

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
FEBRUARY 6, 2012**

After the Pledge of Allegiance to the Flag, the Regular Meeting of the City Council of Trenton, Michigan was called to order by Mayor Stack, at 8:00 p.m. on the above date in the City Hall Council Chambers.

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

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

Absent: None.

Other Officers Present: John Dahlquist, City Assessor; Michael McCullough, City Treasurer; James Wagner, City Administrator; Wallace Long, City Attorney; William Hogan, City Engineer; Bruce Vick, Fire Chief; Scott Church, Human Resources Director; Francene Sanak, City Librarian; Theresa Monthei, Network Administrator; JoAnn Perna, Parks and Recreation Director; James Nardone, Police Chief; and Patrick Raftery, WWTP Superintendent.

MINUTES

Moved by Councilperson McLeod, seconded by Councilperson Taylor, to approve the minutes of the Regular Meeting of January 23, 2012.

Carried unanimously.

BID OPENINGS

Fireworks Display

Moved by Councilperson Taylor, seconded by Councilperson McLeod, to grant permission to the City Clerk to open the sealed bids for the fireworks display.

Carried unanimously.

The City Clerk opened the sealed bids submitted by Zambelli Fireworks and Ace Pyro.

Moved by Councilperson LeFevre, seconded by Councilperson McLeod, to refer the bids to the Parks and Recreation Department for review and recommendation.

Carried unanimously.

APPOINTMENTS

Compensation Board, Police and Fire Pension Board

Moved by Councilperson Taylor, seconded by Councilperson LeFevre, to approve the Mayor's appointments of Thomas Dyl to the Compensation Board for a term ending June 2016, and Mike Dwyer to the Police and Fire Pension Board, term expiring November 1, 2014.

Roll Call: Howey, Yes; LeFevre, Yes; McLeod, Yes; Stack, Abstain; Taylor, Yes; Teifer, Yes; and Baun-Crooks, Yes.

Motion carried.

COMMUNICATIONS AGENDA

GENERAL

- B-1. 33RD DISTRICT COURT: Fourth Quarter Court Technology Payment
- B-2. 33RD DISTRICT COURT: 2012 Adopted Budget
- B-3. SENIOR ALLIANCE: FY 2012 Match Request

GROUPS AND ORGANIZATIONS

- C-1. DOWNRIVER REPUBLICAN: Constitution Celebration Day

DEPARTMENT HEADS & OFFICIALS

- D-1. ATTORNEY: Ordinance 760, Fire Department Vacancies (2nd Rdg)
- D-2a. ATTORNEY: Reformed Ordinance 761, Specific Base Flood Elevation Standards (Emergency Reading)
- D-2b. ATTORNEY: Community Resolution to Manage Floodplain Development for National Flood Insurance Program
- D-3. ADMINISTRATION: Schedule Public Hearing, for Community Development Block Grant Program
- D-4. ADMINISTRATION: Internet Service Provider
- D-5. CITY CLERK: Permission to Hire Election Workers
- D-6. PARKS AND RECREATION: Buzz Magazine Bid Award
- D-7. HUMAN RESOURCES: Modification to AFSCME Local 292 Contract
- D-8. ENGINEER: Request to Bid, Janitorial Services Contract
- D-9. ENGINEER: Request to Extend Lawn Mowing Contract

COMMUNICATIONS

(B-1)

33RD DISTRICT COURT
Fourth Quarter Court Technology Payment

Moved by Councilperson LeFevre, seconded by Councilperson Taylor, to receive and place on file the Fourth Quarter Court Technology Payment submitted by the 33rd District Court.

Carried unanimously.

(B-2)
33RD DISTRICT COURT
2012 Adopted Budget

Moved by Councilperson LeFevre, seconded by Councilperson McLeod, to receive and place on file the 2012 Adopted Budget submitted by the 33rd District Court.

Carried unanimously.

(B-3)
SENIOR ALLIANCE
FY 2012 Match Request

Moved by Councilperson Baun-Crooks, seconded by Councilperson Taylor, to approve the payment of \$1,567.00, to The Senior Alliance for the FY 2012 match.

Carried unanimously.

(C-1)
DOWNRIVER REPUBLICAN
Constitution Celebration Day

Moved by Councilperson Baun-Crooks, seconded by Councilperson Howey, to declare Sunday, March 4, 2012, as "Constitution Celebration Day" in the City of Trenton.

Carried unanimously.

(D-1)
ATTORNEY
Ordinance 760, Fire Department Vacancies (2nd Rdg)

**CITY OF TRENTON
ORDINANCE NO. 760**

AN ORDINANCE TO AMEND CHAPTER 42 ENTITLED "FIRE PREVENTION AND PROTECTION", ARTICLE II, , DIVISION 2, SECTION 42-62 OF THE TRENTON CITY CODE ENTITLED "APPOINTMENTS" TO MODIFY AND EXPEDITE THE APPLICATION PROCESS FOR FILLING VACANCIES IN THE FIRE DEPARTMENT AND ITS POSTING REQUIREMENTS CONSISTENT WITH RECENT CHARTER REVISIONS.

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

Section 1. Section 42-62 of the Trenton City Code entitled "Appointments" shall be repealed in its entirety and the following shall be substituted in its stead:

Sec. 42-62. - Appointments.

- (a) Appointments for employment as officers in the fire department shall only be made after completely fulfilling the preliminary requirements and satisfactory completion of examinations to determine physical and mental fitness. Such examination shall be conducted as provided in this division, and appointments shall be made from a revolving list of qualified applicants after confirmation by the city administrator or mayor.
- (b) Such list of applicants may be held in effect, and continuing appointments made therefrom, for a period of up to two years from the date of application, which may be periodically updated, or terminated earlier if found to be in the best interest of the city by approval of the mayor.
- (c) In the absence or shortage of currently available applicants in the department's revolving file, the fire chief may contact local academies or cause public notice to be given for additional applicants, which notice shall be posted on the city's web-site and cable television or published in the local newspaper carrying official council proceedings, that applications for appointment and examination are being accepted by the city. Such applications shall be received and kept in a revolving file at the city's human resource office where it shall be periodically updated for eligibility.

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.

Readings. This Ordinance shall be given a first reading on January 23, 2012 shall be enacted on February 6, 2012, and shall be published on or before February 12, 2012, and shall be effective February 13, 2012.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 6th day of February, 2012.

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to approve the second reading of Ordinance 760, Fire Department Vacancies.

Carried unanimously.

(D-2a)

ATTORNEY

Reformed Ordinance 761, Specific Base Flood Elevation Standards (Emergency Reading)

**CITY OF TRENTON
ORDINANCE NO. 761**

AN ORDINANCE TO AMEND SECTION 46-82 OF THE TRENTON CITY CODE ENTITLED "SPECIFIC BASE FLOOD ELEVATION STANDARDS," TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF TRENTON, LOCATED IN WAYNE COUNTY, MICHIGAN, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF STATE CONSTRUCTION CODE ACT, NO 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

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

Section 1. Section 46-82 of the Trenton City Code entitled "Specific base flood elevation standards" shall be repealed in its entirety and the following shall be substituted in its stead:

Sec. 46-82. - Specific base flood elevation standards.

(a) AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the City Engineer of the City of Trenton is hereby designated as the enforcing agency to discharge the responsibility of the City of Trenton under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Trenton assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

(b) CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Trenton.

(c) DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Wayne County, Michigan (All Jurisdiction)" and dated February 2, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26163C; 0412E, 0413E, 0414E, 0416E, 0420E, 0527E, and 0535E dated February 2, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

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 immediate effect as an emergency Ordinance, pursuant to Section 7.3 of the City's Charter.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 6th day of February, 2012.

Moved by Councilperson Taylor, seconded by Councilperson Howey, to approve the emergency reading of Reformed Ordinance 761, Specific Base Flood Elevation Standards.

Roll Call: LeFevre, Yes; McLeod, Yes; Stack, Yes; Taylor, Yes; Teifer, Yes; Baun-Crooks, Yes; and Howey, Yes.

Motion carried.

(D-2b)

ATTORNEY

Community Resolution to Manage Floodplain Development for National Flood Insurance Program

**MICHIGAN COMMUNITY RESOLUTION TO
MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

**CITY OF TRENTON
RESOLUTION 2012-6**

WHEREAS, the community of Trenton, Michigan in the County of Wayne currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and

- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by an existing Ordinance no. 752, dated March 21, 2011, the community accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. The community directs its construction code act designated enforcing agency, being the City Engineer, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.

- b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 - 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 - 3. Appendix G of the current Michigan Building Code.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
- 2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
 - 3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton, this 6th day of February, 2012.

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to adopt the Michigan Community Resolution to Manage Floodplain Development for the National Flood Insurance Program.

Carried unanimously.

(D-3)

ADMINISTRATION

Schedule Public Hearing, for Community Development Block Grant Program

Moved by Councilperson Taylor, seconded by Councilperson McLeod, to schedule a Public Hearing on Monday, March 5, 2012, at 7:45 p.m. to take comment from the public regarding the proposed use of Community Development Block Grant funding for the 2012-2013 year.

Carried unanimously.

(D-4)

ADMINISTRATION

Internet Service Provider

Moved by Councilperson Baun-Crooks, seconded by Councilperson Teifer, to concur with the recommendation of the City Administrator and approve the change to the internet service provider to AT &T, waive the usual bidding procedure in the best interest of the city by utilizing the pricing from the Library Network bid, approve the start up costs in the amount of \$11,184.00, and the annual cost of \$10,179.00, with funding from the Computer Equipment Account (101-930-934001) and the Telephone Account (101-930-850000), and approve the contract from July 1, 2012, through June 20, 2015.

Carried unanimously.

(D-5)

CITY CLERK

Permission to Hire Election Workers

Moved by Councilperson Taylor, seconded by Councilperson LeFevre, to grant permission to the City Clerk to hire Donna Teifer, Sylvia Gearhart, Lindsey Devitt and Chelsea Devitt as Election Workers, excluding elections that their relative is on the ballot.

Roll Call: McLeod, Yes; Stack, Yes; Taylor, Yes; Teifer, Abstain; Baun-Crooks, Yes; Howey, Yes; and LeFevre, Yes..

Motion Carried.

(D-6)
PARKS AND RECREATION
Buzz Magazine Bid Award

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the Parks and Recreation Department and award the bid for the Buzz Magazine to the lowest bidder, Accuform Printing and Graphics of Detroit, in the amount of \$5,995.00, with funding from the Magazine Advertisement Fees Account (285-692-985.049) and the Recreation Printing Account (1010-691-00-729.000), and to reject the other bids.

Carried unanimously.

(D-7)
HUMAN RESOURCES
Modification to AFSCME Local 292 Contract

Moved by Councilperson McLeod, seconded by Councilperson Taylor, to approve the modification to the Collective Bargaining Agreement, AFSCME Local 292, for an alternative work schedule for the Wastewater Treatment Plant, and authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Roll Call: Stack, Yes; Taylor, Yes; Teifer, No; Baun-Crooks, No; Howey, Yes; LeFevre, No; McLeod, Yes.

Motion carried.

(D-8)
ENGINEER
Request to Bid, Janitorial Services Contract

Moved by Councilperson LeFevre, seconded by Councilperson Baun-Crooks, to authorize the City Engineer to advertise the Janitorial Services Contract for competitive bids.

Carried unanimously.

(D-9)
ENGINEER
Request to Extend Lawn Mowing Contract

Moved by Councilperson McLeod, seconded by Councilperson LeFevre, to concur with the recommendation of the City Engineer and authorize the extension of the Lawn Mowing Contract to the present contractors for the 2012 and 2013 growing season at the same costs and terms of the existing contract, with funding from the Contracted Services Account (101-441-818.000).

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, that the Authorized Disbursements, per the February 6, 2012, schedule, be approved,

| | |
|---|--------------|
| MONROE BANK & TRUST: Cash Disbursements | \$405,081.65 |
| General Fund | 143,787.30 |
| Major Street Fund | 611.04 |
| Local Street Fund | 234.38 |
| Kennedy Rec Complex | 43,291.73 |
| Library Operating Fund | 5,668.23 |
| Tax Receiving Fund | 409.41 |
| Special Revenue Fund | 4,935.39 |
| Grant Funds | 2,978.94 |
| SINC Fund | 1,500.00 |
| Water & Wastewater Fund | 187,561.44 |
| Motor Vehicle Pool Fund | 9,192.74 |
| Restricted Self Insurance | 4,911.05 |

Carried unanimously.

REPORTS

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, to receive and place on file the Commission and Board Reports, February 6, 2012.

Carried unanimously.

OTHER COUNCIL BUSINESS

Moved by Councilperson McLeod, seconded by Councilperson Taylor, to receive and place on file the Community Return On Investment Report, February 2012, prepared by the Downriver Community Conference, and submitted by Councilperson Teifer.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

- | | |
|---------------------------|--|
| Councilperson Howey | * Thanked State Representative Patrick Sommerville, State Senator Patrick Colbeck, and the 33 rd District Court Judges for Attending the Rotary Meeting |
| Councilperson Baun-Crooks | * McDonalds Restaurant and NA Mans Building Center, Nice Remodeling; Prayers and Thoughts Given to Christine Arnoczki and Her Family; Southwicke Square Board in Attendance at Meeting |
| Councilperson Taylor | * Status of Ice Rink Restaurant |

RECORD OF CITY COUNCIL PROCEEDINGS
CITY OF TRENTON, MICHIGAN
HELD ON THE 6TH DAY OF FEBRUARY 2012

- Councilperson LeFevre * Congratulated Councilperson Teifer for Representing the City at DCC; Won't Be Happy If City Not Receiving Money from Restaurant; Status of Riverview Landfill; Test Frank and Poet Drain; Proud of Mayor Stack on State of the City Address; Read Letter from Mr. and Mrs. Shingleton Thanking Firefighters Aloud
- Mayor Stack * Thanked Trenton Rotary and Trenton Business Association for Hosting State of the City; Asked for a Moment of Silence be Observed in Memory of John Arnoczki Who Passed Away
- City Clerk Gearhart * City Hall Offices Closed on Monday, February 20th, next Council Meeting Tuesday, February 21st; Absentee Ballots Available
- City Assessor Dahlquist * Announced Board of Review Dates
- City Treasurer McCullough * Property Taxes Due February 14th, Without Penalty
- Parks & Rec. Director Perna * Hockey Showcase This Weekend; Annual Daddy Daughter Date Night, February 13th and 14th

PUBLIC COMMENT

- Brian Syska * Thanked Mayor and Council for Employment
- William Jasman * Rotary Beach Blast, February 18th; Presented Photographs to Council

MOTION TO ADJOURN by Councilperson McLeod, seconded by Councilperson LeFevre, at 8:49 p.m.

APPROVED BY:

KYLE F. STACK, MAYOR

PATRICIA M. GEARHART, CITY CLERK

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

INFORMATION ITEMS:

1. COMCAST: Price Increase. (01/20/2012)