

A Regular Meeting of the Troy City Council was held Monday, February 4, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Paul Monson – St. Augustine Evangelical Lutheran 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 Presentations:

- a) On behalf of the City of Troy Employee's *Casual for a Cause* program, Cindy Stewart, Community Affairs Director, presented a check in the amount of \$403.67 to Patricia Rosen, Executive Director of CARE House of Oakland County
- b) Jim Mumby, Principal Architect for Fanning/Howey Associates and George Lawson, George Lawson Consulting provided a presentation regarding the *Library Needs Assessment Study*.
- c) A presentation regarding the *Development Approval/Permit Process Report* was given by Paul Zucker of Zucker Systems.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

The meeting **RECESSED** at 9:05 PM.

The meeting **RECONVENED** at 9:15 PM.

POSTPONED ITEMS:

D-1 Establishment of an Industrial Development District (IDD) – IACNA, International Automotive Components Group, North America, 750-800 Chicago

Pending 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 Amend by Substitution

Resolution #2008-02-027
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS BY SUBSTITUTION** the resolution to establish an Industrial Development District (IDD) for IACNA, International Automotive Components Group, North America by **STRIKING** it in its entirety and **INSERTING**, “RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the Establishment of an Industrial Development District (IDD) – IACNA, International Automotive Components Group, North America, 750-800 Chicago”.

Yes: All-7

Vote on Resolution as Amended by Substitution

Resolution #2008-02-028
Moved by Fleming
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the Establishment of an Industrial Development District (IDD) – IACNA, International Automotive Components Group, North America, 750-800 Chicago.

Yes: All-7

D-2 Granting of an Industrial Facilities Exemption Certificate (IFEC) to IACNA, International Automotive Components Group, North America, 750-800 Chicago

Resolution #2008-02-029
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the Granting of an Industrial Facilities Exemption Certificate (IFEC) to IACNA, International Automotive Components Group, North America, 750-800 Chicago.

Yes: All-7

D-3 Resolution for No Reason Absentee VotingPending 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 choose 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.

Proposed Resolution to Amend by Substitution

Resolution

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS BY SUBSTITUTION** the resolution for *No Reason Absentee Voting* by **STRIKING** it in its entirety and **INSERTING**:

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 right of voters;

WHEREAS, Michigan Law in some cases forces its residents to choose 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 many 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 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 to such an extent that they are unable to vote 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 either not vote or 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, Voters should be able to vote without being forced to choose between losing their job and committing a misdemeanor crime;

WHEREAS, State law was recently enacted to require proof of residence when voting in person and there is a fundamental obligation to respect the intent of this statute when modifying absentee voting requirements; and

WHEREAS, At least 23 states currently allow for a form of early voting;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **SUPPORTS** No Reason Absent Voting, provided that this option requires the application be submitted in person at a government facility (i.e. Clerk's office) with requisite proof of residence, 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 in person at a government facility (i.e. city, village or township hall) and/or a period of early voting, thus assuring that the fundamental right of all voters are not diminished due to unwarranted restrictions in Election Law; and

BE IT FURTHER RESOLVED, That HB 4048 or HB 4134 will accomplish the objectives as set forth above, provided that they are amended to require no reason absent voting to occur in-person at a government facility (i.e. city, village or township hall), and therefore the Troy City Council hereby **ENCOURAGES** our legislators to actively work to amend these bills as noted above and then to actively support the passage of this proposed legislation, if amended as noted here, on behalf of the voters of the City of Troy and the State of Michigan; and

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

Vote on Resolution to Amend

Resolution #2008-02-030

Moved by Beltramini

Seconded by Schilling

RESOLVED, That Troy City Council hereby **AMENDS** the proposed substitute resolution amending the resolution for *No Reason Absentee Voting* by **STRIKING** "to require no reason absent voting to occur in-person at a government facility (i.e. city, village or township hall)".

Yes: Fleming, Howrylak, Schilling, Beltramini, Broomfield

No: Eisenbacher, Kerwin

MOTION CARRIED

Vote on Resolution to Amend

Resolution #2008-02-031
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** the proposed substitute resolution amending the resolution for *No Reason Absentee Voting* by **STRIKING** “NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **SUPPORTS** No Reason Absent Voting, provided that this option requires the application be submitted in person at a government facility (i.e. Clerk’s office) with requisite proof of residence, and encourages our representatives to do the same; and”.

Yes: Kerwin, Schilling
No: Fleming, Howrylak, Beltramini, Broomfield, Eisenbacher

MOTION FAILED**Vote on Resolution to Amend**

Resolution #2008-02-032
Moved by Kerwin
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** the proposed substitute resolution amending the resolution for *No Reason Absentee Voting* by **STRIKING** “many” in the fourth WHEREAS paragraph.

Yes: All-7

Vote on Resolution to Amend Resolution by Substitution as Amended

Resolution #2008-02-033
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS BY SUBSTITUTION** the resolution for *No Reason Absentee Voting* by **STRIKING** it in its entirety and **INSERTING**:

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 right of voters;

WHEREAS, Michigan Law in some cases forces its residents to choose 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 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 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 to such an extent that they are unable to vote 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 either not vote or 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, Voters should be able to vote without being forced to choose between losing their job and committing a misdemeanor crime;

WHEREAS, State law was recently enacted to require proof of residence when voting in person and there is a fundamental obligation to respect the intent of this statute when modifying absentee voting requirements; and

WHEREAS, At least 23 states currently allow for a form of early voting;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **SUPPORTS** No Reason Absent Voting, provided that this option requires the application be submitted in person at a government facility (i.e. Clerk's office) with requisite proof of residence, 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 in person at a government facility (i.e. city, village or township hall) and/or a period of early voting, thus assuring that the fundamental right of all voters are not diminished due to unwarranted restrictions in Election Law; and

BE IT FURTHER RESOLVED, That HB 4048 or HB 4134 will accomplish the objectives as set forth above, provided that they are amended and therefore the Troy City Council hereby **ENCOURAGES** our legislators to actively work to amend these bills as noted above and then to actively support the passage of this proposed legislation, if amended as noted here, on behalf of the voters of the City of Troy and the State of Michigan; and

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

Yes: Broomfield, Eisenbacher, Fleming, Howrylak
No: Kerwin, Schilling, Beltramini

MOTION CARRIED

Vote on Resolution as Amended by Substitution

Resolution #2008-02-034
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 right of voters;

WHEREAS, Michigan Law in some cases forces its residents to choose 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 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 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 to such an extent that they are unable to vote 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 either not vote or 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, Voters should be able to vote without being forced to choose between losing their job and committing a misdemeanor crime;

WHEREAS, State law was recently enacted to require proof of residence when voting in person and there is a fundamental obligation to respect the intent of this statute when modifying absentee voting requirements; and

WHEREAS, At least 23 states currently allow for a form of early voting;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **SUPPORTS** No Reason Absent Voting, provided that this option requires the application be submitted in person at a government facility (i.e. Clerk's office) with requisite proof of residence, 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 in person at a government facility (i.e. city, village or township hall) and/or a period of early voting, thus assuring that the fundamental right of all voters are not diminished due to unwarranted restrictions in Election Law; and

BE IT FURTHER RESOLVED, That HB 4048 or HB 4134 will accomplish the objectives as set forth above, provided that they are amended and therefore the Troy City Council hereby **ENCOURAGES** our legislators to actively work to amend these bills as noted above and then to actively support the passage of this proposed legislation, if amended as noted here, on behalf of the voters of the City of Troy and the State of Michigan; and

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

Yes: Beltramini, Broomfield, Eisenbacher, Fleming, Howrylak

No: Schilling, Kerwin

MOTION CARRIED

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Planning Commission-Postponed b) City Council Appointments: No appointments

(a) Mayoral Appointments

Resolution

Moved by Schilling

Seconded by Beltramini

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

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Mark Maxwell

Term Expires 12/31/10

Vote on Resolution to Postpone

Resolution #2008-02-035
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** the appointment of Mark Maxwell to the Planning Commission until a candidate for the Unexpired Term 12/31/08 is brought forward for appointment.

Yes: Broomfield, Eisenbacher, Fleming, Howrylak
No: Beltramini, Kerwin, Schilling

MOTION CARRIED

(b) **City Council Appointments – No Appointments**

CONSENT AGENDA:

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

Resolution #2008-02-036
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-7

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

F-2 Approval of City Council Minutes

Resolution #2008-02-036-F-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of January 28, 2008 be **APPROVED** as corrected.

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

F-4 Standard Purchasing Resolutions: None Submitted

F-5 Approval of Purchase Agreement, John R Road Improvements, Long Lake Road to Square Lake Road – Project No. 02.203.5 – Parcel #14 – Sidwell #88-20-11-226-003 – Nashat and Wafaa Gatie

Resolution #2008-02-036-F-5

RESOLVED, That Troy City Council hereby **APPROVES** the agreement to purchase realty for public purposes between Nashat and Wafaa Gatie, owners of property having Sidwell #88-20-11-226-003, 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 \$27,600.00, 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.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) IACNA, International Automotive Components Group, North America, 750-800 Chicago – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – 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 Council Comments

Council Member Howrylak reported that *Troy People Concerned* is holding its 3rd Annual Pasta Dinner at the Big Beaver United Methodist Church on Saturday, March 8, 2008 at 5:00 PM. He added that the cost for tickets is \$15.00 per adult and \$5.00 for children over 5 years old.

Council Member Eisenbacher requested information regarding the city's policy for the disposal of its old computers. He would like to see a more creative reuse of them rather than disposing them by auction.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Traffic Committee/Final – October 17, 2007
 - b) Historic Commission/Final – October 23, 2007
 - c) Traffic Committee/Final – November 28, 2007
 - d) Liquor Advisory Committee/Final – December 10, 2007
 - e) Planning Commission/Final – January 8, 2008
 - f) Board of Zoning Appeals/Draft – January 15, 2008
- Noted and Filed
-

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation: None Submitted

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

J-5 Calendar

Noted and Filed

J-6 Communication from Planning Director Mark Miller Regarding Master Plan Workshop

Noted and Filed

J-7 Correspondence from Senator Carl Levin Congratulating Troy on Receiving Tree City, USA Recognition by the USDA Forest Service and the National Arbor Day Foundation

Noted and Filed

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 11:32 PM.

Louise E. Schilling, Mayor

Barbara A. Pallotta, CMC
Deputy City Clerk
