

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
JUNE 17, 2013**

After the Pledge of Allegiance to the Flag, led by Eagle Scout Brandon Vincent, the Regular Meeting of the City Council of Trenton, Michigan, was called to order by Mayor Stack, at 8:01 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, Stack, and Taylor.

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

Absent: Councilperson Teifer.

Moved by Councilperson Taylor, seconded by Councilperson Howey, to excuse the absence of Councilperson Teifer.

Carried unanimously.

Other Officers Present: John Dahlquist, City Assessor; James Wagner, City Administrator; Wallace Long, City Attorney; Christine Arnoczki, City Controller; Paul Haley, Emergency Management Coordinator; Bill Fisher, Assistant City Engineer; Bruce Vick, Fire Chief; Joann Perna, Parks and Recreation Director; Tim Beaker, Recreation Business Operations Manager; and James Nardone, Police Chief.

MINUTES

Moved by Councilperson McLeod seconded by Councilperson Taylor, to approve the minutes of the Regular Meeting of June 3, 2013.

Carried unanimously.

PRESENTATIONS AND PROCLAMATIONS

Brandon Vincent Civic Commendation
Bud Ennis, Remarks

Moved by Councilperson Baun-Crooks, seconded by Councilperson McLeod, to make the presentations part of the regular minutes.

Carried unanimously.

Mayor Stack read aloud a Proclamation commending Brandon Vincent on earning the ranking of Eagle Scout for his project at the Lincoln Center School for Disabled Children.

Bud Ennis thanked the Mayor and Council and everyone who participated in the "Ennis Field" dedication in his honor.

APPOINTMENTS

Recreation, Historical and City Beautiful Commission

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to approve the Mayor's reappointments of Bob Watkowski to the Recreation Commission for a term expiring July 1, 2016; Carol Toth and Joann Cranford to the Historical Commission for terms expiring July 1, 2016; and Luann Kamin to the City Beautiful Commission for a term expiring July 1, 2016.

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

Motion carried.

COMMUNICATIONS AGENDA

AUTHORITIES, CITY COMMISSIONS, BOARDS, COMMITTEES

A-1. EDWARD RIGHETTI: Resignation from the Planning Commission

GENERAL

B-1. BRIAN ZIMMERMAN: Noise Ordinance Enforcement Concerns

B-2. PLAYMAKER PRO SHOP: Request to Restructure Lease Costs

GROUPS AND ORGANIZATIONS

C-1. NORTHFIELD RESIDENTS: Block Party Request

C-2. CHURCH PLACE RESIDENTS: Block Party Request

C-3. DUNLOP RESIDENTS: Block Party Request

DEPARTMENT HEADS & OFFICIALS

D-1. CITY ATTORNEY: Ordinance 705-7, Zoning Ordinance Amendment, Tattoo Parlor Operating Standards (1st Rdg)

D-2. CITY ATTORNEY: Ordinance 776, Limit Use of Fireworks During Certain Hours (1st Rdg)

D-3. CITY CONTROLLER: Budget Amendment #10 for Fiscal Year Ending June 30, 2013

D-4. FIRE DEPARTMENT: Request to Extend, Letter of Understanding for Automatic Aid, Brownstown Township

D-5. CITY ENGINEER: Request to Bid, Historical Museum Foundation Repair and Window Replacement

D-6. POLICE DEPARTMENT: Intergovernmental License for Gun Range Use, U.S. Dept. of Homeland Security

D-7. PARKS AND RECREATION: Teifer Arena Painting

COMMUNICATIONS

(A-1)

EDWARD RIGHETTI

Resignation from the Planning Commission

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to receive and place on file the letter submitted by Edward Righetti, resigning from the Planning Commission, and request Administration to send a letter of appreciation to him for his services.

Carried unanimously.

(B-1)

BRIAN ZIMMERMAN

Noise Ordinance Enforcement Concerns

Moved by Councilperson Taylor, seconded by Councilperson Howey, to receive and place on file the letter submitted by Brian Zimmerman regarding his concerns of the enforcement of the Noise Ordinance, and refer the communication to Administration, City Attorney, and the Police Department for a recommendation to a future study session.

Carried unanimously.

Mr. Zimmerman spoke to the Mayor and Council regarding his concerns.

(B-2)

PLAYMAKER PRO SHOP

Request to Restructure Lease Costs

Moved by Councilperson LeFevre, seconded by Councilperson Baun-Crooks, to receive and place on file the request from Playmaker Pro Shop for a restructuring of lease costs to a future study session.

Carried unanimously.

(C-1)

NORTHFIELD RESIDENTS

Block Party Request

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to grant permission to the residents on Northfield to hold a Block Party on Sunday, June 30, 2013, from 8:00 a.m. to 8:00 p.m. and approve the road blockage of Northfield between Westfield and Middlefield under the direction of the Police Department and the Public Service Department.

Carried unanimously.

(C-2)
CHURCH PLACE RESIDENTS
Block Party Request

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to grant permission to the residents on Church Place to hold a block party on Saturday, August 24, 2013, at 1:00 p.m. to 11:00 p.m. and approve the road blockage of Church Place between Helen and George under the direction of the Police Department and the Public Services Department.

Carried unanimously.

(C-3)
DUNLOP RESIDENTS
Block Party Request

Moved by Councilperson Baun-Crooks, seconded by Councilperson Howey, to grant permission to the residents on Dunlop to hold a Block Party on Saturday, July 20, 2013, from the hours of noon to midnight, and approve the road blockage of Dunlop, between Syckelmoore and Norwood under the direction of the Police Department and the Public Service Department.

Carried unanimously.

(D-1)
CITY ATTORNEY
Ordinance 705-7, Zoning Ordinance Amendment, Tattoo Parlor Operating Standards (1st
Rdg)

CITY OF TRENTON
ORDINANCE NO. 705-7

AN ORDINANCE TO AMEND ARTICLE XXV, CHAPTER 110 OF THE TRENTON CITY CODE ENTITLED "USE PERMITS" BY ADDING A NEW SECTION 110-538 TO SET FORTH THE STANDARDS FOR OPERATING A "TATTOO PARLOR" WITHIN THE CITY

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

Section 1. Section 110-538 of the Trenton City Zoning Code shall be established entitled "Tattoo Parlors" to regulate the operation and location of Tattoo Parlors with the boundaries of the City, which Section shall then read as follows:

Section 110-538. Tattoo Parlors

- 1) It has been demonstrated that the establishment of tattoo parlors in business districts which are immediately adjacent to and serve residential neighborhoods have a deleterious effect on both business and residential segments of the neighborhood resulting in blight. Prohibition against the establishment of more than two (2) regulated uses within one thousand (1,000) feet of each other serves to avoid the clustering of certain business which when located in close proximity of

each other, tends to create a deteriorating atmosphere. Such prohibition serves to avoid the deleterious effects of blight and devaluation to both business and residential property values resulting from the establishment of these businesses in a business district that is immediately adjacent to and serves residential neighborhoods. The orderly planning, development and preservation of neighborhoods should be encouraged and fostered by properties and persons that comprise the business and residential segments of each neighborhood.

- 2) Tattoo Parlors as defined in this Zoning Code shall only be permitted in the B-3 Zoning District, subject to the following requirements and conditions.
 - a. An application to establish any use permitted in this Section shall be subject to review and approval of a site plan by the Planning Commission.
 - b. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXVIII Site Plan Review, in this Ordinance Code. In conducting its review the Planning Commission shall apply the following conditions.
 - (i) Not more than two such uses shall be permitted within one thousand (1000) feet of each other.
 - (ii) It shall be unlawful to establish any such use in a B-3 District if any portion of the property upon which such business is situated is within three hundred (300) feet of either a residential zoning district, church or school, unless the prohibition is waived by the Planning Commission after presentment of a validated petition requesting such waiver signed by fifty one (51) percent of those persons residing in a home or homes; or 51% of those owning a businesses or businesses; or both if surrounded by both; or by any church or school; located within three hundred (300) feet of the proposed location.
 - (iii) The site shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via that major thoroughfare.
 - (iv) The Planning Commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in Article XXX Hearings Procedures for Conditional Uses and Use Permits, in this Ordinance 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. 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 immediate effect as an emergency Ordinance, pursuant to Section 7.3 of the City Charter.

Moved by Councilperson McLeod, seconded by Councilperson Howey, to approve the emergency reading of the Ordinance 705-7, Zoning Ordinance Amendment, Tattoo Parlor Operating Standards to be effective immediately.

Carried unanimously.

(D-2)

CITY ATTORNEY

Ordinance 776, Limit Use of Fireworks During Certain Hours (1st Rdg)

CITY OF TRENTON

ORDINANCE NO. 776

AN ORDINANCE TO AMEND SECTION 42-362 OF THE TRENTON CITY CODE CONCERNING THE USE OF FIREWORKS BY DELETING IT IN IS ENTIRETY AND ADDING A NEW SECTION TO LIMIT USE DURING CERTAIN HOURS OF NATIONAL HOLIDAYS, IN CONFORMITY WITH STATE LAW.

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

Section 1. CHAPTER 42, FIRE PREVENTION AND PROTECTION; ARTICLE V, FIREWORKS; Section 42-362, Sale, possession, transportation and use prohibited; shall be amended to read as follows:

Sec. 42-362. Sale, possession, transportation and used prohibited.

(a) A person shall not ignite, discharge or use consumer fireworks, as such term is defined in by State Law, except for the use of consumer fireworks on the day preceding, the day of, or the day after the following national holidays:

- (1) New Year's Day, but not between 1 AM and 8AM **(Technical Change in State Statute)*
- (2) Martin Luther King, Jr. Day, but not between 12 midnight and 8 AM
- (3) President's Day, but not between midnight and 8 AM
- (4) Memorial Day, but not between midnight and 8 AM
- (5) Independence Day, but not between midnight and 8AM
- (6) Labor Day, but not between midnight and 8AM
- (7) Columbus Day, but not between midnight and 8AM
- (8) Veterans Day, but not between midnight and 8 AM
- (9) Thanksgiving Day, but not between midnight and 8 AM
- (10) Christmas Day, but not between midnight and 8 AM

(b) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. Except as otherwise provided in this subsection, a person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(c) Consumer fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or controlled substance or a combination of both.

(d) Low-Impact fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or controlled substance or a combination of both.

(e) Unmanned Free-Floating Devices. Any unmanned free-floating device (sky lantern) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited.

(f) Unless otherwise provided in (b) above, if a person knowingly, intentionally, or recklessly violates this Ordinance, the person is guilty of a misdemeanor as follows:

(1) Except as otherwise provided in (2) below, a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.

(2) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

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 Charter

Section 6. Tie-Bar. This Ordinance shall only take effect upon enrollment and enactment into law, of House Bill 4743 of 2013, or Senate Substitute, by the Legislature and the Governor of the State of Michigan, giving it Immediate Effect. Failure to do so shall hereby render the Ordinance "null and void"

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 17th day of June, 2013.

Moved by Councilperson Baun-Crooks, seconded by Councilperson McLeod, to approve the emergency reading of Ordinance 776, Limit Use of Fireworks During Certain Hours, to be effective immediately.

Carried unanimously.

(D-3)

CITY CONTROLLER

Budget Amendment #10 for Fiscal Year Ending June 30, 2013

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the City Controller and approve the budget amendment #10 for the fiscal year ending June 30, 2013.

Carried unanimously.

(D-4)

FIRE DEPARTMENT

Request to Extend, Letter of Understanding for Automatic Aid, Brownstown Township

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to extend the Letter of Understanding for Automatic Mutual Aid with Brownstown Township.

Carried unanimously.

(D-5)

CITY ENGINEER

Request to Bid, Historical Museum Foundation Repair and Window Replacement

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to authorize the City Engineer to prepare bid specifications and advertisement for Historical Museum Foundation Repair and Window Replacement.

Carried unanimously.

(D-6)

POLICE DEPARTMENT

Intergovernmental License for Gun Range Use, U.S. Dept. of Homeland Security

Moved by Councilperson Taylor, seconded by Councilperson Howey, to enter into an intergovernmental agreement with the U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigation for the use of the Paul Teifer Firearms Range for a period of three years to expire December 31, 2016.

Carried unanimously.

(D-7)

PARKS AND RECREATION
Teifer Arena Painting

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the Parks and Recreation Department and authorize Quality Painting, who submitted the lowest quote to paint the interior of the Teifer Arena, in the amount of \$10,170.00, with funding from the Capital Improvement Account, and to reject the other quotes.

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, that the Authorized Disbursements, per the June 17, 2013, schedule, be approved, in the amount of \$362,194.77.

Carried unanimously.

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to approve Authorized ACH Transactions in the amount of \$4,352,139.66, for the month of May, 2013.

Carried unanimously.

FINANCIAL STATEMENT

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

Carried unanimously.

REPORTS

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to receive and place on file the Commission and Board Reports, June 17, 2013; DPS Report, May 2013; Fire Department Automatic Aid, April 2013; Fire Department Manpower Overtime, May 2013; and Police Department Report, May 2013.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

Councilperson Baun-Crooks

* Letter Regarding Riverside Property Abatement from Administration; Congratulated Councilperson McLeod on Birth of New Granddaughter

RECORD OF CITY COUNCIL PROCEEDINGS
CITY OF TRENTON, MICHIGAN
HELD ON THE 17TH DAY OF JUNE 2013

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| Councilperson Taylor | * Status of Ordinance on Gender Preference Equality |
| Councilperson LeFevre | * Edge-Ross Ride; Grosse Ile Golf Tournament Raised \$365,000 for Breast Cancer; Hookah Bar; Fire Department Comp Time |
| Councilperson Howey | * Representing City at SEMCOG General Assembly Meeting; Status of Structural Deficit Issues |
| City Clerk Gearhart | * Animal Licenses Expire July 1 st , On Sale for \$12.00; July 8th, Deadline to Register to Vote for the August Primary |
| Scott Barr, Summer Festival | * Upcoming Events for Summer Festival |
| Fire Chief Vick | * Thanked Everyone Who Participated in Edge Ross Ride |
| Mayor Stack | * Thanked Councilperson LeFevre for Attending Edge Ross Ride; DTE Chili Christmas |

MOTION TO ADJOURN by Councilperson McLeod, seconded by Councilperson Howey, at 8:53 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: Channel and Price Changes. (06/03/2013)