retirement System Board of Trustees/Final – July 14, 2010
- b) Employees’ Retirement System Board of Trustees/Final – September 8, 2010
- c) Liquor Advisory Committee/Final – October 4, 2010
- d) Employees’ Retirement System Board of Trustees/Final – October 13, 2010
- e) Board of Zoning Appeals/Draft – October 19, 2010
- f) Liquor Advisory Committee/Draft – November 8, 2010

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**N-2 Department Reports:**

- a) Final Reporting – BidNet On-Line Auction Services – October 2010

---

**N-3 Letters of Appreciation:**

- a) Letter of Appreciation from Kevin M. Sagan, Chief of Police for Madison Heights, Thanking the Troy Police Department for their Assistance in the Arrest of Three Armed Suspects
- b) Letter of Appreciation from Lieutenant David Daniels, Unit Commander for Macomb County’s Sheriff Department’s Auto Theft Squad, Commending the Troy Police Department for their Efforts in the Apprehension of a LFA Ring

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

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**N-5 Communication: State of Michigan-Notice of Hearing for the Electric Customers of the Detroit Edison Company–Case No. U-16434**

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**N-6 Memorandum: Enbridge Oil Spill, Marshall Michigan Reimbursement**

---

**N-7 Memorandum: Salary/Fringe Benefit Costs for the Positions of City Manager, City Attorney and All Department Directors**

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**N-8 Memorandum: Police Grants Report**

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**N-9 Memorandum: Closure Plan for Troy Public Library**

**O. STUDY ITEMS**

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**O-1 Goals and Objectives**

**P. CLOSED SESSION:**

**P-1 No Closed Session Requested**

**Q. ADJOURNMENT**

Respectfully submitted,



John Szerlag, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**Industrial Development District (IDD)/Industrial Facilities Exemption Certificate (IFEC):**

Monday, December 6, 2010 – Silk Route Global, LLC. (950 Stephenson)

Monday, December 6, 2010 – P3 North America, Inc. (1957 Crooks, Suite B)

**SCHEDULED CITY COUNCIL MEETINGS:**

- Monday, December 6, 2010 ..... Regular Meeting
- Monday, December 13, 2010 ..... Regular Meeting
- Monday, December 20, 2010 ..... Regular Meeting
- Monday, January 10, 2011 ..... Regular Meeting
- Monday, January 24, 2011 ..... Regular Meeting
- Monday, January 31, 2011 ..... Regular Meeting
- Monday, February 7, 2011 ..... Regular Meeting
- Monday, February 21, 2011 ..... Regular Meeting
- Monday, February 28, 2011 ..... Regular Meeting

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

- Monday, January 17, 2011 @ 6:00 PM.....Special Meeting
- Monday, January 24, 2011 after Regular Meeting .....Special Meeting



## CITY COUNCIL REPORT

Date: November 16, 2010

To: John Szerlag, City Manager

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

Subject: Response to James Savage Comments  
 No Stopping, Standing, Parking Signs on Big Beaver, Livernois to Rochester

Mr. Savage stated during public comment at the November 15, 2010 City Council meeting that "I have driven along Big Beaver for over 30 years and I have never, ever seen one car parked on that stretch" [Rochester to Livernois]. Mr. Savage continued on by stating "I was driving along there the other day and what do I see but No Parking, Stopping, Standing signs". "Why it seems necessary after all these years that we can find the money to put up these No Parking signs"? "I just see this as another waste of taxpayer money". "We did not need No Parking signs for all those years and obviously we don't need them now". "

Staff was directed to review these concerns and provides the following information:

1. By Traffic Control Order P 63-20-70, Big Beaver Road between Adams Road and Dequindre Road: "No Stopping, Standing or Parking at any time within the right-of-way on either side of Big Beaver Road between Adams Road and Dequindre Road". (copy attached)
  - a. This order becomes effective when signs giving notice of same have been erected.
  - b. This was signed by the Michigan State Police on February 20, 1970 and by the Board of Road Commissioners on May 4, 1970.
    - i. Traffic Control Orders (TCO) on County Roads are approved jointly by the Michigan State Police and County.
2. As current staff was not present in 1970, we can only assume that "No Stopping, Standing, Parking" signs were erected in accordance with the TCO back in 1970 and carried through various projects to today.
3. The most recent project completed on the stretch in question was the widening and reconstruction of Big Beaver, from I-75 to Rochester in 2001. Attached are the "Permanent Signing and Pavement Marking" sheets from the final plan set that delineate "No Stopping, Standing, Parking" sign locations along both sides of Big Beaver to be installed as part of the project.
4. The city also maintains digital video of our major roads from 2003 and 2007. A random location was selected to compare the 2001 plans to what existed in 2003 and 2007 for the sake of determining if No Stopping, Standing, Parking signs are in place. As you will see at 215 E. Big Beaver, between Talbot and Helena on the north side of Big Beaver, a sign was proposed as part of the 2001 project, is in place in the 2003 video as well as in the 2007 video. Additionally, a picture at the same location was taken on November 16, 2010 and the same sign in the same location is still standing.
5. Contact was made with Troy DPW as well as the Road Commission for Oakland County (RCOC) and neither agency has installed any new No Stopping, Standing, Parking signs along this stretch of Big Beaver recently.

Please advise if any additional information may be needed.

STATE OF MICHIGAN



TRAFFIC CONTROL ORDER  
CONTROLLING PARKING ON COUNTY HIGHWAYS

TRAFFIC CONTROL ORDER NO. P 63-20-70

Pursuant to Act 300, P. A. 1949, as amended, we have jointly caused an engineering survey to be made with respect to County Road BIG BEAVER ROAD in the City of Troy in Oakland County, and being of the opinion, as determined by said engineering survey, that stopping, standing or parking on said highway is dangerous to those using the highway and would unduly interfere with the free movement of traffic, hereby direct the Oakland County Road Commission to erect and maintain official signs, prohibiting or restricting the stopping, standing or parking of vehicles in conformity with the Michigan Manual of Uniform Traffic Control Devices, which give notice of the following prohibition or restriction:

No Stopping, Standing or Parking at any time within the right-of-way on either side of BIG BEAVER ROAD between Adams Road and Dequindre Road.

Any Traffic Control Orders heretofore made with respect to the foregoing are hereby rescinded and superseded: Traffic Control Order Nos. P 63-42-65, dated 3-1-65; and  
P 63-343-65, dated 10-15-65.

This Order becomes effective when signs giving notice of same have been erected

Fredrick E. Davids  
Director, Department of State Police

Board of County Road Commissioners  
of Oakland County

John L. Lamerson  
Paul M. Green  
Roger W. Stoney

Date February 20, 1970

Date 5-4-70

- R1-1-30 STOP SIGN
- R6-1-36R ONE WAY
- R6-1-36L ONE WAY
- R7-14-12 N.S.S.P.
- R5-1-30 DO NOT ENTER
- R3-2-24 NO LEFT TURN
- R3-7-30R R.L.M.T.R.
- R3-7-30L L.L.M.T.L.
- R4-7-24(R) KEEP RIGHT
- D3-1-36 STREET SIGN
- R3-8-30 LANE USE
- R2-1-24(45) SPEED LIMIT
- R3-3-24 NO TURNS
- D3-2-48 ADVANCE ROAD

4" WHITE  
COLD PLASTIC PAVEMENT MARKINGS

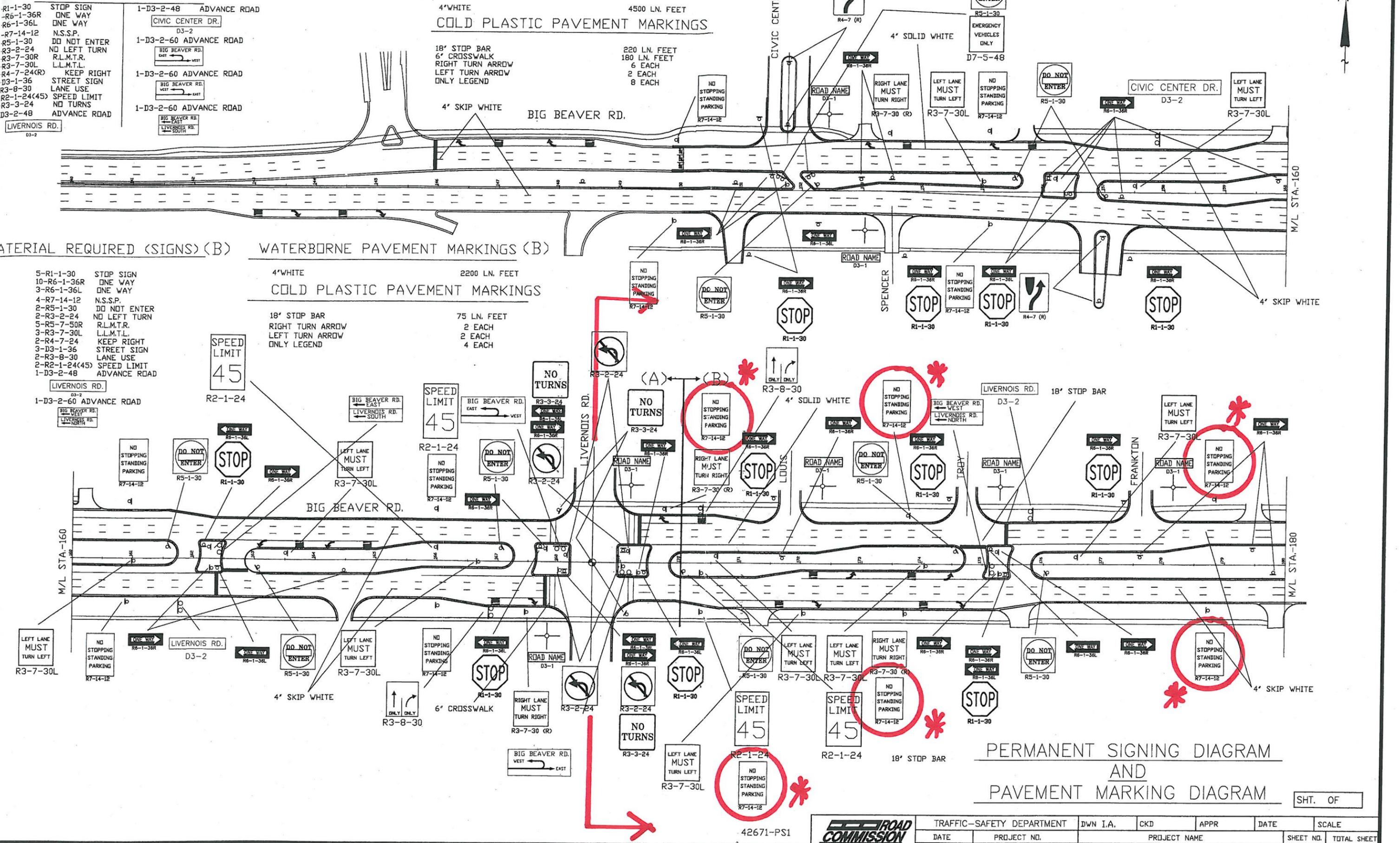
- 18' STOP BAR
- 6" CROSSWALK
- RIGHT TURN ARROW
- LEFT TURN ARROW
- ONLY LEGEND

ATERIAL REQUIRED (SIGNS) (B)

- 5-R1-1-30 STOP SIGN
- 10-R6-1-36R ONE WAY
- 3-R6-1-36L ONE WAY
- 4-R7-14-12 N.S.S.P.
- 2-R5-1-30 DO NOT ENTER
- 2-R3-2-24 NO LEFT TURN
- 5-R5-7-50R R.L.M.T.R.
- 3-R3-7-30L L.L.M.T.L.
- 2-R4-7-24 KEEP RIGHT
- 3-D3-1-36 STREET SIGN
- 2-R3-8-30 LANE USE
- 2-R2-1-24(45) SPEED LIMIT
- 1-D3-2-48 ADVANCE ROAD

WATERBORNE PAVEMENT MARKINGS (B)

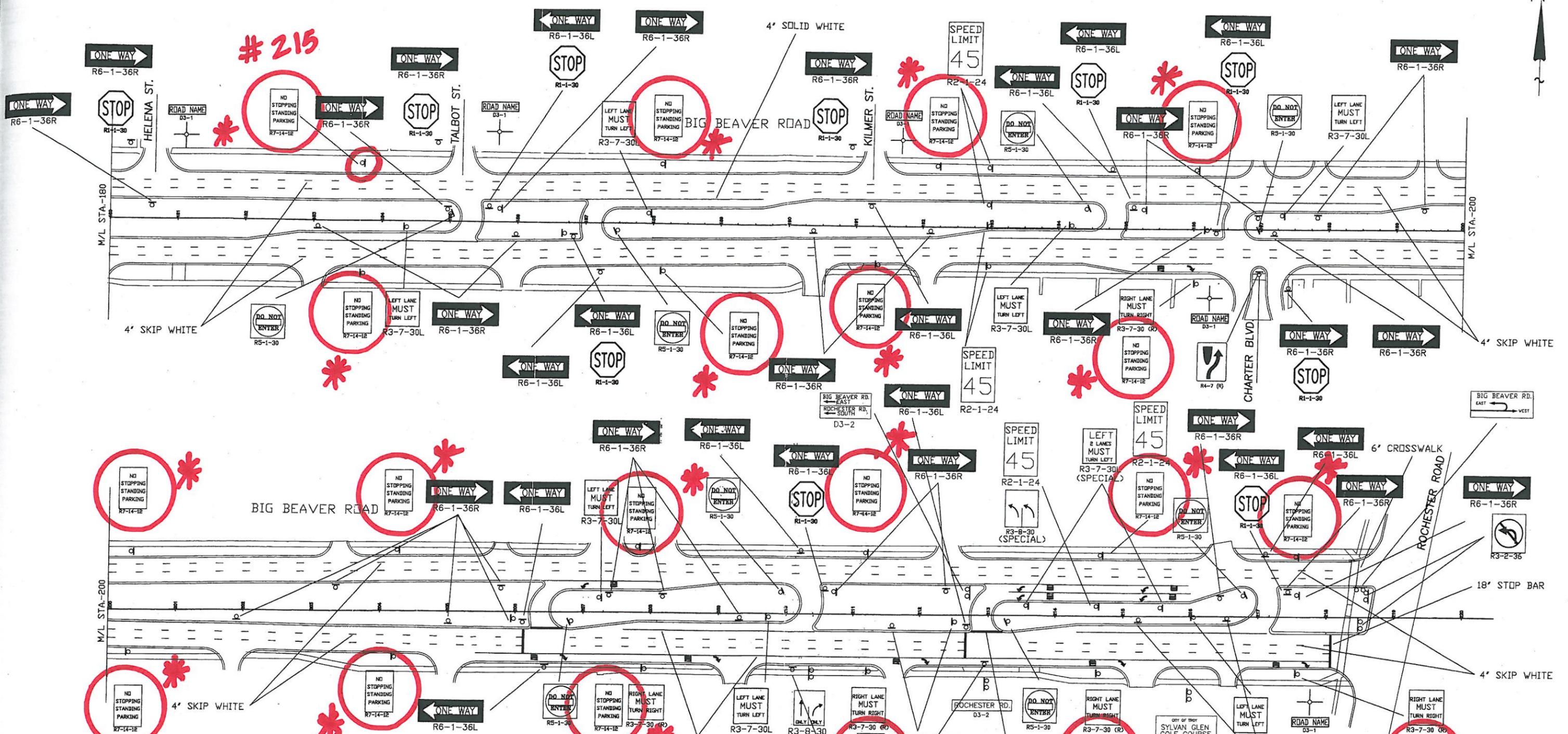
- 4" WHITE
- 2200 LN. FEET
- COLD PLASTIC PAVEMENT MARKINGS
- 18' STOP BAR
- RIGHT TURN ARROW
- LEFT TURN ARROW
- ONLY LEGEND



PERMANENT SIGNING DIAGRAM  
AND  
PAVEMENT MARKING DIAGRAM

SHT. OF

ROAD COMMISSION OAKLAND COUNTY	TRAFFIC-SAFETY DEPARTMENT		DWN I.A.	CKD	APPR	DATE	SCALE
	DATE	PROJECT NO.	PROJECT NAME		SHEET NO.	TOTAL SHEET	
	7-1-00	42671	BIG BEAVER ROAD		166	197	



MATERIAL REQUIRED (SIGNS) (B)

WATERBORNE PAVEMENT MARKINGS (B) 4" SOLID WHITE 7450 LN. FEET

COLD PLASTIC PAVEMENT MARKINGS

- 11-R1-1-30 STOP SIGN
- 34-R6-1-36R ONE WAY
- 14-R6-1-36L ONE WAY
- 20-R7-14-12 N.S.S.P.
- 8-R5-1-30 DO NOT ENTER
- 2-R3-2-36 NO LEFT TURN
- 5-R3-7-30R R.L.M.T.R.
- 7-R3-7-30L L.L.M.T.L.
- 2-R3-7-30L(SPEC.) L.L.M.T.L.
- 1-R4-7-24 KEEP RIGHT
- 5-D3-1-36 STREET SIGN
- 1-R3-8-30 (SPEC.) LANE USE
- 1-R3-8-30 LANE USE
- 6-R2-1-24(45) SPEED LIMIT
- 1-D3-2-48 ADVANCE ROAD [ROCHESTER RD.]
- 1-D7-2-48 PARK SIGN [SYLVAN GLEN GOLF COURSE]
- 1-D3-2-48 [BIG BEAVER RD. EAST]
- 1-D3-2-48 [ROCHESTER RD.]
- 1-D3-2-48 [BIG BEAVER RD. EAST]

- 18' STOP BAR 195 LN. FEET
- 6' CROSSWALK 170 LN. FEET
- RIGHT TURN ARROW 6 EACH
- LEFT TURN ARROW 5 EACH
- ONLY LEGENDS 11 EACH

\* 20 - NO S,S,P signs

PERMANENT SIGNING DIAGRAM AND PAVEMENT MARKING DIADRAM

TRAFFIC-SAFETY DEPARTMENT		DWN I.A.	CKD	APPR	DATE	SCALE
DATE	PROJECT NO.	PROJECT NAME		SHEET NO.	TOTAL SHEET	
01-19-01	42671	BIG BEAVER ROAD		167	197	

REV. 8/2/96

42671-PS2



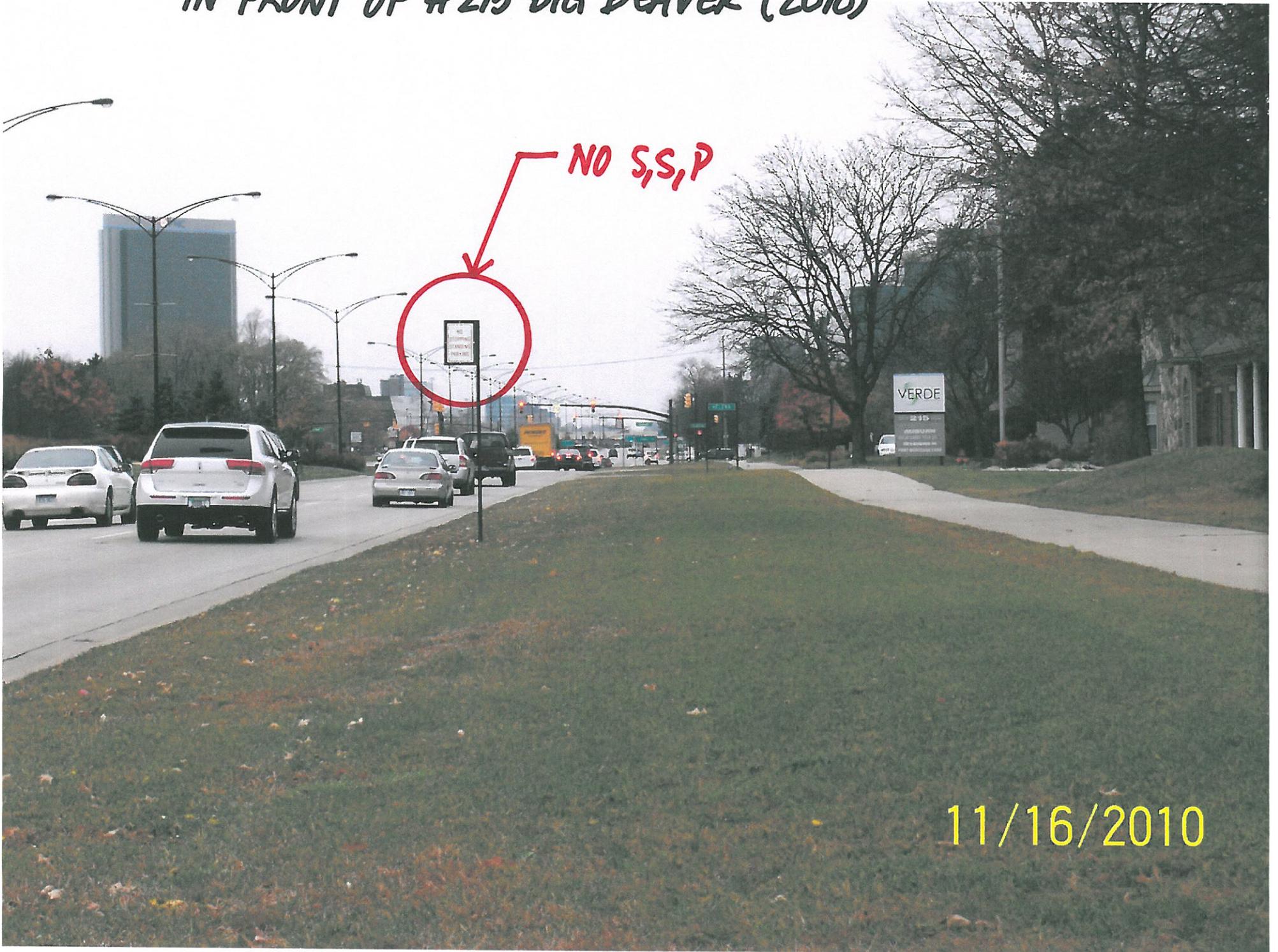
# IN FRONT OF #215 BIG BEAVER (2003)



# IN FRONT OF #215 BIG BEAVER (2007)



IN FRONT OF #215 BIG BEAVER (2010)



11/16/2010

*TROY NATURE SOCIETY  
6685 Coolidge Highway  
Troy, MI 48098*

Mr. John Lamerato  
Assistant City Manager  
500 W. Big Beaver  
Troy, Michigan 48084

Subject: Startup Seed Money Request

The Troy Nature Society is in its pursuit of becoming a Michigan Non-Profit Tax Exempt Corporation and assuming operational control of the Lloyd A. Stage Nature Center on 1 July 2011. We are continuing to incur one time costs in the development of the new corporation. The Board of Directors respectfully requests seed money in the amount of \$20,000.00 to assist in the start-up costs to form the necessary organization to enable us to accomplish our goal of operating the Nature Center.

The chart below is a breakdown of the start-up costs that we have incurred and expect to spend prior to 30 June 2011.

The Troy Nature Society Board of Directors has incurred outstanding debts that amount to \$1800 to support the timely financial needs in its growth.

Thank you for your support.

John Ragan  
Board of Directors, President  
Troy Nature Society

Consultant Fees		
Program Development		\$2500
Document programs to be staffed for 1 July to 31 December 2011		
Create material purchase and vendor lists for each program		
Create contractor job descriptions and skill requirements		
General Management Consultant		\$8000
Develop Paid Staffing Requirements and Management Plan		
Develop Master Launch/Critical Path Schedule		
Develop Volunteer Requirements and Staffing Plan		
Permit Consultant		\$2000
List permits required and process to transfer responsibility to TNS		
Grant Writer		\$2000
Needed to increase program funding and operational costs		
Printing, Advertising, and Mail		\$3000
Fundraising Materials and Mailings		
Program/Fundraising Advertising		
Postage to Support Operations		
Filing Fees		\$1000
Michigan State Incorporation Fee – Filed in May 2010		
IRS 501(c)(3) Application Fee – Filed in August 2010		
Legal Fees		\$1000
For City Agreement Review		
Other Office Supplies		<u>\$500</u>
	Sum	\$20000

**Troy Nature Society Start Up Cost Plan.**



## CITY COUNCIL ACTION REPORT

DATE: November 18, 2010

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
William Nelson, Fire Chief  
Peggy E. Sears, Human Resources Director

SUBJECT: **AGENDA ITEM** – Ratification of Contract Extension and Early Retirement Incentive Program – Troy Fire Staff Officers Association (TFSOA) 2011-2014

### RECOMMENDATION

City management supports and recommends approval of the tentative agreement between the City of Troy and the Troy Fire Staff Officers Association for an extension of the collective bargaining agreement from June 30, 2011 to June 30, 2014 with the following exceptions: cost-saving changes to health insurance, elimination of longevity for all employees, and offering an early retirement incentive program. Additionally, the equivalent of a 5% wage decrease in the form of unpaid furlough days will continue through the period of the contract extension.

### BACKGROUND

On June 15, 2009, the City Council approved a tentative agreement between the City of Troy and TFSOA to extend the current collective bargaining agreement from June 30, 2010 to June 30, 2011. Six months later the union agreed to open their contract for the purpose of investigating options for employee concessions; in December, 2009, the union agreed to the equivalent of a 5% wage decrease in the form of mandatory furlough time for the duration of the contract extension. This agreement was contingent on the passing of the millage election in February 2010.

As you are aware, the millage election failed. However, on March 11, 2010, the TFSOA agreed to continue the mandatory unpaid furlough days through the period of the contract extension until June 30, 2011, and further agreed that the issue of health insurance coverage may be subject to further negotiations. Health insurance changes were

subsequently negotiated, and on October 19, 2010 the TFSSOA signed a tentative agreement (copy attached) that incorporated cost-saving changes to health insurance, as well as eliminated longevity pay for all TFSSOA members who had been previously eligible to receive it. This agreement represents a reduction in costs of 16% of base pay.

The last component of the tentative agreement is the offering of an Early Retirement Incentive Program. A description of the program recommended by city administration is attached. Generally, two options would be offered: a cash incentive of \$1,000 per complete year of credited retirement service with the City of Troy, or the option to convert from a Defined Contribution Pension Plan to a Defined Benefit Pension Plan. This Early Retirement Incentive Program must be cost neutral. The DC to DB Program would be funded directly from the members' DC accounts. The cost associated with the cash incentive program will be covered by the department. In the attached letter, actuary Brad Armstrong, Gabriel Roeder Smith & Company, further discusses this issue.

PES/JML/bjm

Attachments

## TENTATIVE AGREEMENT

2010 Contract Negotiations  
City of Troy and TFSOA

The City of Troy and the Troy Fire Staff Officers Association (TFSOA), hereby agree that all terms and conditions of the 2006-2009, which was extended to June 30, 2011, will be further extended until June 30, 2014 but with the following conditions:

1. Increases pertaining to certification enhancements will continue pursuant to the contract provisions
2. For all employees, the current health insurance plan will be replaced with Blue Cross Community Blue Plan 1 (Modified) to include:
  - a. \$10/40 drug rider with mandatory generic, step therapy and prior authorization.
  - b. \$30 office visit co-pay
  - c. \$50 emergency room co-pay (waived if admitted to hospital)
  - d. \$250/500 Basic deductible
  - e. preventive care coverage with \$1000 max
  - f. \$30 co-pay for chiropractic visits
3. HMO coverage would include:
  - a. \$10/40 drug rider with mandatory generic, step therapy, and prior authorization
  - b. \$30 office visit co-pay
  - c. \$50 emergency room co-pay (waived if admitted to hospital)
4. For employees currently receiving 'cash-in-lieu' for opting out of city health insurance, the cash-in-lieu payment will be \$200/mo.
5. Employee co-pay for health insurance shall be 5% of the total premium cost for medical insurance and shall be paid by means of a payroll deduction.
6. Each member will continue to use mandatory furlough time in the amount of 104 hours between July 1 and June 30 for each year of the contract extension.
7. Effective January 2, 2011, longevity pay is eliminated.
8. The early retirement incentive plan (consisting of two options: cash incentive of \$1000 per year of service or DC conversion to DB) will be offered to eligible members as soon as feasible.

FOR THE UNION:

  
\_\_\_\_\_  
  
\_\_\_\_\_

FOR THE CITY:

  
\_\_\_\_\_  
  
\_\_\_\_\_

Date:

11/02/10

Date:

11/2/10

TFSOA NEGOTIATIONS 2010  
 PROPOSED SETTLEMENT SAVINGS  
 (As % of Payroll)

<u>ISSUE</u>	<u>ANNUAL SAVINGS</u>	
<b>Furlough Time</b>	\$47,494	
<b>Replace PPO Health Insur. w/Community Blue</b>	\$57,530	
<b>Eliminate All Remaining Longevity effect. Jan., 2011</b>	\$25,156	
Total Annual Savings	<u>\$130,180</u>	
Savings as Percent of Base Pay + Rollups [Pension, Work. Comp., FICA] (\$949,870)		13.7%
Savings as Percent of Base Pay Only (\$767,784)		16.96%

## **EARLY RETIREMENT INCENTIVE PROGRAM 2010**

### **PROGRAM DESCRIPTION:**

The City of Troy is implementing an Early Retirement Incentive Program (ERIP) in the form of two options, a cash incentive or a DC to DB conversion, in order to reduce personnel costs to accommodate budget constraints. The Program is being offered to eligible employees if the employee signs a Letter of Understanding with the City of Troy and, in the case of a union employee, that union agrees to the terms and conditions of the Program. Participation in the Program is entirely voluntary. Interested eligible employees in either the DB Pension Plan or the DC Pension Plan may elect to participate, but can only select one of the available options. Participating employees must retire on or before the date specified in the Plan.

### **INCENTIVE OPTIONS:**

#### Cash Incentive

Eligible employees in either the Defined Benefit or Defined Contribution Pension Plan may elect to receive a cash incentive that is equal to \$1,000 for each actual complete year of credited service with the City of Troy as of December 31, 2010. The cash incentive will be issued not later than three weeks after the employees' designated retirement date. The number of years for which the cash incentive is made shall not include years of service granted for prior government service from an employer other than the City of Troy.

For those employees participating in the Defined Benefit Pension Plan, the incentive will not be included in any computation of Final Average Compensation (FAC) under any provisions of the Retirement System.

For those employees participating in the Defined Contribution Pension Plan, the employee and the City of Troy will each contribute their appropriate percentage to the plan.

#### DC to DB Conversion

Eligible employees in the Defined Contribution Pension Plan may elect to transfer their total accumulated balance (including all employee contributions and interest thereon) to the City of Troy Employees Retirement System-Defined Benefit Plan. Their pension will be based solely on the value of their accumulated DC account balance at the date of transfer as determined by the Retirement System's actuary.

### **GENERAL CONDITIONS:**

Employees who are eligible to participate in the Early Retirement Incentive Program will be sent notification upon approval of the program by City Council. The notice will include the Early Retirement Incentive Program Voluntary Resignation Agreement and Release of Claims form, a Receipt form and a Waiver of Review Period form. Employees will have 45 days in which to

consider the Release in order to seek counsel regarding their rights. If the employee chooses to waive the 45-day review period, he/she must submit the signed Waiver. Employees who elect to participate in the Program must submit the signed Release not later than January 13, 2011 and will have seven (7) days after signing to revoke their decision. Retirement must occur not later than February 22, 2011.

**ELIGIBILITY REQUIREMENTS:**

The Program will be available to TFSOA employees who meet the age and service requirements for normal or early retirement as of December 31, 2010 or are within five years of eligibility, as defined by the Employee Retirement System Ordinance or by the respective collective bargaining agreement. These eligibility requirements are as follows:

<p><b><u>GROUP A</u></b> <b><i>Regular Retirement</i></b></p> <p>25 years of service regardless of age; or Age 60 with 10 years of service</p> <p><b><i>Early Retirement</i></b> Age 55 with 10 years of service</p> <p><b><u>GROUP B</u></b> Those within five (5) years of eligibility as stated above</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**EFFECTIVE DATES:**

Window Period (45-days):	November 29, 2010 through January 13, 2011
Revocation Period Ends (7 days):	January 20, 2011
Retirement Not Later Than:	February 22, 2011



October 1, 2010

Mr. John Lamerato  
Assistant City Manager-Finance  
City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

**Re: Miscellaneous Issues Regarding the Proposed Early Retirement Incentive Program**

John:

This letter addresses two issues regarding the proposed Early Retirement Incentive Program currently under consideration by the City of Troy. The two issues and our responses follow:

1. Is there any cost to the Retirement System for allowing members with Defined Contribution account balances to transfer the account into the Retirement System in order to receive an annuity from the System?

Required contributions to the Retirement System will be unaffected initially by the transfer of DC balances under the ERIP. That is because the annuity that will be provided to these individuals will be determined using the same actuarial assumptions used for the valuation of the System. Once the transfers are made however, the Retirement System will bear the risks of investment performance and mortality. In other words, if investment performance is worse than expected or these individuals live longer than expected, there will be additional costs to the Retirement System resulting from these transfers. Of course, this also works in the other direction should investment performance exceed expectations or transferring members die earlier than expected.

2. Would there be any cost to the Retirement System due to the retirement of Keith Lenderman under the ERIP?

Mr. John Lamerato  
October 1, 2010  
Page 2

Mr. Lenderman is already eligible for an unreduced annuity from the Retirement System. Therefore, the ERIP would not provide an increased monthly benefit. However, if Mr. Lenderman retires sooner than he otherwise would due to other incentives provided by the ERIP (paid with assets outside of the Retirement System), the value of his Retirement System annuity could be greater than if he retired later. Although, this should be considered in conjunction with projected payroll savings that may occur subsequent to his departure. This is true with respect to retiree health benefits as well. For actuarial valuation purposes, it is assumed that active members who are 60 or older will retire immediately. Therefore, since Mr. Lenderman will be turning 60 shortly, his immediate retirement would not create an actuarial loss (unexpected increase in liability) since it is already assumed he will retire in the near future.

If you have any questions or comments, please contact us.

Respectfully submitted,

  
Brad Lee Armstrong

BLA:sc



## CITY COUNCIL AGENDA ITEM

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Date: November 17, 2010

To: Mayor and Members of Troy City Council

From: John Szerlag, City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

Subject: Declaratory Action

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On Tuesday, November 9, 2010, the City Clerk's office received a petition filing from Mr. Edward Kempen. This petition has not yet been formally presented to the Troy City Council, since the City Clerk's verification has not yet been completed. However, once such a petition is formally submitted, City Council has thirty days to take Charter mandated action. As a result, time is of the essence should Council desire to file a declaratory action lawsuit, seeking procedural clarity.

Under Charter Section 5.12, the City Council shall, within thirty days, proceed as indicated: "(a) Adopt the ordinance as submitted by an initiatory petition"; ((b) pertains to repeal and is not applicable to the petition at hand) or "(c) Determine to submit the proposal provided for in the petition to the electors." The initiative petition states: *"Addition to the Troy City Ordinance: In order to assure access to quality local library service, the City of Troy shall operate and maintain a public library open to the public for not less than 55 hours each week."*

The Kempen petition contains an administrative initiative ordinance proposal, as opposed to a legislative initiative. This is significant, since compliance with this ordinance would mandate an amendment to the City Council adopted budget. City Council may choose to amend the budget as an administrative right and responsibility whenever Council believes an amendment is needed. Historically, Council has amended their adopted budget annually as situations warrant. This administrative function is available to Council, even if this petition were not filed. Should Council desire to readdress their budgetary priorities and provide for library service, at the funding levels and at the service levels as determined by the Troy City Council, Council, by an affirmative majority vote, may amend the budget. Under Troy's Charter, Section 8.2, City Council is charged with the responsibility to adopt the budget, setting the funding priorities and also setting the millage for the next fiscal year, which must be within the limitations of the Charter and State law.

Unlike the November 2, 2010 defeated independent library proposal(s), which contained dedicated maximum millage options, the Kempen petition is vague and incomplete, and does not provide any funding. If approved, the ordinance would be unsustainable and would circumvent the City Council administrative budgetary process, and could also be in conflict with other provisions of City Charter and State law. As a result, the receipt of this petition raises several complications for City Council. Therefore, City Council may wish to obtain procedural clarity from the Court, which would be binding. This can be expedited through the filing a declaratory action lawsuit, where a stay of proceedings could also be requested. It is possible that if such a lawsuit was authorized, that a Court decision could be rendered prior to the expiration of the thirty day time period, as provided in Section 5.12.

A proposed resolution, authorizing a declaratory action lawsuit, is proposed for your consideration. In the alternative, after receipt of the petitions, City Council can adopt one of the two Charter mandates.

Pastor Talitha Pennington of Community of Christ – Troy Oaks Church gave the Invocation. The Pledge of Allegiance to the Flag was given.

## A. CALL TO ORDER:

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

## B. ROLL CALL:

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

## C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

### C-1 Certificates of Recognition and Special Presentations Scheduled

- a) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to Pam Brady recognizing the America Recycles 2010 *“It All Comes Back to You”* program.

## D. CARRYOVER ITEMS:

### D-1 No Carryover Items

## E. PUBLIC HEARINGS:

### E-1 No Public Hearings Scheduled

## F. PUBLIC COMMENT:

- Janice Daniels:** Spoke in opposition of salaries & benefits paid to City Management; spoke in support of allocating funding for the library.
- Audre Zembrzuski:** Spoke in opposition of a City Council member’s behavior at the November 8, 2010 City Council Meeting; requested more detailed information regarding agenda item N-7 *Additional Information on Streamlining Boards and Committees*.
- Tony Haddad:** Requested a formal investigation regarding the appearance of the Chief of Police in a candidate’s political advertisement.
- Ernest Smith:** Read formal written statements from neighbors affected by agenda item I-5 *Windmill Pointe Subdivision Public Walkway*; opposed to the construction of a concrete sidewalk.
- Tim Koerner:** Raised concerns regarding the operation of the library; spoke in support of keeping the library open.
- John Wells: Troy Chamber of Commerce** Troy resident and business owner asked that the city provide the public with factual information during the current declining economic

- Member conditions.
- Richard Peters:** Thanked the City’s EMS for their recent assistance; discussed various other topics.
- James Savage:** Opposed to Downtown Development Authority’s spending of tax payer dollars on various projects; opposed to payments made to consultants.
- Linda Kajma:** Supports current City Council; spoke in opposition of *Troy Citizens United*.
- Kelly Jones:** Supports the construction of a concrete sidewalk under agenda item I-5 *Windmill Pointe Subdivision Public Walkway*.
- Kelly Gross:** Supports the construction of a concrete sidewalk under agenda item I-5 *Windmill Pointe Subdivision Public Walkway*.
- Sharon MacDonell:** Spoke in opposition of tax fighters and *Troy Citizens United*; spoke in support of providing accurate information.
- Ellen Hodorek:** Spoke in support City Council and concerned about the challenges facing them; spoke in opposition of *Troy Citizens United*.
- Brad Kellman:** Spoke in support of increasing taxes if that is what the voters want to do to keep the library open.

## G. RESPONSE / REPLY TO PUBLIC COMMENT

## H. POSTPONED ITEMS:

### H-1 Scheduling of a Special City Council Meeting – Purpose of Revising 2011/Future Budget – Referred by City Council Member Fleming at the Monday, November 8, 2010 Regular Meeting

#### Pending Resolution

Resolution

Moved by Fleming

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting on Monday, November 22, 2010 following the Regular Meeting, in the Council Boardroom of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of revising the 2011 budget and future year’s budgets priorities.

### Vote on Resolution to Amend Resolution to Schedule a Special City Council Meeting

Resolution

Moved by Fleming

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Schedule a Special Meeting* by **STRIKING** “November 22, 2010” and **INSERTING** “January 24, 2011”.

**Vote on Resolution to Amend Resolution to Schedule a Special City Council Meeting**

Resolution #2010-11-251  
Moved by Kerwin  
Seconded by Schilling

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Schedule a Special Meeting* by **STRIKING** “revising” and **INSERTING** “reviewing”.

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

**MOTION FAILED**

**Vote on Resolution to Amend Resolution to Schedule a Special City Council Meeting**

Resolution #2010-11-252  
Moved by Fleming  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Schedule a Special Meeting* by **STRIKING** “November 22, 2010” and **INSERTING** “January 24, 2011”.

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

**MOTION CARRIED**

**Vote on Resolution to Schedule a Special City Council Meeting as Amended**

Resolution #2010-11-253  
Moved by Fleming  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting on Monday, January 24, 2011 following the Regular Meeting, in the Council Boardroom of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of revising the 2011 budget and future year's budgets priorities.

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

**MOTION CARRIED**

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

Resolution #2010-11-254  
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: Howrylak, Kerwin, McGinnis, Slater, Schilling, Beltramini, Fleming  
No: None

**MOTION CARRIED**

**Vote on Resolution to Schedule a Special Meeting**

Resolution #2010-11-255  
Moved by Schilling  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting for Monday, January 17, 2011 at 6:00 PM in the Council Boardroom for the purpose of reviewing the *ICMA Report*.

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

**MOTION CARRIED**

**I. REGULAR BUSINESS:**

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

- a) **Mayoral Appointments: None Scheduled**
- b) **City Council Appointments/Confirmation: None Scheduled**

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

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**I-3 Scheduling of Closed Session**

Resolution #2010-11-256  
Moved by Howrylak  
Seconded by McGinnis

**Reconsidered:  
Resolution #2010-11-260**

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session as permitted by MCL 15.268 (c), Strategy for Labor Negotiations.

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

**MOTION FAILED**

**Vote on Resolution to Schedule a Closed Session**

Resolution #2010-11-257  
Moved by Schilling  
Seconded by Slater

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session as permitted by MCL 15.268 (h) - MCL 15.243 - Attorney Client Communication.

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

**MOTION CARRIED**

---

**I-4 Museum Operations Grant FY 2010/11 Budget Amendment**

Resolution #2010-11-258  
Moved by Kerwin  
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ACCEPTS** the Kresge Foundation's *Detroit Arts Support* grant in the amount of \$40,000.00 awarded to the Troy Museum and Historic Village; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ALLOCATES** the first payment of \$20,000.00, for the period of August 1, 2010 through July 31, 2011, to Museum operations to restore services eliminated through recent budget cuts.

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

**MOTION CARRIED**

**Vote on Resolution to Reconsider Failed Motion to Schedule a Closed Session**

Resolution #2010-11-259  
Moved by Beltramini  
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2010-11-256 to *Schedule a Closed Session*.

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

**MOTION CARRIED**

**Vote on Reconsidered Resolution #2010-11-256 to Schedule a Closed Session**

Resolution #2010-11-260  
Moved by Howrylak  
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session as permitted by MCL 15.268 (c), Strategy for Labor Negotiations.

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

**MOTION CARRIED**

---

**I-5 Windmill Pointe Subdivision Public Walkway**

Resolution #2010-11-261  
Moved by Schilling  
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AUTHORIZES** the construction of a concrete sidewalk and split rail fence connecting Renshaw Drive and Hill Elementary School, which abuts lots 108, 109 and 110 of Windmill Pointe Subdivision.

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

**MOTION CARRIED**

The meeting **RECESSED** at 9:10 PM

The meeting **RECONVENED** at 9:20 PM

**J. CONSENT AGENDA:**

---

**J-1a Approval of “I” Items NOT Removed for Discussion**

Resolution #2010-11-262  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item J-4, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

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

**MOTION CARRIED**

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**J-2 Approval of City Council Minutes**

Resolution #2010-11-262-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of November 8, 2010 as submitted.

---

**J-3 City of Troy Proclamation:**

Resolution #2010-11-262-J-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamation: American Recycles 2010 *“It All Comes Back to You.”*

---

**J-5 Approval of Kitchen Use Agreement – Emerald Food Service, LLC**

Resolution #2010-11-262-J-5

WHEREAS, Emerald Food Service, LLC is the provider of senior citizen nutritional services in contract with the Area Agency on Aging 1-B; and

WHEREAS, The City of Troy has agreed to allow use of the kitchen at the Community Center for the purpose of preparing these meals;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the *Kitchen Use Agreement*, and

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

---

**J-6 City of Troy v. Ida Rudack Trust**

Resolution #2010-11-262-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v. Ida Rudack Trust* (Oakland County Circuit Court Case No. 09-097974-CC) as placed on the table; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney’s office to **EXECUTE** the document on behalf of the City of Troy; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

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**J-4 Standard Purchasing Resolution:**

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

Resolution #2010-11-263  
Moved by Kerwin  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase six (6) 2011 Ford Crown Victoria’s from Signature Ford of Owosso, MI, through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$126,822.00.

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

**MOTION CARRIED**

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings:**

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

- a) Troy Nature Society – Startup Seed Money Request  
Noted and Filed

**L. COUNCIL REFERRALS:**

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

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**L-1 No Council Referrals Advanced**

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**M. COUNCIL COMMENTS**

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**M-1 Council Comments Advanced:**

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Mayor Schilling reported that she attended the ribbon cutting ceremony for P3 North America, Inc. and discussed how maintaining confidentiality while collaborating with the different automotive entities contributed to their success and growth.

Council Member Beltramini asked City Management to determine if there is an alternative for recycling newspapers. Council Member Beltramini is concerned about lost revenue due to newspapers being removed from the recycling bins before the garbage carrier can pick them up.

Council Member Kerwin asked when Council can expect to receive information clarifying employee salaries and benefit packages in response to questions raised by the public.

City Manager Szerlag responded that a memorandum will be provided to City Council in the November 22, 2010 agenda packet.

## **N. REPORTS**

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### **N-1 Minutes – Boards and Committees:**

- a) Advisory Committee for Senior Citizens-Final – September 2, 2010
- b) Library Advisory Board-Final – September 9, 2010
- c) Troy Youth Assistance-Final – September 16, 2010
- d) Planning Commission-Special/Study-Draft – October 26, 2010
- e) Advisory Committee for Senior Citizens-Draft – November 4, 2010

Noted and Filed

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### **N-2 Department Reports:**

- a) September 30, 2010 – Quarterly Financial Report
- b) Update of Multi-Year Budget Document
- c) Capital Projects Update
- d) Economic Development Activity Report – October 2010
- e) City of Troy Employees Retirement System *Forty-Sixth Annual Actuarial Valuation – Revised December 31, 2009* – Prepared by Gabriel Roeder Smith & Company
- f) Retirement System – *Summary Annual Report to Members – December 31, 2009*

Noted and Filed

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### **N-3 Letters of Appreciation:**

- a) Letter of Appreciation from Mary Physician to William Huotari for Responding to the Traffic Light Issue
- b) Letter of Appreciation from Pam Porter to William Huotari for Responding to the Traffic Light Issue at Butterfield and Todd
- c) Communication of Appreciation from Aaron King to the Police Department for Recent Patrols in a Subdivision Resulting in a Warrant Arrest
- d) Letters of Appreciation from Citizen's Police Academy Attendees
- e) Letter of Appreciation from Dorothy Willson to Aileen Bittner, City Clerk's Office, Regarding her Positive Experience Working as an Election Inspector for the November 2, 2010 General Election

Noted and Filed

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

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**N-5 Communication: State of Michigan-Notice of Hearing for the Electric Delivery and Supply Customers of the Detroit Edison Company–Case No. U-16472**

Noted and Filed

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**N-6 Memorandum: Receipt of Petition – Addition to the Troy City Ordinance**

Noted and Filed

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**N-7 Memorandum: Additional Information on Streamlining Boards and Committees**

Noted and Filed

**O. STUDY ITEMS**

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**O-1 No Study Items**

The meeting **RECESSED** at 9:38 PM.

The meeting **RECONVENED** at 9:46 PM.

**P. CLOSED SESSION:**

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**P-1 Strategy for Labor Negotiations and Attorney Client Communication**

**Q. ADJOURNMENT**

The meeting **ADJOURNED** at 11:02 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

**PROCLAMATION  
NATIONAL FAMILY CAREGIVERS MONTH  
NOVEMBER 2010**

**WHEREAS**, During this season of Thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a City, we are especially grateful for the love of our families and friends; and

**WHEREAS**, One of the most profound ways in which that love is expressed is through the generous support provided by **family caregivers** to loved ones who are chronically ill, elderly or disabled. **Caregivers** reflect family and community life at its best. They are among Michigan's most important natural resources; and

**WHEREAS**, The need for **family caregivers** is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer and people over 85 are a fast growing segment of our population. Family caregivers can be found in every city and town in America and it is likely that we all know at least one family caregiver; and

**WHEREAS**, **Family caregivers** deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities;

**NOW, THEREFORE, BE IT RESOLVED** That the Troy City Council does hereby proclaim **November 2010 as National Family Caregivers Month** in Troy and calls upon government officials, businesses, educators, religious leaders, volunteers and the citizens of Troy to acknowledge the invaluable efforts of caregivers this month and throughout the year; and

**BE IT FURTHER RESOLVED**, That the City Council joins the citizens of this community in appreciation and celebration of the dedication of all **Caregivers** throughout Troy and our surrounding communities.

Signed this 22<sup>nd</sup> day of November 2010.



## CITY COUNCIL AGENDA ITEM

October 11, 2010

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 3 – Exercise Renewal Option - Snow Removal Rental Equipment Including Operators

### **Background**

On November 9, 2009, Troy City Council approved contracts to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one additional season to Florence Cement Company, DiPonio Contracting, Sterling Topsoil and Grading and ABC Paving Company (Resolution #2009-11-338-F-13).

All four (4) vendors have agreed to renew their contracts under the same pricing, terms and conditions as last season.

In accordance with the City's snow plowing policy, subdivisions and local roads are plowed only when snow accumulation is four-inches or more in a single snow fall. These contractors will be utilized to assist in the City's snow plowing efforts on an as needed basis. Additionally, due to the variability of weather and fluctuating equipment availability, many companies do not bid on snow removal services. Therefore, the City hires additional contractors based upon the emergency power of the City Manager.

The Purchasing department reviewed the September 2010 bid results for similar services from the City of Warren. Compared to Warren's bid prices, Troy's prices averaged, in total, about 10% less for all equipment. Based on these results, the Purchasing department anticipates no additional value would be obtained if these services were rebid at this time.

### **Recommendation**

City management recommends renewing contracts for one (1) additional season to provide snow removal rental equipment including operators to the following vendors: Florence Cement Company and DiPonio Contracting of Shelby Township; Sterling Topsoil and Grading of Fraser; and ABC Paving Company of Trenton, at original contract prices as listed in Appendix A.

### **Fund Availability**

Funds are available in the operating budgets of the Streets Division for snow and ice control for local, major and county roads.

REVIEWED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

**APPENDIX A**

Equipment	Hourly Rate/Unit	Number of Units Company Can Provide			
		ABC Paving Company	Diponio Contracting	Sterling Topsoil and Grading	Florence Cement Company
Road Grader - 20,000 GVW	\$ 150.00			1	2
Front end Loader - 3 yd Capacity	\$ 130.00		2	1	
Front end Loader - 4 yd Capacity	\$ 135.00			1	
Front end Loader - 5 yd Capacity	\$ 140.00		2		8
Truck w/minimum 10ft Snow Plow	\$ 120.00	4			
Pick up w/minimum 8ft Blade	\$ 85.00		2		2

No Bid: Redburn's Snow Plowing & Lawn Maintenance Inc.

Withdrew: Metro Detroit Landscaping & Snow Removal

Defaulted: Metropolitan Contracting

All four company's listed were awarded a contract for snow removal rental equipment (including operators). Each company has agreed to the same pricing schedule for each piece of equipment listed. Each vendor will supply the equipment listed below their company name at the quantities stated.

AGREEMENT RENEWAL  
SNOW REMOVAL SERVICES

THIS AGREEMENT RENEWAL is entered into between the CITY OF TROY, 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter referred to as the CITY, and \_\_\_\_\_, hereinafter referred to as CONTRACTOR.

The CITY and CONTRACTOR agree to renew the Agreement – Snow Removal Services to provide snow removal services on an emergency basis as needed for a period of one (1) season as follows:

WITNESSETH:

The Agreement – for Snow Removal Services – executed November 9, 2009 entered into between the City of Troy, 500 W Big Beaver Road Troy, Michigan and \_\_\_\_\_ describe the terms and conditions of the Agreement and are incorporated as though fully set out herein.

In addition, both parties hereby mutually agree to renew the entire contract for an additional one (1) season to provide Snow Removal Services as described through April 15, 2011, unless canceled in whole or in part, by either party upon provision of sixty (60) days written notice. In the event of cancellation, City agrees to pay the Contractor monies due under this contract prior to the date of cancellation.

IN WITNESS WHEREOF, the City and Contractor have executed this Agreement on this \_\_\_ day of October 2010.

**WITNESSES:**

**CONTRACTOR**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**CITY OF TROY**

BY: \_\_\_\_\_  
Mayor Louise E. Schilling

\_\_\_\_\_  
John Szerlag, City Manager

RESOLUTION NUMBER: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

BY: \_\_\_\_\_

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

ATTEST: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

From: City of Troy Purchasing

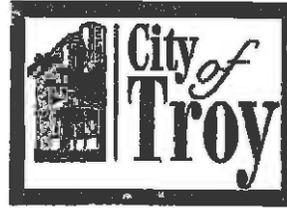
248 619 7608

09/22/2010 12:13

#028 P.001/001

500 W. Big Beaver  
Troy, MI 48064  
(248) 524-3300

The City of Tomorrow...



...Today

September 22, 2010

ATTN: Mr. Angelo S. Lanni  
Florence Cement Company  
12798 Twenty-Three Mile Road  
Shelby Township, MI 48315  
FAX: (586) 897-3966

Dear Mr. Lanni,

The City of Troy entered into contract #2010-90000011 with Florence Cement Company to provide one-season requirements of emergency snow removal with an option to renew for one additional season, which expired April 15, 2010. The City is interested to know whether Florence Cement Company will renew its contract at established prices for one additional season.

Please fax this letter back to the Purchasing Department indicating if Florence Cement Company wishes to renew this contract until April 15, 2011. The fax number is (248) 619-6708. It should be understood that this request to renew the contract agreement is subject to administrative approval and is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

Please fax this letter back to the City of Troy Purchasing Department by 4:30 p.m. on Tuesday, September 28, 2010. If you have any questions please call me at (248) 680-7291.

**CHECK ONE:**

Florence Cement Company is interested in renewing the contract under the same prices, terms, and conditions through April 15, 2011:

X [Signature] V.P.  
Signed: Authorized Company Representative

Description	Number Available	Hourly Rates
Road Grader - 20,000 GVW	2	\$150.00
Front End Loader - 5 yd Capacity	8	\$140.00
Pick up w/minimum 8ft Blade	2	\$ 65.00

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

X \_\_\_\_\_  
Signed: Authorized Company Representative

Date: \_\_\_\_\_

Thank you,  
Julie Hamilton  
Purchasing Department  
City of Troy

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From: City of Troy Purchasing

248 619 7608

09/22/2010 12:14

#029 P.001/001

500 W. Big Beaver  
Troy, MI 48064  
(248) 524-3300

The City of Tomorrow...



...Today

September 22, 2010

ATTN: Mr. Frank T. DiPonio  
Diponio Contracting LLC  
51173 Simone Industrial Drive  
Shelby Township, MI 48316  
FAX: (586) 997-4192

Dear Mr. DiPonio,

The City of Troy entered into contract #2010-90000012 with Diponio Contracting LLC to provide one-season requirements of emergency snow removal with an option to renew for one additional season, which expired April 15, 2010. The City is interested to know whether Diponio Contracting LLC will renew its contract at established prices for one additional season.

Please fax this letter back to the Purchasing Department indicating if Diponio Contracting LLC wishes to renew this contract until April 15, 2011. The fax number is (248) 619-6708. It should be understood that this request to renew the contract agreement is subject to administrative approval and is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

Please fax this letter back to the City of Troy Purchasing Department by 4:30 p.m. on Tuesday, September 28, 2010. If you have any questions please call me at (248) 680-7291.

**CHECK ONE:**

Diponio Contracting LLC is interested in renewing the contract under the same prices, terms, and conditions through April 15, 2011:

x Marcia A. Chesney  
Signed: Authorized Company Representative

Description	Number Available	Hourly Rates
Front End Loader - 3 yd Capacity	2	\$130.00
Front End Loader - 6 yd Capacity	2	\$140.00
Pick up w/minimum 8ft Blade	2	\$ 85.00

Diponio Contracting LLC is not interested in renewing the contract: (  )

X \_\_\_\_\_  
Signed: Authorized Company Representative

Date: \_\_\_\_\_

Thank you,  
Julie Hamilton  
Purchasing Department  
City of Troy

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From:City of Troy Purchasing

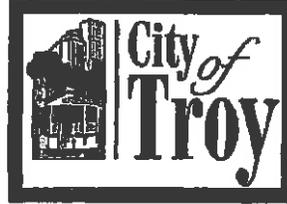
248 619 7608

09/22/2010 12:11

#026 P.001/001

500 W. Big Beaver  
Troy, MI 48064  
(248) 524-3300

The City of Tomorrow...



...Today

September 22, 2010

ATTN: Mr. Don Gerlach  
Sterling Topsoil & Grading Inc.  
PO Box 26537  
Fraser, MI 48026  
FAX: (586) 264-0310

Dear Mr. Gerlach,

The City of Troy entered into contract #2010-90000013 with Sterling Topsoil and Grading Inc. to provide one-season requirements of emergency snow removal with an option to renew for one additional season, which expired April 15, 2010. The City is interested to know whether Sterling Topsoil and Grading Inc. will renew its contract at established prices for one additional season.

Please fax this letter back to the Purchasing Department indicating if Sterling Topsoil and Grading Inc. wishes to renew this contract until April 15, 2011. The fax number is (248) 619-6708. It should be understood that this request to renew the contract agreement is subject to administrative approval and is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

Please fax this letter back to the City of Troy Purchasing Department by 4:30 p.m. on Tuesday, September 28, 2010. If you have any questions please call me at (248) 680-7291.

**CHECK ONE:**

Sterling Topsoil and Grading Inc is interested in renewing the contract under the same prices, terms, and conditions through April 15, 2011: ( )

x *Donald W. Dulock*

Signed: Authorized Company Representative

Description	Number Available	Hourly Rates
Road Grader - 20,000 GVW	1	\$150.00
Front End Loader - 3 yd Capacity	1	\$130.00
Front End Loader - 4 yd Capacity	1	\$135.00

Sterling Topsoil and Grading Inc. is not interested in renewing the contract: ( )

X \_\_\_\_\_  
Signed: Authorized Company Representative

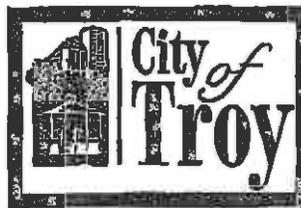
Date: 9-22-10

Thank you,  
Jule Hamilton  
Purchasing Department  
City of Troy

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500 W. Big Beaver  
Troy, MI 48064  
(248) 524-3300

The City of Tomorrow...



...Today

September 22, 2010

ATTN: Mr. Joshua R. Christman  
ABC Paving Company  
2650 Van Horn Road  
Trenton, MI 48183  
FAX: (734) 671-7847

Dear Mr. Christman,

The City of Troy entered into contract #2010-90000014 with ABC Paving Company to provide one-season requirements of emergency snow removal with an option to renew for one additional season, which expired April 15, 2010. The City is interested to know whether ABC Paving Company will renew its contract at established prices for one additional season.

Please fax this letter back to the Purchasing Department indicating if ABC Paving Company wishes to renew this contract until April 15, 2011. The fax number is (248) 619-6708. It should be understood that this request to renew the contract agreement is subject to administrative approval and is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

Please fax this letter back to the City of Troy Purchasing Department by 4:30 p.m. on Tuesday, September 28, 2010. If you have any questions please call me at (248) 680-7291.

**CHECK ONE:**

ABC Paving Company is interested in renewing the contract under the same prices, terms, and conditions through April 15, 2011: ( )

X   
Signed: Authorized Company Representative

Description	Number Available	Hourly Rates
Truck w/minimum 10ft Snow Plow	4	\$120.00

ABC Paving Company is not interested in renewing the contract: ( )

X  
Signed: Authorized Company Representative

Date: Sept. 27, 2010

Thank you,  
Julie Hamilton  
Purchasing Department  
City of Troy

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A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, July 14, 2010, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 1:05 p.m.

**Trustees Present:** Mark Calice  
Mary Kerwin  
John M. Lamerato  
William R. Need (Ex-Officio)  
Steven Pallotta  
Thomas Rosewarne  
A. John Szerlag

**Trustees Absent:** Thomas J. Gordon, II

**Also Present:** Tim McLean

### **Minutes**

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#### **Resolution # RH – 2010 – 7- 6**

Moved by Lamerato

Seconded by Pallotta

RESOLVED, That the Minutes of the April 14, 2010 meeting be approved.

Yeas: All – 6

Absent: Gordon

### **Other Business – Investments**

---

#### **Resolution # RH – 2010 – 7- 7**

Moved by Lamerato

Seconded by Szerlag

RESOLVED, That the board purchase \$1,000,000 New Concepts Fund and \$1,000,000 Dividend Opportunities Fund.

Yeas: All – 6

Absent: Gordon

### **Other Business- June 30, 2010 Investment Performance**

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The board reviewed the June 30, 2010 Investment Performance.

**Public Comment**

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Martin Howrylak and Cameron Wright were in attendance.

The next meeting is October 13, 2010 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:12 p.m.

  
Mark Calice, Chairman

  
John M. Lamerato, Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, September 08, 2010, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:03 p.m.

**Trustees Present:**                      Mark Calice  
                                                       Thomas J. Gordon, II  
                                                       Mary Kerwin  
                                                       John M. Lamerato  
                                                       William R. Need (Ex-Officio)  
                                                       Steve Pallotta  
                                                       Thomas Rosewarne  
                                                       A. John Szerlag (Departed @ 1:55)

**Also Present:**                              Tim McLean

### Minutes

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#### **Resolution # ER – 2010-9-32**

Moved by Kerwin  
 Seconded by Pallotta

RESOLVED, That the Minutes of the August 11, 2010 meeting be approved.

Yeas:              All – 7

### Investments

---

#### **Resolution # ER – 2010-9-33**

Moved by Lamerato  
 Seconded by Rosewarne

RESOLVED, That the board purchase the following investments:

5,000 Spectra Energy  
 5,000 Ares Capital  
 5,000 Caterpillar  
 5,000 Kraft  
 3,000 Dow Chemical  
 1,000 Smucker  
 5,000 Green Mountain Coffee

Yeas:              All – 6  
 Absent:           Szerlag

**Other Business – Prior Government Service**

Adam Sinutko: 2 years, 10 months;  
William Kruger: 10 years, 7 months;  
Mark Miller: 11 years, 3 months

**Other Business – June 30, 2010 Investment Performance**

Rebecca S. Sorensen, UBS reviewed the June 30, investment performance.

**Other Business – December 31, 2009 Actuarial Valuation**

Randall J. Dziubek, Gabriel, Roeder Smith & Company reviewed the December 31, 2009 Actuarial Valuation.

**Public Comment**

None.

The next meeting is October 13, 2010 at 12 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 12:30 p.m.



Mark Calice, Chairman



A regular meeting of the Liquor Advisory Committee was held on Monday, October 4, 2010 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:05 p.m.

### Roll Call

PRESENT: W. Stan Godlewski  
Patrick C. Hall  
David S. Ogg  
Bohdan L. Ukrainec

ABSENT: Max K. Ehlert, Chairman  
Andrew Kaltsounis  
Timothy P. Payne

ALSO PRESENT: Lieutenant Robert Redmond  
Officer James Feld  
Susan Lancaster, Assistant City Attorney  
Lauren Harden, student representative  
Dane Lepola, student representative  
Pat Gladysz

### Resolution to Excuse Committee Members Ehlert, Kaltsounis, and Payne

Resolution #LC2010-10-026

Moved by Ogg

Seconded by Godlewski

RESOLVED, That the absence of Committee members Ehlert, Kaltsounis, and Payne at the Liquor Advisory Committee meeting of October 4, 2010 be **EXCUSED**.

Yes: 4

No: 0

Absent: Ehlert, Kaltsounis, Payne

### Resolution to Approve Minutes of September 13, 2010 Meeting

Resolution #LC2010-10-027

Moved by Ukrainec

Seconded by Ogg

RESOLVED, That the Minutes of the September 13, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 4  
No: 0  
Absent: Ehlert, Kaltsounis, Payne

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### Agenda Items

1. **Macy's Retail Holdings, Inc.** (A New York Corporation) requests to Transfer All Stock Interest In 2005 Licensing Year In 2010 Class C Licensed Business located at 500 West Fourteen Mile Road, Troy, MI 48083 and Transfer All Stock Interest in 2005 Licensing Year In 2010 Resort Class C Licensed Business located at 2752 West Big Beaver Road, Troy, MI 48084 to New Stockholder, Milan Acquisition, LLC (A Delaware Limited Liability Company) due to Corporate Merger and Restructuring. {MLCC Req. 322719}

Present to answer questions from the Committee was Sandra Cotter, attorney for Macy's, Inc.

Ms. Cotter explained to the Liquor Advisory Committee that this Agenda Item is necessary due to a merger between May Department Stores and Federated Department Stores and name change through corporate amendment. This information was presented to the MLCC in 2005, but was not acted upon until the recent sale of a Flint Township restaurant.

This is merely a corporate transaction that does not affect the operating company. There are no changes in operations, management, or employees. The employee liquor service training will continue to be extensive.

Members of the Committee questioned the language presented on the Agenda. Documentation from the MLCC was requested in order to verify the language.

(At 7:25 p.m., the meeting recessed to allow Officer Feld to make copies of the MLCC paperwork regarding this Agenda Item. The meeting reconvened at 7:30 p.m. and all documents were distributed to the Committee.)

Committee member Hall read the resolutions directly from the MLCC documents.

1. **Macy's Retail Holdings, Inc.** (A New York Corporation) requests to Transfer All Stock Interest In 2005 Licensing Year In 2010 resort Class C Licensed Business issued under MCL 436.1531(2), located at 2752 Big Beaver, Troy, MI 48084, Oakland County, wherein sole stockholder, the May Department Stores Company (A Delaware Corporation) transfers 249,084,436 shares of

stock to new stockholder, Milan Acquisition LLC (A Delaware Limited Liability Company) formerly known as Milan Acquisition Corp. (A Delaware Corporation) through merger, on August 30, 2005; and by dropping Milan Acquisition Corp. (A Delaware Corporation) as stockholder through transfer of 249,084,436 shares of stock to new stockholder, Macy's Inc. (A Delaware Corporation) formerly known as Federated Department Stores, Inc. (A Delaware Corporation), on August 30, 2005 (Step 1). {MLCC Req. 322719}

and

2. **Macy's Retail Holdings, Inc.** (A New York Corporation) requests to Transfer All Stock Interest In 2005 Licensing Year In 2010 Class C Licensed Business, located at 500 W Fourteen Mile, Troy, MI 48084, Oakland County, wherein sole stockholder, the May Department Stores Company (A Delaware Corporation) transfers 249,084,436 shares of stock to new stockholder, Milan Acquisition LLC (A Delaware Limited Liability Company) formerly known as Milan Acquisition Corp. (A Delaware Corporation) through merger, on August 30, 2005; and by dropping Milan Acquisition Corp. (A Delaware Corporation) as stockholder through transfer of 249,084,436 shares of stock to new stockholder, Macy's Inc. (A Delaware Corporation) formerly known as Federated Department Stores, Inc. (A Delaware Corporation), on August 30, 2005 (Step 1). {MLCC Req. 322719}

After the Committee reviewed the MLCC documentation, it was determined that the Agenda language was incorrect.

Officer Feld informed the Committee that the violation history revealed the following:  
Somerset Collection location: 1997, 2007  
Oakland Mall location: 1992, 1997, 1999, 2007  
Both locations have successfully passed twelve compliance tests since 2007

Resolution #LC2010-10-028  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Macy's Retail Holdings, Inc. (A New York Corporation) to Transfer All Stock Interest In 2005 Licensing Year In 2010 resort Class C Licensed Business issued under MCL 436.1531(2), located at 2752 Big Beaver, Troy, MI 48084, Oakland County, wherein sole stockholder, the May Department Stores Company (A Delaware Corporation) transfers 249,084,436 shares of stock to new stockholder, Milan Acquisition LLC (A Delaware Limited Liability Company) formerly known as Milan Acquisition Corp. (A Delaware Corporation) through merger, on August 30, 2005; and by dropping Milan Acquisition Corp. (A Delaware Corporation) as stockholder through transfer of 249,084,436 shares of stock to new stockholder, Macy's Inc. (A Delaware

Corporation) formerly known as Federated Department Stores, Inc. (A Delaware Corporation), on August 30, 2005 be **APPROVED**.

Yes: 4  
No: 0  
Absent: Ehlert, Kaltsounis, Payne

Resolution #LC2010-10-029  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Macy's Retail Holdings, Inc. (A New York Corporation) to Transfer All Stock Interest In 2005 Licensing Year In 2010 Class C Licensed Business, located at 500 W Fourteen Mile, Troy, MI 48084, Oakland County, wherein sole stockholder, the May Department Stores Company (A Delaware Corporation) transfers 249,084,436 shares of stock to new stockholder, Milan Acquisition LLC (A Delaware Limited Liability Company) formerly known as Milan Acquisition Corp. (A Delaware Corporation) through merger, on August 30, 2005; and by dropping Milan Acquisition Corp. (A Delaware Corporation) as stockholder through transfer of 249,084,436 shares of stock to new stockholder, Macy's Inc. (A Delaware Corporation) formerly known as Federated Department Stores, Inc. (A Delaware Corporation), on August 30, 2005 (Step 1) be **APPROVED**.

Yes: 4  
No: 0  
Absent: Ehlert, Kaltsounis, Payne

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Officer Feld advised the Committee on the following:

***Hospitality Ventures Management, LLC (Embassy Suites)***

MLCC Hearing was held 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. The three charges were: (1) allowed fights or brawls on licensed premises; (2) allowed intoxicated persons (John Doe 1 and Jane Doe 1) to loiter; and (3) allowed intoxicated persons (John Doe 2 and John Doe 3) to loiter. They pled guilty to charges (2) and (3), and charge (1) was dismissed.

***Capital Grille***

This business is requesting an outdoor service area. They plan to submit their paperwork for approval over the winter and, pending final inspection from the Building Department, can utilize their outdoor area as soon as completed. Approximately 70-80 outdoor seats are planned next to the valet parking area.

***NH Motel Enterprises (MET Hotel)***

This hotel was formerly the Northfield Hilton and has changed names a few times. They never applied for their liquor license. It appears as if they closed their restaurant/lounge. However, information was received that they occasionally would open the bar and serve customers. The MLCC was contacted and an investigation was performed. Officer Feld received notification from MLCC that the hotel has been charged with violations. The investigation is ongoing.

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The meeting adjourned at 7:40 p.m.



Patrick C. Hall, Committee Member



Patricia A. Gladysz, Secretary II

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, October 13, 2010, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:12 p.m.

**Trustees Present:** Mary Kerwin  
John M. Lamerato  
Steve Pallotta  
Thomas Rosewarne  
A. John Szerlag

**Trustees Absent:** Mark Calice  
Thomas J. Gordon, II  
William R. Need (Ex-Officio)

**Also Present:** Tim McLean

### Minutes

#### **Resolution # ER – 2010-10-34**

Moved by Pallotta  
Seconded by Kerwin

RESOLVED, That the Minutes of the September 8, 2010 meeting be approved.

Yeas: All – 5  
Absent: Calice, Gordon

### Other Business – Prior Government Service

Donald Ostrowski: 3 years

### Other Business – December 31, 2009 Actuarial Valuation/Summary Annual Report

#### **Resolution # ER – 2010-10-35**

Moved by Szerlag  
Seconded by Pallotta

RESOLVED, That the board postpone final review and acceptance of the draft December 31, 2009 Actuarial Valuation and the Summary Annual Report until its November meeting.

Yeas: All – 5  
Absent: Calice, Gordon

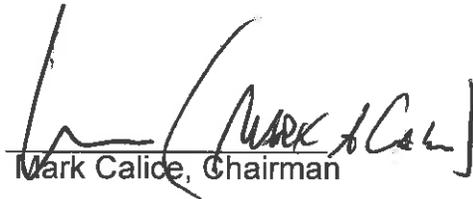
**Public Comment**

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Martin Howrylak was in attendance.

The next meeting is November 10, 2010 at 12 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:00 p.m.

  
Mark Calice, Chairman

  
John M. Lamerato, Secretary

The Board of Zoning Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on October 19, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik  
Kenneth Courtney  
Donald L. Edmunds  
William Fisher  
A. Allen Kneale  
David Lambert

Absent:

Glenn Clark

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Allan Motzny, Assistant City Attorney  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES

**Resolution # BZA 2010-10-044**

Moved by Edmunds  
Seconded by Courtney

**MOVED**, To approve the September 21, 2010 Regular and Study Session meeting minutes as published.

Yes: All present (6)

Absent: Clark

**MOTION CARRIED**

3. POSTPONED ITEMS

- A. **VARIANCE REQUEST, JOSEPH MANIACI, MONDRIAN PROPERTIES WESTON DOWNS LLC, VACANT SITES AT 694, 702 AND 710 SEABISCUIT AND 3901, 3909, 3925, 3933 AND 3941 APPALOOSA (WESTON DOWNS)** – In order to construct 8 detached condominium units, a variance to allow the minimum distance between buildings to be no less than 10 feet. Chapter 31.30.00 (L) of the Zoning Ordinance allows no less than a 20 foot minimum distance between buildings.

Mr. Evans announced receipt of written correspondence from the applicant requesting to withdraw the item. Mr. Evans said the applicant would be required to re-apply and proper noticing would be required in accordance with State law should the applicant wish to pursue the variance in the future. He indicated it would be appropriate for the Board to entertain a motion to accept the withdrawal request.

**Resolution # BZA 2010-10-045**

Moved by Courtney  
Seconded by Fisher

**MOVED**, To accept the applicant’s withdrawal request.

Yes: All present (6)  
Absent: Clark

- B. **VARIANCE REQUEST, YACOUB MURAD, VACANT LOT ADJACENT TO AND EAST OF 734 AMBERWOOD** – In order to build a new house, 1) a 5 foot variance from the required 10 foot side yard setback, and 2) a 15 foot variance from the required 45 foot rear yard setback.

Mr. Evans announced receipt of a letter from the applicant requesting to withdraw the item. Mr. Evans said the applicant would be required to re-apply and proper noticing would be required in accordance with State law should the applicant wish to pursue the variance in the future. He indicated it would be appropriate for the Board to entertain a motion to accept the withdrawal request.

**Resolution # BZA 2010-10-046**

Moved by Courtney  
Seconded by Edmunds

**MOVED**, To accept the applicant’s withdrawal request.

Yes: All present (6)  
Absent: Clark

4. **HEARING OF CASES**

Chair Lambert announced that four (4) affirmative votes are required for approval to grant or deny a request. He indicated that because one Board member is absent at tonight’s meeting, the Applicant has the option to request their item be postponed to a future date certain where a full Board might be present.

- A. **REVIEW AND APPROVAL REQUEST, ROBERT AND GENOVEVA RASCOL, 635 HARTLAND** – A request to allow the temporary outdoor parking of a commercial vehicle (stake truck) in a one family residential district.

The applicant, Robert Rascol, was present. Mr. Rascol requested to postpone the request to the November 16, 2010 regularly scheduled meeting.

Mr. Evans confirmed that notice of this Public Hearing was given in accordance with the State law and the Zoning Ordinance, and that further notice is not required should the Board grant postponement to a date certain.

**Resolution # BZA 2010-10-047**

Moved by Courtney

Seconded by Kneale

**MOVED**, To postpone the item to the November 16, 2010 Regular meeting.

Yes: All present (6)

Absent: Clark

**MOTION CARRIED**

- B. **VARIANCE REQUEST, DAVID J. ZABLOCKI, 3920 CHESTNUT HILL COURT** – In order to enlarge the existing deck so that it is 21 feet from the rear property line, 1) a 9 foot variance to the requirement that unenclosed decks may extend into the required rear yard setback by no more than 15 feet, and 2) a 4 foot variance to the requirement that the unenclosed deck be set back at least 25 feet from the rear property line.

The applicant, David Zablocki, was present. Mr. Zablocki indicated he would like the Board to hear his request tonight, acknowledging his right to postpone due to there not being a full Board.

Mr. Evans gave a brief report on the proposed variance request with respect to its location and zoning of adjacent properties and addressed the requested setback variances. He reviewed the photographs submitted by the applicant.

Chair Lambert noted the application indicated the primary reason for the variance request is a safety concern for his children in relation to the slope of the pond. He asked if there are any other steps legally that the applicant could take to address the safety concerns, such as filling in the pond or putting up a fence.

Mr. Evans said the applicant would be allowed to put up a six-foot high fence along the rear and side property lines.

Mr. Bartnik said it appears from the photographs that the deck is already under construction.

Mr. Evans agreed, and said the applicant would address that.

Mr. Zablocki said he would like to expand the existing deck for the safety of his children when they are outside. He addressed concerns with the lot elevations, the natural pond owned by his neighbor and the Rouge River to the south. Mr. Zablocki confirmed that construction of the deck is in progress. He voluntarily stopped the project when he heard by word of mouth that the City requires a permit, and it is his intent to comply with City requirements. Mr. Zablocki stated his neighbors are supportive of the project because they believe the deck will add value to the neighborhood. Mr. Zablocki noted documentation from neighbors in support of the

deck is on file. Mr. Zablocki addressed the deck design and appearance, and its relation to the sight line of his children when they are outside.

There was discussion on how to redesign the deck so that it might fit within the required setbacks. The existing deck is approximately 10 feet deep at its maximum depth. The deck expansion would be at the same elevation and blend into the existing deck. It was determined that the existing deck could be lengthened by about 7 feet maximum and still be within the zoning requirements.

Mr. Edmunds asked the applicant to address the practical difficulty with the land that necessitates the requested variance.

Mr. Zablocki addressed the layout of the property; the elevation and slope variations, the pond, the Rouge River, the existing walkout basement and sight distance to keep children in view. He said installing a fence along the rear property line (263') would be a financial challenge, as well as taking away the beauty of the lot. Mr. Zablocki indicated the existing berm is necessary to prevent potential flooding problems. Mr. Zablocki said they moved into the house in August of this year, and they believe the deck would add value to their home as well as to neighboring homes.

Mr. Motzny stated the City Ordinance as well as the Zoning Enabling Act does not allow the Board to grant a variance based solely on financial considerations, but he noted the Board can consider financial information as relates to other determinations made under the Ordinance.

Mr. Kneale asked if the Board can consider the impact of an aesthetic issue to the property as part of its determination.

Mr. Motzny replied that a portion of the City Ordinance allows the Board to consider environmental impacts; for instance, a practical difficulty based on a significant natural feature that would be negatively affected.

Mr. Evans confirmed that the same dimensional setback requirements would apply if a patio at ground level were proposed.

#### PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted that written correspondence from three neighbors in support of the variance request is on file.

#### PUBLIC HEARING CLOSED

Discussion continued on modifications to the deck design.

**Resolution # BZA 2010-10-048**

Moved by Bartnik

Seconded by Edmunds

**MOVED**, To deny the variance request.*Special Findings:*

- There is not a practical difficulty that runs with the land. It is a self-created problem as the property has been purchased within the last several months and a matter of which the applicant should have exercised due diligence prior to buying.
- There are significant natural features that would be negatively impacted if the variance were granted; namely, the pond and the Rouge River are both natural features which should be preserved. In this instance, there would be some encroachment onto the aesthetic view of those features.

Discussion on the motion on the floor.

Mr. Courtney said he does not see the deck as a detriment to the pond or the Rouge River. He is not sure that one can see the Rouge River from the deck unless the trees are bare, and he believes the pond is located too far away for any negative impact.

Mr. Bartnik said that although he wants people to move into Troy and buy beautiful pieces of property, from viewing the photographs provided by the applicant, it appears the deck would extend out into the visual area of the pond and interfere with the natural features of the pond.

Mr. Zablocki said they took into consideration the pond, the Rouge River and the differences in elevations when they bought the house.

Mr. Zablocki further discussed the deck dimensions and photographs. He voiced the support of his neighbors to build an aesthetically pleasing deck. Mr. Zablocki said the deck would not impact any view of the water, nor interfere with visual sight line of the water and pond from neighboring properties. He addressed the elevation issues and said they cannot be resolved by fill.

Discussion continued on alternative ways to expand the deck within the parameters of the Zoning Ordinance:

- Expand width of existing deck in other locations.
- Construct deck along the entire rear width of the house.
- Reconfigure stairs.

Mr. Kneale commended the applicant in following through with City regulations. Mr. Kneale said he does not believe there is an aesthetic impediment to the Rouge River, the pond or the scenic nature of the trees. He believes there are other options the applicant could consider to build a deck without getting a variance from the City.

Mr. Edmunds said the applicant has not demonstrated a practical difficulty with the land. He said the applicant purchased the property knowing that with two small children there always is a safety concern with a pond, and putting up a temporary fence is an alternative.

Mr. Courtney agreed that there appears to be no practical difficulty with the land.

Chair Lambert indicated he would be voting no on the motion to deny the request. Chair Lambert addressed what he sees as practical difficulties with the land; the unusual configuration of the property and the unusual slope in the back yard. He would like to see the applicant consider alternative modifications to the deck design.

Vote on the motion on the floor.

Yes: Bartnik, Courtney, Edmunds, Fisher, Kneale  
No: Lambert  
Absent: Clark

**MOTION CARRIED**

5. COMMUNICATIONS

None.

6. PUBLIC COMMENT

There was no one present who wished to speak.

7. MISCELLANEOUS BUSINESS

**Resolution # BZA 2010-10-049**

Moved by Courtney  
Seconded by Fisher

**MOVED**, To excuse Member Clark from attendance at this meeting.

Yes: Courtney, Lambert  
No: Bartnik, Edmunds, Fisher, Kneale  
Absent: Clark

**MOTION FAILED**

Mr. Motzny addressed the following questions posed by Mr. Edmunds, as relates to the granting/denial of commercial vehicle appeals:

- Can and/or should the BZA consider financial hardships in making a determination?

Mr. Motzny: *Under the Zoning Ordinance, it is indicated that in determining whether or not to approve the temporary parking of a commercial vehicle, except for the specific provisions relating to commercial vehicles, the matter should be considered like any other variance request. A variance cannot be granted based on a financial hardship alone. However, that does not mean that financial implications cannot be considered. In determining whether to grant a commercial vehicle request, this Board must determine whether alternatives such as another storage area or building a garage is practical or feasible. In my opinion, if someone presents financial information relating to finding an alternative place to locate a vehicle, I think it is appropriate for the Board to consider financial information as far as the cost involved or the distance involved in making a determination whether or not the alternatives are practical or feasible.*

- Is there any limit as to how many times a permit can be granted?

Mr. Motzny: *The Zoning Ordinance does not state a limit on the number of times one can apply for a commercial vehicle temporary use. I think the intent of the Ordinance is that one could apply again after an approval lapses. Arguably Section 43.74.02 can be interpreted to mean that the Board may only grant a temporary approval for up to two years so that after the two years have elapsed, one cannot re-apply. However, this Board has the authority to make its own interpretation in administering the Zoning Ordinance, so if that question came up, this Board could interpret that Ordinance as it deems appropriate.*

- What constitutes evidence that a person seeking a permit has contacted an alternate secure storage for the vehicle?

Mr. Motzny: *There is no clear answer. In those cases where our office is required to defend in Circuit Court a Board of Zoning Appeals decision, we have to show the decision is supported by substantial, competent and material evidence on the record. Such evidence may include testimony from the applicant that indicates practical and feasible alternatives to store a commercial vehicle were researched. I do not believe swearing-in the applicant is necessary, as long as the information offered in support of the request is part of the public record. I think it would be helpful to give an applicant a list of local storage areas from which quotes can be obtained and presented to the Board so it can use that information in determining whether efforts by the applicant reveal there are no feasible alternative locations for parking of the subject commercial vehicle.*

- What is the City’s notification procedure for renewals of Commercial Vehicle Permits?

*Mr. Motzny:* Under the Ordinance there is no procedure for a renewal of a commercial vehicle request. If you are granted permission to store a commercial vehicle, once that initial period has expired, it is my opinion you must submit a new application. It is not a renewal.

*Mr. Evans:* When a commercial vehicle approval expires, should the applicant want to pursue it, he is required to go through the standard application procedure. Proper noticing similar to a variance request (300’ radius) is provided, and the Board considers factors a, b and c of the Ordinance.

There was discussion on the following items:

- Rewrite of Zoning Ordinance.
  - Input from Board of Zoning Appeals.
  - Notification of screen wall renewals.
- Master Plan presentation.
- Commercial/recreational vehicle regulations.

8. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 9:12 p.m.

Respectfully submitted,

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David Lambert, Chair

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Kathy L. Czarnecki, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, November 8, 2010 in the Emergency Operations Conference Room of the Troy Police Department, 500 West Big Beaver Road. Committee member Patrick Hall called the meeting to order at 6:56 p.m.

**Roll Call**

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

ABSENT:           Max K. Ehlert, Chairman

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

**Resolution to Excuse Committee Member Ehlert**

Resolution #LC2010-11-030

Moved by Kaltsounis

Seconded by Payne

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of November 8, 2010 be **EXCUSED**.

Yes:            6  
No:             0  
Absent:        Ehlert

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**Resolution to Approve Minutes of October 4, 2010 Meeting**

Resolution #LC2010-11-031

Moved by Kaltsounis

Seconded by Payne

RESOLVED, That the Minutes of the October 4, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6  
No: 0  
Absent: Ehlert

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**Agenda Items**

1. **Target Corporation** (A Minnesota Corporation), requests new SDM License with On Premise Seating, to be located at 1301 Coolidge, Troy, MI 48084, Oakland County. {MLCC Req. #556906}.

Present to answer questions from the Committee was store manager Carrie Worthington.

Ms. Worthington addressed the Committee reporting that Target Corporation began this application process in 2006. The store has passed all inspections and is ready to begin beer and wine sales. These beverages will be stocked in their food pantry aisles, away from the entry/exit doors, and with surveillance camera coverage. Target Corporation feels that the sale of beer and wine in their stores will increase their sales revenue and thus employment opportunities.

Committee members questioned the “On Premise Seating” wording of the Agenda Item. It was explained that there is a snack court area in the store, but the SDM license does not allow alcohol to be served or consumed on the premises.

Resolution #LC2010-11-032  
Moved by Ukrainec  
Seconded by Ogg

RESOLVED, That the Liquor Advisory Committee recommends that the request of Target Corporation (A Minnesota Corporation) for a new SDM License with On Premise Seating, to be located at 1301 Coolidge, Troy, MI 48084, Oakland County be **APPROVED** provided there would be no consumption of alcohol in the on premise seating area.

Yes: 6  
No: 0  
Absent: Ehlert

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2. **Square Lake Diner, LLC** requests to transfer interest and location of MLCC Class C License No. 9432-2010 assigned to Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC a Michigan limited liability company to be located at 6024 Rochester Road, Troy, Michigan, Oakland County {MLCC Req. #567112}, pending final inspections.

Present to answer questions from the Committee were Frank Palazzolo, Frank Memcaj, and Pjetar Uljaj.

Mr. Palazzolo, attorney for the owners, explained to the Committee that renovations are underway to this restaurant. The interior has been gutted, and new equipment and seating for 70 customers are being installed. The owners stated that they are striving to present a classic American diner serving three meals each day. They are transferring a liquor license from Pontiac.

Mr. Palazzolo also stated that a letter will be sent to the Michigan Liquor Control Commission withdrawing the dance, entertainment, and outdoor service items from their license.

Resolution #LC2010-11-033

Moved by

Seconded by

RESOLVED, That the Liquor Advisory Committee recommends that the request of Square Lake Diner, LLC to transfer interest and location of MLCC Class C License No. 9432-2010 assigned to Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC a Michigan limited liability company to be located at 6024 Rochester Road, Troy, Michigan, Oakland County be **APPROVED** pending final inspections.

Yes: 6  
No: 0  
Absent: Ehlert

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3. **RCSH Operations, LLC** (A Louisiana Limited Liability Company) requests to Add Space to 2009 Class C & SDM Licensed Business with Dance Permit located at 755 West Big Beaver Suite #151, Troy, MI 48084, Oakland County. {MLCC Req. #530151}. *Ruth's Chris Steak House*.

Present to answer questions from the Committee was general manager Daniel Doerfling.

Mr. Doerfling explained to the Committee that they renovated the restaurant to give it a more useful and modern appearance. Even though square footage was added,

they currently have five fewer seats. The build-out has been completed and all inspections have been approved. When questioned about the dance floor, Mr. Doerfling stated that there has been no dance floor in the restaurant in the ten years of his employment.

Resolution #LC2010-11-034

Moved by

Seconded by

RESOLVED, That the Liquor Advisory Committee recommends that the request of RCSH Operations, LLC (A Louisiana Limited Liability Company) to Add Space to 2009 Class C & SDM Licensed Business with Dance Permit located at 755 West Big Beaver Suite #151, Troy, MI 48084, Oakland County be **APPROVED**.

Yes: 6  
No: 0  
Absent: Ehlert

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Officer Feld advised the Committee on the following:

***Rite Aid, 2971 West Maple Road***

On 10/27/10, the Directed Patrol Unit of the Troy Police Department conducted Liquor License Inspections of all the Licensed Businesses within the City of Troy, utilizing an underage decoy. This Rite Aid location received a violation for sale to an underage patron.

***MLCC Hearings***

**Troy Robin, Inc.**, 5460 Corporate (*Red Robin*), and **Woodward Detroit CVS, LLC**, 4963 John R. Road (*CVS Pharmacy #8242*) had a Hearing for a complaint that was filed against each licensee. The complaint alleges the licensee Allowed a Sale To Minor Decoy on July 19, 2010. The Hearing was conducted on November 1, 2010 at 9:30 AM at the Sterling Heights Civic Center, 40555 Utica Road, Council Chambers. Each of these businesses pled responsibility at the Hearing.

***NH Motel Enterprises (MET Hotel)***

The owners of the Hotel are being uncooperative during the MLCC investigation. Also, it appears that the ownership is has established some type of adult care facility in the hotel without obtaining the proper State licensing. This investigation is also ongoing.

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Ms. Lancaster, assistant City Attorney, provided the following explanation in response to a question about attendance of the Liquor Advisory Committee members at the monthly meetings.

Ms. Lancaster stated that a member must advise by telephone or email if they will not be in attendance at a scheduled meeting. The members present at a meeting always vote whether to excuse an absent member. If someone is excused from a particular meeting, nothing can be done about that absence in the future. If the membership chooses to not excuse an absent member, they can request that the attendance records be reviewed by City Council.

Also, in response to another question, Ms. Lancaster stated that a quorum is a simple majority. For the Liquor Advisory Committee, a quorum is four members.

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The meeting adjourned at 7:25 p.m.

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Patrick C. Hall, Committee Member

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Patricia A. Gladysz, Secretary II



## CITY COUNCIL AGENDA ITEM

November 15, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Susan A. Leirstein, Purchasing Director

SUBJECT: Final Reporting – BidNet On-Line Auction Services – October 2010

### Background

Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented an on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is the official e-procurement website used by the City for posting bids, tabulations, quotations, and award information. Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. It was a Purchasing goal that one e-procurement site would be operational for all functions.

In compliance with Resolution #2004-02-075, final reporting is being presented for, one (1) 20" Trek bike; one (1) amplifier; one (1) Behrenger Eurorack; one (1) 32 input mixing console; one (1) RCA CD changer; one (1) Clear Com AC-10K Adapt-A-Com; one (1) digital TBC; one (1) Panasonic digital video cassette; one (1) Denon dual CD player and remote control unit; one (1) Shure four channel audio mixer; one (1) Clearcom four channel main station; five (5) JVC camera remote controls; two (2) JVC VHS and mini DV player; one (1) Konka 20" TV set; one (1) Manfrotto 316 tripod; one (1) monitor teleprompter; one (1) Optimus AM/FM stereo receiver; one (1) Panasonic dual color monitor; one (1) Panasonic DVD/CD player; five (5) Panasonic remote control camera units; one (1) Panasonic triple video monitor; one (1) Panasonic with remote control unit; one (1) RCA TV modulator; one (1) Shure digital feedback reducer; one (1) Sony 8" color monitor; three (3) Sony BTW monitors; one (1) Sony editing control unit; one (1) Sony special effects generator; one (1) Sony stereo VCR; one (1) Sony 14" color monitor; one (1) Tektronix vectorscope and monitor; three (3) Sony color monitors; three (3) Sony monitors; one (1) TBC freeze by Prime Image Inc.; one (1) TFT LCD 5.6" monitors; one (1) Videotek APM-2 RS Premaster monitor; one (1) Vidi Craft video image enhancer; one (1) lot Ralph Lauren baby outfits; one (1) lot Ralph Lauren hats; one (1) lot sheet sets; one (1) lot dresses and women's shirts; one (1) lot men's jeans; two (2) lots men's jeans and shirts; one (1) lot men's Orvis shirts; one (1) lot men's shirts and pants; one (1) lot men's sweatshirts; one (1) lot women's pants and shirts; one (1) lot women's capris, dresses and shirt; one (1) lot women's Aeropostal sweatshirt, shorts and shirts; one (1) lot women's shorts, shirt and capris; one (1) women's coat; one (1) women's Googi jeans; five (5) pairs of women's jeans; six (6) long sleeve women's shirts; and six (6) assorted women's shirts; all auctioned on-line through BidNet, the City's e-procurement website, from October 20, 2010 and closed by October 27, 2010.

The sale of surplus property is a statutory requirement of the Purchasing Department. (Chapter 7, Sec 8)

### Recommendation

This agenda item reports final results of October 2010 auctions to City management. No action is required.



# CITY COUNCIL AGENDA ITEM

November 15, 2010

To: John Szerlag, City Manager  
Re: Final Reporting – BidNet On-Line Auction Services – October 2010

## Funding Considerations -

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
Bike, Clothing, Video production equipment, etc.	\$ 2,368.35		
<b>SUB-TOTAL:</b>		<b>\$ 2,368.35</b>	
	<b>FEES:</b>		
5% (Bike, Clothing, Video production equipment etc.) Fee – Includes adjustment from September 2010	(\$ 96.36)		
<b>SUB-TOTAL:</b>		<b>(\$ 96.36)</b>	
Sales Tax +6% (Bike, Clothing, Video production equipment, etc.)	\$ 141.73		
<b>SUB-TOTAL:</b>		<b>\$ 141.73</b>	
			<b>\$ 2,413.72</b>



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### Report For The City Of Troy, MI

Detailed Report For Seller: ALL

Reported On 11/15/2010

From: 10/1/2010 To: 10/31/2010

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
0	10/27/2010	0	0.00	172.68	Payment		Hamilton
8176	10/27/2010	2.00	0.12	0.10	Sale	Women's Googi jeans	Hamilton
8169	10/27/2010	10.51	0.63	0.53	Sale	Women's Capris - Abercrombie	Hamilton
8177	10/27/2010	16.25	0.98	0.81	Sale	Women's Clothing - Aeropostal	Hamilton
8107	10/27/2010	14.50	0.87	0.73	Sale	Sony Trinitron Color 14" Monitor	Hamilton
8108	10/27/2010	10.00	0.60	0.50	Sale	Panasonic Triple Video Monitor	Hamilton
8112	10/27/2010	7.50	0.45	0.38	Sale	Sony BTW Monitor	Hamilton
8113	10/27/2010	5.00	0.30	0.25	Sale	Sony BTW Monitor	Hamilton
8115	10/27/2010	5.00	0.30	0.25	Sale	Sony Stereo VCR	Hamilton
8118	10/27/2010	9.49	0.57	0.47	Sale	Panasonic with Remote Control Unit	Hamilton
8120	10/27/2010	5.00	0.30	0.25	Sale	Videotek APM-2 RS Premaster Monitor	Hamilton
8122	10/27/2010	10.50	0.63	0.53	Sale	Clear Com AC-10K Adapt-A-Com	Hamilton
8123	10/27/2010	44.00	2.64	2.20	Sale	Sony Editing Control Unit	Hamilton
8124	10/27/2010	147.40	8.84	7.37	Sale	Manfrotto 316 Tripod	Hamilton
8127	10/27/2010	13.81	0.83	0.69	Sale	Konka 20" TV Set	Hamilton
8116	10/27/2010	26.50	1.59	1.33	Sale	Panasonic DVD/CD Player	Hamilton
8125	10/27/2010	10.00	0.60	0.50	Sale	RCA CTM20 TV Modulator	Hamilton
8128	10/27/2010	26.99	1.62	1.35	Sale	Dual CD Player and Remote Control Unit	Hamilton
8130	10/27/2010	5.00	0.30	0.25	Sale	JVC Camera Remote Control	Hamilton
8131	10/27/2010	13.49	0.81	0.67	Sale	Optimus AM/FM Stereo Receiver	Hamilton
8133	10/27/2010	5.00	0.30	0.25	Sale	Tektronix Vectorscope and Monitor	Hamilton
8135	10/27/2010	21.50	1.29	1.08	Sale	Four Channel Audio Mixer	Hamilton
8136	10/27/2010	7.50	0.45	0.38	Sale	Digital TBC	Hamilton
8139	10/27/2010	5.00	0.30	0.25	Sale	Sony Trinitron Color Monitor	Hamilton
8141	10/27/2010	2.00	0.12	0.10	Sale	Sony Video Monitor	Hamilton
8145	10/27/2010	45.65	2.74	2.28	Sale	SHURE Digital Feedback Reducer	Hamilton
8147	10/27/2010	6.50	0.39	0.33	Sale	Monitor Teleprompter Mirror Image Hood	Hamilton
8148	10/27/2010	5.00	0.30	0.25	Sale	CD Changer	Hamilton
8106	10/27/2010	84.90	5.09	4.25	Sale	Behringer Eurorack and 32 Input Mixing Console	Hamilton
8150	10/27/2010	11.00	0.66	0.55	Sale	Vidi Craft Video Image Enhancer	Hamilton
8152	10/27/2010	5.00	0.30	0.25	Sale	Panasonic Remote Control Camera Unit	Hamilton
8155	10/27/2010	5.00	0.30	0.25	Sale	Panasonic Remote Control Camera Unit	Hamilton
8160	10/27/2010	32.53	1.95	1.63	Sale	Men's Jeans and Shirt	Hamilton
8162	10/27/2010	10.78	0.65	0.54	Sale	Women's Long Sleeve Shirts	Hamilton
8164	10/27/2010	17.19	1.03	0.86	Sale	Women's Jeans	Hamilton
8165	10/27/2010	15.50	0.93	0.78	Sale	Men's Shirts and Pants	Hamilton
8166	10/27/2010	20.52	1.23	1.03	Sale	Women's Coat	Hamilton
8167	10/27/2010	20.50	1.23	1.03	Sale	Women's Clothing	Hamilton
8168	10/27/2010	18.50	1.11	0.93	Sale	Men's Sweatshirts	Hamilton
8154	10/27/2010	10.00	0.60	0.50	Sale	Panasonic Remote Control Camera Unit	Hamilton
8156	10/27/2010	5.00	0.30	0.25	Sale	Panasonic Remote Control Camera Unit	Hamilton
8158	10/27/2010	55.55	3.33	2.78	Sale	Sheet Sets (King Size)	Hamilton
8172	10/27/2010	22.50	1.35	1.13	Sale	Men's Jeans and Shirt	Hamilton
8175	10/27/2010	6.50	0.39	0.33	Sale	Women's Shirts	Hamilton
8178	10/27/2010	8.50	0.51	0.43	Sale	Men's Orvis Shirts	Hamilton
8144	10/27/2010	10.99	0.66	0.55	Sale	Sony Trinitron Color Monitor	Hamilton
8153	10/27/2010	10.50	0.63	0.53	Sale	Panasonic Remote Control Camera Unit	Hamilton

<del>8159</del>	10/27/2010	15.50	0.93	0.78	Sale	Dresses and Women Shirts	Hamilton
<del>8173</del>	10/27/2010	2.00	0.12	0.10	Sale	Women's Clothing - Capri, shorts, shirt	Hamilton
<del>8109</del>	10/27/2010	62.00	3.72	3.10	Sale	JVC Remote Control Units	Hamilton
<del>8129</del>	10/27/2010	9.50	0.57	0.48	Sale	Sony Monitor	Hamilton
<del>8134</del>	10/27/2010	28.50	1.71	1.43	Sale	TBC Freeze by Prime Image Inc.	Hamilton
<del>8146</del>	10/27/2010	48.00	2.88	2.40	Sale	Amplifier	Hamilton
<del>8149</del>	10/27/2010	24.50	1.47	1.23	Sale	TFT LCD Monitors - 5.6"	Hamilton
<del>8161</del>	10/27/2010	9.16	0.18	0.46	Sale	Women's Shirts	Hamilton
<del>8163</del>	10/27/2010	25.51	1.53	1.28	Sale	Men's Jeans	Hamilton
<del>8170</del>	10/27/2010	36.01	2.16	1.80	Sale	Ralph Lauren Baby Outfits	Hamilton
<del>8174</del>	10/27/2010	41.01	2.46	2.05	Sale	Ralph Lauren Hats	Hamilton
<del>8132</del>	10/27/2010	53.00	3.18	2.65	Sale	Sony Special Effects Generator	Hamilton
<del>8171</del>	10/27/2010	62.75	3.77	3.14	Sale	Women's Jeans	Hamilton
<del>7949</del>	10/27/2010	217.50	13.05	10.88	Sale	Black 20' Trek Bicycle #4	Hamilton
<del>8117</del>	10/27/2010	52.00	3.12	2.60	Sale	JVC Super VHS ET and Mini DV Player	Hamilton
<del>8151</del>	10/27/2010	34.00	2.04	1.70	Sale	Panasonic Dual Color Monitor	Hamilton
<del>8119</del>	10/27/2010	52.00	3.12	2.60	Sale	JVC Super VHS ET and Mini DV Player	Hamilton
<del>8157</del>	10/27/2010	191.74	11.50	9.59	Sale	Digital Video Cassette	Hamilton
<del>8126</del>	10/27/2010	52.51	3.15	2.63	Sale	Sony 8" Color Monitor	Hamilton
<del>8142</del>	10/27/2010	31.10	1.87	1.56	Sale	Sony Trinitron Video Monitor	Hamilton
<del>8143</del>	10/27/2010	51.51	3.09	2.58	Sale	Sony Trinitron Color Video Monitor	Hamilton
<del>8114</del>	10/27/2010	86.00	5.16	4.30	Sale	Sony Trinitron Monitors	Hamilton
<del>8137</del>	10/27/2010	330.50	19.83	16.53	Sale	Four Channel Main Station	Hamilton

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$2,368.35	\$141.73	\$118.42	\$172.68	(\$54.26)	\$332.20

[Return to Reports Menu](#)

**INVOICE FOR SURPLUS AUCTIONS**

**Date:** 10/31/2010

**Invoice #:** IN00000000738

**To:** City of Troy  
Purchasing Department  
500 West Big Beaver  
Troy, MI 48084

**Remit To:** BidNet  
Post Office Box 5600  
Albany, NY 12205-0600  
Attn: Ms. Janine Rossi

Service fees for auctions completed in October 10  
Credit balance

\$ 118.42  
- 22.06 CR - from September 2010

**Total Due: \$ 96.36**

City of Troy Contact: Susan Leirstein  
(P) 248-524-3338  
(F) 248-619-7608  
(E) [purchasing@troymi.gov](mailto:purchasing@troymi.gov)

118.420 +  
Sept Adjs  
Item 8011 8.880 -  
7949 11.430 -  
7967 1.750 -  
96.360 \*

BidNet Contact for Questions: Janine Rossi  
(P) 800-677-1997, ext #227  
(F) 800-721-6985  
(E) [jrossi@bidnet.com](mailto:jrossi@bidnet.com)

**PAYABLE UPON RECEIPT**

# MADISON HEIGHTS POLICE DEPARTMENT

280 West Thirteen Mile Road • Madison Heights, Michigan 48071

248-585-2100 • Fax 248-585-8090 • Administration 248-837-2729

KEVIN M. SAGAN  
Chief of Police

ANTHONY ROBERTS  
Deputy Chief of Police

November 4, 2010

Chief Gary Mayer  
Troy Police Department  
500 West Big Beaver Road  
Troy, Michigan 48084

Dear Chief Mayer,

I would like to personally thank you for your Department's assistance on October 26, 2010, with the arrest of three armed suspects (Christopher Nickerson, Marc McArthur and Noah Smith) near 14 Mile and Stephenson Highway in Madison Heights. The suspects fired multiple shots at Madison Heights Police Department Sergeant Tim Pawlowski nearly striking him. The quick and professional response by the officers of your department, in a highly dangerous situation, speaks volumes to the courage and determination of those officers. Thank you and your officers for their assistance and support on October 26, 2010. We know that we can count on your officers in those situations and it makes all of our jobs a little easier having that confidence.

I would like to especially acknowledge Lt. Thomas Gordon, Officer Joshua Jones and Officer Daniel Galich who assisted our officers with the arrest of Christopher Nickerson at the Best Western Motel; K-9 Officer Stephen Brazel who with his working dog Tiko, located a handgun where Suspect Marc McArthur was apprehended; Officer Michael Boussie and Officer Matthew Kramer who observed a female driving in the area and assisted with an investigatory stop on her. Also assisting with perimeter and searching were Sgt. Joseph Falcon, Sgt. Diane Campbell, Officer Antonio Cascioli, Officer Susan Himrod, Mark Owczarzak and Lisa Rockafellow.

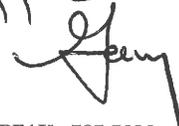
Thank you again, from all of us here at the Madison Heights Police Department.

Sincerely,



Kevin M. Sagan  
Chief of Police

THANKS FOR YOUR  
COURAGE AND DETERMINATION  
IN THIS DANGEROUS SITUATION.  
AS YOU CAN SEE, MHPD  
SURE APPRECIATES IT.



LT. GORDON  
P.O. JONES  
GALICH  
BRAZEL  
BOUSSIE  
KRAMER  
CASCIOLI  
HIMROD  
OWCZARZAK  
ROCKAFELLOW  
SGT. FALCON  
CAMPBELL



OFFICE OF THE SHERIFF

Kent B. Lagerquist  
UNDERSHERIFF

October 18, 2010

Chief Gary G. Mayer  
Troy Police Department  
500 West Big Beaver  
Troy, MI 48084

Dear Chief Mayer:

Over the past few weeks, the Macomb County Sheriff's Office experienced a spike in larceny from auto complaints. This activity was seen by the Sterling Heights and Clinton Township Police Departments as well. The larcenies have been occurring at businesses all along Macomb County's M-59 corridor. The suspects were described as driving a tan four-door Chevy Malibu; this information was broadcast to law enforcement agencies within the southeast area.

The Macomb Auto Theft Squad has learned that your department's Special Investigative Unit was able to identify the subjects responsible for stealing these on-board radio navigation systems. Their reaction to the broadcast information resulted in the identification and apprehension of an energetic LFA ring that, we believe, is responsible for numerous larcenies in our area as well.

I would like to take this opportunity to commend the efforts of your department's Special Investigative Unit. This is an example of the achievements that can be attained by being attentive to information shared between agencies.

Sincerely,

*LT. David Daniels*

Lieutenant David Daniels  
Macomb Auto Theft Squad  
Unit Commander

DD/kd

*LT. STOUT, SGT. WOLFE, SGT. SALTER, P.O.'S  
BRAGG, MORGAN, DYJEWSKI, LAMILZA, MOSCHEL.*

*THIS LETTER IS A THANKS FOR TWO PARTS OF  
A MULTIFACETED INVESTIGATION.  
THANKS FOR YOUR WORK  
AND MAKING TROY PD  
LOOK SO GOOD.*

RECEIVED  
CHIEF OF POLICE  
*JGM* 10-20-10

*Jay Nov 15, 2010*

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING  
FOR THE ELECTRIC CUSTOMERS OF  
THE DETROIT EDISON COMPANY  
CASE NO. U-16434

- The Detroit Edison Company may implement a levelized 2011 power supply cost recovery (PSCR) factor of negative 2.98 mills/per kilowatt-hour (kWh) for customers' electric bills for the 12-month period beginning January 1, 2011 through December 31, 2011 and other approvals, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- The first public hearing in this matter will be held:

**DATE/TIME:** December 2, 2010, at 9:00 a.m.  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge Mark D. Eyster

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

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

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the September 30, 2010 application of The Detroit Edison Company (Detroit Edison), which seeks approval of a PSCR plan and factor for 2011, and for a levelized 2011 PSCR factor of negative 2.98 mills/per kWh on electric customers' bills for the 12-month period January 1, 2011 through December 31, 2011, inclusive of Detroit Edison's projection of a PSCR underrecovery for the 2010 PSCR period of approximately \$36.349 million, and other relief as identified in its application.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://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](mailto: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](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by November 25, 2010. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, David S. Maquera, One Energy Plaza, 688 WCB, Detroit, MI 48226.

Any person wishing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his/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](http://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.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Energy, Labor & Economic Growth, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 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.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

November 9, 2010



## CITY COUNCIL AGENDA ITEM

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Date: November 10, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police   
William Nelson, Chief of Fire

Subject: Enbridge Oil Spill, Marshall Michigan Reimbursement

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The Oakland County Hazardous Materials Team which is also a State of Michigan Terrorism Regional Response Team (RRT), is comprised of 56 members from 32 Oakland County Fire, Police & Public Safety Departments. The OCHMRT/RRTN responds to and mitigates hazardous material incidents and terrorism/suspected terrorist incidents primarily in Oakland County and secondarily throughout the State of Michigan as requested.

On August 6, 2010, The U.S. Environmental Protection Agency requested the Oakland County Hazardous Materials Team/Regional Response Team to deploy to Marshall, Michigan to assist with the oil pipeline rupture and resulting spill that occurred in the region. This oil spill was a result of the failure of the Enbridge oil pipe line spilling close to a million gallons of crude oil into several waterways. This was the largest environmental disaster in the history of the State of Michigan. Members of Troy PD/FD, along with team members from across the county were deployed in groups of 5 members at a time. In all, team members spent 20 days in Marshall assisting in the remediation effort.

To recover the cost of this assistance, the Oakland County Fire Mutual Aid Association billed Enbridge for cost recovery of the team members and equipment, which totaled \$142,109.50.

On November 9, 2010, the City of Troy received a check from the Oakland County Fire Mutual Aid Association in the amount of \$35,707.41. This amount is the reimbursement to the city for the wages, benefits and other associated costs related to this incident for the City of Troy employees who were deployed to the incident.



## CITY COUNCIL AGENDA ITEM

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November 18, 2010

To: The Honorable Mayor and City Council Members

From: John Szerlag, City Manager

Subject: Salary/Fringe Benefit Costs for the Positions of City Manager, City Attorney and all Department Directors

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On September 13, 2010 I submitted a report to Mayor and Council detailing the above-referenced costs, as well as some other pertinent information. At the November 8, 2010 City Council meeting, Council Member Robin Beltramini asked for a further clarification on the fringe benefit costs. And the attachment compiled by Human Resources and the Finance Department accommodates that request.

In addition, we've included where each position falls with reference to the Hay Group study's pay scale approved by City Council and last adjusted in 2008. This pay scale identifies the minimum, midpoint and maximum pay for each position as well as the current level of pay for each individual holding that position. So too, the five percent voluntary pay reduction that all of these employees took is also included; and I wish again to take this opportunity to thank them.

As City Manager, one of my objectives is to attract and retain talented employees. I firmly believe that superior expertise is a scarce resource that we need to maintain because that's what separates good organizations from bad ones. That's also why I asked the International City Management Association (ICMA) to conduct a pay and benefit comparative analysis as part of the entire organizational restructuring proposal.

c: Lori Grigg Bluhm, City Attorney  
John M. Lamerato, Assistant City Manager/Finance & Administration  
Mark F. Miller, Acting Assistant City Manager/Economic Development Services  
Department Directors

Name	Title	Minimum Salary	Mid-Point	Maximum Salary	2009 Budgeted Salary	Actual Salary After Vol. Reduction	Payroll Costs + Fringes <sup>1</sup>	Composition of Payroll Costs + Fringes Column						Car	Potential Total
								Fixed Fringe Benefit Costs				Potential Costs (Incurred only if time not taken)			
								Payroll Taxes	Workers Comp	Pension <sup>2</sup>	Hosp./Life	Vacation	Sick		
Szerlag, Anthony J.	City Manager	\$110,338	\$137,986	\$165,584	\$140,000	\$133,000	\$34,686.00	\$ 9,002.00	\$ 676.00	\$ 7,500.00	\$ 1,752.00	\$ 7,162.00	\$ 8,594.00	\$5,100	\$172,786
Bluhm, Lori G.	City Attorney	\$90,724	\$113,406	\$136,087	\$123,812	\$117,621	\$71,142.00	\$ 8,802.00	\$ 534.00	\$ 34,328.00	\$ 4,478.00	\$ 15,000.00	\$ 8,000.00	\$5,100	\$193,863
Lamerato, John M.	Asst. City Mgr-Finance-Admin	\$94,416	\$118,020	\$141,623	\$135,015	\$129,300	\$88,725.00	\$ 8,926.00	\$ 688.00	\$ 33,618.00	\$ 20,411.00	\$ 16,358.00	\$ 8,724.00	\$5,100	\$223,125
Miller, Mark	Asst. City Mgr-Econ Dev Services	\$94,416	\$118,020	\$141,623	\$116,863	\$111,916	\$65,493.00	\$ 8,498.00	\$ 630.00	\$ 16,864.00	\$ 19,517.00	\$ 12,489.00	\$ 7,495.00	\$5,100	\$182,509
Nash, James A.	Financial Services Director	\$84,991	\$106,239	\$127,486	\$113,769	\$108,953	\$80,550.00	\$ 8,335.00	\$ 624.00	\$ 28,328.00	\$ 23,660.00	\$ 12,252.00	\$ 7,351.00	\$0	\$189,503
Bartholomew, Tonni L.	City Clerk	\$82,775	\$103,470	\$124,165	\$111,483	\$106,764	\$64,709.00	\$ 8,167.00	\$ 617.00	\$ 27,759.00	\$ 8,957.00	\$ 12,006.00	\$ 7,203.00	\$0	\$171,473
Paraskevin, Gertrude M.	IT Director	\$84,991	\$106,239	\$127,486	\$114,371	\$109,530	\$81,333.00	\$ 8,487.00	\$ 629.00	\$ 28,846.00	\$ 23,664.00	\$ 12,317.00	\$ 7,390.00	\$0	\$190,863
Leirstein, Susan A.	Purchasing Director	\$82,775	\$103,470	\$124,165	\$96,350	\$92,272	\$67,228.00	\$ 7,299.00	\$ 589.00	\$ 24,809.00	\$ 15,335.00	\$ 12,970.00	\$ 6,226.00	\$0	\$159,500
Kasperek, Sandra L.	City Treasurer	\$66,951	\$83,689	\$100,426	\$87,125	\$83,437	\$55,639.00	\$ 6,383.00	\$ 543.00	\$ 20,859.00	\$ 15,187.00	\$ 7,037.00	\$ 5,630.00	\$0	\$139,076
Licari, Leger	City Assessor	\$84,991	\$106,239	\$127,486	\$110,062	\$105,403	\$81,240.00	\$ 8,331.00	\$ 629.00	\$ 28,315.00	\$ 22,037.00	\$ 14,816.00	\$ 7,112.00	\$5,100	\$191,743
Sears, Peggy E.	Human Resources Director	\$84,991	\$106,239	\$127,486	\$114,371	\$109,530	\$72,706.00	\$ 8,625.00	\$ 642.00	\$ 29,388.00	\$ 11,265.00	\$ 15,396.00	\$ 7,390.00	\$3,900	\$186,136
Mayer, Gary G.	Police Chief	\$87,604	\$109,504	\$131,404	\$119,609	\$114,546	\$83,442.00	\$ 8,714.00	\$ 2,331.00	\$ 30,692.00	\$ 17,875.00	\$ 16,101.00	\$ 7,729.00	\$0	\$197,988
Nelson, William S.	Fire Chief	\$84,991	\$106,239	\$127,486	\$114,371	\$109,530	\$84,452.00	\$ 8,625.00	\$ 3,413.00	\$ 29,388.00	\$ 20,240.00	\$ 15,396.00	\$ 7,390.00	\$0	\$193,982
Vandette, Steven J.	City Engineer	\$82,775	\$103,470	\$124,165	\$113,173	\$108,383	\$72,692.00	\$ 8,291.00	\$ 1,210.00	\$ 28,179.00	\$ 15,511.00	\$ 12,188.00	\$ 7,313.00	\$3,900	\$184,975
Richnak, Timothy L.	Public Works Director	\$87,604	\$109,504	\$131,404	\$109,504	\$104,869	\$66,283.00	\$ 8,453.00	\$ 4,752.00	\$ 27,949.00	\$ 4,787.00	\$ 13,266.00	\$ 7,076.00	\$3,900	\$175,052
Savidant, Brent	Planning Director	\$66,951	\$83,689	\$100,426	\$92,058	\$88,161	\$50,949.00	\$ 6,744.00	\$ 550.00	\$ 13,384.00	\$ 19,366.00	\$ 4,957.00	\$ 5,948.00	\$3,900	\$143,010
Pallotta, Steven A.	Building Operations Director	\$84,991	\$106,239	\$127,486	\$106,239	\$101,742	\$59,837.00	\$ 8,048.00	\$ 2,698.00	\$ 26,453.00	\$ 4,332.00	\$ 11,441.00	\$ 6,865.00	\$3,900	\$165,479
Stewart, Cynthia A.	Community Affairs Director	\$82,775	\$103,470	\$124,165	\$103,470	\$99,090	\$67,160.00	\$ 7,580.00	\$ 594.00	\$ 25,764.00	\$ 15,394.00	\$ 11,142.00	\$ 6,686.00	\$5,100	\$171,350
Anderson, Carol K.	Parks & Rec Director	\$84,991	\$106,239	\$127,486	\$108,997	\$104,383	\$78,948.00	\$ 8,518.00	\$ 2,285.00	\$ 42,074.00	\$ 4,355.00	\$ 14,673.00	\$ 7,043.00	\$5,100	\$188,431
Russ, Cathleen A.	Library Director	\$84,991	\$106,239	\$127,486	\$94,860	\$90,845	\$38,143.00	\$ 6,950.00	\$ 456.00	\$ 12,718.00	\$ 6,782.00	\$ 5,108.00	\$ 6,129.00	\$0	\$128,988
<b>Total</b>		<b>\$1,710,032</b>	<b>\$2,137,610</b>	<b>\$2,565,125</b>	<b>\$2,225,502</b>	<b>\$2,129,275</b>	<b>\$1,365,357</b>	<b>\$162,778</b>	<b>\$25,090</b>	<b>\$517,215</b>	<b>\$274,905</b>	<b>\$242,075</b>	<b>\$143,294</b>	<b>\$55,200</b>	<b>\$3,549,832</b>

Total Fixed Costs: \$979,988      Potential Costs: \$385,369

<sup>1</sup> Fringes and Payroll Costs include mandated payroll taxes (such as Social Security) and maximum potential fringe benefit costs for vacation payment and sick leave

<sup>2</sup> Pension costs are a function of whether employee is in Defined Benefit (DB) Plan. DB plan was closed for this group in 1998.



## CITY COUNCIL AGENDA ITEM

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Date: November 10, 2010  
To: John Szerlag, City Manager  
From: Gary G. Mayer, Chief of Police   
Subject: Police Grants Report

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### Background

This year, the Police Department has applied for three law enforcement grants. Listed below are the grants and disposition of the same.

#### US Department of Justice COPS Grant

We applied for the salaries and benefits of two sworn officers. This grant was for three years with the fourth year having to be paid by the city. The grant was intended to be used to retain positions and reduce the number of layoffs scheduled under Option One effective in the 2012/2013 budget cycle. The grant was from Federal Fiscal Year 2011-2014. We did not receive this grant. We contacted the COPS office to inquire as to how the grants were awarded and learned that one of the issues considered was that we would not be utilizing this grant until the second year of the grant cycle and preference was given to those agencies that needed immediate assistance.

Application Amount: \$460,850

Disposition: Did not receive grant

#### US Department of Justice (DOJ), Justice Assistant Grant (2010 JAG)

The JAG (formerly Bryne Grant) is money that is awarded to municipalities based on the FBI type 1 (serious) crimes. In 2010, the DOJ allotted money to the municipalities based on their part 1 crimes; however, a project must be submitted and approved by DOJ. This year, we wrote a grant project aimed at upgrading the security system for the Lockup facility. This project will assist in several areas. The improved security system will add additional layers of monitoring and control in Lockup, thus enhancing the safety of both Department personnel working within the facility and the prisoners being housed there. Enhanced security and improved safety will also reduce the city's liability exposure. Both issues may enhance the potential for contracting our lockup functions to other municipalities, thus generating revenue that will offset budget shortages. This grant project was approved by DOJ and will be submitted to City Council for approval.

Amount Awarded: \$10,604

Disposition: Received grant



## CITY COUNCIL AGENDA ITEM

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### US Department of Justice (DOJ), Bullet Resistant Vest Grant

We applied for and received funding for replacement of bullet-resistant vests. The DOJ guidelines recommend consideration for replacing vests every five years. Over the next five years, most of our current vests will be in need of replacement. This grant is a 50-50 match. A replacement schedule has been developed where we will be replacing all the vests over the three-year period of the grant. Since some of our vests are newer, with officers being hired in the last two-to-four years, every vest is not in need of immediate replacement. The three-year cycle will allow us to both replace all of our vests over the life of the grant, as well as divide the total cost over that period. DOJ has identified new standards for police vests. We are in the process of researching products that match those standards. Once a model is selected, this grant and project will be submitted to City Council for approval.

Amount Awarded: \$20,861

Disposition: Received grant

Prepared by: Sergeant Donald Ostrowski



## CITY COUNCIL AGENDA ITEM

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Date: November 17, 2010

To: The Honorable Mayor and City Council Members

From: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
Cathleen A. Russ, Library Director

Subject: Closure Plan for Troy Public Library

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In order to affect the complete closure of the Troy Public Library by June 30, 2011, the following steps should be taken:

- Library service to the public will end at close of business on Sunday, April 30, 2011. All library materials that are checked out will be due no later than May 14, 2011.
- The library's collection will remain on the library's shelves, for the short-term. Returned material will be reshelved and an inventory taken. The collection will be covered and protected by June 30, 2011.
- Library staff will be retained through June 30, 2011, to assist with closing responsibilities such as checking in returned material, inventory, and other closing responsibilities.
- The Friends of the Library will dispose of their inventory in the Friends Shop and Book Shop.
- The City of Troy will retain the services of a collection agency, so that significant unpaid fines/fees will be recouped. Also, fees for library material that has not been returned will also be recouped by the collection agency.
- Agencies affected by TPL's closure, such as the Suburban Library Cooperative, the Library of Michigan, and libraries with which TPL has a reciprocal borrowing agreement, will be notified of the closure date.