Unofficial

CITY OF TRENTON, MICHIGAN
REGULAR MEETING
February 19, 2013

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 8:02 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.

Other Officers Present: John Dahlquist, City Assessor; Michael McCullough, City Treasurer; Wallace Long, City Attorney; James Wagner, City Administrator; Scott Church, Assistant City Administrator; Christine Arnoczki, City Controller; William Hogan, City Engineer; Bruce Vick, Fire Chief; Joann Perna, Parks and Recreation Director; Timothy Beaker, Recreation Business Operations Manager; and James Nardone, Police Chief.

MINUTES

Moved by Councilperson McLeod, seconded by Councilperson Howey, to approve the minutes of the Public Hearings and Regular Meeting of February 4, 2013.

Carried unanimously.

APPOINTMENTS

Recreation Commission

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to approve the Mayors reappointment of Robert Wade, to the Recreation Commission for a term ending March 1, 2016.

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

Motion carried.

COMMUNICATIONS AGENDA

AUTHORITIES, CITY COMMISSIONS, BOARDS, COMMITTEES

A-1. OLAF VONSTRITZKY: Resignation from the Cable Commission

GENERAL

B-1. MICHIGAN MUNICIPAL LEAGUE: Annual Membership Dues

Bibliotheek

GROUPS AND ORGANIZATIONS

C-1. TRENTON FIREFIGHTERS CHARITIES: Request to Use Fire Station 1for Pancake Breakfast

C-2. DOWNRIVER REPUBLICAN GRASSROOTS ORGANIZATION: Constitution Celebration Day

DEPARTMENT HEADS & OFFICIALS

D-1. CITY ATTORNEY: Ordinance 768, Tethering of Dogs (2nd Rdg)

D-2. CITY ATTORNEY/CITY CLERK: Revised Ordinance 769, Prohibit Sunday Sales by Peddlers (2nd Rdg)

D-3. CITY ATTORNEY/CITY CLERK: Ordinance 770, Updated Fees & Charges, Peddlers and Vendors (2nd Rdg)

D-4. PARKS AND RECREATION: Preventative Maintenance Bid Award

D-5. POLICE DEPARTMENT: Request to Purchase a Livescan 500P Palm Scanner

D-6. CITY ENGINEER: Petition to Divide/Combine Property, Lot 23-27, Kirby Sorge Felske, 344 W Jefferson (Bellmore)

COMMUNICATIONS

(A-1)
OLAF VONSTRITZKY
Resignation from the Cable Commission

Moved by Councilperson Taylor, seconded by Councilperson McLeod, to receive and place on file the letter submitted by Olaf Vonstritzky, resigning from the Cable Commission and to request Administration to send a letter of appreciation to him for his services.

Carried unanimously.

(B-1)
MICHIGAN MUNICIPAL LEAGUE
Annual Membership Dues

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to approve the payment of $6,686.00, for the Michigan Municipal League annual membership dues.

Carried unanimously.

(C-1)
TRENTON FIREFIGHTERS CHARITIES
Request to Use Fire Station 1 for Pancake Breakfast

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to grant permission to the Trenton Firefighters Charities to hold a pancake breakfast at Fire Station #1, on Sunday, March 24, 2013.

Carried unanimously.

(C-2)
DOWNRIVER REPUBLICAN GRASSROOTS ORGANIZATION
Constitution Celebration Day

Moved by Councilperson Taylor, seconded by Councilperson Howey, to proclaim March 4, 2013, as "Constitution Celebration Day".

Carried unanimously.

Mr. Rick Jarosz, a representative of the Downriver Republican Grassroots Organization spoke to the Mayor and Council regarding the history of Constitution Day.

(D-1)
CITY ATTORNEY
Ordinance 768, Tethering of Dogs (2nd Rdg)

STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF TRENTON

ORDINANCE NO. 768

AN ORDINANCE TO AMEND CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF TRENTON ENTITLED " ANIMALS", ARTICLE IV, ENTITLED DOGS, BY ADDING A NEW SECTION 14-120 ENTITLED "TETHERING" TO PROVIDE A DEFINITION OF TETHERING, TO RESTRICT THE USE OF TETHERING OF DOGS, AND TO ESTABLISH PENALTIES ASSOCIATED THEREWITH.

THE CITY OF TRENTON ORDAINS:

SECTION 1. Amendment of Code

Chapter 14, Animals, Article IV, Dogs, shall be amended by adding a new section 14-120 entitled "Tethering" to restrict and regulate the practice of tethering dogs within the City of Trenton and to establish penalties associated therewith, which shall read as follows:

Section 14-120 Tethering of Dogs

a) Tethering means the practice of securing a dog to a stationary object by means of a metal chain or coated steel cable for keeping a dog restrained in its movement. Tethering does not mean walking a dog on a leash, or for temporary grooming, or other professional service.

b) It shall be unlawful for a person to:

(1) Continuously tether a dog for more than three hours per day;

(2) Tether a dog on a tether made of anything but a coated steel cable more than (10) feet in length;

(3) Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than ten percent (10%) of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or

(4) Tether a dog on anything except a buckle-type collar or harness, or tethering on a choke chain or around the dog's neck, or tethered to training collars such as choke or pinch-style collars, or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles; or

(5) Tether a dog without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a dog without securing its food and water supply so that it cannot be tipped over by the tether; or

(6) Tether a dog in an open area where it can be teased by persons or an open area that does not provide the dog protection from attack by other animals; or

(7) Tether a dog in an area composed entirely of bare earth subject to becoming wet and muddy in the event of precipitation, and without any dry surface area or cover for protection.

(8) Tether a dog less than four (4) months of age.

(9) Tether more than one dog to a single tether.

(10) Tether a dog to a stationary object which would allow a dog to come within five feet of any property line.

(11) Tether a dog without a swivel attached and/or equipped on both ends.

c. The animal control officer, or his/her designee, may in his/her discretion temporarily order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety or welfare of the dog.

d. Penalty. A person found responsible for violating section 14-120 shall be deemed responsible for a municipal civil infraction in the amount of $100 per day. Any person found liable for violating this section three or more times in a one year time span shall be guilty of a misdemeanor.

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 acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character by 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. Repeal.

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 February 4, 2013, shall be enacted on February 19, 2013, and shall be published on or before March 3, 2013, and shall be effective March 4, 2013.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 19th day of February, 2013.

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to approve the second reading of Ordinance 768, Tethering of Dogs.

Carried unanimously.

(D-2)
CITY ATTORNEY/CITY CLERK
Revised Ordinance 769, Prohibit Sunday Sales by Peddlers (2nd Rdg)

CITY OF TRENTON
ORDINANCE NO. 769

AN ORDINANCE TO AMEND CHAPTER 22 "BUSINESSES", ARTICLE VII, DIVISION 1, SECTION 22-304, ENTITLED "BUSINESS HOURS" OF THE CITY CODE TO PROHIBIT SUNDAY SALES BY PEDDLERS AND VENDORS OPERATING IN THE CITY.

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

Section 1. Chapter 22, Article VII, Sec. 22-304 of the Trenton City Code entitled "Business hours" shall be amended to prohibit Sunday sales by a peddler in the City, which shall read as follows:

ARTICLE VII. PEDDLERS AND TRANSIENT MERCHANTS

Sec. 22-304. Business hours.

a) It shall be unlawful for any peddler to sell or offer for sale any merchandise on Sundays, or between sunset and 9:00 a.m., weekdays and

Saturdays, except for persons participating in the Summer Festival and the Independence Day functions.

b) It shall be unlawful for any transient merchant to sell or offer for sale any merchandise between sunset and 9:00 a.m., except for persons participating in the Summer Festival, the Independence Day functions, or other official City sponsored events.

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 February 4, 2013, shall be enacted on February 19, 2013, and shall be published on or before March 3, 2013, and shall be effective March 4, 2013.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 19th day of February, 2013.

Moved by Councilperson McLeod, seconded by Councilperson Howey, to approve the second reading of Ordinance 769, Prohibit Sunday Sales by Peddlers, as revised.

Carried unanimously.

(D-3)
CITY ATTORNEY/CITY CLERK
Ordinance 770, Updated Fees & Charges, Peddlers and Vendors (2nd Rdg)

CITY OF TRENTON
ORDINANCE NO. 770

AN ORDINANCE TO AMEND ARTICLE II, SECTION A-41 OF APPENDIX "An" ENTITLED "FEES AND CHARGES" OF THE CITY CODE BY ESTABLISHING UPDATED FEES AND CHARGES FOR PEDDLERS AND VENDORS OPERATING IN THE CITY.

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

Section 1. Article II, Sec. A-41 of Appendix A of the Trenton City Code entitled "Peddlers, ice cream vendors and hawkers"" shall be amended to establish updated fees and charges associated with commercial licenses provided by the City, which shall read as follows:

ARTICLE II. LICENSES

Sec. A-41. Generally.

The following fees shall be paid prior to the issuance of any license required by this code:

(1) Same
(2) Same
(3) Same
(4) Same
(5) Same
(6) Same
(7) (reserved)
(8) Same
(9) Same
(10) Peddlers, ice cream vendors and hawkers, per person, per calendar quarter, or portion thereof, when operating. ($100.00)
(11) Same
(12) Same
(13) Same
(14) Same
(15) Same
(16) Same
(17) Same
(18) Same
(19) Same

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 February 4, 2013, shall be enacted on February 19, 2013, and shall be published on or before March 3, 2013, and shall be effective March 4, 2013.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 19th day of February, 2013.

Moved by Councilperson LeFevre, seconded by Councilperson Baun-Crooks, to approve the second reading of Ordinance 770, Updated Fees & Charges, Peddlers and Vendors.

Carried unanimously.

(D-4)
PARKS AND RECREATION
Preventative Maintenance Bid Award

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the Parks and Recreation Business Operations Manager and award the bid for the Preventative Maintenance Contract to Serv-Ice, for a period of three years, for a fee of $300.00, per month.

Carried unanimously.

(D-5)
POLICE DEPARTMENT
Request to Purchase a Livescan 500P Palm Scanner

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the Police Chief and approve the purchase a new Livescan 500P Palm Scanner from ID Networks in the amount of $11,665.00, including warranty and trade-in-credit, with funding from the Competitive Grant Assistance Program (289-303-945.001).

Carried unanimously.

(D-6)
CITY ENGINEER
Petition to Divide/Combine Property, Lot 23-27, Kirby Sorge Felske, 344 W Jefferson (Bellmore)

Moved by Councilperson Taylor, seconded by Councilperson Howey, to concur with the recommendation of the City Engineer and refer the petition to divide/combine property, lots 23-27, Kirby-Sorge-Felske, 344 West Jefferson to the Planning Commission for review and recommendation.

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilperson Teifer, seconded by Councilperson McLeod, that the Authorized Disbursements, per the February 19, 2013, schedule, be approved,

MONROE BANK & TRUST: Cash Disbursements	$644,538.58
General Fund	80,586.17
Major Street Fund	277.59
Local Street Fund	277.59
Kennedy Rec. Complex	22,460.42
Library Operating Fund	9,227.84
Tax Receiving Fund	280,556.64
Special Revenue Fund	5,287.45
Grant Funds	1,018.85
Capital Project Fund	13,695.00
SINC Fund	3,249.96
Waste & Wastewater Fund	174,052.49
Motor Vehicle Pool Fund	50,571.66
Restricted Self Insurance	3,294.90

Carried unanimously.

Moved by Councilperson Teifer, seconded by Councilperson McLeod, to approve the disbursement payable to B & D Vacuum in the amount of $17.98.

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

Motion carried.

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, to approve the Authorized ACH Transactions, January 2013, in the amount of $4,129,992.07.

Carried unanimously.

FINANCIAL STATEMENT

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, to receive and place on file the Financial Summary dated January 31, 2013.

Carried unanimously.

REPORTS

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, to receive and place on file the Commission and Board Reports, February 19, 2013; DPS Report, January 2013; the Fire Department Manpower Overtime Report, January 2013; and the Police Department Report, January 2013.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

Councilperson Howey	*	Planning Commission/DDA Joint Meeting, Possible Amendments to Sign Ordinance
Councilperson LeFevre	*	Commended Joann Perna and Tim Beaker on High School Hockey Showcase
Mayor Stack	*	Congratulated Mike Turner, Trenton High School Hockey Coach on 600th Win
City Assessor Dahlquist	*	Board of Review Meetings Start on March 12th; Assessment Notices Going Out Next Week
Police Chief Nardone	*	Thanked Patrick Somerville and Andrew Kandrevas, State Representatives, For Grant Assistance

PUBLIC COMMENT

Doug Mott	*	Purchasing former CDOGZ Bar and Hopes to Make it a Family Friendly Establishment

MOTION TO ADJOURN by Councilperson McLeod, seconded by Councilperson Howey, at 8:30 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. WAYNE COUNTY DPS: Household Hazardous Waste Collections. (02/05/2013)