



# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

**MAY 9, 2011**

**CONVENING AT 8:30 P.M.**

**STARTING TIME CHANGED BY COUNCIL RESOLUTION #2011-04-077**

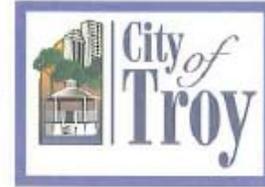
**Submitted By  
The City Manager**

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag".

John Szerlag, City Manager



# TROY CITY COUNCIL

## VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

### **VISION:**

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

### **GOALS:**

#### **Provide a safe, clean, and livable city**

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

#### **Provide effective and efficient local government**

- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

#### **Build a sense of community**

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

#### **Attract and retain business investment**

- Clearly articulate an economic development plan
  - Create an inclusive, entrepreneurial culture internally and externally
  - Clarify, reduce and streamline investment hurdles
  - Consistently enhance the synergy between existing businesses and growing economic sectors
  - Market the advantages of living and working in Troy through partnerships
-



# CITY COUNCIL AGENDA

May 9, 2011 – 8:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

<b><u>INVOCATION: Pastor Dan Lewis of Troy Christian Chapel</u></b>	<b>1</b>
<b><u>PLEDGE OF ALLEGIANCE:</u></b>	<b>1</b>
<b><u>A. CALL TO ORDER:</u></b>	<b>1</b>
<b><u>B. ROLL CALL:</u></b>	<b>1</b>
<b><u>C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:</u></b>	<b>1</b>
C-1 No Certificates of Recognition and Special Presentations	1
<b><u>D. CARRYOVER ITEMS:</u></b>	<b>1</b>
D-1 No Carryover Items	1
<b><u>E. PUBLIC HEARINGS:</u></b>	<b>1</b>
E-1 No Public Hearings	1
<b><u>F. PUBLIC COMMENT:</u></b>	<b>1</b>
<b><u>G. RESPONSE / REPLY TO PUBLIC COMMENT</u></b>	<b>2</b>
<b><u>H. POSTPONED ITEMS:</u></b>	<b>2</b>
H-1 No Postponed Items	2

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<b><u>I.</u></b>	<b><u>REGULAR BUSINESS:</u></b>	<b><u>2</u></b>
I-1	Board and Committee Appointments: None Scheduled	2
I-2	Board and Committee Nominations: None Scheduled	2
I-3	Request for Closed Session:	2
I-4	Interlocal Agreement with the City of Sterling Heights and US Department of Homeland Security – ICE for Use of Gun Range	3
I-5	Troy City Code Chapter 93 Amendments - Correction	3
I-6	Standard Purchasing Resolution 8: Best Value Award – Community Center Catering	4
I-7	Rescind Bid Award/Re-Award Contract – Aggregates	5
I-8	Rescind Bid Award/Re-Award Contract - Custodial Supplies	5
<b><u>J.</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>6</u></b>
J-1a	Approval of “J” Items NOT Removed for Discussion	6
J-1b	Address of “J” Items Removed for Discussion by City Council	6
J-2	Approval of City Council Minutes	6
J-3	Proposed City of Troy Proclamations: None Submitted	6
J-4	Standard Purchasing Resolutions	6
	a) Standard Purchasing Resolution 1: Award to Low Bidders - Asphalt.....	6
	b) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues – Michigan Municipal League (MML).....	7
J-5	Bid Waiver: Expansion of Vehicle Exhaust Collection Systems at Fire Stations 3 and 4	7

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J-6	Request for Acceptance of a Permanent Easement for Water Main from First Industrial Development Services, Inc. – Sidwell #88-20-35-201-067	7
<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b><u>8</u></b>
K-1	Announcement of Public Hearings: None Submitted	8
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	8
<b><u>L.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b><u>8</u></b>
L-1	Council Referrals:	8
	a) Proposed Millage Questions - Requested by Mayor Schilling .....	8
<b><u>M.</u></b>	<b><u>COUNCIL COMMENTS</u></b>	<b><u>9</u></b>
M-1	No Council Comments Advanced	9
<b><u>N.</u></b>	<b><u>REPORTS</u></b>	<b><u>9</u></b>
N-1	Minutes – Boards and Committees:	9
	a) Retiree Health Care Benefits Plan & Trust-Final-January 12, 2011 .....	9
	b) Traffic Committee-Final-January 19, 2011 .....	9
	c) Employees’ Retirement System Board of Trustees-Final-March 9, 2011 .....	9
	d) Liquor Advisory Committee-Final-March 14, 2011 .....	9
	e) Board of Zoning Appeals-Draft-March 15, 2011 .....	9
	f) Planning Commission-Final-March 22, 2011 .....	9
	g) Planning Commission-Draft-April 12, 2011 .....	9
	h) Planning Commission-Final-April 12, 2011 .....	9
N-2	Department Reports:	9
	a) March 31, 2011 – Quarterly Financial Report.....	9
	b) RCOC Snow and Ice Control Contract Expense Report 5/01/2011 .....	9
	c) 2010 Fire Department Annual Report.....	9
	d) 2011 Year-To-Date Calls for Police Service Report .....	9
N-3	Letters of Appreciation:	9
	a) No Letter and Card of Appreciation Submitted .....	9
N-4	Proposed Proclamations/Resolutions from Other Organizations:	10

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a) Oakland County – Resolution Adopting the Department of Management and Budget 2011 Equalization Report.....	10
N-5 David Smith v. Stopczynski	10
<b><u>O. STUDY ITEMS</u></b>	<b>10</b>
O-1 No Study Items Presented	10
<b><u>P. CLOSED SESSION:</u></b>	<b>10</b>
P-1 Troy v Safeway Acquisition Company and Strategy for Labor Negotiations	10
<b><u>Q. ADJOURNMENT</u></b>	<b>10</b>
<b><u>FUTURE CITY COUNCIL PUBLIC HEARINGS:</u></b>	<b>10</b>
<b><u>SCHEDULED REGULAR CITY COUNCIL MEETINGS:</u></b>	<b>11</b>
Monday, May 16, 2011 Regular Meeting.....	11
Monday, June 6, 2011 Regular Meeting.....	11
Monday, June 20, 2011 Regular Meeting.....	11
Monday, July 11, 2011 Regular Meeting.....	11
Monday, July 25, 2011 Regular Meeting.....	11
Monday, August 8, 2011 Regular Meeting.....	11
Monday, August 22, 2011 Regular Meeting.....	11
Monday, August 29, 2011 Regular Meeting.....	11
Monday, September 12, 2011 Regular Meeting.....	11
Monday, September 26, 2011 Regular Meeting.....	11
Monday, October 3, 2011 Regular Meeting.....	11
Monday, October 17, 2011 Regular Meeting.....	11
Monday, November 14, 2011 Regular Meeting.....	11
Monday, November 21, 2011 Regular Meeting.....	11
Monday, November 28, 2011 Regular Meeting.....	11
Monday, December 5, 2011 Regular Meeting.....	11
Monday, December 19, 2011 Regular Meeting.....	11

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**INVOCATION: Pastor Dan Lewis of Troy Christian Chapel**

**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 #2011-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of May 9, 2011 due to \_\_\_\_\_.

Yes:

No:

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

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**C-1 No Certificates of Recognition and Special Presentations**

**D. CARRYOVER ITEMS:**

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**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

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**E-1 No Public Hearings**

**F. PUBLIC COMMENT:**

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

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:

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**H-1 No Postponed Items**

### I. REGULAR BUSINESS:

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**I-1 Board and Committee Appointments: None Scheduled**

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**I-2 Board and Committee Nominations: None Scheduled**

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**I-3 Request for Closed Session:**

Suggested Resolution

Resolution #2011-05-

Moved by

Seconded by

RESOLVED, That Troy City Council **SHALL** meet in Closed Session, as permitted by MCL15.268 (e) Pending Litigation: *Troy v. Safeway Acquisition Company*, and as permitted by MCL 15.268 (c) *Strategy for Labor Negotiations*.

Yes:

No:

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**I-4 Interlocal Agreement with the City of Sterling Heights and US Department of Homeland Security – ICE for Use of Gun Range**Suggested Resolution

Resolution #2011-05-

Moved by

Seconded by

**a) Agreement for Use of Gun Range – City of Sterling Heights**

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement between the City of Troy and the City of Sterling Heights for the use of the City's gun range; 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.

**b) Agreement for Use of Gun Range – US Department of Homeland Security – ICE**

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement between the City of Troy and the US Department of Homeland Security – ICE for the use of the City's gun range; 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:

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**I-5 Troy City Code Chapter 93 Amendments - Correction****A. RESOLUTION TO RESCIND PREVIOUS COUNCIL ACTION:**Suggested Resolution

Resolution #2011-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **RESCINDS** City Council Resolution #2011-04-078, Amendments to Troy City Code Chapter 93, Fire Prevention, Based Upon 2009 International Fire Code and 2009 Michigan Building Code, adopted by the Troy City Council at the Regular City Council meeting on April 18, 2011, as follows:

*I-4 Amendments to Troy City Code Chapter 93, Fire Prevention, Based Upon 2009 International Fire Code and 2009 Michigan Building Code*

Resolution #2011-04-078  
Moved by Beltramini  
Seconded by McGinnis

RESOLVED, That the Troy City Council hereby **ADOPTS** Chapter 93, Fire Prevention, of the Code of Ordinances of the City of Troy, as amended, as recommended by City Management; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7  
No: None

MOTION PASSED

Yes:  
No:

## B. RESOLUTION TO AMEND CHAPTER 93 OF THE TROY CITY CODE:

Suggested Resolution  
Resolution #2011-05-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** Chapter 93, Fire Prevention, of the Code of Ordinances of the City of Troy, as amended, as recommended by City Management City Council Action Report dated May 3, 2011; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:  
No:

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## I-6 Standard Purchasing Resolution 8: Best Value Award – Community Center Catering

Suggested Resolution  
Resolution #2011-05-  
Moved by  
Seconded by

RESOLVED, That the Troy City Council hereby **AWARDS** a contract to provide catering services at the Troy Community Center for three (3) years with an option to renew for three additional years to Encore Catering of Troy, MI, the caterer with the highest score and rate of return, as a result of a best value process which the Troy City Council determines to be in the public interest at a return schedule of 15% of gross receipts less Michigan sales tax, or \$12,000.00 minimum guarantee per year, whichever is greater, expiring May 9, 2014.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon caterer submission of properly executed proposal and contract documents, including insurance certificates, the ability

to qualify as the holder of the City's liquor license and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED** to execute the agreement when in acceptable form.

Yes:

No:

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### **I-7 Rescind Bid Award/Re-Award Contract – Aggregates**

#### Suggested Resolution

Resolution #2011-05-

Moved by

Seconded by

WHEREAS, On April 18, 2011, contracts for one-year requirements of Aggregate Material with an option to renew for one (1) additional year was awarded to various low bidders (Resolution #2011-04-085-J4b); and

WHEREAS, After the award of contract, Richmond Transport Inc. withdrew their bid for 6A Slag due to a calculation error;

NOW, THEREFORE BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for one-year requirements of 6A Slag with an option to renew for one (1) additional year from Richmond Transport Inc. and hereby **RE-AWARDS** the contract to the next lowest bidder, B&W Landscape Supply of Clinton Township, MI at \$13.23 per ton, as contained on the bid tabulation opened March 22, 2011.

BE IT FURTHER RESOLVED, That all other items contained in resolution 2011-04-085-J4b **REMAIN** in full force and effect as originally stipulated.

Yes:

No:

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### **I-8 Rescind Bid Award/Re-Award Contract - Custodial Supplies**

#### Suggested Resolution

Resolution #2011-05-

Moved by

Seconded by

WHEREAS, On March 28, 2011, a contract for one-year requirements of Custodial Supplies was awarded to the lowest acceptable bidder, Central Poly Corporation of Linden, NJ (Resolution # 2011-03-064-J4e); and

WHEREAS, Central Poly Corporation has declined the consideration for award due to their choice not to meet insurance requirements;

NOW, THEREFORE BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for one-year requirements of Custodial Supplies from Central Poly

Corporation and hereby **RE-AWARDS** the contract to the next lowest total bidder, Empire Equipment and Supply Co. of Detroit, MI, for an estimated total cost of \$16,134.00 at unit prices contained in the bid tabulation opened February 23, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 31, 2012.

Yes:

No:

## **J. CONSENT AGENDA:**

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

#### Suggested Resolution

Resolution #2011-05-

Moved by

Seconded by

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

Yes:

No:

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

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

#### Suggested Resolution

Resolution #2011-05-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a. Regular City Council Meeting of April 18, 2011
- a. Special City Council Meeting of April 25, 2011
- b. Special City Council Meeting of May 2, 2011

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### **J-3 Proposed City of Troy Proclamations: None Submitted**

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### **J-4 Standard Purchasing Resolutions**

#### **a) Standard Purchasing Resolution 1: Award to Low Bidders - Asphalt**

#### Suggested Resolution

Resolution #2011-05-

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide asphalt paving materials-hot patch with an option to renew for one (1) additional year to the low bidders, Barrett Paving Materials, Inc. of Troy, for Items 1-5 and Item 7, asphalt paving materials; and Cadillac Asphalt LLC of Shelby Township for Item 6, bulk tack coat for an estimated total cost of \$82,900.00 and \$2,500.00 respectively, at unit prices contained in the bid tabulation opened April 19, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring December 31, 2011.

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 9: Approval to Expend Funds for Membership Dues – Michigan Municipal League (MML)**

Suggested Resolution  
Resolution #2011-05-

RESOLVED, That Troy City Council hereby **AUTHORIZES** payment for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2011 through April 30, 2012, in the amount of \$11,301.00.

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**J-5 Bid Waiver: Expansion of Vehicle Exhaust Collection Systems at Fire Stations 3 and 4**

Suggested Resolution  
Resolution #2011-05-

WHEREAS, Hastings Air Energy Control is the authorized dealer and sole provider in Michigan to service and install Plymovent equipment; and

WHEREAS, MIOSHA standards require that firefighter exposure to diesel exhaust emissions within enclosed facilities be controlled; and

WHEREAS, Due to operational requirements of the Fire Department, fire apparatus have been redeployed from one fire station to another prompting the need to expand the exhaust collection systems at Fire stations 3 and 4;

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 **AUTHORIZES** the purchase of materials and labor to expand the Plymovent vehicle exhaust system at Fire stations 3 and 4 from Hastings Air Energy Control, as detailed in Appendix 1, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$11,600.00.

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**J-6 Request for Acceptance of a Permanent Easement for Water Main from First Industrial Development Services, Inc. – Sidwell #88-20-35-201-067**

Suggested Resolution  
Resolution #2011-05-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main, for a consideration amount of One Dollar (\$1.00), from First American Development Services, Inc., owners of the property having Sidwell #88-20-35-201-067, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

## K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

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

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

## L. COUNCIL REFERRALS:

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

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### L-1 Council Referrals:

a) Proposed Millage Questions - Requested by Mayor Schilling

Suggested Resolution

Resolution #2011-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** for placement on the \_\_\_\_\_, 2011 Election, the following ballot questions:

a) Approval of City of Troy Public Library Dedicated General Operation Millage Proposal as Requested by Mayor Schilling

**THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO \_\_\_ MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:**

*Shall the City of Troy levy new additional millage of up to \_\_\_ mills against all taxable property for a \_\_\_-year period of time, 2011 through \_\_\_\_\_, for public library general operating purposes? \_\_\_ mills are equal to \$\_\_\_\_\_ on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$\_\_\_\_\_ the first year it is levied. The millage will be levied on the Winter Tax Bill Annually.*

Yes \_\_\_\_\_ No \_\_\_\_\_

- b) Approval of City of Troy Road Maintenance and Snow Plowing Dedicated General Operation Millage Proposal as Requested by Mayor Schilling

**THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO \_\_\_ MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:**

*Shall the City of Troy levy new additional millage of up to \_\_\_ mills against all taxable property for a \_\_\_\_\_-year period of time, 2011 through \_\_\_\_\_, for general operating millage - road maintenance and snow plowing purposes? \_\_\_ mills are equal to \$\_\_\_\_\_ on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$\_\_\_\_\_ the first year it is levied. The millage will be levied on the Winter Tax Bill Annually.*

Yes \_\_\_\_\_ No \_\_\_\_\_

Yes:

No:

## M. COUNCIL COMMENTS

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**M-1 No Council Comments Advanced**

## N. REPORTS

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

- a) Retiree Health Care Benefits Plan & Trust-Final-January 12, 2011
- b) Traffic Committee-Final-January 19, 2011
- c) Employees' Retirement System Board of Trustees-Final-March 9, 2011
- d) Liquor Advisory Committee-Final-March 14, 2011
- e) Board of Zoning Appeals-Draft-March 15, 2011
- f) Planning Commission-Final-March 22, 2011
- g) Planning Commission-Draft-April 12, 2011
- h) Planning Commission-Final-April 12, 2011

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

- a) March 31, 2011 – Quarterly Financial Report
- b) RCOC Snow and Ice Control Contract Expense Report 5/01/2011
- c) 2010 Fire Department Annual Report
- d) 2011 Year-To-Date Calls for Police Service Report

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

- a) No Letter and Card of Appreciation Submitted

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**N-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a) Oakland County – Resolution Adopting the Department of Management and Budget 2011 Equalization Report

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**N-5 David Smith v. Stopczynski**

**O. STUDY ITEMS**

- 
- O-1 No Study Items Presented**

**P. CLOSED SESSION:**

- 
- P-1 Troy v Safeway Acquisition Company and Strategy for Labor Negotiations**

**Q. ADJOURNMENT**

Respectfully submitted,



John Szerlag, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Adoption of the 2011/12 Annual City Budget and Three-Year Budget (2012/13 – 2013/14) -  
May 16, 2011 8:00 PM

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

Monday, May 16, 2011.....	Regular Meeting
Monday, June 6, 2011 .....	Regular Meeting
Monday, June 20, 2011 .....	Regular Meeting
Monday, July 11, 2011 .....	Regular Meeting
Monday, July 25, 2011.....	Regular Meeting
Monday, August 8, 2011 .....	Regular Meeting
Monday, August 22, 2011 .....	Regular Meeting
Monday, August 29, 2011 .....	Regular Meeting
Monday, September 12, 2011.....	Regular Meeting
Monday, September 26, 2011.....	Regular Meeting
Monday, October 3, 2011 .....	Regular Meeting
Monday, October 17, 2011 .....	Regular Meeting
Monday, November 14, 2011 .....	Regular Meeting
Monday, November 21, 2011.....	Regular Meeting
Monday, November 28, 2011.....	Regular Meeting
Monday, December 5, 2011.....	Regular Meeting
Monday, December 19, 2011.....	Regular Meeting



## CITY COUNCIL AGENDA ITEM

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April 18, 2011

TO: John Szerlag, City Manager

FROM: Gary G. Mayer, Chief of Police

SUBJECT: Interlocal Agreement with City of Sterling Heights & US Department of Homeland Security-ICE for Use of Gun Range

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### Background

Attached are copies of the proposed Interlocal agreements between the City of Troy and City of Sterling Heights and the US Department of Homeland Security-ICE for the purpose of both entities use of the City's gun range. These agreements allow for review and adjustments as needed. The agreements will not hinder the use of the range by the Troy Police department. No additional staff is required.

### Recommendation

City management recommends entering into Interlocal Agreements with the City of Sterling Heights and the US DHS ICE for the use of the City of Troy's gun range for two (2) years with an option to renew for two (2) additional years provided such Agreements are mutually-approved by all named parties, in accordance with the attached Agreements dated April 5, 2011 and March 10, 2011 respectively.

### Financial Considerations

The City of Sterling Heights & US DHS ICE will both pay the City of Troy \$8,000.00 per year.

Reviewed and approved as to legality

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Lori Grigg Bluhm, City Attorney

Prepared by Sgt. Donald Ostrowski



Administration Building  
40555 Utica Rd. / P.O. Box 8009  
Sterling Heights, MI / 48311-8009

TEL 586.446.CITY (2489) / FAX 586.276.4077  
cityhall@sterling-heights.net / www.sterling-heights.net  
www.facebook.com/cityofsterlingheights / www.twitter.com/sterling\_hts

CITY COUNCIL	
Mayor	Richard J. Notte
Mayor Pro Tem	Joseph V. Romano
Councilwoman	Yvonne D. Kniaz
Councilwoman	Deanna Koski
Councilwoman	Maria G. Schmidt
Councilman	Michael C. Taylor
Councilwoman	Barbara A. Ziarko
CITY MANAGER	Mark D. Vanderpool

April 7, 2011

City of Troy  
500 W. Big Beaver  
Troy, MI 48084

ATTN: Tonni Bartholomew,  
City Clerk

RE: Inter-local Service Agreement for Use of Gun Range

Dear Ms. Bartholomew:

The City Council of the City of Sterling Heights took action at their meeting of April 5, 2011, to approve the Inter-local Service Agreement for Use of Gun Range between the cities of Troy and Sterling Heights and authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Please find enclosed (4) Inter-local Service Agreements for Use of Gun Range. Please acquire remaining signatures, return (3) fully executed Agreements to my attention at the address above, and retain (1) fully executed Agreement for your files.

Once I received the fully executed Agreements back, my office will send (1) fully executed Agreement to the Macomb County Clerk's Office and (1) to The Secretary of State of Michigan for filing.

If you have any questions, please do not hesitate to contact me at (586) 446-2420.

Sincerely,

Mr. Walter Blessed  
Assistant City Manager/City Clerk

Enclosure

WB/rp

**INTERLOCAL SERVICE AGREEMENT FOR USE  
OF GUN RANGE**

This Interlocal Service Agreement dated, this 5<sup>TH</sup> day of ~~March~~ <sup>APRIL</sup> 2011, is made by and between:

City of Sterling Heights  
P.O. Box 8009  
40555 Utica Road  
Sterling Heights, Michigan 48313

-And-

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

**RECITALS**

WHEREAS, the City of Troy, a Michigan Municipal Corporation, ("TROY"), and the City of Sterling Heights, a Michigan Municipal Corporation, ("STERLING HEIGHTS"), together referred to as the "Parties", are authorized separately by law to provide for the training of police officers under P.A. 230, of the Public Acts of 1972, as amended, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws; and

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 which each might exercise separately; and

WHEREAS, both TROY and STERLING HEIGHTS have the authority to establish gun ranges for training, certification, practice and maintaining proficiency of police officers for their respective cities; and

WHEREAS, TROY has an established gun range that could be used for the training, certification, practice and maintaining of proficiency of police officers from other cities; and

WHEREAS, the Parties have mutually agreed that this Agreement be entered into to allow police officers from STERLING HEIGHTS to use TROY's gun range for such purposes on a routine basis under the terms set forth below; and

WHEREAS, pursuant to resolution of its governing bodies, the Parties each have the authority to execute this Interlocal Service Agreement ("Agreement") to allow sworn police officers from STERLING HEIGHTS to use TROY'S gun range at a cost to STERLING HEIGHTS, under the terms set forth below.

## AGREEMENT

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

1. STERLING HEIGHTS acknowledges that it has fully inspected the Troy Police Department gun range and accepts any and all currently existing conditions of the gun range. STERLING HEIGHTS acknowledges that TROY has disclosed that Troy voluntarily performed a lead remediation program for the gun range due to low level test readings for lead, even though those test levels did not violate the Michigan Occupational Safety & Health Administration (MIOSHA) Lead Standards. MIOSHA certified the gun range as within satisfactory lead level limits on December 20, 2007.
2. TROY agrees to allow sworn police officers who are employed with the Sterling Heights Police Department to use the Troy Police Department gun range. The TROY gun range may also be used by other STERLING HEIGHTS' employees or representatives if prior written approval is granted by the TROY Police Chief or his/her designee, as long as there is a STERLING HEIGHTS Safety Officer or Range Officer present at all times when the gun range is used by STERLING HEIGHTS.
3. At all times when STERLING HEIGHTS is using the TROY gun range, a Sterling Heights Safety Officer or a Sterling Heights Range Officer who has completed the training, as set forth in Paragraph 4, shall be present.
4. Each Sterling Heights Police Department Safety Officer or Range Officer shall attend one (1) mandatory training session at the Troy Police Department, which will be taught by the Troy Police Department Training Section. Training will include, but not be limited to: the proper way to use the gun range, proper cleaning of equipment and the protocol for the gun range. Within ten (10) days of the execution of this Agreement, STERLING HEIGHTS shall provide TROY with a list of Sterling Heights Safety Officers and Gun Range Officers that will need to be scheduled for training classes. Within ten (10) days after receipt of the list, TROY shall provide STERLING HEIGHTS with a list of training dates and times. Subsequent training for new Sterling Heights Safety Officers and Gun Range Officers will be mutually arranged upon a written request from STERLING HEIGHTS.

5. Once the initial training, as set forth in Paragraph 4 is completed, the Sterling Heights Police Chief or his designee will be supplied with three (3) door fobs, if he has not already been provided with the door fobs, to allow access into the Troy Police Department gun range. STERLING HEIGHTS is responsible for immediately reporting any loss of any of these three door fobs to the Troy Police Chief or his/her designee.
6. TROY will create a range calendar, which will set range use dates for STERLING HEIGHTS for the calendar year. If either TROY or STERLING HEIGHTS needs to modify the scheduled STERLING HEIGHTS range use dates, then the requesting Party's Police Chief or their designee may request a change contacting the other party as soon as possible. TROY will attempt to accommodate requested changes, but is not required to do so if those changes interfere with Troy personnel availability or previous reservations for use of the gun range.
7. STERLING HEIGHTS shall be responsible for all of its own backers, guns, ammunition, and targets. All weapons and ammunition to be used in the gun range area must be pre-approved by TROY. TROY will provide space for an equipment cabinet in the gun range area for the use of STERLING HEIGHTS, which should be limited to weapons, ammunition, and other related equipment. STERLING HEIGHTS shall be solely responsible for providing the equipment cabinet, and also any desired lock for the cabinet. TROY has no responsibility for any such equipment cabinet or lock.

The STERLING HEIGHTS Chief of Police, or his designee, and TROY Chief of Police, or his designee, may agree in writing to the storage of additional equipment at the gun range or permission to use equipment owned by the other party. Those written agreements may be terminated by either party upon five (5) days written notice directed to the other party. In each instance when a written agreement for the use of equipment exists as set out in this section, the user of the other party's equipment shall be responsible for any damage to the equipment beyond the wear associated with normal use, regardless of any provisions in this Agreement to the contrary.

8. STERLING HEIGHTS is not obligated under this Agreement to use the Troy Police Department gun range exclusively and is expressly allowed to seek other similar venues on an as needed basis without violating this Agreement.
9. STERLING HEIGHTS shall pay to TROY eight thousand (\$ 8,000.00) dollars per year for use of the gun range under the terms and conditions as set out herein. That payment shall be made in one lump sum within twenty (20) days after the last signature executing this Agreement. There shall be no refund of this annual payment unless TROY exercises the right to terminate the Agreement without cause and with a 30 day written notice, as allowed in Paragraph 11, and in any

such case, the refund shall be pro-rated, and shall be based on the number months remaining on the contract after the 30 day written notice is provided.

10. This Agreement shall be in effect for a two (2) year term. At least sixty (60) days prior to the end of the term of the Agreement, TROY will conduct an assessment based on information from the Troy Police Department Training Section as to any new issues which may need to be addressed regarding the use of the gun range and if renewal of the Agreement is in the best interest of TROY. If TROY is satisfied that it is in its best interest to continue the Agreement and STERLING HEIGHTS is also interested in continuing the Agreement, TROY and STERLING HEIGHTS may renew the Agreement for an additional two (2) year term with adjustments allowed to the annual fee in accordance with the CPI Inflation Calculator, but any such Agreement must be mutually approved by the City Council for each of the Parties.
11. Regardless of the term of the Agreement, either Party for any reason may terminate the Agreement with a minimum thirty (30) days written notice to the other Party.
12. All users of the Troy gun range shall comply with all federal, state and local ordinances while on TROY property. If there is a complaint of a violation of law, or of misuse of the gun range or other inappropriate conduct by a STERLING HEIGHTS employee or representative, and such complaint is validated after both Parties have the opportunity to participate in an investigation, then TROY may immediately terminate this Agreement.
13. The Parties agree that at all times and for all purposes under the terms of this Agreement, there is no employer-employee relationship between the Parties. No liability, right or benefit associated with any employer-employee relationship shall be implied by the terms of this Agreement or service performed under this Agreement.
14. STERLING HEIGHTS agrees that TROY shall have no liability for disability and workers' compensation benefits, including derivative benefits, dependent benefits or other benefits related to disability and workers' compensation benefits, for STERLING HEIGHTS own employees and, if applicable, others working on its behalf.
15. Each Party agrees to be liable for, defend, pay on behalf of, indemnify, and hold harmless the other Party, its elected and appointed officials, employees and others working for that Party from any third party claims, demands, suits, or loss of any nature, including, but not limited to, bodily injury or death and/or property damage, which arises out of or is in any way connected with the use of the Troy Police Department gun range pursuant to 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. Within ten (10) days from the execution of this Agreement, each Party shall provide a Certificate of Insurance, acceptable to the other Party, demonstrating that general liability coverage is available for any and all claims for personal injury or property damage which are or might be caused by use of the gun range by TROY or STERLING HEIGHTS on behalf of the other Party. Each Party agrees to keep said insurance coverage in full force and effect for the term of this Agreement or any renewals thereof. Each Party shall submit to the other Party, prior to the expiration of any insurance coverage, the new Certificate(s) of Insurance acceptable to the other Party. Any Certificate(s) of Insurance shall name the other Party 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."

Either Party may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within twenty (20) days of a request by a Party shall allow the requesting Party to terminate the Agreement.

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

17. 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 and which involves the use of the gun range by STERLING HEIGHTS 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.
18. 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.
19. 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 Chief of Police, 500 W. Big Beaver Road, Troy, MI 48084. All writing sent to

STERLING HEIGHTS shall be sent to: City of Sterling Heights Chief of Police, City of Sterling Heights, P.O. Box 8009, 40555 Utica Road, Sterling Heights, MI 48313.

20. 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.
21. 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.
22. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6th Judicial Circuit Court 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.
23. The Recitals shall be considered an integral part of this Agreement.
24. 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.
25. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all registrations, 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 registrations, permits, licenses, certificates or governmental authorizations to the requesting Party.
26. 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, 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 is executed by the Parties on this 5<sup>TH</sup> day of ~~March~~, 2011.  
APRIL

WITNESSES:

*Robin L. Palazzolo*  
ROBIN L. PALAZZOLO

*Nancy Stringfield*  
NANCY STRINGFIELD

CITY OF STERLING HEIGHTS,

By: *Richard J. Notte*  
Richard J. Notte, Mayor

By: *Walter C. Blessed*  
Walter C. Blessed, City Clerk

WITNESSES:

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

CITY OF TROY,

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

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

**MEMORANDUM OF UNDERSTANDING**

AGREEMENT ALLOWING THE DEPARTMENT OF HOMELAND SECURITY,  
HOMELAND SECURITY INVESTIGATIONS, DETROIT, MICHIGAN, TO UTILIZE THE  
CITY OF TROY POLICE DEPARTMENT GUN RANGE

This Memorandum of Understanding dated, this \_\_\_\_ day of \_\_\_\_\_, 2011,  
is made by and between:

United States Department of Homeland Security  
Homeland Security Investigations  
477 Michigan Avenue, Suite 1850  
Detroit, MI 48226

-And-

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

**I. AUTHORITY**

WHEREAS, the Homeland Security Act of 2002, and any amendments thereto, permit the United States Department of Homeland Security, Homeland Security Investigations, Detroit, Michigan, hereinafter referred to as "HSI-DETROIT", to exercise jointly with a political subdivision any activities that that the department could exercise independently;

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 which each might exercise separately; and

WHEREAS, both the CITY OF TROY, hereinafter referred to as "TROY" and HSI-DETROIT have the authority to establish gun ranges for training, certification, practice and maintaining proficiency of law enforcement officers for their respective governmental entities; and

WHEREAS, TROY has an established gun range that could be used for the training, certification, practice and maintaining of proficiency of federal law enforcement agencies; and

WHEREAS, the Parties have mutually agreed that this Agreement be entered into to allow federal law enforcement officers from HSI-DETROIT to use TROY's gun range for such purposes on a routine basis under the terms set forth below; and

WHEREAS, pursuant to resolution of TROY'S governing body and in compliance with any and all HSI-DETROIT Management Directives, the Parties each have the authority to execute this Interlocal Service Agreement ("Agreement") to allow sworn federal law enforcement officers from HSI-DETROIT to use TROY'S gun range at a cost to HSI-DETROIT, under the terms set forth below.

## II. AGREEMENT

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

1. HSI-DETROIT acknowledges that it has fully inspected the Troy Police Department gun range and accepts any and all currently existing conditions of the gun range. HSI-DETROIT acknowledges that TROY has disclosed that Troy voluntarily performed a lead remediation program for the gun range due to low level test readings for lead, even though those test levels did not violate the Michigan Occupational Safety & Health Administration (MIOSHA) Lead Standards. MIOSHA certified the gun range as within satisfactory lead level limits on December 20, 2007.
2. TROY agrees to allow sworn federal law enforcement officers who are employed with HSI-DETROIT to use the Troy Police Department gun range. The TROY gun range may also be used by other HSI-DETROIT employees or representatives if prior written approval is granted by the TROY Police Chief or his/her designee, as long as there is a HSI-DETROIT safety officer or range officer present at all times when the gun range is used by HSI-DETROIT.
3. At all times when HSI-DETROIT is using the TROY gun range, a HSI-DETROIT safety officer or a HSI-DETROIT range officer who has completed the training, as set forth in Paragraph 4, shall be present.
4. Within ten (10) days after execution of this Agreement by both Parties, HSI-DETROIT will supply the Troy Police Chief with the name, title, address and telephone number of the HSI-DETROIT law enforcement officer who will be acting as a liaison between HSI-DETROIT and the Troy Police Department for information needed under this Agreement and on issue that may arise under this Agreement.
5. Each HSI-DETROIT law enforcement safety officer or range officer shall attend one (1) mandatory training session at the Troy Police Department, which will be taught by the Troy Police Department Training Section. Training will include, but not be limited to: the proper way to use the gun range, proper cleaning of equipment and the protocol for the gun range. Within ten (10) days of the execution of this Agreement, HSI-DETROIT shall provide TROY with a list of HSI-DETROIT safety officers and gun range officers that will need to be

scheduled for training classes. Within ten (10) days after receipt of the list, TROY shall provide HSI-DETROIT with a list of training dates and times. Subsequent training for new HSI-DETROIT safety officers and gun range officers will be mutually arranged upon a written request from HSI-DETROIT.

6. Once the initial training as set forth in Paragraph 5 is completed, the HSI-DETROIT liaison officer or his/her designee will be supplied with three (3) door fobs to allow access into the Troy Police Department gun range. HSI-DETROIT is responsible for immediately reporting any loss of any of these three door fobs to the Troy Police Chief or his/her designee.
7. Subsequent to the training, TROY will create a range calendar, which will set range use dates for HSI-DETROIT for the calendar year. If either TROY or HSI-DETROIT needs to modify the scheduled HSI-DETROIT range use dates, then TROY'S Police Chief or his designee or the HSI-DETROIT liaison officer or his/her designee may request a change contacting the other party as soon as possible. TROY will attempt to accommodate requested changes, but is not required to do so if those changes interfere with Troy personnel availability or previous reservations for use of the gun range.
8. HSI-DETROIT shall be responsible for all of its own backers, guns, ammunition, and targets. All weapons and ammunition to be used in the gun range area must be pre-approved by TROY. TROY will provide space for an equipment cabinet in the gun range area for the use of HSI-DETROIT, which should be limited to weapons, ammunition, and other related equipment. HSI-DETROIT shall be solely responsible for providing the equipment cabinet, and also any desired lock for the cabinet. TROY has no responsibility for any such equipment cabinet or lock.

The HSI-DETROIT liaison officer or his/her designee, and TROY Chief of Police, or his designee, may agree in writing to the storage of additional equipment at the gun range or permission to use equipment owned by the other party. Those written agreements may be terminated by either party upon five (5) days written notice directed to the other party. In each instance when a written agreement for the use of equipment exists as set out in this section, the user of the other party's equipment shall be responsible for any damage to the equipment beyond the wear associated with normal use, regardless of any provisions in this Agreement to the contrary.

9. HSI-DETROIT is not obligated under this Agreement to use the Troy Police Department gun range exclusively and is expressly allowed to seek other similar venues on an as needed basis without violating this Agreement.
10. HSI-DETROIT shall pay to TROY eight thousand (\$ 8,000.00) dollars per year for use of the gun range under the terms and conditions as set out herein. That payment shall be made in one lump sum within twenty (20) days after the last

signature executing this Agreement. There shall be no refund of this annual payment unless TROY exercises the right to terminate the Agreement without cause and with a 30 day written notice, as allowed in Paragraph 11, and in any such case, the refund shall be pro-rated, and shall be based on the number months remaining on the contract after the 30 day written notice is provided.

11. This Agreement shall be in effect for a two (2) year term. At least sixty (60) days prior to the end of the term of the Agreement, TROY will conduct an assessment based on information from the Troy Police Department Training Section as to any new issues which may need to be addressed regarding the use of the gun range and if renewal of the Agreement is in the best interest of TROY. If TROY is satisfied that it is in its best interest to continue the Agreement and HSI-DETROIT is also interested in continuing the Agreement, TROY and HSI-DETROIT may renew the Agreement for an additional two (2) year term with adjustments allowed to the annual fee in accordance with the CPI Inflation Calculator, but any such Agreement must be mutually-approved by the City Council for TROY and the Special Agent in Charge (SAC) for HSI-DETROIT.
12. Regardless of the term of the Agreement, either Party for any reason may terminate the Agreement with a minimum thirty (30) days written notice to the other Party.
13. All users of the Troy gun range shall comply with all Federal, State and local ordinances while on TROY property. If there is a complaint of a violation of law, or of misuse of the gun range or other inappropriate conduct by a HSI-DETROIT employee or representative, and such complaint is validated after both Parties have the opportunity to participate in an investigation, then TROY may immediately terminate this Agreement.
14. The Parties agree that at all times and for all purposes under the terms of this Agreement, there is no employer-employee relationship between the Parties. No liability, right or benefit associated with any employer-employee relationship shall be implied by the terms of this Agreement or service performed under this Agreement.
15. Within ten days after the final signature on the Agreement, HSI-DETROIT shall provide to TROY a letter, commonly known by HSI-DETROIT as a "comfort letter", outlining the specific protections provided by HSI-DETROIT and stating that it is self insured for the purposes of liability for the protection of property and actions of its officers and employees.
16. Nothing in this Agreement prevents TROY from taking an action against HSI-DETROIT in the United States Court of Federal Claims for a violation of this Agreement or for recovery of payments due under this Agreement. Further, nothing in this Agreement prevents TROY from filing an action under the Federal Tort Claims Act, Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680, as amended,

for damage or injuries caused by an HSI-Detroit employee acting within the scope of their employment.

17. 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 and which involves the use of the gun range by HSI-DETROIT under this Agreement. Unless otherwise provided by law and/or the Federal Rules of Procedure 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.
18. HSI-DETROIT agrees that TROY shall have no liability for disability and workers' compensation benefits, including derivative benefits, dependent benefits or other benefits related to disability and workers' compensation benefits, for HSI-DETROIT's own employees and, if applicable, others working on its behalf.
19. The Parties agree that all promises, representations, 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.
20. 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 Chief of Police, 500 W. Big Beaver Road, Troy, MI 48084. All writing sent to HSI-DETROIT shall be sent to: Department of Homeland Security, Homeland Security Investigations, Attn: Special Agent in Charge - Brian Moskowitz, 477 Michigan Avenue, Suite 1850, Detroit, MI 48226.
21. 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.
22. 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.
23. 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 provided in this Memorandum of Understanding

or required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6th Judicial Circuit Court 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.

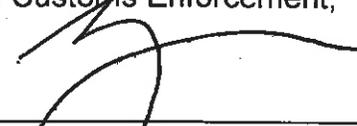
24. The Recitals shall be considered an integral part of this Agreement.
25. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by 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.
26. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all registrations, 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 registrations, permits, licenses, certificates or governmental authorizations to the requesting Party.
27. 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, 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 is executed by the Parties on this 10<sup>th</sup> day of March, 2011.

WITNESSES:



United States Department of  
Homeland Security, Immigration  
and Customs Enforcement,

By:   
Brian Moskowitz  
Special Agent in Charge  
Department of Homeland Security  
Homeland Security Investigations  
Detroit, Michigan

WITNESSES:

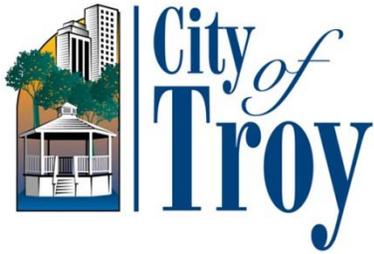
\_\_\_\_\_

\_\_\_\_\_

CITY OF TROY,

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

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



## CITY COUNCIL ACTION REPORT

May 3, 2011

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief  
David J. Roberts, Assistant Fire Chief

SUBJECT: Troy City Code Chapter 93 Amendments – Correction

Background:

The recently approved amendments to Chapter 93, Fire Prevention, were inadvertently a repeal of Chapter 93 and adoption of only the latest modifications. This was an oversight on staff's part for which we apologize. The correct amendment format to Chapter 93 should not repeal the entire chapter, but rather keep the current chapter and adopt the latest amendments, of which Council has already approved at the regular meeting of April 18, 2011. Attached for reference once again are the already approved amendments to Chapter 93 in red line format, and the entire amended ordinance as intended.

Financial Considerations:

There are no financial considerations associated with this item.

Legal Considerations:

Adopting this corrected format to Chapter 93 will maintain the Fire Prevention ordinance in its entirety with the latest amendments as intended.

Policy Considerations:

The implementation, administration, and enforcement of the provisions of Chapter 93 serve to meet Council's Outcome Statement of Troy enhancing the health and safety of the community. Adopting this corrected amendment format will better serve this outcome.

Options

Recommend adopting this corrected amendment to Chapter 93 of the Code of the City of Troy.

Reviewed and approved as to legality:

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Lori Grigg Bluhm, City Attorney

## Chapter 93 - Fire Prevention

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**93.00 Adoption of the 2009 International Fire Code by Reference.** The *International Fire Code*, 2009 Edition, including its appendices, is hereby adopted by reference with the additions, insertions, deletions and changes prescribed in Section 93.01 of this Ordinance, as the Fire Prevention Code of the City of Troy, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings. This Ordinance and a copy of the International Fire Code, 2009 Edition, shall be kept on file with the City Clerk. A copy of the International Fire Code in its entirety can also be found at: <http://publicecodes.citation.com/icod/ifc/2009/index.htm>)

**93.01 Additions, Insertions, Deletions and Changes to the International Fire Code, 2009 Edition.** The City of Troy adopts the following additions, insertions, deletions and changes from the *International Fire Code, 2009 Edition*. Subsequent section numbers used in this section shall refer to the like numbered sections of the *International Fire Code, 2009 Edition*. Any provisions of Chapter 93, Section 93.01 which are not amended or deleted herein shall remain in full force and effect.

**101.1 Title.** These regulations shall be known as the Fire Prevention Code of The City of Troy, hereinafter referred to as “this code.”

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 47 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions which establish the higher standard for the promotion of the safety and welfare of the public and the protection of the public, or as otherwise determined by State of Michigan law, shall apply. References to the International Building Code shall be interpreted as the Michigan Building Code as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

**103.1 General.** The Troy Fire Department shall be responsible for fire prevention inspection activities and code enforcement of buildings and occupancies as related to the risk of fire or explosion within the City of Troy. The department of fire prevention is established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and the codes and standards referenced in Chapter 45 of this code.

**104.11.4 Unlawful boarding or tampering with fire department emergency equipment.** A person shall not, without proper authorization from the fire official in charge of said fire department emergency equipment, cling to, attach to, climb upon or into, board, or swing upon any fire department emergency vehicle,

whether the same is in motion or at rest, operate any emergency warning equipment, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

**104.11.5 Damage/injury to fire department equipment/personnel.** It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle or equipment at any time; or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.

**105.1 General.** Permits shall be in accordance with Section 105. Where reference is made to this section for permits elsewhere in this code and there are no provisions for issuing said permits by the department of fire prevention, the code official is authorized to waive the particular permit requirement.

**105.1.2 Types of Permits.** There shall be three types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
  - 1.1 A prescribed period.
  - 1.2 Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems of equipment for which a permit is required by Section 105.7.
3. Occupancy permit. An occupancy permit allows the applicant to occupy existing premises for the purpose of conducting or operating a business for which a permit is required by Section 105.8.

**105.4.2 Information on Construction Documents.** *Construction documents* shall be drawn to scale upon suitable material. Electronic media documents shall be submitted as required by the *fire code official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *fire code official*.

**105.6 Required Operational Permits.** The code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.46. Where there are no provisions for issuing said permits, the code official is authorized to waive the particular permit requirement.

**105.6.13 Special Events.** An operational permit is required to operate/conduct all special events including exhibits, crafts and trade shows.

**105.6.13.1 Permit Fee.** Provided for in Troy City Code Chapter 60.

**105.6.14.1 Fireworks.** An operational permit is required for the public display and retail display and sale of fireworks. Application for permits shall be made in writing at least 15 days in advance of the date of the public display, retail display or sale of fireworks. The sale, possession, and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for only that purpose. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official.

**105.6.14.2 Permit Fee.** Provided for in Troy City Code Chapter 60.

**105.6.20 Hazardous Materials.** An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the most restrictive amounts listed in this code, the *EPA's Emergency Planning and Community Right To Know* regulations, and *MIOSHA's Firefighter Right To Know* requirements.

**105.6.20.1 Required Amounts for Reporting.** Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated in the Troy Fire Department's HMIS packet as defined in Sections 407.5 and 2701.5.2 of this code.

**105.6.20.2 Permit Fees.** Provided for in Troy City Code Chapter 60.

**105.7.1.1 Installations.** Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include any device or relay connected to or controlled by the fire suppression system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

**105.7.1.2 Permit Fees.** Provided for in Troy City Code Chapter 60.

**105.7.5.1 Installations.** Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire

alarm or detection system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

**105.7.15 Permit issuance.** A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

**105.8 Required Occupancy Permit.** The fire code official is authorized to issue an occupancy permit for a business as set forth in Section 105.8.1 through 105.8.5.

**105.8.1 Use Group.** An occupancy permit is required for Use Groups A, B, F, M and S where such use will occupy 1,500 square feet or greater in area, and Use Group H of any size.

**Exception:** Multiple DBAs or LLCs in a single occupancy of less than 1,500 square feet in area.

**105.8.2 Inventory Statement.** An inventory statement for the intended business shall be provided to the fire code official prior to the issuance of the occupancy permit revealing product or commodity to be stored, used, or produced, and any associated documentation as may be required by the code official.

**105.8.2.1 Hazardous Materials Inventory Statement.** Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Section 2701.5.2.

**105.8.3 Permit Application.** An occupancy permit application shall be filed with the fire code official prior to occupancy. The fire code official shall review the application, inventory statement(s), and any associated documentation, and conduct any necessary inspections and meetings before an occupancy permit is issued.

**105.8.4 Site and Building Preparation.** As part of the occupancy permit, the intended occupancy shall meet the following requirements:

1. The building and any associated fire protection and life safety features shall comply with the requirements of this code.
2. Fire apparatus access roads and fire lanes shall be designated and posted in accordance with Section 503.
3. An address shall be posted in compliance with Troy City Code Chapter 2.

## Chapter 93 - Fire Prevention

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4. A building and/or tenant floor plan shall be provided to the fire code official in an approved format.
5. A key box, as required by the fire code official, shall be installed in accordance with Section 506.

**105.8.5 Notification of Changes.** Changes in occupancy or use shall be made to, and approved by the fire code official before such changes occur.

**106.5 Cancellation fees.** Handling cost for permits canceled after being issued is 35% of the permit fee or \$10.00, whichever is greater.

**108.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals as established in Section 116 of Chapter 79 of the Troy City Code.

**109.3 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred (500) dollars or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment as determined by a judge in a court of law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

### SECTION 114 MISCELLANEOUS HAZARDS

**114.1 Hazardous materials - fire department responsibility.** The Troy Fire Department shall be responsible for gathering and organizing information, identifying risks, and enforcing codes, standards, and laws relating to the production, storage and use of hazardous materials within the City of Troy and the notification to fire fighting personnel of related hazards. The method and frequency shall be determined by the fire official or his duly authorized representative.

**114.2 Hazardous conditions.** If upon the expiration of the time mentioned in a notice of violation, hazardous conditions, including but not limited to, obstructions or encroachments inhibiting access to or egress from a space or building, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

**114.3 False alarms.** It shall be unlawful for any person to summon, in any way, the fire department unless a valid reason for their response is present. (See also Troy City Code Chapter 103 - Alarm Ordinance.)

**114.4 Nonstandard Equipment.** Equipment and devices which are not in compliance with recognized standards for design and construction may be approved upon presentation of satisfactory evidence that they are designed and constructed for safe operation.

**114.5 Motion Picture & Television Film Production.** Motion picture / television film production and similar entertainment or documentary production activities shall comply with the requirements of this code and NFPA 140.

## **SECTION 202 GENERAL DEFINITIONS**

**FIRE CODE OFFICIAL.** The fire chief, fire marshal, code enforcement officer, or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or duly authorized representative. The term “fire code official” may be used interchangeably with “code official” and “fire official” in this code.

**FIRE WATCH.** A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department by method(s) approved or recommended by the fire code official.

### **302.1 Definitions.**

**BONFIRE.** An outdoor fire which burns only seasoned dry firewood or clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events subject to the following provisions:

1. Prior approval of the Troy City Council.
2. Compliance with any special restrictions as determined by the fire official.
3. Payment of costs associated with special fire protection as determined by the fire official.

**GROUND FIRE.** An outdoor fire for the purpose of viewing or warming, or utilized to cook food for human consumption, or for ceremonial purposes, which burns only seasoned dry firewood or commercially available charcoal briquettes intended to minimize the generation of air contaminants.

**304.2 Storage.** Storage of combustible rubbish or other combustible material such as pallets, crates, boxes, etc., shall not produce conditions that will create a

nuisance or a hazard to the public health, safety or welfare and shall not be within 10 feet (3048 mm) of a structure.

**307.1.1 Prohibited Open Burning.** Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Burning for purposes of incineration of waste material including paper, leaves, or any other combustible debris, outside of any structure at any place is prohibited.

**307.2 Allowable Burning.** Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs.

**307.2.2 Permit Required.** A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, management of prairie grasses and plants, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled or the landowner's contracted professional. Bonfires, as defined and set forth in Section 302.1, may be permitted if in compliance with Section 307.4.1 and subject to prior approval of the code official.

**307.3 Extinguishment Authority.** The fire code official or police official is authorized to order the extinguishment by the responsible person, another person responsible, or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Once approved, the intended maximum size and duration of a bonfire shall not be increased unless by City Council and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

**307.4.4 Ground Fires.** A ground fire shall be the minimum size for the intended purpose but not larger than 3 feet by 3 feet by 3 feet in dimension and shall be contained in a safe manner.

**307.6 Fire Department Training.** Open burning is allowed for the purpose of training fire fighters for fire fighting practice, or for the purpose of training the public, including workers or employees, or for the purpose of demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with accepted practice.

**312.2 Posts.** Fire hydrants located in vehicular traffic areas shall be protected against vehicle damage by the installation of guard posts. These posts shall be installed in accordance with the City of Troy Development Standards requirements for water mains. It shall be the property owner's responsibility to provide and maintain this protection.

**315.3.3 Separation.** Outside storage shall not be located within 10 feet (3048 mm) of a structure.

**404.5.2 Format.** Fire safety and evacuation plans, general floor plans, seating arrangements, storage configurations, or other specific plans shall be furnished to the fire code official in an approved format upon request.

### SECTION 502 DEFINITIONS

**EMERGENCY VEHICLE ACCESS.** A passageway, as specified in Section 503.7 of this code, for fire apparatus and other emergency vehicles to access a street or property in the event of an emergency.

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and in accordance with City of Troy Development Standards.

**503.2.1 Dimensions.** Fire apparatus access roads and fire lanes shall have an unobstructed width of not less than 18 feet (5486.4 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267.2 mm).

**503.6 Security gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**503.7 Emergency Vehicle Access.** Emergency vehicle access (EVA) shall be determined and approved by the fire code official. Unless otherwise required, EVAs shall be of the following specifications:

1. Minimum of 12 feet (3657.6 mm) wide.
2. Surface capable of supporting the weight of fire apparatus up to 60,000 pounds GVW.
3. Minimum grade changes to accommodate fire apparatus undercarriage ground clearances.

4. Mountable curb at entrance/exit with adequate turning radii to and from the EVA.
5. Standard fire lane signage posted at entrance/exit to EVA.
6. EVA signage posted at entrance/exit of EVA, on both sides of surface, every 50 feet (15240 mm) for length of EVA.
7. EVA signage to withstand snow removal/landscape maintenance efforts.
8. EVA to be kept clear of snow and vegetation.

**505.1 Address Identification.** Provided for in City Code Chapter 2.)

**506.1 Where Required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where an alarm signaling system or device is installed that may summon the fire department, the fire code official is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain access as required by the fire code official. Any appeal that may arise shall be referred to the Building Board of Appeals as established in Section 116 of Chapter 79 of the Troy City Code.

**507.3 Fire Flow.** Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B and in accordance with City of Troy Development Standards. An appropriate pressure and flow margin of safety shall be provided with each fire sprinkler system as required by the code official.

**507.5 Fire Hydrant Systems.** Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6 and shall be in accordance with Appendix C and City of Troy Development Standards.

**507.5.4.1 Removal of Obstructions.** If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments to a fire hydrant, or to other fire protection equipment, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

**609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the *Michigan Mechanical Code and NFPA 96*.

**609.1.1 Exhaust Fans.** Exhaust fans for commercial cooking hoods shall be installed so that the fans are operational at all times cooking is occurring. This may be accomplished by a temperature monitoring device installed in, on, or near the hood to activate the exhaust fan(s) at a pre-determined temperature, or as otherwise approved by the code official.

### **803.3.1 Explosive and Highly Flammable or Combustible Materials.**

Furnishings or decorations of an explosive or highly flammable or combustible character shall not be used.

**806.1.1 Restricted Occupancies.** Natural cut trees shall be prohibited in Group A, B, E, F, H, I, M, R-1, R-2, R-4, S, and U occupancies.

**Exception:** Trees located in areas protected by an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B, E, F, M, R-1, R-2, S, and U.

**807.1 General.** In occupancies of Groups A, B, E, F, H, I, M, R-1 and dormitories in Group R-2, R-4, S, and U, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall be flame resistant in accordance with Section 805.2 and NFPA 701 or be noncombustible.

**901.5 Installation Acceptance Testing.** Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing is performed in order to schedule, witness and approve such testing prior to use of said fire protection system or equipment.

**901.6.2 Records.** Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

**901.6.2.2 Noncompliant Systems.** Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

**901.6.3 Anti-Freeze Fire Sprinkler Systems.** Fire sprinkler systems designed and installed to protect areas prone to freezing shall be drained and tested, then refilled and maintained to insure the solution is operable to -20 degrees F or as otherwise approved by the code official.

### SECTION 902 DEFINITIONS

**NONCOMPLIANT.** Refers to alterations, modifications, or other such changes to fire suppression, protection, detection, alarm, or other related systems, affecting the design, installation, or proper or intended operation of said system. Does not comply with the applicable standard or criteria set forth when originally installed, tested, and approved.

**903.2.11.1.2 Openings on one side only.** Where openings in a story are provided on only one side and the opposite wall of such story is more than 55 feet (16 764 mm) from such openings, the story shall be equipped throughout with an *approved automatic sprinkler system* or openings as specified above shall be provided on at least two sides of the story.

**903.2.11.1.3 Basements.** Where any portion of a *basement* is located more than 55 feet (16 764 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

**903.2.11.3 Buildings Over 30 Feet in Height.** An automatic sprinkler system shall be installed throughout a building that has a floor level which has an occupant load of 30 or more occupants and which is located 30 feet (9144 mm) or more above the lowest level of fire department vehicle access.

**Exceptions:** Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

**903.3.5.3 Required Pressure Margin.** The code official is authorized to require a pressure margin of up to twenty (20) p.s.i. over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide this margin.

**903.4.2 Alarms.** Approved audible-visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Exterior audible-visual devices shall activate only on water flow. Where a fire alarm system is installed in the building, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

**904.3.5 Monitoring.** Automatic fire extinguishing systems shall be monitored by a supervising station in accordance with NFPA 72 as approved by the code official. Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72 and shall automatically annunciate their location at the building's fire alarm control panel, and activate the building's appropriate fire protective signaling sequence.

**905.3.2 Group A.** Class I automatic wet standpipes shall be provided in nonsprinklered Group A buildings having an *occupant load* exceeding 1,000 *persons*.

**Exceptions:**

1. Open-air-seating spaces without enclosed spaces.
2. Class I automatic dry and semiautomatic dry standpipes or manual wet standpipes are allowed in buildings where the highest floor surface used for human occupancy is 55 feet (16 764 mm) or less above the lowest level of fire department vehicle access.

**907.2.13 High-Rise Buildings.** Buildings having floors used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communication system in accordance with Section 907.2.12.2.

**Exceptions:** Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

**907.4.4 Signs.** Where fire alarm systems are not monitored by a supervising station, an approved permanent sign that reads: THIS ALARM DOES NOT NOTIFY THE FIRE DEPARTMENT - TO REPORT A FIRE DIAL 911. Such sign shall be installed adjacent to each manual fire alarm box.

**Exception:** Where the manufacturer has permanently provided this information on the manual fire alarm box and as approved by the code official.

**907.6.2.1.3 Temporal Code-3.** Audible alarm notification appliances shall sound in temporal Code-3 pattern as approved by the code official.

**907.7.2.1 Required Power.** Where required by the code official, systems and their components shall be designed to provide adequate power in order to accommodate additional devices as a result of anticipated future expansion to

the system. Unless otherwise approved by the code official, 10 amps per 10,000 square feet shall be used as a guide.

**907.7.3.2 High-Rise Buildings.** In buildings that have floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access that are occupied for human occupancy, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors
2. Sprinkler water-flow devices
3. Manual fire alarm boxes
4. Other approved types of automatic fire detection devices or suppression systems as required by the code official

**907.7.6 Annunciation.** Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation, including water flow switch and inspector test valve, shall be required for each separately addressed tenant space unless otherwise approved by the code official.

**909.16.1 Smoke Control Systems.** Fans within the building shall be shown on the fire-fighter's control panel. A clear indication of the direction of airflow and the relationship of components shall be displayed. A means of confirming equipment function such as an atmospheric pressure switch, air velocity switch, or electrical current differential device, shall be installed to indicate the status of fans, dampers, or other associated equipment during alarm activations or smoke control operations. Status indicators shall be provided for all smoke control equipment, annunciated by fan and zone and by pilot-lamp-type indicators as follows:

1. Fans, dampers and other operating equipment in their normal status – WHITE.
2. Fans, dampers and other operating equipment in their off or closed status – RED.
3. Fans, dampers and other operating equipment in their on or open status – GREEN.
4. Fans, dampers and other operating equipment in a fault status – YELLOW/AMBER.

**912.2 Location.** With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be within 100 feet (30 480 mm) of a hydrant and shall be approved by the code official.

### SECTION 915.0 TEMPERATURE AND MONITORING

**915.1 General.** Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures. Where the code official deems necessary, equipment shall be installed to monitor the temperature of said areas and send a trouble or supervisory signal to an approved location when the temperature falls below 40 degrees F to warn of freezing conditions so that the occurrence of frozen and/or broken piping, valve(s), and fire pump(s) can be prevented.

**1004.3 Posting of Occupant Load.** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space, or other approved location. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. The number of occupants permitted shall also be determined in accordance with Chapter 39 of the Troy City Code (parking limitation).

**1022.9 Smokeproof Enclosures and Pressurized Stairways.** In buildings required to comply with Section 403 or 405 of the *International Building Code*, each of the *exit enclosures* serving a *story* with a floor surface located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the finished floor of a *level of exit discharge* serving such stories shall be a *smokeproof enclosure* or *pressurized stairway* in accordance with Section 909.20 of the *International Building Code*.

**1024.1 General.** *Approved* luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access in accordance with Sections 1024.1 through 1024.5.

**1026.2 Use in a Means of Egress.** *Exterior exit stairways* shall not be used as an element of a required *means of egress* for Group I-2 occupancies. For occupancies in other than Group I-2, *exterior exit ramps* and *stairways* shall be permitted as an element of a required *means of egress* for buildings not exceeding five stories above *grade plane* or having occupied floors more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

**1201.1 Scope.** Dry cleaning plants and their operations shall comply with the requirements of this chapter and NFPA 32, and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

**2201.1 Scope.** Automotive motor fuel-dispensing facilities, marine motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities, aircraft motor-vehicle fuel-dispensing facilities and repair garages shall be in accordance with

## Chapter 93 - Fire Prevention

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this chapter and the Michigan Building Code, International Fuel Gas Code and the Michigan Mechanical Code, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent. Such operations shall include both operations that are accessible to the public and private operations.

**2206.1 General.** Storage of flammable and combustible liquids shall be in accordance with Chapter 34 and Sections 2206.2 through 2206.6.3, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent.

**2206.7.8 Gravity and Pressure Dispensing.** Flammable or combustible liquids shall not be dispensed by gravity from tanks, drums, barrels or similar containers. Flammable or combustible liquids shall not be dispensed by a device operating through pressure within a storage tank, drum or container. Approved pumps taking suction from the top of the container shall be utilized.

**2803.2 Identification.** Cartons shall be identified on at least one side with the classification level of the aerosol products contained within the carton as follows:

LEVEL \_\_\_\_\_ AEROSOLS

The side of the carton marked shall be clearly visible when stored in configurations of two or more cartons.

**3301.1.1 Explosive Material Standard.** In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials, and the Michigan Explosives Law 1970 PA 202, as amended, or its equivalent.

**3301.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited unless in compliance with the Michigan Fireworks Law 1931 PA 328, as amended, or its equivalent.

**3301.1.4 Rocketry.** The storage, handling and use of model and high-power rockets shall comply with the requirements of NFPA 1122, NFPA 1125, and NFPA 1127, and the Michigan Model Rocket Law 1965 PA 333, as amended, or its equivalent.

**3301.2.4 Financial Responsibility.** Deleted.

**3301.2.4 Bond for Public Display:** The permit holder shall furnish a bond in an amount approved by the City of Troy for the payment of all potential damage caused either to the person or property due to the permitted display, and arising from any acts of the permit holder or the agent of the permit holder.

**3308.1 General.** The display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with this chapter and NFPA 1123 or NFPA 1126. Approved public displays shall be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not be a hazard to property or endanger any person.

**3308.11 Retail Display and Sale.** A permit shall be required as set forth in Section 105.6 and regulated in accordance with this section. Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. No person under the age of 18 years shall sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

**3401.3 Referenced Documents.** The applicable requirements of Chapter 27, other chapters of this code, the *Michigan Building Code*, and the *Michigan Mechanical Code* pertaining to flammable liquids, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent shall apply.

**3401.4 Permits.** Permits shall be required as set forth in Sections 105.6 and 105.7, and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

**3404.2.9 Above-Ground Tanks.** Above-ground storage of flammable and combustible liquids in tanks shall comply with Section 3404.2 and Sections 3404.2.9.1 through 3404.2.9.7.10, and the Michigan Aboveground Storage Tank Rules, or their equivalent.

**3404.2.11 Underground Tanks.** Underground storage of flammable and combustible liquids in tanks shall comply with Section 3404.2 and Sections 3404.2.11.1 through 3404.2.11.5.2, and the Michigan Underground Storage Tank Rules, or their equivalent.

**3801.2 Permits.** Permits shall be required as set forth in Sections 105.6 and 105.7 and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

**4604.23 Egress path markings.** Existing buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with luminous egress path markings in accordance with Section 1024.

**Chapter 47  
REFERENCED STANDARDS**

**State of Michigan Laws, Rules, or Requirements including but not necessarily limited to the following with amendments:**

Michigan Fire Prevention Code 1941 PA 207  
Michigan Explosives Law 1970 PA 202  
Michigan Fireworks Law 1931 PA 328  
Michigan Model Rocket Law 1965 PA 333  
Michigan Storage and Handling of Flammable and Combustible Liquids Rules  
Michigan Underground Storage Tank Rules 1999

**NFPA** National Fire Protection Association

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Standard reference number	Title	Referenced in code section number
96-08	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations	609.1
140-08	Standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations	114.5

**Appendix C  
FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

**TABLE C105.1  
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NO. OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS <sup>a,b,c</sup> (feet)	MAXIMUM DISTANCE FROM MOST REMOTE PORTION OF BUILDING ACCESSIBLE BY FIRE APPARATUS TO A HYDRANT <sup>d</sup> (feet)
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more <sup>e</sup>	200	120

For SI: 1 gallon per minute = 3.785 L/m, 1 foot = 304.8 mm

<sup>a</sup> Reduce by 100 feet (30,480 mm) for dead-end streets or roads with dead-end water main.

<sup>b</sup> Where streets are provided with median dividers which cannot be crossed by firefighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet (152.4 m) on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute (26,495 L/min.) and 400 feet (122 m) for higher fire-flow requirements.

<sup>c</sup> Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet (305 m) to provide for transportation hazards.

<sup>d</sup> Reduce by 50 feet (15,240 mm) for dead-end streets or roads.

<sup>e</sup> One hydrant for each 1,000 gallons per minute (3,785 L/min.) or fraction thereof.

**Appendix D**  
**FIRE APPARATUS ACCESS ROADS**

**D101.1 Scope.** Fire apparatus access roads shall be in compliance with this appendix and all other applicable requirements of the *International Fire Code*, and City of Troy Development Standards.

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 18 feet (5486.4 mm) unless otherwise approved by the code official.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools carried by the fire department.
7. Locking device specifications shall be submitted for approval to the code official.
8. Where buildings protected by electric gates are provided with automatic fire protection and detections systems, gates shall open and remain open upon initiation of an alarm.

**93.00 Adoption of the ~~2006-2009~~ International Fire Code by Reference.** The *International Fire Code*, ~~2006-2009~~ Edition, including its appendices, is hereby adopted by reference with the additions, insertions, deletions and changes prescribed in Section 93.01 of this Ordinance, as the Fire Prevention Code of the City of Troy, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings. This Ordinance and a copy of the International Fire Code, ~~2006-2009~~ Edition, shall be kept on file with the City Clerk. A copy of the International Fire Code in its entirety can also be found at: <http://publicecodes.citation.com/icod/ifc/2009/index.htm>

**93.01 Additions, Insertions, Deletions and Changes to the International Fire Code, ~~2006-2009~~ Edition.** The City of Troy adopts the following additions, insertions, deletions and changes from the *International Fire Code*, ~~2006-2009~~ Edition. Subsequent section numbers used in this section shall refer to the like numbered sections of the *International Fire Code*, ~~2006-2009~~ Edition. Any provisions of Chapter 93, Section 93.01 which are not amended or deleted herein shall remain in full force and effect.

**~~102.6-102.7~~ Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter ~~45-47~~ and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions which establish the higher standard for the promotion of the safety and welfare of the public and the protection of the public, or as otherwise determined by State of Michigan law, shall apply. References to the International Building Code shall be interpreted as the Michigan Building Code as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

**105.4.2 Information on Construction Documents.** *Construction documents* shall be drawn to scale upon suitable material. Electronic media documents ~~are allowed to shall~~ be submitted ~~when approved as required~~ by the *fire code official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *fire code official*.

**105.6.13.1 Permit Fee.** ~~(See Troy City Code Chapter 60)~~ Provided for in Troy City Code Chapter 60.

**105.6.14.2 Permit Fee.** ~~(See Troy City Code Chapter 60)~~ Provided for in Troy City Code Chapter 60.

**105.6.20.1 Required Amounts for Reporting.** Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated in the Troy Fire Department's HMIS packet as defined in ~~Chapter 27-Sections 407.5 and 2701.5.2~~ of this code.

~~105.6.21.2~~ **105.6.20.2 Permit Fees.** ~~(See Troy City Code Chapter 60)~~ Provided for in Troy City Code Chapter 60.

**105.7.1.1 Installations.** Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include any device or relay connected to or controlled by the fire suppression system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view. ~~The fire code official is authorized to require installation documents in an approved electronic format.~~

**105.7.1.2 Permit Fees.** ~~(See Troy City Code Chapter 60)~~ Provided for in Troy City Code Chapter 60.

~~105.7.3.1~~ **105.7.5.1 Installations.** Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm or detection system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view. ~~The fire code official is authorized to require installation documents in an approved electronic format.~~

~~105.7.14~~ **105.7.15 Permit issuance.** A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

## **SECTION ~~112~~114 MISCELLANEOUS HAZARDS**

~~112.1~~ **114.1 Hazardous materials - fire department responsibility.** The Troy Fire Department shall be responsible for gathering and organizing information, identifying risks, and enforcing codes, standards, and laws relating to the production, storage and use of hazardous materials within the City of Troy and the notification to fire fighting personnel of related hazards. The method and

frequency shall be determined by the fire official or his duly authorized representative.

**114.2 Hazardous conditions.** If upon the expiration of the time mentioned in a notice of violation, hazardous conditions, including but not limited to, obstructions or encroachments inhibiting access to or egress from a space or building, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

**114.3 False alarms.** It shall be unlawful for any person to summon, in any way, the fire department unless a valid reason for their response is present. (See also ~~the~~ Troy City Code ~~False Fire~~ Chapter 103 – Alarm Ordinance.)

**114.4 Nonstandard Equipment.** Equipment and devices which are not in compliance with recognized standards for design and construction may be approved upon presentation of satisfactory evidence that they are designed and constructed for safe operation.

114.5 Motion Picture & Television Film Production. Motion picture / television film production and similar entertainment or documentary production activities shall comply with the requirements of this code and NFPA 140.

**307.4.4 Ground Fires.** A ground fire shall be the minimum size for the intended purpose but not larger than 3 feet by 3 feet by 3 feet in dimension and shall be contained in a safe manner.

~~308.3 Open flame. A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in assembly or educational occupancies without first obtaining written approval from the fire code official.~~

**404.5.2 Format.** Fire safety and evacuation plans, general floor plans, seating arrangements, storage configurations, or other specific plans shall be furnished to the fire code official in an approved format upon request.

**503.6 Security gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**503.7 Emergency Vehicle Access.** Emergency vehicle access (EVA) shall be determined and approved by the fire code official. Unless otherwise required, EVAs shall be of the following specifications:

1. minimum of 12 feet (3657.6 mm) wide
2. surface capable of supporting the weight of fire apparatus up to 60,000 pounds GVW
3. minimum grade changes to accommodate fire apparatus undercarriage ground clearances
4. mountable curb at entrance/exit with adequate turning radii to and from the EVA
5. standard ~~“No Parking—Fire Lane”~~ fire lane signage posted at entrance/exit to EVA
6. EVA signage posted at entrance/exit of EVA, on both sides of surface, every 50 feet (15240 mm) for length of EVA
7. EVA signage to withstand snow removal/landscape maintenance efforts
8. EVA to be kept clear of snow and vegetation

**505.1 Address ~~Numbers~~ Identification.** ~~(See Troy City Code Chapter 2.)~~  
Provided for in Troy City Code Chapter 2.

**506.1 ~~When- Where~~ Required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where an alarm signaling system or device is installed that may summon the fire department, the fire code official is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain access as required by the fire code official. Any appeal that may arise shall be referred to the Building Board of Appeals as established in Section 116 of Chapter 79 of the Troy City Code.

**~~508.3~~ 507.3 Fire Flow.** Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B and in accordance with City of Troy Development Standards. An appropriate pressure and flow margin of safety shall be provided with each fire sprinkler system as required by the code official.

**~~508.5~~ 507.5 Fire Hydrant Systems.** Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6 and shall be in accordance with Appendix C and City of Troy Development Standards.

**~~508.5.4.1~~ 507.5.4.1 Removal of Obstructions.** If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments to a fire hydrant, or to other fire protection equipment, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall

be a debt to the City from the responsible person and shall be collected as any other debt to the City.

**609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the ~~International Michigan~~ *Mechanical Code* and NFPA 96.

**903.2.11.1.2 Openings on one side only.** Where openings in a story are provided on only one side and the opposite wall of such story is more than ~~75 feet (22 860 mm)~~ 55 feet (16 764 mm) from such openings, the story shall be equipped throughout with an *approved automatic sprinkler system* or openings as specified above shall be provided on at least two sides of the story.

**903.2.11.1.3 Basements.** Where any portion of a *basement* is located more than ~~75 feet (22 860 mm)~~ 55 feet (16 764 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

~~903.2.10.3~~ **903.2.11.3 Buildings Over 30 Feet in Height.** An automatic sprinkler system shall be installed throughout a building that has a floor level which has an occupant load of 30 or more occupants and which is located 30 feet (9144 mm) or more above the lowest level of fire department vehicle access.

**Exceptions:** Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

**905.3.2 Group A.** Class I automatic wet standpipes shall be provided in nonsprinklered Group A buildings having an *occupant load* exceeding 1,000 *persons*.

**Exceptions:**

1. Open-air-seating spaces without enclosed spaces.
2. Class I automatic dry and semiautomatic dry standpipes or manual wet standpipes are allowed in buildings where the highest floor surface used for human occupancy is ~~75 feet (22 860 mm)~~ 55 feet (16 764 mm) or less above the lowest level of fire department vehicle access.

~~907.2.12~~ **907.2.13 High-Rise Buildings.** Buildings having floors used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communication system in accordance with Section 907.2.12.2.

**Exceptions:** Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

**907.10.2.1 907.6.2.1.3 Temporal Code-3.** Audible alarm notification appliances shall sound in temporal Code-3 pattern as approved by the code official.

**907.5.1. 907.7.2.1 Required Power.** Where required by the code official, systems and their components shall be designed to provide adequate power in order to accommodate additional devices as a result of anticipated future expansion to the system. Unless otherwise approved by the code official, 10 amps per 10,000 square feet shall be used as a guide.

**907.9.2 907.7.3.2 High-Rise Buildings.** In buildings that have floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access that are occupied for human occupancy, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors
2. Sprinkler water-flow devices.
3. Manual fire alarm boxes.
4. Other approved types of automatic fire detection devices or suppression systems as required by the code official.

**907.7.1 907.7.6 Annunciation.** Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation, including water flow switch and inspector test valve, shall be required for each separately addressed tenant space unless otherwise approved by the code official.

~~1019.1.8 Smokeproof enclosures. 1022.9 Smokeproof Enclosures and Pressureized Stairways.~~ In buildings required to comply with Section 403 or 405 of the ~~code~~ International Building Code, each of the ~~exits of a building which serves stories where the floor surface is~~ exit enclosures serving a story with a floor surface located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the ~~level finished floor~~ of ~~exit discharge~~ a level of exit discharge serving such ~~floor levels stories~~ shall be a ~~smokeproof enclosure~~ smokeproof enclosure or pressurized ~~stairway~~ stairway in accordance with Section 909.20 of the ~~International Building Code~~ International Building Code.

**1023.2 1026.2 Use in a Means of Egress.** ~~Exterior exit stairways~~ Exterior Exit Stairways shall not be used as an element of a required ~~means of egress~~ means of egress for ~~occupancies in~~ Group I-2 occupancies. For occupancies in other than Group I-2, ~~exterior exit stairways~~ exterior exit ramps and stairways shall be permitted as an element of a required ~~means of egress~~ means of egress for buildings not exceeding five stories above ~~grade plane~~ grade plane or having occupied floors more than 55 feet (16 764 mm) in height above the lowest level of fire department vehicle access.

**1024.1 General.** *Approved* luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than ~~75 feet (22 860 mm)~~ 55 feet (16 764 mm) above the lowest level of fire department vehicle access in accordance with Sections 1024.1 through 1024.5.

~~**1025.1 General.** In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in group R as applicable in section 101.2, classrooms greater than 250 feet 2 (23.2 m 2 ) in group E, and group I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least 1 exterior emergency escape and rescue opening in accordance with this section. Where basements contain 1 or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such opening shall open directly into a public street, public alley, yard, or court.~~

**Exceptions:**

- ~~1. In other than group R-3 occupancies as applicable in section 101.2, buildings equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1 or 903.3.1.2.~~
- ~~2. In other than group R-3 occupancies as applicable in section 101.2, sleeping rooms provided with a door to a fire resistance-rated corridor having access to 2 remote exits in opposite directions.~~
- ~~3. The emergency escape and rescue opening is permitted to open onto a balcony within an atrium in accordance with the requirements of section 404, provided the balcony provides access to an exit and the dwelling unit or sleeping unit has a means of egress that is not open to the atrium.~~
- ~~4. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue windows.~~
- ~~5. High-rise buildings in accordance with section 403.~~
- ~~6. Emergency escape and rescue openings are not required from basements or sleeping rooms which have an exit door or exit access door that opens directly into a public street, public alley, yard, egress court, or to an exterior exit balcony that opens to a public street, public alley, yard, or egress court.~~
- ~~7. Basements without habitable spaces and having not more than 200 square feet (18.6 square meters) in floor area shall not be required to have emergency escape windows.~~

**2201.1 Scope.** Automotive motor fuel-dispensing facilities, marine motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities, aircraft motor-vehicle fuel-dispensing facilities and repair garages shall be in accordance with this chapter and the Michigan Building Code, International Fuel Gas Code and the Michigan Mechanical Code, and the Michigan Storage and Handling of

## Chapter 93 – Fire Prevention

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Flammable and Combustible Liquids Rules, as amended, or their equivalent. Such operations shall include both operations that are accessible to the public and private operations.

**2206.1 General.** Storage of flammable and combustible liquids shall be in accordance with Chapter 34 and Sections 2206.2 through 2206.6.3, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent.

**3404.2.9 Above-Ground Tanks.** Above-ground storage of flammable and combustible liquids in tanks shall comply with Section 3404.2 and Sections 3404.2.9.1 through ~~3404.2.9.6.10~~ 3404.2.9.7.10, and the Michigan Aboveground Storage Tank Rules, or their equivalent.

**4604.23 Egress path markings.** Existing buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than ~~75 feet (22 860 mm)~~ 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with luminous egress path markings in accordance with Section 1024.

**Chapter ~~45~~ 47**  
**REFERENCED STANDARDS**

**State of Michigan Laws, Rules, or Requirements including but not necessarily limited to the following with amendments:**

- Michigan Fire Prevention Code 1941 PA 207
- Michigan Explosives Law 1970 PA 202
- Michigan Fireworks Law 1931 PA 328
- Michigan Model Rocket Law 1965 PA 333
- Michigan Storage and Handling of Flammable and Combustible Liquids Rules
- Michigan Underground Storage Tank Rules 1999

**NFPA**

National Fire Protection Association

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Standard reference number	Title	Referenced in code section number
<u>96-08</u>	<u>Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations</u>	<u>609.1</u>
<u>140-08</u>	<u>Standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations</u>	<u>114.5</u>

**Appendix C  
FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

**TABLE C105.1  
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NO. OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS <sup>a,b,c</sup> (feet)	MAXIMUM DISTANCE FROM MOST REMOTE PORTION OF BUILDING ACCESSIBLE BY FIRE APPARATUS TO A HYDRANT <sup>d</sup> (feet)
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more <sup>e</sup>	200	120

For **SI**: 1 gallon per minute = 3.785 L/m, 1 foot = 304.8 mm

<sup>a</sup> Reduce by 100 feet (30,480 mm) for dead-end streets or roads with dead-end water main.

<sup>b</sup> Where streets are provided with median dividers which ~~can~~ cannot be crossed by firefighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet (152.4 m) on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute (26,495 L/min.) and 400 feet (122 m) for higher fire-flow requirements.

<sup>c</sup> Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet (305 m) to provide for transportation hazards.

<sup>d</sup> Reduce by 50 feet (15,240 mm) for dead-end streets or roads.

<sup>e</sup> One hydrant for each 1,000 gallons per minute (3,785 L/min.) or fraction thereof.



## CITY COUNCIL AGENDA ITEM

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April 27, 2011

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration  
 Mark F. Miller, Director of Economic & Community Development  
 Susan A. Leirstein, Purchasing Director  
 Stuart J. Alderman, Recreation Director

Subject: Standard Purchasing Resolution 8: Best Value Award – Community Center Catering

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### **Background**

On February 24, 2011, requests for proposals (RFP) were received from companies interested in providing three-year requirements of catering services for the Troy Community Center with an option to renew for three additional years. Sixty-six (66) companies were notified via the Michigan Intergovernmental Trade Network (MITN) website with three (3) proposals received. All three firms met the pass/fail criteria; however, Crank's Services LLC withdrew from the process.

A committee consisting of Mark Miller, Director of Economic & Community Development; Stuart Alderman, Recreation Director; and Scott Mercer, Recreation Supervisor, rated the remaining two (2) companies on their proposals, menus, interviews and food samples.

In addition, a return schedule was requested and received from the firms. Based on the ratings from the evaluation committee and the points earned from the return schedule, staff recommends awarding the contract to the highest rated respondent; Encore Catering of Troy, Michigan.

Encore Catering received the highest score as a result of a best value process, which also considered experience including alcohol service, financial ability to perform, professional competence and positive references. Encore guarantees a minimum return of \$12,000.00 each year or 15% of gross receipts (less Michigan sales tax) whichever is greater.

### **Recommendation**

City management recommends awarding a three-year contract for Community Center Catering with an option to renew for three (3) additional years to the highest rated respondent as a result of a best value process, Encore Catering of Troy, Michigan.

The award is contingent upon the recommended bidder's submission of properly executed contract and proposal documents, including insurance certificates, the ability to qualify as the holder of the City's liquor license and all other specified requirements.



## EXECUTIVE SUMMARY

### TROY COMMUNITY CENTER CATERER

#### STATISTICS:

- ◆ **66 companies were notified via the MITN e-procurement website**
- ◆ **Three (3) proposals were received**
- ◆ **All three (3) companies met the pass/fail criteria; however, one (1) company withdrew from the process**
- ◆ **Encore Catering received the highest score as a result of a best value process**

The following two (2) companies received the indicated final scores as a result of their proposal, menu, rate of return, interview and food sampling submissions.

Company	SCORE
Encore Catering	89.9
Kosch Catering	84.9

#### REQUEST FOR PROPOSAL - THE FOLLOWING FIRM WITHDREW FROM THE PROCESS

- Crank's Services LLC

#### Attachments:

- ✓ Weighted Final Scoring
- ✓ Evaluation Process
- ✓ Original Tabulation



WEIGHTED FINAL SCORING  
Troy Community Center Caterer

Final Score Calculation:

$$\begin{aligned}
 &40\% \times \text{Return Score} \\
 &40\% \times \text{Proposal Score} \\
 &10\% \times \text{Menu Score} \\
 &\underline{10\% \times \text{Interview / Sample Food Score (Optional Phase)}} \\
 &100\% \qquad \qquad \qquad = \text{Final Weighted Score}
 \end{aligned}$$

In order to equate the rate of return to the weighted evaluation process scoring, 50 points was used to evaluate the percentage of gross receipts, and 50 points was used to evaluate the minimum total guarantee per year. – Note: 100 point basis for each phase -

Phase 5: Weighted Average Score for Return: 40%

	Weighted Criteria – Difference in Costs [1-(High Return – Proposal Return) / high return] x available points	Final Weighted Score (x .40)
Vendors:		
Encore Catering	$\{1-(\$12,000-\$12,000)/\$12,000\} \times 50 = 50$ $\{1-(15\% - 15\%)/15\% \} \times 50 = 50$	100 x .40 = 40.0
Kosch Catering	$\{1-(\$12,000-\$9,000)/\$12,000\} \times 50 = 37.5$ $\{1-(15\% - 11\%)/15\% \} \times 50 = 36.7$	74.2 x .40 = 29.7

Phase 2: Weighted Average Score for Proposals: 40%

Raters:	1	2	3	Average	Final Weighted Score (x .40)
Vendors:					
Encore Catering	86	77 82 82			32.8
Kosch Catering	98	91 96 95			38.0

Phase 3: Weighted Average Score for Menus: 10%

Raters:	1	2	3	Average	Final Weighted Score (x .10)
Vendors:					
Encore Catering	84	78 74 79			7.9
Kosch Catering	96	96 89 94			9.4

Summary: Proposal, Menu and Return Scores

	Price Score	Proposal Score	Menu Score	Total Score
Vendors:				
Encore Catering	40.0	32.8	7.9	80.7
Kosch Catering	29.7	38.0	9.4	77.1



In order to equate the weighted evaluation process scoring, 50 points was used to evaluate the interview, and 50 points was used to evaluate the sample food.

Phase 4: Weighted Average Score for Interview and Sample Food: 10%

RATERS	1	2	3	Average	Final Weighted Score (x .10)
Vendors:					
Encore Catering	Interview = 87.0  Food = 90.0	Interview = 84.0  Food = 93.0	Interview = 97.5  Food = 100.0	Interview: 89.5 x 50 = 44.8  Food: 94.3 x 50 = 47.2	92.0 x .10 = 9.2
Kosch Catering	Interview = 83.5  Food = 88.0	Interview = 80.5  Food = 88.0	Interview = 73.0  Food = 56.0	Interview: 79.0 x 50 = 39.5  Food: 77.3 x 50 = 38.7	78.2 x .10 = 7.8

FINAL SCORE:

VENDORS:	Encore Catering	Kosch Catering
Rate of Return Score	40.0	29.7
Proposal Score	32.8	38.0
Menu Score	7.9	9.4
Interview / Food Sampling Score	9.2	7.8
FINAL SCORE	89.9	84.9

\*HIGHEST RATED VENDOR – RECOMMENDED AWARD



## SELECTION PROCESS

### CRITERIA FOR SELECTION

A City Committee will review the proposals. The City of Troy reserves the right to award this proposal to the company considered the most qualified based upon a combination of factors including but not limited to the following:

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

#### Phase 1: Minimum Qualifications Evaluation.

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

#### Phase 2: Evaluation of Proposal

The City Committee will use a weighted scoring sheet to evaluate the required submitted proposals. Each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each bidder for this phase of the process.

#### Phase 3: Evaluation of Menus

The City Committee will use a weighted scoring sheet to evaluate the required submitted menus. Each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each bidder for this phase of the process.

#### Phase 4: Food Evaluation and Interview Process (Optional)

The City, at their option, will invite the short-listed companies to provide food samples and participate in an interview. The City Committee will use a weighted scoring sheet to evaluate the submitted food samples and the interview. Each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each bidder for this phase of the process.

#### Phase 5: Return

Points for return will be proportionally assessed:

FORMULA –  $[1 - (\text{High Return} - \text{Proposal Return}) / \text{high return}] \times \text{available points (100 base point)}$

**Note:** 50 points will be used to evaluate the percentage of gross receipts, and 50 points will be used to evaluate the minimum total guarantee per year.

#### Phase 6: Final Scoring and Selection

The highest final weighted scored respondent will be the Community Center Caterer recommended to the Troy City Council for Award.

40% x Return Score	(100 point base)
40% x Proposal Evaluation Score	(100 point base)
10% x Menu Score	(100 point base)
10% x Interview / Sample Food Score	(100 point base) – Optional
100%	

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

FIRM NAME:

sl

CHECK #

CHECK AMOUNT

Encore Catering

Kosch Catering

000290525

17756339

\$ 500.00

\$ 500.00

**PROPOSAL: TO PROVIDE THREE YEAR REQUIREMENTS OF CATERING SERVICES AT THE TROY COMMUNITY CENTER WITH AN OPTION TO RENEW FOR THREE (3) ADDITIONAL YEARS**

**FOUR (4) COPIES** (Yes or No)

Yes

Yes

**EXCEPTIONS:**

None

N/A

**ACKNOWLEDGEMENT:** Signed Y or N

Yes

Yes

**PROPOSAL: Return Schedule**

Percent of Gross Receipts

15%

As Follows:

- 7% (less than \$100K)
- 9% (\$100K - \$150K)
- 11% (\$150K - \$200K)
- 13% (\$200K - \$300K)
- 15% (over \$300K)

\$6,000 year 1

\$9,000 year 2

Minimum Guarantee Per Year

\$ 12,000.00

\$12,000 year 3

**QUESTIONNAIRE:** (Yes or No)

Yes

Yes

**INSURANCE:** Can Meet  
 Cannot Meet  
 Signed Y or N

XX

XX

Yes

Yes

**THREE FORMS:** Y or N

Non-Collusion

Yes

Yes

Legal Status

Yes

Yes

Indemnification Clause

Yes

Yes

**PAYMENT SCHEDULE ATTACHED** (Labeled)

Exhibit A

Executive Summary

**MENU ATTACHED** (Labeled)

Exhibit D

TCC Catered Events Menu

**SITE INSPECTION:** Y or N

Yes

Yes

Date

2/10/2011

2/16/2011

WITHDREW:

Crank's Services LLC

ATTEST:

Julie Hamilton

Diane Fisher

Carol Anderson

Susan Leirstein CPPO, CPPB  
 Purchasing Director



## CITY COUNCIL AGENDA ITEM

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April 29, 2011

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager Finance & Administration  
Susan A. Leirstein, Purchasing Director  
Timothy L. Richnak, Public Works Director

Subject: Rescind Bid Award / Re-award Contract – Aggregates

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### **Background**

On April 18, 2011, Troy City Council approved one-year contracts to provide Aggregate Material with an option to renew for one (1) additional year to various low bidders (Resolution #2011-04-085-J4b). On April 21, 2011, Richmond Transport Inc realized they made a calculation error when bidding the 6A Slag and withdrew their bid. Since this occurred after the award by City Council, Richmond Transport is considered in breach of contract. Richmond Transport received a written notification of default and remedies for reinstatement as a potential vendor after three (3) years.

After a review of the bid results to determine the next lowest bidder, it is in the City's best interest to re-award the contract to B&W Landscape Supply of Clinton Township, MI. B&W was contacted and verified they could honor the pricing as originally quoted.

### **Recommendation**

City management recommends Troy City Council rescind with prejudice the contract approved on April 18, 2011, to Richmond Transport, Inc for 6A Slag, Aggregate Material (Resolution #2011-04-085-J4b) and re-award the contract to the next lowest bidder, B&W Landscape Supply at a unit cost of \$13.23 per ton, as contained on the bid tabulation opened March 22, 2011.

### **Fund Availability**

Funds are available in the various departmental operating budgets of the Public Works division. Annual costs under the new contract with B&W Landscape Supply will increase an estimated \$1,515.00, when compared with pricing submitted by Richmond Transport Inc.

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year to the low bidders, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI as the primary supplier, and Superior Materials of Farmington Hills, MI as the secondary supplier, at unit prices contained in the bid tabulation opened March 22, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting for an estimated total cost of \$138,000.00, to commence May 1, 2011, and expire April 30, 2012.

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 Bidders - Aggregates**

Resolution #2011-04-085-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregate Material with an **OPTION** to renew for one (1) additional year to the following low bidders:

<b>Recommended Vendors</b>	<b>Item / Description</b>	<b>Price/Ton</b>
Boulevard & Trumbell Towing	6. Crushed Concrete 1" – 3"	\$8.48
Tri-City Aggregates	2. 22A Gravel 5. Fill Sand	\$8.00 \$5.50
B&W Landscape Supply	10. Mason Sand 11. Limestone 1" – 3"	\$9.97 \$12.47
Richmond Transport Inc	1. 6A Slag	\$10.20
Novak Construction	3. Pea Stone 4. 60/40 Gravel 8. Chloride Sand 9. 2NS Sand 12. Limestone 3" – 6"	\$11.49 \$12.25 \$14.95 \$8.95 \$17.25
Osburn Industries Inc	13. Limestone 4" – 8"	\$15.85

at the unit prices stated above and confirmed with unit prices contained in the bid tabulation opened March 22, 2011, copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2012.

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.

**c) Standard Purchasing Resolution 1: Award to Low Bidders: Printing/Distribution of Water and Sewer Bills**

Resolution #2011-04-085-J-4c

RESOLVED, That the Troy City Council hereby **AWARDS** a one (1) year contract to provide laser printing and distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional years to the low total bidder, LaserCom LLC of Troy, MI, for an



**RICHMOND TRANSPORT, INC.**

M.P.S.C. L-21679

4020 COUNTY LINE LENOX, MICHIGAN 48050  
(586) 727-1627 • FAX: (586) 727-3094

April 21, 2011

City of Troy  
ATTN: Julie / Purchasing Department  
500 W. Big Beaver Road  
Troy, MI 48084

RE: 6A Slag

Due to a calculation error when bidding the 6A Slag, Richmond Transport Inc. is withdrawing the quote of \$10.20 per ton.

I apologize for the inconvenience and am aware that this default will effect our bidding process.

Sincerely

A handwritten signature in black ink that reads 'Daniel J. Manchik'. The signature is written in a cursive, flowing style.

Daniel Manchik  
Estimating

APR 25 11 13:46:00

sl

VENDOR NAME:

VENDOR NAME:			Boulevard & Trumbell Towing Inc	Tri-City Aggregates, Inc	B & W Landscape Supply
ITEM	EST QTY/TONS	DESCRIPTION	PRICE/TON	PRICE/TON	PRICE/TON
1.	500	6A SLAG	No Bid	No Bid	\$ 13.23
2.	1000	22A GRAVEL	No Bid	\$ 8.00	\$ 9.33
3.	300	PEA STONE	No Bid	No Bid	\$ 13.74
4.	100	60/40 GRAVEL	No Bid	No Bid	\$ 14.69
5.	2500	FILL SAND	No Bid	\$ 5.50	\$ 6.69
6.	100	CRUSHED CONCRETE, 1" - 3"	\$ 8.48	No Bid	\$ 8.87
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid	No Bid
8.	250	CHLORIDE SAND	No Bid	No Bid	No Bid
9.	100	2NS SAND	No Bid	No Bid	\$ 9.77
10.	100	MASON SAND	No Bid	No Bid	\$ 9.97
11.	100	LIMESTONE 1" - 3"	No Bid	No Bid	\$ 12.47
12.	50	LIMESTONE 3" - 6"	No Bid	No Bid	No Bid
13.	50	LIMESTONE 4" - 8"	No Bid	No Bid	\$ 17.72
DISCOUNT IF AWARDED ALL ITEMS			-	-	-
<b>ESTIMATED TOTAL:</b>			\$ 848.00	\$ 21,750.00	\$ 43,255.00
<b>ESTIMATED TOTAL AWARDED ITEMS:</b>			<b>\$ 848.00</b>	<b>\$ 21,750.00</b>	<b>\$ 8,859.00</b>
DELIVERY: Within Hours			2 Hours	24 Hours	24 Hours
MINIMUMS:			50 Tons	50 Tons	50 Tons
ALL OR NONE AWARD: Y or N			N	N	N
CONTACT INFORMATION					
Hrs of Operation			7AM-6PM	6AM-4PM M-F	8AM-4PM M-Sat
24 Hr. Phone No.			(586) 939-6200	(248) 634-8277	(586) 463-0545
INSURANCE Can Meet Cannot Meet			XX	XX	XX
PAYMENT TERMS:			N/A	Net 30 Days	Net 30
EXCEPTIONS:			Pricing firm 120 days	No	immediate delivery must be made to non-weight restricted facility

PROPOSAL: One-Year Requirements of Aggregates with an Option to Renew for One (1) Additional Year

HIGHLIGHTED AREAS DENOTES LOW BIDDERS

**DEFAULT:**

Richmond Transport Inc - (6A Slag @ \$10.20/ton) Reason: Withdrew bid after award

VENDOR NAME:

Edward C. Levy Co	Novak Construction	Osburn Industries, Inc	Tebben Brothers Ltd
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ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON
1.	500	6A SLAG	\$ 13.93	Alt: 6A Natural at \$12.50/Ton \$ 13.50	\$ 14.45	\$ 16.00
2.	1000	22A GRAVEL	\$ 9.70	\$ 9.25	\$ 10.00	\$ 11.50
3.	300	PEA STONE	\$ 13.13	\$ 11.49	\$ 13.85	\$ 15.50
4.	100	60/40 GRAVEL	\$ 14.28	\$ 12.25	\$ 14.45	\$ 16.50
5.	2500	FILL SAND	Alt: Class II GR \$ 7.23	\$ 6.25	\$ 7.15	\$ 7.25
6.	100	CRUSHED CONCRETE, 1" - 3"	Alt: 3X1 BF \$ 13.93	\$ 10.50	\$ 10.53	\$ 11.50
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid	No Bid	No Bid
8.	250	CHLORIDE SAND	No Bid	\$ 14.95	\$ 24.50	\$ 22.00
9.	100	2NS SAND	\$ 10.03	\$ 8.95	\$ 10.20	\$ 11.00
10.	100	MASON SAND	Alt: Mortar Sand \$ 12.02	\$ 10.27	\$ 12.60	\$ 11.00
11.	100	LIMESTONE 1" - 3"	\$ 19.50	\$ 13.49	\$ 13.60	\$ 15.00
12.	50	LIMESTONE 3" - 6"	No Bid	\$ 17.25	No Bid	No Bid
13.	50	LIMESTONE 4" - 8"	No Bid	\$ 19.50	\$ 15.85	\$ 22.50
DISCOUNT IF AWARDED ALL ITEMS			-	5%	-	-

<b>ESTIMATED TOTAL:</b>	\$ 45,655.00	\$ 46,193.00	\$ 52,310.50	\$ 55,400.00
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<b>ESTIMATED TOTAL W/DISCOUNT:</b>	-	Alt: \$43,408.35 \$ 43,883.35	-	-
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<b>ESTIMATED TOTAL AWARDED ITEMS:</b>		\$ 10,167.00	\$ 792.50	
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DELIVERY: Within Hours	24 Hours	24 Hours	24 Hours	48 Hours
MINIMUMS:	50 Tons	50 Tons	50 Tons	50 Tons
ALL OR NONE AWARD: Y or N	N	N	N	N
CONTACT INFORMATION				
Hrs of Operation	7AM-5PM M-F	7AM-5PM	8AM-5PM	7AM-10PM
24 Hr. Phone No.	(313) 429-5389	(810) 358-7977	(313) 363-0077	(248) 652-7188
INSURANCE Can Meet / Cannot Meet	XX	XX	XX	XX
PAYMENT TERMS:	Net 30 Days	30 Days	N/A	Net 30 Days
EXCEPTIONS:	See Material Guides for Alt Bids	Blank	None	Item 2: 22A Limestone Avail at add'l cost Train loads - if fuel over \$5 price will increase

ATTEST:  
 Julie Hamilton  
 Diane Fisher  
 Jeffrey Biegler  
 Marina Basta Farouk

Susan Leirstein CPPO CPPB  
 Purchasing Director



## CITY COUNCIL AGENDA ITEM

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April 20, 2011

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager Finance & Administration  
Susan A. Leirstein, Purchasing Director  
Timothy L. Richnak, Public Works Director

Subject: Rescind Bid Award / Re-award Contract – Custodial Supplies

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### **Background**

On March 28, 2011, Troy City Council approved a one-year contract to provide Custodial Supplies for City facilities to the lowest acceptable bidder, Central Poly Corporation of Linden, NJ (Resolution #2011-03-064-J4e). On April 8, 2011, Central Poly declined the consideration for award due to their inability to meet insurance requirements as specified. Central Poly received a written notification of default and remedies for reinstatement as a potential vendor after three (3) years.

After a thorough review of the bid results to determine the most favorable award, it is in the City's best interest to re-award the contract to the lowest total bidder for both items; Empire Equipment & Supply Company of Detroit, MI. Empire has been able to meet insurance requirements as stipulated in the bid proposal.

### **Recommendation**

City management recommends Troy City Council rescind with prejudice the contract approved on March 28, 2011, to Central Poly Corporation for Custodial Supplies (Resolution #2011-03-064-J4e) and re-award the contract to the lowest total bidder, Empire Equipment & Supply Co for an estimated total cost of \$16,134.00, at unit prices contained in the bid tabulation opened February 23, 2011.

### **Fund Availability**

Funds are available in the various departmental operating budgets for Custodial Supplies. Annual costs under the new contract with Empire Equipment & Supply Co will increase an estimated \$500.00, when compared with pricing submitted by Central Poly Corporation.

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) 2011 Ford Expedition 4X4 from Signature Ford of Owosso, MI, through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$27,767.50.

**e) Standard Purchasing Resolution 1: Award to Lowest Bidder – Custodial Supplies**

Resolution #2011-03-064-J-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one (1) year requirements of Custodial Supplies to the lowest acceptable bidder, Central Poly Corporation, of Linden, NJ, at an estimated total cost of \$15,662.00, at unit prices contained in the bid tabulation dated February 23, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**f) Standard Purchasing Resolution 1: Award to Low Bidders – Traffic Control Signs and Posts**

Resolution #2011-03-064-J-4f

RESOLVED, that Troy City Council hereby **AWARDS** one-year contracts to provide Traffic Control Signs and Posts on a proposal by proposal basis to the five lowest total bidders as follows:

<b><u>Bidders</u></b>	<b><u>Proposal</u></b>	<b><u>Estimated Total Cost</u></b>
Custom Products Corporation of Jackson, MS	A, B, C, G, J and K	\$22,700.00
Rathco Safety Supply, Inc of Portage, MI	D and G	\$ 1,900.00
Rocal, Inc of Frankfort, OH	E, F and G	\$ 7,720.00
Carrier & Gable, Inc of Farmington Hills, MI	H	\$ 5,620.00
Dornbos Sign, Inc of Charlotte, MI	I	\$ 5,390.00

At unit prices contained on the bid tabulation, which opened February 10, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring March 1, 2012.

**g) Standard Purchasing Resolution 3: Exercise Renewal Option – Hauling and Disposal of Dirt and Debris**

Resolution #2011-03-064-J-4g

WHEREAS, On April 5, 2010, Troy City Council awarded a one-year contract to provide Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year to the lowest total acceptable bidder, Bedrock Express LTD of Ortonville, MI (Resolution #2010-04-081-I-4b); and

## Stephen L Cooperrider

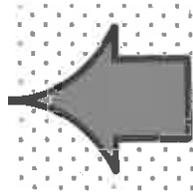
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**From:** Stephen L Cooperrider  
**Sent:** Monday, April 11, 2011 7:47 AM  
**To:** Susan A Leirstein  
**Subject:** FW: City of Troy / Central Poly Bag

I just saw this today, as I was out on Friday.

---

**From:** Afton Dewland [mailto:afton@centralpoly.com]  
**Sent:** Friday, April 08, 2011 10:05 AM  
**To:** Stephen L Cooperrider  
**Subject:** RE: City of Troy / Central Poly Bag



Stephen-

I appreciate your patience with this situation but Central Poly is declining the consideration for the award of the bid.

Please proceed as you feel necessary.

Afton Dewland

---

**From:** Stephen L Cooperrider [mailto:CooperrSL@troy.mi.gov]  
**Sent:** Thursday, April 07, 2011 4:30 PM  
**To:** Hirsch, Fred; Afton Dewland  
**Cc:** Susan A Leirstein  
**Subject:** RE: City of Troy / Central Poly Bag

Mr. Hirsch,

I'm sure you understand that we cannot change the specifications of a contract once it has been opened, specifically for your client. Your client indicated they could meet the bid requirements in the bid documents they submitted, and was awarded the contract accordingly. If they are now saying they won't meet the contract requirements, they are in breach of contract. We will take the necessary action.

Please know the cancellation clause language and the auto liability coverage is standard on our contracts. Any contractor (and their agent and carriers) providing services to the City of Troy has been able to meet these requirements.

*Stephen Cooperrider*  
*City of Troy, Risk Manager*  
248-526-5127

---

**From:** Hirsch, Fred [mailto:fhirsch@nfppc.com]  
**Sent:** Thursday, April 07, 2011 4:10 PM  
**To:** Stephen L Cooperrider  
**Cc:** afton@centralpoly.com  
**Subject:** City of Troy / Central Poly Bag

Stephen:

I spoke to my insured and explained to him that this is the certificate we supply for every municipality. We have all the usual coverages and forms which have been acceptable for all other municipalities. We cannot represent something on a

VENDOR NAME: sl

VENDOR NAME:			Empire	Sun Valley	Hercules &
			Equipment	Foods Co	Hercules Inc
			& Supply Co		
ITEM	EST QTY (CS)	DESCRIPTION	CASE PRICE	CASE PRICE	CASE PRICE
1.	300	2 Ply Toilet Tissue, 4.5" W X 3"- 3.5" Dia	\$ 29.33	\$ 31.11	\$ 29.45
			\$ 29.04	w/terms	DMS
2.	500	Unbleached Multi-fold Towels, 9.25" x 9.516"	\$ 14.67	\$ 13.69	\$ 15.00
			\$ 14.52	w/terms	
<b>ESTIMATED TOTAL BOTH ITEMS:</b>			<b>\$16,134.00</b>	\$ 16,178.00	N/A
<b>DELIVERY:</b> Within			<b>3 Days</b>	1 Day	7 Days
Minimum shipment:			<b>\$500.00</b>	\$500.00	\$150.00
<b>CONTACT INFO</b> Hrs of Operations			<b>8AM-5PM</b>	7AM-4PM	8AM-5PM
24 Hr Phone #			(313)366-0700	(313)615-9590	(313)933-6669
Fax #			(313)366-0706	(313)865-6364	(313)933-1801
<b>DESCRIPTIVE LITERATURE:</b> Marked			<b>A</b>	Blank	4064 & 1751
<b>INSURANCE:</b> Can meet			<b>XX</b>	XX	XX
Cannot meet					
Signed Y or N			<b>Y</b>	Y	Y
<b>PAYMENT TERMS:</b>			<b>1% 10 Days</b>	Net 30	Net 30
			<b>Net 30</b>		
<b>WARRANTY:</b>			<b>Manufacturer</b>	Blank	Manufacturer
<b>ALL OR NON-AWARD - Box</b> ✓ Y or N			<b>Y</b>	Y	N
<b>EXCEPTIONS:</b>			<b>Blank</b>	Blank	Blank
<b>ACKNOWLEDGEMENT: Signed Y or N</b>			<b>Y</b>	Y	Y

**PROPOSAL -- One-Year Requirements of Custodial Supplies**

**NO BIDS:**

Industrial Cleaning Supply Company

**BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER**

**DMS:**

Hercules & Hercules Inc - Reason: Toilet roll size too small at 4 x3.21 in - Does not fit dispensers

**DEFAULT:**

Central Poly Corporation - (\$15,662.00) - Reason: Vendor chose NOT to clear insurance requirements as specified

**ATTEST:**

MaryAnn Hays  
Diane Fisher  
Julie Hamilton

Susan Leirstein CPPO, CPPB  
 Purchasing Director

VENDOR NAME:

APAC Paper & Packaging	Nichols	Jem Industries, Inc	HP Products Corporation
		Alternate	
CASE PRICE	CASE PRICE	CASE PRICE	CASE PRICE
			80 Rolls/ Case
\$ 33.50	\$ 32.20	\$ 30.63	\$ 30.29
\$ 13.95	\$ 15.10	\$ 17.12	\$ 14.44
<b>ESTIMATED TOTAL BOTH ITEMS:</b>	\$ 17,025.00	\$ 17,210.00	\$ 17,749.00
	\$ 18,124.40		
<b>DELIVERY:</b>	Within 3 Days	2 Days	2-3 Days
Minimum shipment:	\$200.00	\$250.00	\$400.00
<b>CONTACT INFO</b>	Hrs of Operations 8AM-5PM	8-5 M-F	8AM-5PM
24 Hr Phone #	(313) 982-6400	(800) 442-0213	(248) 583-1879
Fax #	(313) 982-9900	(231) 799-3550	(248) 583-1976
<b>DESCRIPTIVE LITERATURE:</b>	Marked NPS	Specs	Blank
<b>INSURANCE:</b>	Can meet XX	XX	XX
Cannot meet	Y	Y	Y
Signed Y or N			
<b>PAYMENT TERMS:</b>	Net 30	Net 25	Net 30
<b>WARRANTY:</b>	Manufacturer	Blank	Blank
<b>ALL OR NON-AWARD - Box</b> <input checked="" type="checkbox"/> Y or N	N	N	Y
<b>EXCEPTIONS:</b>	Blank	Blank	Blank
<b>ACKNOWLEDGEMENT: Signed Y or N</b>	Y	Y	Y

**PROPOSAL -- One-Year Requirements of Custodial Supplies**

VENDOR NAME:

Supply Pro	Staples	Jem	Commerce
	Business	Industries, Inc	Connect LLC
	Advantage		
CASE PRICE	CASE PRICE	CASE PRICE	CASE PRICE
\$ 35.71	\$ 33.95	\$ 32.81	\$ 46.26
\$ 14.84	\$ 17.15	\$ 18.34	\$ 25.00
<b>** see note</b>			
\$ 18,133.00	\$ 18,760.00	\$ 19,013.00	\$ 26,378.00
1 Day	1 Day	2-3 Days	2 Days
\$500.00	\$50.00	\$400.00	\$75.00
8AM-5PM	M-F 8AM-5PM	8AM-5PM	M-F 7:30AM-4PM
(248) 672-1800	(800) 693-9900	(248) 583-1879	(810) 423-3741
(810) 239-2819	(248) 465-1529	(248) 583-1976	(810) 424-0042
Blank	Descriptive Literature	Flyer	ADD. #1
XX	XX	XX	Exception
Y	N	Y	N
Net 30	Net 30 Days	Net 30	Net 30
N/A	Manufacturer	Blank	Mfg
Y	N	N	N
Attached To	Blank	Blank	Insurance
Bib "B"			will be via
			supplier who
			Ships
Y	Y	Y	Y

ITEM	EST QTY (CS)	DESCRIPTION
1.	300	2 Ply Toilet Tissue, 4.5" W X 3"- 3.5" Dia
2.	500	Unbleached Multi-fold Towels, 9.25" x 9.516"

**ESTIMATED TOTAL BOTH ITEMS:**

**DELIVERY:** Within  
 Minimum shipment:

**CONTACT INFO** Hrs of Operations  
 24 Hr Phone #  
 Fax #

**DESCRIPTIVE LITERATURE:** Marked

**INSURANCE:** Can meet  
 Cannot meet  
 Signed Y or N

**PAYMENT TERMS:**

**WARRANTY:**

**ALL OR NON-AWARD - Box**  Y or N

**EXCEPTIONS:**

**ACKNOWLEDGEMENT: Signed Y or N**

**PROPOSAL -- One-Year Requirements of Custodial Supplies**

**\*\* Note: Amount corrected by Purchasing**

VENDOR NAME:

E & R	Applied -	Madalyns	
Industrial	Michigan, LTD	Contracting	
		LLC	

ITEM	EST QTY (CS)	DESCRIPTION	CASE PRICE	CASE PRICE	CASE PRICE	CASE PRICE
1.	300	2 Ply Toilet Tissue, 4.5" W X 3"- 3.5" Dia	\$ 41.46	\$ 42.74	\$ 47.00	
		80 Roll Case =>	\$ 40.63	w/terms		
2.	500	Unbleached Multi-fold Towels, 9.25" x 9.516"	\$ 19.51	\$ 34.11	\$ 65.70	

**ESTIMATED TOTAL BOTH ITEMS:**

\$ 24,186.99			
\$ 24,680.60	\$ 29,877.00	\$ 46,950.00	

**DELIVERY:** Within  
 Minimum shipment:

1-2 Days	3-5 Days	10 Days	
\$250.00	2 Cases	\$400.00	

**CONTACT INFO** Hrs of Operations  
 24 Hr Phone #  
 Fax #

8AM-12PM Sat	M-F		
8AM-5PM M-F	8AM-4:30PM	9AM-6PM	
(586) 540-7635	(586) 978-7400	(248) 414-9438	
(586) 795-2553	(586) 978-7600	(248) 486-4010	

**DESCRIPTIVE LITERATURE:** Marked

Attachment A	Blank	X	
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**INSURANCE:** Can meet  
 Cannot meet  
 Signed Y or N

XX	XX	Page Missing	
Y	Y	Page Missing	

**PAYMENT TERMS:**

2%, 10 Days			
Net 30 Days	Net 30 Days	Page Missing	

**WARRANTY:**

Manufacturer	Blank	Page Missing	
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**ALL OR NON-AWARD - Box**  Y or N

Y	N	Page Missing	
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**EXCEPTIONS:**

\$75 shipping	Blank	Page Missing	
fee will apply			
for order under			
min ship amount			

**ACKNOWLEDGEMENT: Signed Y or N**

Y	Y	Page Missing	
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**PROPOSAL -- One-Year Requirements of Custodial Supplies**

Mayor Pro Tem Kerwin 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, April 18, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 7:31 PM.

**B. ROLL CALL:**

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

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

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

- a) Community Survey Results Presentation - Ed Sarpous, Target Insyght
- b) 2011 City of Troy Assessment Roll and Board of Review Report – Nino Licari
- c) Amendments to Troy City Code Chapter 96 - Fire Prevention – Based Upon 2009 International Fire Code and 2009 Michigan Building Code – Assistant Chief Roberts

**D. CARRYOVER ITEMS:**

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**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

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**E-1 Public Hearing – Special Use Approval - Capital Grille Outdoor Seating Area, North Side of Big Beaver, East of Coolidge (2800 W. Big Beaver Road, Space Q123), Section 20, Presently Zoned B-2 (Community Business) Controlled by Consent Judgment (File Number SU-386)**

The Mayor **OPENED** the Public Hearing at 8:29 PM.

The Mayor **CLOSED** the Public Hearing at 8:29 PM after receiving no Public Comment.

Resolution #2011-04-072

Moved by Kerwin

Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **GRANTS** Special Use Approval and Preliminary Site Plan Approval for the proposed Capital Grille Outdoor Seating Area, located on the north side of Big Beaver, east of Coolidge (2800 W. Big Beaver Road, Q123), Section 20, within the B-2 Zoning District.

Yes: All-7  
 No: None

## MOTION PASSED

### **E-2 Public Hearing - Zoning Ordinance Text Amendment – (File Number - ZOTA 236) – Comprehensive Zoning Ordinance Rewrite**

The Mayor **OPENED** the Public Hearing at 9:07 PM.  
 Public comment was received from Mary Ann Bernardi and Paul Beck.  
 The Mayor **CLOSED** the Public Hearing at 9:14 PM.

Resolution #2011-04-073  
 Moved by Beltramini  
 Seconded by McGinnis

RESOLVED, That the existing City of Troy Zoning Ordinance text and map be **AMENDED** to read as written in the proposed Zoning Ordinance text (March 31, 2011 Draft), and map (Prepared by the City of Troy Planning Department, dated 2-22-2011), with the term “Drive-throughs” added to Use Group 6 of Table 5. 03-A-1, as recommended by the Planning Commission; and, in the section pertaining to the requirement for an RV being owned by a property owner, add the language to allow a leased vehicle to be requested for approval. Also, in section 3.10-D, in the last sentence, add the word “present” after “members” for approval. In section 9.4-A, add a reference to the implementation of the Master Plan when considering for compatibility. In 11-06-C-3, add language to the effect that “efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicle traffic congestion particularly as it pertains to the improvements necessary along major roads. Editorial changes to 11.06-E-4, second paragraph be renumbered as number “6”; and, in 13.02-A-7, change “plant” to “plants”.

BE IT FURTHER RESOLVED, The typographical errors shall be CORRECTED in the amended document:

- p. 18 - Hotel - “access to all rooms provided ~~ing~~ from. . .”
- p. 24 - Planned Unit Development - add “(PUD)” for clarity and consistency
- Preliminary Development Plan - add “1” after (PDP
- p. 204 - 8.03.D.1 - first line - “...shall seek for Final...”
- p. 256 - 12.05 - Correct “Easements” in the title
- p. 264 - 13.02.B.2.a - delete “at” (sixth line)
- p. 297 - 14.01.C.4 - In “features of site” sentence - change “were” to “was”
- p. 298 - 14.02.A - Change “accessory dwellings” to “accessory buildings.”
- p. 301 - 15.02.A.1-“...may shall be a member of the Planning Commission...”

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

## MOTION PASSED

The Meeting **RECESSED** at 9:24 PM.  
The Meeting **RECONVENED** at 9:34 PM.

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

Resolution #2011-04-074  
Moved by Schilling  
Seconded by Kerwin

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

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

**MOTION PASSED**

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

Resolution #2011-04-075  
Moved by Schilling  
Seconded by Kerwin

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

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

**MOTION PASSED**

**F. PUBLIC COMMENT:**

Bernardi, Mary	Discussed support of the Library and trust
Goetz, John	Discussed support of the Library
Black, Shirley	Discussed support of the Library
Kantamaneni, Vennela	Discussed support of the Library
Tetrault, Beth	Discussed support of the Library
Haddad, Tony	Discussed support of the Library, and snow removal
Schepke, Gordon	Discussed support of the Library and trust
Vert, John	Discussed support of the Library and millage increase
Kraft, Karen	Discussed support millage for the Library
Hennessy, John	Discussed support of the Library
Peters, Richard	Discussed support of the Library and various topics
Geiger, M.L.	Discussed support of the Library

Beck, Paul,	Discussed support of the Library, discussed City financial issues
Zembrzuski, Audre	Discussed support of the Library
Wengrow, Irv	Discussed support of millage increase
Billa, Sirisha	Discussed support of the Library
Church, April	Discussed support of the Library, and City financial issues
Ewald, Dan	Discussed support of the Library
Reinhardt, Marvin	Discussed various topics
Foster, Scott	Discussed support of the Transit Center
Bloomington, Bruce	Discussed City financial issues and support of the Library
Brake, Dan	Discussed support of the Library
Cooper-Koerner, Patricia	Discussed support of the Library

Mayor Schilling left the Meeting at 10:29 PM and returned to the Meeting at 10:33 PM

Kuppa, Padma	Discussed support of the Library
Burke, Thomas	Discussed City financial issues and the Library
Daniels, Janice	Discussed City financial issues
Prasad, Anu	Discussed support of the Library
Cowger, William	Discussed City financial issues
Kempen, Edward	Discussed support of the Library and City financial issues

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

The Meeting **RECESSED** at 11:01 PM.

The Meeting **RECONVENED** at 11:08 PM.

#### H. POSTPONED ITEMS:

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##### H-1 Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update

Moved by Kerwin

Seconded by McGinnis

WHEREAS, The City of Troy's financial challenge is not only about controlling expenditures, it is about forecasting revenues; and

WHEREAS, It is imperative that Troy's organizational structure matches its declining revenue stream; and

WHEREAS, Advancing solutions one year at a time is not a solution as the financial challenge spans more than one year; and

WHEREAS, The best practice of adopting a three-year balanced budget addresses financial challenges over a longer time horizon thus advising the community what level of service can be expected, or not expected, over the next 36 months; and

WHEREAS, The City of Troy took control of its future by adopting a three-year balanced budget on May 10, 2010; and

WHEREAS, These budgets were forecast to utilize an aggregate amount of fund balance estimated at \$4,900,000 to balance budgets for fiscal years 2010/11, 2011/12, and 2012/13; and

WHEREAS, The attached budget revision has been calibrated to reflect updates in accordance with the attached memorandum from City Manager, John Szerlag and Assistant City Manager/Finance and Administration, John Lamerato; and

WHEREAS, These calibrations still result in a utilization of fund balance in the aggregate of approximately \$3,768,504 for fiscal years 2010/11, 2011/12, and 2012/13;

NOW, THEREFORE BE IT RESOLVED, That the Troy City Council hereby **ADOPTS** the Revised Three Year Budget (2010/11 – 2012/13), and that a copy be **ATTACHED** to the original Minutes.

**Vote on Resolution to Withdraw the Resolution for Agenda Item H-1 Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update**

Resolution #2011-04-076  
Moved by Kerwin  
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council hereby **WITHDRAWS** the Resolution for Agenda Item **H-1 Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update**.

Yes: All-7  
No: None

**MOTION PASSED**

**Vote on Resolution to Schedule City Council Study Session for the Purpose of Discussing Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update**

Resolution #2011-04-077  
Moved by Schilling  
Seconded by Slater

BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a City Council Study Session for the purpose of discussing **Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update** on Monday, May 9, 2011, from 6:00 PM – 8:00 PM, to be followed by the Regular City Council Meeting at 8:30 PM.

Yes: All-7  
No: None

**MOTION PASSED**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: None Scheduled**

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**I-2 Board and Committee Nominations: None Scheduled**

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

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**I-4 Amendments to Troy City Code Chapter 93, Fire Prevention, Based Upon 2009 International Fire Code and 2009 Michigan Building Code**

Resolution #2011-04-078

Moved by Beltramini

Seconded by McGinnis

RESOLVED, That the Troy City Council hereby **ADOPTS** Chapter 93, Fire Prevention, of the Code of Ordinances of the City of Troy, as amended, as recommended by City Management; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

No: None

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

Resolution #2011-04-079

Moved by Schilling

Seconded by Kerwin

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

Yes: All-7

No: None

**MOTION PASSED****Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM**

Resolution #2011-04-080

Moved by Kerwin

Seconded by Howrylak

RESOLVED, That City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:30 AM.

Yes: All-7  
No: None

### MOTION PASSED

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#### **I-5 Request to Sell City of Troy Owned Property, Rochester Road Surplus Parcel, Section 23, Sidwell 88-20-23-354-048**

Resolution #2011-04-081  
Moved by Kerwin  
Seconded by McGinnis

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that “the public interest will best be served without obtaining a sealed bid” in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Property and **APPROVES** the sale of the remnant parcel, described in Attachment “A” **ATTACHED** hereto, to Castlemark Homes, LLC, for \$53,000.00 the appraised value as outlined in the Offer to Purchase, with conditions, plus closing costs; and

BE IT FURTHER RESOLVED, That closing will take place when all conditions have been met; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the Agreement to Purchase and the Warranty Deed on behalf of the City; and

BE IT FINALLY RESOLVED That the City Clerk is hereby **DIRECTED** to record said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

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

### MOTION PASSED

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#### **I-6 2011 Tri-Party Program**

Resolution #2011-04-082  
Moved by McGinnis

Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **APPROVES** the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2011 Tri-Party Program at an estimated cost to the City of Troy of \$93,479, and that the Mayor and City Clerk are **AUTHORIZED** to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7  
No: None

### **MOTION PASSED**

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

Resolution #2011-04-083  
Moved by Schilling  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take action on an item that does not appear on the Agenda. Item I-7, Request from Woodberry Wine, LLC for a New Wholesale Liquor License, was added to the agenda.

Yes: All-7  
No: None

### **MOTION PASSED**

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#### **I-7 Request from Woodberry Wine, LLC for a New Wholesale Liquor License.**

##### **(a) Request For New Wholesale Liquor License**

Resolution #2011-04-084  
Moved by Slater  
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodberry Wine, LLC for a new Wholesale License to be located at 1307 East Maple, Suite B, Troy, MI, 48083, Oakland County {MLCC Req. #607285}; 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**

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 Woodberry Wine, LLC for a new Wholesale License to be located at 1307 East Maple, Suite B, Troy, MI, 48083, Oakland County {MLCC Req. #607285}; 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.

Yes: All-7  
No: None

## MOTION PASSED

### J. CONSENT AGENDA:

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

Resolution #2011-04-085  
Moved by Beltramini  
Seconded by Kerwin

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

Yes: All-7  
No: None

## MOTION PASSED

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

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

Resolution #2011-04-085-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a. Regular City Council Meeting of April 4, 2011

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#### J-3 Proposed City of Troy Proclamations: None Submitted

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#### J-4 Standard Purchasing Resolutions

- a) Standard Purchasing Resolution 1: Award to Low Bidders – Transit Mixed Concrete

Resolution #2011-04-085-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year to the low bidders, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI as the primary supplier, and Superior Materials of Farmington Hills, MI as the secondary supplier, at unit prices contained in the bid tabulation opened March 22, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting for an estimated total cost of \$138,000.00, to commence May 1, 2011, and expire April 30, 2012.

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 Bidders - Aggregates**

Resolution #2011-04-085-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregate Material with an **OPTION** to renew for one (1) additional year to the following low bidders:

<b>Recommended Vendors</b>	<b>Item / Description</b>	<b>Price/Ton</b>
Boulevard & Trumbell Towing	6. Crushed Concrete 1" – 3"	\$8.48
Tri-City Aggregates	2. 22A Gravel 5. Fill Sand	\$8.00 \$5.50
B&W Landscape Supply	10. Mason Sand 11. Limestone 1" – 3"	\$9.97 \$12.47
Richmond Transport Inc	1. 6A Slag	\$10.20
Novak Construction	3. Pea Stone 4. 60/40 Gravel 8. Chloride Sand 9. 2NS Sand 12. Limestone 3" – 6"	\$11.49 \$12.25 \$14.95 \$8.95 \$17.25
Osburn Industries Inc	13. Limestone 4" – 8"	\$15.85

at the unit prices stated above and confirmed with unit prices contained in the bid tabulation opened March 22, 2011, copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2012.

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.

**c) Standard Purchasing Resolution 1: Award to Low Bidders: Printing/Distribution of Water and Sewer Bills**

Resolution #2011-04-085-J-4c

RESOLVED, That the Troy City Council hereby **AWARDS** a one (1) year contract to provide laser printing and distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional years to the low total bidder, LaserCom LLC of Troy, MI, for an

estimated total cost of \$12,256.56 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened March 28, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to commence May 1, 2011, and expire April 30, 2012.

**d) Standard Purchasing Resolution 1: Award to Low Bidder: Pavement Seam, Fracture Sealing and Spray Injection Patching Program**

Resolution #2011-04-085-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City of Troy to the low bidder, Michigan Joint Sealing, Inc. of Farmington Hills, MI, for an estimated total cost of \$142,900.00, at unit prices contained in the bid tabulation opened April 5, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work are required either additive or deductive, Troy City Council hereby authorizes such changes in an amount not to exceed budgetary limitations.

**e) Standard Purchasing Resolution 1: Award to Low Bidders: Emergency Response Kits**

Resolution #2011-04-085-J-4e

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish a one-time purchase of emergency response gear for the Troy Police Department to the following low total bidders: Michigan Police Equipment of Charlotte, MI, for ProTech helmets at an estimated cost of \$18,400.00; and Priority One Emergency, Inc. of Livonia, MI, for 5.11 Tactical gear at an estimated total cost of \$22,520.00, at unit prices contained in the bid tabulation opened March 17, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**f) Standard Purchasing Resolution 1: Award to Low Bidders: Boiler Replacement**

Resolution #2011-04-085-J-4f

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish and install a new replacement boiler at the Troy Hall of Justice Building to the following low bidders: Global Green Service Group of Rockwood, MI, for Phase 1, asbestos abatement and boiler removal at an estimated total cost of \$18,280.00; Pleune Service Company of Lansing, MI, for Phase 2, boiler installation and controls at an estimated total cost of \$158,200.00; and Phase 3, fireproofing will be completed using the informal quote process, the entire project is scheduled for reimbursement through the Energy Efficiency and Conservations Block Grant Program.

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

**g) Standard Purchasing Resolution 1: Award to Low Bidders: John Arbor Sub Resurfacing**

Resolution #2011-04-085-J-4g

RESOLVED, That Troy City Council hereby **AWARDS** contract No. 11-2, John Arbor Sub Resurfacing to Barrett Paving Materials, Inc., 5800 Cherry Hill Road, Ypsilanti, MI, 48198, for their low total bid amount of \$207,568.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 25% of the total project cost.

**h) Standard Purchasing Resolution 2: Award to Sole Bidder: Energy Management Improvement Project**

Resolution #2011-04-085-J-4h

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install a new energy management system in the original 1965 City Hall building to the sole bidder, Mechanical Controls & Maintenance, Inc. (MCMI) of Sterling Heights, MI, at an estimated total cost of \$192,242.00, which is scheduled for reimbursement through the Energy Efficiency and Conservation Block Grant Program.

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

---

**J-5 Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)**

Resolution #2011-04-085-J-5

RESOLVED, That the Troy City Council hereby **AUTHORIZES** the City Manager to negotiate a new agreement with the Michigan Municipal Risk Management Authority (MMRMA) for the Casualty and Property Insurance needs of the City of Troy.

---

**J-6 Bid Waiver: Integrated Security Management System Core Upgrade**

Resolution #2011-04-085-J-6

WHEREAS, SimplexGrinnell is an authorized, licensed installer in Michigan of the Andover Controls Security System;

WHEREAS, It is desirable to upgrade the security management system software to be compatible with the city-wide effort to move to a SQL 2008 platform;

WHEREAS, The Police Department has remote access to monitor video and alarms at all facilities from a central location with compatible equipment and software; and

WHEREAS, Due to the complexity of the system, it is desirable to allow the company who programmed and currently maintains the system to upgrade the application; thus, avoiding corruption of the programming;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the City of Troy to utilize the services of SimplexGrinnell of Farmington Hills, MI, to purchase and install the Continuum software core upgrade for an estimated total cost of \$14,975.00, in accordance with their proposal dated 21-Mar-11, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

### **J-7 Telecommunication Contracts**

Resolution #2011-04-085-J-7

WHEREAS, Some of the City's voice and data telecommunication contracts with AT&T were expiring, a review of all contracts was conducted to determine if any costs savings could be achieved utilizing new technology; and

WHEREAS, The services under these contracts are integrated, complex and dependent upon each other; therefore, AT&T ensures any conversion of unexpired contracts would not trigger early termination fees and still reduce costs; and

WHEREAS, AT&T and Telnet have offered the City three-year contracts to pay for three (3) direct T1 lines, convert nine (9) T1 circuits to AVTS technology, upgrade current internet service from 3MB to 30MB, and eliminate the current DS3 service with AT&T; and contract with Telnet to provide PRI voice service for the City telephone switch and Codespear at an estimated monthly savings of \$1,862.00 over three (3) years;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **APPROVE** three-year contracts for telecommunication services from AT&T and Telnet at an estimated monthly cost of \$3,910.00 and \$1,281.00, respectively, as detailed on Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

### **J-8 Request for Acceptance of a Permanent Easement for Storm Sewer and Surface Drainage from Ludovik and Liljana Dedaj - #88-20-03-201-056**

Resolution #2011-04-085-J-8

Resolved, That the Troy City Council hereby **ACCEPTS** the Permanent Easement for storm sewer and surface drainage, for a consideration amount of One Dollar (\$1.00), from Ludovik and Liljana Dedaj, owners of the property having Sidwell #88-20-03-201-056; and

BE IT FURTHER RESOLVED, That the City Clerk is **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-9 Bid Waiver: Worker's Compensation Insurance Renewal for Fiscal Year 2011/12**

Resolution #2011-04-085-J-9

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **WAIVES** formal bidding procedures and the estimated premium cost of \$336,349 is hereby **APPROVED** for Worker's Compensation Insurance through the Michigan Municipal League (MML) for the 2011/2012 Fiscal Year.

---

**J-10 Request for Recognition as a Nonprofit Organization Status from Kathy Derderian-President of Deaf Arts Festival**

Resolution #2011-04-085-J-10

RESOLVED, That Troy City Council hereby **APPROVES** the request from *Deaf Arts Festival*, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

---

**J-11 T.R. Pieprzak v. City of Troy**

Resolution #2011-04-085-J-11

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney's Office to defend the City of Troy in the *T.R. Pieprzak Company, Inc. v. City of Troy* lawsuit, and is **AUTHORIZED** to pay reasonable and necessary costs and fees in the defense of the action.

---

**J-12 Michael Joseph Burns v. City of Troy**

Resolution #2011-04-085-J-12

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

---

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:****K-1 Announcement of Public Hearings:**

- a) Announcement of Public Hearing – FY 2011/2012 City Budget–May 16, 2011 at 7:30 PM  
Noted and Filed

---

**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 Council Referrals:**

- a) Periodic Personnel Evaluation of the City Manager and/or City Attorney – Advanced by Mayor Pro Tem Kerwin

**Vote on Resolution to Schedule a Special Meeting for the Purpose of Conducting a City Manager Periodic Evaluation**

Resolution #2011-04-086

Moved by Kerwin

Seconded by Beltramini

BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting immediately following the Budget Study Session on Monday, May 2, 2011, at 500 W. Big Beaver Rd., for the purpose of going into Closed Session to conduct a City Manager Periodic Evaluation.

Yes: Beltramini, Kerwin, McGinnis

No: Schilling, Fleming, Howrylak, Slater

**MOTION FAILED**

**M. COUNCIL COMMENTS**

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**M-1 Council Comments Advanced**

Council Member Beltramini encouraged all to purchase Troy Youth Assistance raffle tickets from any Troy Youth Assistance Board member or at the office.

Mayor Schilling discussed recognition for members of the Planning Commission including former member Vleck in May, 2011.

**N. REPORTS**

---

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

- a) Planning Commission Regular-Draft-March 22, 2011  
Noted and Filed
- 

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

- a) 2011 City of Troy Assessment Roll and Board of Review Report  
b) FY 2011/2012 Budget

Noted and Filed

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**N-3** Letters of Appreciation: None Submitted

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

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**N-5** Communication: State of Michigan Liquor Control Commission – Notice of Sunday Sales  
Noted and Filed

---

**N-6** Communication: State of Michigan Liquor Control Commission – Notice of Impending Investigation – Cazadores, LLC  
Noted and Filed

---

**N-7** Letter of Understanding from Rehmann Robson for Audit Services for the Year Ending June 30, 2011  
Noted and Filed

---

**N-8** Huntley v. City of Troy  
Noted and Filed

---

**N-9** Economic Vitality Incentive Program  
Noted and Filed

**O. STUDY ITEMS**

---

**O-1** No Study Items Presented

**P. CLOSED SESSION:**

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**P-1** No Closed Session Requested

**Q. ADJOURNMENT**

The meeting **ADJOURNED** at 12:11 AM.

---

Mayor Louise E. Schilling

---

Tonni L. Bartholomew  
City Clerk

**A. CALL TO ORDER:**

The Special Meeting of the Troy City Council was held April 25, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 7:30 PM.

**B. ROLL CALL:**

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

**Vote on Resolution to Excuse Council Member Beltramini**

Resolution #2011-04-087  
 Moved by Fleming  
 Seconded by McGinnis

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini at the City Council Special Meeting of April 25, 2011 due to being out of the county.

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

**MOTION CARRIED****C. DISCUSSION ITEMS:****C-1 Proposed Fiscal Year 2011/2012 Annual Budget and Three-Year Budget****Overview of 2011/12 Budget**

The proposed *Fiscal Year 2011/2012 Annual Budget* was presented by John M. Lamerato, Assistant City Manager/Finance and Administration.

John Szerlag, City Manager provided an overview of the budget, Personnel Summary and cost saving measures to date.

Mr. Lamerato provided an overview of the General Fund: Revenues.

The meeting **RECESSED** at 8:43 PM.

The meeting **RECONVENED** at 8:52 PM.

Mr. Lamerato provided an overview of the General Fund: Expenditures.

Mr. Lamerato provided an overview of the Special Revenue Funds: Internal Service Funds and Debt Service Funds.

Mr. Lamerato provided an overview of the Special Revenue Funds: CDBG, Local Street, Major Street, Budget Stabilization, and Refuse and Recycling Funds.

Mr. Lamerato provided an overview of the Internal Service Funds: Building Operations, Information Technology, Fleet Maintenance, Compensated Absences, Unemployment Insurance, and Workers' Compensation.

Mr. Lamerato provided an overview of the Debt Service Funds: General Debt Service fund, 2000 MTF Bond – Rochester Road, Proposal A, B and C Debt Service funds, Schedule of Principal and interest – All Funds, and Projected Millage Rate Requirements – General Debt Fund.

**D. PUBLIC COMMENT:**

<b>David Ashland</b>	Discussed budget presentation concerns
<b>Richard Peters</b>	Discussed animal control concerns
<b>Bruce Bloomingdale</b>	Discussed budget concerns
<b>Audre Zembrzuski</b>	Questioned budget figures
<b>Paul Beck</b>	Questioned budget figures
<b>John Vert</b>	Discussed budget concerns

**E. ADJOURNMENT**

The meeting **ADJOURNED** at 9:51PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

**A. CALL TO ORDER:**

The Special Meeting of the Troy City Council was held May 2, 2011, 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. DISCUSSION ITEMS:****C-1 Proposed Fiscal Year 2011/2012 Annual Budget and Three-Year Budget**

John Lamerato, Assistant City Manager/Finance and Administration reviewed the 2011/2012 Budget including Capital Projects, Enterprise Funds, and 3-Year Budget.

The meeting **RECESSED** at 8:47PM.

The meeting **RECONVENED** at 8:58PM.

Discussion took place in regard to the proposed 3-Year Budget and the future impacts of staffing and the Library.

**D. PUBLIC COMMENT:**

<b>Bruce Bloomingdale</b>	Discussed budget concerns
<b>Richard Peters</b>	Discussed budget concerns
<b>Janice Daniels</b>	Discussed budget concerns
<b>Mark Petty</b>	Discussed budget concerns

**E. ADJOURNMENT**

The meeting **ADJOURNED** at 11:04PM.

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

\_\_\_\_\_  
 Tonni L. Bartholomew, MMC  
 City Clerk

**A. CALL TO ORDER:**

The Special Meeting of the Troy City Council was held May 5, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 1:00 PM.

**B. ROLL CALL:**

Mayor Louise E. Schilling  
 Robin Beltramini - Absent  
 Wade Fleming  
 Martin Howrylak - Arrived at 1:08 PM  
 Mayor Pro Tem Mary Kerwin  
 Maureen McGinnis  
 Dane Slater

**Vote on Resolution to Excuse Council Member Beltramini**

Resolution #2011-05-088  
 Moved by Fleming  
 Seconded by McGinnis

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini at the City Council Special Meeting of May 5, 2011 due to a prior commitment.

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

**MOTION CARRIED****C. DISCUSSION ITEMS:****C-1 Discussion of Target Insyght Survey Results**

Ed Sarpolus reviewed the Target Insyght Survey Results.

The meeting **RECESSED** at 2:47PM.

The meeting **RECONVENED** at 2:58PM.

Discussion continued on the Target Insyght Survey Results.

**D. PUBLIC COMMENT:****D-1 No Public Comment**

**E. ADJOURNMENT**

The meeting **ADJOURNED** at 3:21PM.

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

\_\_\_\_\_  
Tonni L. Bartholomew, MMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

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May 2, 2011

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Susan A. Leirstein, Purchasing Director  
Timothy L. Richnak, Public Works Director

RE: Standard Purchasing Resolution 1: Award To Low Bidders – Asphalt Paving Materials- Hot Patch

---

### **Background**

On April 19, 2011, proposals were competitively bid and electronically received as required by City Charter and Code for one-year requirements of asphalt paving materials- hot patch with an option to renew for one additional year. 54 vendors were notified of the bid opportunity via the MITN website with three (3) bid responses received. After reviewing these proposals, Cadillac Asphalt LLC was selected for Item 6) Bulk Tack Coat because of their plant proximity to the City of Troy. Asphalt paving materials- hot patch are purchased on an as needed basis throughout the year.

### **Recommendation**

City management recommends awarding contracts to the low bidders, Barrett Paving Materials, Inc for Items 1-5, and Item 7) at an estimated total cost of \$82,900.00; and Cadillac Asphalt LLC for Item 6) at an estimated total cost of \$2,500.00, all at unit prices listed in the attached bid tabulation. Awards are contingent upon contractors' submission of properly executed bid documents including insurance certificates and all other specified requirements.

### **Fund Availability**

Funds for these materials are available through the Public Works operating budgets

Prepared by: Marina Basta Farouk, Project Construction Manager

G:\Bid Award 10-11 New Format\ Award Standard Purchasing Resolution 1 - AsphaltHotPatch ITB-COT 11-11 05.11.doc

Opening Date -- 4/19/11  
 Date REVIEWED - 5/2/11

CITY OF TROY  
 BID TABULATION  
 ASPHALT PAVING MATERIALS - HOT PATCH

ITB-COT 11-11

sl

VENDOR NAME:

Barrett Paving Materials, Inc	Ajax Materials Corporation	Cadillac Asphalt LLC
----------------------------------	-------------------------------	-------------------------

ITEM #	EST QTY (TONS)	DESCRIPTION	Unit Price	Unit Price	Unit Price
1	200	1100T 36A Wearing	\$ 47.00	\$ 50.00	\$ 54.00
2	300	1100T 20AA Wearing	\$ 46.00	\$ 48.00	\$ 48.00
3	200	1100L 20AA Leveling	\$ 45.00	\$ 47.00	\$ 47.00
4	800	Commercial Top	\$ 44.00	\$ 48.25	\$ 48.00
5	250	Commercial Base	\$ 44.00	\$ 45.00	\$ 46.00
6	500 gals	Bulk Tack Coat	No Bid	\$ 5.00	\$ 5.00
7	100 pails	Tack Coat - 5 gal	\$ 45.00	\$ 60.00	\$ 60.00

**ESTIMATED TOTAL COST:**

**ESTIMATED TOTAL AWARED ITEMS:**

\$ 82,900.00	\$ 92,150.00	\$ 93,000.00
\$ 82,900.00		\$ 2,500.00

**PROXIMITY:**

Hrs of Operation  
 Notice of Pick up M-F  
 Saturday

Sat. as needed 7AM-4PM (M-F)	7:30AM-4:30PM M-F	7:30AM-4:30PM M-F
24/Hrs	24/Hrs	24/Hrs
48 Hrs Notice	Call for availability	24 Hours

Location  
 Miles

2040 Barrett Drive Troy, MI 5.1	2240 Avon Industrial Dr Roch Hills, MI 6	12345 23 Mile Rd Shelby Twp, MI 11.39
---------------------------------------	--	---

**PAYMENT TERMS:**

**MINIMUM ORDER:**

**EXCEPTIONS:**

Net 30	Net 30 Days upon receipt of invoice	Net 30 Days upon receipt of invoice
None	1	Qty of 1 or \$50
Blank	Bulk Tack only avail at 4875 Bald Mt Rd, Auburn Hills, MI, 50 Gal Min	Site location Shelby Twp, MI

**ALL OR NONE AWARD:**

Y or N

N	Y	N
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PROPOSAL: One-Year Requirements of Asphalt Paving Materials - Hot Patch with an Option to Renew for One Additional Year

HIGHLIGHTED ITEMS DENOTES LOW BIDDERS

ATTEST:

Marina Basta-Farouk  
Jeff Biegler  
Diane Fisher  
Julie Hamilton

Susan Leirstein CPPO CPPB  
 Purchasing Director



## CITY COUNCIL AGENDA ITEM

---

Date: April 25, 2011

To: John Szerlag, City Manager 

From: John M. Lamerato, Assistant City Manager/Finance & Administration   
Beth Tashnick, City Manager's Office Coordinator 

Subject: Standard Purchasing Resolution 9: Approval to Expend Funds for  
Membership Dues and Renewals Over \$10,000 - Michigan Municipal League

---

### Background

The Michigan Municipal League (MML), a state association of cities and villages, is a nonpartisan, nonprofit association working cooperatively to strengthen the quality of municipal government and administration.

Benefits of membership include advocacy of municipal issues and low-cost education about effective and efficient governance.

Funds are available in City Council's membership and dues account, 102.7958.

Payment of the attached invoice is recommended for annual dues in the amount of \$11,301. These dues cover the time period of May 1, 2011 through April 30, 2012.



michigan municipal league

Better Communities. Better Michigan.

March 01, 2011

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

**RECEIVED**

**MAR 08 2011**

**CITY OF TROY  
CITY MANAGER'S OFFICE**

Dear Ms. Bartholomew,

Upon review of the enclosed dues renewal invoice, you will find that this year's renewal brings significant changes. Beginning with the League's 2010/11 fiscal year, we are continuing the freeze on your membership dues, and, in addition, will no longer levy the Environmental Affairs Assessment. These changes represent a 12% reduction in the overall dues payment. In no way does this reflect a reduction in the League's commitment to represent you on environmental issues, but rather recognizes the financial challenges we all face. As always, you can count on us to be your voice on issues that matter most to your community.

As we move forward and face the mounting challenges before us, the League is working for you to help create a more prosperous state with vibrant communities. We support every member by leading advocacy efforts to support municipal issues, providing free and low-cost education related to effective and efficient governance, and assisting and serving local government officials in a host of other ways.

As pressures mount, we are working harder than ever in Lansing and Washington to preserve and promote municipal interests on issues such as revenue sharing, transportation, CDBG funds, and maintaining local control. The 21st Century Communities (21c3) is working to assist local officials in identifying, developing, and implementing programs and strategies to enhance our member communities' ability to be vibrant places for the 21st century. Further, our Legal Defense Fund and Municipal Litigation Center continue to work to protect your interests in the courts and regulatory arena.

The League's Board of Trustees recognizes the strained financial conditions present in many Michigan communities. They know that for communities to survive, we must stand together and defend our interests. Alone your municipality is one voice; but when combined with the voices of communities across Michigan, we can make a real difference.

Michigan Municipal League membership is one of the best investments your community can make. Take a moment to review the enclosed brochure to see all of the innovative and proactive services that your membership provides. We look forward to continuing our partnership with you.

Sincerely,

Daniel P. Gilmartin  
Executive Director & CEO

Carol Shafto  
President, 2010-2011



MICHIGAN MUNICIPAL LEAGUE  
MEMBERSHIP RENEWAL INVOICE

2010 - 2011

michigan municipal league

**Troy**

ID: 492

Date: 03/01/2011

Membership Period: 05/01/2011 - 04/30/2012

\* MML Dues  
\*\* Legal Defense Fund

2010 - 2011

10,274

1,027

            
\$11,301

**REMITTANCE  
COPY**

<p><b>Total Due by May 01, 2011: \$11,301</b></p>
---

**Please sign, date and return one invoice copy with your payment.**

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\* MML dues include annual subscriptions to *The Review* for your officials at \$12.00 per subscription, which is 50% of the regular subscription rate.

\*\* The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

In an effort to support our member communities in the current economic environment, the League has discontinued the Environmental Affairs Assessment (EAA) beginning with the League's 2010/11 fiscal year.

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Michigan Municipal League  
P.O. Box 7409  
Ann Arbor, MI 48107-7409  
800-653-2483



## CITY COUNCIL AGENDA ITEM

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Date: April 25, 2011

To: John Szerlag, City Manager

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

Subject: Bid Waiver: Expansion of Vehicle Exhaust Collection Systems at Fire Stations 3 and 4

---

### **Background**

Occupational health research has established a link between diesel engine emissions and cancer. MIOSHA standards require that firefighter exposure to diesel exhaust emissions within enclosed facilities be controlled. Over the past 15 years, Troy has installed "Plymovent" brand exhaust extraction systems in all Troy fire stations. During the past two years, several fire apparatus have been redeployed from one fire station or the training center to other fire stations due to operational requirements of the fire department. These relocations require that the exhaust collection systems at fire stations 3 and 4 be expanded to accommodate these relocated apparatus. The Plymovent system is a proprietary system which requires that expansion be completed using original manufacturer parts and factory authorized personnel. Hastings Air Energy Control is the only vendor authorized to service and install Plymovent equipment in the state of Michigan.

### **Recommendation**

City management requests authorization to purchase the necessary materials and labor to expand the Plymovent Vehicle Exhaust System at Fire stations 3 and 4 from Hastings Air Energy Control, the authorized dealer and sole provider in Michigan for an estimated total cost of \$11,600.00.

### **Fund Availability**

Funds are available in the 2010/11 Fire Halls Capital Budget for Buildings and Improvements.

# PLYMOVENT<sup>®</sup>

*Exhaust Removal Systems*

**PlymoVent Corporation**  
115 Melrich Rd  
Cranbury, New Jersey 08512  
Phone (609) 395-3500  
Fax (609) 655-0569

January 4<sup>th</sup> 2010

To Whom It May Concern:

This letter is to clarify the issue of who can sell, install and service the PlymoVent products. PlymoVent has an established network of certified dealers throughout the country. All of our dealers attended sales, service and installation training on a yearly basis to maintain their dealership and certification to work with the product.

Hastings Air Energy Control is a certified PlymoVent Systems dealer in Wisconsin, Illinois, Michigan and Indiana. There is no other company certified or able to purchase the PlymoVent systems or parts.

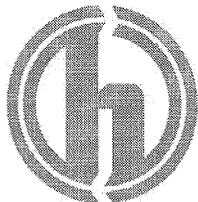
PlymoVent has worked for over 20 years to develop both a premier market leading product as well as a program to keep our dealers trained and certified to work with them.

If you have any questions please don't hesitate to contact me. I would be happy to help in any way.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Steven C. Connallon". The signature is stylized with a large initial "S" and "C".

Steven C. Connallon  
National Sales Manager  
PlymoVent Corporation



**HASTINGS**  
air energy control, inc.  
*creating a cleaner workplace*

5555 South Westridge Drive  
New Berlin, WI 53151-7900

**P: 800.236.8450 / 262.364.0500**  
**F: 800.260.9199 / 262.364.0550**

**Illinois Office**  
P: 847.362.9660

**Michigan Office**  
P: 248.888.9911

**Minnesota Office**  
P: 952.882.8450

Troy Fire Department #4  
2103 East Maple Road  
Troy MI 48084

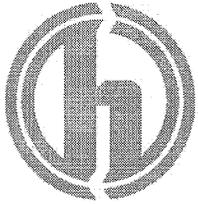
**Ship To:**

2103 East Maple Road  
Troy MI 48084

Date: 2/24/2011  
Sales Person: Mary Comer  
Quote #: QUO-05490-R56GYT  
Expires: 3/31/2011

**Quote Per Request**

Add (1) SBTA-21 Plymovent Vehicle Exhaust System to Station #4. This system would be mounted on the drivers side of Vehicle, along station sidewall. Tailpipe modifications not included in this quote.



**HASTINGS**  
air energy control, inc.  
*creating a cleaner workplace*

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New Berlin, WI 53151-7900

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**Illinois Office**  
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P: 248.888.9911

**Minnesota Office**  
P: 952.882.8450

**Ship To:**

Troy Fire Department #4  
2103 East Maple Road

Troy Fire Department #4  
2103 East Maple Road

Troy MI 48084

Troy MI 48084

Date: 2/24/2011

Sales Person: Mary Comer

Quote #: QUO-05490-R56GYT

Expires: 3/31/2011

Part #	Description	Qty
VE-SBTA-21B	SBTA-21B Sliding Balancer Track (Single Track, One Vehicle) Includes: 1- 19' Boxloc Track 1- 4" x 2' lower hose Assy including Safety Disconnect and & 6.26" Grabber 1- 4" x 25' Hose Assembly 1- Trolley/Balancer Assembly 1- End stop (pair) w/ Security Bolts 1- Riser Bracket Assembly w/ Regulator 1- Uncoupling Valve Assembly 2- PlymoVent Decals, 1- Roll Ylw/Blk Hazard Tape	1.00
SEN-002	Engine Pressure Sensor Assembly w/ear clips	1.00
VE-LEG-LP1	Sq Alumn Leg Tube, 1.2" Sq. X 19' Long, Extruded Alumn, Field Cut To Req'D Length	1.00
VE-LEG-MKF	Vertical Leg Mount Kit	2.00
INST-M	Mechanical Installation, Labor, Ductwork , Support Brackets	1.00
		\$5,524.58

NOTE: Shipping and Tax are NOT INCLUDED.

I have read the terms page, a single, separate page from the pricing,  
and I accept the terms and conditions of this quotation.

Signed: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_

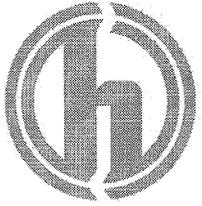
Terms:

\_\_\_\_\_ Prepay - 3% Discount:  
\_\_\_\_\_ Net 30 Days from Shipment  
\_\_\_\_\_ Visa/Mastercard/Discover

Purchase Order # \_\_\_\_\_

**Thank you for considering Hastings.**

**Please remit to:**  
**Hastings Air-Energy Control, Inc.**  
**5555 S. Westridge Drive**  
**New Berlin, WI 53151-7900**



**HASTINGS**  
air energy control, inc.  
*creating a cleaner workplace*

5555 South Westridge Drive  
New Berlin, WI 53151-7900

**P: 800.236.8450 / 262.364.0500**  
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**Illinois Office**  
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P: 248.888.9911

**Minnesota Office**  
P: 952.882.8450

**TERMS:**

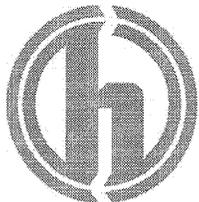
Freight for equipment is FOB destination. Hastings will deliver with our truck. Future parts or filter orders will ship prepaid and add.

Normal delivery is 3 to 4 weeks after receipt of confirming purchase order or prepayment check.

Warranty is per manufacturer specifications. Contact representative for more details.

Payment terms are 3% discount for prepayment with order, 1% 10 days, net 30 from date of start up. Payment terms discount (3%) does not apply if the payment is made with a credit card. A 1½ % per month finance charge will be assessed on all invoice balances outstanding past 30 days.

Price does not include sales tax. Please provide municipality's tax exemption certificate.



**HASTINGS**  
air energy control, inc.  
*creating a cleaner workplace*

5555 South Westridge Drive  
New Berlin, WI 53151-7900

**P: 800.236.8450 / 262.364.0500**  
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**Minnesota Office**  
P: 952.882.8450

Troy Fire Department #3  
2350 West Big Beaver  
Troy MI 48084

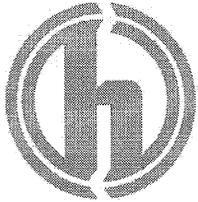
**Ship To:**

2350 West Big Beaver  
Troy MI 48084

Date: 2/24/2011  
Sales Person: Mary Comer  
Quote #: QUO-05489-NZ3Q2N  
Expires: 3/31/2011

### **Quote Per Request**

Furnish and Install (1) SBTA-21 Plymovent Vehicle Exhaust System at Station #3. System will tie into existing ductwork and controls. Due to your vehicle parking location our system needs to incorporate extreme long leg brackets to attach to your station structure.



**HASTINGS**  
air energy control, inc.  
*creating a cleaner workplace*

5555 South Westridge Drive  
New Berlin, WI 53151-7900

**P: 800.236.8450 / 262.364.0500**  
**F: 800.260.9199 / 262.364.0550**

**Illinois Office**  
P: 847.362.9660

**Michigan Office**  
P: 248.888.9911

**Minnesota Office**  
P: 952.882.8450

**Ship To:**

Troy Fire Department #3  
2350 West Big Beaver

Troy Fire Department #3  
2350 West Big Beaver

Troy MI 48084

Troy MI 48084

Date: 2/24/2011

Sales Person: Mary Comer

Quote #: QUO-05489-NZ3Q2N

Expires: 3/31/2011

Part #	Description	Qty
VE-SBTA-21B	SBTA-21B Sliding Balancer Track (Single Track, One Vehicle) Includes: 1- 19' Boxloc Track 1- 4" x 2' lower hose Assy including Safety Disconnect and 6.26" Grabber 1- 4" x 25' Hose Assembly 1- Trolley/Balancer Assembly 1- End stop (pair) w/ Security Bolts 1- Riser Bracket Assembly w/ Regulator 1- Uncoupling Valve Assembly 2- PlymoVent Decals, 1- Roll Ylw/Blk Hazard Tape	1.00
SEN-002	Engine Pressure Sensor Assembly w/ear clips	1.00
VE-LEG-LP1	Sq Alumn Leg Tube, 1.2" Sq. X 19' Long, Extruded Alumn, Field Cut To Req'D Length	2.00
VE-LEG-MKF	Vertical Leg Mount Kit	2.00
INST-M	Mechanical Installation , Support brackets, labor, ductwork	1.00
		\$6,072.22

NOTE: Shipping and Tax are NOT INCLUDED.

I have read the terms page, a single, separate page from the pricing,  
and I accept the terms and conditions of this quotation.

Signed: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_

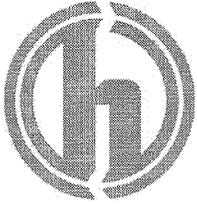
Terms:

\_\_\_\_\_ Prepay - 3% Discount:  
\_\_\_\_\_ Net 30 Days from Shipment  
\_\_\_\_\_ Visa/Mastercard/Discover

Purchase Order # \_\_\_\_\_

**Thank you for considering Hastings.**

**Please remit to:**  
**Hastings Air-Energy Control, Inc.**  
**5555 S. Westridge Drive**  
**New Berlin, WI 53151-7900**



**HASTINGS**  
air energy control, inc.  
*creating a cleaner workplace*

5555 South Westridge Drive  
New Berlin, WI 53151-7900

**P: 800.236.8450 / 262.364.0500**

**F: 800.260.9199 / 262.364.0550**

**Illinois Office**

P: 847.362.9660

**Michigan Office**

P: 248.888.9911

**Minnesota Office**

P: 952.882.8450

### **TERMS:**

Freight for equipment is FOB destination. Hastings will deliver with our truck. Future parts or filter orders will ship prepaid and add.

Normal delivery is 3 to 4 weeks after receipt of confirming purchase order or prepayment check.

Warranty is per manufacturer specifications. Contact representative for more details.

Payment terms are 3% discount for prepayment with order, 1% 10 days, net 30 from date of start up. Payment terms discount (3%) does not apply if the payment is made with a credit card. A 1½ % per month finance charge will be assessed on all invoice balances outstanding past 30 days.

Price does not include sales tax. Please provide municipality's tax exemption certificate.



## CITY COUNCIL AGENDA ITEM

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Date: April 29, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement for Water Main from First Industrial Development Services, Inc. – Sidwell #88-20-35-201-067

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### Background

As part of the redevelopment of a property located on Chicago Road in Section 35, the Engineering department has received a permanent easement for water main from First Industrial Development Services, Inc., owner of the property having Sidwell #88-20-35-201-067.

The format and content of this easement is consistent with easements previously accepted by City Council. The consideration amount on this document is \$1.00.

### Recommendation

City Management recommends that City Council accept the attached easement, consistent with our policy of accepting easements for development and improvement purposes.



## CITY COUNCIL ACTION ITEM

Date May 6, 2011

TO: Mayor Schilling and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Tonni L. Bartholomew, City Clerk

SUBJECT: Proposed Millage Questions Requested by Mayor Schilling

Mayor Schilling requested that two millage questions be advanced to City Council for dedicated Library Millage and Dedicated Road Maintenance and Snow Plowing Millage Proposals. The proposed language is attached, but has not been reviewed by the City Attorney's office

Please note that one mill is worth about four million dollars. Staff will have estimates.

**CITY OF TROY PUBLIC LIBRARY GENERAL OPERATING MILLAGE PROPOSAL**

**THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO \_\_\_ MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:**

Shall the City of Troy levy new additional millage of up to \_\_\_ mills against all taxable property for a \_\_\_-year period of time, 2011 through \_\_\_\_, for public library general operating purposes? \_\_\_ mills are equal to \$\_\_\_\_\_ on each \$1, 000.00 of taxable value. If approved, the additional millage levied will raise approximately \$\_\_\_\_\_ the first year it is levied. **The millage will be levied on the Winter Tax Bill Annually.**

Yes:

No:

**CITY OF TROY GENERAL OPERATING MILLAGE – ROAD MAINTENANCE AND SNOW PLOWING PROPOSAL**

**THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO \_\_\_ MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:**

Shall the City of Troy levy new additional millage of up to \_\_\_ mills against all taxable property for a \_\_\_-year period of time, 2011 through \_\_\_\_, for general operating millage - road maintenance-and snow plowing purposes? \_\_\_ mills are equal to \$\_\_\_\_\_ on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$\_\_\_\_\_ the first year it is levied. **The millage will be levied on the Winter Tax Bill Annually.**

Yes:

No:

**Suggested Resolution**

Resolution #2011-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** for placement on the \_\_\_\_\_, 2011 Election, the following ballot questions:

- a) Approval of City of Troy Public Library Dedicated General Operation Millage Proposal as Requested by Mayor Schilling

**THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO \_\_\_\_ MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:**

*Shall the City of Troy levy new additional millage of up to \_\_\_\_ mills against all taxable property for a \_\_\_\_-year period of time, 2011 through \_\_\_\_\_, for public library general operating purposes? \_\_\_\_ mills are equal to \$\_\_\_\_\_ on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$\_\_\_\_\_ the first year it is levied. The millage will be levied on the Winter Tax Bill Annually.*

Yes \_\_\_\_ No \_\_\_\_\_

- b) Approval of City of Troy Road Maintenance and Snow Plowing Dedicated General Operation Millage Proposal as Requested by Mayor Schilling

**THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO \_\_\_\_ MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:**

*Shall the City of Troy levy new additional millage of up to \_\_\_\_ mills against all taxable property for a \_\_\_\_-year period of time, 2011 through \_\_\_\_\_, for general operating millage - road maintenance-and snow plowing purposes? \_\_\_\_ mills are equal to \$\_\_\_\_\_ on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$\_\_\_\_\_ the first year it is levied. The millage will be levied on the Winter Tax Bill Annually.*

Yes \_\_\_\_ No \_\_\_\_\_

Yes:

No:

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, January 12, 2011, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:49 p.m.

**Trustees Present:** Mark Calice  
Thomas J. Gordon, II  
Mary Kerwin  
John M. Lamerato  
William R. Need (Ex-Officio)  
John Szerlag

**Trustees Absent:** Steven Pallotta  
Thomas Rosewarne

**Also Present:** Tim McLean

### Minutes

#### **Resolution # RH – 2011 – 1- 1**

Moved by Kerwin

Seconded by Gordon

RESOLVED, That the Minutes of the October 13, 2010 meeting be approved.

Yeas: All – 5

Absent: Pallotta, Rosewarne

### Other Business- December 31, 2010 Investment Performance

The board reviewed the December 31, 2010 Investment Performance.

### Other Business – 2011 Meeting Dates

#### **Resolution # RH – 2011 – 1- 2**

Moved by Kerwin

Seconded by Szerlag

RESOLVED, That the board approve the 2011 calendar as follows:

January 12, April 13, July 13 and October 12, meetings will be at 1:00pm or immediately following the Employees' Retirement System board meeting in conference room C of City Hall.

Yeas: All – 5

Absent: Pallotta, Rosewarne

**Investments**

---

**Resolution # RH – 2011 – 1- 3**

Moved by Lamerato  
Seconded by Szerlag

RESOLVED, That the board purchase the following investments:

- \$500,000 Small Cap Equity Fund
- \$500,000 New Concepts Fund
- \$500,000 Dividends Opportunity Fund
- \$500,000 Accumulative Fund

Yeas: All – 5  
Absent: Pallotta, Rosewarne

**Other Business – Election of Chair and Vice Chair**

---

**Resolution # RH – 2011 – 1- 4**

Moved by Szerlag  
Seconded by Kerwin

RESOLVED, That the Mark Calice be appointed Chair and Tom Gordon Vice Chair.

Yeas: All – 5  
Absent: Pallotta, Rosewarne

**Public Comment**

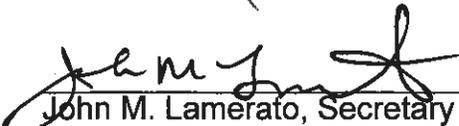
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Martin Howrylak was in attendance.

The next meeting is April 13, 2011 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 12:57 p.m.

  
 \_\_\_\_\_  
 Mark Calice, Chairman

  
 \_\_\_\_\_  
 John M. Lamerato, Secretary

**TRAFFIC COMMITTEE MINUTES****JANUARY 19, 2011****FINAL**

A regular meeting of the Troy Traffic Committee was held Wednesday, January 19, 2011 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

PRESENT: Sarah Binkowski  
John Diefenbaker  
Ted Halsey  
Richard Kilmer  
Gordon Schepke  
Pete Ziegenfelder

ABSENT: Jan Hubbell

Also present: Bill Huotari, Deputy City Engineer  
Lt. David Livingston, Troy Police Dept.  
Lt. Eric Caloia, Troy Fire Dept.

**2. Minutes – August 18, 2010****RESOLUTION 2011-01-01**

Moved by Kilmer  
Seconded by Schepke

To approve the August 18, 2010 minutes.

YES: All-6  
NO: None  
ABSENT: 1 (Hubbell)  
MOTION CARRIED

**REGULAR BUSINESS****3. Major Road Speed Limit Changes**

The Traffic Improvement Association (TIA) has performed studies to determine speed limits that should be updated on certain City roads, and recommends changes. See attached report.

- a. **RESOLUTION 2011-01-02**  
Moved by Halsey  
Seconded by Schepke

To recommend that the speed limit on Coolidge Road, from the south City limits to Big Beaver, be set at 40 mph, based on the results of an engineering study performed by TIA, using the 85<sup>th</sup> percentile speed.

YES: All-6  
 NO: None  
 ABSENT: 1 (Hubbell)  
 MOTION CARRIED

- b. RESOLUTION 2011-01-03  
 Moved by Halsey  
 Seconded by Kilmer

To recommend that the speed limit on Coolidge Road, from Big Beaver to South Boulevard, be set at 45 mph, based on the results of an engineering study performed by TIA, using the 85<sup>th</sup> percentile speed.

YES: All-6  
 NO: None  
 ABSENT: 1 (Hubbell)  
 MOTION CARRIED

- c. RESOLUTION 2011-01-04  
 Moved by Diefenbaker  
 Seconded by Binkowski

To recommend that the speed limit on Rochester Road, from Elmwood/Badder (south City limits) to Stephenson Highway, be set at 45 mph, based on the results of an engineering study performed by TIA, using the 85<sup>th</sup> percentile speed.

YES: All-6  
 NO: None  
 ABSENT: 1 (Hubbell)  
 MOTION CARRIED

- d. RESOLUTION 2011-01-05  
 Moved by Halsey  
 Seconded by Binkowski

To recommend that the speed limit on Square Lake Road, from Adams to Dequindre Road, be set at 45 mph, based on the results of an engineering study performed by TIA, using the 85<sup>th</sup> percentile speed.

YES: All-6  
 NO: None  
 ABSENT: 1 (Hubbell)  
 MOTION CARRIED

**e. RESOLUTION 2011-01-06**

Moved by Binkowski

Seconded by Halsey

To recommend that the speed limit on Wattles Road, from Adams to Livernois Road, be set at 45 mph, based on the results of an engineering study performed by TIA, using the 85<sup>th</sup> percentile speed.

YES: All-6

NO: None

ABSENT: 1 (Hubbell)

MOTION CARRIED

**4. Public Comment**

No one wished to address the committee.

**5. Other Business**

Mr. Halsey mentioned that there is a turnaround in the median directly opposite Tim Horton's on Rochester Road. He has observed traffic leaving Tim Horton's and dangerously driving straight across three lanes of traffic to get to the turnaround. Lt. Livingston will have officers investigate. There may be a need for "right turn only" signs to prevent crashes.

**6. Adjourn**

The meeting adjourned at 8:00 p.m.



Pete Ziegenfelder, Chairperson



Laurel Nottage, Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, March 9, 2011, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:01 p.m.

**Trustees Present:** Mark Calice  
 Thomas J. Gordon, II  
 John M. Lamerato  
 William R. Need (Ex-Officio)  
 Steve Pallotta  
 Thomas Rosewarne  
 John Szerlag (Departed 1:07pm)

**Trustees Absent:** Mary Kerwin

**Also Present:** Lori Grigg Bluhm  
 Tim McLean

### Minutes

#### **Resolution # ER – 2011-3- 10**

Moved by Pallotta

Seconded by Szerlag

RESOLVED, That the Minutes of the February 9, 2011 meeting be approved.

Yeas: All – 6

Absent: Kerwin

### Other Business – Kocenda Disability Retirement Request

#### **Resolution # ER – 2011-3- 11**

Moved by Szerlag

Seconded by Lamerato

RESOLVED, That the board hereby adjourns the requested reconsideration of the medical duty disability request of David Kocenda to the April 13, 2011 regular meeting, which starts at 12:00pm, and is held in conference room C, Troy City Hall, 500 W, Big Beaver Road, Troy, Michigan 48084

Yeas: All – 6

Absent: Kerwin

**Other Business – December 31, 2010 Investment Performance**

Rebecca S. Sorensen and John Grant of UBS reviewed the December 31, 2010 Investment Performance with the board.

**Other Business – Retirement Request****Resolution # ER – 2011-3- 12**

Moved by Pallotta

Seconded by Rosewarne

RESOLVED, That the following retirement requests be approved:

<b>Name</b>	Ronald E. Woods Jr.	Laurel Nottage	Katherine A. Foster	Jonathon Latour
<b>Pension Program</b>	DC	DB	DB	DB
<b>Retirement Date</b>	4/2/11	4/9/11	4/11/11	3/23/11
<b>Department</b>	Fleet Maintenance	Engineering	Fleet Maintenance	Building Operations
<b>Service Time</b>	8 years, 9 months	23 years, 6 months	25 years, 6 months	17 years

Yeas: All – 6

Absent: Kerwin

**Other Business – Retirement Request****Resolution # ER – 2011-3- 13**

Moved by Szerlag

Seconded by Gordon

RESOLVED, That the following retirement requests be approved:

<b>Name</b>	Thomas E. Rosewarne			
<b>Pension Program</b>	DB			
<b>Retirement Date</b>	4/16/11			
<b>Department</b>	Public Works			
<b>Service Time</b>	22 years, 1 month			

Yeas: All – 5

Absent: Kerwin

Abstain: Rosewarne

**Other Business – Retirement Request**

---

**Resolution # ER – 2011-3- 14**

Moved by Lamerato  
Seconded by Szerlag

RESOLVED, That the following retirement requests be approved:

<b>Name</b>	Barbara A. Pallotta
<b>Pension Program</b>	DC
<b>Retirement Date</b>	3/9/11
<b>Department</b>	City Clerk
<b>Service Time</b>	10 years, 6 months

Yeas: All – 5  
Absent: Kerwin  
Abstain: Pallotta

**investments**

---

**Resolution # ER – 2011-3- 15**

Moved by Lamerato  
Seconded by Rosewarne

RESOLVED, That the board buy \$1,000,000 Eaton Vance floating rate fund and \$1,000,000 Lord Abbett floating rate fund.

Yeas: All – 5  
Absent: Kerwin, Szerlag

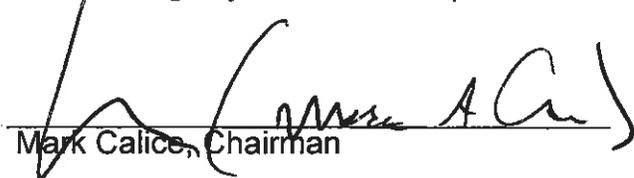
**Public Comment**

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None.

The next meeting is April 13, 2011 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:18 p.m.



Mark Calice, Chairman



John M. Lamerato, Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, March 14, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:10 p.m.

**ROLL CALL:**

**PRESENT:** Patrick C. Hall  
Andrew Kaltsounis  
David S. Ogg  
Timothy P. Payne

**ABSENT:** Max K. Ehlert, Chairman  
W. Stan Godlewski  
Bohdan L. Ukrainec

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

**Resolution to Excuse Committee Members Ehlert, Godlewski, Ukrainec**

Resolution #LC2011-03-005

Moved by Payne

Seconded by Kaltsounis

RESOLVED, That the absence of Committee members Ehlert, Godlewski, and Ukrainec at the Liquor Advisory Committee meeting of March 14, 2011 be **EXCUSED**.

Yes: 4  
No: 0  
Absent: Ehlert, Godlewski, Ukrainec

**Resolution to Approve Minutes of February 7, 2011 Meeting**

Resolution #LC2011-03-006

Moved by Kaltsounis

Seconded by Payne

RESOLVED, That the Minutes of the February 7, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 4  
No: 0  
Absent: Ehlert, Godlewski, Ukrainec

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**Agenda Items**

1. **Mr. Pizza, Inc.** requests to Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, located at 4973 Livernois, Troy, MI 48098, Oakland County, wherein Amira Shemami transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami {MLCC Req. #572153}. *Mr. Pizza is on the southwest corner of Long Lake and Livernois.*

Present to answer questions from the Committee was Najib Shemani, Jr.

Mr. Shemani informed the Committee that this is a family business. He has been involved in the business for approximately 12 years and is purchasing it from his mother whose health has declined.

Officer Feld reported that the Police Department’s investigation of Mr. Shemani resulted in various items. There were several fines from the MLCC for non-sufficient fund checks. Mr. Shemani explained that these were the result of poor bookkeeping practices when his mother became ill. The investigation also showed that Mr. Shemani was arrested a few times, but there were no convictions on any of the charges. Officer Feld also stated that in August of 2010 the MLCC issued a violation which could have resulted in a suspension of the liquor license. The business resolved the matter in a timely fashion and no action was taken against the license.

Officer Feld also reported that there have been two sales-to-minors violations since 1996 when the current owners purchased the business.

Resolution #LC2011-03-007  
Moved by Kaltsounis  
Seconded by Payne

RESOLVED, That the Liquor Advisory Committee recommends that the request of Mr. Pizza, Inc. to Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, located at 4973 Livernois, Troy, MI 48098, Oakland County, wherein Amira Shemami transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami be **APPROVED**.

Yes: 4  
No: 0  
Absent: Ehlert, Godlewski, Ukrainec

---

Officer Feld advised the Committee on the following:

***Simbad, Inc.***

This request for new permit will likely be withdrawn.

***Capital Grille Holdings, Inc.***

This outdoor service area should appear on next month's Agenda.

***Billy Casper Golf – Sanctuary Lake***

This is a license transfer and should appear on next month's Agenda.

---

Assistant City Attorney Lancaster advised the Committee that City Council elected to not hold liquor violation hearings this year. The City Attorney's office sent letters to each of the businesses that had received violations. They are required to re-train their employees in either TIPS or TAMS, and forward verification of that training to Officer Feld.

Ms. Lancaster also stated that Crank's Catering was apparently the low, qualified bidder for the City Caterer bid, and the proposed bid and agreement are scheduled to go to City Council for approval at either the March 28, 2011 meeting or shortly thereafter. It is her understanding that an Open House will be held for the community.

---

The meeting adjourned at 7:25 p.m.



Patrick C. Hall, Committee Member



Patricia A. Gladysz, Secretary

The Board of Zoning Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on March 15, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present

Michael Bartnik  
Glenn Clark  
Kenneth Courtney  
William Fisher  
David Lambert  
Thomas Strat

Also Present

Paul Evans, Zoning and Compliance Specialist  
Christopher Forsyth, Assistant City Attorney  
Recording Secretary Stuart Filler

2. APPROVAL OF MINUTES

**Resolution #BZA 2011-03-15**

Moved by Clark  
Seconded by Fisher

**MOVED**, To approve the February 15, 2011, Regular meeting minutes as presented.

Vote on the motion on the floor.

Yes: All present (6)

**MOTION CARRIED 6-0**

3. HEARING OF CASES

B. **VARIANCE REQUEST, MONSIGNOR ZOUHAIR TOMA KAJBOU, 2442 E. BIG BEAVER ROAD, ST. JOSEPH CHALDEAN CATHOLIC CHURCH** - In order to construct an addition to the church and a new driveway: 1) An 8 foot variance from the requirement that the addition be set back 50 feet from the west property line; 2) a 43 foot variance from the requirement that the proposed driveway be set back at least 50 feet from the west property line; and 3) a variance from the requirement that a landscaped berm be provided between the proposed driveway and the west property line.

**ORDINANCE SECTIONS: 1), 2), and 3: 10.30.04 (B), 10.30.04 (E), 10.30.04 (F)**

Mr. Evans said the appellant has asked to postpone this Item because only six Board members are present tonight. Deputy City Attorney Forsyth recommended also postponing consideration of any comment until then.

**Resolution #BZA 2011-03-16**

Moved by Courtney  
Seconded by Bartnik

MOVED, To postpone action on the case to the April 19, 2011, meeting.

Discussion on the motion on the floor.

The Board discussed whether to allow partial discussion tonight, with no actual hearing and the appellants absent.

Deputy City Attorney Forsyth said under Roberts Rules, a postponement postpones everything; but someone might need to speak who is unable to speak at a future time; that would be a matter of necessity.

Chair Lambert established, by a show of hands, that five members of the public present to hear this case believe they could attend next month's meeting. Mr. Evans advised said that parties who cannot attend next month's meeting can forward comments to the Board via e-mail. Mr. Forsyth advised there would be no additional public hearing notices.

Further discussion ensued. Mr. Courtney called the previous question.

Vote on the motion on the floor.

Yes: Bartnik, Clark, Courtney, Fisher, Lambert  
No: Strat

**MOTION CARRIED 5-1**

- A. **VARIANCE REQUEST, HARRY KWON, 38921 DEQUINDRE** - A variance from the requirement that the required obscuring wall along the west property line be constructed of common or face brick, or of poured or precast masonry or decorative block, in order to maintain the existing wood fence.

**ORDINANCE SECTION: 39.10.03**

Mr. Evans presented the facts, visuals and requested variance. The Board allowed a 35 foot segment of 6 foot wooden fence to substitute for a portion of the required screen wall in 2004, renewed in 2005 for three years, and again in 2008. A photo shows the white wood segment wood fence between two segments of presumed gray concrete masonry; the wood portion might be a few inches taller than the masonry.

Mr. Courtney said the relief seems to be because of a 20 foot wide pipeline easement; Mr. Evans confirmed for Mr. Bartnik that the initial approval was denied, and then allowed on reconsideration.

Appellant Harry Kwon said he has applied for a permanent variance instead of periodic renewals of the relief because the wooden portion of the screening is due to the unavoidable necessity created by the 1940s private easement to Sun Oil Company. The appellant explained in some detail how, if the periodic renewals are inevitable, a variance will save wasted time and expense for all concerned.

The appellant added that the compliant masonry portion is prison like and unpleasing, both when compared to the foot white wooden fence portion--shown as 35 feet in length in previous Board minutes--and when compared to how it might look if painted to be more attractive.

The appellant said the original and existing arrangement was a compromise deemed necessary by the City's Legal Department and satisfactory to the City and to Sunoco, to all concerned and arises out of the easement document and an Oakland County deed showing the County owns a right of way across his property, which incorporate any "permanent structure" above the easement. The wood portion is removable, you can swing it out, and the brick or concrete portion is "permanent." The then City Attorney coordinated the resolution of the issues.

Mr. Courtney questioned why the wood portion, if necessary, should not be limited to the approximately 20 foot portion transected by the 20 foot easement. Board members and staff discussed the definition of "permanent structure" and alternatives to wood fencing like demountable masonry or the "fence footer" solution Chair Lambert said one neighbor suggested.

Assistant City Attorney Forsyth noted that the application does not contain copies of the controlling agreement referred to by the applicant.

Mr. Bartnik said the pipeline goes under the road and under buildings, asking what happens to the easement at 2950 Dequindre and 3960 Wardlow, etc. Mr. Strat agrees it goes under Wattles.

The appellant said the easement holder's assertion of its right involves their catching up on their enforcement after periods of inattention.

#### PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted there are 3 letters from neighbors opposed to the request.

#### PUBLIC HEARING CLOSED

Mr. Courtney said the temporary extensions of the relief are a hedge against the easement holder at some point changing their mind, and said that as a representative of the citizens, acknowledging how the appellant feels about the aesthetics of the masonry, he would need to see documentation that gives full confirmation to the assumptions and conclusions that have been cited regarding the pipeline, etc.

Chair Lambert asked how a developer could get authorization put houses over the pipeline easement. Mr. Forsyth said the City's situation with regard to the private easement is in some ways analogous to the City's situation with regard to the covenants of private homeowner associations.

Mr. Strat said title companies and title searches are part of the process, with attendant liability for undiscovered existing easements and agreed that the Board lacks the information to justify a permanent variance for what some affected people might regard as unsightly. The Board needs to see the older easement and related document and the City's own record.

Deputy City Attorney Forsyth said he would research, verifying the City's due diligence and repeating some of the work of six years ago if the Board needs it. On the face of it, an ordinance cannot override a private easement unless there is a public benefit. The current relief could go on year by year forever.

The appellant said in earlier discussions, Sun Oil said to get rid of the entire brick wall, not just a segment. Mr. Bartnik said the wall should be able to extend up to the easement without a reason not to. The appellant said the spirit of the ordinance is to provide protection to the residences abutting a commercial entity.

Chair Lambert suggested the appellant meet with the neighbors affected by the screen wall and fence to find out what they could live with, and referred to the letter one of them sent that contains suggestions.

**Resolution #BZA 2011-03-17**

Moved by Clark

Seconded by Courtney

MOVED, To postpone the hearing to April 19, 2011, for the petitioner to provide more information.

Vote on the motion on the floor.

Yes: All present (6)

**MOTION CARRIED 6-0**

- C. **VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS** - In order to split the subject parcel into 3 separate parcels, a 15 foot

variance to the required 100 foot lot width requirement for 2 of the proposed parcels.

**ORDINANCE SECTION: 39.10.02**

Mr. Evans presented the facts, visuals and the requested variance.

Mr. Bartnik asked if staff confirmed the information in the spreadsheet analysis provided by the applicant; Mr. Evans advised they did not, but could if desired by the Board.

Mr. Courtney asked if the site could be split into two lots without a variance; Mr. Evans confirmed it could.

Chair Lambert asked whether the property, or the proposed southern 170 feet, is too small for a condo plan.

The appellants, Ms. Gada and Mr. Manek, were accompanied by Bob Lind of Urban Land Consultants LLC., 8800 23 Mile Rd Shelby Township. Appellant Manek said he moved to Troy in 2005 and bought the unique property in 2007 and that the proposed two southern lots resulting from a division into three meet the square footage and other requirements except for the 15 foot lot width deficit. It was part of a farm subdivided in two phases in the 1950s, when requirements were different and lots were larger, exceeding zoning requirements. Water and sewer enabled the homebuilding in the 1980s.

The existing farmhouse was built in 1901; its gravel driveway some 35 feet to the south turns north from the proposed middle lot.

The appellant said the land division would be no detriment to the surrounding area, with trees and brush to the east and more traditional, 1990s platted homes across Livernois.

Mr. Courtney asked whether there is enough square footage for site condos. Mr. Lind said they worked with City staff and looked at different scenarios. This one is the simplest; all would require variances, and condos would not be feasible. Appellant Manek thanked Mr. Evans and staff for their help.

In response to a question by Mr. Bartnik, the applicant attempted to clarify the lot frontage on nearby properties across Livernois Road.

Mr. Strat asked about the existing storage shed on the property, in what would be the center lot, and appellant Manek said they will move it to comply with the code. Mr. Strat said a site condominium appears possible and he feels would make more sense. It could use the existing curb cut and split the existing drive with a turnaround. This would work and allow two homes without a variance,

even if a cul de sac, which the appellants have considered and rejected, would not.

Mr. Courtney agreed as that condominiums might be a viable alternative. Chair Lambert asked about the rendering showing two new homes and the gambrel roof farmhouse, intent to avoid more curb cuts, and agreed with as to the need to consider alternatives such as site condominiums.

PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted there was no written correspondence from the public.

PUBLIC HEARING CLOSED

**Resolution #BZA 2011-03-17**

Moved by Courtney  
Seconded by Bartnik

MOVED, To postpone the hearing to April 19, 2011, so that the appellants can research the viability of alternatives, including a condominium plan alternative.

Discussion of the motion on the floor.

Chair Lambert gave appellant Manek leave to speak further, and the appellant asked whether Board members are suggesting consideration of a site condo served by the existing drive. Mr. Strat said the configuration is at the appellant's discretion.

The appellant said that, eight months ago, Planning said for some reason they could not do condos; he forgets the details, but it included two units as well as four; they were against rezoning. Chair Lambert said if there is a firm denial from Planning, the Board will take up the lot split proposal.

Vote on the motion on the floor.

Yes: All present (6)

**MOTION CARRIED 6-0**

4. COMMUNICATIONS

Mr. Evans said Board members have the latest information from the Michigan Chapter of the American Planning Association.

5. PUBLIC COMMENT

There was no one present who wished to speak.

6. MISCELLANEOUS BUSINESS

Chair Lambert thanked Assistant City Attorney Forsyth for his service with the City of Troy and wished him well in his new endeavor; the Board has enjoyed working with him this year. His departure is the City's loss. Mr. Strat concurred. Assistant City Attorney Forsyth said he has enjoyed working here in various capacities.

In response to Mr. Strat's brief comment on agenda item 3B, Assistant City Attorney Forsyth reminded the Board that it postponed consideration of the item to next month.

7. ADJOURNMENT

The Board of Zoning Appeals meeting adjourned at 8:58 p.m.

Respectfully submitted,

---

David Lambert, Chair

/sf

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on March 22, 2011 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
 Michael W. Hutson  
 Mark Maxwell  
 Philip Sanzica  
 Thomas Strat  
 John J. Tagle  
 Lon M. Ullmann  
 Mark J. Vleck (arrived at 7:35 p.m.)

Absent:

Robert M. Schultz

Also Present:

R. Brent Savidant, Acting Planning Director  
 Allan Motzny, Assistant City Attorney  
 Zachary Branigan, Carlisle/Wortman Associates, Inc.

2. APPROVAL OF AGENDA

**Resolution # PC-2010-03-013**

Moved by: Strat  
 Seconded by: Maxwell

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (7)  
 Absent: Schultz, Vleck (arrived at 7:35 p.m.)

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2011-03-014**

Moved by: Edmunds  
 Seconded by: Sanzica

**RESOLVED**, To approve the minutes of the March 8, 2011 Regular meeting as prepared.

Yes: All present (7)  
 Absent: Schultz, Vleck (arrived at 7:35 p.m.)

**MOTION CARRIED**

4. PUBLIC COMMENT

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Strat presented the BZA report. He provided summaries of the February 15, 2011 and March 15, 2011 Board of Zoning Appeals meetings.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant presented a brief report of the March DDA meeting.

7. PLANNING AND ZONING REPORT

Mr. Savidant presented the Planning and Zoning report. He indicated that based on informal discussions with potential applicants, it appeared that a moderate spike in development applications was forthcoming.

**STUDY ITEMS**

8. OUTDOOR SEATING AREA – The Capital Grille, Somerset Collection, North side of Big Beaver, east of Coolidge (Unit Q123, 2800 W. Big Beaver), Section 20, Currently Zoned B-2 General Business (Controlled by Consent Judgment)

Mr. Savidant summarized the application, which requires approval by City Council. There was general support of the proposed outdoor seating area.

**Resolution #2011-03-015**

Moved by: Edmonds

Seconded by: Strat

**RESOLVED**, That the Planning Commission hereby recommends that Special Use Approval for the proposed Capital Grille outdoor seating area, located on the north side of Big Beaver, east of Coolidge (Unit Q123, 2800 W. Big Beaver), Section 20, Currently Zoned B-2 General Business (Controlled by Consent Judgment), be granted.

Yes: All present (8)

Absent: Schultz

**MOTION CARRIED**

9. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 236) – Proposed Draft Zoning Ordinance and Map Regulating the Development and Use of Land, which Ordinance, if Adopted, will Repeal and Replace the Existing Zoning Ordinance, Chapter 39 of the Code of the City of Troy

Mr. Branigan summarized the draft document, dated March 18, 2011. This draft contained all the revised formatting and text edits from the workshop, the public hearing, the Planning Commission and DDA input, Staff and Consultant changes, etc. made since the February 4 draft. General discussion followed.

**Resolution # PC-2011-03-016**

Moved by: Sanzica

Seconded by: Strat

WHEREAS, The Planning Commission adopted the City of Troy Master Plan on October 14, 2008; and

WHEREAS, The Zoning Ordinance is the most important tool for implementing the Master Plan; and

WHEREAS, The existing City of Troy Zoning Ordinance is approaching fifty years old, and has been amended two hundred forty- two times; and

WHEREAS, The City undertook a collaborative effort between the Planning Department and Carlisle/Wortman Associates, Inc. to comprehensively rewrite the Zoning Ordinance; and

WHEREAS, The Planning Commission discussed the proposed Zoning Ordinance at over thirty public meetings, including a Zoning Ordinance Workshop held on March 2, 2011 and a Public Hearing held on March 8, 2011; and

WHEREAS, The proposed Zoning Ordinance creates an Environment of Investment in the City by expanding the development and use potential of many non-residential properties; and

WHEREAS, The proposed Zoning Ordinance preserves and protects single-family residential neighborhoods from incompatible uses.

NOW THEREFORE BE IT RESOLVED, The Planning Commission hereby supports the proposed City of Troy Zoning Ordinance and recommends adoption of the proposed Zoning Ordinance by City Council.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Strat, Tagle, Ullmann

No: Vleck

Absent: Schultz

**MOTION CARRIED**

Mr. Vleck stated he is supportive of 98% of the document. His no vote was intended to put City Council on notice that there were some provisions in the proposed document that were more restrictive than the existing Zoning Ordinance; for example, parking of commercial vehicles in residential districts. Other than a few provisions, he supports the draft document.

10. BIG BEAVER DESIGN GUIDELINES

Zak Branigan summarized the document, which had been reviewed previously by the Planning Commission. There was general discussion of the document.

**Resolution # PC-2011-03-017**

Moved by: Vleck

Seconded by: Tagle

WHEREAS, The Downtown Development Authority (DDA) commissioned the development of Big Beaver Design Standards to encourage the continued vitality of the Big Beaver Corridor as a regional destination point and a world class boulevard; and

WHEREAS, The Big Beaver Design Guidelines were adopted by the Downtown Development Authority on January 19, 2011.

THEREFORE, BE IT RESOLVED, That the Big Beaver Design Guidelines are hereby approved by the Planning Commission.

Yes: All present (8)

Absent: Schultz

**MOTION CARRIED**

**OTHER ITEMS**

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

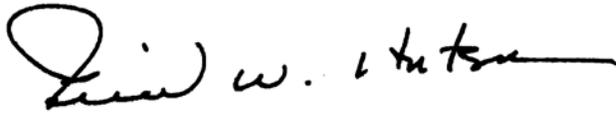
12. PLANNING COMMISSION COMMENT

There was general Planning Commission discussion.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 7:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael W. Hutson". The signature is fluid and cursive, with a long horizontal stroke at the end.

---

Michael W. Hutson, Chair

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R. Brent Savidant, Acting Planning Director

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The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chair Maxwell at 7:30 p.m. on April 12, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Tom Krent  
Mark Maxwell  
Robert Schultz  
Thomas Strat  
John J. Tagle

Absent:

Michael W. Hutson  
Philip Sanzica  
Lon M. Ullmann

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-2011-04-018**

Moved by: Edmunds  
Seconded by: Schultz

RESOLVED, To approve the Agenda as prepared.

Yes: All present (6)  
Absent: Hutson, Sanzica, Ullmann

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2011-04-019**

Moved by: Tagle  
Seconded by: Schultz

**RESOLVED**, To approve the minutes of the March 22, 2011 Special/Study meeting as prepared.

Yes: All present (6)  
Absent: Hutson, Sanzica, Ullmann

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**PRELIMINARY SITE PLAN REVIEW**

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 967) – Proposed Gaucho Brazilian Steakhouse, 3635 Rochester Road, West Side of Rochester between Troywood and Colebrook, Section 22, Currently Zoned B-3 (General Business) District**Resolution # PC-2011-04-020**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, That the item be tabled or postponed until such time as a complete preliminary site plan package has been turned over to the Planning Department and both the Planning Consultant and the Planning Commission have had time to review it.

Yes: All present (6)

Absent: Hutson, Sanzica, Ullmann

**MOTION CARRIED**

**OTHER BUSINESS**

6. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

7. PLANNING COMMISSION COMMENTS

The Regular Meeting of the Planning Commission adjourned at 8:20 p.m.

Respectfully submitted,

---

Mark Maxwell, Vice Chair

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Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chair Maxwell at 7:30 p.m. on April 12, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Tom Krent  
Mark Maxwell  
Robert Schultz  
Thomas Strat  
John J. Tagle

Absent:

Michael W. Hutson  
Philip Sanzica  
Lon M. Ullmann

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-2011-04-018**

Moved by: Edmunds  
Seconded by: Schultz

RESOLVED, To approve the Agenda as prepared.

Yes: All present (6)  
Absent: Hutson, Sanzica, Ullmann

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2011-04-019**

Moved by: Tagle  
Seconded by: Schultz

**RESOLVED**, To approve the minutes of the March 22, 2011 Special/Study meeting as prepared.

Yes: All present (6)  
Absent: Hutson, Sanzica, Ullmann

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**PRELIMINARY SITE PLAN REVIEW**

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 967) – Proposed Gaucho Brazilian Steakhouse, 3635 Rochester Road, West Side of Rochester between Troywood and Colebrook, Section 22, Currently Zoned B-3 (General Business) District**Resolution # PC-2011-04-020**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, That the item be tabled or postponed until such time as a complete preliminary site plan package has been turned over to the Planning Department and both the Planning Consultant and the Planning Commission have had time to review it.

Yes: All present (6)

Absent: Hutson, Sanzica, Ullmann

**MOTION CARRIED**

**OTHER BUSINESS**

6. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

7. PLANNING COMMISSION COMMENTS

The Regular Meeting of the Planning Commission adjourned at 8:20 p.m.

Respectfully submitted,

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Mark Maxwell, Vice Chair

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Kathy L. Czarnecki, Recording Secretary



## CITY COUNCIL AGENDA ITEM

May 2, 2011

TO: John Szerlag, City Manager 

FROM: John M. Lamerato, Assistant City Manager-Finance and Admin. Services 

SUBJECT: March 31, 2011 - Quarterly Financial Report

Background:

Section 8.6 of the City Charter requires a quarterly financial report be provided to City council.

Financial Considerations:

The quarterly report provides City Council with an update on the financial condition of the City.

**CITY OF TROY**  
**QUARTERLY FINANCIAL REPORT**  
**FOR THE NINE MONTHS ENDED MARCH 31, 2011**

- **QUARTER END HIGHLIGHTS**
- **STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**
- **INVESTMENT LISTING (TYPE, LOCATION, RATE, MATURITY DATE)**
- **BANK BALANCES (LOCATION, FUND, BALANCE)**

## QUARTER END HIGHLIGHTS (MARCH 31, 2011)

### GENERAL FUND

- REVENUE THRU THE 3<sup>RD</sup> QTR. ARE IN LINE AS A PERCENTAGE OF BUDGET RECOGNIZED WHEN COMPARED TO LAST YEAR.
- INVESTMENT INCOME IS DOWN IN EXCESS OF \$34,000 COMPARED TO THE SAME PERIOD LAST YEAR.
- YEAR TO DATE EXPENDITURES AS A PERCENTAGE OF BUDGET (68.43%) COMPARES TO (67.03%) LAST YEAR.
- LICENSE AND PERMIT REVENUE IS UP \$85,660 COMPARED TO THE SAME PERIOD LAST YEAR.
- STATE SHARED REVENUE IS PROJECTED AT \$5.2 MILLION VS OUR ORIGINAL BUDGET ESTIMATE OF \$5.1 MILLION. TO DATE WE HAVE RECEIVED \$47,000 MORE THAN THE STATE ESTIMATES FOR THIS PERIOD OF TIME.

### DEPARTMENT HIGHLIGHTS

- PASSPORT ACTIVITY (JULY THRU MAR.) – 979 TRANSACTIONS; 337 PHOTOS GENERATING \$27,845 IN REVENUE.
- BULIDING OPERATIONS – NATURAL GAS SAVINGS (ST. OF MICH. MiDEAL PROGRAM) \$43,605 THRU MAR. 2011.
- WINTER MAINTENANCE – SALT USEAGE OCT-MAR

	<u>2008/09</u>	<u>2009/10</u>	<u>2010/11</u>
TONS	10,383	4,746	9,161
COST PER TON	\$31.32	\$53.24	\$51.60

- OFFICE SUPPLY USEAGE FOR THE CALENDAR YEAR 2010 WAS \$89,000 LESS THAN 2004.
- 941 – EMPLOYERS QTRLY FED TAX RETURN WAGES FOR THE 12 MONTHS ENDED 3/31/11 VS 3/31/10 DECREASE OF \$4,140,078.
- EARLY RETIREE REINSURANCE PROGRAM – THE CITY HAS RECOUPED \$129,364 TO DATE.

### CAPITAL PROJECTS

- THROUGH MARCH 31, 2011 WE HAVE EXPENDED \$ 6.9 MILLION ON CAPITAL PROJECTS.



**Monthly Financial Report  
General Fund  
For the Period Ending March 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>General Fund Revenues</b>					
TAXES	36,362,515	32,622,500	41,019	32,427,319	99.40
LICENSES AND PERMITS - BUSINESS	43,255	21,500	2,619	39,313	182.85
LICENSES AND PERMITS - NON-BUSINESS	1,070,552	1,058,500	93,842	858,102	81.07
FEDERAL GRANTS	81,829	17,600	0	102,854	584.40
STATE GRANTS	5,755,414	5,242,500	1,028,871	3,071,571	58.59
CONTRIBUTIONS FROM LOCAL UNITS	139,679	115,000	0	21,062	18.31
CHARGES FOR SERVICES - FEES	1,587,801	1,505,500	27,810	753,786	50.07
CHARGES FOR SERVICES - RENDERED	2,232,501	1,843,950	236,223	704,711	38.22
CHARGES FOR SERVICES - SALES	156,167	146,300	5,005	112,504	76.64
CHARGES FOR SERVICES - REC	3,557,092	3,662,000	348,903	2,419,626	66.07
FINES AND FORFEITURES	1,226,728	1,241,270	45,322	802,997	64.69
INTEREST & RENT	1,136,194	1,174,340	101,916	696,906	59.34
OTHER REVENUE	644,103	754,720	53,280	654,112	86.67
OTHER FINANCING SOURCES	6,870,319	8,432,810	0	4,505,858	53.43
	<b>60,864,151</b>	<b>57,838,990</b>	<b>1,990,319</b>	<b>47,170,721</b>	<b>81.56</b>
<b>General Fund Expenditures</b>					
FINANCE	3,124,498	2,825,836	344,025	2,265,931	80.19
POLICE	24,756,766	27,049,630	2,360,322	18,226,735	67.38
FIRE	4,263,606	4,238,330	283,144	3,225,972	76.11
BUILDING INSPECTION	1,882,269	962,513	117,583	726,308	75.46
ENGINEERING	2,043,465	1,951,907	171,895	1,293,497	66.27
STREETS AND DRAINS	4,844,705	5,376,569	529,875	3,492,304	64.95
OTHER GENERAL GOVERNMENT	2,058,823	1,882,141	258,357	1,393,393	74.03
COUNCIL/EXEC ADMINISTRATION	3,369,616	3,548,977	374,276	2,416,232	68.08
PARKS AND RECREATION	8,197,638	7,524,747	655,337	4,913,987	65.30
LIBRARY/MUSEUM	3,905,930	2,478,241	272,963	1,622,302	65.46
	<b>58,457,315</b>	<b>57,838,990</b>	<b>5,364,776</b>	<b>39,576,660</b>	<b>68.43</b>



**Monthly Financial Report  
Refuse Fund  
For the Period Ending March 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Refuse Fund Revenues</b>					
TAXES	3,900,932	4,092,000	0	4,083,756	99.80
CHARGES FOR SERVICES - SALES	4,796	4,500	440	3,310	73.56
INTEREST & RENT	21,114	24,450	617	7,946	32.50
OTHER FINANCING SOURCES	0	0	0	0	0.00
	<b>3,926,841</b>	<b>4,120,950</b>	<b>1,057</b>	<b>4,095,012</b>	<b>99.37</b>
<b>Refuse Fund Expenditures</b>					
CONTRACTORS SERVICE	3,796,942	3,921,000	483,723	2,760,009	70.39
OTHER REFUSE EXPENDITURE	74,551	73,540	5,235	56,078	76.25
RECYCLING	124,571	126,410	23,415	96,527	76.36
	<b>3,996,064</b>	<b>4,120,950</b>	<b>512,373</b>	<b>2,912,613</b>	<b>70.68</b>



**Monthly Financial Report  
Downtown Dev Authority Fund  
For the Period Ending March 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Downtown Dev Authority Fund Revenues</b>					
TAXES	3,204,718	2,202,500	0	2,202,581	100.00
INTEREST & RENT	101,212	110,000	3,214	36,106	32.82
OTHER FINANCING SOURCES	0	1,532,160	0	0	0.00
	<b>3,305,931</b>	<b>3,844,660</b>	<b>3,214</b>	<b>2,238,687</b>	<b>58.23</b>
<b>Downtown Dev Authority Fund Expenditures</b>					
OTHER GENERAL GOVERNMENT	1,943,427	100,000	78,116	95,349	95.35
TRANSFERS OUT	3,761,053	3,744,660	0	2,932,619	78.31
	<b>5,704,480</b>	<b>3,844,660</b>	<b>78,116</b>	<b>3,027,967</b>	<b>78.76</b>



**Monthly Financial Report  
Capital Fund  
For the Period Ending March 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Capital Fund Revenues</b>					
TAXES	7,957,902	7,190,000	0	7,181,778	99.89
FEDERAL GRANTS	0	921,100	0	0	0.00
STATE GRANTS	3,055,711	9,727,500	0	400	0.00
CONTRIBUTIONS FROM LOCAL UNITS	0	200,000	0	245,067	122.53
CHARGES FOR SERVICES - FEES	125,175	120,000	0	68,628	57.19
CHARGES FOR SERVICES - RENDERED	446,215	152,000	-19,827	314,241	206.74
FINES AND FORFEITURES	0	209,000	0	20,000	9.57
INTEREST & RENT	231,531	207,200	8,782	89,420	43.16
OTHER REVENUE	399,148	0	0	55,647	0.00
OTHER FINANCING SOURCES	2,061,816	12,594,190	0	0	0.00
	<b>14,277,498</b>	<b>31,380,990</b>	<b>-11,046</b>	<b>7,975,180</b>	<b>25.41</b>
<b>Capital Fund Expenditures</b>					
TRANSFERS OUT	120,211	70,910	0	0	0.00
OTHER GENERAL GOVERNMENT	500,841	10,874,300	555	167,792	1.54
POLICE	137,696	602,500	13,829	92,055	15.29
FIRE	1,082,790	691,500	10,949	22,768	3.29
ENGINEERING	17,453	0	0	0	0.00
STREETS AND DRAINS	14,563,397	14,528,140	234,811	6,162,832	42.42
COUNCIL/EXEC ADMINISTRATION	0	100,000	24,995	56,405	56.50
PARKS AND RECREATION	148,857	4,013,640	0	115,645	2.88
LIBRARY/MUSEUM	870,512	500,000	33,510	256,933	51.99
	<b>17,441,756</b>	<b>31,380,990</b>	<b>318,649</b>	<b>6,880,521</b>	<b>21.93</b>



**Monthly Financial Report  
Aquatic Center Fund  
For the Period Ending March 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Aquatic Center Fund Revenues</b>					
CHARGES FOR SERVICES - REC	425,155	457,000	2,338	235,684	51.57
INTEREST & RENT	26,515	29,900	0	24,180	80.87
OTHER REVENUE	0	0	0	0	0.00
	<b>451,670</b>	<b>486,900</b>	<b>2,338</b>	<b>259,864</b>	<b>53.37</b>
<b>Aquatic Center Fund Expenditures</b>					
AQUATIC CENTER	567,845	599,996	56,155	396,249	56.04
CAPITAL	0	61,000	1,819	24,509	40.18
	<b>567,845</b>	<b>660,996</b>	<b>57,974</b>	<b>420,758</b>	<b>63.66</b>



**Monthly Financial Report  
Sewer Fund  
For the Period Ending March 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Sewer Fund Revenues</b>					
CHARGES FOR SERVICES - FEES	128,845	100,000	400	73,020	73.02
CHARGES FOR SERVICES - RENDERED	10,243,795	12,583,000	696,190	7,060,300	56.11
INTEREST & RENT	277,778	250,000	15,857	130,203	53.28
OTHER REVENUE	1,946,409	0	0	0	0.00
	<b>12,596,827</b>	<b>12,933,000</b>	<b>712,457</b>	<b>7,266,522</b>	<b>56.19</b>
<b>Sewer Fund Expenditures</b>					
ADMINISTRATION	8,400,556	9,291,402	691,981	6,460,353	69.62
CAPITAL	0	2,910,000	29,135	301,098	10.35
MAINTENANCE	657,323	1,115,456	59,248	443,165	39.73
TRANSFERS OUT	627,160	666,350	0	499,763	75.00
	<b>9,775,039</b>	<b>13,983,248</b>	<b>780,364</b>	<b>7,712,378</b>	<b>55.15</b>



**Monthly Financial Report  
Water Fund  
For the Period Ending March 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Water Fund Revenues</b>					
CHARGES FOR SERVICES - FEES	639,711	580,000	40,636	413,382	71.27
CHARGES FOR SERVICES - RENDERED	59,643	47,600	1,418	28,300	59.45
CHARGES FOR SERVICES - SALES	13,124,012	14,364,000	705,427	8,045,944	56.01
INTEREST & RENT	337,985	160,000	10,736	93,918	58.70
OTHER REVENUE	156,179	0	0	0	0.00
	<b>14,317,530</b>	<b>15,151,600</b>	<b>848,217</b>	<b>8,581,543</b>	<b>56.64</b>
<b>Water Fund Expenditures</b>					
TRANS AND DISTRIBUTION	204,557	317,634	12,107	101,153	31.85
CUSTOMER INSTALLATION	103,610	104,180	9,901	71,153	68.30
CONTRACTORS SERVICE	141,396	213,007	13,541	106,953	50.21
MAIN TESTING	23,324	50,797	1,787	15,540	30.59
MAINTENANCE OF MAINS	417,939	501,031	26,525	274,172	54.72
MAINTENANCE OF SERVICES	276,177	279,442	10,789	129,434	46.32
MAINTENANCE OF METERS	505,485	657,290	32,101	406,738	61.88
MAINTENANCE OF HYDRANTS	268,715	369,343	7,671	179,539	48.64
WATER METERS & TAP-INS	325,338	343,638	21,679	193,663	56.36
ADMINISTRATION	10,092,473	10,997,298	1,008,550	6,813,838	61.96
CAPITAL	0	6,430,000	83,237	2,015,481	31.34
WATER METER READING	55,872	85,007	7,001	67,146	78.99
ACCOUNTING & COLLECTING	76,754	130,903	38,993	126,023	96.27
	<b>12,491,642</b>	<b>20,479,560</b>	<b>1,282,881</b>	<b>10,500,932</b>	<b>51.28</b>



**Monthly Financial Report  
Motor Pool  
For the Period Ending March 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Motor Pool Revenues</b>					
CHARGES FOR SERVICES	0	0	15,720	37,441	0.00
CHARGES FOR SERVICES - RENDERED	145,429	153,600	13,256	65,869	42.88
INTEREST & RENT	3,527,642	3,552,440	293,795	2,293,487	64.70
OTHER REVENUE	443,257	580,500	0	280,043	48.24
OTHER FINANCING SOURCES	0	2,082,319	0	0	0.00
	<b>4,116,328</b>	<b>6,368,859</b>	<b>322,771</b>	<b>2,681,840</b>	<b>42.11</b>
<b>Motor Pool Expenditures</b>					
ADMINISTRATION	558,222	690,407	50,630	469,757	68.04
OPERATION AND MAINTENANCE	3,055,048	3,660,342	511,023	2,154,356	58.85
DPW FACILITY MAINTENANCE	280,775	404,410	64,841	212,073	52.44
CAPITAL	0	1,613,200	126,812	196,849	12.20
	<b>3,894,045</b>	<b>6,368,859</b>	<b>753,316</b>	<b>3,033,035</b>	<b>47.62</b>

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2011	4	1	9	FITB	2009	6	9	2.250	MONROE CTY	1,000,000		1,000,000.00
	2011	4	14	7	BOM	2010	6	3	.400	CD	203,355		203,355.34
	2011	4	14	7	HUNT BANK	2010	8	5	.220	CD	1,108,380		1,108,379.81
	2011	4	15	9	FITB	2010	9	8	.841	2315	310,967		310,966.70
	2011	4	25	9	FITB	2007	1	9	5.500	2003-80	98,580		98,580.02
	2011	4	30	7	FITB	2003	2	27	.250	NOW 7129	24,805,601		24,805,600.71
	2011	4	30	7	HUNT BANK	2004	8	27	.100	MM	601,139		601,138.60
	2011	4	30	9	MBIA	2005	11	18	.210	CLASS	1,690,700		1,690,699.76
	2011	4	30	9	CITIZENS	2006	5	4	.200	MMIA	1,656,910		1,656,909.96
	2011	4	30	7	FITB	2006	9	8	.250	NOW 9950	135,292		135,291.60
	2011	4	30	9	FITB	2008	1	25	5.500	2007-013	55,024		55,024.40
	2011	4	30	7	ML	2008	4	30	.050	MM	4,908,069		4,908,068.60
	2011	4	30	7	FITB	2008	5	31	.200	MM	21,362		21,362.34
	2011	4	30	7	CITIZENS	2009	9	11	.500	CITIZ #1	2,009,241		2,009,240.73
	2011	4	30	7	CITIZENS	2009	9	14	.500	CITIZ #2	2,009,199		2,009,199.44
	2011	4	30	7	CHART ONE	2009	10	15	.250	GOVT POOL	6,109,226		6,109,225.98
	2011	4	30	7	AMBASSADOR	2010	1	11	.150	MMF	1,001,028		1,001,028.30
	2011	4	30	7	CITI SM BY	2010	4	8	.100	MM 14 526	2,130		2,129.53
	2011	4	30	7	CITIZENS	2010	4	29	.350	CITIZ #4	1,239,578		1,239,577.98
	2011	4	30	7	CITIZENS	2010	4	29	.350	CITIZ #3	1,003,151		1,003,150.80
	2011	4	30	7	CITIZENS	2010	5	27	.100	CITIZ #5	1,230,384		1,230,384.25
	2011	4	30	7	CITIZENS	2010	6	3	.100	CITIZ #6	1,429,133		1,429,133.03
	2011	4	30	7	CITIZENS	2010	6	3	.100	CITIZ #7	2,121,805		2,121,805.23
	2011	4	30	7	COMERICA	2010	8	19	.400	CO-MM	3,170,430		3,170,429.74
	2011	4	30	7	CITI SM BY	2010	10	20	.060	MM 17 211	20,664		20,664.03
	2011	4	30	8	CITI-SM BY	2011	3	30	.233	PRUDENTIAL	2,028,807		2,028,806.81
	2011	5	1	9	CITI-SM BY	2010	10	18	5.000	HASLETT	46,952		46,952.10
	2011	5	1	9	CITI-SM BY	2010	10	19	5.000	MT.CLEMENS	41,730		41,730.00
	2011	5	1	9	CITI-SM BY	2010	10	19	5.000	OXFORD SCH	26,079		26,078.50
	2011	5	5	7	PRIV BANK	2010	9	2	.300	CD	1,728,279		1,728,278.73
	2011	5	15	9	FITB	2010	8	25	.581	3174	204,742		204,742.38
	2011	5	16	9	FITB	2008	5	30	3.600	FHR03 2640	101,802		101,801.99
	2011	5	17	7	PRIV BANK	2010	6	10	.250	CD	1,072,658		1,072,657.52
	2011	5	26	7	FLAGSTAR	2010	5	27	.390	CD ARS	3,684,254		3,684,254.32
	2011	6	13	9	PNC	2010	5	3	.240	FHLMC	1,172,879		1,172,878.50
	2011	6	15	9	FITB	2008	12	26	4.080	2006-66	1,187,958		1,187,958.34
	2011	6	16	7	PRIV BANK	2010	9	16	.300	CD	2,129,554		2,129,554.18
	2011	6	30	9	FITB	2008	2	25	6.000	2006-26	378,609		378,608.84
	2011	7	15	9	FITB	2010	9	8	.741	2334	360,825		360,825.30
	2011	7	30	9	FITB	2010	7	30	3.250	2009-116	2,860,699		2,860,699.35
	2011	8	15	9	FITB	2009	10	27	.523	2002-038	531,151		531,150.96
	2011	8	25	9	FITB	2007	9	28	5.500	FNMA 3061	159,860		159,859.51
	2011	8	30	9	FITB	2010	2	16	.730	2921	848,726		848,725.87
	2011	9	30	9	CITI SM BY	2010	11	4	2.000	MICH ST NT	507,085		507,085.00
	2011	10	1	9	FITB	2008	11	25	5.000	2002-89	120,404		120,403.90
	2011	10	1	9	CITI-SM BY	2010	10	19	5.000	MMBA-CNWTR	52,069		52,069.00
	2011	11	1	8	FITB	2010	12	2	.750	HIGHLND PK	100,000		100,000.00

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2011	12	15	9	FITB	2008	1	25	5.500	3072	26,622		26,621.83
	2011	12	15	9	FITB	2010	8	25	.691	2752	112,855		112,854.85
	2012	1	1	9	CITI SM BY	2010	11	2	3.200	GRND RPDS	102,730		102,730.00
	2012	3	15	9	FITB	2008	2	25	5.500	FHLM 2687	1,439,315		1,439,315.18
	2012	4	15	8	FITB	2011	3	28	.040	FHLM 3685	2,454,626		2,454,625.91
	2012	5	1	9	CITI-SM BY	2010	10	25	4.000	ROCHESTER	52,245		52,245.00
	2012	5	1	9	CITI SM BY	2010	11	2	3.500	E GRND RPD	51,957		51,956.50
	2012	5	1	9	CITI SM BY	2010	11	4	3.750	OVID ELSIE	20,668		20,668.40
	2012	7	15	9	FITB	2007	11	26	5.000	2649	184,119		184,118.74
	2012	10	15	9	FITB	2010	11	26	1.500	3737	1,584,868		1,584,868.16
	2012	11	15	9	FITB	2010	8	31	.741	2526	505,146		505,145.78
	2013	3	1	9	FITB	2003	5	19	5.000	FHLM 95237	105,467		105,467.35
	2013	11	1	9	FITB	2009	3	31	5.550	MMBDA 09	510,000		510,000.00
	2014	3	25	9	FITB	2010	8	31	.729	2004-028	1,479,389		1,479,389.44
	2014	5	9	8	FITB	2011	3	25	.500	FHL	498,125		498,125.00
	2014	6	15	9	FITB	2008	7	30	5.000	3451	338		337.62
	2014	11	1	9	FITB	2009	3	31	5.800	MMBA 09	300,000		300,000.00
	2014	11	1	9	CITI SM BY	2010	11	1	5.000	CLEAN MICH	26,069		26,068.75
	2014	11	25	9	FITB	2010	10	8	.756	2004-085	569,833		569,832.66
	2015	1	20	9	FITB	2011	1	25	3.500	2010-003	3,664,660		3,664,659.65
	2015	4	15	9	FITB	2007	11	26	5.000	2898	4,922		4,922.26
	2015	6	15	9	FITB	2008	2	1	5.000	FHLM 3000	333,565		333,564.52
	2015	6	15	9	FITB	2009	4	27	1.605	2984	161,949		161,948.97
	2015	8	25	9	FITB	2011	1	25	.581	2005-073	1,938,875		1,938,874.61
	2015	11	1	9	FITB	2009	3	31	6.370	MMBA 2009	500,000		500,000.00
	2016	5	1	9	CITI SM BY	2010	11	1	5.000	BYRON	52,077		52,077.00
	2017	1	25	9	FITB	2009	7	30	.569	2006-123	1,881,662		1,881,661.96
										TOTAL			95,848,548.12
591	2011	4	30	9	FITB	2008	2	25	6.000	FNMA 26	144,957		144,957.38
	2011	4	30	9	FITB	2008	5	27	3.500	2640	72,987		72,987.05
	2011	4	30	9	FITB	2008	5	31	.090	MM	243,353		243,353.14
	2011	4	30	7	CITIZENS	2009	4	3	.250	MM	166,126		166,125.78
	2011	4	30	9	FITB	2009	6	25	3.310	FNMA T06	142,652		142,651.65
	2011	4	30	9	FITB	2009	7	23	3.170	VEST BONDS	75,000		75,000.00
	2011	4	30	9	FITB	2009	7	23	4.100	VEST BONDS	125,000		125,000.00
	2011	4	30	9	FITB	2009	7	23	4.450	VEST BONDS	125,000		125,000.00
	2011	4	30	7	CITIZENS	2009	9	1	.250	MM #2	2,104,966		2,104,965.89
	2011	4	30	7	CITIZENS	2009	9	1	.250	MM #1	1,069,016		1,069,016.14
	2011	4	30	9	FITB	2009	10	23	.526	123	52,811		52,810.53
	2011	4	30	9	FITB	2009	10	30	.523	38	77,536		77,535.77
	2011	4	30	9	FITB	2009	12	29	.630	FNMA 028	285,556		285,556.32
	2011	4	30	9	FITB	2010	7	30	3.250	2009-116	953,566		953,566.45
	2011	4	30	7	COMERICA	2010	8	18	.400	CO-MM	2,149,840		2,149,839.87
	2011	4	30	9	FITB	2010	11	26	.015	3737	679,229		679,229.21
	2011	4	30	9	FITB	2011	1	25	.580	2005-073	484,719		484,718.65

7 = CD 8 = Paper 9 = T-Bills

04/25/11 16:19:32

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T-Bills, Commercial Paper, C.D. etc.

Ref.: INVQY012  
Page: 3

PAGE 3

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2011	4	30	9	FITB	2011	1	25	3.500	2010-003	458,082		458,082.45
	2011	5	17	7	PNC	2010	8	19	.010	CD	1,655,464		1,655,463.84
	2011	6	3	7	HUNT BANK	2010	9	2	.090	CD	181,354		181,353.93
TOTAL												11,247,214.05	
TOTAL												107,095,762.17	

\*\*\* END OF REPORT \*\*\*

7 = CD 8 = Paper 9 = T-Bills

BANK ACCOUNT BALANCES

3/31/2011

<u>BANK</u>	<u>FUND</u>	<u>POOLED INVESTMENT BALANCE</u>
FIFTH THIRD	GENERAL	\$1,900,839.86
FIFTH THIRD	TRUST & AGENCY	\$1,783,734.44



## CITY COUNCIL AGENDA ITEM

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Date: 5/2/2011

To: John Szerlag, City Manager

From: Timothy Richnak, Public Works Director

Subject: RCOC snow and ice control contract expense report 5/1/11

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### Background

When the RCOC snow and ice control contract was approved by city council, city staff was requested to provide a monthly report on corresponding expenditures.

### Final Report

The expenditures for snow and ice control on county roads under the RCOC contract are as follows.

5/2/11		
Labor	\$ 119,818	33%
Salt	\$ 162,848	45%
Equipment	\$ 81,421	22%
Total	\$ 364,087	100 %

This expense is 146% of the total RCOC contract (\$249,691). The expenditure to date is 92% of the total budgeted for snow and ice control for county roads in 2010/11 budget.

As of 5/1/2011 snow fall amounts have accumulated 62 inches. The annual average for Southeast Oakland County is 39 inches. We have received 158% of an average year snowfall to date.



## CITY COUNCIL AGENDA ITEM

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Date: April 26, 2011

To: John Szerlag, City Manager

From: William S. Nelson, Fire Chief

Subject: 2010 Fire Department Annual Report

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Due to resource constraints, the fire department has redesigned our annual report format. The new format consists of a two page summary document that provides a high level overview of the previous year's activity compared to the preceding year and a more detailed six page document that provides more specific information.

Key trends in 2010 include:

- There were no civilian or firefighter deaths.
- Overall fire department responses increased by over 17%.
- Structure fires decreased by 8% while overall fires increased by 51%.
- Fire loss increased by 144% due to several high loss structure fires.
- Volunteer firefighter staffing levels remain stable.

Both the 2010 summary report and the 2010 detailed report will be placed on the city website in order to provide access to the information. If you have any questions or comments, please contact me.



## TROY FIRE DEPARTMENT ANNUAL REPORT SUMMARY 2010

<u>Category</u>	<u>Count</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Total Fire Incidents	170	17.28%	156	8.97%
Total Non Fire Incidents	814	82.72%	683	19.18%
<b>Total Incidents</b>	<b>984</b>	<b>100.00%</b>	<b>839</b>	<b>17.28%</b>

<u>Fire Incidents</u>	<u>Count</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Structure Fires	68	40.00%	74	-8.11%
Other Fires	102	60.00%	38	168.42%
<b>Total Fire Incidents</b>	<b>170</b>	<b>100.00%</b>	<b>112</b>	<b>51.79%</b>

<u>Structure Fires by Occupancy</u>	<u>Count</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Commercial Buildings	31	45.59%	39	-20.51%
Single Family Dwelling	37	54.41%	35	5.71%
<b>Total Occupancies</b>	<b>68</b>	<b>100.00%</b>	<b>74</b>	

<u>Structure Fire Causes</u>	<u>Count</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Intentional	4	5.88%	4	0.00%
Accidental/Unintentional	36	52.94%	57	-36.84%
Undetermined	28	41.18%	13	115.38%
<b>Total Causes</b>	<b>68</b>	<b>58.82%</b>	<b>74</b>	

<u>Total Casualties</u>	<u>Number</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Civilian Injury	3	18.75%	2	50.00%
Civilian Death	0	0.00%	0	0.00%
Firefighter Injury	13	81.25%	10	30.00%
Firefighter Death	0	0.00%	0	0.00%
<b>Total Casualties</b>	<b>16</b>	<b>100.00%</b>	<b>12</b>	

<u>Total Estimated Fire Loss</u>	<u>Amount</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Structure Value *	\$90,960,680.00	100.00%	\$69,719,009.00	30.47%
Property Loss	\$3,288,183.00	3.61%	\$1,401,795.00	134.57%
Contents Loss	\$2,590,626.00	2.85%	\$1,002,560.00	158.40%
<b>Total Loss</b>	<b>\$5,878,809.00</b>	<b>6.46%</b>	<b>\$2,404,355.00</b>	<b>144.51%</b>
<b>Total Endangered/Saved</b>	<b>\$85,081,871.00</b>	<b>93.54%</b>	<b>\$67,314,654.00</b>	<b>26.39%</b>

\* Value of structures/property involved



# TROY FIRE DEPARTMENT ANNUAL REPORT SUMMARY 2010

## Response Time Analysis \*\*

<u>Emergency Responses</u>	<u>Count</u>	<u>Cumulative Response</u>	<u>Percent</u>	<u>Cumulative</u>
0 - 5 Minutes	137	137	22.99%	22.99%
6 - 10 Minutes	379	516	63.59%	86.58%
10 + Minutes	80	596	13.42%	100.00%
<b>Total Emergency Responses</b>	<b>596</b>		<b>60.57%</b> of total responses	
<b>Total Responses</b>	<b>984</b>			

*\*\* Response Time Analysis as recorded by the dispatch center includes call processing time; turnout time; and travel time*

## Staffing

<u>5 Year Average (2006-2010)</u>	<u>Total</u>	<u>Change</u>	<u>Cumulative</u>
Station	172.6	-0.42%	-2.10%
Administration	12.2	-3.48%	-6.82%
<u>2 Year Average (2009-2010)</u>	<u>Total</u>	<u>Change</u>	<u>Cumulative</u>
Station	168.5	-0.75%	-4.68%
Administration	11.5	-4.55%	-12.88%

<u>Activities</u>	<u>Count</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Operations Activity	1,562	9.49%	1,452	7.58%
Fire Prevention Activity	14,892	90.51%	24,775	-39.89%
<b>Total Activities</b>	<b>16,454</b>	<b>100.00%</b>	<b>26,227</b>	<b>-32.32%</b>
<u>Hours</u>	<u>Count</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Fire Prevention Hours ***	5,721.50	22.33%	7,802.97	-26.68%
Operations Hours ****	19,904.00	77.67%	19,247.00	3.41%
<b>Total Hours</b>	<b>25,625.50</b>	<b>100.00%</b>	<b>27,049.97</b>	<b>-23.26%</b>

\*\*\* Career Staff-Hours Only

\*\*\*\* Department Man-Hours. Includes Volunteer & Career Staff.



**TROY FIRE DEPARTMENT  
ANNUAL REPORT  
2010**

<u>Category</u>	<u>Count</u>	<u>Percent of Total Incidents</u>	<u>Previous Year</u>	<u>Change</u>
Total Fire Incidents	170	17.28%	156	8.97%
Total Non Fire Incidents	814	82.72%	683	19.18%
<b>Total Incidents</b>	<b>984</b>	<b>100.00%</b>	<b>839</b>	<b>17.28%</b>

<u>Fire Incidents</u>	<u>Count</u>	<u>Percent of Total Fires</u>	<u>Previous Year</u>	<u>Change</u>
Structure Fires	68	40.00%	74	-8.11%
Vehicle Fires	51	30.00%	38	34.21%
Grass Fires	16	9.41%	9	77.78%
Refuse Fires	25	14.71%	19	31.58%
Other Fires	10	5.88%	16	-37.50%
<b>Total Fire Incidents</b>	<b>170</b>	<b>100.00%</b>	<b>156</b>	<b>8.97%</b>

<u>Non Fire Incidents</u>	<u>Count</u>	<u>Percent of Total Non Fires</u>	<u>Previous Year</u>	<u>Change</u>
Overpressure/Explosion	2	0.25%	3	-33.33%
Rescues/Extrications	24	2.95%	36	-33.33%
Hazardous Conditions *	155	19.04%	103	50.49%
Public Service	21	2.58%	23	-8.70%
Good Intent **	170	20.88%	172	-1.16%
False Alarms	262	32.19%	213	23.00%
System Malfunctions	171	21.01%	130	31.54%
Weather Standby	8	0.98%	2	300.00%
Other Non Fire	1	0.12%	1	0.00%
<b>Total Non Fire Incidents</b>	<b>814</b>	<b>100.00%</b>	<b>683</b>	<b>19.18%</b>

\* Includes spills or leaks with no fire; excess heat; arcing wires; and chemical emergencies

\*\* Includes smoke scares; wrong locations; steam mistaken for smoke; and controlled burning



**TROY FIRE DEPARTMENT  
ANNUAL REPORT  
2010**

<u>Structure Fires by Occupancy</u>	<u>Count</u>	<u>Percent of Structure Fires</u>	<u>Previous Year</u>	<u>Change</u>
Public Assembly	1	1.47%	5	-80.00%
Institutional	2	2.94%	2	0.00%
Single Family Dwelling	37	54.41%	35	5.71%
Apartments	15	22.06%	14	7.14%
Motel/Hotel	0	0.00%	4	-100.00%
Stores/Sales	1	1.47%	4	-75.00%
Office	2	2.94%	4	-50.00%
Industrial	3	4.41%	2	50.00%
Storage	1	1.47%	1	0.00%
Other	6	8.82%	3	100.00%
<b>Total Occupancies</b>	<b>68</b>		<b>74</b>	

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<u>Structure Fire Causes</u>	<u>Count</u>	<u>Percent of Structure Fires</u>	<u>Previous Year</u>	<u>Change</u>
Intentional	4	5.88%	4	0.00%
Children Playing	1	1.47%	0	0.00%
Smoking	1	1.47%	3	-66.67%
Heating	3	4.41%	4	-25.00%
Cooking	14	20.59%	18	-22.22%
Electrical Distribution	2	2.94%	3	-33.33%
Appliances	4	5.88%	4	0.00%
Open Flame, Ember	5	7.35%	3	66.67%
Other Heat, Flame, Spark	2	2.94%	1	100.00%
Other Equipment	3	4.41%	1	200.00%
Natural	1	1.47%	1	0.00%
Undetermined	28	41.18%	12	133.33%
<b>Total Causes</b>	<b>68</b>		<b>54</b>	



**TROY FIRE DEPARTMENT  
ANNUAL REPORT  
2010**

<u>Total Casualties</u>	<u>Number</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Civilian Injury	3	18.75%	2	50.00%
Civilian Death	0	0.00%	0	0.00%
Firefighter Injury	13	81.25%	10	30.00%
Firefighter Death	0	0.00%	0	0.00%
<b>Total Casualties</b>	<b>16</b>	<b>100.00%</b>	<b>12</b>	

<u>Total Estimated Fire Loss</u>	<u>Amount</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Structure Value *	\$90,960,680.00	100.00%	\$69,719,009.00	30.47%
Property Loss	\$3,288,183.00	3.61%	\$1,401,795.00	134.57%
Contents Loss	\$2,590,626.00	2.85%	\$1,002,560.00	158.40%
<b>Total Loss</b>	<b>\$5,878,809.00</b>	<b>6.46%</b>	<b>\$2,404,355.00</b>	<b>144.51%</b>
<b>Total Endangered/Saved</b>	<b>\$85,081,871.00</b>	<b>93.54%</b>	<b>\$67,314,654.00</b>	<b>26.39%</b>

\* Value of structures/property involved

Response Time Analysis \*\*

<u>Emergency Responses</u>	<u>Count</u>	<u>Cumulative Response</u>	<u>Percent</u>	<u>Cumulative Percent</u>
0 - 1 Minute	4	4	0.67%	0.67%
1 - 2 Minutes	4	8	0.67%	1.34%
2 - 3 Minutes	21	29	3.52%	4.86%
3 - 4 Minutes	39	68	6.54%	11.40%
4 - 5 Minutes	69	137	11.58%	22.98%
5 - 6 Minutes	96	233	16.11%	39.09%
6 - 7 Minutes	94	327	15.77%	54.86%
7 - 8 Minutes	77	404	12.92%	67.78%
8 - 9 Minutes	62	466	10.40%	78.18%
9 - 10 Minutes	50	516	8.39%	86.57%
10 + Minutes	80	596	13.42%	99.99%
<b>Total Emergency Responses</b>	<b>596</b>		<b>60.57%</b> of total responses	
<b>Total Responses</b>	<b>984</b>			

\*\* Response Time Analysis as recorded by the dispatch center includes call processing time; turnout time; and travel time



**TROY FIRE DEPARTMENT  
ANNUAL REPORT  
2010**

<u>Activities</u>	<u>Count</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Fire Station Service Requests	909	58.19%	834	8.99%
Fire Investigations	37	2.37%	38	-2.63%
In-Service Training Provided	473	30.28%	473	0.00%
Specialty Team Training Provided	50	3.20%	43	16.28%
Fire Academy Training Provided	93	5.95%	64	45.31%
<b>Subtotal</b>	<b>1,562</b>	<b>100.00%</b>	<b>1,452</b>	<b>7.58%</b>
Plans Reviewed	693	4.72%	564	22.87%
Permits Issued	414	2.82%	346	19.65%
Inspections	2,412	16.44%	2,745	-12.13%
Violations Issued	1,318	8.98%	2,174	-39.37%
Violations Cleared	686	4.67%	1,444	-52.49%
Hydrant Flow Tests Conducted	24	0.16%	23	4.35%
Public Education Programs	155	1.06%	232	-33.19%
Public Education Participants	7,313	49.84%	8,351	-12.43%
HAPIS Computer Entries	1,027	7.00%	8,365	-87.72%
Alarms Registered *	632	4.31%	N/A	N/A
<b>Subtotal</b>	<b>14,674</b>	<b>100.00%</b>	<b>24,244</b>	<b>-39.47%</b>
<b>Total Activities</b>	<b>16,236</b>		<b>24,775</b>	<b>-34.47%</b>

\* Assumed this role from the police department in 2010.

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<u>Activity Hours</u>	<u>Count</u>	<u>Percent</u>	<u>Previous Year</u>	<u>Change</u>
Operations Hours **	19,904.00	77.67%	19,247.00	3.41%
Fire Prevention Hours ***	5,721.50	22.33%	7,802.97	-26.68%
<b>Total Hours</b>	<b>25,625.50</b>	<b>100.00%</b>	<b>27,049.97</b>	<b>-23.26%</b>

\*\* Department Man-Hours. Includes Volunteer & Career Staff.

\*\*\* Career Staff-Hours Only



**TROY FIRE DEPARTMENT  
ANNUAL REPORT  
2010**

Staffing

<u>Volunteer</u>	<u>Station 1</u>	<u>Station 2</u>	<u>Station 3</u>	<u>Station 4</u>	<u>Station 5</u>	<u>Station 6</u>	<u>Total</u>	<u>Change</u>	<u>Cumulative</u>
2006	30	30	30	25	31	30	176	0.00%	0.00%
2007	28	28	30	26	32	31	175	-0.57%	-0.57%
2008	29	30	29	24	31	32	175	0.00%	-0.57%
2009	29	27	28	24	31	25	164	-6.71%	-7.28%
2010	29	27	29	32	30	26	173	5.20%	-2.08%
<u>5 Yr. Avg.</u>	29.0	28.4	29.2	26.2	31.0	28.8	172.6	-0.42%	-2.10%
<u>2 Yr. Avg.</u>	29.0	27.0	28.5	28.0	30.5	25.5	168.5	-0.75%	-4.68%

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<u>Career</u>	<u>Chief</u>	<u>Assistant Chief</u>	<u>Staff Lieutenant</u>	<u>Staff Technician</u>	<u>Total</u>	<u>Change</u>	<u>Cumulative</u>
2006	1	2	10	0	13	0.00%	0.00%
2007	1	2	9	1	13	0.00%	0.00%
2008	1	2	7	2	12	-8.33%	-8.33%
2009	1	2	6	3	12	0.00%	-8.33%
2010	1	2	6	2	11	-9.09%	-17.42%
<u>5 Yr. Avg.</u>	1.0	2.0	7.6	1.6	12.2	-3.48%	-6.82%
<u>2 Yr. Avg.</u>	1.0	2.0	6.0	2.5	11.5	-4.55%	-12.88%



**TROY FIRE DEPARTMENT  
ANNUAL REPORT  
2010**

Supplemental

<u>Valid Alarm Activations</u>	<u>Count</u>	<u>Percent of Total Incidents</u>	<u>Previous Year</u>	<u>Change</u>
Cooking	19	1.93%	24	-20.83%
Fire	4	0.41%	3	33.33%
Freon Leak	2	0.20%	0	200.00%
Overheat	3	0.30%	6	-50.00%
Smoke	3	0.30%	2	50.00%
<b>Total Valid Alarms</b>	<b>31</b>	<b>3.15%</b>	<b>35</b>	<b>-11.43%</b>

<u>False Alarm Activations</u>	<u>Count</u>	<u>Percent of False Alarms</u>	<u>Previous Year</u>	<u>Change</u>
Unintentional	257	26.12%	193	33.16%
Malfunction	171	17.38%	131	30.53%
Other	5	0.51%	19	-73.68%
Malicious	0	0.00%	2	-100.00%
<b>Total False Alarms</b>	<b>433</b>	<b>44.00% of Total Incidents</b>	<b>343</b>	<b>26.24%</b>

<u>Accomplishments</u>	<u>Count</u>	<u>Cost</u>
Purchased / placed in service new pumpers.	2	\$980,536.00 Total
Purchased / placed in service new personal protective equipment with FEMA Fire Act Grant funds.	173	\$144,540.00 Total





## CITY COUNCIL AGENDA ITEM

Date: May 4, 2011

To: John Szerlag, City Manager

From: Gary G. Mayer, Chief of Police   
Wendell Moore, Research & Technology Administrator

Subject: 2011 Year-To-Date Calls for Police Service Report

Each quarter the police department publishes a year-to-date report comparing the current year's data to the previous year. This data includes calls for police service, criminal offenses, arrests, clearance rates, traffic crashes, and citations issued. The police department data reporting complies with the National Incident Based Reporting System (NIBRS).

The first quarter statistics reflect an overall decrease in Group A crimes. Group A crimes are typically the most serious offenses and closely correspond to the categories the FBI uses to determine serious crime rates for a community. Of additional interest are areas that may be depicting trends, specifically increases in incidents of Motor Vehicle Theft and Counterfeiting / Forgery and the decrease in incidents of Breaking and Entering. In the first quarter of 2011 the incidents of motor vehicle theft increased 100% (19 incidents), counterfeiting/forgery increased 160% (8 incidents) and breaking and entering decreased by 25.5% (14 incidents) when compared to the same period last year.

- Group A Crime decreased 0.9% (6 less incidents) from the 2010 level. Within the group, the following categories show notable variations:
  - Assault Offenses: Down 10.9% (15 less incidents)
  - Breaking and Entering: Down 25.5% (14 less incidents)
  - Counterfeiting/Forgery: Up 160.0% (8 more incidents)
  - Motor Vehicle Theft: Up 100.0% (19 more incidents)
- Group B Crime decreased 2.0% (5 less incidents). Significant variations from the 2010 levels occurred in the following categories:
  - Disorderly Conduct: Down 29.4% (5 less incidents)
  - Driving Under the Influence: Up 14.3% (12 more incidents)
  - Liquor Law Violations: Down 33.3% (3 less incidents)
- Total incidents of crime (Group A & B combined) decreased by 1.2% (11 less incidents).
- Clearance rates, the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted, continue to be high:
  - 32.0% of reported Group A Crime



## CITY COUNCIL AGENDA ITEM

- 84.8% of reported Group B Crime
- 47.9% of all reported crime has been cleared
  
- Total Arrests increased 1.0% (6 more arrests)
  - Group A Crime Arrests: Increased 1.9% (5 more arrests)
  - Group B Crime Arrests: Decreased 3.6% (8 less arrests)
  
- Group C (non-criminal) calls for police service increased by 7.6% (526 more incidents).
  
- Year-to-date reported traffic crashes and citations issued are:
  - Property Damage crashes increased 23.1% (128 more property damage crashes)
  - Injury crashes increased 7.8% (6 more injury crashes)
  - Fatal crashes were unchanged with 1 incident in both 2010 and 2011
  
- Total traffic citations issued increased 4.9% (143 more citations)
  - Hazardous traffic citations issued increased 1.2% (25 more citations)
  - Non-Hazardous traffic citations issued decreased 16.6% (30 less citations)
  - License/title/registration citations issued increased 12.6% (72 more citations)
  - Parking citations issued increased 111.8% (76 more citations)
  
- Overall incidents or calls for service, criminal and non-criminal, are up 6.5% (515 more incidents/calls for service overall).
  
- Distracted Driving: 141 warnings and 151 citations total issued in the first quarter of 2011
  - 130 citations and 110 warnings issued for handheld devices
  - 14 citations and 8 warnings issued for texting
  - 7 citations and 23 warnings issued for other actions

First quarter statistics reflect an increase (100%) in the number of Motor Vehicle Thefts. This increase is consistent with an increase experienced by a number of jurisdictions in the area. Thieves appear to be targeting Chrysler vehicles from the parking lots of local shopping centers. Special Investigations Unit investigators recently arrested two individuals for a motor vehicle theft of a Chrysler van in another Oakland County jurisdiction. In an additional attempt to abate this problem, plainclothes and uniformed officers are being deployed to increase and direct their patrol activities towards those areas identified as potential target areas for thieves.

The decrease (-25.5%) in the number of Breaking and Entering offenses reported during the first quarter of 2011, compared to the first quarter of 2010, represents a return to past levels. During the first and second quarters of 2010, there was a marked increase in reported incidents of Breaking and Entering / Home Invasion. Investigators were successful in identifying, arresting, and prosecuting those responsible for a large number of these crimes. Many of those arrests occurred in other jurisdictions. During the remainder of 2010, investigators noted a steady decline in the number of Breaking and Entering / Home Invasion incidents. This trend leveled during the first quarter of 2011.



## CITY COUNCIL AGENDA ITEM

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There is a notable increase (+160%) in Counterfeiting/Forgery incidents reported during this quarter. This increase can be attributed to the number of incidents where counterfeit currency was presented to local merchants. It should be noted that although the number of incidents increased, there were also four arrests (+400%) associated with these crimes.

Overall incidents or calls for service, criminal and non-criminal, are up 6.5% (515 more incidents/calls for service overall) in the first quarter of 2011 with Group C calls for service increasing by 7.65% (526 more incidents). Group C calls for service consist of juvenile and traffic offenses, warrant arrests, sick/injury complaints, parking, miscellaneous calls for service, and animal non-criminal complaints. Miscellaneous non-criminal calls for service include citizen assists (435), motorist assists (155) and incidents of accidental property damage (36). The significant increase in these types of non-criminal incidents has caused an increase in Group C calls for service and total incidents.

Parking citations issued increased 111.8% (76 more citations) over the same period last year. While this could simply be cyclical, there has been an increase in car thefts at the major retail centers, as well as an increase in larcenies from vehicles at fitness centers during the first quarter of this year. This has resulted in officers on patrol giving additional attention to these areas, and therefore the detection and enforcement of parking violations, especially handicapped parking violations, is likely tied to these extra patrols.

# Troy Police Department

## 1st Quarter 2011/2010 Comparison

Group A Crime Categories	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent	1st Quarter		Percent	1st Quarter		Percent	1st Quarter	
	2011	2010	Change	2011	2010	Change	2011	2010	Change	2011	Percent
Arson	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Assault Offenses	123	138	-10.9%	134	177	-24.3%	26	31	-16.1%	27	20.1%
Bribery	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Breaking and Entering	41	55	-25.5%	41	55	-25.5%	3	4	-25.0%	2	4.9%
Counterfeiting/Forgery	13	5	160.0%	13	5	160.0%	5	1	400.0%	3	23.1%
Destruction/Damage/Vandalism	58	59	-1.7%	60	63	-4.8%	0	3	-	1	1.7%
Drug/Narcotic Offenses	45	46	-2.2%	67	68	-1.5%	55	45	22.2%	66	98.5%
Embezzlement	12	8	50.0%	12	8	50.0%	10	11	-9.1%	4	33.3%
Extortion/Blackmail	0	1	-	0	1	-	0	0	NC	0	0.0%
Fraud Offenses	35	43	-18.6%	36	46	-21.7%	11	16	-31.3%	7	19.4%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Kidnapping/Abduction	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Larceny/Theft Offenses	305	307	-0.7%	318	313	1.6%	141	143	-1.4%	113	35.5%
Motor Vehicle Theft	38	19	100.0%	38	20	90.0%	5	0	+	2	5.3%
Pornography/Obscene Material	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Prostitution Offenses	1	0	+	1	0	+	1	0	+	1	100.0%
Robbery	3	0	+	3	0	+	1	0	+	1	33.3%
Sex Offenses, Forcible	6	3	100.0%	7	3	133.3%	2	0	+	4	57.1%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	3	1	200.0%	3	2	50.0%	4	1	300.0%	3	100.0%
Weapon Law Violations	0	4	-	1	4	-75.0%	0	4	-	1	100.0%
<b>Group A Total</b>	<b>683</b>	<b>689</b>	<b>-0.9%</b>	<b>734</b>	<b>765</b>	<b>-4.1%</b>	<b>264</b>	<b>259</b>	<b>1.9%</b>	<b>235</b>	<b>32.0%</b>
<b>Group B Crime Categories</b>											
Bad Checks	12	13	-7.7%	12	13	-7.7%	2	2	NC	1	8.3%
Curfew/Loitering/Vagrancy	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Disorderly Conduct	12	17	-29.4%	16	17	-5.9%	4	3	33.3%	9	56.3%
Driving Under the Influence	96	84	14.3%	119	93	28.0%	101	83	21.7%	118	99.2%
Drunkenness	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Family Offenses, Nonviolent	4	2	100.0%	4	2	100.0%	1	0	+	1	25.0%
Liquor Law Violations	6	9	-33.3%	20	16	25.0%	10	17	-41.2%	19	95.0%
Peeping Tom	1	0	+	1	0	+	0	0	NC	0	0.0%
Runaway (Under 18)	3	3	NC	4	3	33.3%	0	0	NC	0	0.0%
Trespass of Real Property	8	4	100.0%	8	6	33.3%	2	3	-33.3%	2	25.0%
All Other	107	122	-12.3%	132	154	-14.3%	92	112	-17.9%	118	89.4%
<b>Group B Total</b>	<b>249</b>	<b>254</b>	<b>-2.0%</b>	<b>316</b>	<b>304</b>	<b>3.9%</b>	<b>212</b>	<b>220</b>	<b>-3.6%</b>	<b>268</b>	<b>84.8%</b>
<b>Group A and B Total</b>	<b>932</b>	<b>943</b>	<b>-1.2%</b>	<b>1,050</b>	<b>1,069</b>	<b>-1.8%</b>	<b>476</b>	<b>479</b>	<b>-0.6%</b>	<b>503</b>	<b>47.9%</b>
Above data includes both completed and attempted offenses.											

## Troy Police Department 1st Quarter 2011/2010 Comparison

Description	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent Change	1st Quarter		Percent Change	1st Quarter		Percent Change	1st Quarter	
	2011	2010		2011	2010		2011	2010		2011	Percent
Alarms	820	711	15.3%	820	711	15.3%	NA	NA	NA	NA	NA
All Other	6,659	6,242	6.7%	6,319	6,319	NC	136	127	7.1%	NA	NA
Group C Miscellaneous Total	7,479	6,953	7.6%	7,139	7,030	1.6%	136	127	7.1%	NA	NA
Group E Fire Total	6	6	NC	6	6	NC	NA	NA	NA	NA	NA
<b>Grand Totals</b>	<b>8,417</b>	<b>7,902</b>	<b>6.5%</b>	<b>8,195</b>	<b>8,105</b>	<b>1.1%</b>	<b>612</b>	<b>606</b>	<b>1.0%</b>	<b>503</b>	<b>47.9%</b>

### Traffic Crashes and Citations

#### Reportable Traffic Crashes

	2011	2010	Percent Change	2011 Alcohol involved Crashes	2010 Alcohol involved Crashes
Personal Injury	83	77	7.8%	5 Incidents--6.3% involved alcohol	6 Incidents--7.5% involved alcohol
Property Damage	682	554	23.1%	9 Incidents--1.5% involved alcohol	9 Incidents--1.5% involved alcohol
Fatal	1	1	NC	0 Incidents--0.0% involved alcohol	0 Incidents--0.0% involved alcohol
<b>Total Reportable</b>	<b>766</b>	<b>632</b>	<b>21.2%</b>	<b>14 Incidents--2.0% involved alcohol</b>	<b>15 Incidents--2.3% involved alcohol</b>
Private Property Crashes	166	157	5.7%		
<b>Crashes Grand Total</b>	<b>932</b>	<b>789</b>	<b>18.1%</b>		

#### Traffic Citations

Hazardous	2,148	2,123	1.2%
Non-hazardous	151	181	-16.6%
License, Title, Registration	643	571	12.6%
Parking	144	68	111.8%
<b>Traffic Citations Total</b>	<b>3,086</b>	<b>2,943</b>	<b>4.9%</b>

#### Distracted Driving

	Citation	Warning	Total
Handheld Device	130	110	240
Other Action	7	23	30
Texting	14	8	22
<b>Distracted Driving Total</b>	<b>151</b>	<b>141</b>	<b>292</b>



**Bill Bullard Jr.**  
**Oakland County Clerk/Register of Deeds**  
[www.oakgov.com/clerkrod](http://www.oakgov.com/clerkrod)

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April 28, 2011

To Whom It May Concern:

Enclosed please find a certified copy of Miscellaneous Resolution #11067– Department of Management & Budget – 2011 Equalization Report which was adopted by the Oakland County Board of Commissioners on April 21, 2011.

As the County Clerk/Register, I have been instructed to provide you with a certified copy of this adopted resolution. Please forward Miscellaneous Resolution #11067 to the appropriate person(s). Thank you for your cooperation.

Sincerely,

*Bill Bullard Jr.*

Bill Bullard Jr.  
 Clerk/Register of Deeds  
 County of Oakland

Enclosure (1)

Administrative Offices  
 1200 N Telegraph, Dept 415  
 Pontiac MI 48341-0415  
 (248) 858-0560  
[clerk@oakgov.com](mailto:clerk@oakgov.com)

Elections Division  
 1200 N Telegraph, Dept 417  
 Pontiac MI 48341-0417  
 (248) 858-0564  
[elections@oakgov.com](mailto:elections@oakgov.com)

Legal & Vital Records  
 1200 N Telegraph, Dept 413  
 Pontiac MI 48341-0413  
 (248) 858-0581  
[clerklegal@oakgov.com](mailto:clerklegal@oakgov.com)

Register of Deeds Office  
 1200 N Telegraph, Dept 480  
 Pontiac MI 48341-0480  
 (248) 858-0605  
[deeds@oak.gov.com](mailto:deeds@oak.gov.com)

**MISCELLANEOUS RESOLUTION #11067**

April 21, 2011

BY: Finance Committee, Thomas Middleton, Chairperson

IN RE: **DEPARTMENT OF MANAGEMENT & BUDGET - 2011 EQUALIZATION REPORT**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the staff of the Equalization Division of the Department of Management & Budget has examined the assessment rolls of the several townships and cities within Oakland County to ascertain whether the real and personal property in the respective townships and cities has been equally and uniformly assessed at 50% of true cash value; and

WHEREAS the Finance Committee in accordance with Rule XI.A (7) of the Board of Commissioners adopted on January 5, 2011, has reviewed the findings and recommendations of the Equalization Manager, acting as the Equalization Director, and conducted hearings to provide for local intervention into the equalization process; and

WHEREAS based on its findings, the Manager of the Equalization Division has presented to the Finance Committee the recommended 2011 equalization value which adds to or deducts from the valuation of the property in the several townships and cities an amount as, in its judgment, will produce a sum which represents the true cash value thereof; and

WHEREAS the Equalization Factors listed on the attached report are the results of the foregoing process and are for information purposes only.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners adopts the 2011 equalization and authorizes its certification by the Chairperson of the Board and further that it be entered on the County records and delivered to the appropriate official of the proper township or city.

Chairperson, on behalf on the Finance Committee, I move the adoption of the foregoing resolution.

FINANCE COMMITTEE

A handwritten signature in cursive script, appearing to read "Thomas F. Middleton", is written over a horizontal line.

FINANCE COMMITTEE

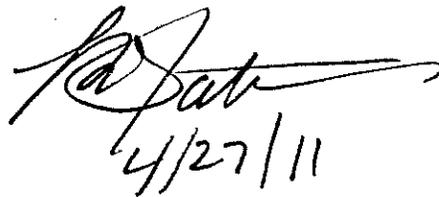
Motion carried unanimously on a roll call vote with Woodward and Greimel absent.

Move by Covey supported by Long the resolutions (with fiscal notes attached) on the Consent Agenda be adopted (with accompanying reports being accepted).

AYES: Crawford, Dwyer, Gershenson, Gingell, Gosselin, Greimel, Hatchett, Hoffman, Jackson, Long, Matis, McGillivray, Middleton, Nash, Nuccio, Potts, Quarles, Runestad, Scott, Taub, Weipert, Woodward, Zack, Bosnic, Covey. (25)  
NAYS: None. (0)

A sufficient majority having voted in favor, the resolutions (with fiscal notes attached) on the Consent Agenda were adopted (with accompanying reports being accepted).

**I HEREBY APPROVE THE FOREGOING RESOLUTION**

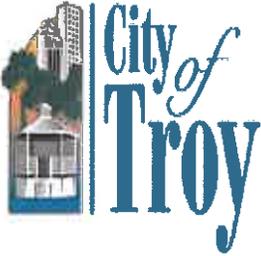


STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

I, Bill Bullard Jr., Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on April 21, 2011, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 21st day of April, 2011.

*Bill Bullard Jr.*  
Bill Bullard Jr., Oakland County



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LGB*  
**DATE:** May 2, 2011  
**SUBJECT:** David Smith v. Stopczynski

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Enclosed please find the order granting summary disposition to the City's defendant, Troy Police Officer Gregory Stopczynski. This case was filed by Mr. Smith, naming only the individual officer as a defendant. Although the lawsuit was initially filed in the 52-4 District Court, the Plaintiff sought to remove it to the Oakland County Circuit Court, arguing that his damages exceeded the jurisdiction of the District Court. However, this request was filed after the City's motion for summary disposition was filed.

As background information, Mr. Smith was stopped by Officer Stopczynski on October 5, 2009 for running a stop sign and failing to yield. Based on the circumstances and the officer's observations, the officer completed a drunk driving investigation on Mr. Smith. Mr. Smith was not charged with drunk driving, but was issued traffic tickets for the civil infractions that he had committed. Mr. Smith unsuccessfully challenged these traffic tickets in a formal hearing, which was held on January 11, 2010.

According to the lawsuit, Mr. Smith was seeking damages under 42 U.S.C. Section 1983, for an alleged civil rights violation. According to his lawsuit, Mr. Smith challenged the stop of his vehicle, and argued that his "right to privacy and right to be secure in his person" were violated by the officer.

The case is now dismissed. The request to have the case transferred to the Oakland County Circuit Court is also denied, based on the dismissal.

STATE OF MICHIGAN  
IN THE 52-4 DISTRICT COURT

DAVID J. SMITH,

Plaintiff,

vs.

Case No. 10-CO3095 GCO1  
Honorable Dennis C. Drury

OFFICER GREGORY STOPCZYNSKI,

Defendant.

---

DAVID J. SMITH  
Plaintiff, In Pro Per  
2363 Garland  
Sylvan Lake, Michigan 48320

CITY OF TROY – CITY ATTORNEY'S OFFICE  
LORI GRIGG BLUHM (P46908)  
SUSAN M. LANCASTER (P33168)  
Attorneys for Troy Police Officer  
Gregory Stopczynski  
City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084  
248-524-3320

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**ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY DISPOSITION**

At a session of said Court held in the  
Courthouse in the City of Troy,  
Oakland County, Michigan  
on 4/29, 2011

PRESENT: HONORABLE DENNIS C. DRURY, DISTRICT COURT JUDGE

52-4 DISTRICT COURT  
TROY, MI  
2011 APR 21 P 1:11  
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This matter was presented to the Court through the Defendant's Motion and Brief for Summary Disposition, which was brought pursuant to MCR 2.116 (C) (7)(8), and/or (10). The Plaintiff responded to the Motion, and the parties had the opportunity to provide oral argument to the court on April 19, 2011. The Court, being fully advised, orders as follows:

**IT IS HEREBY ORDERED** that Defendant's Motion for Summary Disposition is **GRANTED**.

**IT FURTHER ORDERED** that this case is **DISMISSED** with prejudice.

This is a final order closing case.

TRUE COPY

*[Faint signature]*

**Hon. Dennis C. Drury**  
**52-4 District Court Judge**

52-4 DISTRICT COURT  
TROY, MI  
2011 APR 21 P 1:11  
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