



# AGENDA

Regular Meeting of the

## CITY COUNCIL OF THE CITY OF TROY

DECEMBER 6, 2010  
CONVENING AT 7:30 P.M.

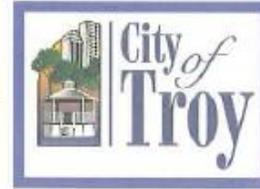
Submitted By  
The City Manager

---

***NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

---





TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

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

John Szerlag, City Manager





# CITY COUNCIL AGENDA

December 6, 2010 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Pastor Edward Petreaca of the Seventh Day Adventist Church** 1

**PLEDGE OF ALLEGIANCE:** 1

**A. CALL TO ORDER:** 1

**B. ROLL CALL:** 1

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

C-1 Certificates of Recognition and Special Presentations Scheduled 1

a) Proclamation Presentation Honoring Judge Michael A. Martone ..... 1

**D. CARRYOVER ITEMS:** 1

D-1 No Carryover Items 1

**E. PUBLIC HEARINGS:** 1

E-1 Public Hearing for the Establishment of an Industrial Development District (IDD) for Silk Route Global, LLC at 950 Stephenson 1

E-2 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC at 950 Stephenson 2

E-3 Public Hearing for the Establishment of an Industrial Development District (IDD) for P3 North America, Inc., at 1957 Crooks 3

E-4 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc., at 1957 Crooks, Suite B 3

---

<b><u>F.</u></b>	<b><u>PUBLIC COMMENT:</u></b>	<b><u>4</u></b>
<b><u>G.</u></b>	<b><u>RESPONSE / REPLY TO PUBLIC COMMENT</u></b>	<b><u>5</u></b>
<b><u>H.</u></b>	<b><u>POSTPONED ITEMS:</u></b>	<b><u>5</u></b>
H-1	No Postponed Items	5
<b><u>I.</u></b>	<b><u>REGULAR BUSINESS:</u></b>	<b><u>5</u></b>
I-1	Appointments to Boards and Committees: None Scheduled	5
I-2	Nominations for Appointments to Boards and Committees: None Scheduled	5
I-3	Request for Closed Session	5
I-4	Cancelation of December 20, 2010 Regular City Council Meeting	5
I-5	2010/11 Budget Amendment No. 1	5
I-6	Bid Waiver – Michigan CAT Mini Excavator	6
I-7	Agreement to Provide Fleet Maintenance Services – Cities of Rochester and Oak Park	6
<b><u>J.</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>7</u></b>
J-1a	Approval of “I” Items NOT Removed for Discussion	7
J-1b	Address of “I” Items Removed for Discussion by City Council	7
J-2	Approval of City Council Minutes	7
J-3	Proposed City of Troy Proclamation: <i>Proclamation to Honor Judge Michael A. Martone</i>	7
J-4	Standard Purchasing Resolutions:	8

a)	Standard Purchasing Resolution 3: Exercise Renewal Option – Home Chore Lawn and Yard Services.....	8
b)	Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Services – Fire Stations and Training Center.....	8
c)	Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – MMRMA Risk Avoidance Program Grant – TASER Purchase .....	9
d)	Standard Purchasing Resolution 2: Bid Award-Sole Bidder – Vehicle Wash Services.....	9
J-5	Application to Transfer Interest and Location of MLCC Class C License No. 9432-2010 from Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC to be located at 6024 Rochester Road, Troy, Michigan, pending final inspections	9
J-6	Application for New SDM License with On Premise Seating for Target Corporation	10
J-7	Application to Add Space (additional indoor seating) for RCSH, LLC (Ruth’s Chris Steak House)	11
J-8	Application to Transfer Stock Interest for Macy’s Retail Holdings, Inc. – Somerset Mall	11
J-9	Application to Transfer Stock Interest for Macy’s Retail Holdings, Inc. – Oakland Mall	12
<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b>13</b>
K-1	Announcement of Public Hearings: None submitted	13
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time):	13
a)	Contract to Transfer Ownership and Responsibility – ALOeTERRA Solar House .....	13
<b><u>L.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b>13</b>
L-1	No Council Referrals Advanced	14
<b><u>M.</u></b>	<b><u>COUNCIL COMMENTS</u></b>	<b>14</b>
M-1	No Council Comments Advanced	14

**N. REPORTS** **14**

---

N-1	Minutes – Boards and Committees:	14
	a) Board of Zoning Appeals/Final – October 19, 2010 .....	14
	b) Planning Commission/Draft – November 9, 2010 .....	14
	c) Planning Commission/Final – November 9, 2010 .....	14
N-2	Department Reports: None Submitted	14
N-3	Letters of Appreciation:	14
	a) Letter of Appreciation from Michelle Bray-Cotton, Thanking the Clerk’s Office for their Assistance in her Community Service Assignment .....	14
N-4	Proposed Proclamations/Resolutions from Other Organizations: None Proposed	14
N-5	Troy Youth Assistance Board of Directors Meeting Minutes – October 21, 2010	14
N-6	Communication: State of Michigan-Notice of Hearing for the Electric Customers of the Detroit Edison Company–Case No. U-15806	14
N-7	Memorandum: Niles-Barnard House Progress Report	14
N-8	Memorandum: City Council Filing Deadline New State Law Implication	14
N-9	Memorandum: Certification of Edward Kempen Citizen Initiative Petition – Addition to the Troy City Ordinance	14
N-10	Memorandum: Project Update – Zoning Ordinance Comprehensive Rewrite (File Number: Z-236)	14
N-11	Memorandum: Response to Council Member Mary Kerwin’s Inquiries About Generally Accepted Accounting Principles as Related to Salaries and Fringe Benefits	14

**O. STUDY ITEMS** **14**

---

O-1	Snow and Ice Control Policy	14
O-2	Goals and Objectives	16

**P. CLOSED SESSION: 16**

P-1 Raquel Chidiac v. City of Troy et. al. 16

**Q. ADJOURNMENT 16**

**FUTURE CITY COUNCIL PUBLIC HEARINGS: 16**

None scheduled 16

**SCHEDULED CITY COUNCIL MEETINGS: 16**

Monday, December 13, 2010 Regular Meeting ..... 16  
Monday, December 20, 2010 Regular Meeting ..... 16  
Monday, January 10, 2011 Regular Meeting ..... 16  
Monday, January 24, 2011 Regular Meeting ..... 16  
Monday, January 31, 2011 Regular Meeting ..... 16  
Monday, February 7, 2011 Regular Meeting ..... 16  
Monday, February 21, 2011 Regular Meeting ..... 16  
Monday, February 28, 2011 Regular Meeting ..... 16

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 16**

Monday, January 17, 2011 @ 6:00 PM Special Meeting..... 16  
Monday, January 24, 2011 after Regular Meeting Special Meeting ..... 16



**INVOCATION: Pastor Edward Petreaca of the Seventh Day Adventist 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 #2010-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of Monday, December 6, 2010 due to \_\_\_\_\_.

Yes:

No:

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

---

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

- a) Proclamation Presentation Honoring Judge Michael A. Martone

**D. CARRYOVER ITEMS:**

---

**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

---

**E-1 Public Hearing for the Establishment of an Industrial Development District (IDD) for Silk Route Global, LLC at 950 Stephenson**

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 950 Stephenson, Troy, MI. 48083-1172, Parcel # 88-20-35-126-018, in accordance with City Council Policy Resolution #2010-08-173; and

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

Yes:

No:

---

**E-2 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC at 950 Stephenson**

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on December 6, 2010, established an Industrial Development District (IDD) for property known as 950 Stephenson, Troy MI. 48083-1172, Parcel # 88-20-35-126-018; and

WHEREAS, An Application has been submitted by Silk Route Global, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 950 Stephenson, Troy MI. 48083-1172, for six (6) years, after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on December 6, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC, at 950 Stephenson, Troy MI. 48083-1172 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC, at 950 Stephenson, Troy MI. 48083-1172 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC, Inc., at 950 Stephenson, Troy MI. 48083-1172, Parcel # 88-20-35-126-018, for personal property for a term of six (6) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Silk Route Global, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

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

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

Yes:

No:

---

**E-3 Public Hearing for the Establishment of an Industrial Development District (IDD) for P3 North America, Inc., at 1957 Crooks**

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1957 Crooks, Troy, MI 48084, Parcel # 88-20-29-426-042, in accordance with City Council Policy Resolution #2010-08-173; and

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

Yes:

No:

---

**E-4 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc., at 1957 Crooks, Suite B**

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on December 6, 2010, established an Industrial Development District (IDD) for property known as 1957 Crooks, Troy, MI 48084, Parcel # 88-20-29-426-042; and

WHEREAS, An Application has been submitted by P3 North America, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1957 Crooks Ste B, Troy, MI 48084, for two (2) years, after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on December 6, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc., at 1957 Crooks Ste B, Troy, MI 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc.,

at 1957 Crooks Ste B, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc., at 1957 Crooks Ste B, Troy MI. 48084, Parcel # 88-20-29-426-042, for personal property for a term of two (2) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Silk Route Global, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and P3 North America, Inc.; a copy of which shall be **ATTACHED** to the original minutes of this meeting; and

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

Yes:

No:

## F. PUBLIC COMMENT:

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

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

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five (5) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five minutes to address Postponed, Regular Business or Consent Agenda items or any other item as permitted under the Open Meetings Act during the Public Comment portion of the agenda.
- City Council may waive the requirements of this section by a majority of the City Council members.
- City Council may wish to schedule a Special Meeting for Agenda items that are related to topics where there is significant public input anticipated.
- Through a request of the Chair and a majority vote of City Council, public Comment may be limited when there are fifteen (15) or more people signed up to speak either on a Public Hearing item or for the Public Comment period of the agenda.

**G. RESPONSE / REPLY TO PUBLIC COMMENT**

**H. POSTPONED ITEMS:**

---

**H-1** No Postponed Items

**I. REGULAR BUSINESS:**

---

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

a) Mayoral Appointments: None Scheduled

b) City Council Appointments/Confirmation: None Scheduled

---

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

---

**I-3** Request for Closed Session

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

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

Yes:

No:

---

**I-4** Cancellation of December 20, 2010 Regular City Council Meeting

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

RESOLVED, That the Troy City Council hereby **CANCELS** the Regular City Council meeting of December 20, 2010.

Yes:

No:

---

**I-5** 2010/11 Budget Amendment No. 1

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the 2010/11 Budget Amendment No. 1 as submitted; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

---

**I-6 Bid Waiver – Michigan CAT Mini Excavator**

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

WHEREAS, Michigan CAT of Shelby Township has been providing for the rental of a CAT304CCR for the last seven (7) months to complete a manhole rebuilding project in the Southeastern Oakland County Sanitary Sewer District;

WHEREAS, It is desirable to continue to use the mini excavator to complete other rehabilitation projects in the Section 35 Water Main Replacement Project and the Evergreen – Farmington Sanitary Sewerage District; and

WHEREAS, Due to the excavator's ease of use and being less intrusive to the surrounding area, the timeframe to re-tap a resident's water service is shortened;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **WAIVE** formal bidding procedures and **AUTHORIZE** the purchase of a CAT304CCR mini excavator from Michigan CAT of Shelby Township for an estimated total cost of \$46,303.88, which includes a discount of \$12,775.00 for rental payments made to date.

Yes:

No:

---

**I-7 Agreement to Provide Fleet Maintenance Services – Cities of Rochester and Oak Park**

**a) Agreement to Provide Fleet Maintenance Services – City of Rochester**

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide fleet maintenance services to the City of Rochester; and

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

Yes:

No:

**b) Agreement to Provide Fleet Maintenance Services – City of Oak Park**

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide fleet maintenance services to the City of Oak Park; and

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

Yes:

No:

**J. CONSENT AGENDA:**

---

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

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

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

Yes:

No:

---

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

---

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

Suggested Resolution

Resolution #2010-12-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of November 22, 2010 as submitted.

---

**J-3 Proposed City of Troy Proclamation: *Proclamation to Honor Judge Michael A. Martone***

Suggested Resolution  
Resolution #2010-12-

RESOLVED, That Troy City Council hereby **APPROVES** the City of Troy: *Proclamation to Honor Judge Michael A. Martone.*

---

**J-4 Standard Purchasing Resolutions:**

**a) Standard Purchasing Resolution 3: Exercise Renewal Option – Home Chore Lawn and Yard Services**

Suggested Resolution  
Resolution #2010-12-

WHEREAS, On December 7, 2009, Troy City Council awarded contracts for seasonal requirements of Lawn and Yard Services for Troy residents using the Home Chore Program with an option to renew for one (1) additional year to the low total bidders, Green Meadows Lawnscape of Sterling Heights, as primary contractor, and Zimmerman Lawn and Snow of Roseville, as secondary contractor, at unit prices contained in the bid tabulation opened October 15, 2009; a copy of which shall be **ATTACHED** to the original Minutes of this meeting (Resolution #2009-12-368-I4a); and

WHEREAS, Green Meadows Lawnscape and Zimmerman Lawn and Snow have agreed to exercise the one-year option to renew their contracts under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts with Green Meadows Lawnscape and Zimmerman Lawn and Snow to provide seasonal requirements of Lawn and Yard Services for Troy residents using the Home Chore Program under the same prices, terms and conditions as their original contracts to expire December 31, 2011.

**b) Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Services – Fire Stations and Training Center**

Suggested Resolution  
Resolution #2010-12-

WHEREAS, On January 25, 2010, Troy City Council awarded a contract for seasonal requirements of snow removal services for the City's Fire Stations and Police/Fire Training Center with an option to renew for two (2) additional seasons to the low bidder, Advanced Landscape & Builders Supply Co of Clawson, at unit prices contained in the bid tabulation opened December 21, 2009; a copy of which shall be **ATTACHED** to the original Minutes of this meeting (Resolution #2010-01-026 I-4b); and

WHEREAS, Advanced Landscape & Builders Supply Co has agreed to exercise first option to renew their contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first option to renew the contract with Advanced Landscape & Builders Supply Co of Clawson to provide seasonal requirements of snow removal services for the City's Fire Stations and Police/Fire Training Center under the same prices, terms and conditions expiring April 15, 2011.

**c) Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – MMRMA Risk Avoidance Program Grant – TASER Purchase**

Suggested Resolution  
Resolution #2010-12-

RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Troy Police Department to receive a Michigan Municipal Risk Management Authority (MMRMA) Risk Avoidance Program (RAP) Grant and **EXPEND** funds for the purchase of TASER equipment from the sole source provider, Michigan TASER Distributing, for an estimated total cost of \$41,483.37; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Police department budget to receive the grant funding equal to 50% of the cost for thirty (30) TASERS and a training suit estimated at \$12,212.50.

**d) Standard Purchasing Resolution 2: Bid Award-Sole Bidder – Vehicle Wash Services**

Suggested Resolution  
Resolution #2010-12-

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract for exterior only Vehicle Wash Services with an option to renew for two additional years to the sole bidder, Pro Enterprise Inc, dba Pro Car Wash, for Items # 1 and #3 at unit prices contained in the bid tabulation opened November 10, 2010; a copy of which shall be **ATTACHED** to the original Minutes of this meeting for an estimated annual cost of \$14,526.00, to expire December 31<sup>st</sup>, 2012; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** the contract **CONTINGENT ON** the contractor's submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

---

**J-5 Application to Transfer Interest and Location of MLCC Class C License No. 9432-2010 from Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC to be located at 6024 Rochester Road, Troy, Michigan, pending final inspections**

**a) License Transfer**

Suggested Resolution  
Resolution #2010-12-

RESOLVED, That Troy City Council hereby **CONSIDERS FOR APPROVAL** Square Lake Diner, LLC to Transfer Interest and Location of MLCC Class C License No. 9432-2010 from Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC to be located at 6024 Rochester Road, Troy, MI, Oakland County {MLCC Request #567112}, “above all others”; and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**b) Agreement**

Suggested Resolution

Resolution #2010-12-

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Square Lake Diner, LLC to Transfer Interest and Location of MLCC Class C License No. 9432-2010 from Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC to be located at 6024 Rochester Road, Troy, MI, Oakland County {MLCC Request #567112}, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-6 Application for New SDM License with On Premise Seating for Target Corporation**

**a) License Transfer**

Suggested Resolution

Resolution #2010-12-

RESOLVED, That Troy City Council hereby **CONSIDERS FOR APPROVAL** Target Corporation for a New SDM License with On Premise Seating, and new Direct-Connection-2 located at 1301 Coolidge Highway, Troy, MI 48084, Oakland County {MLCC Request #556906} “above all others”; and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**b) Agreement**

Suggested Resolution

Resolution #2010-12-

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Target Corporation for a New SDM license with On Premise Seating, and new Direct-Connection-2 located at 1301 Coolidge Highway, Troy, MI 48084, Oakland County {MLCC

Request #556906} and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-7 Application to Add Space (additional indoor seating) for RCSH, LLC (Ruth's Chris Steak House)**

**a) Add Space (additional indoor seating)**

Suggested Resolution

Resolution #2010-12-

RESOLVED, That Troy City Council hereby **CONSIDERS FOR APPROVAL** RCSH (Ruth's Chris Steak House) Operations, LLC to Add Space to 2009 Class C and SDM Licensed Business With Dance Permit located at 755 West Big Beaver Road, Suite 151, Troy, MI 48084, Oakland County {MLCC Request #530151}; and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**b) Agreement**

Suggested Resolution

Resolution #2010-12-

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with RCSH (Ruth's Chris Steak House) Operations, LLC to Add Space to 2009 Class C and SDM Licensed Business With Dance Permit located at 755 West Big Beaver Road, Suite 151, Troy, MI 48084, Oakland County {MLCC Request #530151} and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-8 Application to Transfer Stock Interest for Macy's Retail Holdings, Inc. – Somerset Mall**

**a) Transfer All Stock Interest**

Suggested Resolution

Resolution #2010-12-

RESOLVED, That the request from 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 West Big Beaver Road, 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 {MLCC Req. 322719} be **CONSIDERED FOR APPROVAL**; and

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

**b) Agreement**

Suggested Resolution

Resolution #2010-12-

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

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby APPROVES an agreement with 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 West Big Beaver Road, 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 {MLCC Req. 322719}, and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-9 Application to Transfer Stock Interest for Macy's Retail Holdings, Inc. – Oakland Mall**

**a) Transfer All Stock Interest**

Suggested Resolution

Resolution #2010-12-

RESOLVED, That the request from 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 West Fourteen Mile Road, 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)

Corporation), on August 30, 2005 {MLCC Req. 322719} be **CONSIDERED FOR APPROVAL**; and

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

**b) Agreement**

Suggested Resolution

Resolution #2010-12-

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

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with 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 West Fourteen Mile Road, 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 {MLCC Req. 322719}, and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

---

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

---

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

**a)** Contract to Transfer Ownership and Responsibility – ALOeTERRA Solar House

**L. COUNCIL REFERRALS:**

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

**L-1 No Council Referrals Advanced**

**M. COUNCIL COMMENTS**

---

**M-1 No Council Comments Advanced**

**N. REPORTS**

---

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

- a) Board of Zoning Appeals/Final – October 19, 2010
  - b) Planning Commission/Draft – November 9, 2010
  - c) Planning Commission/Final – November 9, 2010
- 

**N-2 Department Reports: None Submitted**

---

**N-3 Letters of Appreciation:**

- a) Letter of Appreciation from Michelle Bray-Cotton, Thanking the Clerk’s Office for their Assistance in her Community Service Assignment
- 

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

---

**N-5 Troy Youth Assistance Board of Directors Meeting Minutes – October 21, 2010**

---

**N-6 Communication: State of Michigan-Notice of Hearing for the Electric Customers of the Detroit Edison Company–Case No. U-15806**

---

**N-7 Memorandum: Niles-Barnard House Progress Report**

---

**N-8 Memorandum: City Council Filing Deadline New State Law Implication**

---

**N-9 Memorandum: Certification of Edward Kempen Citizen Initiative Petition – Addition to the Troy City Ordinance**

---

**N-10 Memorandum: Project Update – Zoning Ordinance Comprehensive Rewrite (File Number: Z-236)**

---

**N-11 Memorandum: Response to Council Member Mary Kerwin’s Inquiries About Generally Accepted Accounting Principles as Related to Salaries and Fringe Benefits**

---

**O. STUDY ITEMS**

---

**O-1 Snow and Ice Control Policy**

Suggested Resolution

Resolution #2010-12-

Moved by

Seconded by

---

WHEREAS, Continuing reductions in the taxable value of real estate are adversely affecting the City of Troy's operating revenues; and

WHEREAS, This reduction means significant reduced revenues for fiscal years 2011, 2012, and 2013; and

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

WHEREAS, The City of Troy adopted a three-year budget which eliminates the funds for the 2011/12 Winter Maintenance Agreement between the Road Commission for Oakland County (RCOC) and the City of Troy for snow and ice control for the following Priority I and Priority II County roads:

- Adams
- Big Beaver
- Crooks
- Dequindre
- John R
- Livernois
- Long Lake
- Maple
- South Boulevard ; and

WHEREAS, The Streets and Drains Division of the Department of Public Works will lose ten employees in the 2011/12 budget;

WHEREAS, Historic City of Troy snow and ice control procedures provided for a high level of service which ensured clearing to bare pavement within 24 hours after a four-inch snow event on City and RCOC major roads;

WHEREAS, The RCOC standards for snow and ice control for RCOC major roads ensure that roads are treated within two to four days after a four-inch snow event, but this does not mean plowed to bare pavement;

WHEREAS, On October 4, 2010 the Troy City Council approved the 2010/11 Winter Maintenance Agreement between the RCOC and the City of Troy for snow and ice control of the Priority I and Priority II County roads listed above;

WHEREAS, Application of the City of Troy snow and ice control procedures and the RCOC would create a problematic situation if City of Troy local roads are cleared before the RCOC major roads are cleared of snow and ice; and

WHEREAS, City Management recommends that the snow and ice control procedures be amended to provide a uniform level of service to City of Troy and RCOC major roads;

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Department of Public Works to amend the City of Troy snow and ice control procedures to provide season long uniform level service to the City of Troy roads and RCOC major roads, specifically clearing all roads within 72 hours after a four inch snow event.

Yes:

No:

---

**O-2 Goals and Objectives**

**P. CLOSED SESSION:**

---

**P-1 Raquel Chidiac v. City of Troy et. al.**

**Q. ADJOURNMENT**

Respectfully submitted,



John Szerlag, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

None scheduled

**SCHEDULED CITY COUNCIL MEETINGS:**

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

## PROCLAMATION TO HONOR JUDGE MICHAEL A. MARTONE

**WHEREAS, Michael A. Martone** was first elected to Troy and Clawson's 52-4 District Court in 1992 and reelected without opposition in 1998 and again in 2004. He received his Bachelor of Arts degree from Wayne State University and his Juris Doctorate from Michigan State University, Detroit College of Law; and

**WHEREAS,** The community has been in constant change over the years, but **Judge Martone** has maintained a distinguished record of accomplishment, judicial integrity, character, service and excellence to all he has served. **Judge Martone's** professional career and much of his personal time has been dedicated to helping America's youth avoid problems and deal successfully with the challenges that they face in today's society. His frequent use of 'creative sentences' and his establishment of the **Courageous Decisions Program**, a nationally acclaimed alcohol intervention program, has raised awareness of the dangers of drinking and driving and underage binge drinking all across America. Since its inception in 1993, more than 225,000 students in 30 states have participated in this highly successful, award-winning program; and

**WHEREAS,** On April 20, 1999, in a first of its kind broadcast, **Judge Martone** presented this program, via satellite to every school in North America. **Judge Martone** is a faculty member at the Michigan Judicial Institute and served as both lead faculty and as a special presenter at the National Judicial College at the University of Nevada where his program has been established as part of the college's curriculum. It is also part of SADD's national "2000 by 2000" initiative and both the 1997 and 2000 MADD National Youth Summits; and

**WHEREAS, Judge Martone** and the **Courageous Decisions Program** have been featured on NBC's Today Show, ABC's Good Morning America, CBS's Early Show, MSNBC's Today's People, CNN's Newsstand and on National Public Radio's the Todd Mundt Show. In 2008, Mothers Against Drunk Driving (MADD) SE Michigan created the annual Courage First Life Savers Award, named in honor of **Judge Martone's Courage First Foundation** and presented him with the inaugural award; and

**WHEREAS, Judge Martone** has been the recipient of the Harvard University John F. Kennedy School of Government 100 Most Innovative Programs in All of Federal, State, Local and Tribal Government Award for his Courageous Decisions Program; and

**WHEREAS,** Over the years, **Judge Martone** has volunteered with Troy Families for Safe Homes, Troy Community Coalition for the Prevention of Drug and Alcohol Abuse and the Troy Foundation for Educational Excellence. In 2006, **Judge Martone** was selected as the Distinguished Citizen of the Year and an Oakland County Q2 Award winner. He has also been a soccer and basketball coach, youth mentor at St. Thomas More, and active with the Boy Scouts of America; and

**WHEREAS,** The most important aspects in **Judge Martone's** life is his family, wife of 32 years **Martha Rose**, & sons **Jonathan and James**; and

**WHEREAS, Judge Michael A. Martone** is respected nation-wide, not merely for the justice that characterizes his courtroom, but for the ways in which he works to keep our community safe and our kids on the right path. **Judge Martone's** innovative crime and substance abuse prevention programs have attracted national media attention and have been adopted by courts and schools all over the United States.

**NOW, THEREFORE, BE IT KNOWN,** That the City Council of the City of Troy takes this opportunity to express its appreciation and sincere gratitude to **Judge Michael A. Martone** for his many contributions to the betterment of the City during his tenure as 52-4 District Court Judge; and

**BE IT FURTHER KNOWN** That the City Council of the City of Troy, on behalf of themselves, City management and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Michael** during his retirement years. His influence and contributions will remain alive in our hearts and will impact each of us as we journey into the future.

Presented the 6<sup>th</sup> day of December 2010.



## CITY COUNCIL AGENDA ITEM

---

Date: December 6, 2010

To: John Szerlag, City Manager

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

Subject: Public Hearing for the establishment of an Industrial Development District (IDD) for Silk Route Global, LLC at 950 Stephenson

---

### Background:

Silk Route Global, LLC, is expanding its operations into Troy, at 950 Stephenson. As part of their application for incentives from MEGA, a local contribution is required. As such, they have applied for tax abatement, under the new City Council Tax Abatement Policy (attached). They intend to purchase computer equipment valued at \$200,000. They will also add 40 new jobs to the 13 existing jobs they have.

They would qualify for an Industrial Facility Exemption Certificate (IFEC) for 6 years.

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

### Financial Considerations:

The projected amount of the investment is \$200,000. Over the 6 year life of the abatement, the estimated total taxes would be \$2,909.08, of which \$914.79 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$1,454.54, of which \$457.40 would be abated City taxes.

### Legal Considerations:

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



## CITY COUNCIL AGENDA ITEM

---

### Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2010-08-173.

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

### Recommendation:

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

### Options:

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

NI/nl H:IFT\SilkRoute\Memo IDD 12.06.10

# Application for Industrial Facilities Tax Exemption Certificate

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

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

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit <i>10/13/10</i>
STC Use Only	
Application Number	Date Received by STC

**APPLICANT INFORMATION**  
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) <b>Silk Route Global LLC</b>	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) <b>541511</b>	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) <b>950 Stephenson Hwy., Troy, MI 48083</b>	1d. City/Township/Village (indicate which) <b>City of Troy</b>	1e. County <b>Oakland</b>
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	3a. School District where facility is located <b>Troy, MI</b>	3b. School Code <b>63150</b>
4. Amount of years requested for exemption (1-12 Years) <b>Six</b>		

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

See Attached

RECEIVED

OCT 13 2010

CITY OF TROY  
ASSESSING DEPT.

6a. Cost of land and building improvements (excluding cost of land) ..... * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	\$0.00 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures ..... * Attach itemized listing with month, day and year of beginning of installation, plus total	\$200,000.00 Personal Property Costs
6c. Total Project Costs ..... * Round Costs to Nearest Dollar	\$200,000.00 Total of Real & Personal Costs

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

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	10/1/10	10/31/10	<input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased
Personal Property Improvements	10/1/10	10/31/13	<input type="checkbox"/> Owned <input type="checkbox"/> Leased

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

9. No. of existing jobs at this facility that will be retained as a result of this project. <b>13</b>	10. No. of new jobs at this facility expected to create within 2 years of completion. <b>40</b>
--	--

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

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

12a. Check the type of District the facility is located in:  
 Industrial Development District       Plant Rehabilitation District

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

**APPLICANT CERTIFICATION - complete all boxes.**

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

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

13a. Preparer Name <b>Ted Wilson</b>	13b. Telephone Number <b>(248) 399-9999</b>	13c. Fax Number <b>(248) 399-9393</b>	13d. E-mail Address <b>taw@corepartners.net</b>
14a. Name of Contact Person <b>Amjad Hussain</b>	14b. Telephone Number <b>(248) 854-3409</b>	14c. Fax Number <b>(248) 928-9035</b>	14d. E-mail Address <b>amjad.hussain@srgsaas.com</b>
▶ 15a. Name of Company Officer (No Authorized Agents) <b>Amjad Hussain</b>			
15b. Signature of Company Officer (No Authorized Agents) <i>Amjad Hussain</i>		15c. Fax Number <b>(248) 928-9035</b>	15d. Date <b>Oct 1, 2010</b>
▶ 15e. Mailing Address (Street, City, State, ZIP Code) <b>950 Stephenson Hwy., Troy, MI 48083</b>		15f. Telephone Number <b>(248) 854-3409</b>	15g. E-mail Address <b>amjad.hussain@srgsaas.com</b>

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

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

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: <b>Check or Indicate N/A if Not Applicable</b> <input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input checked="" type="checkbox"/> 2. Resolution establishing district <input checked="" type="checkbox"/> 3. Resolution approving/denying application. <input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input checked="" type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation <input checked="" type="checkbox"/> 8. Form 3222 (if applicable) <input checked="" type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit <b>Check or Indicate N/A if Not Applicable</b> <input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input checked="" type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code <b>541511</b>	16d. School Code <b>63150 (260 TROY)</b>
17. Name of Local Government Body <b>CITY OF TROY</b>	▶ 18. Date of Resolution Approving/Denying this Application

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

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

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

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

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

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

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

Applicant Name Silk Route Global, LLC
--

## Fiscal Statement (to be completed by local unit)

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

Estimated Project Investment (not assessed value):

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

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

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

### LOCAL UNIT CERTIFICATION

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

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



Jul 15, 2010

Mr. Nino Licari  
City Assessor  
500 W. Big Beaver Rd.  
Troy, MI 48084

RE: Tax Abatement

Dear Mr. Licari

Silk Route Global, Inc.(SRG) is in pursuit of a MEGA grant from the State of Michigan. SRG designated preferred location is 950 Stephenson Highway in Troy and is desirous of a Personal Property tax abatement from Troy as a local match for the MEGA grant. Over the next two years SRG plans on purchasing \$750,000 in equipment, hiring 30 new high paying positions, and will sign a 10 year lease with the owners of 950 Stephenson if the MEGA grant is approved.

SRG will be making a formal application for the abatement within the next 90 days.

If you have any questions or need additional information, please call me at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read 'Amjad Hussain', written in a cursive style.

Amjad Hussain  
President  
SILKROUTE GLOBAL, INC.

Attachment for Section 5 of Application for Industrial Tax Exemption Certificate

SRG sells a subscription service to their proprietary software that SRG currently hosts on remote servers. The basis of the service that SRG provides is to take a multitude of suppliers, manufacturers, or retailers (or an entity that is any combination - like Sony) and provide instant feedback on materials or products needed for stocking. This technology goes many steps beyond what we in Michigan have described as "Just - In - Time" manufacturing. The programming not only provides usage figures but forecasts future demand on a "real-time" platform at many levels in the supply chain. Additionally, SRG personalizes the software to each client's needs. Currently SRG client base includes Sony Corporation, Tesco, Oakwood Distribution (UK), and Entertainment Publications. The abilities that SRG's technologies have created is that it takes an almost infinite number of pieces of data and organize them in a unique personalize way for the individual client. Additionally, SRG's base program is still simple enough that it can be used by small retailers to control their inventories. The potential growth of the software is unlimited. Then as the smaller companies grow, the specialization and individualization of the program will provide future income streams to SRG. Since the base program for each company is housed on servers controlled by SRG, there is little chance the program can be pirated by competitors.

SRG has executed a 10 Year lease at 950 Stephenson Highway in Troy which is capable of handling SRG's future growth. A copy of the lease is attached. That future growth includes the addition of 20 employees per year for Five years and the purchase personal property over the next two years will be in the form of personal computers, computer equipment, and office furniture:

SILK ROUTE GLOBAL LLC

SCHEDULE OF EQUIPMENT PURCHASES

10/1/2010

Capital Equipment	2011	2012	2013	2014	2015
Enterprise Disk Server	\$ 23,000.00	\$ 23,000.00	\$ 23,000.00	\$ 23,000.00	\$ 23,000.00
Oracle Software Licenses	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00
SaaS Infrastructure	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00
Cloud Infrastructure	\$ 17,000.00	\$ 17,000.00	\$ 17,000.00	\$ 17,000.00	\$ 17,000.00
Media Infrastructure	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Total	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00

Silk Route Global, Aerial and Site  
950 Stephenson  
88-20-35-126-018

STEPHENSON

STEPHENSON

950

1150

850



Silk Route Global, LLC  
IFT & IDD Application  
950 Stephenson  
Troy, MI 48084-1172

88-20-35-126-018

Legal Description

T2N, R11E, SEC 35  
ROBBINS EXECUTIVE PARK WEST NO 3  
PART OF LOT 8  
BEG AT PT DIST  
N 01-13-00 E 45.00 FT  
FROM SW LOT COR,  
TH N 01-13-00 E 537.87 FT,  
TH S 88-47-00 E 409.00 FT,  
TH S 01-13-00 W 492.87 FT,  
TH N 88-47-00 W 162.00 FT,  
TH S 01-13-00 W 45.00 FT,  
TH N 88-47-00 W 247.00 FT  
TO BEG

**City of Troy - Assessing Department**  
**Silk Route Global, LLC**  
**Estimate of Total Taxes and Tax Savings for IFEC Application**

<b>Market Value</b>	200,000	120,000	52,800	16,896	4,055	770	116
<b>50% of Value</b>	100,000	60,000	26,400	8,448	2,028	385	58
<b>Year</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>Depreciation</b>		0.6000	0.4400	0.3200	0.2400	0.1900	0.1500
<b>Taxable Value</b>		60,000	26,400	8,448	2,028	385	58

<b>Taxes</b>	<b>100% of Millage</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>
<b>Trans</b>	0.59000	\$35.40	\$15.58	\$4.98	\$1.20	\$0.23	\$0.03
<b>County</b>	4.64610	\$278.77	\$122.66	\$39.25	\$9.42	\$1.79	\$0.27
<b>Int Schools</b>	3.36900	\$202.14	\$88.94	\$28.46	\$6.83	\$1.30	\$0.19
<b>Comm Coll</b>	1.58440	\$95.06	\$41.83	\$13.39	\$3.21	\$0.61	\$0.09
<b>State Ed</b>	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>School Op</b>	6.00000	\$360.00	\$158.40	\$50.69	\$12.17	\$2.31	\$0.35
<b>Sch Debt</b>	4.10000	\$246.00	\$108.24	\$34.64	\$8.31	\$1.58	\$0.24
<b>Admin</b>	0.20290	\$12.17	\$5.36	\$1.71	\$0.41	\$0.08	\$0.01
<b>City</b>	9.40000	\$564.00	\$248.16	\$79.41	\$19.06	\$3.62	\$0.54
<b>Total</b>	29.89240	\$1,793.54	\$789.16	\$252.53	\$60.61	\$11.52	\$1.73

<b>Total 6 Years</b>	\$2,909.08
<b>Total City 6 Yr</b>	\$914.79

<b>50% Total 6 Yr</b>	\$1,454.54	<b>Net Total Taxes Abated</b>
<b>50% Total City 6 Yr</b>	\$457.40	<b>Net Total City Taxes Abated</b>
<b>2% Total City 6 Yr</b>	\$9.15	<b>Application Fee (2% total city)</b>

950 STEPHENSON HIGHWAY

TROY, MICHIGAN

LEASE

THIS LEASE is made between the Landlord and Tenant identified in Paragraph 1(b) and 1(c) hereof, respectively, and constitutes a Lease between the parties of the demised premises in the "Building" as defined in Paragraph 1 hereupon the terms and conditions and with and subject to the covenants and agreements of the parties hereinafter set forth.

W I T N E S S E T H:

BASIC LEASE PROVISIONS

1. The following are certain basic lease provisions, which are part of, and in certain instances referred to in subsequent provisions of, this Lease.

(a) Lease dated and Effective as of: August 13, 2010

(b) Landlord: Indus Properties, LLC / Titanium, Inc.

(c) Tenant: Silkroute Global

(d) Demised Premises: Suite 100(8,119 rentable square ft. / 7,249 useable square feet)

(e) Commencement Date: October 1, 2010

(f) Expiration Date: September 30, 2020

(g) Base Rent (Gross plus Electric):

<u>Period</u>	<u>AH</u>	<u>Rate/RSF/YR</u>	<u>Monthly Rent</u>
Months 1 through	120		

(h) Rental Abatement -- N/A

(i) Electrical -- Tenants share of monthly charge

(j) Improvements: To be completed by Landlord on a turn key basis subject to mutually agreed upon plans and specifications. Cost of such improvements shall not exceed

(k) Tenant's Address for Notices:

950 Stephenson Highway  
Suite 100  
Troy, MI

(l) Landlord's Address for Notices:

950 Stephenson Highway  
Suite 110  
Troy, MI

(m) Deposit:

PARKING

26. Tenant shall be permitted to park on a first come first serve basis.

ESTOPPEL CERTIFICATE

27. (a) Within ten (10) days following any written request which Landlord may make from time to time, Tenant shall execute and deliver to Landlord a statement certifying: (i) the date of commencement of this Lease; (ii) the fact that this Lease is unmodified and in full force and effect, (or, if there have been modifications hereto, that this Lease is in full force and effect, as modified, and stating the date and nature of such modifications); (iii) the date to which the rental and other sums payable under this Lease have been paid; (iv) the fact that there are not current defaults under this Lease by either Landlord or Tenant, except as specified in Tenant's statement; and (v) such other matters as may be requested by Landlord. Landlord and Tenant intend that any statement delivered pursuant to this Section 27 may be relied upon by any Lender, prospective lender, purchaser or prospective purchaser with respect to the Building or any interest therein.

(b) Tenant's failure to deliver such statement within such time shall be conclusive upon Tenant (i) that this Lease is in full force and effect without modification except as may be represented by Landlord (ii) that there are no uncured defaults in Landlord's performance hereunder, and (iii) that not more than one (1) month's rental has been paid in advance.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands as of the day and year first above written.

LANDLORD: Indus Properties / Titanium Inc.

By: *Muhammad Ahmad*  
Date: \_\_\_\_\_

TENANT: Silkroute Global

By: *Abdul Hameed*  
Date: \_\_\_\_\_

List of Exhibits

- A - Floor Plan
- B - Parking
- C - Rules and Regulations

**I-4 Amending the Personal Property Tax Abatement Policy**

Resolution #2010-08-173

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the tax base of the community, (c) reducing economic obsolescence, (d) providing homogenous industrial areas, (e) encouraging expansion, (f) providing for improved public facilities, and (g) encouraging attractive, viable building sites and (h) enhancing our economic development tools to attract and retain businesses; and

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

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

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

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

Tax Abatement Matrix for Real and Personal Property					
Job Creation		Building Terms		RP and/or PP Investment	
10 - 24	1 year	Own	4 years	\$ 750,000	1 year
25 - 49	2 years	Lease		\$ 2,000,000	2 years
50 - 99	3 years	5 year	1 Year	\$ 5,000,000	3 years
100 - 149	4 years	6 - 9 year	2 years	\$ 10,000,000	4 years
150 - 199	5 years	10 + year	4 years	\$ 20,000,000	5 years
200 +	6 years				

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

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

No: Howrylak

**MOTION CARRIED**

- **The owner of Silk Route has an ownership interest in the building, also. The years work out the same, in either case.**

October 20, 2010

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

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

Re: Affidavit of Application Fees For IFEC

This affidavit attests to the fact that the City of Troy has charged an application fees in the amount of \$9.15, equal to 2% of the estimated abated City taxes for the life of the exemption for Silk Route Global, LLC, 950 Stephenson, Troy, MI 48083-1172

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

---

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

---

Dated:

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

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

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Silk Route Global, LLC**, understands that through its investment of \$200,000.00 ~~and its qualification for Michigan Economic Growth Authority incentives~~, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is **6** years after either completion of construction of the facilities, or December 31, 2019, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2012, **Silk Route Global, LLC**, will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **Silk Route Global, LLC**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

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

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

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

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

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

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

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

Signed: \_\_\_\_\_ (date) \_\_\_\_\_

Name:

Title:

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

Signed: \_\_\_\_\_ (date) \_\_\_\_\_  
Tonni L. Bartholomew  
City Clerk

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, December 6, 2010 at 7:30 P.M. to consider the establishment of an Industrial Development District (IDD) at the following location:

88-20-35-126-018

950 Stephenson, Troy, MI. 48083-1172

T2N, R11E, Section 35

Robbins Executive Park West No. 3 Part of Lot 8

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

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

TROY SCHOOL DISTRICT  
MARK RAJTER  
4400 LIVERNOIS  
TROY MI 48098-4799

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

OAKLAND INTERMEDIATE  
SCHOOLS  
2111 PONTIAC LAKE  
WATERFORD MI 48328

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

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

SILK ROUTE GLOBAL LLC  
AMJAD HUSSAIN  
950 STEPHENSON  
TROY MI 48083-1172

CORE PARTNERS  
TED WILSON  
26622 WOODWARD STE 250  
ROYAL OAK MI 48067

**E- 01 Resolution for Establishment of an Industrial Development District (IDD) at 950 Stephenson**

Suggested Resolution

Resolution # 2010-

Moved by:

Seconded by:

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 950 Stephenson, Troy, MI. 48083-1172, Parcel # 88-20-35-126-018, in accordance with City Council Policy Resolution #2010-08-173; and

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

Yes:

No:



## CITY COUNCIL AGENDA ITEM

---

Date: December 6, 2010

To: John Szerlag, City Manager

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

Subject: Public Hearing for the granting of an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC at 950 Stephenson

---

### Background:

Silk Route Global, LLC, is expanding its operations into Troy, at 950 Stephenson. As part of their application for incentives from MEGA, a local contribution is required. As such, they have applied for tax abatement, under the new City Council Tax Abatement Policy (attached). They intend to purchase computer equipment valued at \$200,000. They will also add 40 new jobs to the 13 existing jobs they have.

They would qualify for an Industrial Facility Exemption Certificate (IFEC) for 6 years.

### Financial Considerations:

The projected amount of the investment is \$200,000. Over the 6 year life of the abatement, the estimated total taxes would be \$2,909.08, of which \$914.79 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$1,454.54, of which \$457.40 would be abated City taxes.

### Legal Considerations:

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

### Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2010-08-173.

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



## CITY COUNCIL AGENDA ITEM

---

### Recommendation:

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

### Options:

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

NI/nl H:IFT\SilkRoute\Memo IFEC 12.06.10

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, December 6, 2010 at 7:30 P.M. to consider the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-35-126-018 950 Stephenson, Troy, MI. 48083-1172  
T2N, R11E, Section 35 Robbins Executive Park West No. 3 Part of Lot 8

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

---

Tonni Bartholomew, MMC  
City Clerk

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

TROY SCHOOL DISTRICT  
MARK RAJTER  
4400 LIVERNOIS  
TROY MI 48098-4799

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

OAKLAND INTERMEDIATE  
SCHOOLS  
2111 PONTIAC LAKE  
WATERFORD MI 48328

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

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

SILK ROUTE GLOBAL LLC  
AMJAD HUSSAIN  
950 STEPHENSON  
TROY MI 48083-1172

CORE PARTNERS  
TED WILSON  
26622 WOODWARD STE 250  
ROYAL OAK MI 48067

**E - 02 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) to Silk Route Global, LLC – 950 Stephenson**

Suggested Resolution

Resolution # 2010-

Moved by:

Seconded by:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on December 6, 2010, established an Industrial Development District (IDD) for property known as 950 Stephenson, Troy MI. 48083-1172, Parcel # 88-20-35-126-018; and

WHEREAS, An Application has been submitted by Silk Route Global, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 950 Stephenson, Troy MI. 48083-1172, for six (6) years, after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on December 6, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC, at 950 Stephenson, Troy MI. 48083-1172 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC, at 950 Stephenson, Troy MI. 48083-1172 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC, Inc., at 950 Stephenson, Troy MI. 48083-1172, Parcel # 88-20-35-126-018, for personal property for a term of six (6) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Silk Route Global, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

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

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

Yes:

No:



## CITY COUNCIL AGENDA ITEM

---

Date: December 6, 2010

To: John Szerlag, City Manager

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

Subject: Public Hearing for the establishment of an Industrial Development District (IDD) for P3 North America, Inc., at 1957 Crooks

---

### Background:

P3 North America, Inc., is expanding its operations into Troy, at 1957 Crooks Ste B. As part of their application for incentives from MEGA, a local contribution is required. As such, they have applied for tax abatement, under the new City Council Tax Abatement Policy (attached). They intend to purchase equipment and leasehold improvements valued at \$145,950. They will also add 23 new jobs to the 44 existing jobs they have.

They would qualify for an Industrial Facility Exemption Certificate (IFEC) for 2 years.

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

### Financial Considerations:

The projected amount of the investment is \$145,950.00. Over the 2 year life of the abatement, the estimated total taxes would be \$3,573.13, of which \$1,123.61 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$1,786.56, of which \$561.81 would be abated City taxes.

### Legal Considerations:

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



## CITY COUNCIL AGENDA ITEM

---

### Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2010-08-173.

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

### Recommendation:

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

### Options:

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

NI/nl H:IFT\P3 NA\Memo IDD 12.06.10

# Application for Industrial Facilities Tax Exemption Certificate

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

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

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit <i>10/19/10</i>
STC Use Only	
Application Number	Date Received by STC

**APPLICANT INFORMATION**  
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) <i>P3 North America Inc</i>	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) <i>NATCS: 541330 SIC: 8711</i>
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) <i>1957 Crookes Rd Ste B, Troy MI, 48064</i>	1d. City/Township/Village (indicate which) <i>City of Troy</i>
1e. County <i>Oakland</i>	3a. School District where facility is located <i>Troy Schools</i>
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Research and Development (Sec. 2(9))	3b. School Code <i>63150</i>
<input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Rehabilitation (Sec. 3(1))	4. Amount of years requested for exemption (1-12 Years) <i>2</i>

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.  
*See Attached:  
R&D, Testing, Engineering and Consulting for high tech industries including automotive, aviation, and telecommunications. For example, wireless communications and navigation systems.*

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ <i>27,700</i> Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures. * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ <i>118,250</i> Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ <i>145,950</i> Total of Real & Personal Costs

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

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

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

9. No. of existing jobs at this facility that will be retained as a result of this project. *44*

10. No. of new jobs at this facility expected to create within 2 years of completion. *23*

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

a. TV of Real Property (excluding land) *NA*

b. TV of Personal Property (excluding inventory) *NA*

c. Total TV *NA*

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

Industrial Development District  Plant Rehabilitation District

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

12c. Is this application for a speculative building (Sec. 3(8))?  
 Yes  No

**APPLICANT CERTIFICATION - complete all boxes.**

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

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

13a. Preparer Name <i>Ben Beagan</i>	13b. Telephone Number <i>248-736-3418</i>	13c. Fax Number <i>248-399-5668</i>	13d. E-mail Address <i>ben.beagan@p3-group.com</i>
14a. Name of Contact Person <i>Ben Beagan</i>	14b. Telephone Number <i>248-736-3418</i>	14c. Fax Number <i>248-399-5668</i>	14d. E-mail Address <i>ben.beagan@p3-group.com</i>
▶ 15a. Name of Company Officer (No Authorized Agents) <i>Savit Ghosh</i>			
15b. Signature of Company Officer (No Authorized Agents) <i>Savit Ghosh</i>		15c. Fax Number <i>248-399-5668</i>	15d. Date <i>9/23/10</i>
▶ 15e. Mailing Address (Street, City, State, ZIP Code) <i>1957 Creeks Rd, Troy, MI 48064</i>		15f. Telephone Number <i>248-399-1755</i>	15g. E-mail Address <i>Savit.ghosh@p3-group.com</i>

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

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

▶ 16. Action taken by local government unit <input checked="" type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: <b>Check or Indicate N/A if Not Applicable</b> <input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input checked="" type="checkbox"/> 2. Resolution establishing district <input checked="" type="checkbox"/> 3. Resolution approving/denying application. <input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <i>N/A</i> 6. Building Permit for real improvements if project has already begun <input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation <input checked="" type="checkbox"/> 8. Form 3222 (if applicable) <i>N/A</i> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit <b>Check or Indicate N/A if Not Applicable</b> <input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input checked="" type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code <i>541330</i>	16d. School Code <i>63150 (260 TROY)</i>
17. Name of Local Government Body <i>CITY OF TROY</i>	▶ 18. Date of Resolution Approving/Denying this Application

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

19a. Signature of Clerk <i>TAMMI BARTHOLOMEW</i>	19b. Name of Clerk <i>TAMMI BARTHOLOMEW</i>	19c. E-mail Address <i>T.BARTHOLOMEW@TROYMI.GOV</i>
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) <i>500 W BIG BEAVER TROY MI 48054-5254</i>		
19e. Telephone Number <i>248 524-3316</i>	19f. Fax Number <i>248 524-1770</i>	

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

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

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

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

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

Applicant Name P3 North America, Inc
---

## Fiscal Statement (to be completed by local unit)

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

Estimated Project Investment (not assessed value):

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

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

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

### LOCAL UNIT CERTIFICATION

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

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

P3 North America, Inc. 23647 Woodward Ave, Suite 1 Pleasant Ridge, MI 48069 USA

P3 North America, Inc.  
www.p3-group.com/northamerica

Mr. Nino Licari  
City Assessor  
500 W. Big Beaver Rd.  
Troy, MI 48084

PHONE +1-248-399-1755  
FAX +1-248-399-5668

Mr. Nino Licari,

Due to our growth during the last 5 years, we have found it necessary to relocate our current operations in Pleasant Ridge Michigan to larger facilities. As a result, we have committed to a five year lease of office space located on Crooks road in the City of Troy. Furthermore, depending on a favorable decision from the MEGA board, we may expand our current square footage to accommodate a new project scheduled for ramp-up during 2011. Our current projection estimates that 23 new jobs will be created between 2011 and 2012.

We have received and read Troy's guidelines for the Industrial Facilities Tax Exemption. After review, we believe P3 North America, Inc. meets the minimum criteria required for eligibility to receive an IFEC tax abatement and plan to submit our formal application and supporting documents. Please accept this letter as our official letter of intent to apply for the Industrial Facilities Tax Exemption. We appreciate your consideration and look forward to a long relationship with the City of Troy. As requested, a brief summary of P3 North America, Inc. is below.

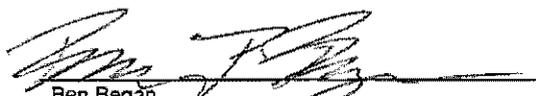
P3 North America is the North American subsidiary of the P3 Group and was founded in 2005 as a result of a hybrid technology optimization and consulting project in Troy Michigan. We have experienced steady growth since 2005 and diversified into various high tech industries.

Historically, our focus has been on the development and management of alternative power-trains, batteries, hybrids, fuel cells, and electric vehicles. Since 2005, we have executed significant consulting, engineering, and testing projects in the various high tech industries mentioned above. We continue to work with companies in these fields to help them bring new technology to market.

In order to follow our international growth strategy, we have added infotainment testing and system validation to our scope of services. In these areas, we are working with automotive OEM's and Tier 1 suppliers to test their system behavior for new infotainment technology. Recently, we have also expanded into the aviation industry.

As of 2010, our focus is on high technology projects and services that combine the automotive, aviation, and telecommunications industries. For example, we have provided extensive services related to wireless communications and navigation systems engineering and testing.

Thank you again for your consideration and we look forward to hearing from you soon.

  
Ben Began  
Accounting – P3 North America  
Tel: 248-736-3418  
E-mail: ben.began@p3-group.com

**RECEIVED**

**SEP 23 2010**

**CITY OF TROY  
ASSESSING DEPT.**

### Estimated Furniture/Fixtures & IT Equipment For Year 2011 & 2012

Italmoda (Sofas/Chairs/Tables)	\$ 5,000.00
Sunwalls (modular dividers)	\$ 4,900.00
Conf/Task Chairs	\$ 7,500.00
Molo (modular dividers)	\$ 4,450.00
Ikea (desks,chairs, cabinets)	\$ 14,300.00
Appliances (dishwasher/fridge)	\$ 2,700.00
Durafon Pro (phone system)	\$ 2,500.00
Durafon Pro-HC (phone system)	\$ 2,900.00
Vizio (M470NV) (conf TV)	\$ 1,200.00
Vizio (M320NV) (conf TV)	\$ 500.00
Vizio Mounting	\$ 1,000.00
Laptops (x23)	\$ 32,200.00
Phones (x23)	\$ 4,600.00
Server	\$ 7,000.00
Scanners/Printers	\$ 2,500.00
Misc Server/IT (backup tapes,batteries, network cards etc...)	\$ 10,000.00
Testing Equipment	\$ 15,000.00
<b>Total Estimated Furniture/Fixtures &amp; IT Equipment</b>	<b>\$ 118,250.00</b>
<b>Paint,Carpet, Electrical, Cement Flooring,Plumbing</b>	<b>\$ 27,700.00</b>

**2107**

P3 North America, Inc. Aerial/Site  
1957 Crooks Ste B  
88-20-29-426-042

**1959**

**1957**

CROOKS

**1470**

**1450**

**1895**

P3 North America, Inc  
1957 Crooks Ste B  
Troy MI 48084  
88-20-29-426-042

Legal Description:

T2N, R11E, SEC 29  
PART OF SE 1/4  
BEG AT PT DIST  
N 00-53-00 E 1316.20 FT &  
N 89-07-00 W 60.00 FT  
FROM SE SEC COR,  
TH N 89-07-00 W 402.02 FT,  
TH N 00-41-00 E 240.00 FT,  
TH S 89-07-00 E 402.90 FT,  
TH S 00-53-00 W 240.00 FT  
TO BEG 2.22 A

**City of Troy - Assessing Department  
P3 North America, Inc.  
Estimate of Total Taxes and Tax Savings for IFEC Application**

<b>Market Value</b>	145,950	132,815	106,252
<b>50% of Value</b>	72,975	66,407	53,126
<b>Year</b>		<b>1</b>	<b>2</b>
<b>Depreciation</b>		0.9100	0.8000
<b>Taxable Value</b>		66,407	53,126

<b>Taxes</b>	<b>100% of Millage</b>	<b>Taxes</b>	<b>Taxes</b>
<b>Trans</b>	0.59000	\$39.18	\$31.34
<b>County</b>	4.64610	\$308.53	\$246.83
<b>Int Schools</b>	3.36900	\$223.73	\$178.98
<b>Comm Coll</b>	1.58440	\$105.22	\$84.17
<b>State Ed</b>	0.00000	\$0.00	\$0.00
<b>School Op</b>	6.00000	\$398.44	\$318.75
<b>Sch Debt</b>	4.10000	\$272.27	\$217.82
<b>Admin</b>	0.20290	\$13.47	\$10.78
<b>City</b>	9.40000	\$624.23	\$499.38
<b>Total</b>	29.89240	\$1,985.07	\$1,588.06

<b>Total 2 Years</b>	\$3,573.13
<b>Total City 2 Yr</b>	\$1,123.61

<b>50% Total 2 Yr</b>	\$1,786.56	<b>Net Total Taxes Abated</b>
<b>50% Total City 2 Yr</b>	\$561.81	<b>Net Total City Taxes Abated</b>
<b>2% Total City 2 Yr</b>	\$11.24	<b>Application Fee (2% total city)</b>

## LEASE

THIS LEASE is made as of the 17 day of May 2010 by and between **WILLOWGREEN BUILDING GROUP, LLC**, a Michigan limited liability company, whose address is Stoneridge West, 41000 Woodward Avenue, Bloomfield Hills, Michigan 48304 ("Landlord"), and **P3 NORTH AMERICA, INC.**, a Colorado corporation, whose address is 23647 Woodward Avenue, Pleasant Ridge, Michigan 48064 ("Tenant").

IN CONSIDERATION OF the rents to be paid and the mutual covenants, promises and agreements herein set forth, Landlord and Tenant agree as follows:

Landlord hereby leases unto Tenant a portion of the Building ("Building") situated in the City of Troy, County of Oakland, State of Michigan, and located on the site described on Exhibit A attached hereto and made a part hereof ("Site"). The Building consists of approximately 34,373 square feet, more or less, on one (1) floor. The premises demised hereunder ("Premises") are specifically shown on Exhibit B attached hereto and contain approximately 8,691 square feet.

TO HAVE AND TO HOLD for a term of sixty-two (62) months from and after the commencement of the term as hereinafter provided.

### **SECTION 1** **LANDLORD'S WORK**

1.01 Landlord agrees, prior to the commencement of the term of this Lease, to complete certain modifications within the Premises and related improvements on the Site.

1.02 Subject to 1.03 below, the Landlord's Work shall be completed on or before 120 days after the date of this lease set forth on Page 1.

1.03 Landlord agrees, at its sole cost and expense (except as set forth in this Lease), to accomplish the Landlord's Work as set forth on Exhibit C attached hereto, made a part hereof, and initialed by the parties. If Landlord shall be in good faith delayed in construction by any labor dispute, strike, lockout, fire, unavailability of material, weather, or other cause, beyond its reasonable control, then the period of delay necessarily caused thereby shall be added to the time provided for such construction.

### **SECTION 2** **POSSESSION AND COMMENCEMENT OF TERM**

2.01 Except as herein provided, Landlord covenants that actual possession of the Premises shall be delivered to Tenant on or before the date in Section 1.02 specified for the completion of the modification of the Premises. By occupying the Premises, Tenant will be deemed to have accepted same and acknowledged that they are in the condition called for hereunder. Tenant shall be required to accept possession of the Premises from Landlord despite the existence of minor punch list items so long as reasonably usable for Tenant and Landlord proceeds with reasonable diligence to complete same. Upon Tenant taking possession of the Premises, a mutual punchlist shall be prepared by Landlord and Tenant and Landlord shall promptly proceed to complete the punchlist items. Tenant further acknowledges that no representations, express or implied, as to the condition or the state of repairs of the Premises have been made by Landlord or its agents which are not expressed in this Lease. The term of this Lease shall commence on the date when possession of the Premises is delivered to Tenant as required hereunder ("Commencement Date"). Landlord will require its contractor to cooperate with Tenant's installers of equipment, trade fixtures, furnishings and decorations attached to the improvements to the maximum extent possible, but delay of or interference with construction caused by such installers shall not postpone the commencement of the term.

2.02 If Landlord shall be unable for any reason to give possession of the Premises on the Commencement Date, Landlord shall not be subject to any liability for the failure to deliver possession on such date but the obligation to pay rent shall not commence until the Premises are ready for occupancy by Tenant. If possession is not delivered to Tenant by October 15, 2010, Tenant shall have the right to terminate this Lease without any further obligation and receive back any payments theretofore made by Tenant to Landlord, provided; however, that Landlord's right to terminate shall arise only if Landlord receives a written notice to terminate from Tenant on or before October 21, 2010. If permission is given to Tenant to enter into possession of the Premises for fixturing, prior to the Commencement Date, Tenant covenants and agrees that such occupancy shall be subject to all the terms, covenants, conditions and provisions of this Lease, except that no Minimum Net Rent, CAM, insurance, taxes or any other cost (except gas and electric utility charges) will be charged during this time. If the Commencement Date is other than the first day of the month, the term of this Lease, shall be automatically extended to end on the last day of 62<sup>nd</sup> month after the month in which the Commencement Date.

2.03 On the Commencement Date or within 10 days after Tenant receives a written

*an*  
*CR*

request by Landlord, Tenant shall confirm the Commencement Date in writing and the date on which the term shall end.

**SECTION 3**  
**MINIMUM NET RENTAL**

3.01 In consideration of the leasing aforesaid, Tenant hereby covenants and agrees to pay Landlord, at such place as Landlord may hereafter from time to time designate in writing, and without any offset or deduction therefrom, a minimum net rental ("Minimum Net Rental") for the original term of the Lease equal in total amount to Two Hundred Seventy Thousand Six Hundred Forty-Five and 65/100 (\$270,645.65) Dollars, payable in advance on the first (1<sup>st</sup>) day of each month ("Due Date") in monthly installments as follows: No Minimum Net Rental shall be due for the first two (2) months of the Term; however, Tenant shall pay monthly its prorationate share of Common Area Costs (as defined in Section 28), and taxes and insurance during said two (2) month period. Thereafter, on the first (1<sup>st</sup>) day of the third (3<sup>rd</sup>) month of the Term, and on the first (1<sup>st</sup>) day of each and every month thereafter during the balance of the Term, Tenant shall pay minimum net rent to Landlord, as follows:

Months 3 thru 14  
Months 15 thru 26  
Months 27 thru 38  
Months 39 thru 60  
Months 61 thru 62

Receipt of rental owing hereby acknowledged. If the term of this Lease commences or ends on a day other than the first day of a month, then Minimum Net Rental for the partial month shall be appropriately prorated.

Dollars representing the third month's  
Dollars representing a security deposit is

Additionally, Landlord acknowledges receipt of the sum of Seven Thousand Five Hundred and 00/100 (\$7,500.00) Dollars representing fifty (50%) percent of the cost of a glass wall to be built by Landlord and the sum of Four Thousand and 00/100 (\$4,000) Dollars as additional rent agreed to be paid by Tenant to Landlord [representing the difference between the Three Hundred Ninety-Six Thousand and 00/100 (\$396,000.00) Dollars aggregate rental cost and the Four Hundred Thousand and 00/100 (\$400,000.00) Dollars cap imposed by Tenant]. Landlord will bill separately to Tenant the taxes, insurance and CAM charges for the first two (2) months of the Lease term.

Accordingly, Landlord hereby acknowledges receipt of the total sum of,  
Dollars for the items set forth above.

3.02 Landlord and Tenant intend that the Minimum Net Rental shall be net to Landlord, so that this Lease shall yield, net, to Landlord, not less than the minimum net rent specified in Section 3.01 hereof during the term of this Lease, and that all costs, expenses and charges of every kind and nature relating to the Premises which may be attributable to, or become due during the term of, this Lease shall be paid by Tenant and that Landlord shall be indemnified and held harmless by Tenant from and against the payment of such costs, charges and expenses.

**SECTION 4**  
**LATE CHARGES AND INTEREST**

4.01 Any Minimum Net Rental and additional rent unpaid for more than five (5) days after the Due Date and any rent received and accepted more than five (5) days after the Due Date shall be subject to a late charge of five (5%) percent of such rent, and such late charges shall be due from Tenant to Landlord as additional rent on or before the next rental Due Date. Any default in the payment of rent shall not be considered cured unless and until such late charges are paid by Tenant to Landlord. Upon default of payment of such late charges, Landlord shall have the same remedies, as those for default in payment of rent. Such late charges shall be in addition to any other rights or remedies Landlord may have as provided by this Lease or as allowed by law. Notwithstanding the foregoing, once each succeeding twelve (12) month period during the term of the Lease, Landlord will not impose any late charges if Tenant's monthly rental payment is received no later than the tenth (10<sup>th</sup>) day of the month in which it was owing.

4.02 If any Minimum Net Rental and additional rent, any late charges, or any other sums payable by Tenant to Landlord under this Lease ("Payables") are not paid within thirty (30) days after the Due Date, the Payables shall commence to accrue interest at the rate of four percentage points above the then-effective prime interest rate per annum charged by JPMorgan Chase Bank (or its successor) to its best commercial customers; provided however, that such rate of interest shall never be less than eleven (11%) percent per annum. Such interest shall be due from Tenant to Landlord as additional rent on or before the next rental Due Date and shall accrue from the date that each of the Payables are due under the terms of this Lease. Such interest for Payables shall accrue until the Payables are paid in full. Any default in the payment of the Payables shall not be considered cured unless and until such accrued interest is paid by Tenant to Landlord. On default of payment of such interest, Landlord shall have the same remedies as on

default in payment of rent. Such interest shall be in addition to any other rights or remedies Landlord may have as provided by this Lease or as allowed by law.

**SECTION 5**  
**TAXES, ASSESSMENTS AND UTILITIES**

5.01 Tenant agrees to pay as additional rent for the Premises its proportionate share [as defined in Section 5.01(B)] of all taxes and assessments, general and special, and all water rates, and all other governmental impositions which may be levied upon the Site or any part thereof, and upon the Building and improvements at any time situated thereon, until the termination of the original Lease term and any extended Lease term. Landlord represents that there are currently no special assessments against the Building and that to the best of Landlord's knowledge, there are no special assessments that will be imposed in the future. Tenant's proportionate share of the property taxes and assessments for the first and last year of the original term or any extended term as the case may be, shall be prorated between Landlord and Tenant so that Tenant will be responsible for any such tax or assessment attributable to the period during which Tenant has possession of the Premises. The "due-date" method of proration shall be used, it being presumed that taxes and assessments are payable in advance. In the event that during the term of this Lease (i) the real property taxes levied or assessed against the Site and Building shall be reduced or eliminated, whether the cause thereof is a judicial determination of unconstitutionality, a change in the nature of the taxes imposed, or otherwise, and (ii) there is levied, assessed or otherwise imposed upon the Landlord, in substitution for all or part of the tax thus reduced or eliminated, a tax (hereinafter called the Substitute Taxes") which imposes a burden upon Landlord by reason of its ownership of the Site and Building, then to the extent of such burden, the Substitute Taxes shall be deemed a real estate tax and, for purposes of this Lease, be deemed Payables.

A. Any tax and/or assessments and of any kind or nature presently imposed by the State of Michigan or any political subdivision thereof or any governmental authority having jurisdiction thereover upon, against the Premises or by way of substitution for all or any part of the taxes levied against the Site and Building, shall be deemed to constitute a tax against the Site and Building for the purpose of this Section 5 and Tenant shall be obligated to pay its proportionate share thereof as provided herein. Such taxes are also referred to herein as "Substitute Taxes" and deemed Payables.

B. Landlord and Tenant acknowledge that Tenant is leasing only a portion of the Building. Accordingly, Tenant agrees to pay to Landlord its proportionate share of all taxes, assessments, and Substitute Taxes imposed by this Paragraph 5.01. Tenant's proportionate share shall be equal to the product obtained by multiplying such taxes and assessments and Substitute Taxes by a fraction, the numerator of which shall be the number of square feet of floor area leased according to the schedule below and the denominator of which shall be the total number of square feet of constructed gross leasable floor area in the Building in which the Premises are located. Landlord and Tenant agree that, initially, Tenant's proportionate share is 21.82% ("Proportionate Share").

Landlord's most recent budget for CAM, Taxes, and Insurance was in the amount of \_\_\_\_\_ The percentage of CAM, taxes and insurance which Tenant is obligated to bear will phase in over time and the percentage to be used in those Lease sections referring to CAM, taxes, or insurance shall be defined

**set forth above is based on current charges and may, from time to time, vary, depending on future actual costs and Landlord's reasonable estimates of same.**

C. Tenant's Proportionate Share of all of the aforesaid taxes, assessments, and Substitute Taxes levied or assessed for or during the term hereof, as determined by Landlord, shall be paid in monthly installments on or before the first day of each calendar month, in advance, in an amount estimated by Landlord as being reasonably related to the actual amount of taxes and assessments expected to be Landlord's Proportionate Share. Landlord shall, annually, furnish Tenant with a written statement of the actual amount of Tenant's Proportionate Share of such taxes together with a copy of actual tax paid bills. If the total amount paid by Tenant under this section for any year during the term of this Lease shall be less than the actual amount due from Tenant for such year, Tenant shall pay to

AM  
SF

IN WITNESS WHEREOF, the Landlord and Tenant have executed this Lease as of the date set forth at the outset hereof.

WITNESSES:

Jane A. Craig  
[Signature]

LANDLORD:

WILLOWGREEN BUILDING GROUP, LLC, a Michigan limited liability company

By: [Signature]  
Allan Nachman  
Its: Authorized Member

TENANT:

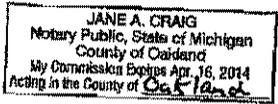
P3 NORTH AMERICA, INC., a Colorado corporation

By: [Signature]  
Dr. Samit Ghosh  
Its: Chief Executive Officer

STATE OF MICHIGAN )  
COUNTY OF OAKLAND ) SS.

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of May, 2010, by Allan Nachman, Authorized Member, on behalf of Willowgreen Building Group, LLC, a Michigan limited liability company.

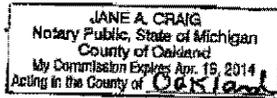
Jane A. Craig  
Notary Public,  
Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_



STATE OF MICHIGAN )  
COUNTY OF OAKLAND ) SS.

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of May, 2010, by Dr. Samit Ghosh, Chief Executive Officer, on behalf of P3 North America, Inc., a Colorado corporation.

Jane A. Craig  
Notary Public,  
Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_



[Handwritten initials]

**I-4 Amending the Personal Property Tax Abatement Policy**

Resolution #2010-08-173

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the tax base of the community, (c) reducing economic obsolescence, (d) providing homogenous industrial areas, (e) encouraging expansion, (f) providing for improved public facilities, and (g) encouraging attractive, viable building sites and (h) enhancing our economic development tools to attract and retain businesses; and

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

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

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

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

Tax Abatement Matrix for Real and Personal Property					
Job Creation		Building Terms		RP and/or PP Investment	
10 - 24	1 year	Own	4 years	\$ 750,000	1 year
25 - 49	2 years	Lease		\$ 2,000,000	2 years
50 - 99	3 years	5 year	1 Year	\$ 5,000,000	3 years
100 - 149	4 years	6 - 9 year	2 years	\$ 10,000,000	4 years
150 - 199	5 years	10 + year	4 years	\$ 20,000,000	5 years
200 +	6 years				

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

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

No: Howrylak

**MOTION CARRIED**

October 20, 2010

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

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

Re: Affidavit of Application Fees For IFEC

This affidavit attests to the fact that the City of Troy has charged an application fees in the amount of \$11.24, equal to 2% of the estimated abated City taxes for the life of the exemption for P3 North America, Inc., 1957 Crooks Ste B Troy, MI 48084

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

---

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

---

Dated:

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

This agreement between **P3 North America, Inc.**, (“Company”) and the **City of Troy**, is for the purpose of fulfilling the requirements of Public Act 198, as amended in Public Act 334, Section 22.

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **P3 North America, Inc.**, understands that through its investment of \$145,950.00 ~~and its qualification for Michigan Economic Growth Authority incentives~~, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is **2** years after either completion of construction of the facilities, or December 31, 2014, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2012, **P3 North America, Inc.**, will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **P3 North America, Inc.**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

**P3 North America, Inc.**, further understands that if it chooses to leave the City of Troy without permission for relocation prior to the end of the term of the IFT, the **City Council of the City of Troy** has the right to recapture from the Company the total amount of taxes abated by the IFT.

- 4.) **P3 North America, Inc.**, understands that the City of Troy may reduce the term of the IFEC, revoke the IFEC and/or recover from the Company, the amount of taxes which were abated if the project has not been completed, expenditures made, as represented by the Company, in Section 12’C of its application, by sending a copy of this Agreement along with a copy of the City Council Resolution authorizing such action to the State Tax Commission.

- 5.) **P3 North America, Inc.**, agrees that it will operate the Project in accordance with all applicable Federal, State and Local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, noise control, other environmental regulations, and all of the terms and conditions of any Consent Judgment governing the parcel.
- 6.) By execution of the Agreement, it is understood that the Company's investment in the Project, and the City of Troy's investment in the granting of the IFEC is to encourage economic growth within the City of Troy.

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

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

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

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

Signed: \_\_\_\_\_ (date) \_\_\_\_\_

Name:

Title:

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

Signed: \_\_\_\_\_ (date) \_\_\_\_\_  
Tonni L. Bartholomew  
City Clerk

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, December 6, 2010 at 7:30 P.M. to consider the establishment of an Industrial Development District (IDD) at the following location:

88-20-29-426-042 1957 Crooks Ste B, Troy, MI. 48084  
T2N, R11E, Section 29 Part of SE 1/4

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

---

Tonni Bartholomew, MMC  
City Clerk

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

TROY SCHOOL DISTRICT  
MARK RAJTER  
4400 LIVERNOIS  
TROY MI 48098-4799

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

P3 NORTH AMERICA INC  
BEN BEGAN  
1957 CROOKS STE B  
TROY MI 48084

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

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

OAKLAND INTERMEDIATE  
SCHOOLS  
2111 PONTIAC LAKE  
WATERFORD MI 48328

P3 NORTH AMERICA INC  
SAMIT GHOSH  
1957 CROOKS STE B  
TROY MI 48084

**E- 03 Resolution for Establishment of an Industrial Development District (IDD) at 1957 Crooks**

Suggested Resolution

Resolution # 2010-

Moved by:

Seconded by:

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1957 Crooks, Troy, MI 48084, Parcel # 88-20-29-426-042, in accordance with City Council Policy Resolution #2010-08-173; and

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

Yes:

No:



## CITY COUNCIL AGENDA ITEM

---

Date: December 6, 2010

To: John Szerlag, City Manager

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

Subject: Public Hearing for the granting of an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc. – 1957 Crooks Ste B

---

### Background:

P3 North America, Inc., is expanding its operations into Troy, at 1957 Crooks Ste B. As part of their application for incentives from MEGA, a local contribution is required. As such, they have applied for tax abatement, under the new City Council Tax Abatement Policy (attached). They intend to purchase equipment and leasehold improvements valued at \$145,950. They will also add 23 new jobs to the 44 existing jobs they have.

They would qualify for an Industrial Facility Exemption Certificate (IFEC) for 2 years.

### Financial Considerations:

The projected amount of the investment is \$145,950.00. Over the 2 year life of the abatement, the estimated total taxes would be \$3,573.13, of which \$1,123.61 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$1,786.56, of which \$561.81 would be abated City taxes.

### Legal Considerations:

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

### Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2010-08-173.

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



## CITY COUNCIL AGENDA ITEM

---

### Recommendation:

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

### Options:

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

NI/nl H:IFT\P3 NA\Memo IFEC 12.06.10

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, December 6, 2010 at 7:30 P.M. to consider the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-29-426-042 1957 Crooks Ste B, Troy, MI. 48084  
T2N, R11E, Section 29 Part of the SE 1/4

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

---

Tonni Bartholomew, MMC  
City Clerk

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

TROY SCHOOL DISTRICT  
MARK RAJTER  
4400 LIVERNOIS  
TROY MI 48098-4799

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

P3 NORTH AMERICA INC  
BEN BEGAN  
1957 CROOKS STE B  
TROY MI 48084

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

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

OAKLAND INTERMEDIATE  
SCHOOLS  
2111 PONTIAC LAKE  
WATERFORD MI 48328

P3 NORTH AMERICA INC  
SAMIT GHOSH  
1957 CROOKS STE B  
TROY MI 48084

**E - 04 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) to P3 North America, Inc. – 1957 Crooks Ste B**

Suggested Resolution

Resolution # 2010-

Moved by:

Seconded by:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on December 6, 2010, established an Industrial Development District (IDD) for property known as 1957 Crooks, Troy, MI 48084, Parcel # 88-20-29-426-042; and

WHEREAS, An Application has been submitted by P3 North America, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1957 Crooks Ste B, Troy, MI 48084, for two (2) years, after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on December 6, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc., at 1957 Crooks Ste B, Troy, MI 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc., at 1957 Crooks Ste B, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for P3 North America, Inc., at 1957 Crooks Ste B, Troy MI. 48084, Parcel # 88-20-29-426-042, for personal property for a term of two (2) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Silk Route Global, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and P3 North America, Inc., a copy of which shall be **ATTACHED** to the original minutes of this meeting; and

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

Yes:

No:



## CITY COUNCIL AGENDA ITEM

---

Date: November 30, 2010

To: Mayor and Members of Troy City Council

From: John Szerlag, City Manager  
Tonni L. Bartholomew, City Clerk

Subject: Cancellation of December 20, 2010 Regular City Council Meeting

---

The City Council requested that the following motion be prepared for the December 6, 2010 City Council meeting to cancel the December 20, 2010 Regular City Council meeting:

**Recommended Resolution:**

RESOLVED, That the Troy City Council hereby **CANCELS** the Regular City Council meeting of December 20, 2010.

Yes:

No:



## CITY COUNCIL AGENDA ITEM

November 22, 2010

TO: The Honorable Mayor and City Council Members

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

SUBJECT: 2010/11 Budget Amendment No. 1

### Background:

Upon completion of the audit, we review all continuing capital projects and outstanding purchase orders at year end, to determine if a budget amendment is necessary. Capital projects are individually reviewed and compared to the projected completed status contained in the 2010-11 Budget. Amendments are then made to reconcile any differences. The amendment also recognizes the receipt of the Energy Efficiency Community Block Grant (EECBG) funds in the amount of \$921,100.

### Financial Considerations:

The amendments will provide the necessary funding in the 2010-11 Budget to complete various capital projects, open purchase orders and EECBG projects.

### Legal Considerations:

The budget amendments will keep us in compliance with P.A. 621 of 1978 Uniform Budgeting Act, which calls for budgets to be amended when necessary.

2010/11 BUDGET AMENDMENT NO. 1

	<u>CURRENT BUDGET</u>	<u>AMENDMENT</u>	<u>AMENDED BUDGET</u>	
<b><u>CAPITAL PROJECTS FUND</u></b>				
<b>REVENUE:</b>				
FUND BALANCE				
UNRESERVED/UNDESIGNATED	\$6,802,851	\$ 2,420,000	\$4,382,851	
FEDERAL GRANTS	-	<u>921,100</u>	921,100	EECBG Funds
TOTAL AMENDMENT TO REVENUES		<u><u>\$ 3,341,100</u></u>		
 <b>EXPENDITURES:</b>				
 <b>COMMUNITY AFFAIRS</b>				
GENERAL EQUIPMENT	\$ 50,000	\$ 50,000	\$ 100,000	CATV Equipment, Council Chambers Audio Equipment
 <b>FIRE</b>				
GENERAL EQUIPMENT	\$ -	\$ 19,000	\$ 19,000	Equipment for New Apparatus
BUILDINGS & IMPROVEMENTS	11,500	36,000	47,500	Various Improv. Fire Halls
APPARATUS REPLACEMENT	500,000	<u>100,000</u>	600,000	1- Fire Engine & Mobile Command Unit Repl.
		<u>\$ 155,000</u>		

	<u>CURRENT BUDGET</u>	<u>AMENDMENT</u>	<u>AMENDED BUDGET</u>	
<b>PUBLIC WORKS</b>				
BUILDINGS & IMPROVEMENTS	\$ 418,000	\$ 129,000	\$ 547,000	Emergency Repairs Reserve, Fuel Island
MAJOR ROADS	7,715,000	1,895,000	9,610,000	Major Rd. Proj. - Wattles @ Roch., John R. Sq. Lk. to S. Blvd., Roch. Rd. Torpey - Barclay
DRAINS	496,140	<u>95,000</u>	591,140	Streambank Stabilization Proj., Sec. 4 Weir, Retention Pond Maint.
		<u>\$ 2,119,000</u>		
<b>PARKS AND RECREATION</b>				
MUNICIPAL GROUNDS LAND IMPROVEMENTS	\$ 812,640	\$ 96,000	\$ 908,640	OEC Improv. - Boardwalk Repl., Section 36 Park Improvements
<b>EECBG - PROGRAM</b>	\$ -	<u>921,100</u>	\$ 921,100	EECBG PROGRAM
TOTAL AMENDMENT TO EXPENDITURES		<u><u>\$ 3,341,100</u></u>		

Amendment requested to provide funds to reconcile capital projects in various stages of completion at June 30, 2010 and recognize the EECBG funds.



## CITY COUNCIL AGENDA ITEM

---

November 30, 2010

To: John Szerlag, City Manager

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

Subject: Bid Waiver – Michigan CAT Mini Excavator

---

### Background

The Water & Sewer Fund operates as an enterprise fund within the City budget, which basically means revenues generated by water/sewer can only pay for expenditures incurred by the water/sewer fund including capital improvements. During these challenging economic times, the water/sewer division has been taking cost cutting measures and looking for efficiencies in every task we perform. We have reduced the number of excavating equipment from four backhoes to two for water and sewer work. When new subdivisions were being built, we kept these excavators busy. Internally, we have learned what job functions we perform well, what jobs we need to perform, and what jobs are cost effective for us to perform. Currently, rehabilitation of sanitary sewer manholes and re-taps of replacement water mains have become prevalent. The last few capital projects bid through engineering that involved manhole rehabilitation and the re-tapping of water services, City staff was able to perform the work for less than what was bid.

To perform these jobs, it was necessary to lease a mini excavator. Michigan CAT was the low governmental quote at a monthly lease of \$1,825.00. According to the City of Troy purchasing policy, we have expended the maximum amount for this lease agreement without City Council approval. We have found that with this mini excavator we are more efficient and less intrusive to surrounding areas making the cleanup process easier. Without this piece of equipment, it will lengthen the time to re-tap the residents' water service in the Section 35 Water Main Replacement Project (started re-taps 11/22/10). We have already completed a manhole rebuilding project in the Southeastern Oakland County Sanitary Sewer District where we rebuilt 100 sanitary manholes using this leased mini excavator. We also have committed to another sanitary manhole rehabilitation project in the Evergreen – Farmington Sanitary Sewerage District funded by a grant through the Oakland County Water Resources Commission, which is anticipated to begin in early spring of 2011. We have approximately 150 manholes to rebuild in this project with many of the manholes in this area located in backyards in which the mini excavator would be best suited. The grant for this project will pay for the equipment rental at the MDOT rate.

We have the option to purchase this piece of equipment, which was new when we started the lease at the governmental cost and subtract all of the lease payments we have made to date. Performing a life cycle analysis on this piece of equipment under the current lease agreement, the excavator would be paid for in thirty (30) months. The expected life of this excavator is twelve (12) years.



## CITY COUNCIL AGENDA ITEM

---

### Recommendation

City management is requesting authorization to purchase the CAT304CCR mini excavator from Michigan CAT of Shelby Township, MI, at the governmental price as quoted subtracting all lease payments made to date as detailed in the attached payoff rental conversion worksheet for an estimated total cost of \$46,303.88.

### Fund Availability

Monies are available in the Water & Sewer capital improvement fund budget.

S:/Miller's Review of Agenda Items/Agenda – 12.6.10 – RB – Waiver MiniExcavatorLetter.doc

# 304C CR

## Mini Hydraulic Excavator



### Engine

Model	Mitsubishi S402	
Rated net power (ISO 9249)	31 kW	42 hp

### Weights

Operating weight with canopy	4800 kg	10,582 lb
Operating weight with cab	4920 kg	10,844 lb

- Weight with counterweight, rubber tracks, bucket, operator, full fuel and auxiliary lines.
- Weight varies depending on machine configuration.



RENTAL CONVERSION

Today's Date:
November 30, 2010

Cust #: C11411 Branch: EASTERN Year: 2009
Name: CITY OF TROY Status: RENTAL
Make: CAT
Address: Model: 304CCR
Phone #: S/N: FPK05984
County: Sales: JOHNSON ID#: 09-431

RENTAL PAYOFF

Rental Agreement # R78334
Monthly Rental Rate \$1,825.00
(before tax)
Taxable? NO
RPP? NO
If yes, Monthly amt

RP Interest Rate: 9%
Shipped: May 12, 2010
Payoff Thru: December 15, 2010

X Converting to Net Cash or ISC
Converting to Finance Lease

Table with 6 columns: Item, Rental Amount, Tax (6%), RPP, Total. Rows include Rental Invoices Billed, No. of Invoices Paid, No. of Invoices Open.

Hauling \$0.00

RPP is rental insurance and does not apply as down payment.

The RPP open balance of: \$0.00 will be due at conversion.

Purchase Information

Sell Price \$56,240.00
Interest \$2,838.88
Repairs \$0.00 \*BAH
Tax (@6%) \$0.00
Total \$59,078.88
Down Payment \$12,775.00 27.59%
Total \$46,303.88

ERNT INVOICES PAID

168829 170645 172615 175007 177062
179059 181152

Rental Payments \$12,775.00

COMMENTS:

UNPAID ERNT 179059, 181152 (assuming these are paid by 12/15/2010)

Mini/Compact Excavator, Rubber Tracks, Long Stick, Travel Arm, Cab with Heat and AC, 24" Bucket

	<b>Michigan CAT</b> Eastern Division 12550 23 Mile Rd Shelby Twp, MI 48315 586-997-5300	<b>Southeastern Equipment Co., Inc.</b> 48545 Grand River Ave Novi, MI 48374 248-349-9922 x205	<b>JDE Equipment Company</b> 56555 Pontiac Trl New Hudson, MI 48165 248-437-8121
Manufacturer Model	CAT 304CCR	Case CX50B	John Deere JD 50D
Rental Cost (per month)	\$1,825.00	\$2,250.00	\$2,250.00
Purchase Price	\$56,240.00	\$56,337.00	\$56,393.00
Delivery/Pickup			\$300.00
Rental Interest Fee	\$2,838.88		
Discount allowed	<b>(\$12,775.00)</b> <b>Accrued Rental Invoices</b>		
<b>Total</b>	<b>\$46,303.88</b>	<b>\$56,337.00</b>	<b>\$56,693.00</b>



## CITY COUNCIL AGENDA ITEM

---

Date: November 24, 2010

To: John Szerlag, City Manager

From: Mark F. Miller, Acting Assistant City Manager/Economic Development Services  
Timothy L. Richnak, Public Works Director

Subject: Agreement to Provide Fleet Maintenance Services – Cities of Rochester and Oak Park

---

### **Background**

Attached is a copy of the proposed Interlocal Service Agreements between the City of Troy and the Cities of Rochester and Oak Park where the City of Troy will provide fleet maintenance services to the Cities of Rochester and Oak Park vehicles and equipment on an as needed basis. The agreements were presented to the Rochester and Oak Park City Councils and approved unanimously.

### **Recommendation**

City management and the Fleet Division of Public Works recommend entering into the Interlocal Service Agreements with the Cities of Rochester and Oak Park for fleet maintenance services.

### **Fund Availability**

The agreement generates outside revenue and maximizes the use of our facility and staffing. At this time no additional staffing is required. There is capacity in the facility to take on the additional work. The hourly repair cost charged to Rochester and Oak Park is the fully burdened shop rate charged by the Enterprise Fund. The Enterprise Fund reviews the fully burdened shop rates on an annual basis, and will adjust the agreement(s) as needed.

### **City Attorney's Review as to Form and Legality**

Legal counsel has reviewed the contract for form and legality.

---

Lori Grigg Bluhm, City Attorney

## INTERLOCAL SERVICE AGREEMENT FOR FLEET SERVICES

This Interlocal Service Agreement dated, this \_\_\_\_ day of \_\_\_\_\_ 2010, is made by and between:

**City of ROCHESTER**  
400 Sixth Street  
ROCHESTER, MI 48307

-And-

City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

### RECITALS

WHEREAS , the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter "TROY"), and City of Rochester, 400 Sixth Street, ROCHESTER, Michigan 48307 (hereinafter "ROCHESTER") or TROY and ROCHESTER hereinafter together referred to as the "Parties" or the "Party" are authorized separately by law to provide for the repair and maintenance of public works vehicles for their respective public entities;

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

WHEREAS, due to the fact that public work vehicles have specific performance requirements which require specialized service and maintenance work, it is difficult for public entities to locate service facilities that are able to perform those specialized services, properly and timely;

WHEREAS, TROY has a facility at its Department of Public Works building located at 4693 ROCHESTER Road, Troy, Michigan 48085 that contains the Troy Fleet Division. The Troy Fleet Division maintains a vehicle repair facility and personnel capable of repairing and maintaining public works vehicles for TROY and, by this and other interlocal agreements, other public entities;

WHEREAS, the Parties have mutually agreed that this Agreement be entered into to allow ROCHESTER and TROY to repair or maintain ROCHESTER's public works, police and other vehicles on an as requested basis and under the terms set forth below.

WHEREAS, pursuant to resolution of its governing bodies, the Parties each have the authority to execute this Interlocal Service Agreement ("Agreement") to

allow TROY to repair or maintain ROCHESTER's public works, police and other vehicles at costs on an as requested basis and under the terms set forth below.

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

1. TROY represents and ROCHESTER acknowledges that TROY has the necessary facility, tools and equipment and its employees have the qualifications, experience and abilities to provide services in connection with the business of maintaining and repairing public works vehicles owned by ROCHESTER. Public works, police and other vehicles shall mean loaders, dozers, cars and trucks, whether marked or unmarked, used for public purposes of ROCHESTER.
2. TROY is agreeable to providing such services through TROY'S Fleet Division to ROCHESTER, on the terms and conditions as set forth in this Agreement and upon the request of ROCHESTER.
3. ROCHESTER, at its own discretion and based on ROCHESTER's decisions, hereby agrees to engage Troy's Fleet Division to provide repair and maintenance services during regular business hours consisting of the following work: service and/or maintenance on ROCHESTER's loaders, dozers, cars and trucks as requested by ROCHESTER. TROY will also provide a technician on call if needed 24 hours a day, 7 days per week. The technician on-call can be reached at cell # 248 885-1847. After hours, weekends and holidays will be billed at premium rate with a minimum billing of three hours of service. ROCHESTER understands and acknowledges that TROY'S personnel will first service TROY vehicles. However, TROY will make every reasonable effort to timely complete work for ROCHESTER under the terms and conditions of this Agreement.
4. ROCHESTER understands, acknowledges and relies on the representation that TROY will use the highest standards which control the repair and maintenance of loaders, dozers, cars and trucks. TROY will not deviate from these standards even at the request of ROCHESTER.
5. Subject to an annual adjustment of rates as provided in Paragraph 7, ROCHESTER shall pay compensation for the maintenance and repair services of TROY'S Fleet Division employees provided by TROY'S Fleet Division at the following rates:

Technician's time: **\$77.00** per hour or fraction thereof.

Technician's premium time: Minimum amount of **3 hours** plus **\$92.00** per hour or fraction thereof.

6. ROCHESTER shall also pay the costs for all necessary parts and necessary supplies used in the repair and/or maintenance of the vehicles.
7. Before June 1<sup>st</sup> of each year, TROY shall review its personnel costs, including technician's time and technician's premium time, and any costs directly related to the ability of TROY to provide services under this Agreement. If those costs have increased, TROY shall notify ROCHESTER in writing of the amount of and the reason for the increased costs for services under the Agreement. Those increased costs will be effective on July 1<sup>st</sup> of each year. This increase in costs shall be effective even if the Agreement was executed within less than a year period of the cost increase.
8. ROCHESTER will be invoiced on a monthly basis. Payment for all costs must be paid within thirty (30) days of the invoice date. Payments shall be mailed to: Superintendent of the Fleet Maintenance, City of Troy, 4693 Rochester Road, Troy, MI 48085.
9. TROY shall have absolute discretion to refuse to repair and/or maintain any loader, dozer, car or truck under this Agreement. ROCHESTER is not obligated under this Agreement to use the services of Troy exclusively and ROCHESTER is expressly allowed to seek other similar services on an as needed basis without violating this Agreement.
10. THIS AGREEMENT DOES NOT, AND IS NOT INTENDED TO INCLUDE OR CONNOTE ANY WARRANTIES, PROMISES OR GUARANTIES BY TROY OF ANY NATURE WHATSOEVER, CONCERNING THE TECHNICIANAL SERVICING AND/OR REPAIR OF ANY LOADER, DOZER, CAR, TRUCK OR OTHER VEHICLE. SPECIFICALLY, NO WARRANTY OR MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER WARRANTY IS MADE OR TO BE IMPLIED BY TROY WITH RESPECT TO SERVICES OR PARTS PROVIDED UNDER THIS AGREEMENT. IN NO EVENT SHALL TROY BE LIABLE FOR ANY INDIRECT, INCIDENTAL, PUNITIVE, EXEMPLARY OR CONSEQUENTIAL DAMAGES WHATSOEVER UNDER CONTRACT, TORT OR OTHERWISE.
11. The Agreement shall remain in effect until terminated by either Party. Either Party may terminate this Agreement, for any reason (including the convenience of any Party), and without penalty but shall comply with Paragraph 12. Either Party may deliver a written notice of termination of the Agreement to the names and address set out in the notice provision of Paragraph 21. Termination shall become effective thirty (30) days from the date of the notice unless TROY or ROCHESTER has indicated a different termination date beyond the thirty (30) days on the notice supplied to the other party.

If TROY has vehicles belonging to ROCHESTER on its site, ROCHESTER shall state in its termination notice that it authorizes TROY to complete work on those vehicles or that TROY is to discontinue work on those vehicles. If TROY is to discontinue work on the vehicles, ROCHESTER shall pick up the vehicles within five (5) days of the notice of termination. If TROY completes

work on the vehicles based on instructions from ROCHESTER after termination of the Agreement, all terms and conditions of this Agreement shall apply as to those vehicles.

12. Upon receipt of notice of termination of the Agreement by ROCHESTER, TROY shall have thirty (30) days to fully invoice ROCHESTER for any outstanding balances that have not previously been invoiced. ROCHESTER shall continue to be responsible for payment for the cost of services, parts and supplies either invoiced prior to termination or performed or purchased by TROY before the notice of termination. TROY will attempt to return any used parts and supplies to suppliers that it is unable to use on non- ROCHESTER vehicles being serviced by TROY. If TROY is unable to obtain full refunds or only obtains partial refunds, ROCHESTER will be invoiced for those non-refundable and/or partially refundable parts and supplies. The invoice shall be paid within 30 days from the date of the invoice. TROY will hold those parts and supplies for 30 days from the date of the invoice for pick up by ROCHESTER. ROCHESTER shall be responsible for payment for the non-refundable and/or partially refundable parts and supplies whether or not picked up by ROCHESTER.
13. The Parties agree that at all times and for all purposes under the terms of this Agreement each Party's relationship to the other Party is that of an independent contractor. No liability, right or benefit arising out of any employer/employee relationship, either express or implied, shall arise or accrue to any party as a result of this Agreement.
14. All of the privileges and immunities from liability, and exemptions from laws, ordinances and rules , and all pensions, relief, disability, worker's compensation and other benefits which apply to the activity of officers, agency, or employees of any public agency or employees of any public agency when performing their respective functions within the territorial limits of their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents or employees extraterritorially under the provisions of this agreement. Furthermore, the Parties believe that their performance of services and duties pursuant to this Agreement will be in the exercise or discharge of a governmental function.
15. ROCHESTER agrees to defend, pay on behalf of, indemnify, and hold harmless TROY, its elected and appointed officials, employees and volunteers and others working on behalf of TROY against any and all claims, demands, suits, or loss, including, and for any damages which may be asserted, claimed or recovered against or from TROY, its elected and appointed officials, employees, volunteers or others working on behalf of TROY by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with services, maintenance and/or repair performed for ROCHESTER in accordance with this Agreement. This duty to indemnify, defend and hold harmless shall include all costs of litigation or defense of claims including attorney fees, costs and expert fees.

16. TROY acknowledges that it is currently issued with proper coverage and limits. TROY agrees to keep its current insurance, or insurance of a similar nature, in effect during all dates of service of maintenance to ROCHESTER vehicles. Upon requested by ROCHESTER, TROY shall provide a Certificate of Insurance as evidence of it coverage.
17. TROY represents and agrees that all work for ROCHESTER under the terms of this Agreement shall be performed in accordance with all appropriate and applicable industry standards.
18. Within ten (10) days from the execution of this Agreement, ROCHESTER shall provide a Certificate of Insurance acceptable to the City demonstrating that general liability coverage is available for any and all claims for personal injury or property damage which are or might be caused by maintenance and repairs done by Troy and the use of the vehicles by ROCHESTER. ROCHESTER agrees to keep said insurance coverage in effect for the term of this Agreement or any renewals thereof (Sample Certificate attached as Exhibit A). ROCHESTER shall submit to the City of Troy Risk Management Department prior to the expiration of any insurance coverage the new Certificate(s) of Insurance acceptable to the City. Any Certificate(s) of Insurance shall name the City of Troy as an additional insured and contain the following cancellation notice:

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

ROCHESTER acknowledges that, once accepted by the Troy Risk Manager, the specified insurance for the Agreement shall remain in full force and effect during the life of the Agreement.

Additionally, TROY may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within twenty (20) days of a request by the City, shall allow the City to terminate the Agreement with forty-five (45) days written notice.

It shall be the responsibility of ROCHESTER to ensure that the City is provided with a new Certificate of Insurance acceptable to the City before a Certificate of Insurance on file with the City's Risk Management Department expires. A lapse in the insurance coverage required under the Agreement shall be considered a material breach of this Agreement and the Agreement shall become null and void automatically at any time such a lapse in coverage exists.

19. The Parties agree that they shall promptly deliver to the other Party written notice and copies of any claims, complaints, charges, or any other accusations or allegations of negligence or other wrongdoing, whether civil or

criminal in nature, that the other Party becomes aware of which involves, in any way the facility, equipment, personnel and/or services under this Agreement. Unless otherwise provided by law and/or the Michigan Court Rules, the parties agree to cooperate with one another in any investigation conducted by the other party of any acts or performances of any services under this Agreement.

20. The Parties agree that all indemnification and hold harmless promises, waivers of liability, representations, insurance coverage obligations, liabilities, payment obligations and/or any other related obligations provided for in this Agreement with regard to any acts, occurrences, events, transactions, or claims, either occurring or having their basis in any events or transaction that occurred before termination of this Agreement, shall survive the termination.
21. Any written notice required or permitted under the Agreement shall be considered delivered to a party as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service. Unless specifically otherwise set out in the Agreement, all writing sent to TROY shall be sent to: City of Troy – Fleet Division, 4693 Rochester Road, Troy, Michigan 48085. All writing sent to ROCHESTER shall be sent to: 400 Sixth Street, Rochester, Michigan 48307.
22. This Agreement sets forth the entire Agreement between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not constructed strictly for or against any party. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement.
23. If a Court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from the Agreement. The remainder of this Agreement shall remain in full force.
24. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6<sup>th</sup> Judicial Circuit Court of the State of Michigan or the United States District Court for the Eastern District of Michigan, Southern Division as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
25. The Recitals shall be considered an integral part of this Agreement.
26. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement of the Parties.
27. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by

implication) right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.

28. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all of its obligations under this Agreement. Upon request, a Party shall furnish copies of any permit, license, certificate or governmental authorization to the requested party.
29. Absent a written waiver, no fact, failure or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one of more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

IN WITNESS WHEREOF, this Agreement if executed by the Parties on the date hereafter set forth.

WITNESSES:

\_\_\_\_\_

CITY OF TROY, a Michigan  
Municipal Corporation,

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_

By: \_\_\_\_\_  
Tonni Bartholonew, City Clerk

CITY OF ROCHESTER a Michigan  
Municipal Corporation,

\_\_\_\_\_

By:   
Jeffery T. Cuthbertson, Mayor

\_\_\_\_\_

By:   
Lee Ann O'Connor, City Clerk

DATE: \_\_\_\_\_

implication) right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.

28. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all of its obligations under this Agreement. Upon request, a Party shall furnish copies of any permit, license, certificate or governmental authorization to the requested party.

29. Absent a written waiver, no fact, failure or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one of more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

IN WITNESS WHEREOF, this Agreement if executed by the Parties on the date hereafter set forth.

WITNESSES:

CITY OF TROY, a Michigan  
Municipal Corporation,

\_\_\_\_\_

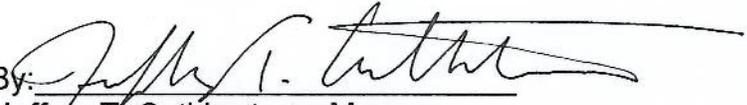
By: \_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_

By: \_\_\_\_\_  
Tonni Bartholoneu, City Clerk

CITY OF ROCHESTER a Michigan  
Municipal Corporation,

\_\_\_\_\_

By:   
Jeffery T. Cuthbertson, Mayor

\_\_\_\_\_

By:   
Lee Ann O'Connor, City Clerk

DATE: \_\_\_\_\_

## **INTERLOCAL SERVICE AGREEMENT FOR FLEET SERVICES**

This Interlocal Service Agreement dated, this \_\_\_\_ day of \_\_\_\_\_ 2010,  
is made by and between:

City of OAK PARK  
13600 OAK PARK Blvd.  
OAK PARK, MI 48237

-And-

City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

### **RECITALS**

WHEREAS , the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter "TROY"), and City of Oak Park or TROY and OAK PARK hereinafter together referred to as the "Parties" or the "Party" are authorized separately by law to provide for the repair and maintenance of public works vehicles for their respective public entities;

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

WHEREAS, due to the fact that public work vehicles have specific performance requirements which require specialized service and maintenance work, it is difficult for public entities to locate service facilities that are able to perform those specialized services, properly and timely;

WHEREAS, TROY has a facility at its Department of Public Works building located at 4693 Rochester Road, Troy, Michigan 48085 that contains the Troy Fleet Division. The Troy Fleet Division maintains a vehicle repair facility and personnel capable of repairing and maintaining public works vehicles for TROY and, by this and other interlocal agreements, other public entities;

WHEREAS, the Parties have mutually agreed that this Agreement be entered into to allow OAK PARK and TROY to repair or maintain Oak Park's public works vehicles on an as requested basis and under the terms set forth below.

WHEREAS, pursuant to resolution of its governing bodies, the Parties each have the authority to execute this Interlocal Service Agreement ("Agreement") to

allow TROY to repair or maintain Oak Park's public work vehicles at costs on an as requested basis and under the terms set forth below.

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

1. TROY represents and OAK PARK acknowledges that TROY has the necessary facility, tools and equipment and its employees have the qualifications, experience and abilities to provide services in connection with the business of maintaining and repairing public works vehicles owned by OAK PARK. Public works vehicles shall mean loaders, dozers, cars and trucks, whether marked or unmarked, used for public purposes of OAK PARK.
2. TROY is agreeable to providing such services through TROY'S Fleet Division to OAK PARK, on the terms and conditions as set forth in this Agreement and upon the request of OAK PARK.
3. OAK PARK, at its own discretion and based on OAK PARK'S decisions, hereby agrees to engage Troy's Fleet Division to provide repair and maintenance services during regular business hours consisting of the following work: service and/or maintenance on Oak Park's loaders, dozers, cars and trucks as requested by OAK PARK. TROY will also provide a technician on call if needed 24 hours a day, 7 days per week. The technician on call-can be reached at cell # 248 885-1847. After hours, weekends and holidays will be billed at premium rate with a minimum billing of three hours of service. OAK PARK understands and acknowledges that TROY'S personnel will first service TROY vehicles. However, TROY will make every reasonable effort to timely complete work for OAK PARK under the terms and conditions of this Agreement.
4. OAK PARK understands, acknowledges and relies on the representation that TROY will use the highest standards which control the repair and maintenance of loaders, dozers, cars and trucks. TROY will not deviate from these standards even at the request of OAK PARK.
5. Subject to an annual adjustment of rates as provided in Paragraph 7, OAK PARK shall pay compensation for the maintenance and repair services of TROY'S Fleet Division employees provided by TROY'S Fleet Division at the following rates:

Technician's time: **\$77.00** per hour or fraction thereof.

Technician's premium time: Minimum amount of **3 hours** plus **\$92.00** per hour or fraction thereof.

6. OAK PARK shall also pay the costs for all necessary parts and necessary supplies used in the repair and/or maintenance of the vehicles.

7. Before June 1<sup>st</sup> of each year, TROY shall review its personnel costs, including technician's time and technician's premium time, and any costs directly related to the ability of TROY to provide services under this Agreement. If those costs have increased, TROY shall notify OAK PARK in writing of the amount of and the reason for the increased costs for services under the Agreement. Those increased costs will be effective on July 1<sup>st</sup> of each year. This increase in costs shall be effective even if the Agreement was executed within less than a year period of the cost increase.
8. OAK PARK will be invoiced on a monthly basis. Payment for all costs must be paid within thirty (30) days of the invoice date. Payments shall be mailed to: Superintendent of the Fleet Maintenance, City of Troy, 4693 Rochester Road, Troy, MI 48085.
9. TROY shall have absolute discretion to refuse to repair and/or maintain any loader, dozer, car or truck under this Agreement. OAK PARK is not obligated under this Agreement to use the services of Troy exclusively and OAK PARK is expressly allowed to seek other similar services on an as needed basis without violating this Agreement.
10. THIS AGREEMENT DOES NOT, AND IS NOT INTENDED TO INCLUDE ANY WARRANTIES, PROMISES OR GUARANTIES BY TROY OF ANY NATURE WHATSOEVER, CONCERNING THE TECHNICIANAL SERVICING AND/OR REPAIR OF ANY LOADER, DOZER, CAR OR TRUCK.
11. The Agreement shall remain in effect until terminated by either Party. Either Party may terminate this Agreement, for any reason (including the convenience of any Party), and without penalty but shall comply with Paragraph 12. Either Party may deliver a written notice of termination of the Agreement to the names and address set out in the notice provision of Paragraph 21. Termination shall become effective thirty (30) days from the date of the notice unless TROY or OAK PARK has indicated a different termination date beyond the thirty (30) days on the notice supplied to the other party.

If TROY has vehicles belonging to OAK PARK on its site, OAK PARK shall state in its termination notice that it authorizes TROY to complete work on those vehicles or that TROY is to discontinue work on those vehicles. If TROY is to discontinue work on the vehicles, OAK PARK shall pick up the vehicles within five (5) days of the notice of termination. If TROY completes work on the vehicles based on instructions from OAK PARK after termination of the Agreement, all terms and conditions of this Agreement shall apply as to those vehicles.
12. Upon receipt of notice of termination of the Agreement by OAK PARK, TROY shall have thirty (30) days to fully invoice OAK PARK for any outstanding balances that have not previously been invoiced. OAK PARK shall continue to be responsible for payment for the cost of services, parts and supplies either invoiced prior to termination or performed or purchased by TROY before the notice of termination. TROY will attempt to return any used parts and supplies

to suppliers that it is unable to use on non-Oak Park vehicles being serviced by TROY. If TROY is unable to obtain full refunds or only obtains partial refunds, OAK PARK will be invoiced for those non-refundable and/or partially refundable parts and supplies. The invoice shall be paid within 30 days from the date of the invoice. TROY will hold those parts and supplies for 30 days from the date of the invoice for pick up by OAK PARK. OAK PARK shall be responsible for payment for the non-refundable and/or partially refundable parts and supplies whether or not picked up by OAK PARK.

13. The Parties agree that at all times and for all purposes under the terms of this Agreement each Party's relationship to the other Party is that of an independent contractor. No liability, right or benefit arising out of any employer/employee relationship, either express or implied, shall arise or accrue to any party as a result of this Agreement.
14. All of the privileges and immunities from liability, and exemptions from laws, ordinances and rules, and all pensions, relief, disability, worker's compensation and other benefits which apply to the activity of officers, agency, or employees of any public agency or employees of any public agency when performing their respective functions within the territorial limits of their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents or employees extraterritorially under the provisions of any such interlocal agreement.
15. OAK PARK agrees to defend, pay on behalf of, indemnify, and hold harmless TROY, its elected and appointed officials, employees and volunteers and others working on behalf of TROY against any and all claims, demands, suits, or loss, including, and for any damages which may be asserted, claimed or recovered against or from TROY, its elected and appointed officials, employees, volunteers or others working on behalf of TROY by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with services, maintenance and/or repair performed for OAK PARK in accordance with this Agreement. This duty to indemnify, defend and hold harmless shall include all costs of litigation or defense of claims including attorney fees, costs and expert fees.
16. TROY acknowledges that it is currently issued with proper coverage and limits. TROY agrees to keep its current insurance, or insurance of a similar nature, in effect during all dates of service of maintenance to Oak Park vehicles. Upon requested by OAK PARK, TROY shall provide a Certificate of Insurance as evidence of its coverage.
17. TROY represents and agrees that all work for OAK PARK under the terms of this Agreement shall be performed in accordance with all appropriate and applicable industry standards.

18. Within ten (10) days from the execution of this Agreement, OAK PARK shall provide a Certificate of Insurance acceptable to the City demonstrating that general liability coverage is available for any and all claims for personal injury or property damage which are or might be caused by maintenance and repairs done by Troy and the use of the vehicles by OAK PARK. OAK PARK agrees to keep said insurance coverage in effect for the term of this Agreement or any renewals thereof (Sample Certificate attached as Exhibit A). OAK PARK shall submit to the City of Troy Risk Management Department prior to the expiration of any insurance coverage the new Certificate(s) of Insurance acceptable to the City. Any Certificate(s) of Insurance shall name the City of Troy as an additional insured and contain the following cancellation notice:

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

OAK PARK acknowledges that, once accepted by the Troy Risk Manager, the specified insurance for the Agreement shall remain in full force and effect during the life of the Agreement.

Additionally, TROY may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within twenty (20) days of a request by the City, shall allow the City to terminate the Agreement with forty-five (45) days written notice.

It shall be the responsibility of OAK PARK to ensure that the City is provided with a new Certificate of Insurance acceptable to the City before a Certificate of Insurance on file with the City's Risk Management Department expires. A lapse in the insurance coverage required under the Agreement shall be considered a material breach of this Agreement and the Agreement shall become null and void automatically at any time such a lapse in coverage exists.

19. The Parties agree that they shall promptly deliver to the other Party written notice and copies of any claims, complaints, charges, or any other accusations or allegations of negligence or other wrongdoing, whether civil or criminal in nature, that the other Party becomes aware of which involves, in any way the facility, equipment, personnel and/or services under this Agreement. Unless otherwise provided by law and/or the Michigan Court Rules, the parties agree to cooperate with one another in any investigation conducted by the other party of any acts or performances of any services under this Agreement.

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

21. Any written notice required or permitted under the Agreement shall be considered delivered to a party as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service. Unless specifically otherwise set out in the Agreement, all writing sent to TROY shall be sent to: City of Troy – Fleet Division, 4693 Rochester Road, Troy, Michigan 48085. All writing sent to OAK PARK shall be sent to: 13600 OAK PARK Blvd., OAK PARK, Michigan 48237.
22. This Agreement sets forth the entire Agreement between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not constructed strictly for or against any party. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement.
23. If a Court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from the Agreement. The remainder of this Agreement shall remain in full force.
24. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6<sup>th</sup> Judicial Circuit Court of the State of Michigan or the United States District Court for the Eastern District of Michigan, Southern Division as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
25. The Recitals shall be considered an integral part of this Agreement.
26. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement of the Parties.
27. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by implication) right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.
28. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all of its obligations under this Agreement. Upon request, a Party shall furnish copies of any permit, license, certificate or governmental authorization to the requested party.
29. Absent a written waiver, no fact, failure or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of

this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one of more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

IN WITNESS WHEREOF, this Agreement if executed by the Parties on the date hereafter set forth.

WITNESSES:

CITY OF TROY, a Michigan  
Municipal Corporation,

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_  
Tonni Bartholoneu, City Clerk

CITY OF OAK PARK, a Michigan  
Municipal Corporation,

By: \_\_\_\_\_  
Gerald E. Naftaly, Mayor

*Diane Smard*  
*Sandra Moulton*

By: \_\_\_\_\_  
Richard Fox, City Manager

\_\_\_\_\_

*Betty webson*

By: \_\_\_\_\_  
Angela Brunke, City Clerk

DATE: \_\_\_\_\_

APPROVED  
AS TO FORM  
*Shifman & Carlson*  
SHIFMAN & CARLSON, P.C.  
10/15/10



## Liability & Property Pool

**BINDER #: MML001250620**

**EFFECTIVE DATE: October 8, 2010**

### **This Binder is effective until issuance of Coverage Document**

This is a Binder of Coverage provided to the **City of Oak Park**. The coverages and limits provided are those contained in the attached coverage summary and/or current Michigan Municipal League Liability and Property Pool Coverage Document.

No coverage is provided by this Binder except in accordance with the terms and conditions of the Coverage Document of the Michigan Municipal League Liability and Property Pool.

Meadowbrook, Inc., is the authorized administrative representative of the Michigan Municipal League Liability and Property Pool.

**Date Issued: September 2, 2010**

**By:**

A handwritten signature in black ink, appearing to read 'Judith A. K...'. The signature is written over a horizontal line that serves as a separator between the signature and the title below it.

Authorized Representative

**A SERVICE OF THE MICHIGAN MUNICIPAL LEAGUE**



michigan municipal league

# Liability & Property Pool

## RENEWAL CERTIFICATE

IN CONSIDERATION FOR PREMIUM PAID, AND SUBJECT TO ALL OF THE TERMS OF THE EXPIRING COVERAGE DOCUMENT AND ANY ENDORSEMENTS ATTACHED HERETO, WE AGREE TO RENEW YOUR COVERAGES AS STATED IN THIS CERTIFICATE. THESE COVERAGES ARE PROVIDED IN ACCORDANCE WITH THE INTERGOVERNMENTAL CONTRACT WHICH FORMS THE LEGAL BASIS FOR THE OPERATION OF THE POOL.

**Contract Number:** MML001250620      **Renewal of Number:** MML001250619

**Pool Member:** City of Oak Park

**Mailing Address:** 13600 Oak Park Blvd.  
Oak Park, MI 48237-2090

**Coverage Period**  
**From:** 10/08/2010      **To:** 10/08/2011  
(12:01 A.M. Standard time at your mailing address shown above)

Liability Coverage Parts	Limit of Liability	Deductible
Municipal General Liability Coverage	\$10,000,000	\$0
Public Officials Liability Coverage	\$10,000,000	\$0
Law Enforcement Liability Coverage	\$10,000,000	\$0
Employee Benefit Liability Coverage	\$1,000,000	\$0
Automobile Liability Coverage	\$10,000,000	\$0
Comprehensive and Collision Coverage	Per Schedule	Per Schedule
Combined Liability Policy Limit	\$10,000,000	

The Combined Liability Policy Limit is the most we will pay regardless of the number of Coverage Parts under which coverage may be sought.

**COVERAGE UNDER THIS CONTRACT IS:**

- As amended by revised schedule(s) attached.
- As amended by endorsement(s): ADD: MMP101 (01/02), MML228 (02/10), MML23(05/09), MML230(07/10), MML231(07/10), MML307(11/99), MML24(04/09), MML25(04/09)  
DELETE: MML22(04/04)

BY:   
(Authorized Representative)

DATE: 9-3-2010

Jim Sterner of Kensington Community 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 22, 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 None Scheduled

#### **D. CARRYOVER ITEMS:**

---

D-1 No Carryover Items

#### **E. PUBLIC HEARINGS:**

---

E-1 No Public Hearings Scheduled

#### **F. PUBLIC COMMENT:**

**Susan S. Martin:** Supports the library; supported Library Proposal 1.  
**Nancy Gross:** Directed specific questions to City Council and City Staff regarding alternatives for funding of the library, budgetary questions, etc.  
**Irv Wengrow:** Opposed to initiatory petition; supports the library.  
**Richard Peters:** Discussed various topics.  
**Tony Haddad:** Spoke in support of Council Member Howrylak; restated his request to have a formal investigation regarding the political ad in which the Chief of Police appeared with a political candidate; discussed other various topics associated with the Police Department.  
**Mary Ann Bernardi:** Discussed protocol for the public addressing City Council Members and City Staff; discussed the impropriety of the behavior at City Council meetings of those voters who supported Library Proposal 1.  
**Tom Krent:** Discussed the letter regarding the library proposals sent by Council Member Howrylak prior to the November election.  
**Edna Abraham:** Shared the winning drawing submitted by a student depicting his ideal neighborhood which included a library; looking forward to learning the findings of the ICMA study; supports keeping the library open and the

- neighborhoods safe.
- Sharon MacDonnell:** Supports the library; opposed to the TCU; opposed to the initiatory petition.
- William Cowger:** Believes the decline in Troy is due to a lack of vision and lack of willingness to invest financially to support Troy's future.

## **G. RESPONSE / REPLY TO PUBLIC COMMENT**

The meeting **RECESSED** at 8:35 PM.

The meeting **RECONVENED** at 8:45 PM.

---

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

## **H. POSTPONED ITEMS:**

---

**H-1 No Postponed Items**

## **I. REGULAR BUSINESS:**

---

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

**a) Mayoral Appointments: None Scheduled**

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

---

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

---

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

---

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

Resolution #2010-11-264

Moved by Beltramini

Seconded by Fleming

WHEREAS, As a group of citizens has formed a Michigan Non-Profit Tax Exempt 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: Schilling, Beltramini, Fleming, Howrylak, Kerwin, McGinnis, Slater  
No: None

## MOTION CARRIED

---

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

Resolution #2010-11-265  
Moved by McGinnis  
Seconded by Beltramini

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 and 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 TFSOA 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 \$1,000.00 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 TFSOA 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: Beltramini, Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling  
No: None

#### **MOTION CARRIED**

---

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

---

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

Resolution #2010-11-266  
Moved by Slater  
Seconded by Kerwin

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

#### **MOTION CARRIED**

**J. CONSENT AGENDA:**

---

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

Resolution #2010-11-  
Moved by Beltramini  
Seconded by McGinnis

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

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

**MOTION CARRIED**

---

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

---

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

Resolution #2010-11-267-J-2

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

---

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

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**

Resolution #2010-11--267-J-4

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:**

---

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

---

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

#### **L. COUNCIL REFERRALS:**

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

---

**L-1 No Council Referrals Advanced**

#### **M. COUNCIL COMMENTS**

---

**M-1 Council Comments Advanced:**

Council Member Kerwin expected a narrative to be attached to the memorandum associated with agenda item N-7 *Memorandum: Salary/Fringe Benefit Costs for the Positions of City Manager, City Attorney and All Department Directors* and requested that further explanation be forwarded to City Council.

City Manager Szerlag indicated that ICMA is currently in the process of evaluating those types of items associated with personnel payroll costs.

Council Member Beltramini would also like to more detailed information attached if ICMA does not provide more detail in their report.

Council Member Kerwin asked whether it is to better for City Council to provide direction to City Management by resolution.

City Manager Szerlag asked City Council to provide direction to him through resolutions.

Council Member McGinnis reported that Troy was recently recognized as being the safest city for those cities with a population of 75,000-95,999.

Council Member Kerwin asked City Council if they would consider cancelling the Regular Meeting scheduled for Monday, December 20, 2010.

There was a general consensus that the Regular Meeting of Monday, December 20, 2010 be cancelled.

City Manager Szerlag indicated that a resolution will appear on the agenda for the December 6, 2010 Regular City Council meeting to cancel the December 20<sup>th</sup> meeting.

**N. REPORTS**

---

**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
- Noted and Filed

---

**N-2 Department Reports:**

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

---

**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
- Noted and Filed

---

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

---

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

Noted and Filed

---

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

Noted and Filed

---

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

Noted and Filed

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

Noted and Filed

---

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

Noted and Filed

---

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

The meeting **RECONVENED** at 9:36PM.

**O. STUDY ITEMS**

---

**O-1 Goals and Objectives**

---

**P. CLOSED SESSION:**

---

**P-1 No Closed Session Requested**

---

**Q. ADJOURNMENT**

The meeting **ADJOURNED** at 10:21PM.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

## PROCLAMATION TO HONOR JUDGE MICHAEL A. MARTONE

**WHEREAS, Michael A. Martone** was first elected to Troy and Clawson's 52-4 District Court in 1992 and reelected without opposition in 1998 and again in 2004. He received his Bachelor of Arts degree from Wayne State University and his Juris Doctorate from Michigan State University, Detroit College of Law; and

**WHEREAS,** The community has been in constant change over the years, but **Judge Martone** has maintained a distinguished record of accomplishment, judicial integrity, character, service and excellence to all he has served. **Judge Martone's** professional career and much of his personal time has been dedicated to helping America's youth avoid problems and deal successfully with the challenges that they face in today's society. His frequent use of 'creative sentences' and his establishment of the **Courageous Decisions Program**, a nationally acclaimed alcohol intervention program, has raised awareness of the dangers of drinking and driving and underage binge drinking all across America. Since its inception in 1993, more than 225,000 students in 30 states have participated in this highly successful, award-winning program; and

**WHEREAS,** On April 20, 1999, in a first of its kind broadcast, **Judge Martone** presented this program, via satellite to every school in North America. **Judge Martone** is a faculty member at the Michigan Judicial Institute and served as both lead faculty and as a special presenter at the National Judicial College at the University of Nevada where his program has been established as part of the college's curriculum. It is also part of SADD's national "2000 by 2000" initiative and both the 1997 and 2000 MADD National Youth Summits; and

**WHEREAS, Judge Martone** and the **Courageous Decisions Program** have been featured on NBC's Today Show, ABC's Good Morning America, CBS's Early Show, MSNBC's Today's People, CNN's Newsstand and on National Public Radio's the Todd Mundt Show. In 2008, Mothers Against Drunk Driving (MADD) SE Michigan created the annual Courage First Life Savers Award, named in honor of **Judge Martone's Courage First Foundation** and presented him with the inaugural award; and

**WHEREAS, Judge Martone** has been the recipient of the Harvard University John F. Kennedy School of Government 100 Most Innovative Programs in All of Federal, State, Local and Tribal Government Award for his Courageous Decisions Program; and

**WHEREAS,** Over the years, **Judge Martone** has volunteered with Troy Families for Safe Homes, Troy Community Coalition for the Prevention of Drug and Alcohol Abuse and the Troy Foundation for Educational Excellence. In 2006, **Judge Martone** was selected as the Distinguished Citizen of the Year and an Oakland County Q2 Award winner. He has also been a soccer and basketball coach, youth mentor at St. Thomas More, and active with the Boy Scouts of America; and

**WHEREAS,** The most important aspects in **Judge Martone's** life is his family, wife of 32 years **Martha Rose**, & sons **Jonathan and James**; and

**WHEREAS, Judge Michael A. Martone** is respected nation-wide, not merely for the justice that characterizes his courtroom, but for the ways in which he works to keep our community safe and our kids on the right path. **Judge Martone's** innovative crime and substance abuse prevention programs have attracted national media attention and have been adopted by courts and schools all over the United States.

**NOW, THEREFORE, BE IT KNOWN,** That the City Council of the City of Troy takes this opportunity to express its appreciation and sincere gratitude to **Judge Michael A. Martone** for his many contributions to the betterment of the City during his tenure as 52-4 District Court Judge; and

**BE IT FURTHER KNOWN** That the City Council of the City of Troy, on behalf of themselves, City management and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Michael** during his retirement years. His influence and contributions will remain alive in our hearts and will impact each of us as we journey into the future.

Presented the 6<sup>th</sup> day of December 2010.



## CITY COUNCIL AGENDA ITEM

---

November 22, 2010

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option-  
Home Chore Lawn and Yard Services

### Background

Seasonal requirements of Lawn and Yard Services for Troy residents using the Home Chore Program with an option to renew for one (1) additional year was competitively bid and approved by Troy City Council on December 7, 2009. (Resolution # 2009-12-368-14a) Both Green Meadows Lawnscape and Zimmerman Lawn and Snow have agreed to exercise the option to renew under the same prices, terms and conditions as the original contract. Purchasing has conducted a market survey and determined the City would not benefit from soliciting additional bids.

All qualified residents that apply for the program are accepted. There is no waiting list for these services.

### Recommendation

City management recommends exercising the option to renew for one additional season to provide lawn and yard services for Troy residents using the Home Chore Program to the low total bidders, Green Meadows Lawnscape, as primary contractor, and Zimmerman Lawn and Snow, as secondary contractor, under the same prices, terms and conditions expiring December 31, 2011.

### Fund Availability

Funds for lawn and yard services for the Home Chore Program are available initially through the Public Works operating budget, then reimbursed by Oakland County through the Community Development Block Grant Program (CDBG).

November 19, 2010

TO: John M. Lamerato  
Assistant City Manager/Finance & Administration

FROM: Susan Leirstein CPPO CPPB  
Purchasing Director

RE: MARKET SURVEY – Lawn Services – Home Chore Program

Mike's Clean Cut Landscaping LLC – Mike Misiewicz (248) 879-4504  
Per Mike, the market is steady right now. He won't necessarily increase or decrease pricing. A lot of his decisions on pricing are done on a case by case basis.

Brantley Development LLC – Stanley Brantley (810) 610-0427  
Stanley indicated there is a lot of competition driving down prices, but he runs a company, and can not afford to do the work for anything less and still pay employee taxes and insurance.

Quicksilver Landscape – Dustin Bobek (586) 246-2519  
Per my conversation with Dustin, fuel prices are about the only influence on contract pricing. Right now conditions have stabilized and their prices would be the same as last year.

Michigan Outdoor Services & Construction – Gary Solomon (586) 879-7680  
Per my conversation with Gary, fuel prices are up along with the cost of insurance. If he were to bid this year he would have to bid the same as last year, he can't go any lower.

Sierra Lawn & Landscape – Todd Daignault (586) 566-5700  
Todd indicated he hopes the market bottomed-out last year and has stabilized. He can't do the work for any less. Business is better this year than last year.

Metropolitan Contracting LLC – Danielle Zokoe (734) 709-5039  
Left three messages. No response.

Based upon the above comments, I respectfully recommend the City exercise the option to renew the contracts with the current providers for Lawn Services under the Home Chore Program. Fuel and insurance costs are on the rise again and all those surveyed stated they could not provide better pricing for the coming year.



September 30, 2010

ATTN: Dan DeClerck  
Green Meadows Lawnscape  
43830 Utica Road  
Sterling Heights, MI 48314

Dear Mr. DeClerck:

On December 7, 2009, the City of Troy entered into contract #2010-00000588 with Green Meadows Lawnscape to provide one-year requirements of Lawn and Yard Services for the Home Chore Program. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Green Meadows Lawnscape wishes to renew this contract until December 31, 2011. Our fax number is (248) 524-3520. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3399.

**CHECK ONE:**

Green Meadows Lawnscape is interested in renewing the contract under the same prices, terms, and conditions:

Green Meadows Lawnscape is not interested in renewing the contract:

X. Dan D. DeClerck

Signed: Authorized Company Representative

Date: 9/30/10

Thank you,  
Vicki Richardson  
Solid Waste Coordinator  
City of Troy



Copy 7

September 30, 2010

ATTN: John Purdue  
Zimmerman Lawn and Snow  
26830 Fernwood  
Roseville, MI 48066

Dear Mr. Purdue:

On December 7, 2009, the City of Troy entered into contract #2010-00000589 with Zimmerman Lawn and Snow to provide one-year requirements of Lawn and Yard Services for the Home Chore Program as secondary contractor. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Zimmerman Lawn and Snow wishes to renew this contract until December 31, 2011. Our fax number is (248) 524-3520. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3399.

**CHECK ONE:**

Zimmerman Lawn & Snow is interested in renewing the contract under the same prices, terms, and conditions:

Zimmerman Lawn & Snow is not interested in renewing the contract:

X 

Signed: Authorized Company Representative

Date: 10-15-10

Thank you,  
Vicki Richardson  
Solid Waste Coordinator  
City of Troy

---

**I-4 Standard Purchasing Resolutions:****a) Standard Purchasing Resolution 1: Award to Low Bidders – Home Chore Lawn and Yard Services**

Resolution #2009-12-368-I-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide seasonal requirements of lawn and yard services for the Home Chore Program with an option to renew for one (1) additional year to the low total bidders, Green Meadows Lawnscape of Sterling Heights, MI, as primary contractor and Zimmerman Lawn and Snow of Roseville, MI, as secondary contractor at unit prices contained in the bid tabulation opened October 15, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of December 31, 2010; and

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

---

**I-5 Approval of Request from Grand Azteca V, Inc. to Transfer Ownership of 2009 Class C Licensed Business Located in Escrow at 4856 N. Adams, Rochester, MI 48306, from Red Lotus, LLC and Transfer Location (Governmental Unit) MCL 436L.1531(1) to 935 E. Long Lake and Request New Official Permit (Food) and SDM License – MLCC Request #524757****a) New License**

Resolution #2009-12-368-I-5a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Grand Azteca V, Inc. to transfer ownership of 2009 Class C licensed business located in escrow at 4856 N. Adams, Rochester, MI 48306, Oakland Township, Oakland County, Red Lotus, LLC and transfer location (Governmental Unit) MCL 436L.1531 (1) to 935 E. Long Lake, Troy, MI 48085 Oakland County and request new Official Permit (Food) and SDM License. {MLCC Req. #524757} “above all others”; and

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

**b) Agreement**

Resolution #2009-12-368-I-5b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Grand Azteca V, Inc. to transfer ownership of 2009 Class C licensed business located in



## CITY COUNCIL ACTION REPORT

November 18, 2009

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidders –  
Home Chore Lawn and Yard Services

### **Background**

- Bids were received and publicly opened on October 15, 2009, for seasonal requirements of lawn and yard services for Troy residents using the Home Chore Program with an option to renew for one (1) additional season.
- 288 vendors were notified via the Michigan Intergovernmental Trade Network (MITN system). Fifteen (15) bid responses were received, and one vendor, Metropolitan Contracting, LLC bid submission arrived after the specified time of 10:00AM on 10/15/2009. Their bid is considered late and will be retained, unopened in the Purchasing department.
- The award recommendation considered the vendor offering the best combination of a variety of factors including: bid price, professional competence and level of service, equipment fleet, references, and the comfort of the residents on the program.
- The contract warrants making an award to a primary and secondary contractor in the event the primary contractor is unable to perform services as specified, the secondary vendor will be called upon to fulfill the terms of the contract.
- A low total award for Proposals A and B is being recommended as separate contracts with different vendors for each Proposal has proven to be an administrative nightmare, with one contractor blaming the other for uncompleted or shoddy work.

### **Financial Considerations**

- Funds for lawn and yard services for the Home Chore Program are available initially through the Public Works operating budget, then reimbursed by Oakland County through the Community Development Block Grant Program (CDBG).

### **Legal Considerations**

- ITB-COT 09-31, seasonal requirements of lawn and yard services for Troy residents using the Home Chore Program with an option to renew for one (1) additional year was competitively bid and opened October 15, 2009, in accordance with Chapter 7 of the City Code.
- Award is contingent upon contractor's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

November 18, 2009

To: John Szerlag, City Manager

Re: Bid Award – Home Chore Lawn and Yard Services

**Recommendation**

- City management recommends City Council awards contracts for seasonal requirements of lawn and yard services for Troy residents using the Home Chore Program with an option to renew for one (1) additional season to the low total bidders, Green Meadows Lawnscape of Sterling Heights, MI as primary contractor and Zimmerman Lawn and Snow of Roseville, MI, as secondary contractor at unit prices contained in the bid tabulation dated 10/15/2009, which expires December 31, 2010.

Opening Date -- 10/15/09  
Date Prepared -- 11/18/09

CITY OF TROY  
BID TABULATION  
LAWN SERVICES/HOME CHORE PROGRAM

ITB-COT 09-31  
Pg 1 of 5

VENDOR NAME:		jh/sl	Green Meadows Lawnscape <b>PRIMARY</b>	Zimmerman Lawn and Snow <b>SECONDARY</b>	Mike's Clean Cut Landscaping, LLC
EST NO.			PRICE PER SERVICE	PRICE PER SERVICE	PRICE PER SERVICE
<b>PROPOSAL A: LAWN CARE SERVICES</b>					
50 Lots	Lawn Care Services at a Residential City of Troy Home -average lot size 100 ft x 180 ft		\$ 11.00	\$ 11.00	\$ 13.25
30 Lots	Lawn-care Services at lots over 100 ft x 180 ft or corner lots		\$ 13.00	\$ 13.00	\$ 15.25
			\$ 940	\$ 940	\$ 1,120
	<b>ESTIMATED TOTAL: - 28 Weeks -</b>		<b>\$ 26,320.00</b>	<b>\$ 26,320.00</b>	<b>\$ 31,360.00</b>
<b>PROPOSAL B: YARD CLEAN UP</b>					
50 Lots	Yard clean up at a residential City of Troy home - average lot size 100 ft x 180 ft		\$ 50.00	\$ 55.00	\$ 37.00
30 Lots	Yard Clean up for lots over 100 ft x 180 ft or corner lots		\$ 60.00	\$ 65.00	\$ 42.00
			\$ 4,300	\$ 4,700	\$ 3,110
	<b>ESTIMATED TOTAL: - 2 Clean-Ups -</b>		<b>\$ 8,600.00</b>	<b>\$ 9,400.00</b>	<b>\$ 6,220.00</b>
	<b>GRAND TOTAL BOTH SERVICES: Estimated</b>		<b>\$ 34,920.00</b>	<b>\$ 35,720.00</b>	<b>\$ 37,580.00</b>
<b>SITE INSPECTIONS:</b>	Yes or No Date	Yes 10/14/2009	Current Contractor Yes 2009	Yes 10/7/2009	
<b>PHONE NUMBERS:</b>	Daytime 24 Hour Contact Name Hrs of Operation	586-254-7775 586-707-1499 Dan DeClerck 7 AM to 6 PM	586-484-1721 586-484-1721 John Purdue 8 AM to 6:30PM	248-930-8725 248-930-8725 Michael Misiewicz 8 AM to 6 PM	
<b>PAYMENT TERMS:</b>		Net 30	Blank	Once a month or Net 30 Days	
<b>EXCEPTIONS:</b>		Blank	Blank	None	
<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes	Yes	Yes	
<b>VENDOR QUESTIONNAIRE:</b>	Y or N	Yes	Yes	Yes	

Late Bid: Metro Detroit Lanscaping - Arrived in mail at 11:57 AM; Bid opening time - 10 AM

ATTEST:  
Diane Fisher  
Vicki Richardson  
Linda Bockstanz

**BOLDFACE TYPE DENOTES LOW TOTAL BIDDERS**

\_\_\_\_\_  
Susan Leirstein CPPB  
Purchasing Director

VENDOR NAME:		Brantley	Quicksilver	Michigan Outdoor
		Development LLC	Landscape	Services and Construction, Inc.
EST NO.		PRICE PER SERVICE	PRICE PER SERVICE	PRICE PER SERVICE
<b>PROPOSAL A: LAWN CARE SERVICES</b>				
50 Lots	Lawn Care Services at a Residential City of Troy Home -average lot size 100 ft x 180 ft	\$ 11.70	\$ 10.00	\$ 15.75
30 Lots	Lawn-care Services at lots over 100 ft x 180 ft or corner lots	\$ 13.70	\$ 18.00	\$ 17.00
		\$ 996	\$ 1,040	\$ 1,297.50
<b>ESTIMATED TOTAL: - 28 Weeks -</b>		\$ 27,888.00	\$ 29,120.00	\$ 36,330.00
<b>PROPOSAL B: YARD CLEAN UP</b>				
50 Lots	Yard clean up at a residential City of Troy home - average lot size 100 ft x 180 ft	\$ 58.50	\$ 70.00	\$ 59.00
30 Lots	Yard Clean up for lots over 100 ft x 180 ft or corner lots	\$ 69.50	\$ 90.00	\$ 69.00
		\$ 5,010	\$ 6,200	\$ 5,020
<b>ESTIMATED TOTAL: - 2 Clean-Ups -</b>		\$ 10,020.00	\$ 12,400.00	\$ 10,040.00
<b>GRAND TOTAL BOTH SERVICES: Estimated</b>		\$ 37,908.00	\$ 41,520.00	\$ 46,370.00
<b>SITE INSPECTIONS:</b>	Yes or No Date	NO	NO	No
<b>PHONE NUMBERS:</b>	Daytime	810-610-0427	Blank	248-850-8349
	24 Hour	810-610-0427	586-246-2519	586-879-7680
	Contact Name	Stanley Brantley	Dustin Bobek	Gary Solomon
	Hrs of Operation	6 AM to 7 PM	8 AM to 8 PM	7 AM to 5 PM
<b>PAYMENT TERMS:</b>		Net 30 Days	Net 30	Net 30 Days
<b>EXCEPTIONS:</b>		Blank	Blank	Blank
<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes	Yes	Yes
<b>VENDOR QUESTIONNAIRE:</b>	Y or N	Yes	Yes	Yes

Opening Date -- 10/15/09  
 Date Prepared -- 11/18/09

CITY OF TROY  
 BID TABULATION  
 LAWN SERVICES/HOME CHORE PROGRAM

VENDOR NAME:		Sierra Lawn and	Metropolitan	Thoroughbred
		Landscape Inc	Contracting, LLC	Building Services LLC
EST NO.		PRICE PER SERVICE	PRICE PER SERVICE	PRICE PER SERVICE
<b><u>PROPOSAL A: LAWN CARE SERVICES</u></b>				
50	Lawn Care Services at a Residential City of Troy Lots Home -average lot size 100 ft x 180 ft	\$ 15.00	\$ 15.00	\$ 18.96
30	Lawn-care Services at lots over 100 ft x 180 ft Lots or corner lots	\$ 18.00	\$ 25.00	\$ 24.84
		\$ 1,290	\$ 1,500	\$ 1,693.20
	<b>ESTIMATED TOTAL: - 28 Weeks -</b>	\$ 36,120.00	\$ 42,000.00	\$ 47,409.60
<b><u>PROPOSAL B: YARD CLEAN UP</u></b>				
50	Yard clean up at a residential City of Troy Lots home - average lot size 100 ft x 180 ft	\$ 72.00	\$ 50.00	\$ 30.94
30	Yard Clean up for lots over 100 ft x 180 ft or Lots corner lots	\$ 90.00	\$ 75.00	\$ 32.86
		\$ 6,300	\$ 4,750	\$ 2,532.80
	<b>ESTIMATED TOTAL: - 2 Clean-Ups -</b>	\$ 12,600.00	\$ 9,500.00	\$ 5,065.60
	<b>GRAND TOTAL BOTH SERVICES: Estimated</b>	\$ 48,720.00	\$ 51,500.00	\$ 52,475.20
<b>SITE INSPECTIONS:</b>	Yes or No Date	NO	Yes 9/29/2009	Yes 10/11/2009
<b>PHONE NUMBERS:</b>	Daytime 24 Hour Contact Name Hrs of Operation	586-566-5700 586-360-6622 Todd Daignault 24/7	734-709-5039 734-709-5039 Danielle Zokoe 7 AM to 6 PM	586-610-5950 586-610-5950 Anthony Allen 8 AM to 8 PM
<b>PAYMENT TERMS:</b>		Net 30	Net 30 Days	Net 30
<b>EXCEPTIONS:</b>		Blank	N/A	Blank
<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes	Yes	Yes
<b>VENDOR QUESTIONNAIRE:</b>	Y or N	Yes	Yes	Yes

Opening Date -- 10/15/09  
 Date Prepared -- 11/18/09

CITY OF TROY  
 BID TABULATION  
 LAWN SERVICES/HOME CHORE PROGRAM

VENDOR NAME:		ETC. Default	Integrity Lawn	College Bound
		Services	and Snow, LLC	Lawn Service
EST NO.		PRICE PER SERVICE	PRICE PER SERVICE	PRICE PER SERVICE
<b>PROPOSAL A: LAWN CARE SERVICES</b>				
50	Lawn Care Services at a Residential City of Troy Lots Home -average lot size 100 ft x 180 ft	\$ 20.00	\$ 19.00	\$ 25.00
30	Lawn-care Services at lots over 100 ft x 180 ft Lots or corner lots	\$ 23.00	\$ 39.00	\$ 35.00
		\$ 1,690	\$ 2,120	\$ 2,300
<b>ESTIMATED TOTAL: - 28 Weeks -</b>		<b>\$ 47,320.00</b>	<b>\$ 59,360.00</b>	<b>\$ 64,400.00</b>
<b>PROPOSAL B: YARD CLEAN UP</b>				
50	Yard clean up at a residential City of Troy Lots home - average lot size 100 ft x 180 ft	\$ 88.00	\$ 150.00	\$ 125.00
30	Yard Clean up for lots over 100 ft x 180 ft or Lots corner lots	\$ 96.00	\$ 200.00	\$ 200.00
		\$ 7,280	\$ 13,500	\$ 12,250
<b>ESTIMATED TOTAL: - 2 Clean-Ups -</b>		<b>\$ 14,560.00</b>	<b>\$ 27,000.00</b>	<b>\$ 24,500.00</b>
<b>GRAND TOTAL BOTH SERVICES: Estimated</b>		<b>\$ 61,880.00</b>	<b>\$ 86,360.00</b>	<b>\$ 88,900.00</b>
<b>SITE INSPECTIONS:</b>	Yes or No	NO	Yes	Yes
	Date		10/11/2009	10/11/2009
<b>PHONE NUMBERS:</b>	Daytime	313-424-3891	248-930-9320	248-302-8459
	24 Hour	313-404-0216	248-930-9320	248-302-8459
	Contact Name	Zach Hamilton	Doug Korenic	Jeanette Johnson
	Hrs of Operation	8 AM to 6 PM	6 AM to 10 PM	8 AM to 5 PM
<b>PAYMENT TERMS:</b>		Net 30	Net 15	Net 30 Days
<b>EXCEPTIONS:</b>		None	Blank	Blank
<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes	Yes	Yes
<b>VENDOR QUESTIONNAIRE:</b>	Y or N	Yes	Yes	Yes

VENDOR NAME:		PR Property	Evergreen	Big Beaver
		Maintenance, LLC	Exteriors, Inc.	Landscaping and Snow
EST NO.		PRICE PER SERVICE	PRICE PER SERVICE	PRICE PER SERVICE
<b>PROPOSAL A: LAWN CARE SERVICES</b>				
50 Lots	Lawn Care Services at a Residential City of Troy Home -average lot size 100 ft x 180 ft	\$ 40.00	\$ 42.00	\$ 40.00
30 Lots	Lawn-care Services at lots over 100 ft x 180 ft or corner lots	\$ 55.00	\$ 47.00	\$ 45.00
		\$ 3,650	\$ 3,510	\$ 3,350
<b>ESTIMATED TOTAL: - 28 Weeks -</b>		\$ 102,200.00	\$ 98,280.00	\$ 93,800.00
<b>PROPOSAL B: YARD CLEAN UP</b>				
50 Lots	Yard clean up at a residential City of Troy home - average lot size 100 ft x 180 ft	\$ 75.00	\$ 110.00	leaf removal \$ 175.00
30 Lots	Yard Clean up for lots over 100 ft x 180 ft or corner lots	\$ 100.00	\$ 140.00	leaf removal \$ 185.00
		\$ 6,750	\$ 9,700	\$ 14,300
<b>ESTIMATED TOTAL: - 2 Clean-Ups -</b>		\$ 13,500.00	\$ 19,400.00	\$ 28,600.00
<b>GRAND TOTAL BOTH SERVICES: Estimated</b>		\$ 115,700.00	\$ 117,680.00	\$ 122,400.00
<b>SITE INSPECTIONS:</b>		Yes	Yes	No
Date		10/14/2009	10/7 & 10/8/09	
<b>PHONE NUMBERS:</b>		248-202-6824	586-948-1525	248-217-0140
Daytime		248-635-4143	586-524-3689	248-885-1191
24 Hour		Rhona Ravenell	Keith Ives	Ryan J. Stewart
Contact Name		8 AM to 7:30 PM	9 AM to 5 PM	24 Hours
Hrs of Operation				Quarterly or Monthly
<b>PAYMENT TERMS:</b>		Net 30	30 Net	
<b>EXCEPTIONS:</b>		Blank	Blank	Blank
<b>ACKNOWLEDGEMENT:</b> Y or N		Yes	Yes	Yes
<b>VENDOR QUESTIONNAIRE:</b> Y or N		Yes	Yes	Yes



## CITY COUNCIL AGENDA ITEM

---

November 29, 2010

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Services – Fire Stations and Training Center

---

### Background

On January 25, 2010, Troy City Council approved a competitively bid contract to provide seasonal requirements of Snow Removal Services for the Troy Fire Stations and Training Center with an option to renew for two (2) additional seasons to the low bidder, Advanced Landscape & Builders Supply Co., of Clawson, MI (Resolution #2010-01-026-I4b).

Throughout the regular snow season, approximately 90% of all call-outs for snow/ice control at the Fire Stations occur either during regular working hours, or when the snowfall amount is from a trace to 2" in depth. In both of these instances City staff can and will continue to perform the snow/ice control at a cost lower than the contractor. The contractor is only used when their cost is lower than City staff in performing the same function, such as during a snowfall in excess of 2" during non-regular working hours. Advanced Landscape & Builders Supply was called out a total of six (6) times during their first contract year for a total of \$8,460.00.

Advanced Landscape & Builders Supply has offered to renew their contract for an additional year under the same prices, terms, and conditions. Purchasing has conducted a market survey and found no benefit would be derived from soliciting additional bids.

### Recommendation

City management and the Parks and Recreation department recommend exercising the option to renew for one additional season with Advanced Landscape & Builders Supply for an estimated total per push cost of \$1,410.00 for all sites included in the original proposal at unit prices contained in the bid tabulation opened December 21, 2009.

### Fund Availability

Funds for these snow and ice removal services are available in the Fire Department and Fire-Police Training Center contractual services accounts.

DATE: November 29, 2010

TO: Susan Leirstein CPPO CPPB  
Purchasing Director

FROM: Julie Hamilton CPPB  
Buyer

RE: MARKET SURVEY – Snow Removal–Fire Stations

McCLELLAND LANDSCAPE, INC – Denny (248) 563-5035

Denny stated that he will be keeping his prices the same even though equipment costs are higher this year. Although he has seen an increase in the cost for plows and other equipment the price for salt has actually decreased. Overall the price he charges will remain steady due to competition in the market place.

MVP ENVIRONMENTAL LLC – Pat Marchionda (248) 330-1602

Indicated that due to competition their prices cannot increase but due to their fixed cost they cannot decrease either. Their pricing will need to remain the same as last year.

TITAN TOPSOIL – Chris Merucci (248) 477-6988

Left messages on November 22<sup>nd</sup> and 24<sup>th</sup> without response.

Based upon the above comments, I respectfully recommend the City exercise the option to renew the contract to provide snow removal services with the current provider at the City's fire stations and training center. Snow removal costs have stabilized and not expected to increase or decrease enough to effect future contracts.

CC: File

From:Troy Parks & Recreation

248 689 6497

11/18/2010 11:14

#166 P.002/002



November 16, 2010

ATTN: Russ Maloney  
Advanced Landscape & Builders Supply Co  
890 N Rochester Road  
Clawson, MI 48017  
FAX: (248) 556-5130

Dear Russ:

The City of Troy entered into contract #2010-0000672 with Advanced Landscape & Builders Supply Co to provide seasonal requirements of snow removal services for the City's fire stations and Police/Fire training Center, which will expire April 15, 2010, with an option to renew for two (2) additional seasons. The City is interested to know whether Advanced Landscape & Builders Supply will exercise the first option to renew under the same pricing, terms and conditions.

Please fax this letter back to Jeff Biegler at the Troy Community Center indicating if Advanced Landscape & Builders Supply wishes to renew this contract until April 15, 2011. The fax number is (248) 689-6497. It should be understood that this request to renew the contract is subject to a favorable market survey and City Council approval. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City.

If you have any questions please call me at (248) 524-3484

**CHECK ONE:**

Advanced Landscape & Builders Supply is interested in renewing the contract under the same prices, terms, and conditions: *648-689-6497*

*[Handwritten Signature]*  
Signed: Authorized Company Representative

Advanced Landscape & Builders Supply is not interested in renewing the contract: ( )

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

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

Thank you,  
Jeff Biegler  
Superintendent of Parks

**I-4 Standard Purchasing Resolutions:****a) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders – Custodial Supplies**

Resolution #2010-01-026-I-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one (1) year requirements of custodial supplies for the City of Troy with an option to renew for one (1) additional year to the lowest bidders meeting specifications as follows:

<b><u>BIDDERS</u></b>	<b><u>ITEMS</u></b>
SupplyDen of Rochester Hills	1
Kellermeyer Company of Bowling Green Ohio	2, 9
HP Products Corporation of Belleville	3, 6, 7
Hercules & Hercules Inc of Detroit	4, 5
Nichols of Muskegon	8

at unit prices contained in the bid tabulation opened November 23, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring November 30, 2010; and

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

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Snow Removal Services – Fire Stations and Training Center**

Resolution #2010-01-026-I-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide seasonal requirements of snow removal services for the City's Fire Stations and Police/Fire Training Center with an option to renew for two (2) additional seasons to the low bidder, Advanced Landscape & Builders Supply Co of Clawson, at unit prices contained in the bid tabulation opened December 21, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of April 15, 2010; and

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



## CITY COUNCIL ACTION REPORT

January 15, 2010

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder – Snow Removal Services - Fire Stations and Training Center

### **Background**

- On December 21, 2009, bid proposals were opened publicly to provide one season snow removal services for Troy's six (6) Fire Stations and one (1) Police/Fire Training Center, with an option to renew for two (2) additional seasons.
- 218 Vendors were notified via MITN, with seven (7) complete bids received, along with two (2) bids that did not qualify due the omission of required bid deposit surety, as specified.
- The low bidder, Advanced Landscape & Builders Supply Co., 890, N. Rochester Rd., Clawson, MI 48017 indicates they can complete snow/ice removal at the Fire Stations and Police/Fire Training Center for a total of \$1410.00 per call out; regardless of whether the request for service is for labor intensive parking lot/sidewalk snow plowing or less intense parking lot/sidewalk salting only, overtime or regular City business hours.
- The purpose of contracting this work is to reduce expenses. The following comparisons illustrate the costs of the two categories for snow/ice control - one for treatment of a trace of snow to 2", and the second for snow fall of 2" or greater:

#### Costs for Treating a Trace to 2" of Snow

City Staff - \$1383.10 per push of all Fire Stations and Training Center  
Contractor - \$1410.00 per push of all Fire Stations and Training Center

#### Costs for Treating Above 2" of Snow

City Staff - \$3846.41 per push of all Fire Stations and Training Center  
Contractor - \$1410.00 per push of all Fire Stations and Training Center

- Use of City staff is more cost effective when there is a light amount of snow needing only salting, or minimal plowing. Contractor would be more cost effective when a larger snow removal effort is required.

January 15, 2010

To: John Szerlag, City Manager

Re: Bid Award – Snow Removal Services – Fire Stations

**Background:** continued

- Throughout the regular snow season, at least 90% of all call outs for snow/ice control at Fire Stations fall within the Trace to 2” category, meaning City staff can, and will continue to treat the snow/ice at a lower cost at least 90% of the time. A contractor will only be less expensive on approximately 10% of the total call outs when removal of larger amounts of snow is necessary at these facilities. It is our intent to use contracted services only when it results in a cost savings to the City.

**Financial Considerations**

- Funds for these snow/ice removal services will be available in the Fire Department and Fire-Police Training Center contractual services accounts - #101.336.344.7802.050 and #101.264.261.7802.050 respectively..

**Legal Considerations**

- ITB-COT 09-47, Snow Removal Services for Fire Stations and the Police/Fire Training Center was competitively bid as required by City Charter and Code.
- The award is contingent upon contractor submission of properly executed bid documents including insurance certificates and all other specified requirements.

**Recommendation**

- City management and the Parks and Recreation department recommend awarding a seasonal, as needed contract with an option to renew for two (2) additional seasons for snow/ice removal services at Troy’s six (6) Fire Stations and one (1) Police/Fire Training Center to the low bidder, Advanced Landscape & Builders Supply Co of Clawson at a total per push cost of \$1410.00 for all sites included in this proposal at unit prices contained in the bid tabulation opened December 21, 2009.

jh/sl

VENDOR NAME:

Advanced Landscape & Builders Supply Co	McClelland Landscape, Inc	MVP Environmental, LLC
--	------------------------------	---------------------------

Check #

000124218	9100602986	100983307
-----------	------------	-----------

Check Amount

\$1,000.00	\$1,000.00	\$1,000.00
------------	------------	------------

ITEM	LOCATIONS	All inclusive per call-out PER PUSH	All inclusive per call-out PER PUSH	All inclusive per call-out PER PUSH
1	Fire Station #1 - 1019 East Big Beaver	\$ 205.00	\$ 238.00	\$ 295.00
2	Fire Station #2 - 5600 Livernois	\$ 190.00	\$ 216.00	\$ 260.00
3	Fire Station #3 - 2400 West Big Beaver	\$ 235.00	\$ 298.00	\$ 490.00
4	Fire Station #4 - 2103 East Maple Road	\$ 170.00	\$ 222.00	\$ 400.00
5	Fire Station #5 - 6399 John R Road	\$ 205.00	\$ 279.00	\$ 290.00
6	Fire Station #6 - 5901 Coolidge	\$ 170.00	\$ 184.00	\$ 500.00
7	Police / Fire Training Center - 4850 John R Road	\$ 235.00	\$ 333.00	\$ 570.00
GRAND TOTALS (Items 1-7)		\$ 1,410.00	\$ 1,770.00	\$ 2,805.00
	Daytime Phone Number	248-565-8371	248-563-5035	248-330-1602
	Contact:	Russ Maloney	Denny McClelland	Pat Marchionda
	24 Hour Phone Number	248-379-6565	248-563-5035	248-330-1602
	Contact:	Russ Maloney	Denny McClelland	Pat Marchionda
	Pager Number	None	248-563-5035	Blank
	Contact:	Blank	Denny McClelland	Blank
VISITED THE SITES	Y or N	Yes	Yes	Yes
DATE:		12/18/2009	12/8/2009	12/16,12/17,& 12/20
RESPONSE TIME:	within	1 Hour	1 Hour	0.25 Hours
FACILITY	Location:	Clawson/Troy	Rochester, MI	Troy, MI
	Miles from Troy	On Troy's border	5 Miles	0 Miles
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
EQUIPMENT LIST:	Attached Y or N	Yes	Yes	Yes
EMPLOYEES:	# of Full-Time	8	3	2
	# of Part-Time	3	2	4-6
PAYMENT TERMS:		Net 30	Net 30 days	Net 30
DELIVERY:		<b>As Specified</b>		
EXCEPTIONS:		None	Blank	None
ACKNOWLEDGEMENT: Signed	Y or N	Yes	Yes	Yes

**DMS:** Lantis Construction, Inc - No Check  
 Great Lakes Landscaping - No Check

Grand Total Corrected by Purchasing

**ATTEST:**

Jeff Biegler  
 Kurt Bovensiep  
 Debra Painter-Deagle  
 Linda Bockstanz

HIGHLIGHTED AREA DENOTES LOW BIDDER

Susan Leirstein CPPO CPPB, Purchasing Director

		VENDOR NAME:	Titan Top Soil	Mike's Tree	Mando
		Check #	& Associates, Inc	Surgeons, Inc	Construction Inc
		Check Amount	15898815	0113985	075335
			\$1,000.00	\$1,000.00	\$1,000.00
ITEM	LOCATIONS		All inclusive per call-out <b>PER PUSH</b>	All inclusive per call-out <b>PER PUSH</b>	All inclusive per call-out <b>PER PUSH</b>
1	Fire Station #1 - 1019 East Big Beaver		\$ 345.00	\$ 508.00	\$ 420.00
2	Fire Station #2 - 5600 Livernois		\$ 415.00	\$ 408.00	\$ 465.00
3	Fire Station #3 - 2400 West Big Beaver		\$ 465.00	\$ 428.00	\$ 670.00
4	Fire Station #4 - 2103 East Maple Road		\$ 280.00	\$ 368.00	\$ 370.00
5	Fire Station #5 - 6399 John R Road		\$ 465.00	\$ 488.00	\$ 530.00
6	Fire Station #6 - 5901 Coolidge		\$ 310.00	\$ 388.00	\$ 430.00
7	Police / Fire Training Center - 4850 John R Road		\$ 580.00	\$ 493.00	\$ 695.00
GRAND TOTALS (Items 1-7)			\$ 2,860.00	\$ 3,081.00	\$ 3,580.00
Daytime Phone Number			248-477-6988	248-588-0202	586-531-4740
Contact:			Sarah Moultrup	Al Sexton	Jeff
24 Hour Phone Number			248-388-3023	248-789-3039	586-222-3990
Contact:			Chris Merucci	Al Sexton	Jim/Paul
Pager Number			248-388-3023	N/A	586-531-4741
Contact:			Chris Merucci	N/A	Nick
VISITED THE SITES		Y or N	Yes	Yes	Yes
DATE:			12/4/2009	12/10/2009	12/10/2009
RESPONSE TIME:		within	2 Hours	2 Hours	3 Hours
FACILITY		Location:	Farmington Hills, MI	Troy, MI	Sterling Heights, MI
		Miles from Troy	23 Miles	0 Miles	5 Miles
INSURANCE:		Can Meet	XX	XX	XX
		Cannot Meet			
EQUIPMENT LIST:		Attached Y or N	Yes	Yes	Yes
EMPLOYEES:		# of Full-Time	6	35	4
		# of Part-Time	13	2	6
PAYMENT TERMS:			Net 15	30 Days Net	Net 30
DELIVERY:			<b>As Specified</b>		
EXCEPTIONS:			Blank	Blank	N/A
ACKNOWLEDGEMENT: Signed		Y or N	Yes	Yes	Yes

PROPOSAL-- Seasonal Requirements of Snow Removal Services for the City of Troy six (6) Fire Stations and Police/Fire Training Center with an Option to Renew for two (2) Additional Seasons

VENDOR NAME:		ABC Paving		
		Company		
Check #		101023716		
Check Amount		\$1,000.00		
<b>ITEM</b>	<b>LOCATIONS</b>	All inclusive per call-out <b>PER PUSH</b>		
		<b>Based on 1"-3" Snow Event</b>		
1	Fire Station #1 - 1019 East Big Beaver	\$ 510.00		
2	Fire Station #2 - 5600 Livernois	\$ 520.00		
3	Fire Station #3 - 2400 West Big Beaver	\$ 700.00		
4	Fire Station #4 - 2103 East Maple Road	\$ 500.00		
5	Fire Station #5 - 6399 John R Road	\$ 600.00		
6	Fire Station #6 - 5901 Coolidge	\$ 490.00		
7	Police / Fire Training Center - 4850 John R Road	\$ 900.00		
GRAND TOTALS (Items 1-7)		\$ 4,220.00		
Daytime Phone Number		734-341-7424		
Contact:		Dan Dingman		
24 Hour Phone Number		734-231-3486		
Contact:		Josh Christman		
Pager Number		Blank		
Contact:		Blank		
VISITED THE SITES		Yes		
DATE:		12/17/2009		
RESPONSE TIME:		1 Hour		
		within		
FACILITY		Trenton, MI		
Location:				
Miles from Troy		40 Miles		
INSURANCE:		XX		
Can Meet				
Cannot Meet				
EQUIPMENT LIST: Attached		Yes		
Y or N				
EMPLOYEES:		30		
# of Full-Time				
# of Part-Time		150 (winter months)		
PAYMENT TERMS:		Blank		
DELIVERY:		<b>As Specified</b>		
EXCEPTIONS:		Blank		
ACKNOWLEDGEMENT: Signed		Yes		
Y or N				



## CITY COUNCIL AGENDA ITEM

---

November 29, 2010

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration  
Susan A. Leirstein, Purchasing Director  
Gary G. Mayer, Chief of Police

Subject: Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – MMRMA Risk Avoidance Program Grant – TASER Purchase

---

### Background

The Troy Police Department's Training Section recently conducted a study on the use and deployment of TASER's. The most up to date research in this regard, supported by TASER, as well as the Force Research Center, which is a non-profit entity that conducts research on police use of force, indicates departments that utilize TASER's should require officers to carry the TASER on the opposite side as the fire arm and be trained to draw and deploy it with the weak hand. In addition, rather than equipping only a portion of officers assigned to Road Patrol duties each day with a TASER, every officer assigned to patrol should be issued his/her own TASER and accompanying holster. This practice ensures officers are consistently equipped, and reinforces proper muscle memory when weapon choices are required under stressful conditions.

The department is currently completing a comprehensive training protocol that implements the above recommendations.

Purchase of additional equipment is now required to complete this transition.

### Recommendation

It is the recommendation of City staff to purchase the necessary equipment from Michigan TASER Distributing, the sole source vendor in Michigan for TASER equipment for an estimated total cost of \$41,483.37, as detailed in Bid #1864, dated 11/23/10.

### Fund Availability

Monies are available in the general fund of the Police administration forfeiture accounts.

### Michigan Municipal Risk Management Authority (MMRMA) Risk Avoidance Program (RAP) Grant

The Police department is applying for a grant under the MMRMA RAP Grant. This grant will pay for 50%, not to exceed \$400 per TASER for 30 of the needed TASERS. This grant is a reimbursement grant where we must spend the funds and then get reimbursed. A representative of the MMRMA who approves the TASER RAP projects stated that we would be eligible for the 50% reimbursement of 30 TASERS for a savings of \$12,000.00. The RAP Grant will also pay for 50% of the training suit for a savings of \$212.50.

# Michigan Taser Distributing

10422 Londonderry Dr.  
South Lyon, MI 48178

Office Fax #  
248-446-0373 248-446-0378

www.michigantaser.com

# BID

Date	BID #
11/23/2010	1864

Name / Address
City of Troy Police Department 500 W. Big Beaver Troy, Michigan 48084-5285

Item	Description	Qty	Cost	Total
26011	X-26E, Black/silver, with Blade-tech and DPM	47	809.95	38,067.65
44952	RH-Taser Bladetech X-26, w/TekLok, short hood, RH	-47	42.00	-1,974.00
BH-Serpa-X26-R...	Serpa, RH, X26 holster, Basket Weave	47	46.00	2,162.00
BH-Serpa-X26-R...	Serpa, RH, X26 holster, Basket Weave	52	46.00	2,392.00
44550	Training Suit, Simulation suit II	1	425.00	425.00
S & H	Shipping & Handling, (1.5% <\$5,000.00, 1% >\$5,000.00) **\$7.50 Min.**		410.72	410.72

<b>Customer Message</b>	<b>Total</b>	\$41,483.37
-------------------------	--------------	-------------

**Acceptance Of Proposal**  
All prices, specifications and terms are satisfactory and are hereby accepted.

**Shipping & Handling charges on net invoice price;**  
**1.5% <\$5,000.00, 1% >\$5,000.00, (\$7.50 min.)**

**TERMS: NET 10 DAYS \*\*\*\*\* ALL SALES ARE FINAL**

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



## CITY COUNCIL AGENDA ITEM

November 17, 2010

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 2 – Bid Award: Sole Bidder - Vehicle Wash Services

### Background

On November 10, 2010, a bid proposal was opened to furnish two-year requirements for Vehicle Wash Service with an option to renew for two additional years. 51 companies were notified of the solicitation via the Michigan Intergovernmental Trade Network (MITN) website. Five (5) local companies received calls directly. Vehicles are washed on an as needed basis. It is anticipated this award will allow employees to keep their vehicles clean, reflecting a positive image of the City to the general public and increase the longevity of the vehicles.

### Recommendation

After reviewing the proposal, the Fleet Maintenance Division recommends awarding the contract for vehicle exterior wash only to the sole bidder, Pro Enterprise Inc, dba Pro Car Wash, for an estimated annual cost of \$14,526.00 for Items #1 and #3, at the unit prices listed below. No bids were received for the interior/exterior wash service. An informal quote process will be used to secure pricing for this service as total costs are expected to be below the formal bid threshold of \$10K. The approximate number of interior/exterior washes per year is expected to drop to 180 per year due to the interior complexity of police vehicles.

ITEM	EST QTY (Washes)	DESCRIPTION	PRICE PER WASH	ESTIMATED TOTAL
<b><u>Pro Enterprise Inc</u></b>				
1.	2,670	Wash Outside Only Car, mid-size SUV and Pickup	\$4.05	\$ 10,813.50
3.	825	Wash Outside Only Pickup Trucks & Vans	\$4.50	\$ 3,712.50
<b>ESTIMATED TOTAL COST:</b>				<b>\$ 14,526.00</b>

### Fund Availability

Funds for this service are available in Fleet Maintenance – Equipment Operation and Maintenance Account, Outside Maintenance

Opening Date -- 11/10/10  
 Date Reviewed -- 11/17/10

sl

CITY OF TROY  
 BID TABULATION  
 VEHICLE WASH SERVICES

VENDOR NAME:

<b>Pro Enterprise Inc</b>			
<b>dba Pro Car Wash</b>			

ITEM	EST QTY	DESCRIPTION	SERVICE LEVEL	COST/ UNIT	COST/ UNIT	COST/ UNIT	COST/ UNIT
1.	2,670	Wash Outside of Vehicle (passenger car & mid-size SUV, Pickups)	A	\$ 4.05			
2.	130	Complete Car Wash (clean inside/out)	B	N/A			
3.	825	Pickup Trucks and Vans (outside wash)	A	\$ 4.50			
4.	50	Pickup Trucks and Vans (clean inside/out)	B	N/A			
<b>ESTIMATED TOTAL AWARDED ITEMS:</b>				<b>\$ 14,526.00</b>			
CAR WASH LOCATIONS:				3785 Rochester Rd, Troy			
				3688 Rochester Rd, Troy			
CONTACT INFORMATION: Hrs of Oper. Phone #				7am-8pm; 9am-5pm Sun			
				(248) 778-5390			
INSURANCE Can meet Cannot meet				XX			
FACILITY SITE VISIT: Contact Name				Robert Waldron			
Phone #				(248) 778-5390			
Facility Address				3785 Rochester Rd, Troy			
PAYMENT TERMS:				Net 20th			
WARRANTY:				Blank			
EXCEPTIONS:				None			
ALL OR NONE AWARD: Y or N				N			
ACKNOWLEDGEMENT: Signed Y or N				Y			

**SOLE BIDDER**

PROPOSAL: Two-Year Requirements for City Vehicle Wash Service with an Option to Renew for an Additional Two (2) Years

ATTEST:

Sam Lamerato  
 \_\_\_\_\_  
 Diane Fisher  
 \_\_\_\_\_  
 Julie Hamilton  
 \_\_\_\_\_

\_\_\_\_\_  
 Susan Leirstein CPPO CPPB  
 Purchasing Director



## CITY COUNCIL AGENDA ITEM

Date: November 15, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *JMM*  
 Captain Gerard Scherlinck, Professional Standards Division *GS*  
 Lieutenant Robert Redmond *R*

Subject: Application to Transfer Interest and Location of MLCC Class C License No. 9432-2010 from Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC to be located at 6024 Rochester Road, Troy, Michigan, pending final inspections

### Background

Square Lake Diner LLC requests to transfer an existing Class C license from Rockers, Inc. in Pontiac to Square Lake Diner LLC to be located at 6024 Rochester Road, Troy, MI, Oakland County {MLCC Req. #567112}.

On November 8, 2010, restaurant owners Frank Memcaj and Pjetar Uljaj, along with their attorney, Frank Palazzolo, were present to answer questions from the Liquor Advisory Committee.

Mr. Palazzolo 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.

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

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

### Recommendation

Recommend approval of the request from Square Lake Diner LLC to transfer existing Class C license from Rockers, Inc. to Square Lake Diner, LLC, pending final inspections.

Prepared by: Jeff Oberski

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

---

**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

---

**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

---

- 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

- 
- 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

---

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.

---

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.

---

The meeting adjourned at 7:25 p.m.

---

Patrick C. Hall, Committee Member

---

Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: Square Lake Diner LLC Date: 10-14-2010  
Address: 6024 Rochester Rd Type of License/s: Class C & SDM  
City/State/Zip: Troy, MI 48085 MLCC Request ID: 567112

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

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

**LICENSEE AUTHORIZED REPRESENTATIVE**

Witnesses: [Signature] By: [Signature]  
[Signature]

Subscribed and sworn to before me this 20th day of October ~~200~~ 2010  
Notary Public, WAYNE County, MI  
Acting in the County of MACOMB  
My commission expires: 7-30-14  
[Signature]

**CITY OF TROY**

Witnesses: \_\_\_\_\_ By: \_\_\_\_\_  
Louise Schilling, Mayor  
By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

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



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

**FOR MLCC USE ONLY**

Request ID # 567112  
 Business ID # 224480

**POLICE INVESTIGATION REPORT**

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

**LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:**

SQUARE LAKE DINER LLC, REQUESTS TO TRANSFER OWNERSHIP OF ESCROWED 2010 CLASS C & SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT & OUTDOOR SERVICE (1 AREA), LOCATED AT 1461 N. PERRY, PONTIAC, MI 48340, OAKLAND COUNTY, FROM ROCKER'S INC.; TRANSFER LOCATION & GOVERNMENTAL UNIT (MCL 436.1531(1) TO 6024 ROCHESTER, TROY, MI 48085, OAKLAND COUNTY & CANCEL EXISTING OUTDOOR SERVICE (1 AREA).

**Section 1. APPLICANT INFORMATION**

APPLICANT #1: FRAN MEMCAJ - MEMBER 19663 HAMPTON MACOMB, MI 48044 CELL (586) 420-9982	APPLICANT #2: JETAR ULJAJ - MEMBER 56614 BIRKDALE DRIVE MACOMB, MI 48042 H (586) 786-9888 / B (586) 219-1180 (CELL)
DATE FINGERPRINTED:	DATE FINGERPRINTED:
DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:

\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\*

<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)
---	---

**Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED**

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?  
 No  Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment?  No  Yes, explain relationship:

**Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No If No, indicate which state and local ordinances the location does not meet:  Building  Plumbing  Zoning  Fire  Sanitation  Health

**Section 4. RECOMMENDATION**

1. Is this applicant qualified to conduct this business if licensed?  Yes  No\*
  2. Should the MLCC grant this request?  Yes  No\*
- \*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.
3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances?  Yes  No
  4. Is this recommendation subject to any other conditions?  Yes  No
- If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



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

*FAKED & MAILED  
10/04/10 tm*

**POLICE INVESTIGATION REQUEST**

[Authorized by MCL 436.1201(4)]

AUGUST 19, 2010

TROY POLICE DEPARTMENT  
CHIEF OF POLICE  
500 W. BIG BEAVER ST.  
TROY, MI. 48084-5254

REQUEST ID # 567112

Applicant: SQUARE LAKE DINER LLC, REQUESTS TO TRANSFER OWNERSHIP OF ESCROWED 2010 CLASS C & SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT & OUTDOOR SERVICE (1 AREA), LOCATED AT 1461 N. PERRY, PONTIAC, MI 48340, OAKLAND COUNTY, FROM ROCKER'S INC.; TRANSFER LOCATION & GOVERNMENTAL UNIT (MCL 436.1531(1) TO 6024 ROCHESTER, TROY, MI 48085, OAKLAND COUNTY & CANCEL EXISTING OUTDOOR SERVICE (1 AREA). *NEW O.P. (FOOD) 10/04/10 tm*

**Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.**

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission. **\*\*Please ensure that section D of the card has been completed prior to submission. \*\***

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

rlb

<p>LC-1972(Rev. 09/05)          Authority: MCL 436.1201(4)          Completion: Mandatory          Penalty: No License</p>	<p>DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office</p>
--	--

**FIXED & MAILED 10/04/10**  
**FOR MLCC USE ONLY**  
Request ID # 567112  
Business ID # 224480



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

**POLICE INVESTIGATION REPORT**  
[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

**LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:**

SQUARE LAKE DINER LLC, REQUESTS TO TRANSFER OWNERSHIP OF ESCROWED 2010 CLASS C & SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT & OUTDOOR SERVICE (1 AREA), LOCATED AT 1461 N. PERRY, PONTIAC, MI 48340, OAKLAND COUNTY, FROM ROCKER'S INC.; TRANSFER LOCATION & GOVERNMENTAL UNIT (MCL 436.1531(1) TO 6024 ROCHESTER, TROY, MI 48085, OAKLAND COUNTY & CANCEL EXISTING OUTDOOR SERVICE (1 AREA). **NEW OFFICIAL PERMIT FOR FOOD - 10/04/10 T.M.**

**Section 1. APPLICANT INFORMATION**

<b>APPLICANT #1:</b> FRAN MEMCAJ - MEMBER 19663 HAMPTON MACOMB, MI 48044 CELL (586) 420-9982	<b>APPLICANT #2:</b> JETAR ULJAJ - MEMBER 56614 BIRKDALE DRIVE MACOMB, MI 48042 H (586) 786-9888 / B (586) 219-1180 (CELL)
--	--

<b>DATE FINGERPRINTED:</b>	<b>DATE FINGERPRINTED:</b>
----------------------------	----------------------------

<b>DATE OF BIRTH:</b> Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:	<b>DATE OF BIRTH:</b> Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:
---	---

**\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\***

<b>ARREST RECORD:</b> <input type="checkbox"/> <b>Felony</b> <input type="checkbox"/> <b>Misdemeanor</b> Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	<b>ARREST RECORD:</b> <input type="checkbox"/> <b>Felony</b> <input type="checkbox"/> <b>Misdemeanor</b> Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)
---	---

**Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED**

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?  
 No  Yes, complete LC-1636  
Are motor vehicle fuel pumps at or directly adjacent to the establishment?  No  Yes, explain relationship:

**Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No If No, indicate which state and local ordinances the location does not meet:  Building  Plumbing  Zoning  Fire  Sanitation  Health

**Section 4. RECOMMENDATION**

1. Is this applicant qualified to conduct this business if licensed?  Yes  No\*
  2. Should the MLCC grant this request?  Yes  No\*
- \*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.
3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances?  Yes  No
  4. Is this recommendation subject to any other conditions?  Yes  No
- If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



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

<b>FOR MLCC USE ONLY</b>	
Request ID #	567112
Business ID #	224480

**LOCAL APPROVAL NOTICE**  
[Authorized by MCL 436.1501]

*EXILED & MAILED 10/04/10 tm*

AUGUST 19, 2010

**TO:** TROY CITY COUNCIL  
ATTN: CLERK  
500 W. BIG BEAVER ROAD  
TROY, MI 48084-52-5285

**APPLICANT:** SQUARE LAKE DINER LLC

**Home Address and Telephone No. or Contact Address and Telephone No.:**

FRAN MEMCAJ, 19663 HAMPTON, MACOMB, MI 48044, CELL (586) 420-9982  
JETAR ULJAJ, 56614 BIRKDALE DRIVE, MACOMB, MI 48042, H (586) 786-9888 / B (586) 219-1180 (CELL)

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN  
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

rib

Request ID # 567112

~~FILED~~ & MAILED 10/04/10 *ten*

**RESOLUTION**

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
(Regular or Special) (Township Board, City or Village Council)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ P.M.

The following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

**That the request to TRANSFER OWNERSHIP OF ESCROWED 2010 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 1461 N. PERRY, PONTIAC, MI 48340, OAKLAND COUNTY, FROM ROCKER'S INC. TO SQUARE LAKE DINER LLC; TRANSFER LOCATION & GOVERNMENTAL UNIT (MCL 436.1531(1) TO 6024 ROCHESTER, TROY, MI 48085, OAKLAND COUNTY**

be considered for \_\_\_\_\_  
(Approval or Disapproval)

**APPROVAL**

**DISAPPROVAL**

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

It is the consensus of this legislative body that the application be:

\_\_\_\_\_ for issuance  
(Recommended or Not Recommended)

State of Michigan \_\_\_\_\_)

County of \_\_\_\_\_)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
(Township Board, City or Village Council) (Regular or Special)

meeting held on \_\_\_\_\_  
(Date)

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

SEAL

\_\_\_\_\_  
(Mailing address of Township, City or Village)



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

**FOR MLCC USE ONLY**  
 Request ID # 567112  
 Business ID # 224480

**LAW ENFORCEMENT RECOMMENDATION**

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

*FAXED & MAILED 10/04/10 T.M.*

AUGUST 19, 2010

TO:

Re: SQUARE LAKE DINER LLC

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to Unit 3 of the Retail Licensing Division at (517) 636-0204.

*ADDED 10/04/10 T.M.*

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:  
 Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M. THE SALE OF FOOD  
 Sundays 7:00 A.M. to 12:00 P.M.

Recommended  Recommended, subject to final inspection  Not Recommended

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

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:  
 Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M.  
 Sundays \_\_\_\_\_ A.M. to \_\_\_\_\_ P.M.

Recommended  Recommended, subject to final inspection  Not Recommended

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:  
 Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M.  
 Sundays \_\_\_\_\_ A.M. to \_\_\_\_\_ P.M.

Recommended  Recommended, subject to final inspection  Not Recommended

DANCE PERMIT

Recommended  Recommended, subject to final inspection  Not Recommended

FIXED & MAILED  
10/04/10

PAGE 2 OF 2

ENTERTAINMENT PERMIT

Recommended     Recommended, subject to final inspection     Not Recommended

TOPLESS ACTIVITY PERMIT

Recommended     Recommended, subject to final inspection     Not Recommended

OUTDOOR SERVICE (1 AREA)

Recommended     Recommended, subject to final inspection     Not Recommended

PARTICIPATION PERMIT

Recommended     Recommended, subject to final inspection     Not Recommended

ADDITIONAL BAR PERMIT

Recommended     Recommended, subject to final inspection     Not Recommended

OTHER

Recommended     Recommended, subject to final inspection     Not Recommended

Signed:

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Print Name and Title

TROY POLICE DEPARTMENT

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

rlb

LAW OFFICES

**Bufalino Palazzolo Associates, P.L.L.C.**

33830 HARPER AVENUE  
CLINTON TOWNSHIP, MICHIGAN 48035  
TELEPHONE: (586) 415-1200  
FACSIMILE NUMBER: (586) 415-1210  
E-MAIL: bufandpal@hotmail.com

OF COUNSEL:

FRANK J. PALAZZOLO, P.C.  
NUNZIO G. PROVENZANO, P.C.  
WILLIAM E. BUFALINO, II  
(1947-2004)

ANDREW LEONE  
JULIE A. HLYWA  
WILLIAM E. BUFALINO, SR.  
(1918-1990)

November 17, 2010

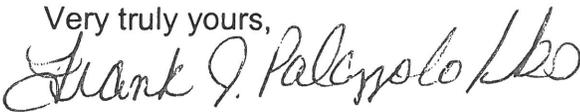
Michigan Liquor Control Commission  
Licensing & Enforcement Division  
7150 Harris Drive  
PO Box 30005  
Lansing MI 48909-7505

Re: Application to Transfer of Interest and Location of Class C License  
from Rockers, Inc. to Square Lake Diner LLC  
Request ID No. 567112

Dear Licensing and Enforcement:

Please be advised that I am writing this letter on behalf of the Applicant for transfer, Square Lake Diner LLC. At the time that the original form LC 687 was submitted, a copy of a Liquor License Purchase Agreement was provided to the Commission Offices indicating that the Applicant was desirous of transferring interest in Class C License No. 943-2010 with permits. Please be advised that the Applicant does not desire to acquire the Entertainment Permit, Dance Permit and Outdoor Service Permits of Rockers, Inc. The Applicant only desires to obtain a Sunday Sales Permit. Therefore, this letter is to serve as a cancellation of any request to transfer Dance, Entertainment or Outdoor Permits.

If you have any questions or concerns regarding any of the above, please do not hesitate to contact me.

Very truly yours,  
  
Frank J. Palazzolo

FJP/kms

cc: Troy Police Department, Liquor Investigation Unit  
Square Lake Diner LLC via email



## CITY COUNCIL AGENDA ITEM

---

Date: December 1, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*  
 Captain Gerard Scherlinck, Professional Standards Division *GS*  
 Lieutenant Robert Redmond *RR*

Subject: Application for New SDM License with On Premise Seating, and New Direct Connection-2 for Target Corporation

---

### Background

The Target Corporation requests a new SDM License with On Premise Seating, and New Direct Connection-2 as part of an amended request to be located at 1301 Coolidge Highway, Troy, MI 48084, Oakland County {MLCC Req. #556906}.

On November 8, 2010, store manager Carrie Worthington was present to answer questions from the Liquor Advisory Committee.

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 will be a snack court area in the store for other food and beverages but not beer and wine. The SDM license does not allow alcohol to be served or consumed on the premises.

The Police Department did not find any disqualifying factors for this request. In addition, the Liquor Advisory Committee unanimously approved their request provided there would be no consumption of alcohol in the on premise seating area.

Updated information was received from the MLCC on December 1, 2010. As a result of an inspection by the MLCC it was discovered that there is a Pizza Hut store operating within the Target store at 1301 Coolidge Highway. MLCC indicated that this arrangement requires an additional permit, specifically a Direct Connection-2 permit. Direct Connection recognizes the connection between the licensed business to any unlicensed area, but does not extend the ability to sell beer/wine to the unlicensed area, which is Pizza Hut in this case.



## CITY COUNCIL AGENDA ITEM

---

The restrictions of the SDM permit regarding no on-site beer/wine consumption on premises occupied by Target, also apply to the area leased by Pizza Hut under the Direct Connection-2 permit. This permit will therefore allow Target to continue the lease arrangement with Pizza Hut.

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

### Recommendation

Recommend approval of the request from Target Corporation for a new SDM License with On Premise Seating, and a new Direct Connection-2 permit.

Prepared by: Jeff Oberski

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

---

**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

---

**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

---

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

- 
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

---

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.

---

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.

---

The meeting adjourned at 7:25 p.m.

---

Patrick C. Hall, Committee Member

---

Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: Target Corporation Date: 09/20/2010  
Address: 1301 Coolidge Hwy Type of License/s: SDM  
City/State/Zip: Troy, MI 480 MLCC Request ID: 556906

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

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

 <p><b>JEANNE M. MCNEAL</b> NOTARY PUBLIC - MINNESOTA My Commission Expires Jan. 31, 2015</p>	<p align="center"><b>LICENSEE AUTHORIZED REPRESENTATIVE</b></p> <p>By: <u>Dot Vannaray</u> <u>Patricia A. [Signature]</u></p>
<p>Subscribed and sworn to before me this <u>20<sup>th</sup></u> day of <u>September</u> 20<u>10</u></p> <p>Notary Public, <u>Hennepin</u> County, MN</p> <p>Acting in the County of <u>Hennepin</u></p> <p>My commission expires: <u>1/31/2015</u></p> <p><u>Jeanne M. McNeal</u></p>	<p>**Target Corporation has internal training on the sale of alcohol, please see attached. This training is mandatory for all individuals handling alcohol transactions.</p>

<b>CITY OF TROY</b>	
Witnesses: _____	By: _____
_____	Louise Schilling, Mayor
_____	By: _____
_____	Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

Notary Public, \_\_\_\_\_ County, MI

Acting in the County of Oakland

My commission expires: \_\_\_\_\_



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

**FOR MLCC USE ONLY**  
 Request ID # 556906  
*AMENDED*  
 Business ID # 223549

**POLICE INVESTIGATION REPORT**  
 [Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this **PUBLIC CHAIN**

**LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:**

TARGET CORPORATION (A MINNESOTA CORPORATION), REQUESTS NEW SDM LICENSE, TO BE LOCATED AT 1301 COOLIDGE, TROY, MI 48084, OAKLAND COUNTY *WITH ON PREMISE SEATING*

**Section 1. APPLICANT INFORMATION**

APPLICANT #1:  
**CHAIN APPLICANT**

APPLICANT #2:

DATE FINGERPRINTED: **NO FINGERPRINTS REQUIRED**

DATE FINGERPRINTED:

DATE OF BIRTH:  
 Is the applicant a U.S. Citizen:  Yes  No\*  
 \*Does the applicant have permanent Resident Alien status?  
 Yes  No\*  
 \*Does the applicant have a Visa? Enter status:

DATE OF BIRTH:  
 Is the applicant a U.S. Citizen:  Yes  No\*  
 \*Does the applicant have permanent Resident Alien status?  
 Yes  No\*  
 \*Does the applicant have a Visa? Enter status:

**\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\***

**ARREST RECORD:**  **Felony**  **Misdemeanor**  
 Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

**ARREST RECORD:**  **Felony**  **Misdemeanor**  
 Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

**Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED**

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?  
 No  Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent?  No  Yes, explain relationship:

**Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

**Section 4. RECOMMENDATION**

- From your investigation:
1. Is this applicant qualified to conduct this business if licensed?  Yes  No
  2. Is the proposed location satisfactory for this business?  Yes  No
  3. Should the Commission grant this request?  Yes  No
  4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) \_\_\_\_\_ Date \_\_\_\_\_  
 TROY POLICE DEPARTMENT



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

## POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

MARCH 29, 2010

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

REQUEST ID # 556906 - AMENDED

Applicant: TARGET CORPORATION (A MINNESOTA CORPORATION), REQUESTS NEW SDM LICENSE, TO BE  
LOCATED AT 1301 COOLIDGE, TROY, MI 48084, OAKLAND COUNTY *WITH ON PREMISE SEATING*

CONTACT: DOT VANNAVONG, 1000 NICOLLET MALL, TPN-0910, MINNEAPOLIS, MN 55403, H (612) 761-1913,  
B (248) 614-9792

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission. **\*\*Please ensure that section D of the card has been completed prior to submission.\*\***

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

rib

LC-1972(Rev 09/05)  
Authority: MCL 436.1201(4)  
Completion: Mandatory  
Penalty: No License

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office



## CITY COUNCIL AGENDA ITEM

---

Date: November 15, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *gm*  
 Captain Gerard Scherlinck, Professional Standards Division *GS*  
 Lieutenant Robert Redmond *RR*

Subject: Application to Add Space (additional indoor seating) for RCSH, LLC (Ruth's Chris Steak House)

---

### Background

RCSH, LLC (Ruth's Chris Steak House) requests to Add Space to 2009 Class C and SDM Licensed Business With Dance Permit located at 755 West Big Beaver Road, Suite 151, Troy, MI 48084, Oakland County {MLCC Req. #530151}.

On November 8, 2010, general manager Daniel Doerfling was present to answer questions for the Liquor Advisory Committee.

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.

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

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

### Recommendation

Recommend approval of the request from Ruth's Chris Steak House to Add Space.

Prepared by: Jeff Oberski

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. Ukrainec

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

---

**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

---

**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

---

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

- 
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

---

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.

---

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.

---

The meeting adjourned at 7:25 p.m.

---

Patrick C. Hall, Committee Member

---

Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: RCSH Operations, LLC ( A Louisiana Limited Liability Company Date: February 1, 2010  
Address: 755 W Big Beaver, Ste. 151 Type of License/s: Add Space to 2009 Class C & SDN Licensed Business w/Dance Permit  
City/State/Zip: Troy, MI 48084 MLCC Request ID: 530151

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

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

**LICENSEE AUTHORIZED REPRESENTATIVE**

Witnesses: [Signature] By: [Signature]

Subscribed and sworn to before me this 10<sup>th</sup> day of Oct 2010  
Notary Public, [Signature] County, MI - FL  
Acting in the County of Subinde  
My commission expires: \_\_\_\_\_



**CITY OF TROY**

Witnesses: \_\_\_\_\_ By: \_\_\_\_\_  
Louise Schilling, Mayor  
By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

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



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

## **POLICE INVESTIGATION REQUEST**

[Authorized by MCL 436.1201(4)]

October 29, 2009

Troy Police Department  
Chief of Police  
500 W Big Beaver Road  
Troy, MI 48084-5285

Request ID #: 530151

**Applicant:**

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 W Big Beaver Ste 151, Troy, MI 48084, Oakland County.

Contact: Michael O'Donnell, B(248) 269-8424

**Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.**

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission. **\*\*Please ensure that section D of the card has been completed prior to submission.\*\***

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

dl

LC-1972(Rev. 09/05)  
Authority: MCL 436.1201(4)  
Completion: Mandatory  
Penalty: No License

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office



<b>FOR MLCC USE ONLY</b>	
Request ID #	<u>530151</u>
Business ID #	<u>175432</u>

**POLICE INVESTIGATION REPORT**

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

**LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:**

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 W Big Beaver Ste 151, Troy, MI 48084, Oakland County.

**Section 1. APPLICANT INFORMATION**

APPLICANT #1:	APPLICANT #2:
---------------	---------------

DATE FINGERPRINTED**: <b>NO FINGERPRINTS REQUIRED</b>	DATE FINGERPRINTED**:
---	-----------------------

DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:
--	--

\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\*

<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)
---	---

**Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED**

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?  
 No  Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment?  No  Yes, explain relationship:

**Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No **If No**, indicate which state and local ordinances the location does not meet:  Building  Plumbing  Zoning  Fire  Sanitation  Health

**Section 4. RECOMMENDATION**

1. Is this applicant qualified to conduct this business if licensed?  Yes  No\*

2. Should the MLCC grant this request?  Yes  No\*

\*If **any** of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances?  Yes  No

4. Is this recommendation subject to any other conditions?  Yes  No

**If Yes**, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) \_\_\_\_\_ Date \_\_\_\_\_  
 Troy Police Department



## CITY COUNCIL AGENDA ITEM

Date: November 5, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*  
 Captain Gerard Scherlinck, Professional Standards Division *GS 11/6/10*  
 Lieutenant Robert Redmond *R*

Subject: Application to Transfer Stock Interest for Macy's Retail Holdings, Inc.—Somerset Mall

### Background

Attorney Sandra Cotter submitted a request to the Michigan Liquor Control Commission on behalf of Macy's Retail Holdings, Inc. to transfer stock interest. That request was sent to the City of Troy for a recommendation.

On October 4, 2010 Ms. Cotter appeared at the Troy Liquor Advisory Committee meeting to explain the request and answered questions for the committee. Ms. Cotter explained that this request 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.

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

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

### Recommendation

Recommend approval of the request from Macy's to Transfer Stock Interest as indicated in the enclosed resolution.

Prepared by: Jeff Oberski

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. Ukraineec

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 Ukraineec  
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

---

### 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

---

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.

---

The meeting adjourned at 7:40 p.m.

---

Patrick C. Hall, Committee Member

---

Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: Macy's Retail Holdings, Inc. Date: 8.13.10  
Address: 2752 W. Big Beaver Rd Type of License/s: CLASS C  
City/State/Zip: Troy, MI 480 MLCC Request ID: 302719

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

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

**LICENSEE AUTHORIZED REPRESENTATIVE**

Witnesses: [Signature] By: Sandra M Cotter  
[Signature]

Subscribed and sworn to before me this 13<sup>th</sup> day of August 200 10  
Notary Public, Ingham County, MI  
Acting in the County of Ingham  
My commission expires: 04-07-2012  
[Signature]

BELINDA KAY PRESTON  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF INGHAM  
MY COMMISSION EXPIRES Apr 7 2012  
ACTING IN COUNTY OF Ingham

**CITY OF TROY**

Witnesses: \_\_\_\_\_ By: \_\_\_\_\_  
Louise Schilling, Mayor  
By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

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



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

**FOR MLCC USE ONLY**

Request ID # 322719

Business ID # 156022

**LOCAL APPROVAL NOTICE**

[Authorized by MCL 436.1501]

June 11, 2010

**TO:** TROY CITY COUNCIL  
ATTENTION CLERK  
500 WEST BIG BEAVER ROAD  
TROY, MI 48084-5285

*Mailed  
6-21-10  
JH*

**APPLICANT:** MACY'S RETAIL HOLDINGS, INC. (A NEW YORK CORPORATION)

**Home Address and Telephone No. or Contact Address and Telephone No.:**  
MILAN ACQUISITION LLC (A DELAWARE LIMITED LIABILITY COMPANY) F/K/A MILAN  
ACQUISITION CORP (A DELAWARE CORPORATION)

MACY'S, INC. (A DELAWARE CORPORATION) F/K/A FEDERATED DEPARTMENT STORES, INC.  
(A DELAWARE CORPORATION), 7 WEST SEVENTH STREET, CINCINNATI, OH 45202

**CONTACT:** (DYKEMA GOSSETT PLLC), ATTENTION ATTORNEY SANDRA M. COTTER, CAPITOL VIEW, 201  
TOWNSEND STREET, SUITE 900, LANSING, MI 48933 (517)374-9129

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN  
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

### RESOLUTION

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
(Regular or Special) (Township Board, City or Village Council)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ P.M.

The following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

**That the request from 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 (STEP 1).**

be considered for \_\_\_\_\_  
(Approval or Disapproval)

#### APPROVAL

#### DISAPPROVAL

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

It is the consensus of this legislative body that the application be:

\_\_\_\_\_ for issuance  
(Recommended or Not Recommended)

State of Michigan \_\_\_\_\_)

County of \_\_\_\_\_)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
(Township Board, City or Village Council) (Regular or Special)

meeting held on \_\_\_\_\_  
(Date)

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

SEAL

\_\_\_\_\_  
(Mailing address of Township, City or Village)



## CITY COUNCIL AGENDA ITEM

---

Date: November 5, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*  
 Captain Gerard Scherlinck, Professional Standards Division *GS*  
 Lieutenant Robert Redmond *LR*

Subject: Application to Transfer Stock Interest for Macy's Retail Holdings, Inc.—Oakland Mall

---

### Background

Attorney Sandra Cotter submitted a request to the Michigan Liquor Control Commission on behalf of Macy's Retail Holdings, Inc. to transfer stock interest. That request was sent to the City of Troy for a recommendation.

On October 4, 2010 Ms. Cotter appeared at the Troy Liquor Advisory Committee meeting to explain the request and answered questions for the committee. Ms. Cotter explained that this request 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.

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

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

### Recommendation

Recommend approval of the request from Macy's to Transfer Stock Interest as indicated in the enclosed resolution.

Prepared by: Jeff Oberski

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. Ukraineec

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 Ukraineec  
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

---

**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

---

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.

---

The meeting adjourned at 7:40 p.m.

---

Patrick C. Hall, Committee Member

---

Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: Macy's Retail Holdings, Inc. Date: 8-13-10  
Address: 500 Fourteen Mile Rd. Type of License/s: Class C  
City/State/Zip: Troy, MI 480 MLCC Request ID: 322719

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

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

**LICENSEE AUTHORIZED REPRESENTATIVE**

Witnesses: [Signature] By: [Signature]  
[Signature]

Subscribed and sworn to before me this 13<sup>th</sup> day of August 20010  
Notary Public, Ingham County, MI  
Acting in the County of Ingham  
My commission expires: 04-07-2012

BELINDA KAY PRESTON  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF INGHAM  
MY COMMISSION EXPIRES Apr 7 2012  
ACTING IN COUNTY OF Ingham

**CITY OF TROY**

Witnesses: \_\_\_\_\_ By: \_\_\_\_\_  
Louise Schilling, Mayor  
By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

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



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

<b>FOR MLCC USE ONLY</b>	
Request ID #	322719
Business ID #	156016

**LOCAL APPROVAL NOTICE**

[Authorized by MCL 436.1501]

June 11, 2010

**TO:** TROY CITY COUNCIL  
 ATTENTION CLERK  
 500 WEST BIG BEAVER ROAD  
 TROY, MI 48084-5285

*Mailed 6-21-10  
 JMT*

**APPLICANT:** MACY'S RETAIL HOLDINGS, INC. (A NEW YORK CORPORATION)

**Home Address and Telephone No. or Contact Address and Telephone No.:**  
 MILAN ACQUISITION LLC (A DELAWARE LIMITED LIABILITY COMPANY) F/K/A MILAN  
 ACQUISITION CORP (A DELAWARE CORPORATION)

MACY'S, INC. (A DELAWARE CORPORATION) F/K/A FEDERATED DEPARTMENT STORES, INC.  
 (A DELAWARE CORPORATION), 7 WEST SEVENTH STREET, CINCINNATI, OH 45202

**CONTACT:** (DYKEMA GOSSETT PLLC), ATTENTION ATTORNEY SANDRA M. COTTER, CAPITOL VIEW, 201  
 TOWNSEND STREET, SUITE 900, LANSING, MI 48933 (517)374-9129

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN  
 TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

### RESOLUTION

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
(Regular or Special) (Township Board, City or Village Council)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ P.M.

The following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

**That the request from 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 DELWARE 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 considered for \_\_\_\_\_  
(Approval or Disapproval)

**APPROVAL**

**DISAPPROVAL**

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

It is the consensus of this legislative body that the application be:

\_\_\_\_\_ for issuance  
(Recommended or Not Recommended)

State of Michigan \_\_\_\_\_)

County of \_\_\_\_\_)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
(Township Board, City or Village Council) (Regular or Special)

meeting held on \_\_\_\_\_  
(Date)

SEAL

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

\_\_\_\_\_  
(Mailing address of Township, City or Village)



## CITY COUNCIL AGENDA ITEM

---

December 1, 2010

To: The Honorable Mayor and City Council Members

From: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
Mark F. Miller, Acting Assistant City Manager/Economic Development Services  
Carol Anderson, Parks & Recreation Director  
Steve Burns, SAFEbuilt Building Official  
Steve Pallotta, Building Operations Director

Subject: Contract to Transfer Ownership and Responsibility  
ALOeTERRA Solar House

---

Lawrence Technological University (LTU) has presented the City of Troy with a contract to transfer ownership and financial responsibility for the solar house to the City of Troy. City Management hesitates to recommend approval of the contract because maintenance issues have plagued the house ever since it was placed on the foundation. Steve Pallotta, Building Operations Director, has summarized the history of the house, including repairs and improvements provided by the City of Troy (see attached).

Although the house was designed to function as a residence, it does not comply with the Michigan Building Code. Perhaps the most important issue is that the house does not function as designed, to be "off the grid". Because of the heating system failure the house was connected to the electrical grid, so that an electrical heating system could be installed to prevent pipes from freezing in the winter months.

The solar house has been classified by the Building Inspection Department for use as an exhibit facility, but the house still isn't in compliance with the appropriate building codes. Inspections have determined that prior to issuance of a certificate of occupancy the following items need to be resolved by LTU:

1. LTU shall provide written inspection verification from the City of Southfield or another Certified Building Official that all of the building components were inspected for compliance with the Michigan Building Code and other applicable codes for the electrical, mechanical and plumbing components. (Estimated cost unknown)
2. Plumbing requires a test report for backflow protection. (Estimated cost \$200).
3. The crawl space and foundation have standing water that needs to be pumped out and future water infiltration needs to be addressed by installing a perimeter drain system. (Estimated cost \$5,000.00)



## CITY COUNCIL AGENDA ITEM

---

4. The foundation requires that all gaps and holes be sealed. Interior crawlspace walls need to be insulated. Ground floor area throughout the crawl space requires pea stone and 6mil vapor barrier to be installed. Grade needs to be lowered next to foundation vent. (Estimated cost \$15,000 to \$22,000)
5. Operable (open/closeable) foundation vents need to be installed. (Estimated cost \$2,500)
6. Railing systems need to be installed at both sides of ramps. (Estimated cost \$2,000)
7. Broken deck boards need to be repaired or replaced in house. (Estimated cost \$750)
8. Install grate system over deep window well and planter box at seating area outside slider door. (Estimated cost \$500)
9. Repair broken/ rotten wood in planter boxes in house by replacing wood and line with rubber membrane. (Estimated cost \$1,500.00)

Based upon the incomplete status of the solar house, execution of the contract to take ownership and financial responsibility of the house is not recommended. City Management determined that City Council has three options for resolving the issue of ownership and responsibility of the solar house:

1. Require LTU to make repairs to the house prior to City Council executing the ownership agreement.
2. Require that LTU pay for the demolition of the solar house.
3. Require LTU to become responsible for the house and pay for the relocation of it off the Civic Center site.



---

November 2, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Mark F. Miller, Acting Assistant City Manager/Economic Development Services  
Carol K. Anderson, Parks and Recreation Director  
Steven A. Pallotta, Building Operations Director

SUBJECT: Solar House Analysis

---

## BACKGROUND

The solar house was acquired through a discussion between former Assistant City Manager Brian Murphy, the Troy Chamber of Commerce, and Lawrence Technological University (LTU). The intent of the building was to serve as a demonstration project on sustainable building practices that could be used by students, designers, builders, and developers to incorporate those technologies into their projects. The building was donated to the Troy Chamber of Commerce, who in turn donated it to the City of Troy. The estimated cost of the project to LTU was around \$550,000.00. The solar house was moved to the northwest side of the Troy Community Center site in October of 2007.

## CHRONOLOGY OF EVENTS

### October 2007

- Lawrence Technological University students compete in solar decathlon in Washington, D.C.
- Unassembled house arrives on the Civic Center site.

### Late Fall 2007

- Foundation completed by LTU.
- Students and LTU attempted to reassemble house on site. Assembly proved unfeasible and parts of the house were shrink wrapped and stored on site over winter.
- The City Water department installs water and sanitary sewer lines.
- Cost for the above services accrued by the City of Troy was \$6255.10(internal cost that was not reimbursed).
- City of Troy Streets department installed sidewalks, storm sewer, and final grading at an internal cost estimated at \$10,000.00.

### Late Spring/Summer 2008

- LTU provides students, plumbers and carpenters to complete reassembly of house. Students reassembled the house pieces and discovered moisture had penetrated the shrink wrap and the floor is damaged from winter weather.
- Plumbers replumb utility closet.

- Carpenters repair floor, wall cracks, trim, repaint, assemble deck, and construct battery storage unit.

#### Summer 2008

- LTU students and Harold Remlinger, LTU adjunct professor and architect, assemble evacuated tubes and solar panels.

#### October 2008

- Ribbon cutting ceremony.

#### Fall/Early Winter 2008

- Technical issues are discovered by Harold Remlinger, LTU adjunct professor, with the Solar House systems. A tank less hot water system is installed to back-up the heating system by Guardian Plumbing and paid by LTU. Lack of sun would not allow the original heating system to be fully energized by solar conversion only.
- Subsequently, it was found that the tank less hot water system could not generate enough heat either. The heat was turned off in the house by LTU representative. The Parks and Recreation staff monitors temperature. It is discovered that the power converters shut down several times per day. Power converters convert battery DC power, created by solar panels, to AC power battery for the house. When batteries are lowered to a certain level, converters go off line. Per instructions from LTU representative, the Parks and Recreation staff manually reset the converters several times per day.

#### November 2008

- Building Operations Director spoke with LTU representative to schedule formal training. No date set because the Solar House was not operating. LTU will contact City of Troy when ready.

#### December 2008

- A formal training date is set for Wednesday, December 3rd at 9:00 AM. The Building Operations department, along with members of Parks and Recreation, will meet at the Solar House with LTU representatives. The Solar House was not generating any electricity and no heat. The City of Troy was told that the main circulating pumps were not working properly and the pumps were draining the batteries. LTU was to look into the problem and get it corrected.
- On December 10, LTU requested the Director of Building Operations to provide a cost for 60 amps of power from the Community Center to the Solar House at an estimated cost of \$3100.00. All work to be done with the Building Operations staff. Building Operations was again asked to change the initial 60 amp service to 100 amps to power the entire house. The cost increased to \$3600.00 for the additional amperage needed.
- On December 18, the Building Operations Director and Harold Remlinger with LTU discussed the impact of the ground being frozen, and the potential for other damage that could occur. The final decision was to install power to the Solar House in the spring of 2009.

#### December 2008

- LTU representative informed Parks and Recreation staff that batteries were being damaged by frequent reset so the converters should be turned off. At this time, the utility closet was functioning, but there was no heat to the house. With the converters off, there was no power to the house.

### December Holiday

- With freezing temperatures, the water lines within the house froze and burst, thus creating water damage.

### December 29, 2009

- The water damage was discovered and water service to the house was shut off.

### February 2009

- LTU, City, and Chamber representatives meet to review tasks necessary to turn house over to the City, repair house, fund repairs, etc. The cost of repairs was estimated to be \$16,500.00. Repairs were to include traditional electrical power back-up when solar power was inadequate to energize the house.

### May 2009

- An Oakland County Green Summit was conducted at the Community Center with the intention of touring the solar home. Organizers were informed by Parks and Recreation staff that home could not be toured due to condition.
- Shawn Lewis, Detroit News reporter investigates and writes piece about the status of the house. Story is picked up by other media outlets.

## CURRENT STATUS AND RESOLUTION

1. The City of Troy Building Operations department provided necessary repairs to the plumbing and heating systems at an estimated repair cost of \$8,700.00 which includes wages, benefits, and material cost.
2. The Parks and Recreation department staff time provided approximately 350 hours at an estimated cost of \$9,000.00.
3. The Solar House is energized by the Detroit Edison. This is the primary source of energy for the heating system, circulation pumps, and heat trace for the incoming water line.
4. Functions and tours are being scheduled with LTU students and the Parks and Recreation department.
5. Building Operations incorporated into the daily building checks, the physical monitoring of the solar house including internal temperatures.

## FUTURE OUTCOME AND USAGE

1. The Parks and Recreation Department has indicated that the solar house will not be used for programming and events. This is based on the actual size of the building, and the amount people or students that can assemble inside at one time.
2. The intended future use of the Solar House is as a demonstration site to showcase the sustainable building practices that are incorporated in its design.
3. LTU will train students to serve as tour guides for the Solar House.
4. LTU and the Troy Chamber of Commerce are currently compiling the names of groups interested in taking tours. These tours will be conducted by LTU students.

## FUTURE MAINTENANCE COST

1. Annual maintenance and operation cost \$3,000.00.
2. Battery life expectancy is 5 years with an estimated replacement cost of over \$25,000.00.

3. Complete demolition cost and site restoration estimated \$20,000.00.
4. Budget Reserve Capital \$5000.00 per year.
5. Solar House will be maintained by the Building Operations department and most work will be performed in house.

## CONCLUSION

1. Total investment by Lawrence Technological University \$550,000.00.
2. City of Troy associated expenditures with site development, water and sewer service, operation, and repair costs \$50,455.00.
3. Facility will be used for educational purposes to demonstrate the working display of green technologies.
4. Removing and demolishing this facility could cause negative impact that could misrepresent the City of Troy policy on going green.

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.

Board Members discussed the above without any Resolution.

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,



David Lambert, Chair



Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on November 9, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Robert Schultz  
John J. Tagle  
Lon M. Ullmann  
Mark J. Vleck

Absent:

Mark Maxwell  
Philip Sanzica  
Thomas Strat

Also Present:

R. Brent Savidant, Acting Planning Director  
Allan Motzny, Assistant City Attorney  
Zachary Branigan, Carlisle/Wortman Associates, Inc.  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2010-11-073**

Moved by: Schultz  
Seconded by: Edmunds

RESOLVED, To approve the Agenda as prepared.

Yes: All present (6)  
Absent: Maxwell, Sanzica, Strat

**MOTION CARRIED**

3. APPROVAL OF MINUTES

There was no action taken on the October 26, 2010 Special/Study meeting minutes. Mr. Ullmann would like to include some discussion comments, of which he will forward in writing to the Planning Department.

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**SPECIAL USE REQUEST**

5. **PUBLIC HEARING – SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 384)** – Proposed LA Fitness, 1501 Maple Lane, South of Maple and West of Coolidge, Section 31, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the proposed Special Use and Preliminary Site Plan application for LA Fitness. He specifically addressed parking. Two traffic studies that were prepared, one by the petitioner's traffic consultant and the other by the City's traffic consultant, identified there is sufficient parking on site to accommodate the proposed use. Mr. Branigan expressed support for the proposed parking deviation.

Mr. Branigan addressed the site access and circulation. He indicated the petitioner would be required to obtain a cross access easement to the proposed connection to Doyle Drive. Mr. Branigan addressed a conflict between the two traffic studies with respect to whether a taper right turn lane should be required.

Mr. Branigan expressed support of the proposal as submitted. He recommended the Planning Commission grant the required parking modification, preliminary site plan and special use application with two conditions; one, the applicant provide documentation of a cross access easement to Doyle Drive prior to Final Site Plan approval; and two, resolve traffic analysis concerns in a manner acceptable to the City Engineer.

There was a short discussion on the potential of the warehouse becoming a part of the health club in the future and the effect it would have on parking. It was determined that such a significant change in the Special Use approval would require the applicant to come back before the Planning Commission.

Victor Saroki of Victor Saroki and Associates, 430 N. Old Woodward, Birmingham, was present to represent the petitioner. Mr. Saroki addressed the proposed building footprint, site circulation, landscaping and parking.

Also present were Linden Nelson, property owner, and James Butler and Michael Labadie of Professional Engineering Associates.

Mr. Schultz asked if the proposed tree islands would be irrigated.

Mr. Butler replied in the affirmative.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2010-11-074**

Moved by: Schultz

Seconded by: Tagle

**RESOLVED**, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed LA Fitness and warehouse space to 419 when a total of 970 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 551-space reduction is justified through a comparison of parking spaces provided for similar uses in the area, as outlined in the Parking Analysis prepared by PEA and a report prepared by OHM.

**BE IT FURTHER RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the LA Fitness indoor commercial recreation facility, located on the south side of Maple and west of Coolidge (1501 Maple Lane), Section 31, within the M-1 zoning district, be granted, subject to the following:

1. Provide documentation of cross access easement to Doyle Drive prior to Final Site Plan Approval.
2. Resolve traffic analysis concerns in a manner that is acceptable to the City of Troy Engineer.

Yes: All present (6)

Absent: Maxwell, Sanzica, Strat

**MOTION CARRIED**

Mr. Saroki said they would like the primary entry off of Maple should they not be able to obtain a cross access easement to Doyle Drive.

Mr. Motzny said it depends on the difficulty the petitioner might have obtaining a cross access easement whether the matter can be handled administratively, or if the petitioner would be required to come back before this Board. He said it would be best to determine if and what the problem is, and then schedule a meeting to address the issue.

Mr. Nelson stated he would like to strike the condition requiring a cross access easement from the Site Plan approval. He said it is his first choice, as well as the tenant's, to obtain a cross access easement. Mr. Nelson expressed concern with losing LA Fitness as a tenant should they not be able to obtain the cross access easement to Doyle Drive.

Chair Hutson acknowledged the uniqueness of the situation relating to the ownership of Doyle Drive. He assured Mr. Nelson that the City would do everything it can to facilitate going forward with the proposal.

### **PRELIMINARY SITE PLAN REVIEW**

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 965) – Proposed Alpha Dental Center, 405 E. Maple Road, Northeast Corner of Maple and Kirkton, Section 27, Currently Zoned O-1 (Office Building) District

Mr. Branigan presented a summary of the proposed Preliminary Site Plan application for Alpha Dental Center. He addressed the variances relating to the nonconforming setbacks that the petitioner is required to obtain prior to Preliminary Site Plan approval. Mr. Branigan noted the photometric plan appears to exceed the minimum lighting limitation. He indicated the concern could be addressed prior to Final Site Plan approval, or the petitioner might address it prior to coming back before the Planning Commission.

Mr. Branigan expressed support for the proposed project. He recommended the Planning Commission take no action on the site plan this evening, to allow the applicant to pursue the required setback variances.

There was a brief discussion on the building design and parking layout with respect to the existing trees on site. Mr. Branigan said the design layout is the best possible, given the small property size. Mr. Branigan confirmed there would be no berm on the north side.

It was noted that the landscape plan appeared to have a label error on the types of trees provided.

The petitioner, Dr. Carmelia Sandulache, was present.

Chair Hutson stated the item would be scheduled on a Board of Zoning Appeals agenda.

### **OTHER BUSINESS**

7. COMPREHENSIVE ZONING ORDINANCE RE-WRITE (ZOTA 236) – Discussion with Representatives from Carlisle/Wortman Associates, Inc. – Article 4 District Regulations

Mr. Branigan briefly followed up on a few items from last week's meeting:

- Tree Preservation / Woodlands Protection.
- Natural Features Protection Ordinance.
- Incentives (point system).

Mr. Branigan said the Planning Commission could consider addressing a Natural Features Protection Ordinance again, although he noted the task could potentially slow down the Zoning Ordinance re-write process. Mr. Branigan believes there are appropriate tools in the new Zoning Ordinance to address natural features concerns and is comfortable moving forward.

It was discussed whether a Natural Features Protection Ordinance and the Zoning Ordinance re-write could be worked on concurrently. It was determined that the creation of a 2011 to-do list would be more strategic. Items to study in the future are:

- Electronic LED lighting for signs.
- Stormwater management.
- Natural features.

Mr. Savidant noted that management determined it best not to include sign standards/regulations in the Zoning Ordinance. He said the Planning Commission would have the ability to review and determine if proposed signage at the time of Preliminary Site Plan approval meets City standards.

Mr. Branigan discussed Article 4 District Regulations and addressed the following:

- Housekeeping items.
- “Intent” sections revised and strengthened.
- Adjustments to Schedule of Regulations.
  - Height regulation increase (residential).
    - Based on marketing trends.
    - Height in relation to fire precaution/suppression.
    - Across the board for all residential districts (R1-A to R1-E).
  - Overall revisions (non-residential).
    - Use categories.
    - ‘Accessory’ use (revise term).

Mr. Branigan briefly reviewed the items for discussion at a future study meeting; i.e., definition section, specific use regulations, entertainment and service type uses, restaurants permitted in O-1 (Office Building) district by right.

Points to consider for allowing restaurants by right in the O-1 district:

- Where O-1 abuts or is adjacent to residential.
- Conformity of existing delicatessens in O-1.

## 8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

## 9. PLANNING COMMISSION COMMENTS

Mr. Edmunds shared his experience in attending a training seminar offered through Michigan Municipal League, *Tracking and Retaining Entrepreneurs*.

There was further discussion on the petitioner's presentation and aesthetics of the recently approved cellular tower located at Troy Lanes, 1950 E. Square Lake.

There was discussion on Agenda item #5 on this evening's agenda, Special Use Approval and Preliminary Site Plan for LA Fitness (File Number SU 384), relating to reconsideration of the Resolution, with respect to the petitioner's comments after Site Plan approval.

Mr. Motzny said it could have been possible for the Board to propose a Resolution indicating the condition of approval is the cross access easement with the further condition that if there is difficulty obtaining that easement, the Board could allow administrative approval to waive that requirement. Mr. Motzny believes that absent such a provision in the Resolution, the matter would have to come back to the Planning Commission to remove that requirement.

Chair Hutson acknowledged the difficulty of the situation, stated he does not want to lose LA Fitness either and would like to see the petitioner attempt to get the cross access easement. If not, then the Board would revisit the matter.

The Regular Meeting of the Planning Commission adjourned at 8:48 p.m.

Respectfully submitted,

---

Michael W. Hutson, Chair

---

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2010 PC Minutes\Draft\11-09-10 Regular Meeting\_Draft.doc

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on November 9, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Robert Schultz  
John J. Tagle  
Lon M. Ullmann  
Mark J. Vleck

Absent:

Mark Maxwell  
Philip Sanzica  
Thomas Strat

Also Present:

R. Brent Savidant, Acting Planning Director  
Allan Motzny, Assistant City Attorney  
Zachary Branigan, Carlisle/Wortman Associates, Inc.  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2010-11-073**

Moved by: Schultz  
Seconded by: Edmunds

RESOLVED, To approve the Agenda as prepared.

Yes: All present (6)  
Absent: Maxwell, Sanzica, Strat

**MOTION CARRIED**

3. APPROVAL OF MINUTES

There was no action taken on the October 26, 2010 Special/Study meeting minutes. Mr. Ullmann would like to include some discussion comments, of which he will forward in writing to the Planning Department.

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**SPECIAL USE REQUEST**

5. **PUBLIC HEARING – SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 384)** – Proposed LA Fitness, 1501 Maple Lane, South of Maple and West of Coolidge, Section 31, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the proposed Special Use and Preliminary Site Plan application for LA Fitness. He specifically addressed parking. Two traffic studies that were prepared, one by the petitioner's traffic consultant and the other by the City's traffic consultant, identified there is sufficient parking on site to accommodate the proposed use. Mr. Branigan expressed support for the proposed parking deviation.

Mr. Branigan addressed the site access and circulation. He indicated the petitioner would be required to obtain a cross access easement to the proposed connection to Doyle Drive. Mr. Branigan addressed a conflict between the two traffic studies with respect to whether a taper right turn lane should be required.

Mr. Branigan expressed support of the proposal as submitted. He recommended the Planning Commission grant the required parking modification, preliminary site plan and special use application with two conditions; one, the applicant provide documentation of a cross access easement to Doyle Drive prior to Final Site Plan approval; and two, resolve traffic analysis concerns in a manner acceptable to the City Engineer.

There was a short discussion on the potential of the warehouse becoming a part of the health club in the future and the effect it would have on parking. It was determined that such a significant change in the Special Use approval would require the applicant to come back before the Planning Commission.

Victor Saroki of Victor Saroki and Associates, 430 N. Old Woodward, Birmingham, was present to represent the petitioner. Mr. Saroki addressed the proposed building footprint, site circulation, landscaping and parking.

Also present were Linden Nelson, property owner, and James Butler and Michael Labadie of Professional Engineering Associates.

Mr. Schultz asked if the proposed tree islands would be irrigated.

Mr. Butler replied in the affirmative.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2010-11-074**

Moved by: Schultz

Seconded by: Tagle

**RESOLVED**, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed LA Fitness and warehouse space to 419 when a total of 970 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 551-space reduction is justified through a comparison of parking spaces provided for similar uses in the area, as outlined in the Parking Analysis prepared by PEA and a report prepared by OHM.

**BE IT FURTHER RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the LA Fitness indoor commercial recreation facility, located on the south side of Maple and west of Coolidge (1501 Maple Lane), Section 31, within the M-1 zoning district, be granted, subject to the following:

1. Provide documentation of cross access easement to Doyle Drive prior to Final Site Plan Approval.
2. Resolve traffic analysis concerns in a manner that is acceptable to the City of Troy Engineer.

Yes: All present (6)

Absent: Maxwell, Sanzica, Strat

**MOTION CARRIED**

Mr. Saroki said they would like the primary entry off of Maple should they not be able to obtain a cross access easement to Doyle Drive.

Mr. Motzny said it depends on the difficulty the petitioner might have obtaining a cross access easement whether the matter can be handled administratively, or if the petitioner would be required to come back before this Board. He said it would be best to determine if and what the problem is, and then schedule a meeting to address the issue.

Mr. Nelson stated he would like to strike the condition requiring a cross access easement from the Site Plan approval. He said it is his first choice, as well as the tenant's, to obtain a cross access easement. Mr. Nelson expressed concern with losing LA Fitness as a tenant should they not be able to obtain the cross access easement to Doyle Drive.

Chair Hutson acknowledged the uniqueness of the situation relating to the ownership of Doyle Drive. He assured Mr. Nelson that the City would do everything it can to facilitate going forward with the proposal.

### **PRELIMINARY SITE PLAN REVIEW**

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 965) – Proposed Alpha Dental Center, 405 E. Maple Road, Northeast Corner of Maple and Kirkton, Section 27, Currently Zoned O-1 (Office Building) District

Mr. Branigan presented a summary of the proposed Preliminary Site Plan application for Alpha Dental Center. He addressed the variances relating to the nonconforming setbacks that the petitioner is required to obtain prior to Preliminary Site Plan approval. Mr. Branigan noted the photometric plan appears to exceed the minimum lighting limitation. He indicated the concern could be addressed prior to Final Site Plan approval, or the petitioner might address it prior to coming back before the Planning Commission.

Mr. Branigan expressed support for the proposed project. He recommended the Planning Commission take no action on the site plan this evening, to allow the applicant to pursue the required setback variances.

There was a brief discussion on the building design and parking layout with respect to the existing trees on site. Mr. Branigan said the design layout is the best possible, given the small property size. Mr. Branigan confirmed there would be no berm on the north side.

It was noted that the landscape plan appeared to have a label error on the types of trees provided.

The petitioner, Dr. Carmelia Sandulache, was present.

Chair Hutson stated the item would be scheduled on a Board of Zoning Appeals agenda.

### **OTHER BUSINESS**

7. COMPREHENSIVE ZONING ORDINANCE RE-WRITE (ZOTA 236) – Discussion with Representatives from Carlisle/Wortman Associates, Inc. – Article 4 District Regulations

Mr. Branigan briefly followed up on a few items from last week's meeting:

- Tree Preservation / Woodlands Protection.
- Natural Features Protection Ordinance.
- Incentives (point system).

Mr. Branigan said the Planning Commission could consider addressing a Natural Features Protection Ordinance again, although he noted the task could potentially slow down the Zoning Ordinance re-write process. Mr. Branigan believes there are appropriate tools in the new Zoning Ordinance to address natural features concerns and is comfortable moving forward.

It was discussed whether a Natural Features Protection Ordinance and the Zoning Ordinance re-write could be worked on concurrently. It was determined that the creation of a 2011 to-do list would be more strategic. Items to study in the future are:

- Electronic LED lighting for signs.
- Stormwater management.
- Natural features.

Mr. Savidant noted that management determined it best not to include sign standards/regulations in the Zoning Ordinance. He said the Planning Commission would have the ability to review and determine if proposed signage at the time of Preliminary Site Plan approval meets City standards.

Mr. Branigan discussed Article 4 District Regulations and addressed the following:

- Housekeeping items.
- “Intent” sections revised and strengthened.
- Adjustments to Schedule of Regulations.
  - Height regulation increase (residential).
    - Based on marketing trends.
    - Height in relation to fire precaution/suppression.
    - Across the board for all residential districts (R1-A to R1-E).
  - Overall revisions (non-residential).
    - Use categories.
    - ‘Accessory’ use (revise term).

Mr. Branigan briefly reviewed the items for discussion at a future study meeting; i.e., definition section, specific use regulations, entertainment and service type uses, restaurants permitted in O-1 (Office Building) district by right.

Points to consider for allowing restaurants by right in the O-1 district:

- Where O-1 abuts or is adjacent to residential.
- Conformity of existing delicatessens in O-1.

## 8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

Mr. Edmunds shared his experience in attending a training seminar offered through Michigan Municipal League, *Tracking and Retaining Entrepreneurs*.

There was further discussion on the petitioner's presentation and aesthetics of the recently approved cellular tower located at Troy Lanes, 1950 E. Square Lake.

There was discussion on Agenda item #5 on this evening's agenda, Special Use Approval and Preliminary Site Plan for LA Fitness (File Number SU 384), relating to reconsideration of the Resolution, with respect to the petitioner's comments after Site Plan approval.

Mr. Motzny said it could have been possible for the Board to propose a Resolution indicating the condition of approval is the cross access easement with the further condition that if there is difficulty obtaining that easement, the Board could allow administrative approval to waive that requirement. Mr. Motzny believes that absent such a provision in the Resolution, the matter would have to come back to the Planning Commission to remove that requirement.

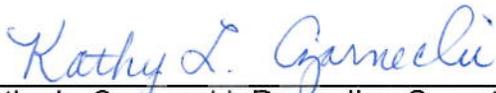
Chair Hutson acknowledged the difficulty of the situation, stated he does not want to lose LA Fitness either and would like to see the petitioner attempt to get the cross access easement. If not, then the Board would revisit the matter.

The Regular Meeting of the Planning Commission adjourned at 8:48 p.m.

Respectfully submitted,



Michael W. Hutson, Chair



Kathy L. Czarnecki, Recording Secretary

**Tonni L Bartholomew**

---

**From:** michelle2436@comcast.net  
**Sent:** Thursday, November 18, 2010 8:59 AM  
**To:** Tonni L Bartholomew  
**Subject:** Thank You - Michelle Bray-Cotton

Dear Tonni,

I apologise for the late reply but I have been finishing up school and I'm almost at the end of the semester so life has been hectic!

But, I wanted to say a very big thank you to you and your staff for letting me come into your office and help with the upcoming General Election.

I found all your staff very helpful and so very friendly. For the few hours that I was there I did learn a lot.

Thank you once again.

Michelle Bray-Cotton  
248 250 6041

**Troy Youth Assistance  
Board of Directors Meeting Minutes**

---

**October 21, 2010**

**Present:** Leonette Ciepielowski, Robin Beltramini, Nancy Piotrowski, Mary Beth Halushka, Dane Lepola, K.C. Scudder, Jeanne Stine, Sandy Macknis, Elliot Gold, Dale Zygnowicz, Karen Wonsowicz, Kathey Gernay

**Absent:** Bruce Baxter, Pat Breen, Ann Comiskey, Larry Cranston, Cathy Fucinari, Mike Kerr, Sandi Kleiss, Cindy Stewart, Jeff Stewart, Daniella Youhan, George Zielinski

**I. Call to order:** Leonette called the meeting to order at 6:12 p.m.

**II. Pledge of Allegiance:** All rose for the Pledge of Allegiance.

**III. Introductions:** All present members introduced themselves.

**IV. Minutes:**

- Jeanne Stine motioned to approve the minutes of September 16, 2010. Sandy Macknis seconded. Approved.

**V. Treasurer's Report:**

- Mary Beth Halushka presented the September Statement of Activities and Statement of Position. Dale Zygnowicz motioned to approve the September report. Robin Beltramini seconded. Approved.

**VI. Communications:**

- Troy Somerset Gazette published an article and a photo on Jeanne Stine accepting the award for Volunteer of the Year.
- The Sunday Oakland Press ran a photo in their Community Corkboard, of the Troy Youth Assistance Board of Directors and staff. They also mentioned Jeanne Stine being honored as Volunteer of the Year.

**VII. Caseworker's Report: Karen Wonsowicz**

- Four new referrals came into TYA in September. Three from police and one from a parent.
- Karen distributed information on available parenting programs to the Troy middle schools.
- A Caseworker will provide all-day training on After Care reentry, November 5.

**VIII. Old Business:**

- A. Annual Meeting - Leonette reported that 24 people attended the breakfast on September 29. The venue worked very well and will be considered for next year's meeting. Hope to increase the headcount in 2011.
- B. Leadership Troy Community Awards Event – Robert Preston was named Leadership Troy's Distinguished Citizen for 2010 at the 42<sup>nd</sup> Community Awards Banquet on October 20, at Petruzzello's. Preston and 14 others were honored including A.J. Desmond & Sons Funeral Directors who received the Business Community Appreciation Award.
- C. Parisian Fundraiser – Karen reported that 98 coupon books were sold as of October 21. A signup sheet is being circulated for those volunteering to sell coupon books outside the Parisian on November 10.

- D. OCYA Annual Breakfast Meeting, Nov. 19, 7:15 a.m., The MET Hotel, Troy. Checks payable to TYA, send to Robin L. (\$15/pp), by Thurs, Nov. 4. Jeanne Stine suggested videotaping the meeting.

**IX. New Business:**

- A. Tuition Fundraiser – Elliot and Mary Beth are working on the details for a tuition raffle. The goal is to sell 1,000 tickets at \$50/ticket. The winner will receive a contribution to a 529 plan. Printing of the tickets, time of the drawing and details of the distribution are still being finalized.
- B. By-Laws Change – Mary Beth is revising the by-laws which must be approved prior to obtaining a gaming license and printing the tickets. The Committee reviewed the proposed changes and suggested some revisions. It will take 8-10 weeks to obtain approval for the license.

**X. Committee Reports:**

- Camp/Skill Building:  
Sandy reported on Extend, a program where high school students will mentor middle school students. How the students will be chosen for the program and transportation issues has not yet been determined.  
Four schools are on board for the Halloween Candy Collection. The candy will be donated to the Baldwin Center in Pontiac and sent to our troops overseas.
- Family Education:  
Nancy reported that "Time to Wait for Sex" is an excellent education tool for students in grades 7 through 12, and their parents. The Board will view a promo at our next meeting. Pam Stenzel will appear in person Wednesday, March 2, 2011 at 7:00 p.m. at Troy Athens High School Auditorium. Tickets are \$5 per person or \$15 per family, available through Troy Youth Assistance.
- Fundraising:  
Elliott will hold a Fundraising Committee Meeting Wednesday, October 27, from 10-11:30 a.m. to discuss fundraising options, including the 529 raffle.
- Mentors PLUS: Bruce/ Karen  
OCYA, Mentors Plus program is adding two full-time case workers to assist the County with their workload. They will monitor the program and provide feedback on the adults and children in the program.
- Membership:  
Five people have contacted the Troy office indicating their interest in volunteering. Nancy will provide them with information packets describing TYA's programs. With input from the Executive Committee and the Board we will determine what may be a good fit for these volunteers.
- Publicity:  
Troy Somerset Gazette published an article and a photo of Jeanne Stine accepting the award for Volunteer of the Year. The Sunday Oakland Press ran a photo in their Community Corkboard of the Troy Youth Assistance Board of Directors and staff. They also mentioned Jeanne Stine being honored as Volunteer of the Year.
- Youth Involvement:  
The Committee is working on events for the 2010-2011 year. Focus on February 2011 when the students have a day off for Records Day; possible parent/child activity.

- Youth Recognition:  
The drawing for the 529 College Fund will take place at the Youth Recognition event in spring 2011. The time of the drawing is yet to be determined.

#### **XI. School Reports**

- K.C. Scudder reported on activity at Athens High School. All sports teams are giving their all in making Athens proud. Students are working toward Charity Week, which is March 7-11, 2011. A Blood Drive is underway for November 10. The Homecoming Dance, Parade and Powderpuff were successful...the football game with Lake Orion, not so much. Food donations for Forgotten Harvest will be collected at the Troy/Athens football game.
- Dane Lepola reported that Troy High School enjoyed their Homecoming celebration September 20-25, 2010. The Student Government will be hosting the 2011 MAHS/MASC State conference March 26-28, 2011. Troy H.S. students are planning Activist Week for spring 2011, where they will collect athletic clothing and equipment for underprivileged children. October 18, was the powder-puff football game where proceeds from ticket sales went to the American Cancer Society (\$1,000). And finally, the Troy H.S. Soccer team has made it to the playoffs.

#### **XII. Community Information from Organization/ Agency Liaisons**

Leonette received a letter of appreciation to all sponsors, volunteers, supporters and staff from The Circuit Court of Oakland County. The letter, signed by nine judges from the Sixth Judicial Circuit Court – Family Division, compliments the efforts of this group on their "resolve to protect our most valuable resource, our children".

**Adjourned:** 7:30 p.m.

**NEXT MEETING: Thursday, November 18, 2010 @ 6:00 p.m.**

Respectfully Submitted,  
Kathey Gernay

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

**NOTICE OF HEARING  
FOR THE ELECTRIC CUSTOMERS OF  
THE DETROIT EDISON COMPANY  
CASE NO. U-15806**

- The Detroit Edison Company is requesting the Michigan Public Service Commission's approval of its Detroit Edison/Blue Water Renewables Renewable Energy Contract pursuant to Public Act 295 of 2008.
- 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 14, 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 Dennis W. Mack

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

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

On September 24, 2010, The Detroit Edison Company (Detroit Edison) filed its application seeking that the Michigan Public Service Commission (Commission) approve its Detroit Edison/Blue Water Renewables Renewable Energy Contract in its entirety; determines that the contract provides opportunities that may not be available or commercially practical, does not violate the Code of Conduct; and provide assurance that the full costs of the Contract will be recovered through the combined application of Detroit Edison's Transfer Price Mechanism and Detroit Edison's Revenue Recovery Mechanism Surcharges.

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 December 7, 2010. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, Jon P. Christinidis, One Energy Plaza, Detroit, Michigan 48226.

Any person wishing to make a statement of position without becoming a party to the case, may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter will become public information: available on the Michigan Public Service Commission's 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.

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.; 1969 PA 306, as amended, MCL 24.201 et seq.; 2008 PA 295, MCL 460.1001 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

November 16, 2010



## CITY COUNCIL AGENDA ITEM

---

Date: November 29, 2010

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration  
 Cathleen Russ, Library Director  
 Loraine Campbell, Museum Manager

Subject: Niles-Barnard House Progress Report

---

### Background

The Niles-Barnard House Project is proceeding on time and within budget. On Friday, November 12, 2010, C & A House Movers lowered the house on to its new foundation. Since that date the moving skids have been removed and structural steel has been installed. Gas service was installed on November 23.

General Contractor Frank Rewold and Son Inc. reports that the basement floor will be poured and electrical service will be installed within two weeks. Once this work is completed, a temporary gas furnace will be installed in the basement and the site will be graded. The general contractor is confident that by December 30, 2010 the necessary carpentry repairs to the sill and siding skirt will be completed and a period cellar door and porch posts will be installed.

The original house site on Livernois has been restored and inspected. The attorney for the Harriet Barnard Trust and Mr. Fred Barnard will obtain an independent house appraisal to determine the value of the gift and release the deed from escrow to the City of Troy.

The Troy Historical Society Board of Trustees is delighted with the efficient progress of this project. The organization appreciates the suggestions and support provided by City staff and members of the community during the move. They are also grateful to the Troy Garden Club for the large holiday wreath which will hang on the central front door of the house during December. Battery-powered candles in each of the windows will glow each evening through the holiday season as a sign that the Historical Society continues to preserve history and heritage in the community.

### Financial Considerations

The Niles-Barnard House relocation was financed solely by private donations collected since 2005 by the Troy Historical Society.



## CITY COUNCIL AGENDA ITEM

---

Date: November 30, 2010

To: Mayor and Members of Troy City Council

From: John Szerlag, City Manager  
Tonni L. Bartholomew, City Clerk

Subject: City Council Filing Deadline New State Law Implication

---

Recently the Governor signed into law four amendments to Michigan Election Law. The amendment facilitates the implementation of PA 43 of 2010, establishing a 45-day absentee ballot delivery deadline for all elections. Public Act 44 of 2010, amending MCL 168.644e, will be in effect for the next City Council election and supersedes the Troy City Charter Section 7.9, Nominations filing deadline.

Election Law stipulates that the filing deadline for Partisan/Nonpartisan Candidates is 4:00 PM on the 12<sup>th</sup> Tuesday prior to the odd-year November Election. The deadline for the November 8, 2011 Election will be **Tuesday, August 16, 2011 at 4:00 PM.**

The Troy City Charter references the deadline as “the one hundredth (100th) day preceding the next election” and therefore the Charter will be administratively modified to contain a notation referencing the State Statute requirement which supersedes the Charter.

The City Clerk’s office will include the new filing deadline in the Public Notice advertised in the newspaper of record and the City Council Candidate Filing Packets. Additionally a notation will be included on the web page City Calendar and the Troy Today.



## CITY COUNCIL AGENDA ITEM

---

Date: December 2, 2010

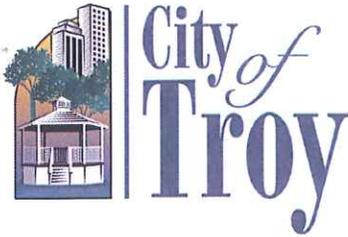
To: John Szerlag, City Manager

From: Tonni L. Bartholomew, City Clerk

Subject: Certification of Edward Kempen Citizen Initiative Petition – Addition to the Troy City Ordinance

---

The City Clerk's office received a petition filing from Mr. Edward Kempen on Tuesday, November 9, 2010. The petition signatures have been verified by the City Clerk and found to be sufficient for petition certification. The Affidavit of Receipt of Petition Filing, Mr. Kempen's petition cover letter, and the first page of the petition (page 1 of 64) are being forwarded pursuant to the following Charter requirement: *"When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council as its next regular meeting"*. The petition, in its entirety (64 pages), is available electronically or in hard copy at the Clerk's office.



# AFFIDAVIT OF RECEIPT PETITION FILING

TYPE OF PETITION: Initiatory Petition

FILER'S NAME: Edward Kempen  
(Print or Type)

Residential Address: 2279 Highbury Troy 48085  
(Street Address) (City) (Zip Code)

Cell Home Phone: (248) 376-4735 Business Phone: ( )

E-Mail: edkempen@yahoo.com  Estimated  Actual Number of Signatures: 2560

By signing this affidavit, I hereby swear that the statements made above are true and complete.

SIGNATURE OF PERSON FILING PETITIONS: Edward R Kempen

Subscribed and sworn to before me this 9<sup>th</sup> day of November, 2010  
Barbara A. Pallotta  
(Signature of Notary)  
Name of Notary: BARBARA A. PALLOTTA  
County: Notary Public, Oakland County, MI  
Comm. Expires: Acting in the County of Oakland  
My Commission Expires 12/16/2010

**ALL petition filings are public information and subject to provisions under the Freedom of Information Act (FOIA).**

<b>FOR OFFICE USE ONLY</b>	
DATE OF FILING: <u>November 9, 2010</u>	<u>2000</u> Minimum # of Valid Signatures Required
RECEIVED BY: <u>Tonni Bartholomew</u>	<u>240</u> Number of Petition Sheets Included in the Filing
*Note: Use actual count of number of signatures included in filing if possible. If an actual count is not used; use estimate provided by the filer.	*Number of Signatures Included in the Filing

DATE STAMP

- Instructions for distribution of copies:**
- Photo copy of drivers license
  - Return original affidavit to filer
  - Retain copy of affidavit for Clerk's file.

**Friends of the Library with No New Taxes**

PO Box 1461  
Troy, MI 48099

**To: Troy City Clerk**  
**Subject: Troy Library Protection Ordinance Petition**

Dear Ms. Bartholomew:

Please accept these petitions in accordance to the City Charter for Initiatory and Referendary Petitions as appropriate.

Our proposed language and format if it is sent to a ballot proposal is as follows:

**PROPOSAL 1, LIBRARY PROTECTION ORDINANCE WITH NO NEW TAXES**

Shall the City of Troy Adopt the following 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.

Yes

No

If you have any questions please contact me at 248-376-4735.

Sincerely



Edward Kempen  
2279 Highbury Drive  
Troy MI 48085

# COUNTY/LOCAL PROPOSAL PETITION

**INSTRUCTIONS ON REVERSE SIDE**

We, the undersigned qualified and registered electors, residents in the (check one)  City } Troy  
 Township }  
 Village of } \_\_\_\_\_ in the County of Oakland

State of Michigan, respectively petition for: \_\_\_\_\_  
**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.

**WARNING - A PERSON WHO KNOWINGLY SIGNS THIS PETITION MORE THAN ONCE, SIGNS A NAME OTHER THAN HIS OR HER OWN, SIGNS WHEN NOT A QUALIFIED AND REGISTERED ELECTOR, OR SETS OPPOSITE HIS OR HER SIGNATURE ON A PETITION, A DATE OTHER THAN THE ACTUAL DATE THE SIGNATURE WAS AFFIXED, IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.**

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	POST OFFICE	DATE OF SIGNING		
				MONTH	DAY	YEAR
<i>Carol J. Corbin</i>	Carol J. Corbin	3835 Gate TROY 48083	TROY	11	7	2010
<i>Mary D. Essenberg</i>	Mary D. Essenberg	3847 Gate Troy 48083	Troy	11	7	2010
<i>Adriana Ricardo-Kuraj</i>	<del>Adriana Ricardo-Kuraj</del>	3841 Gate Troy 48083	Troy	11	7	2010
<i>Jorge Souza</i>	JORGE SOUZA	3841 GATE TROY 48083	TROY	11	7	2010
<i>Muriel Dean</i>	MURIEL DEAN	3828 GATE TROY 48083	TROY	11	7	2010
<i>Keith Harris</i>	KEITH HARRIS	3883 GATE TROY 48083	TROY	11	7	2010
<i>Nicky Harris</i>	NICKY HARRIS	3883 GATE DR TROY 48083	Troy	11	7	2010
<i>Surya Byrapaneni</i>	SURYA BYRAPANENI	3730 Timber Crest 48083	"	11	8	2010
<i>Kermaine Hughes</i>	Kermaine Hughes	1675 Crestline 48083	Troy	11	8	2010
<i>Darci Facher</i>	Darci Facher	3875 Kings Point 48083	Troy	11	8	2010
<i>Karin Richner</i>	KARIN RICHNER	3671 EUCLID DR TROY 48083	TROY	11	8	2010
<i>Dennis Palmkoek</i>	DENNIS PALMKOECK	3671 EUCLID DR TROY 48083	TROY	11	8	2010

**CERTIFICATE OF CIRCULATOR** *Ed Kemper 248-376-7135*

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the City, Township or Village listed in the heading of the petition, and the elector was qualified to sign the petition.

**WARNING - A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.**

**CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION**

*Anne Marine*  
 (Signature of Circulator) \_\_\_\_\_ 11, 8, 2010  
 (Date)  
*Anne Marine*  
 (Printed Name of Circulator) \_\_\_\_\_  
Troy, MI  
 (City, Township or Village Where Registered)  
3882 Gate Dr  
 Complete Address (Street and Number or Rural Route) \_\_\_\_\_  
Troy  
 (Post Office)



## CITY COUNCIL AGENDA ITEM

---

Date: December 1, 2010

To: John Szerlag, City Manager

From: Mark F. Miller, Acting Assistant City Manager/Economic Development Services  
R. Brent Savidant, Acting Planning Director

Subject: Project Update - Zoning Ordinance Comprehensive Rewrite (File Number: Z 236)

---

Richard Carlisle of Carlisle/Wortman Associates, Inc. (CWA) provided the Planning Department with an electronic version of the complete first draft of the Zoning Ordinance on November 23, 2010. The Planning Department distributed the draft internally, including the City Attorney's office, for an internal review of the document.

The Planning Department will summarize the comments and forward to CWA. CWA will be responsible for revising the first draft and preparing a Public Hearing Draft of the proposed Zoning Ordinance. On December 30, 2010, the Public Hearing Draft will be distributed to City Council, Planning Commission, Board of Zoning Appeals and posted on the City website for public review. This will meet the deadline established at the Special Joint City Council/Planning Commission Meeting on October 4, 2010.



## CITY COUNCIL AGENDA ITEM

---

November 30, 2010

To: The Honorable Mayor and City Council Members

From: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
James Nash, Financial Services Director

Subject: Response to Council Member Mary Kerwin's Inquiries about  
Generally Accepted Accounting Principles as Related to  
Salaries and Fringe Benefits

---

Council Member Mary Kerwin asked for further clarification on the memo relative to staff salaries and fringe benefits dated November 18, 2010. Specifically, she wanted clarification on the potential costs of vacation and sick leave, and inquired as to whether we are utilizing best governmental practices in accounting for this potential liability. She further asked if other political jurisdictions also used this same practice.

The City accounts for potential costs such as vacation and sick leave. Please know that these costs are only incurred if vacation time and sick leave are not taken. If vacation or sick time is taken, no additional financial liability over and above the employee's base salary is incurred.

Generally accepted accounting principles require all government entities to either: 1) Establish an Internal Service Fund; or 2) Record liabilities in the actual operating funds. This means that all cities that compensate for unused sick and vacation time must account for it in one of the above fashions.



## CITY COUNCIL AGENDA ITEM

---

December 1, 2010

To: The Honorable Mayor and City Council Members  
From: John Szerlag, City Manager  
Subject: Snow and Ice Control Policy

---

On October 4, 2010 City Council approved the winter maintenance agreement with the Road Commission for Oakland County (RCOC). This means that the City of Troy will plow snow at its historically signature high standards of having all roads cleared within 24 hours of the end of a four inch or greater snowfall; that is, until the \$150,000 from RCOC to plow their roads runs out. These roads consist of the following:

- Adams
- Big Beaver
- Crooks
- Dequindre
- John R
- Livernois
- Long Lake
- Maple
- South Boulevard

There was much discussion at the Council table on available options to handle snow and ice control for the entire 300+ mile system in the city of Troy once funding runs out from the RCOC on the above County roads. One option was to ratchet down to the County level for County roads only and maintain the high level of service for City local and major roads until local funding runs out. When will this occur? It depends on how much snow we get.

Please know that reducing the level of service to the RCOC standards for their roads while maintaining a high level of service for our roads presents a problem. Here's why. The RCOC has a standard to treat their primary major roads (which may not include plowing to bare pavement) anywhere from two to four days after a four inch snow event. And according to RCOC Director Brent Bair, it could be longer. It is therefore problematic to plow local roads within 24 hours because in some areas of town, a resident will have a clear local road but will be unable to traverse a major road. As an example, someone living on Plaid Street in Section 16 could visit somebody living on Bonniebrook because the local streets are plowed, but would have a very difficult time indeed navigating the contiguous County roads of Long Lake and Livernois if they were not plowed.



## CITY COUNCIL AGENDA ITEM

---

So too, Troy would become the brunt of justified ridicule if a City snowplow truck would not plow snow on Big Beaver while en route to plow Dominique Street. For the record, average daily volume traffic counts for Big Beaver in this area are over 65,000 versus Dominique with an average of 150 cars per day.

Another option was to adhere to Troy's high standard of snow and ice control until the money ran out from the RCOC. Then, the entire city would have a level of service equal to the RCOC standard. This option has a risk. If we have a year with many snow events, we'll have excellent service for part of the winter, and poor service for rest of it.

Given the above, we recommend a middle-of-the-road approach (no pun intended). This approach would lower our level of service response on all roads from 24 hours to within 72 hours. By doing this we think we can have a better allocation of resources and be more cost efficient and effective for the entire snow season. On a seasonal basis, this should also yield better emergency vehicular response times.

Assistant City Manager Mark Miller and DPW Director Tim Richnak will provide a PowerPoint presentation to further discuss this matter (attached).

In addition, we have included a policy resolution for your consideration which you can adopt, modify or delay.

As always, feel free to contact me should you have any questions.

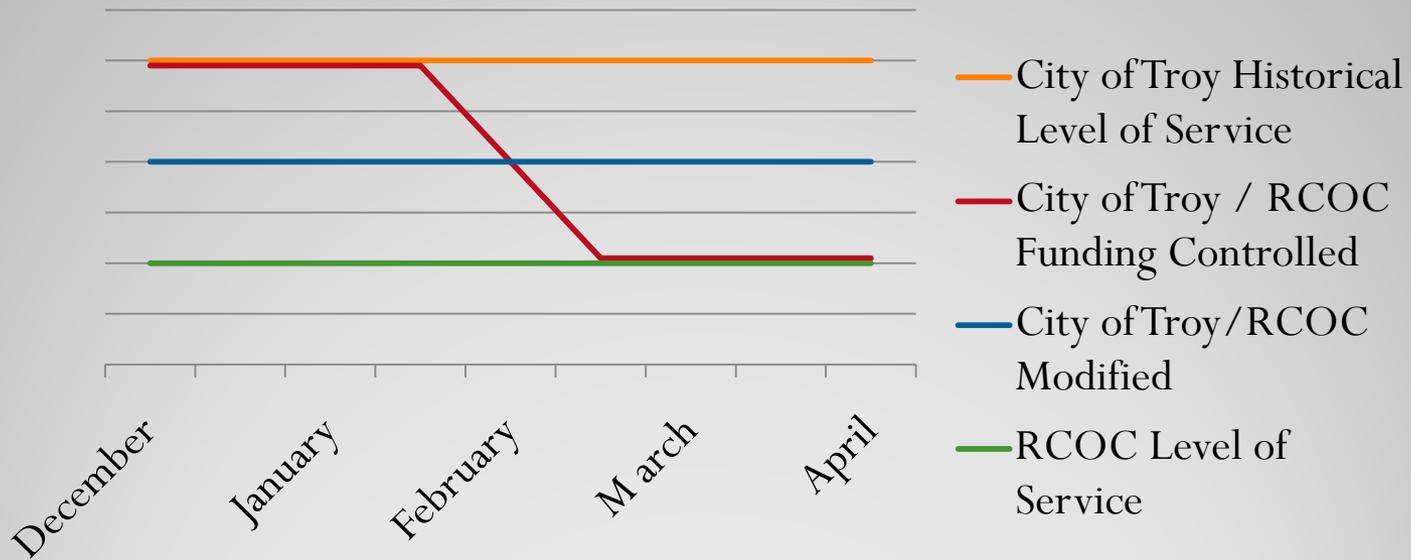
# City of Troy Snow and Ice Control Level of Service



# Consideration

- This presentation requests consideration for modified level of service for snow and ice control to provide uniformity in service levels over the entire 2010/2011 winter season on RCOC, City Major and Local Roads.

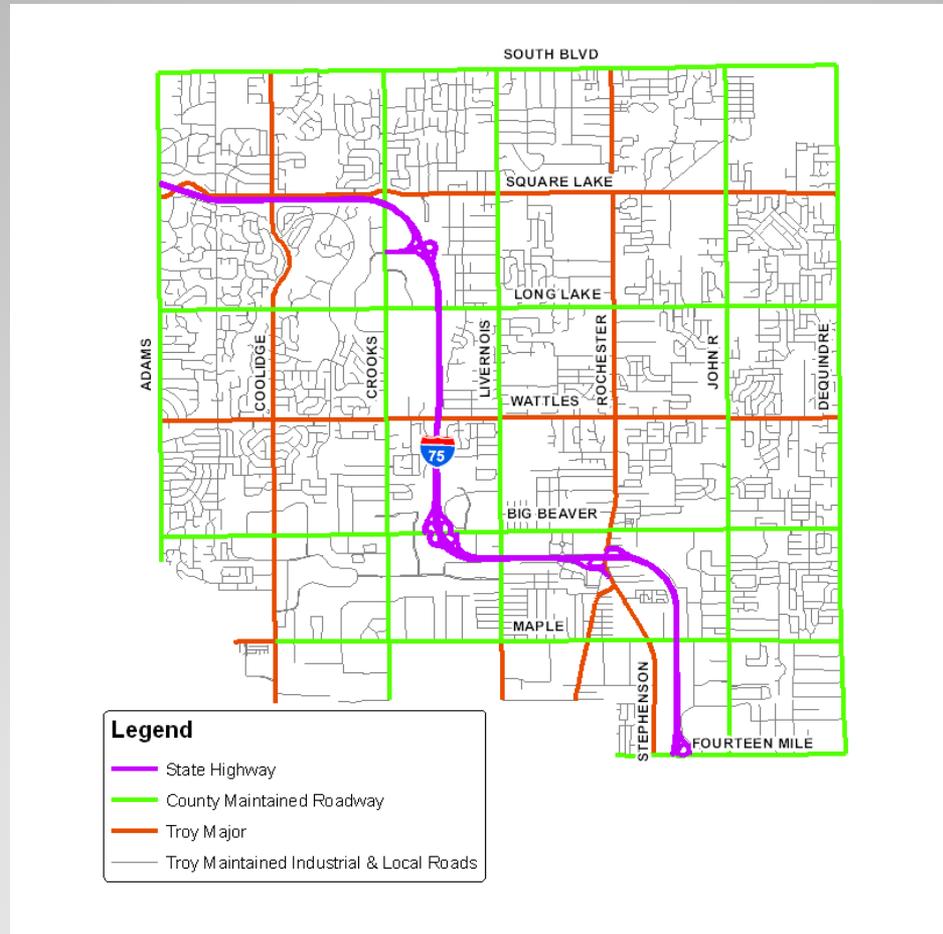
# Level of Service Scenarios



# Table of Level of Service

	City of Troy Historical Level of Service	City of Troy / RCOC Funding Controlled Level of Service	City of Troy / RCOC Modified Level of Service	RCOC Level of Service
Road Segments / Truck Each Road Segment multiple lanes 6 miles in Length	1 Road Segment	1 Road Segment Increased to 3+ Road Segments	2 Road Segments	3+ Road Segments
Pavement Condition	Bare Pavement	Bare Pavement Increased to ¼" Slush to Bare Wheel Tracks	Bare Wheel Tracks	Bare Wheel Tracks to ¼" Slush
Local Roads Hills Intersections and Curves Snow Events ½" to 4"	Treated after RCOC/ City Major Completed	Delayed Treatment after City Major Level of Service Shifted to Funding Controlled Level of Service	Delayed Treatment after RCOC/ City Major Completed	Delayed Treatment after RCOC/ City Major Completed
Local Roads Plowed Snow Events Over 4"	24 Hours	24 Hours Shifted to 72+ Hours	24 to 72 Hours	72+ Hours
Police Department Request for Service I-75	Response by City of Troy Staff	Response by City of Troy Staff Shifted to RCOC	Response by City of Troy Staff	Response by RCOC

# City of Troy Jurisdictional Road Map



# City of Troy

## Snow and Ice Control

### Current Level of Service

- 24 hour Operation
  - One Truck for each of 14 RCOC Roads and City Major Segments
  - RCOC Roads, City Major Roads, and School Entry Roads are maintained to bare pavement.
  - Local Roads receive treatment of Hills, Intersection and Curves (HICs) when RCOC Roads, Major Roads and School Entry Roads have been completed.
  - Snow events over 4 inches trigger city wide plowing of local roads with a goal to have all local streets plowed within 24 hours after the snow stops falling.
  - Police Department request for emergency service on I-75 are responded to by City of Troy Street Division staff to events over and above those that naturally occur.

## City of Troy / RCOC Snow and Ice Control Funding Controlled Level of Service

- The City of Troy higher level of service will be maintained on all RCOC, City Major, and Local Road segments until the RCOC funding is exhausted. At that point in time all RCOC, City Major, and Local Road segment would have service levels reduced to RCOC standards.
  - Police Department requests for emergency service on I-75 will also be shifted to the RCOC instead of City of Troy Street Division Staff.

**City of Troy / RCOC  
Snow and Ice Control  
Modified Level of Service**

- The target for a modified level of service would be to set service levels to the extent that the funding would be exhausted at winters end.
- To the degree that the weather can be predicted over 5 months of winter, modifications to the level of service will need to be adjusted on a continual basis.

## City of Troy / RCOC Snow and Ice Control Modified Level of Service continued

- Significant areas of reduction of level of service from the City of Troy to a modified level of service would include the following:
  - The number of road segments that each truck would be responsible for on RCOC Roads, City Major Roads, and School Entry Roads would be doubled depending on the snow event.
  - The RCOC Roads, City Major Roads and School Entry Roads pavement condition during the storm event would be maintained to bare wheel tracks and not wet pavement.
  - Local Roads receive treatment of Hills, Intersection and Curves (HICs) when RCOC Roads, City Major Roads and School Entry Roads have been completed.
  - Snow events over 4 inches trigger city wide plowing of local roads with a goal to have all local roads plowed within 24 to 72 hours after the snow stops falling.
  - Police Department request for emergency service on I-75 will be responded to by City of Troy Street Division staff.

## RCOC Snow and Ice Control Level of Service

- The number of road segments that each truck would be responsible for would be tripled or more depending on the snow event.
- The RCOC Roads, City Major Roads and School Entry Roads pavement condition during the storm event would be maintained with ¼” of slush to bare wheel tracks.
- Local Roads receive treatment of Hills, Intersection and Curves (HICs) when RCOC Roads, City Major Roads and School Entry Roads have been completed.
- Snow events over 4 inches trigger city wide plowing of local roads with a goal to have all local roads plowed 72+ hours after the snow stops falling.
- Police Department request for emergency service on I-75 will be responded to by RCOC staff.

## RCOC Snow and Ice Control Level of Service

- More expensive snow removal rental equipment including operators used for local road plowing would be restricted or eliminated from the operation.

Equipment	Contractor Rate	City Rate	City Labor	City Equipment
Road Grader	\$150	\$74	\$34	\$40
Front End Loader	\$135	\$65	\$34	\$31
Single Axle Truck w/10 ft plow	\$120	\$63	\$34	\$29
Pickup w/8 ft plow	\$85	\$46	\$34	\$12

# Questions and Discussion





## CITY COUNCIL AGENDA ITEM

---

November 30, 2010

To: The Honorable Mayor and City Council Members  
From: John Szerlag, City Manager   
Subject: Vision and Goals Study Session of November 22, 2010

---

City Clerk Tonni Bartholomew did an excellent job in categorizing your preferred future statements into the attached community visions, community goals, and Council goals. As you know, this matter will continue as a study item at the December 6, 2010 Council meeting.

## VISION AND GOALS STUDY SESSION ON MONDAY, NOVEMBER 22, 2010

### VISIONS

- Balanced, well rounded, sustainable community
- Provide fiscal stability for sustainable community
- To honor the legacy of the past and build a strong, vibrant future
- Unified in purpose
- Everyone would recognize excellence in services for the community
- Recognize streamlined and running as efficient as possible
- Support sense of community through partnerships
- Customer focus
- Many people, many backgrounds, diverse history ...our community
- Clearly demonstrate commitment to public safety

### GOALS

- Work with community partners
- Begin community conversations
- Welfare of community
- Safe clean and livable city
- Fiscally sound effective city government
- Sustainable growth
- Resourceful committed and innovative workforce
- Establish sustainable financing
- Use long-term planning to ensure sustainability
- Engage the public
- Encourage public participation
- Encourage good stewardship of infrastructure
- Attract and maintain business
- Regionalization continue to look outside of boundaries of Troy to combine services and reduce costs
- Look beyond borders
- Develop and maintain efficiencies with internal and external partners
- Position Troy as "the" place for business
- Develop a plan –may involve marketing
- Create inclusive, entrepreneurial culture
- Bring back the pride
- Embrace and encourage community involvement
- Maximize cost containment while maintaining quality of services
- Maintain and improve quality infrastructure
- Involve volunteers in new, vital ways
- Attract a complete range of residents

### COUNCIL GOALS

- Seek to create an environment of trust and respect among Council members
- Develop strategies to strengthen trust, communication and to maximize the performance of the leadership team
- Seek information and ways that Council and community can be better informed about the City's progress through an objective analysis of data
- Create a community of informed citizens
- Community planning and development that will bring towards a walkable, livable community
- Effective and professionally communicate internally and externally
- Conduct City business and engage in public policy formation in a clear and transparent manner
- Demonstrate support to the City employees