

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
MAY 7, 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, McLeod, Taylor, and Teifer.

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

Absent: Councilperson LeFevre.

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to excuse the absence of Councilperson LeFevre.

Carried unanimously.

Other Officers Present: James Wagner, City Administrator; Wallace Long, City Attorney; Karen Sall, Deputy Treasurer; Christine Arnoczki, City Controller; William Hogan, City Engineer; Bruce Vick, Fire Chief; Jeff Davis, Deputy Fire Chief; Jeff Evans, Fire Marshall; Scott Church, Human Resources Specialist; Tim Beaker, Recreation Business Operations Manager; James Nardone, Police Chief; Steve Voss, Deputy Police Chief; and Paul Haley, Emergency Management Coordinator.

MINUTES

Moved by Councilperson Taylor, seconded by Councilperson McLeod, to approve the minutes of the Regular Meeting of April 16, 2012, and the Special Meeting of April 30, 2012.

Carried unanimously.

PRESENTATIONS AND PROCLAMATIONS

Top Ten Trenton High School Students

Moved by Councilperson Taylor, seconded by Councilperson McLeod, to make the presentation part of the regular minutes.

Carried unanimously.

Mayor Stack presented a Certificate of Achievement to the Top Ten 2012 Trenton High School Graduating Class Students. The students are Tori Hart, Tara Kurtzhals, Madelyn Stover-Sash, Diamant Kurteshi, Victoria Vandenberg, Kathryn Davis, Emi Mitsusada-Boylan, Boddan Mosincat, Anthony Kryk, Elisa Obregon and Timothy Reeber.

APPOINTMENTS

Brownfield Authority, Cable Commission and Compensation Board

Moved by Councilperson Taylor, seconded by Councilperson McLeod, to approve the Mayors appointment of John Hodgson to the Cable Commission, with a term expiring May 1, 2015; Chris Arnoczki to the Brownfield Authority, with a term expiring May 1, 2015, and Tom Boritzki to the Compensation Commission with a term expiring May 1, 2015.

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

Motion Carried.

COMMUNICATIONS AGENDA

AUTHORITIES, CITY COMMISSIONS, BOARDS, COMMITTEES

A-1. JOYCE BROWN GILLESPIE: Letter of Resignation from DDA

GENERAL

B-1. 33RD DISTRICT COURT: Court Technology Quarterly Payment

GROUPS AND ORGANIZATIONS

C-1. KIWANIS CLUB: Annual Peanut Sale

C-2. MOSLEM SHRINERS: Annual Hospital Fund Drive

DEPARTMENT HEADS & OFFICIALS

D-1. CITY ATTORNEY: Ordinance 762, Amended Michigan Motor Vehicle Code (2nd Rdg)

D-2. CITY ATTORNEY: Ordinance 763, Amendment to Consumption in Public Places, Kennedy Rec Center (1st Rdg)

D-3. ADMINISTRATOR: Surplus or Old Equipment

D-4. FIRE: Request to Hold Car Wash/Bake Sale at Fire Station 2

D-5. CONTROLLER: Delinquent Accounts to be Placed on the 2012 City Tax Roll

COMMUNICATIONS

(A-1)

JOYCE BROWN GILLESPIE
Letter of Resignation from DDA

Moved by Councilperson Taylor, seconded by Councilperson Howey, to receive and place on file, the letter submitted by Joyce Brown Gillespie, resigning from the Downtown Development Authority and to request Administration to send a letter of commendation to her for her services.

Carried unanimously.

(B-1)
33RD DISTRICT COURT
Court Technology Quarterly Payment

Moved by Councilperson McLeod, seconded by Councilperson Taylor, to receive and place on file the first quarter payment from the Court Technology Fund submitted by the 33rd District Court.

Carried unanimously.

(C-1)
KIWANIS CLUB
Annual Peanut Sale

Moved by Councilperson Baun-Crooks, seconded by Councilperson Taylor, to concur with the recommendation of the Civic Commission and grant permission to the Kiwanis Club to conduct their annual peanut sale in the City of Trenton on June 4, 2012, through June 9, 2012, under Police Department direction.

Carried unanimously.

(C-2)
MOSLEM SHRINERS
Annual Hospital Fund Drive

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the Civic Commission and grant permission to the Moslem Shriners to conduct their annual Hospital Fund Drive in the City of Trenton on June 14, 15 and 16, 2012, to sell in front of local businesses with permission only, without standing on street corners, under Police Department direction.

Carried unanimously.

(D-1)
CITY ATTORNEY
Ordinance 762, Amended Michigan Motor Vehicle Code (2nd Rdg)

**CITY OF TRENTON
ORDINANCE NO. 762**

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 94 OF THE TRENTON CITY CODE ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTIONS 94-3 AND 94-7 TO ADOPT THE AMENDED MICHIGAN MOTOR VEHICLE CODE FOR THE REGULATION OF TRAFFIC IN THE CITY

THE CITY OF TRENTON, WAYNE COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Section 94-3 and 94-7 of the Trenton City Code entitled Code Adopted shall be amended by adopting the Michigan Motor Vehicle Code as amended in 2012, which Article shall read as follows:

Sec. 94-3 Vehicle Code Adopted.

Pursuant to 1999 P.A. 258, 259 and 260, there is hereby adopted and incorporated by reference, the Michigan Vehicle Code (MVC), 2012 edition, being 1949 P.A. 300, MCL 257.1 through 257.923, as amended from time to time, including but not limited to MCL 257.625 (1)(c) and the penalties associated therewith. An official copy of such code is on file in the office of the City Clerk and the same is hereby adopted by reference as fully set forth herein, save and except for those provisions thereof which are hereinafter amended or deleted and save and except that if any of the provisions of such codes conflict with any other ordinance of the City, the other provision of the Traffic Code as amended, or the Ordinance of the City, as the case may be, shall control.

Sec. 94-7 Penalties; violations

- (a) Any provision of this chapter, including the Uniform Traffic Code adopted and amended herein, which describes an act or omission which constitutes a civil infraction under the terms of the Michigan Vehicle Code, shall be processed as a civil infraction and any person found to have committed a civil infraction may be ordered to pay a civil fine of not more than \$ 100.00 and costs, unless provided otherwise by section 907 of the Michigan Vehicle Code.
- (b) (same)
- (c) Notwithstanding the foregoing, violations of MCL 257.625(1)(c) shall be punishable by 1 or more of the following:
 - i) Community service for not more than 360 hours.
 - ii) Imprisonment for not more than 180 days.
 - iii) A fine of not less than \$ 200.00 or more than \$ 700.00.

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. Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

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 April 16, 2012, shall be enacted on May 7, 2012, and shall be published on or before May 20, 2012, and shall be effective May 21, 2012.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 7th day of May, 2012.

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to approve the second reading of Ordinance #762, Adoption of the Michigan Motor Vehicle Code as Amended in 2012.

Carried unanimously.

(D-2)

CITY ATTORNEY

Ordinance 763, Amendment to Consumption in Public Places, Kennedy Rec Center (1st Rdg)

**CITY OF TRENTON
ORDINANCE NO. 763**

AN ORDINANCE TO AMEND SECTION 6-1 OF THE TRENTON CITY CODE CONCERNING THE PURCHASE, CONSUMPTION OR POSSESSION OF ALCOHOL IN A PUBLIC BUILDING, BY ADDING NEW SUBSECTIONS (b) and (c), LIMITING THE SALE, POSSESSION OR CONSUMPTION OF ALCOHOL TO LICENSED ESTABLISHMENTS ON THE MEZZANINE LEVEL OF THE KENNEDY RECREATION CENTER AND PERMITTING LIMITED SALES ON THE MAIN LEVEL BY LICENSED NON-PROFIT ORGANIZATIONS APPROVED BY THE CITY.

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

Section 1. Section 6-1. Entitled: “**Consumption in public places.**” is hereby amended by renumbering the existing language as subsection (a), and adding new subsections (b) and (c), to read as follows:

- (a) (Same)
- (b) Except as in (c) below, it shall be unlawful for any person to purchase, consume or possess any alcoholic liquor in any portion of the Kennedy Recreation Center, except on the Mezzanine Level of the Ice Arena, and then only when distributed by an establishment licensed by the State to serve alcohol at that location.
- (c) Notwithstanding subsection (b), alcoholic liquor may be sold and served on the main floor of the Kennedy Recreation Center on a temporary basis upon issuance of a permit approved by the City Council, to an appropriately licensed and city recognized non-profit organization authorized to utilize the Center in conjunction with an approved special event.

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 May 7, 2012, shall be enacted on May 21, 2012, and shall be published on or before June 3, 2012, and shall be effective June 4, 2012.

Moved by Councilperson McLeod, seconded by Councilperson Taylor, to approve the first reading of Ordinance 763, Amendment to Consumption in Public Places, Kennedy Rec Center.

Carried unanimously.

(D-3)
ADMINISTRATOR
Surplus or Old Equipment

Moved by Councilperson Baun-Crooks, seconded by Councilperson McLeod, to grant permission to Theresa Monthei to sell old radios and computer equipment on EBay.

Carried unanimously.

(D-4)
FIRE
Request to Hold Car Wash/Bake Sale at Fire Station 2

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to grant permission to the Trenton Firefighters Charities to hold a car wash and bake sale at Fire Station #2, on Saturday, June 2, 2012 from 9:00 a.m. to 1:00 p.m., with proceeds of the sale to go to the Moore House Museum Renovation Fund.

Carried unanimously.

(D-5)

CONTROLLER

Delinquent Accounts to be Placed on the 2012 City Tax Roll

Moved by Councilperson Baun-Crooks, seconded by Councilperson McLeod, to concur with the recommendation of the City Controller to place the delinquent water and sewer accounts and miscellaneous accounts, on the 2012 City Tax Roll.

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilperson Teifer, seconded by Councilperson McLeod, that the Authorized Disbursements, per the May 7, 2012, schedule, be approved,

MONROE BANK & TRUST: Cash Disbursements	\$561,600.15
General Fund	200,589.85
Major Street Fund	15,297.93
Local Street Fund	64,341.40
Kennedy Rec Complex	44,919.10
Community Block Grant Fad	15.00
Library Operating Fund	23,212.88
Tax Receiving Fund	1,378.05
Special Revenue Fund	32,895.88
Grant Funds	5,131.99
D.D.A. Fund	434.80
SINC Fund	12,126.48
Water & Wastewater Fund	105,925.44
Motor Vehicle Pool Fund	44,449.94
Restricted Self Insurance	10,611.41

Carried unanimously.

Moved by Councilperson Teifer, seconded by Councilperson McLeod, to receive and place on file the Financial Summary, April 30, 2012.

Carried unanimously.

REPORTS

Moved by Councilperson Teifer, seconded by Councilperson McLeod, to receive and place on file the Commission and Board Reports, May 7, 2012; the Police Department Report, March 2012; DPS Report, April 2012; and the Fire Department Overtime, April 2012.

Carried unanimously.

OTHER COUNCIL BUSINESS

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, to hold a Closed Session; immediately following the Budget Session, after the Regular Meeting of this date, for the purpose of discussing litigation and negotiations.

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

Motion carried.

BUDGET PUBLIC HEARING DATE

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, to schedule a Public Hearing on May 21, 2012, at 7:30 p.m. for the purpose of taking public comment on the proposed 2012-2013 Budget.

Carried unanimously.

NON UNION EMPLOYEES

Moved by Councilperson Taylor, seconded by Councilperson Teifer, that non union employees have a 20% cost sharing on the illustrative rate of their insurance as opposed to the 5% that they are paying now, that is in line with the Governor's suggestion and that we increase the concessionary wages from 5% to 10% starting July 1 of this year.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

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| Councilperson McLeod | * Enjoyed Meeting Top Ten THS Students, Congratulated all of the Class of 2012 |
| Councilperson Baun-Crooks | * Echoed Councilperson McLeod, Proud of THS Students |
| City Clerk Gearhart | * New Voter Cards Will be Mailed to All Registered Voters This Month |
| City Assessor Dahlquist | * Principal Residency Exemptions Deadlines Have Changed |
| City Engineer Hogan | * Tire Recycling Saturday, May 12; Rail Road Crossing at Toledo and Hoover Closed from May 9 to May 18 |
| Parks & Rec. Director Perna | * Buzz Delivered This Week; Movie on Aldo Leopold at Trenton Theatre |
| Fire Marshall Evans | * Back Yard Fire Pits; New Fireworks Law |

RECORD OF CITY COUNCIL PROCEEDINGS
CITY OF TRENTON, MICHIGAN
HELD ON THE 7TH DAY OF MAY 2012

Police Chief Nardone

- * Congratulated Police Officer Richard Lyons on His Retirement after 25 years of Service; May 13th is National Police Week

PUBLIC COMMENT

Scott Barr

- * Community Shred It Day, Electronic Recycling on Saturday, May 12; Memorial Day Parade on Saturday, May 26th at 10:00 a.m.

MOTION TO ADJOURN by Councilperson McLeod, seconded by Councilperson Baun-Crooks, at 8:44 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. STATE OF MICHIGAN: Public Hearing Notice, DTE, Case U-16991. (05/08/2012)
2. COMCAST: Channel Lineup Changes. (05/01/2012)