

A Regular Meeting of the Troy City Council was held Monday, January 28, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Reverend Charlotte Sommers – Northminister Presbyterian Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

- Mayor Louise E. Schilling
- Robin Beltramini
- Cristina Broomfield
- David Eisenbacher
- Wade Fleming
- Mayor Pro Tem Martin Howrylak
- Mary Kerwin

CERTIFICATES OF RECOGNITION:

A-1 No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – East Side of John R, North of Big Beaver, Section 24 – From P-1 and R-1E to B-1 (File Number: Z-677 B)

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the public.

Resolution #2008-01-012
Moved by Kerwin
Seconded by Beltramini

WHEREAS, The City is in receipt of a rezoning request, from P-1 and R-1E to B-1, File Number Z-677 B, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy;

WHEREAS, The application is consistent with the Future Land Use Plan, and is compatible with surrounding zoning districts and land uses; and

WHEREAS, The rezoning is recommended for approval by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from P-1 and R-1E to B-1; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes: All-7

C-2 Establishment of an Industrial Development District (IDD) – IACNA, International Automotive Components Group, North America, 750-800 Chicago

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution

Moved by Fleming

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for IACNA, for property known as 750–800 Chicago, Troy, MI. 48083, Parcels # 88-20-35-276-003 and 88-20-35-276-004, in accordance with City Council Policy Resolution #2006-06-238; and

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

Vote on Resolution to Postpone

Resolution #2008-01-013

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the Troy City Council hereby **POSTPONES** agenda item *C-2 Establishment of an Industrial Development District (IDD)–IACNA, International Automotive Components Group, North America, 750-800 Chicago* until the Regular City Council meeting scheduled for Monday, February 4, 2008

Yes: All-7

C-3 Granting of an Industrial Facilities Exemption Certificate (IFEC) to IACNA, International Automotive Components Group, North America, 750-800 Chicago

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no comment from the public.

Vote on Resolution to Postpone

Resolution #2008-01-014

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **POSTPONES** agenda item *C-3 Granting of an Industrial Facilities Exemption Certificate (IFEC) to IACNA, International Automotive Components Group, North America, 750-800 Chicago* until the Regular City Council meeting scheduled for Monday, February 4, 2008

Yes: All-7

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

E-8 Preliminary Site Condominium Review – Brycewood Site Condominium, 9 Units/Lots Proposed, East Side of Evanswood Road, North of Square Lake Road, Section 1 – R-1D

Vote on Resolution to Postpone

Resolution #2008-01-015
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item *E-8 Preliminary Site Condominium Review Brycewood Site Condominium, 9 Units/Lots Proposed, East Side of Evanswood Road, North of Square Lake Road, Section 1 – R-1D* until the City Attorney can do her due diligence regarding the platting and the necessity for all of the roads, and until Mrs. Thurber or somebody can meet with the City's Engineering Staff to decide definitively whether we are better positioned for a retention or a detention pond, and verify that there is an easement for the hook-up for the stormwater connection on the southeast corner before approving the preliminary site condominium.

Yes: All-7

REGULAR BUSINESS:

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Made b) City Council Appointments: Board of Zoning Appeals; and Traffic Committee

(a) Mayoral Appointments - No Appointments Made

(b) City Council Appointments

Resolution #2008-01-016
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPOINTS** the following person(s) to serve on the Boards and Committees as indicated:

Board of Zoning Appeals

Appointed by Council (7-Regular) – 3 Year Terms

Wayne Wright Planning Commission Rep Term Expires 01/31/09

Thomas Strat Planning Commission Alternate Rep Term Expires 01/31/09

Traffic Committee

Appointed by Council (7-Regular) – 3 Year Term

Jan L. Hubbell Term Expires 01/31/11

Yes: All-7

E-2 Rescind Bid Award/Re-Award Contract – Rough Mow Various Municipal Sites

Resolution #~~2008-01-017~~

Rescinded June 1, 2009 (Resolution #2009-06-173)

Moved by Howrylak

Seconded by Broomfield

WHEREAS, On December 18, 2006, a contract to furnish three-year requirements for rough mowing of various municipal sites and abandoned properties with an option to renew for two additional years was awarded to the low total bidder, Great Lakes Landscaping of Warren, MI (Resolution # 2006-12-379-E4a); and

WHEREAS, Great Lakes Landscaping has requested termination of the contract as they found it to be economically unfeasible to continue;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to furnish all labor, tools, equipment and transportation for rough mowing of various municipal sites and abandoned properties from Great Lakes Landscaping, and hereby **RE- AWARDS** to the next lowest acceptable bidder, Steele’s Services of Auburn Hills, at unit prices contained in the bid tabulation opened November 21, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2009.

Yes: All-7

E-3 2008 Poverty Exemption Guidelines

Resolution #2008-01-018

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That pursuant to MCL 211.7u, Troy City Council hereby **APPROVES** the proposed “Poverty Exemption Guidelines” for 2008, as presented by the City Assessor in a memorandum dated December 18, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

E-4 Approval of MDOT Loan Agreement – Contract No. 07-7734, Stephenson Highway, 14 Mile to I-75 – Project No. 02.201.5

Resolution #2008-01-019
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the MDOT Loan Agreement, Contract No. 07-7734, between the City of Troy and the Michigan Department of Transportation for the purpose of assisting the City in financing the reconstruction of Stephenson Highway, from 14 Mile to I-75 with the use of a short-term loan from MDOT, Project No. 02.201.5 and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

E-5 Approval of MDOT Advance Construction Contract – Contract No. 07-5734, Stephenson Highway, 14 Mile to I-75 – Project No. 02.201.5

Resolution #2008-01-020
Moved by Kerwin
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Advance Construction Contract No. 07-5734 between the City of Troy and the Michigan Department of Transportation for the reconstruction of Stephenson Highway, from 14 Mile to I-75, Project No. 02.201.5 and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

E-6 Traffic Committee Recommendations – January 16, 2008

Resolution #2008-01-021
Moved by Howrylak
Seconded by Broomfield

(a) Installation of DO NOT BLOCK INTERSECTION Sign with Flags on Northbound Rochester Road, South of Bishop

RESOLVED, That Traffic Control Order No.08-01-MR be **ISSUED** for the installation of a DO NOT BLOCK INTERSECTION sign with flags on it on northbound Rochester Road, south of Bishop.

Yes: All-7

E-7 Milano Development v. City of Troy et. al.

Resolution #2008-01-022
Moved by Kerwin
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** the Consent Judgment in the matter of *Milano Development Company, Inc. v City of Troy, et. al.*, (Oakland County Circuit Court Case No. 06-079401-CZ), a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Assistant City Attorney to sign the Consent Judgment for entry with the Court.

Yes: All-7

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

The meeting **RECONVENED** at 8:57 PM.

CONSENT AGENDA:

F-1a Approval of "E" Items NOT Removed for Discussion

Resolution #2008-01-023
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-13, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

F-2 Approval of City Council Minutes

Resolution #2008-01-023-F-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of January 7, 2008 be **APPROVED** as submitted.

F-3 Proposed City of Troy Proclamation(s): None Submitted

F-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 4: Oakland County CLEMIS Cooperative Purchasing Contract – Mobile Data Computers (MDC's) Increase in CLEMIS MDC Participation Fees**

Resolution #2008-01-023-F-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase Motorola MW810 mobile workstations including WLAN antennae from Motorola through the Oakland County Cooperative Purchasing Agreement at an estimated cost of \$5,300.00 each, with any other options and accessories discounted at 20% off list prices; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** annual usage fees to Oakland County Court and Law Enforcement Management Information System (CLEMIS) for an estimated quantity of fifty (50) Mobile Data Computers (MDC's) at an estimated cost of \$63,150.00 per year.

b) **Standard Purchasing Resolution 1: Award to Low Bidder – Community Center Carpet**

Resolution #2008-01-023-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Troy Community Center carpeting project to the low bidder, Conventional Carpet, Inc. of Sterling Heights, MI, for an estimated total cost of \$20,811.00, at prices contained in the bid tabulation opened January 7, 2008, 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 insurance certificates and all other specified requirements.

c) **Standard Purchasing Resolution 4: MITN Purchasing Cooperative – Gasoline and Diesel Fuel**

Resolution #2008-01-023-F-4c

RESOLVED, That Troy City Council hereby **APPROVES** two-year cooperative contracts to purchase gasoline and diesel fuel in truck transport and tank wagon deliveries with an option to renew for two (2) additional years from the low bidders meeting specifications - Mansfield Oil Company of Gainesville, GA and RKA Petroleum Companies of Romulus, MI, through the City of Sterling Heights bid process and extended to the MITN Purchasing Cooperative at factors and prices contained in the bid tabulation opened December 11, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration of January 31, 2010.

d) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 07-9 – Section 4 Weir Control Structure Project Re-Bid**

Resolution #2008-01-023-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 07-9, Section 4 weir control structure, to DeAngelis Landscape, Inc., 22425 Van Horn Road, Woodhaven, MI 48183 at an estimated total cost of \$393,725.00; and

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, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 25% of the total project cost.

e) **Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2008-01-023-F-4e

RESOLVED, That Troy City Council hereby **APPROVES** contracts to purchase fourteen (14) 2008 vehicles for the Police and Public Works departments from Buff Whelan Chevrolet of Sterling Heights, MI, and three (3) vehicles for the Police Department from Red Holman Pontiac GMC of Westland, MI through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$251,700.00 and \$63,855.00 respectively.

f) **Standard Purchasing Resolution 10 – Travel Authorization and Approval to Expend Funds for Council Members' Travel Expenses – National League of Cities (NLC) 2008 Annual Congressional City Conference**

Resolution #2008-023-F-4f

RESOLVED, That Council Members are **AUTHORIZED** to attend the NLC 2008 Annual Congressional City Conference on March 8 – 12, 2008 in Washington, DC, in accordance with accounting procedures of the City of Troy.

g) **Standard Purchasing Resolution 10 – Travel Authorization and Approval to Expend Funds for Council Members' Travel Expenses – Michigan Municipal League Capital Conference**

Resolution #2008-023-F-4g

RESOLVED, That Council Members are **AUTHORIZED** to attend the Michigan Municipal League Capital Conference on April 1-2, 2008 in Lansing, Michigan, in accordance with accounting procedures of the City of Troy.

F-5 Acceptance of Three Permanent Easements for Water Main, Sanitary Sewer and Emergency Ingress/Egress – SAAAM-Troy, LLC, Section 26, Sidwell #88-20-26-200-069

Resolution #2008-01-023-F-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the three permanent easements for water main, sanitary sewer and emergency ingress/egress from property owner SAAAM-Troy, LLC, having Sidwell #88-20-26-200-069; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the permanent easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-6 Acceptance of a Permanent Easement for Sidewalk, Public Utilities and Drainage – Rochester Professional Building, LLC, Section 3, Sidwell #88-20-03-226-104

Resolution #2008-01-023-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for sidewalk, public utilities and drainage from property owner Rochester Professional Building, LLC, having Sidwell #88-20-03-226-104; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk 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.

F-7 Approval of Purchase Agreement – John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #47 – Sidwell #88-20-02-228-037 – John and Nancy Lozenkovski/Milos and Vesa Miloshevski

Resolution #2008-01-023-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between John and Nancy Lozenkovski and Milos and Vesa Miloshevski, owners of property having Sidwell #88-20-02-228-037, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$172,000.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Contract Extension – Standard and Compound Water Meters

Resolution #2008-01-023-F-8

WHEREAS, On April 12, 2004, Troy City Council approved a two-year contract to provide standard and compound water meters with an option to renew for two additional years to the low bidder, S.L.C. Meter Service, Inc. of Davisburg, MI (Resolution #2004-04-190-E10);

WHEREAS, The option to renew was exercised and approved by Troy City Council on December 19, 2005 (Resolution #2005-12-546-E4e); and

WHEREAS, S.L.C. Meter Service, Inc. has agreed to extend a one-year contract under the same prices, terms and conditions as the original contract with the exception of an increase in the trade-in allowance for 2" meters and compound meters;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXTENDS** the current contract to purchase standard and compound water meters from S.L.C. Meter Service, Inc. of Davisburg, MI, at unit prices as detailed on Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2008.

F-9 Acceptance of a Permanent Easement for Water Main – The Elizabeth G. Ford Revocable Living Trust and Barbara J. Sackner, Sidwell #88-20-20-476-047

Resolution #2008-01-023-F-9

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for water main from The Elizabeth G. Ford Revocable Living Trust and Barbara J. Sackner, owners of the property having Sidwell #88-20-20-476-047; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk 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.

F-10 Approval of Purchase Agreement for John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #67 – Sidwell #88-20-01-151-048 – Mark and Elizabeth Abro

Resolution #2008-01-023-F-10

RESOLVED, That Troy City Council hereby **APPROVES** the agreement to purchase realty for public purposes between Mark and Elizabeth Abro, owners of property having Sidwell #88-20-01-151-048, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$11,700.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-11 Approval of Request from Congregation Shir Tikvah to Temporarily Waive Parking Restrictions – East Side of Northfield Parkway

Resolution #2008-01-023-F-11

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the east side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on Saturday, February 9, 2008, 6:00 PM – 12:00 midnight, and Friday, April 11, 2008, 7:00 PM – 11:00 PM.

F-12 Approval of Permit Fireworks at Mon Jin Lau

Resolution #2008-01-023-F-12

RESOLVED, That Troy City Council hereby **WAIVES** City Ordinances Chapter 98, 98.05.16 Fireworks and Chapter 93, 3301.1.3 Fireworks for the purpose of celebrating Chinese New Year at the Mon Jin Lau restaurant, located at 1515 East Maple Road, on Wednesday, February 6, 2008; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Fire Prevention Division personnel to inspect the fireworks to be used and the site to assure compliance with applicable standards for fireworks display.

F-14 Approval of Recognition as a Nonprofit Organization Status from Cathy Killian, President – Troy Foundation for Educational Excellence

Resolution #2008-01-023-F-14

RESOLVED, That Troy City Council hereby **APPROVES** the request from Troy Foundation for Educational Excellence, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.

F-1b Address of “F” Items Removed for Discussion by City Council and/or the Public

F-13 Approval of Transfer of Class C License – Cameron Mitchell Restaurants, LLC

(a) New License

Resolution #2008-01-024a
Moved by Kerwin
Seconded by Eisenbacher

RESOLVED, That Troy City Council **CONSIDERS** for **APPROVAL** the request from Cameron Mitchell Restaurants, Inc., to transfer ownership of 2007 Class C licensed business from Hooters of Troy, in escrow located at 1686 John R, Troy, MI 48083, Oakland County; and

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

Yes: All-7

(b) Agreement

Resolution #2008-01-024b

Moved by Kerwin

Seconded by Eisenbacher

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Cameron Mitchell Restaurants, Inc., to transfer ownership of 2007 Class C licensed business from Hooters of Troy, in escrow located at 1686 John R, Troy, MI 48083, and **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

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Michigan NextEnergy Exemptions – February 18, 2008
Noted and Filed

G-2 Green Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

Council Member Fleming commended Brian Murphy and his staff in regard to the recent publication identifying key information showcasing the City of Troy to help attract new business.

Council Member Eisenbacher would like to see several items that are currently brought before Council such as temporary parking and fire works display requests, be approved administratively to expedite the process.

Council Member Beltramini commended City Staff's cooperative participation with the Troy School District for the Martin Luther King Celebration of Freedom program and congratulated staff for the success of the annual Kaleidoscope program on Sunday.

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I.

Resolution #2008-01-025

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 16-J REPORTS and **AUTHORIZE** City Council to move forward, discuss and take action on agenda item, J-12 *Communication from City Clerk Tonni Bartholomew Regarding Proposed Resolution for No Reason Absentee Voting.*

Yes: All-7

J-12 Approval of Resolution No Reason Absentee Voting

Resolution

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The City Council of the City of Troy believes that every opportunity should be provided to encourage voter participation;

WHEREAS, The City of Troy vigilantly advocates for the fundamental rights of voters;

WHEREAS, Michigan Law in some cases forces its residents to chose between going to work or losing their Constitutional right to vote;

WHEREAS, The City of Troy is the home of a major hospital that employs several Troy registered voters who are required to work during the hours the polls are open for voting and are therefore disenfranchised from voting as there is no provision under law for them to vote an Absentee Ballot;

WHEREAS, There are several other occupations that routinely require employees to work during the hours that the polls are open, these occupations can include police and fire personnel and other shift workers that work 12 hour days rendering them unavailable during the time the polls are open;

WHEREAS, The City of Troy has many voters whose polling locations are located some distance from their homes and traveling to their precinct on Election Day could be a hardship;

WHEREAS, The statutory reasons for acquiring an Absentee Ballot do not take into account voters without transportation and their inability to travel from their homes to their precincts;

WHEREAS, The unfortunate option available for voters in these circumstances is to commit a misdemeanor crime by fraudulently applying for an Absentee Ballot as a means to execute one of their fundamental rights as a United States citizen;

WHEREAS, Election Law has several safeguards against voter fraud including the comparison of the registered voter's signature on Absentee Voter Ballot Applications against their signature on the registration record on file in the Clerk's Office; and

WHEREAS, Voters should have equal and unobstructed access to all possible voting opportunities.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **SUPPORTS** No Reason Absent Voting and encourages our representatives to do the same; and

BE IT FURTHER RESOLVED, That the City of Troy hereby **PETITIONS** the State of Michigan Legislature to adopt legislation providing for no reason absent voting, which is designed to promote voter participation, increase voter turn-out and assure that the fundamental rights of all voters are not diminished due to unwarranted restrictions in Election Law; and

BE IT FURTHER RESOLVED, That HB 4048 or HB 4134 accomplish the objectives as set forth above and therefore the Troy City Council **ENCOURAGES** our legislators to actively support the passage of this proposed legislation on behalf of the voters; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to forward a copy of this resolution to Governor Jennifer Granholm, Secretary of State Terri Lynn Land, Senator John Pappageorge, State Representative Marty Knollenberg, Michigan Municipal League, Michigan Association of Municipal Clerks ListSERV and all surrounding communities.

Vote on Resolution to Postpone

Resolution #2008-01-026

Moved by Howrylak

Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** J-12 *Approval of Resolution No Reason Absentee Voting* until the Regular City Council meeting scheduled for Monday, February 4, 2008.

Yes: All-7

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Historic District Commission/Final – September 18, 2007
- b) Historic District Commission/Final – October 16, 2007
- c) Cable Advisory Committee/Final – October 18, 2007
- d) Parks and Recreation Advisory Board/Final – November 1, 2007
- e) Ethnic Issues Advisory Board/Final – November 13, 2007
- f) Board of Zoning Appeals/Final – November 20, 2007
- g) Historic District Commission/Final – November 20, 2007
- h) Planning Commission/Draft – December 11, 2007
- i) Planning Commission/Final – December 11, 2007
- j) Employees' Retirement System Board of Trustees/Final – December 12, 2007
- k) Retiree Health Care Benefits Plan & Trust/Final – December 12, 2007
- l) Library Advisory Board Minutes/Final – December 13, 2007
- m) Historic District Commission/Final – December 18, 2007
- n) Downtown Development Authority/Final – December 19, 2007
- o) Building Code Board of Appeals/Draft – January 2, 2008
- p) Ethnic Issues Advisory Board/Draft – January 8, 2008
- q) Planning Commission/Draft – January 8, 2008
- r) Liquor Advisory Committee/Draft – January 14, 2008
- s) Cable Advisory Committee/Draft – January 16, 2008

Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of December, 2007
- b) Building Department – Permits Issued July through December, 2007
- c) Building Department – Permits Issued During the Year 2007
- d) Purchasing Department – Final Reporting BidNet On-Line Auction and Mid-Thumb Auctioneering Services – December, 2007
- e) City of Troy Quarterly Financial Report – December 31, 2007

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Troy Police Department from John Yoho, Arvin Meritor, in Appreciation of the Service Received from Officer Stacey and PSA Stark
- b) Letter of Thanks to Chief Craft from Sgt. David Smith, Sterling Heights Police Department, Regarding the Assistance with Arrest of Robbery Suspect Received from Lt. Houghton and Officers Livingston, Haddad, Kelly and Brandimore
- c) Letter of Thanks to Chief Craft from Macomb County Sheriff Mark Hackel Regarding the Assistance Received with an Arrest
- d) Letter to Sam Lamerato from Senator John Pappageorge Commending the City of Troy Fleet Maintenance Department on being named the Second Best Fleet in North America
- e) Letter of Thanks to Director of Building & Zoning Mark Stimac from Joy Powell, General Manager of Oakland Mall, Commending the Efforts of Gary Bowers and Mitch Grusnick

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:
a) City of Madison Heights – Resolution Requesting Preservation of Existing Channel Locations for Public, Government and Educational Access Channels
Noted and Filed

J-5 Calendar
Noted and Filed

J-6 Troy Youth Assistance Board Meeting Draft Minutes – November 15, 2007
Noted and Filed

J-7 Communication from Director of Parks and Recreation Carol Anderson Regarding Michigan Turfgrass Environmental Stewardship Program – Sanctuary Lake Golf Course
Noted and Filed

J-8 Communication from Planning Director Mark Miller Regarding Election of Planning Commission Officers and Appointment of Board of Zoning Appeals Representatives - 2008
Noted and Filed

J-9 Communication from City Engineer Steve Vandette Regarding Request for Federal Aid Funding – FY 2012 – Next Phase Projects
Noted and Filed

J-10 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of Consumers Energy Company – Case No. U-15454
Noted and Filed

J-11 Actuarial Valuation – Other Postemployment Benefits (OPEB)
Noted and Filed

J-12 Communication from City Clerk Tonni Bartholomew Regarding Proposed Resolution for No Reason Absentee Voting – Moved forward under Council Comments

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 9:21 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk