

City of Allen Park Regular Council Meeting Minutes
Tuesday, March 10, 2015

Mayor William B. Matakas called the Meeting to order at 6:00 PM

Roll Call showed present: Councilman Bob Keenan, Councilman Angelo Americo DeGiulio, Councilman Dennis Hayes, Councilman Harry Sisko, Councilwoman Tina Gaworecki and Councilman Larry Templin
Also present: City Attorney Joe Couvreur and City Clerk Michael I. Mizzi

Motion by Templin

Supported by Gaworecki

RESOLVED, to approve the Agenda as presented

MOTION ADOPTED – 15-0310-0050

Motion by Sisko

Supported by Keenan

RESOLVED, to approve the Minutes for the Regular Meeting of February 10, 2015

MOTION ADOPTED – 15-0310-051

Motion by DeGiulio

Supported by Sisko

RESOLVED, to approve the Minutes for the Regular Meeting of February 24, 2015

MOTION ADOPTED – 15-0310-052

Motion by Keenan

Supported by Templin

RESOLVED, to RECEIVE & file the Operational updates/reports/document submissions as submitted by the City Administrator

MOTION ADOPTED – 15-0310-053

*Councilman DeGiulio requested that Claims & Accounts be removed from the Consent Agenda to voted on it separately

Motion by Hayes

Supported by DeGiulio

RESOLVED, to approve the following Consent Agenda Items:

A. Purchasing Actions

b. Payroll Report

B. Finance Actions

a. Finance Overview for February 2015

b. Budget to Actual Report

c. Balance Sheet for February 2015

d. Cash Flow for February 2015

C. Licenses & Permits

a. Door to Door Solicitor Permit #01-2015 – WOW Internet & Cable - \$300 fee

b. Street Corner Solicitor Permit #01-2015 – Father Saylor K of C #3774 to hold their Annual Tootsie Roll Sale on Friday, March 27, 2015 until Sunday, March 29, 2015 with \$2.00 fee

MOTION ADOPTED – 15-0310-054

Motion by Keenan

Supported by Templin

RESOLVED, to approve the Claims & Accounts as presented

MOTION ADOPTED – 15-0310-055

Motion by Hayes

Supported by Gaworecki

RESOLVED, to approve Molnar Roofing as the lowest qualified bidder to replace section 1 of the DPS/Fire Station roof for an amount not to exceed \$119,840.00

MOTION ADOPTED – 15-0310-056

Motion by DeGiulio

Supported by Hayes

RESOLVED, to approve Dominic Gaglio Construction as the lowest qualified bidder to provide for concrete replacement throughout the City of Allen Park for an amount not to exceed \$577,370.00

MOTION ADOPTED – 15-0310-057

Motion by Hayes

Supported by Gaworecki

RESOLVED, to authorizing the Mayor to execute the Settlement Agreement for Christensen, et al vs. City of Allen Park and Malta, et al, vs. City of Allen Park, settling said matters for a combined total of \$134,400, a settlement amount previously authorized by Emergency Manager, Joyce Parker

MOTION ADOPTED – 15-0310-058

Motion by DeGiulio

Supported by Templin

RESOLVED, authorizing the Mayor to execute the FIRST AMENDMENT TO THE LEASE, as approved by Council, BY AND BETWEEN ALLEN PARK CLINTON HILL LLC, ALLEN PARK EQUITIES LLC, ALLEN PARK PREFERRED EQUITIES LLC, ALLEN PARK UK LLC, ALLEN PARK PB LP AS TENANTS-IN-COMMON (COLLECTIVELY THE “LANDLORD”) AND THE CITY OF ALLEN PARK (“TENANT”) pending confirmation of the square footage

MOTION ADOPTED – 15-0310-059

Motion by Hayes

Supported by Gaworecki

RESOLVED, to approve the update to the BS&A Software with cost not to exceed \$96,435.00 and that because BS&A is a sole provider the City Council determines that there would be no economic or other advantage to the City to seek competitive bids (APCO Sec. 2-824 (4))

MOTION ADOPTED – 15-0310-060

Motion by Sisko

Supported by Keenan

RESOLVED, to approve the appoint of Robert Cady to the position of Interim City Administrator/CFO at an annual salary of \$87,000

MOTION ADOPTED – 15-0310-061 with DeGiulio casting a NO vote

Motion by Hayes

Supported by Templin

RESOLVED, to Convene into Closed Session to discuss Labor/Contract Negotiations permitted by MCL 15.268 (c)

Roll Call Vote: Unanimous

MOTION ADOPTED – 15-0310-062

The Council moved into the Conference Room and the door was closed

The door was opened and the Mayor & Council returned to the Council Chambers

Motion by Hayes
Supported by Sisko

RESOLVED, to reconvene into the Regular Council Meeting
MOTION ADOPTED – 15-0310-063

Motion by Keenan
Supported by Hayes

RESOLVED, that the Allen Park City Council, having been advised that:

- (1) International Association of Fire Fighters Local No. 1410 (“the Union”) has filed grievances asserting that its members are entitled to ten (10) paid holidays in each of budget years 2013-14 and 2014-15, and to hazardous duty pay (rescue allowance) for each of those budget years;
- (2) The Tentative Agreement reached between the City and the Union provided for only five paid holidays, and no hazardous duty pay, in each of those budget years;
- (3) As a result, the Fire Department’s budget in the City Budget adopted by the Emergency Manager pursuant to PA 436 of 2012, Section 21(1) by line item, which is attached as Exhibit A, provides no funds for the foregoing benefits claimed by the Union; and
- (4) PA 436 of 2012, Section 21(2), as well as Emergency Manager order 2104-057, provides no funds for the foregoing benefits claimed by the Union and precludes payment of the claimed benefits without an approved amendment to the budget, and no such approval having been sought or granted;

NOW, THEREFORE, it is resolved that:

- (1) The Fire Department budget for budget years 2013-14 and 2014-15 correctly reflects what the City intended to provide its employees represented by the Union for holiday pay and rescue allowance during the corresponding part of the contract term;
- (2) The City does not intend to request an amendment to the budget to enable the City to make the payments sought by the two referenced grievances, and no such agreement would be approved by City Council;
- (3) The City does not anticipate that the Receivership Transition Advisory Board would approve a budget amendment to enable payment of these benefits, if such an amendment were requested.
- (4) A copy of this Resolution will be provided to the Receivership Transition Advisory Board.

MOTION ADOPTED – 15-0310-064

Motion by Templin
Supported by Sisko

RESOLVED, that the Allen Park City Council, having been advised that:

- (1) The Allen Park Police Officers Association and the Allen Park Police Lieutenants and Sergeants Association had their terms and conditions of employment imposed pursuant to an Order issued by the Emergency Manager under the provisions of PA 436;
- (2) That a Tentative Agreement was reached between the City of Allen Park and the International Association of Fire Fighters Local No. 1410 in 2013;
- (3) There are differences in the pay and benefits provided to members of the Police Department from the Tentative Agreement reached with the Fire Fighters Union;
- (4) That the Order issued does not preclude the negotiation of an agreement with the Police Unions and, in fact, Council has been advised that the City did attempt to reach an agreement with the Police Officers consistent with the Fire Fighters Tentative Agreement;
- (5) The City Council recognizes that the provisions of the Public Employment Relations Act do not apply under PA 436 but does not prohibit the parties from attempting to reach an agreement subject to the provisions of PA 436;

NOW, THEREFORE, it is resolved that:

(1) That the City's Negotiation Team headed by the individual acting as City Administrator shall reach out to both the Allen Park Police Officers Association and the Allen Park Police Lieutenants and Sergeants Association to see if an agreement can be reached which comports with the Tentative Agreement reached with the Fire Fighter's Union and is consistent with PA 436.

(2) The City Council will be provided with periodic updates on these negotiations.

MOTION ADOPTED – 15-0310-065

Motion by Keenan

Supported by Sisko

RESOLVED, to adjourn the Regular Council Meeting at 8:14 PM

MOTION ADOPTED – 15-0310-066

William B. Matakas – Mayor

Michael I. Mizzi – City Clerk