

**CITY OF TRENTON, MICHIGAN
PUBLIC HEARING
JANUARY 19, 2010**

A Public Hearing of the City Council of Trenton, Michigan was called to order by Mayor Brown at 7:45 p.m. on the above date in the City Hall Chambers to receive community input regarding the City of Trenton's proposed use of the Community Development Block Grant (CDBG) funding for 2010-2011 program year.

Present on roll call by City Clerk Stack: Councilpersons: Baun-Crooks, LeFevre, McLeod, and Taylor.

There being a quorum present, the Council was declared in session.

Absent: Councilman Gillespie and Teifer.

Moved by Councilman Taylor, seconded by Councilman LeFevre, to excuse the absence of Councilman Gillespie and Teifer.

Carried unanimously.

Other Officers Present: John Dahlquist, City Assessor; Randy Schoen, City Treasurer; Robert Cady, City Administrator; Wallace Long, City Attorney; Jeff Davis, Deputy Fire Chief, Scott Church, Human Resource Specialist; Patrick Hawkins, Parks and Recreation Director; and Alan Bober, Department of Public Services Director.

The City Clerk read the Notice of Public Hearing that was published in the News Herald on Sunday, December 27, 2009 and January 3, 2010.

Mayor Brown asked for comments from the public.

There were no written or spoken comments from the public.

(Councilman Teifer arrived at 7:49 p.m.)

MOTION TO ADJOURN By Councilman Taylor, seconded by Councilman LeFevre, at 7:50 p.m.

APPROVED BY:

GERALD R. BROWN, MAYOR

KYLE F. STACK, CITY CLERK

MINUTES PREPARED BY: Patricia M. Gearhart, Deputy City Clerk

APPROVED ON: _____

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
January 19, 2010**

After the Pledge of Allegiance to the Flag, the Regular Meeting of the City Council of Trenton, Michigan was called to order by Mayor Brown, at 8:02 p.m. on the above date in the City Hall Council Chambers.

Present on roll call by City Clerk Stack: Mayor Brown, Councilpersons: Baun-Crooks, LeFevre, McLeod, Taylor, and Teifer.

Absent: Councilman Gillespie.

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to excuse the absence of Councilman Gillespie.

Carried unanimously.

There being a quorum present, the Council was declared in session.

Other Officers Present: John Dahlquist, City Assessor; Randy Schoen, City Treasurer; Robert Cady, City Administrator; Wallace Long, City Attorney; Christine Arnoczki, City Controller; William Hogan, City Engineer; Jeff Davis, Deputy Fire Chief; Scott Church, Human Resource Director; Patrick Hawkins, Parks and Recreation Director; William Lilienthal, Police Chief; and Alan Bober, Department of Public Services, Director.

MINUTES

Moved by Councilman Taylor, seconded by Councilwoman McLeod, to approve the minutes of the Regular Meeting of December 19, 2009.

Carried unanimously.

PRESENTATIONS AND PROCLAMATIONS

Moved by Councilman Taylor, seconded by Councilman LeFevre, to make the Presentation part of the regular minutes.

Carried unanimously.

Foresters to the Trenton Baseball Association Trenton Traveler's U-12 Team

David MacDonald and Marilyn Carvana, representing the Foresters presented a donation to Sean Horvath, Coach, and the members of the Trenton Traveler's U-12 Team, in recognition of their help in the community.

City Beautiful Commission Holiday Decorating Awards

Sharlene Datini, Chairman of the City Beautiful Commission and members Mona Whitaker and Nickie Bonomo and DTE representatives Molly Luempert-Coy, Bill Jasman, and Lynette Dowler, presented Holiday Decorating awards and DTE gift certificates to the following winners: first place to Brian and Sarah Martin, second place to Rodney Hampton, third place to Scott Szumanski, and fourth place to Joe and Marcia Ross.

COMMUNICATIONS AGENDA

GENERAL

- B-1. 33RD DISTRICT COURT: Fines/Costs/Fees, December 2009
- B-2. U.S. CENSUS BUREAU: Brian White, Update on Census

GROUPS AND ORGANIZATIONS

- C-1. SOUTHPOINTE CHURCH: National Day of Prayer

DEPARTMENT HEADS, OFFICIALS, C.S.S. REFERRAL

- D-1. ADMINISTRATOR: 2010-2011 Community Development Block Grant Program
- D-2. CONTROLLER: 2010 SEMCOG Membership Dues
- D-3. PARKS & RECREATION: 2010 Fireworks Display
- D-4. MAYOR: Proposed Council Study Session Agenda, January 25, 2010
- D-5. ATTORNEY: Ordinance 723, Sewage Disposal Amendment, (1st Rdg)

LATE COMMUNICATIONS

- L-1. TREASURER: ATM Services at Kennedy Recreation Center

COMMUNICATIONS

(B-1)

33RD DISTRICT COURT
Fines/Costs/Fees, December 2009

Moved by Councilman LeFevre, seconded by Councilwoman Baun-Crooks, to receive and place on file the fines, costs, fees, December 2009, submitted by the 33rd District Court, showing the City of Trenton owing \$10,141.17.

Carried unanimously.

(B-2)

U.S. CENSUS BUREAU
Brian White, Update on Census

Moved by Councilwoman Baun-Crooks, seconded by Councilman Taylor, to make the update part of the regular minutes

Carried unanimously.

Brian White, Partnership Specialist spoke to the Mayor and Council, regarding the 2010 Census.

C-1
SOUTHPOINTE CHURCH
National Day of Prayer

Moved by Councilman Teifer, seconded by Councilwoman Baun-Crooks, to grant permission for the National Day of Prayer gathering to be held in front of Trenton City Hall on Thursday, May 6, 2010, and the use of the City Hall Chambers in the event of inclement weather.

Carried unanimously.

(D-1)
ADMINISTRATOR
2010-2011 Community Development Block Grant Program

Moved by Councilwoman Baun-Crooks, seconded by Councilman Taylor, to approve the allocation of the 2010 – 2011 Community Development Block Grant funds to subsidize transportation services for senior citizens in the amount of \$21,470.00; replace and repair various streets and or parks in the eligible block grant area, and administration fees in the amount of \$11,300.00, for execution of CDBG activities.

Carried unanimously.

(D-2)
CONTROLLER
2010 SEMCOG Membership Dues

Moved by Councilwoman Baun-Crooks, seconded by Councilman Teifer, to approve the payment of the 2010 SEMCOG Membership Dues for the period of January 15, 2010, through January 15, 2011, in the amount of \$2212.00.

Roll Call: Brown, Yes; LeFevre, No; McLeod, Yes; Taylor, Yes; Teifer, Yes; and Baun-Crooks, Yes.

Motion carried.

(D-3)
PARKS & RECREATION
2010 Fireworks Display

**CITY OF TRENTON
RESOLUTION 2010-1**

WHEREAS, the City wishes to make arrangements for the annual Independence Day Fireworks Display; and

WHEREAS, such arrangements require certain designations and approvals from various agencies.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Trenton, that the Fourth of July Fireworks Display is hereby approved for Sunday, July 4, 2010, with a rain date on July 5, 2010.

BE IT FURTHER RESOLVED, that the event is designated as a "Special Event" pursuant to Trenton Ordinance No. 537 of 1994 (the "Ordinance"), and that the below mentioned park, street and highway surfaces be subject to the provisions of the Ordinance.

BE IT FURTHER RESOLVED, that the City of Trenton designate Rotary Parks as the site for the Fireworks Display.

BE IT FURTHER RESOLVED, that Riverside Drive from Walnut to Elm Street; and Harrison, Atwood, Cherry and Elm Streets, and St. Joseph Streets, east of Riverside, are within the designated Special Event area.

BE IT FURTHER RESOLVED, that the City of Trenton prohibit public boat launching and vehicular parking at Rotary Park on Sunday, July 4th, from 3:00 p.m. until 11:00 p.m.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton, this 19th day of January, 2010.

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to adopt the resolution designating the fireworks as a special event; approve the contract with Colonial Fireworks Company for the 2010 Fireworks Display and authorize the expenditure of \$12,000.00; to approve the Hold Harmless and Indemnification Agreement with Hurst Marine for the barge and approve the expenditure of \$3,000.00; and authorize the Mayor and the City Clerk to sign the Agreements on behalf of the City.

Carried unanimously.

(D-4)
MAYOR

Proposed Council Study Session Agenda, January 25, 2010

Moved by Councilwoman McLeod, seconded by Councilman Taylor, to approve the agenda for the Council Study Session to be held on Monday, January 25, 2010, after the Council Meeting, to be comprised of: Fire and Police Pension Board Travel and Expenditure Policy and the status of the Fire and Police Pension System.

Carried unanimously.

(D-5)

ATTORNEY

Ordinance 723, Sewage Disposal Amendment, (1st Rdg)

CITY OF TRENTON

ORDINANCE NO. 723

AN ORDINANCE TO AMEND SECTIONS 98-171, 175, 243, 248, 275, 276, 279, AND 282 OF ARTICLE III, ENTITLED SEWAGE DISPOSAL, OF CHAPTER 98 OF THE TRENTON CITY CODE, TO INCORPORATE STATUTORY AND REGULATORY REQUIREMENTS PROMULGATED BY THE DEQ, PURSUANT TO 40 CFR 403, REGARDING THE “STREAMLINING OF GENERAL PRE-TREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION,” BY INCORPORATING THE REQUIREMENTS BY REFERENCE.

THE CITY OF TRENTON, COUNTY OF WAYNE, HEREBY ORDAINS AS FOLLOWS:

Section 1. Article III, entitled Sewage Disposal, of Chapter 98 of the Trenton City Code, is hereby amended by creating new sections 98-171, 175, 243, 248, 275, 276, 279, and 282, which shall read as follows:

Section 98-171. Definitions.

(Same, except Significant non-compliance:) Significant non-compliance means a violation which meets one or more of the following criteria specified in 40 CFR 403.8(f)(2)(viii)(A)(B)(C).

- (1) Chronic violations of wastewater discharge limits, as set forth in §403.8(f)(2)(viii)(A), defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).
- (2) Technical review criteria (TRC) violations, as set forth in §403.8(f)(2)(viii)(B), defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit, as set forth in §403.8(f)(2)(viii)(C), (daily maximum or longer-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass-through, (including endangering the health of POTW personnel or the general public).

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph CFR 403.8(f)(vi)(B) and Section 98-301 herein, to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

Section 98-175. Enforcement Officers.

Except as otherwise provided in this article, the city engineer or his authorized representative shall administer, implement, and enforce the provisions of this article. Authority to certify reports shall be granted in writing by the Mayor of the City pursuant to §403.12(m).

Sec. 98-243. Applicability of national categorical pretreatment standards.

- (a) *Generally.* All nondomestic users subject to national pretreatment standards shall be subject to the rules, regulations, and requirements of 40 CFR part 403.
- (b) *Applicability of new standards; standards adopted.* Upon the promulgation of categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The city shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12, as amended. The national categorical standards found in 40 CFR chapter I, subchapter N, parts 405 through 471 are hereby incorporated into this article and made a part of this article.
- (c) *Deadlines for compliance.*
 - (1) Existing sources shall comply with categorical pretreatment standards within the compliance time specified in 40 CFR chapter I, subchapter N.
 - (2) Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable categorical pretreatment standard.

(3) Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in 40 CFR part 403, section 403.3(m).

(4) New sources shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time, not to exceed 90 days, new sources must meet all applicable pretreatment standards.

(d) *Same.*

Sec. 98-248. Accidental and slug discharges.

(a) *Protection.* Each industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this article. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed slug control plans showing facilities and operating procedures to provide this protection in compliance with section 403.8(f)(2)(vi)(A-D), shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing industrial users shall complete such a plan by May 1, 1986. No industrial user who commences contribution to the POTW after the effective date of the ordinance from which this article is derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to inform the authority immediately of all discharges that could cause problems to the POTW, including any slug loadings by the user. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the authority within five days.

(b) *Same*

(c) *Same*

(d) *Same*

Sec. 98-275. Reporting requirements for industrial users subject to national pretreatment standards.

(a) *Baseline monitoring report.*

(1) Within 180 days after the effective date of a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination, whichever is later, existing industrial users subject to such categorical pretreatment standard and currently discharging to or

scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in 40 CFR part 403, section 403.12(b).

(2) At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in 40 CFR part 403, section 403.12(b). New sources shall also include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

(3) Industrial users shall report any changes to information in the baseline monitoring report to the POTW within 60 days (Michigan Administrative Code R323.2303(3)).

(b) *Compliance date report.*

(1) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city engineer a report containing the information listed in 40 CFR part 403, section 403.12(b)(4)-(6).

(c) *Same*

(d) *Same*

(e) *Same*

Sec. 98-276. Reporting requirements for all industrial users.

(a) *Same*

(b) *Same*

(c) *Same*

(d) *Same*

(e) All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge (Michigan Administrative Code R323.2310(9)), or changes that occur at the facility affecting the potential for a slug discharge, pursuant to 403.8(f)(2)(vi). These changes could include but are not limited to the following:

(1) The listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection (d) of this section and 40 CFR 403.12(p).

(2) Groundwaters purged for remedial action programs.

(3) Groundwaters containing pollutants that infiltrate into the sewers.

(f) *Same*

(g) *Same*

Sec. 98-279. Sampling and analysis.

(a) The sampling and analysis may be performed by the city in lieu of the industrial user. Where the POTW performs the required sampling and analysis in accordance with §403.12 in lieu of the industrial user, the user will not be required to submit the compliance certification required under 40 CFR part 403, section 403.12(b), (d), (e) and (h). In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

(b) If sampling performed by an industrial user indicates a violation, the user shall notify the city engineer within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city engineer within 30 days after becoming aware of the initial violation in accordance with §403.12(g)(2), (3) and (4), unless the POTW samples the user's discharge and/or the industrial user self-monitors and reports to the POTW on a monthly or more frequent basis (monthly, biweekly, weekly, daily, etc.).

(c) *Same*

(d) *Same*

(e) The POTW shall have authority to permit composite or grab sampling in accordance with 403.12 (g)(3). Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For all other pollutants, 24 hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City.

Sec. 98-282. Records retention.

All dischargers subject to this article shall retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge and shall maintain records in accordance with §403.12(o), including documentation associated with Best Management Practices. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the director pursuant to this article shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Section 2. Saving Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under

any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. Conflicting Ordinances. All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. Readings. This Ordinance shall be given a first reading on January 19, 2010, shall be enacted on January 25, 2010, and shall be published on or before February 7, 2010, and shall be effective February 8, 2010.

Moved by Councilman LeFevre, seconded by Councilwoman Baun-Crooks, to approve the first reading of Ordinance 723, Sewage Disposal Amendment.

Carried unanimously.

LATE COMMUNICATIONS

(L-1)

TREASURER

ATM Services at Kennedy Recreation Center

Moved by Councilman Teifer, seconded by Councilwoman Baun-Crooks, to concur with the recommendation of the City Treasurer to act upon the City's behalf in changing the ATM service providers and approve ATM of America to operate on city property for a period of three (3) years.

SUBSTITUTE MOTION

Moved by Councilman Teifer, seconded by Councilman Taylor, to table the item to the next Council Meeting.

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilman LeFevre, seconded by Councilwoman Baun-Crooks, that the Authorized Disbursements, per the January 19, 2010, schedule, be approved.

MONROE BANK & TRUST: Cash Disbursements	\$5,983,581.80
General Fund	195,674.25
Major Street Fund	1,132.81
Local Street Fund	411.00

**RECORD OF CITY COUNCIL PROCEEDINGS
CITY OF TRENTON, MICHIGAN
HELD ON THE 19TH DAY OF JANUARY 2010**

Kennedy Rec. Complex Fund	50,709.64
Community Block Grant FD	3,816.00
Library Operating Fund	37,054.98
Tax Receiving Funds	5,254,416.07
Special Revenue Funds	11,047.27
Trust & Agency Funds	1,600.00
Grant Funds	74,792.89
Brownfield Authority	6,420.89
SINC Fund	77,578.83
Water & Wastewater Fund	186,763.62
Motor Vehicle Pool	58,721.01
Restricted Self Ins.	23,442.54

Carried unanimously.

REPORTS

Moved by Councilman LeFevre, seconded by Councilwoman Baun-Crooks, to receive and place on file Financial Summary, dated December 31, 2009, the Commission and Board Reports, Traffic Safety Division Report, November 2009; Fire Department Report, December 2009; DPS Report, December 2009; Accumed Emergency Ambulance Revenue Report, July to December 2009; and the Police Department Report, December 2009.

Carried unanimously.

OTHER COUNCIL BUSINESS

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to hold a Closed Session immediately following the regular meeting of this date for the purpose of discussing litigations.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

Councilman LeFevre	* Congratulated to the Winners at the City Awards and thanked the Civic Commission
Councilwoman Baun-Crooks	* Thought and Prayers to Fire Chief Vick's Daughter; Condolences to Paul Haley's' Family with Loss of his Mother
Councilman Teifer	* DCC Open House

PUBLIC COMMENT

None.

MOTION TO ADJOURN BY Councilwoman McLeod, seconded by Councilman Taylor, at 9:37 p.m.

APPROVED BY:

GERALD R. BROWN, MAYOR

KYLE F. STACK, CITY CLERK

MINUTES PREPARED BY: Patricia M. Gearhart, Deputy City Clerk
APPROVED ON: _____

INFORMATION ITEMS:

1. DCC: Open House.