

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
OCTOBER 21, 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 8:05 p.m. on the above date in the City Hall Council Chambers.

Present on roll call by City Clerk Gearhart: Baun-Crooks, Howey, LeFevre, McLeod, Stack, Taylor, and Teifer.

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

Absent: None.

Other Officers Present: John Dahlquist, City Assessor; Michael McCullough, City Treasurer; Karen Sall, Deputy City Treasurer; James Wagner, City Administrator; Wallace Long, City Attorney; Christine Arnoczki, City Controller; William Hogan, City Engineer; Paul Haley, Emergency Management; Scott Church, Human Resources; Bruce Vick, Fire Chief; Joann Perna, Parks and Recreation Director; Tim Beaker, Recreation Business Operations Manager; James Nardone, Police Chief; and Steven Voss, Deputy Police Chief.

MINUTES

Moved by Councilperson McLeod, seconded by Councilperson Howey, to approve the minutes of the Regular Meeting of October 7, 2013.

Carried unanimously.

PRESENTATIONS

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

Carried unanimously

Retirement of Sgt. Mark Enright and S/Sgt Brad Petraska

Police Chief Nardone and Deputy Police Chief Voss, along with Mayor Stack presented retirement plaques to Mark Enright and Brad Petraska for their dedicated years of service to the Police Department and the City of Trenton.

Police Chief Nardone introduced a new Police Officer, Maggie O'Sullivan to the Mayor and Council.

Business Beautification Awards

The City Beautiful Commission announced the following recipients of the Beautification Business Awards: Martenson Funeral Home, Fritz Enterprises, Village Animal Healthcare and The Lighthouse.

COMMUNICATIONS AGENDA

GENERAL

- B-1. 33RD DISTRICT COURT: Fines, Costs, Fees, September 2013
- B-2. 33RD DISTRICT COURT: Court Technology Third Quarterly Payment

GROUPS AND ORGANIZATIONS

- C-1. BOY SCOUTS OF AMERICA TROOP 1721: Annual Scouting For Food Drive
- C-2. LIONS CLUB: Candy Cane Sale and White Cane Week
- C-3. ROTARY CLUB: Annual Salvation Army Kettle Drive
- C-4. GIRL SCOUT TROOP 40847: Bottle Drive Request

DEPARTMENT HEADS & OFFICIALS

- D-1. WWTP: Request to Purchase Replacement Filter Press Belts
- D-2. PARKS AND RECREATION: Elizabeth Park Marina Agreement
- D-3. CITY CONTROLLER: Extension of Audit Contract
- D-4. CITY ADMINISTRATOR: Request to Solicit Bids, Fire Engine/Pumper
- D-5. CITY ADMINISTRATOR: Request to Purchase/Lease, Ambulance
- D-6. MAYOR: Amendment to October 28, 2013, Study Session Agenda

LATE COMMUNICATIONS

- L-1. COUNCILPERSON TAYLOR: 2013 Human Rights Ordinance 777 (1st Rdg)

COMMUNICATIONS

(B-1)

33RD DISTRICT COURT
Fines, Costs, Fees, September 2013

Moved by Councilperson LeFevre, seconded by Councilperson McLeod, to receive and place on file the fines, costs, fees, September 2013, showing the City of Trenton receiving \$4,555.54.

Carried unanimously.

(B-2)

33RD DISTRICT COURT
Court Technology Third Quarterly Payment

Moved by Councilperson LeFevre, seconded by Councilperson McLeod, to receive and place on file the third quarter payment from the Court Technology Fund to the SINC Consortium in the amount of \$6,811.00, for the City of Trenton.

Carried unanimously.

(C-1)
BOY SCOUTS OF AMERICA TROOP 1721
Annual Scouting For Food Drive

Moved by Councilperson McLeod, seconded by Councilperson Howey, to concur with the recommendation of the Civic Commission and approve the request from Boy Scout Troop 1721 on behalf of all of the City of Trenton Boy Scouts of America units, to collect food for their annual "Scouting for Food collection project, by distributing bags in the City of Trenton, from November 3, 2013, to November 8, 2013, and collecting the food bags on Saturday, November 9, 2013, with adult supervision and under the direction of the Police Department.

Carried unanimously.

(C-2)
LIONS CLUB
Candy Cane Sale and White Cane Week

Moved by Councilperson Baun-Crooks, seconded by Councilperson McLeod, to concur with the recommendation of the Civic Commission and grant permission to the Trenton Lions Club to conduct their annual Candy Cane Sale from November 11, 2013, to November 21, 2013, and the White Cane Sale, from April 24, 2014, through May 3, 2014, in the City of Trenton, with no Sunday Solicitations under Police Department direction.

Carried unanimously.

(C-3)
ROTARY CLUB
Annual Salvation Army Kettle Drive

Moved by Councilperson Baun-Crooks, seconded by Councilperson Howey, to concur with the recommendation of the Civic Commission and grant permission to the Trenton Rotary Club to solicit funds on behalf of the Salvation Army, in the City of Trenton on Friday, December 6, 2013, and Saturday, December 7, 2013, under the direction of the Police Department.

Carried unanimously.

(C-4)
GIRL SCOUT TROOP 40847
Bottle Drive Request

Moved by Councilperson Baun-Crooks, seconded by Councilperson Howey, to concur with the recommendation of the Civic Commission and grant permission to the Trenton Girl Scout Troop 40847 to hold a bottle drive in the City of Trenton, in the Anderson School area, distributing flyers the week of October 28, 2013, and collecting the bottles on Saturday, November 2, 2013, under adult supervision, under the direction of the Police Department.

Carried unanimously.

(D-1)
WWTP

Request to Purchase Replacement Filter Press Belts

Moved by Councilperson McLeod, seconded by Councilperson Howey, to concur with the recommendation of the Waste Water Treatment Plant Superintendent and waive the usual bidding procedure in the best interest of the City and approve the purchase of four Durotex belts from Industrial Fabrics Corporation, in the amount of \$10,802.00, with funding from the Equipment Maintenance Account (592-592-933.000).

Carried unanimously.

(D-2)

PARKS AND RECREATION

Elizabeth Park Marina Agreement

Moved by Councilperson Taylor, seconded by Councilperson McLeod, to receive and place on file, the communication from the Parks and Recreation Director regarding the County of Wayne's decision to solicit bids on the operation and management of the Elizabeth Park Marina instead of renewing their intergovernmental agreement with the City of Trenton.

Carried unanimously.

(D-3)

CITY CONTROLLER

Extension of Audit Contract

Moved by Councilperson Teifer, seconded by Councilperson Taylor, to concur with the recommendation of the City Controller and extend the contract for audit services with Plante and Moran LLC, for a period of three years, and to waive the usual bidding procedure in the best interest of the City.

Carried unanimously.

(D-4 & D-5))

CITY ADMINISTRATOR

Request to Solicit Bids, Fire Engine/Pumper
Request to Purchase/Lease, Ambulance

Moved by Councilperson McLeod, seconded by Councilperson Taylor, to refer the request to solicit bids for a fire engine/pumper and the request to purchase/lease an ambulance to Administration.

Carried unanimously.

(D-6)

MAYOR

Amendment to October 28, 2013, Study Session Agenda

Moved by Councilperson McLeod, seconded by Councilperson Taylor, to approve the amendments to the Study Session agenda for Monday, October 28, 2013, and add the following items: short term investment proposal; S.A.W. grant application; and the proposed reorganization of the Police and Fire Departments, and to change the time to 7:30 p.m.

Carried unanimously.

LATE COMMUNICATIONS

(L-1)

COUNCILPERSON TAYLOR

2013 Human Rights Ordinance 777 (1st Rdg)

CITY OF TRENTON

ORDINANCE 777

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF TRENTON TO PROHIBIT DISCRIMINATION BASED UPON ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, HEIGHT, WEIGHT, CONDITION OF PREGNANCY, MARITAL STATUS, PHYSICAL OR MENTAL LIMITATION, SOURCE OF INCOME, FAMILY RESPONSIBILITIES, SEXUAL ORIENTATION, GENDER IDENTITY, OR HIV STATUS, AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF

THE CITY OF TRENTON ORDAINS:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the "2013 Human Rights Ordinance".

Section 2. STATEMENT OF PURPOSE. This is an ordinance to amend the Code of the City of Trenton to prohibit discrimination based upon actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities, sexual orientation, gender identity, or HIV status, and to provide penalties for the violation thereof.

Section 3. AMENDMENT TO CHAPTER. The Code of the City of Trenton is hereby amended at Chapter 2, by adding an Article 10 entitled Human rights, which shall read as follows:

ARTICLE 10. Human Rights

Sec. 2-701. Intent.

It is the intent of the City that no person be denied equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, sex, age, height,

weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities, sexual orientation, gender identity or HIV status.

Section 2-702. Definitions.

As used in this Chapter, the following words and phrases shall have the following meaning:

- (a) Age-- chronological age.
- (b) Discriminate -- to make a decision, offer to make a decision, or refrain from making a decision, based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities, sexual orientation, gender identity, or HIV status of another person, that person's relatives, or that person's associates. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when (i) submission to such conduct or communication is, either explicitly or implicitly, made a term or condition of obtaining employment, public accommodations, or housing, (ii) submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing, and/or (iii) such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment. Discrimination based upon actual or perceived physical or mental limitation includes discrimination because of the use of adaptive devices or aids by an individual.
- (c) Family responsibilities -- the state of being or the potential to become a contributor to the support of a person or persons in a family relationship.
- (d) Gender identity -- a person's actual or perceived gender, including a person's Gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex at birth as being either female or male.
- (e) HIV status -- the physical condition of a person who has, or has been diagnosed as having been infected with, the human immunodeficiency virus, whether or not that person has or has been diagnosed as having acquired immunodeficiency syndrome or acquired immunodeficiency syndrome related complex.
- (f) Housing facility -- any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.
- (g) Marital status -- the state of being married, unmarried, divorced, or widowed.
- (h) Mental limitation -- a limitation of mental capabilities unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; a limitation of mental capabilities unrelated to one's ability to acquire, rent and maintain property; or a limitation of mental capabilities unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation. "Mental limitation" includes,

but is not limited to, developmental and psychological disabilities. "Mental limitation" does not include any condition caused by the current use of alcohol or the current illegal use of a controlled substance.

- (i) Perceived - the perception of the person who acts, and not the perception of the person for or against whom the action is taken.
- (j) Physical limitation-- a limitation or physical capabilities unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property; or a limitation of mental capabilities unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation. "Physical limitation" includes, but is not limited to, blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of physical member, speech impairment and motor impairment. "Physical limitation" does not include any condition caused by the current use of alcohol or the current illegal use of a controlled substance.
- (k) Place of public accommodation -- an educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.
- (l) Sexual orientation - male or female homosexuality, heterosexuality, or bisexuality, by orientation or practice.
- (m) Source of income- any legal source from which a person obtains money. Sec. 2-703. Discriminatory housing practices.

Sec. 2-703. Discriminatory housing practices.

- (a) No person shall discriminate in leasing, selling or otherwise making available any housing facilities.
- (b) No person shall discriminate in the terms, conditions, maintenance, or repair in providing any housing facility.
- (c) No person shall refuse to lend money for the purchase or repair of any real property or to insure any real property solely because of the location in the City of such real property.
- (d) No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to race, religion or national origin.
- (e) No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.

Sec. 2-704 Discriminatory public accommodation practices.

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.

No person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother within any public accommodation where she and the child would otherwise be authorized to be.

Sec. 2-705. Discriminatory employment practices.

- (a) No person shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (b) No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.

Sec. 2-706. Other prohibited practices.

- (a) No person shall adopt, enforce or employ any policy or requirement. publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.
- (b) No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.
- (c) No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations.
- (d) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this chapter, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- (e) No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this chapter.

Sec. 2-707. Information and investigation.

No person shall provide false information to any police officer investigating an alleged violation of this Chapter.

Sec 2-708. Conciliation agreements.

In cases involving alleged violations of this Chapter, the City may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. A violation of such an agreement shall be a violation of this Chapter. The City Attorney may commence a civil action to enforce a conciliation agreement.

Sec. 2-709. Discriminatory effects.

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, source of income, family responsibilities, sexual orientation, marital status, physical or mental limitation, gender identity or HIV status for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise

due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons.

Sec. 2-710. Exceptions.

Notwithstanding anything contained in this Chapter, the following practices shall not be violations of this Chapter:

- (a) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination.
- (b) For the owner of an owner-occupied 1-family or 2-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of 1 sex, to restrict occupancy and use on the basis of sex.
- (c) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age, or who are handicapped.
- (d) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women.
- (e) To discriminate based on a person's age when such discrimination is required by state, federal or local law.
- (e) To refuse to enter a contract with an unemancipated minor.
- (f) To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- (g) To refuse to admit persons under eighteen {18} years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
- (h) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (i) To provide discounts on products or service to students, minors and senior citizens.
- (j) To discriminate in any arrangement for the sharing of a dwelling unit.
- (k) To restrict use of lavatories and locker room facilities on the basis of sex.
- (l) For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to federal and state laws and regulations.
- (m) To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age or sex.

Sec. 2-711. Penalties.

- (a) A violation of any provision of this Chapter is a civil infraction, punishable by a fine of not more than \$500.00, plus the costs of investigation and prosecution. Upon a

finding or an admission of responsibility, the Court may issue and enforce any judgment, writ, or order necessary to enforce this Chapter.

- (b) Each day upon which a violation occurs shall constitute a separate violation.
- (c) Nothing contained in this Chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any other person for the prevention or correction of discrimination. Private actions and remedies shall be in addition to any actions for a violation which the City may take."

Section 4. SEVERABILITY. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. SAVINGS. 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 6. CONFLICTING ORDINANCES. All prior existing ordinances or parts of 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 to extent necessary to give this ordinance full force and effect.

Section 7. READINGS. This Ordinance shall be given a first reading on October 21, 2013, shall be enacted on November 12, 2013, and shall be published on or before November 24, 2013, and shall be effective November 25, 2013.

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to approve the first reading of Ordinance 777, 2013 Human Rights Ordinance.

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

Motion carried.

AUTHORIZED DISBURSEMENTS

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, that the Authorized Disbursements, per the October 21, 2013, schedule, be approved, in the amount of \$193,962.57.

Carried unanimously.

Moved by Councilperson Teifer, seconded by Councilperson McLeod, to approve the Disbursement payable to B & D Vacuum Cleaner, in the amount of \$9.98.

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 for the month of September 2013, in the amount of \$8,734,234.42.

Carried unanimously.

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, to receive and place on file the Financial Summary, dated September 30, 2013.

Carried unanimously.

REPORTS

Moved by Councilperson Teifer, seconded by Councilperson Baun-Crooks, to receive and place on file the Commission and Board Reports, October 21, 2013, and the Police Department Report, September 2013.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

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| Councilperson Taylor | * Proposed Organization of the Police and Fire Department |
| Councilperson LeFevre | * "Very Disappointing" |
| Councilperson Howey | * Thanked Councilpersons Taylor and Teifer for Their Services |
| Mayor Stack | * Thanked the Candidates That Interviewed for the Fire Chief Position and Announced That She Selected Jeff Evans as the Fire Chief, to be Sworn in on Friday, November 8th; Trick or Treat Hours on Thursday, October 31 st from 6:00 p.m. to 8:00 p.m. |
| City Clerk Gearhart | * Absentee Ballots Available for November Election, Clerks Office Open on Saturday, November 2nd from 9:00 a.m. to 2:00 p.m. for Absentee Voting; Polls Open from 7:00 a.m. to 8:00 p.m. on Tuesday November 5 th ; City Hall Closed on November 11 th , Next Council Meeting November 12th |

RECORD OF CITY COUNCIL PROCEEDINGS
CITY OF TRENTON, MICHIGAN
HELD ON THE 21ST DAY OF OCTOBER 2013

- Parks & Rec Director Perna * Upcoming Halloween Events – Light the Night and Scary Skate
- City Engineer * Curb Side Leaf Pick Up Started Today

MOTION TO ADJOURN by Councilperson McLeod, seconded by Councilperson Howey, at 8:55 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 Changes. (10/09/2013)
2. COMCAST: Encryption of Limited Basic services. (10/15/2013)