

**CITY OF TRENTON, MICHIGAN  
SPECIAL MEETING  
May 4, 2009**

After the Pledge of Allegiance to the Flag, a Special Meeting of the City Council of Trenton, Michigan was called to order by Mayor Brown, at 7:01 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, Gillespie, LeFevre, McLeod, and Taylor.

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

Absent: Councilman Teifer.

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

Carried unanimously.

Other Officers Present: John Dahlquist, City Assessor; Randy Schoen, City Treasurer; Robert Cady, City Administrator; Wallace Long, City Attorney; Christine Arnoczki, City Controller; Bruce Vick, Fire Chief; and Scott Church, Human Resource Specialist.

**COMMUNICATIONS AGENDA**

1. Closed Session

**COMMUNICATIONS**

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to hold a Closed Session for the purpose of discussing litigation.

Carried unanimously.

**MOTION TO ADJOURN BY** Councilwoman McLeod, seconded by Councilwoman Baun-Crooks, at 7:02 p.m.

APPROVED BY:

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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  
May 4, 2009

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 8:00 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, Gillespie, LeFevre, McLeod, Taylor, and Teifer.

Absent: None.

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

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

**MINUTES**

Moved by Councilman Taylor, seconded by Councilman Gillespie, to approve the minutes of the Regular Meeting of April 20, 2009.

Carried unanimously.

**PRESENTATIONS AND PROCLAMATIONS**

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

Carried unanimously.

Bradley Lynch, Eagle Scout

Patrick Hawkins, Parks and Recreation Director gave a brief overview of the Leadership Service Project that Bradley Lynch performed for the Cultural Center. Bradley constructed a butterfly garden fence at the Cultural Center.

Trenton High School

Mayor Brown presented a Certificate of Achievement to the Top Ten 2009 Trenton High School Graduating Class Students. The Students are: Christopher Barnard, Kyle Cash, Madeline Ginn, Holly Payne, Molly Pohutski, Olivia Steffke, Elias Swade, Andreea Mosincat, Kara Stacho, and Jennifer Marks.

**COMMUNICATIONS AGENDA**

**GENERAL**

B-1. 33<sup>RD</sup> DISTRICT COURT: Court Technology Quarterly Payment

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

- D-1. CITY CLERK: Birth and Death Certificate Increase
- D-2. PARKS & RECREATION: Mid Summer Festival Beer Permits
- D-3. PARKS & RECREATION: Mid-Summer Festival Shuttle Bus Transportation Request
- D-4. CONTROLLER: Delinquent Accounts to be Placed on the 2009 City Tax Roll
- D-5. ATTORNEY: Ordinance 719, OWI, Cost Recovery, (1<sup>st</sup> Rdg)

**COMMUNICATIONS**

(B-1)

33<sup>RD</sup> DISTRICT COURT

Court Technology Quarterly Payment

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to receive and place on file the first quarter payment for 2009 from the Court Technology Fund.

Carried unanimously.

(D-1)

CITY CLERK

Birth and Death Certificate Increase

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to concur with the recommendation of the City Clerk and approve the fee increase for the second copy of a Birth or Death Certificate from \$3.00 to \$5.00; and to set the fee for a Senior Citizen, 60 years of age and older to \$5.00 a copy, providing the record is for the Senior Citizen.

Carried unanimously.

(D-2)

PARKS & RECREATION  
Mid Summer Festival Beer Permits

Moved by Councilman Taylor, seconded by Councilman Gillespie, to approve the Trenton Business Association and St. Joseph Athletic Club to operate a beer tent in the street during the Mid-Summer Festival, July 10, 11, and 12, 2009.

Carried unanimously.

(D-3)

PARKS & RECREATION  
Mid-Summer Festival Shuttle Bus Transportation Request

Moved by Councilman Taylor, seconded by Councilman Gillespie, to approve Royal Transportation, as the provider for shuttle transportation for the Mid-Summer Festival, in the amount of \$5,428.00, with funds from the Mid-Summer Festival Account (285-692-985.035), and to reject the other quotes.

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

Motion carried.

(D-4)

CONTROLLER  
Delinquent Accounts to be Placed on the 2009 City Tax Roll

Moved by Councilman Taylor, seconded by Councilman Gillespie, to concur with the recommendation of the City Controller to place the delinquent water and sewer accounts and miscellaneous accounts for 2008, on the 2009 City Tax Roll.

Carried unanimously.

(D-5)

ATTORNEY  
Ordinance 719, OWI, Cost Recovery, (Emergency Rdg)

**CITY OF TRENTON**

**ORDINANCE NO. 719**

**AN ORDINANCE TO AMEND CHAPTER 6 OF THE TRENTON CITY CODE, BY ADDING A NEW DIVISION 2, ENTITLED "COST RECOVERY", TO AUTHORIZE THE RECOVERY OF THE ADDITIONAL COSTS INCURRED BY THE POLICE DEPARTMENT IN THE TESTING, PROCESSING, AND PROSECUTION OF AN INDIVIDUAL CHARGED WITH OPERATING A MOTOR VEHICLE WHILE INTOXICATED, OPERATING WHILE UNDER THE AGE OF 21 WITH A BLOOD ALCOHOL**

**LEVEL, IMPAIRED DRIVING, OR OPERATING UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE .**

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

**Section 1.** Chapter 6 of the Trenton City Code entitled “Alcoholic Liquor” shall be amended to authorize the recovery of the additional costs incurred by the Police Department in the rescue, apprehension, testing, processing and prosecution of an individual charged with operating a motor vehicle while intoxicated, operating while under the age of 21 with a blood alcohol level, impaired driving or operating under the influence of a controlled substance, and shall read as follows:

**CHAPTER 6  
ALCOHOLIC LIQUOR**

**DIVISION 2  
COST RECOVERY**

**Sec. 6-8 Definitions**

The following words, terms and phrase, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Controlled substances* means a drug, substance or immediate precursor in Schedules 1-5 Pat 72 of the Michigan Public Health code, Act 368 of 1978, as amended from time to time.

(b) *Emergency response means: 1) the providing, sending or utilizing of public service, police, fire and rescue services by the City to an accident involving a motor vehicle where one or more of the drivers are operating a motor vehicle under the influence of an alcoholic beverage or controlled substance, or the combination of the two; 2) the making of a traffic stop and arrest by a police officer when the driver is operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance, or combination of the two.*

(c) Expense of emergency response means the direct costs associated with the occurrence of an emergency response as defined in subsection 1 and 2 of the preceding paragraph, which ever is applicable, of this section. The expense of making an emergency response shall include the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the accident or arrest, as well as the salaries or wages of the personnel responding to the accident or arrest. Further, the expenses shall include the costs of conducting and analyzing preliminary chemical breath analysis tests and chemical tests of the blood, urine, or breath to determine the amount or presence of alcohol or controlled substance in the blood and the costs of processing or analyzing other physical evidence.

**Section 6-9. Civil Liability**

Any person who is under the influence of an alcoholic beverage or any controlled substance, or the combination of the two, while operating a motor vehicle which results in the city’s provision of an emergency response, shall be responsible

and liable to the city for the expenses incurred by the city, in providing such response, not to exceed one hundred twenty-five (\$125.00).

**Section 6-10. Liability presumption.**

For purposes of this Division, it shall be presumed that a person is operating a motor vehicle under the influence of an alcoholic beverage if a chemical analysis of the driver discloses that the person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

**Sec. 6-11. Conflict with criminal liability.**

This Division shall be construed to be a responsibility and liability of a civil nature on the part of the driver and shall not be construed to conflict with, contravene or enlarge or reduce any criminal liability or responsibility including fines and costs imposed by a court on the driver pursuant to the State Motor Vehicle Code for operating a motor vehicle under the influence of an alcoholic beverage or controlled substance.

**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.

MAIN MOTION

Moved by Councilwoman McLeod, seconded by Councilman Gillespie, to approve the first reading of Ordinance 719, OWI Cost Recovery.

AMENDMENT TO MOTION

Moved by Councilwoman McLeod, seconded by Councilman Gillespie, to approve the emergency reading of Ordinance 719, OWI Cost Recovery and to insert "not to exceed \$125.00" in the language of Section 6-9.

Carried unanimously.

MAIN MOTION AS AMENDED

Carried unanimously.

**AUTHORIZED DISBURSEMENTS**

Moved by Councilman Taylor, seconded by Councilman Gillespie, that the Authorized Disbursements, per the May 4, 2009, schedule, be approved.

MONROE BANK & TRUST: Cash Disbursements	\$756,357.98
General Fund	155,911.93
Major Street Fund	490.80
Kennedy Rec. Complex Fund	34,400.19
Library Operating Fund	28,844.07
Special Revenue Funds	5,549.05
Trust and Agency Funds	1,000.00
Grant Funds	30,961.52
Capital Project Fund	72,481.90
DDA Fund	6,184.00
SINC Fund	5,903.18/
Water & Wastewater Fund	364,817.01
Motor Vehicle Pool	18,511.52
Restricted Self Ins.	31,302.81

Motion carried.

**REPORTS**

Moved by Councilman Taylor, seconded by Councilman Gillespie, to receive and place on file and the Commission and Board Report, May 4, 2009, and the Traffic Safety Division Report, March 2009.

Carried unanimously.

**OTHER COUNCIL BUSINESS**

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to go into closed session immediately after this meeting for the purpose of discussing litigation.

Carried unanimously.

**COMMENTS FROM THE COUNCIL AND OFFICIALS**

- |                     |   |
|---------------------|---|
| Councilwoman McLeod | * Congratulated the Trenton High School Seniors |
| Councilman LeFevre  | * Derby Day, Successful Event; Buzz Magazine    |

**RECORD OF CITY COUNCIL PROCEEDINGS  
CITY OF TRENTON, MICHIGAN  
HELD ON THE 4TH DAY OF MAY 2009**

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|--------------------------|--|
| Councilwoman Baun-Crooks | * Congratulated Seniors, Door Prizes Needed for Senior Class Party |
| Councilman Taylor        | * Urged Citizens to Support Southern Great Lakes Symphony          |
| Councilman Teifer        | * Congratulated Trenton High School Seniors                        |
| City Clerk Stack         | * Trenton Rotary was Awarded #1 Club                               |
| DPS Director Bober       | * Household Hazardous Waste Days                                   |
| Mayor Brown              | * Stamp Out Hunger Day, May 9th                                    |

**PUBLIC COMMENT**

- |              |   |
|--------------|---|
| Bob Baker    | * Shred It Day, May 16th  |
| Nikki Bonomo | * Get it Planted Day  |
| Tom Boritzki | * Chairman of the Compensation Board, No Raises to Elected Officials, |
| Aaron Young  | * Maintenance Under the Viaduct Needed                                |

**MOTION TO ADJOURN BY** Councilwoman McLeod, seconded by Councilwoman Baun-Crooks, at 8:54 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. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT: Household Hazardous Waste Days. (04/20/2009)
2. COMCAST: Change to Channel Lineup. (04/24/2009)

