

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
June 7, 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 8:00 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; Robert Cady, City Administrator; Wallace Long, City Attorney; William Hogan, City Engineer; Bruce Vick, Fire Chief; Scott Church, Human Resource Director; Patrick Hawkins, Parks and Recreation Director; William Lilienthal, Police Chief; James Nardone, Deputy Police Chief; Alan Bober, Department of Public Services, Director; Paul Haley, Emergency Management; and Patrick Raftery, Waste Water Treatment Superintendent.

MINUTES

Moved by Councilman Gillespie, seconded by Councilman Taylor, to approve the minutes of the Public Hearing and Regular Meeting of May 17, 2010.

Carried unanimously.

PRESENTATIONS

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

Carried unanimously.

Top Ten Trenton High School Students

Mayor Brown presented a Certificate of Achievement to the Top Ten 2010 Trenton High School Graduating Class Students. The Students are: Victor Boron, Sean Calo, Miruna Mosincat, Amy Sieloff, Michael Kurilko, Andrew Voszatka, Kristina Levitt, Jeffrey Derrick, Elyssa Wiegand, Constance Welsch, and Jesse Sykes.

Retirement of Police Lieutenants
Penny Dunn, Rick Clawson, Kevin McMillion, Rob Smith & Mike Topping

Mayor Brown along with Police Chief Lillienthal, presented retirement plaques to Penny Dunn, Rick Clawson, Kevin McMillion, Rob Smith and Mike Topping in recognition of their dedicated service to the Police Department for the City of Trenton.

APPOINTMENTS

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to approve the Mayor's reappointment of John Holmes and Laura Rutkowski to the Library Commission, terms expiring August 1, 2013; Scott Cabauatan to the Planning Commission, term expiring August 1, 2013; and Bob Watkowski to the Recreation Commission, term expiring, July 1, 2013.

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

Motion carried.

COMMUNICATIONS AGENDA

GENERAL

- B-1. LIQUOR CONTROL COMMISSION: Transfer Ownership of Class C License, 2156 West Jefferson, (Savannah's Restaurant)
- B-2. LIQUOR CONTROL COMMISSION: Amendment to Include Entertainment/Dance Permit to Original License at Ice Arena
- B-3. DAVID MARSISLIO: Pro-Rate Peddler's Fee

GROUPS AND ORGANIZATIONS

- C-1. TRENTON ROTARY CLUB: Fireworks Approval at Boat Races

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

- D-1. ATTORNEY: Ordinance 734, Texting or Emailing While Driving a Vehicle (2nd Rdg)
- D-2. ATTORNEY: Ordinance 735, Obstructing or Altering Fire Hydrants (2nd Rdg)
- D-3. ATTORNEY: Ordinance 736, Best Management Practices, Sewage Disposal (2nd Rdg)
- D-4. CONTROLLER: Recommendation of Open Purchase Orders for Fiscal Year 2010-11
- D-5. WWTP: Request to Bid Biosolids Disposal Contract
- D-6. RECREATION: Permission to Award Rolling Grill Door for Bathhouse at Kennedy Pool
- D-7. D.P.S.: Request to Purchase Front Loader Trash Truck for Commercial Trash
- D-8. FIRE: Request to Prepare Specifications and to Bid for Aerial Truck
- D-9. MAYOR: Proposed Council Study Session Agenda for June 14, 2010

LATE COMMUNICATIONS

- L-1. PARKS AND RECREATION: Mid-Summer Festival Shuttle Services

COMMUNICATIONS

(B-1)

LIQUOR CONTROL COMMISSION
Transfer Ownership of Class C License, 2156 West Jefferson

**CITY OF TRENTON
RESOLUTION 2010-18**

Moved by Councilwoman Baun-Crooks, seconded by Councilman Gillespie, that the request to transfer ownership of 2010 Class C Licensed Business located at 2156 W. Jefferson, Trenton, MI 48183, Wayne County, from Hearts Inn, Inc. to M.J.B. Enterprises, Inc., be considered for approval.

Carried unanimously.

(B-2b)

LIQUOR CONTROL COMMISSION
Amendment to Include Entertainment/Dance Permit to Original License at Ice Arena

**CITY OF TRENTON
RESOLUTION 2010-19**

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, that the request from the City of Trenton Building Authority, in addition to prior approval already granted as per Resolution 2010-10, adopted on March 22, 2010; to request a new Entertainment Permit (meetings, dance instruction, sports instruction, etc.) and to request a new Dance Permit, be considered for approval and that the application be recommended for issuance located at 3101 West Road, Trenton, MI 48183, Wayne County.

Carried unanimously.

(B-3)

DAVID MARSISLIO
Pro-Rate Peddler's Fee

Moved by Councilwoman Baun-Crooks, seconded by Councilwoman McLeod, to deny the request from David Marsislo to pay a pro-rated fee for a peddler's license.

Carried unanimously.

(C-1)

TRENTON ROTARY CLUB
Fireworks Approval at Boat Races

Moved by Councilman Gillespie, seconded by Councilwoman McLeod, to approve the Fireworks Display for the Trenton Rotary Roar on the River to be held on Saturday July 24, 2010, at Elizabeth Park and authorize the Mayor to sign the permit for the display.

Carried unanimously.

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to deny the request to combine the July 4th city event with the Rotary Event.

Carried unanimously.

(D-1)

ATTORNEY

Ordinance 734, Texting or Emailing While Driving a Vehicle (2nd Rdg)

**CITY OF TRENTON
ORDINANCE NO. 734**

AN ORDINANCE TO AMEND CHAPTER 94 ENTITLED "TRAFFIC AND VEHICLES", ARTICLE I ENTITLED "IN GENERAL", BY ADDING A NEW SECTIONS 94-10 AND 94-11 TO THE CITY CODE OF THE CITY OF TRENTON TO INCLUDE RECENT AMENDMENTS TO THE STATE MOTOR VEHICLE CODE PROHIBITING THE OPERATOR OF A MOTOR VEHICLE FROM TEXTING OR EMAILING FROM MOVING VEHICLE.

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

Section 1. Chapter 94 of the Trenton City Code is hereby amended to add new sections 94-10 and 94-11 prohibiting the driver of a motor vehicle from texting or emailing from moving vehicle and to establish penalties, which shall read as follows:

Sec. 98-10. Texting or emailing by operator from moving vehicle.

(a) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the persons' lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a motor vehicle that is moving on a highway or street in this state.

(b) As used in this subsection, a wireless 2-way communication device does not include a global position or navigation system that is affixed to the motor vehicle

(c) Subsection (a) does not apply to an individual who is using a device described in subsection (a) to do any of the following:

- (i) Report a traffic accident, medical emergency, or serious road hazard to authorities.
- (ii) Report a situation in which the person believes his or her personal safety is in jeopardy.
- (iii) Report or avert the perpetration or potential perpetration of a criminal act against the individuals or another person.
- (iv) Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

Sec. 98-11. Penalties.

An individual who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine as follows:

- (a) For a first violation, \$ 100.00.
- (b) For a second or subsequent violation, \$ 200.00

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.

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 17, 2010, shall be enacted on June 7, 2010, and shall be published on or before June 20, 2010 and shall become effective July 1, 2010.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 7th day of June, 2010.

Moved by Councilman Gillespie, seconded by Councilwoman Baun-Crooks, to approve the second reading of Ordinance 734, Texting or Emailing While Driving a Vehicle.

Carried unanimously.

(D-2)

ATTORNEY

Ordinance 735, Obstructing or Altering Fire Hydrants (2nd Rdg)

CITY OF TRENTON

ORDINANCE NO. 735

AN ORDINANCE TO AMEND CHAPTER 42 ENTITLED "FIRE PREVENTION AND PROTECTION", OF THE CITY CODE BY ADDING A NEW SECTION 42-4(b) TO PROHIBIT TAMPERING WITH THE COLOR, DESIGN OR OPERATION OF FIRE HYDRANTS LOCATED WITHIN THE CITY.

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

Section 1. Article 42 of the Trenton City Code shall be amended by re-titling Section 42-4 and adding new Section 42-4(b) to prohibit tampering with the color, design or operation of hydrants located within the City, which shall read as follows:

Sec. 42-4. Obstructing or altering fire hydrants.

(a) No person shall place any building material or any other obstruction what so ever, nor shall any person responsible for such material or obstruction permit it to remain, within 15 feet of any fire hydrant.

(b) With the exception of the fire and water departments, no person or organization, including a property owner's association, shall change, alter or in any way tamper with the color, design or operation of a fire hydrant located within the City, whether on public or private property. In the event a review by the city's fire department results in the identification of any alteration of any hydrant, the City may take restorative action, and the expense associated therewith shall become the responsibility of, and therefore billed to, the homeowner on whose property the hydrant is located or such other persons or organizations responsible for the alteration and reimbursement shall be made to the City within thirty (30) days of receipt of the invoice.

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.

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ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 7th day of June, 2010.

Moved by Councilwoman McLeod, seconded by Councilwoman Baun-Crooks, to approve the second reading of Ordinance 735, Obstructing or Altering Fire Hydrants.

Carried unanimously.

(D-3)

ATTORNEY

Ordinance 736, Best Management Practices, Sewage Disposal (2nd Rdg)

**CITY OF TRENTON
ORDINANCE NO. 736**

AN ORDINANCE TO AMEND SECTIONS 98-171, 172, 245, 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 ESTABLISHING AUTHORITY FOR CREATING AND ENFORCING “BEST MANAGEMENT PRACTICES”.

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 adding an additional definition to sections 98-171 and 98-172 and providing for a new 98-245(c) which shall read as follows:

Section 98-171. Definitions.

(Same, but add) *Best Management Practices(BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 98-242 and also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Section 98-172. Abbreviations

(Same, but add) BMP Best management practices.

Section 98-245. Specific Pollutant Limitations.

- (a) same
- (b) same
- (c) The POTW may establish BMPs as a narrative local limit to implement the general and specific prohibitions set forth in Section 98-242 General Discharge Prohibitions. BMPs may be used instead of numerical limits where determination of compliance with numerical limits is infeasible, or as a supplement to numeric limits as appropriate to meet the requirements of the Act.
- (d) Violations of the provisions of this section are a municipal civil infraction for which the fine is \$ 1,000.00

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.

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 17, 2010, shall be enacted on June 7, 2010, and shall be published on or before June 20, 2010, and shall be effective June 21, 2010.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 7th day of June, 2010.

Moved by Councilman Gillespie, seconded by Councilwoman McLeod, to approve the second reading of Ordinance 736, Best Management Practices, Sewage Disposal.

Carried unanimously.

(D-4)

CONTROLLER

Recommendation of Open Purchase Orders for Fiscal Year 2010-11

Moved by Councilwoman McLeod, seconded by Councilman Gillespie, to approve the open purchase orders for the fiscal year July 1, 2010, through June 30, 2011, for the following vendors:

Department of Public Service: Ajax Materials, Al's Auto Glass, Al & Sons Hydraulic, Amerigas Service, Bell Equipment, Bob's Welding Supply, Botticher Trucking, Budget Tire, Cannon Equipment, East Jordan Iron Works, Etna Supply Company, Gonyea Auto Supply, Gorno Ford, Inc., Grainger, Hall Signs, Halt Fire, Interstate Battery, Interstate Truck Source, J & R Farm Tractor, Jack Doheny Supplies, Inc., John Deere Landscapes, Keck Hardware, Inc, Mans Building Center, McInerney's, McNeilus Truck & Mfg., Metro Airport Truck, Michigan Cat, Napa Auto Parts, Parts Associates, Inc., Rio Supply Michigan Meter Inc., RKA Petroleum, Rodgers Chevrolet, Sherwin Williams, Shrader Tire, Southwest Brake & Parts, Tri County International, W. F. Sell, Water Net, LLC, Wolverine Ford Truck, and Wyandotte Electric.

Waste Water Treatment Plant: Bearing Services, Carus Chemical Co, DP Brown of Detroit, General Chemical, Jones Chemical, Keck Hardware, Madison Electric, McNaughton-McKay

Electric, Motor City Pipe & Supply, N.A. Mans, Polydyne, Inc., Sherwin Williams, TestAmerica, VWR Scientific, and W.W. Grainger.

Fire Department: Airgas Puritan Medical, Corporate Maintenance, Crest Industries, Eastman Fire Protection, Famous Photo, Keck Hardware, N.A. Mans, State Chemicals, and W.W. Grainger.

Engineering: Keck Hardware, Monroe Glass, Quint Plumbing, Reprographics One, Inc., and Trenton Printing.

Parks and Recreation: Acee-Deucee, Aramark, B & B Pools, Carefree Lawn Service, Corporate Maintenance, Downriver Pest Control, Drummond American Corp., Eradico, Expert Heating & Cooling, Expert Mechanical, Keck Hardware, Monroe Door, Monroe Glass, Mueller's, N.A. Mans, Nxtec, Otis Elevator, Quint Plumbing, Reliable Door Service, Serv-Ice Refrigeration, Inc., Share Corp, Sherwin Williams, Siemens Building Technologies, Temperature Control, United Laboratories, W.W. Grainger, and Wyandotte Electrical.

Carried unanimously.

(D-5)
WWTP

Request to Bid Biosolids Disposal Contract

Moved by Councilman Gillespie, seconded by Councilwoman McLeod, to grant permission to the WWTP Superintendent to advertise for bid for the biosolids hauling and disposal contract.

Carried unanimously.

(D-6)
RECREATION

Permission to Award Rolling Grill Door for Bathhouse at Kennedy Pool

Moved by Councilwoman Baun-Crooks, seconded by Councilman LeFevre, to approve the purchase of a rolling grill replacement door including the removal and replacement labor, from Applied Handling, who provided the lowest quote, in the amount of \$6,787.30, with funding from the Wayne County Allocation Grant and to reject the other quotes.

Carried unanimously.

(D-7)
D.P.S.

Request to Purchase Front Loader Trash Truck for Commercial Trash

Moved by Councilwoman McLeod, seconded by Councilwoman Baun-Crooks, to authorize the Department of Public Services to prepare bid advertisement and specifications, for a front loader trash truck.

Carried unanimously.

(D-8)

FIRE

Request to Prepare Specifications and to Bid for Aerial Truck

Moved by Councilman McLeod, seconded by Councilman Gillespie, to authorize the Fire Department and the Motor Vehicle Pool Supervisor to prepare bid advertisement and specifications, for an aerial truck.

Carried unanimously.

(D-9)

MAYOR

Proposed Council Study Session Agenda for June 14, 2010

Moved by Councilman Taylor, seconded by Councilwoman Baun-Crooks, to approve the agenda for a Council Study Session to be held on Monday, June 14, 2010, at 7:30 p.m., to discuss Act 345 Pension with the Fire Department.

Carried unanimously.

(L-1)

PARKS AND RECREATION

Mid-Summer Festival Shuttle Services

Moved by Councilman Gillespie, seconded by Councilwoman Baun-Crooks, to approve Royal Transportation, as the provider for shuttle transportation for the Mid-Summer Festival, in the amount of \$4,344.00, with funds from the Mid-Summer Festival Account (285-692-985.035), and to reject the other quotes.

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, that the Authorized Disbursements, per the June 7, 2010, schedule, be approved.

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|---|--------------|
| MONROE BANK & TRUST: Cash Disbursements | \$490,947.94 |
| General Fund | 150,936.68 |
| Major Street Fund | 392.33 |
| Local Street Fund | 202.92 |
| Kennedy Rec Complex | 31,136.64 |
| Community Block Grant FD | 31,542.96 |
| Library Operating Fund | 37,994.35 |
| Special Revenue Fund | 6,999.67 |
| Grant Funds | 5,728.93 |
| Water & Wastewater Fund | 163,886.58 |
| Motor Vehicle Pool | 32,221.26 |
| Restricted Self Insurance | 29,905.62 |

Carried unanimously.

REPORTS

Moved by Councilman LeFevre, seconded by Councilwoman Baun-Crooks, to receive and place on file the Fire Department Overtime Report, April 2010 and the Fire Report, May 2010.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

- | | |
|--------------------------|--|
| Councilman Teifer | * Recommends Land/Sea Tour to Alaska |
| Councilwoman Baun-Crooks | * Commended Civic Commission for Parade |
| Councilman LeFevre | * Thanked Tom Bates for Volunteering; Great Parade; Call Special Meeting if we can Save Money on Trash Truck |
| Councilwoman McLeod | * Congratulated Class of 2010 |
| Mayor Brown | * Letter from Trenton Outboard Racing Club, Returned Insurance Check |
| DPS Director Bober | * Household Hazardous Waste Days |
| Fire Chief Vick | * Andy Ross Ride, June 19 th |
| City Librarian Sanak | * Summer Reading Programs |

PUBLIC COMMENT

- | | |
|--------------|--|
| Bill Jasman | * Thanked City Employees for Help Planting Trees |
| Nikki Bonomo | * Thanked Volunteers for "Get it Planted" |

MOTION TO ADJOURN BY Councilman Taylor, seconded by Councilman Gillespie, at 9:22 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. STATE OF MICHIGAN: Notice of Hearing DTE. (06/15/2010)
2. STATE OF MICHIGAN: Notice of Hearing DTE. (06/22/2010)
3. SEVENTH DAY ADVENTIST CHURCH: Door to Door Canvass. (04/20/2010)
4. FFPI/ENVIRONMENT MICHIGAN: Political Canvassing. (06/14/2010)
5. TRENTON OUTBOARD RACING CLUB: Returned Insurance Check.
(07/07/2010)