

City of Allen Park Council Meeting Minutes
Tuesday, January 10, 2012

Mayor William B. Matakas called the Meeting to order

Roll Call showed present: Councilman Bob Keenan, Councilman Angelo Americo DeGiulio, Councilman Dennis Hayes, Councilman Harry Sisko, Councilman Larry Templin, and Councilwoman Tina Gaworecki

Also present: City Administrator John Zech, City Attorney Chris Forsyth and City Clerk Michael I. Mizzi

Motion by Hayes

Supported by Sisko

RESOLVED, to approve of the agenda for Tuesday, January 10, 2012 with the following Tabled; A-3 Contract for City Administrator John Zech and A-5 Responses to RFP for City Attorney for review

MOTION ADOPTED

Motion by Hayes

Supported by Gaworecki

RESOLVED, to approve the Regular meeting minutes of December 13, 2011

MOTION ADOPTED

Motion by Templin

Supported by DeGiulio

RESOLVED, to approve the Regular meeting minutes of December 20, 2011

MOTION ADOPTED

Motion by DeGiulio

Supported by Keenan

RESOLVED, to approve the Claims & Accounts in the amount of **\$1,192,937.10**

MOTION ADOPTED

Motion by Templin

Supported by Hayes

RESOLVED, to approve Curb Side Pick-up Permit #3-2012 received from Maria L. Camacho pending Police Dept. approval

MOTION ADOPTED

Motion by Sisko

Supported by DeGiulio

Committee/Commission	Re-Appointment	New Appointment	Term Ending
Beautification	Michael Muroski		12/31/2016
	Michael Donofrio		12/31/2016
		Charles Stults	12/31/2015
Board Of Review	Charlie Markey		12/31/2012
Per Paula Grivins, City Assessor	Kenneth Lieber		12/31/2012
	J. Timothy O'Neil		12/31/2012
	Richard Gaty		12/31/2012

	Kathy Cosgrove	12/31/2012
	Don Lorincz	12/31/2012
Brownfield Redevelopment Authority	Walter Meiers	12/31/2014
	John Campbell	12/31/2014
	Phillip Snell Jr.	12/31/2014
	Gerry Richards	12/31/2013
Building Authority	Thomas Crete	12/31/2016
	Kip Horvath	12/31/2012
Community Relations /Services Commission	Michael DesJardins	12/31/2014
	Mark Bailey	12/31/2014
	Charles Stults	12/31/2012
	George Abick	12/31/2012
Dangerous Building Commission	Randy McKinney	12/31/2014
	Tony Nicholas	12/31/2014
Environmental Commission	Dennis Marcos	12/31/2015
	Open	12/31/2015
Historical Commission	Linda Milne	12/31/2016
	Karen Kerezi	12/31/2016
	Matthew Baker	12/31/2014
Housing Commission	Peter Tochman	12/31/2016
	Michael Mullins	12/31/2012
Library Advisory Commission	Cheryl Stan	12/31/2014
	Pam Cook	12/31/2014
	Dennis Marcos	12/31/2014
	George Abick	12/31/2013
	Open	12/31/2013
Local Officers Compensation Board	Bob Draper	12/31/2018
Parks & Recreation Commission	Doug Shepherd	12/31/2014
	James Perry	12/31/2014
	Brad Cruts	12/31/2014
Parks & Recreation Foundation	Steven Martin	12/31/2014
Planning & Zoning	Lynn Ketelhut	12/31/2014
	Albert Kaye	12/31/2014
	Bryan Diebolt	12/31/2014
Zoning Board of Appeals	Ardys Bennett	12/31/2014
	Ray Lauth	12/31/2014

MOTION ADOPTED

Motion by Keenan

Supported by Sisko

Whereas the Mayor and City Council are the duly elected officials of the City of Allen Park; and

Whereas Citizens routinely bring questions and raise issues concerning the City to the attention of Mayor and City Council; and

Whereas in order for the Mayor and Council to adequately respond to questions and issues raised by citizens, the Mayor and Council need to be adequately informed of the facts and circumstances related to these questions and concerns;

Whereas, City Staff, Committees, Boards and Commission need to apprise City Council of the various matters and issues being reviewed by the City of Allen Park;

THEREFORE,

Be it resolved, that all communications that are sent out to residents on behalf of the City of Allen Park or its committees, commissions, boards and authorities, that are not of a personal or private nature, exempted under FOIA, or privileged communication, be carbon copied via e-mail to the Mayor and City Council.

Be it further resolved examples of these communications include: Special meeting notices, public hearing notices, variance request notifications and board, commission and committee meeting minutes.

MOTION ADOPTED

Motion by Hayes

Supported by DeGiulio

Whereas, the more open a government is, the more likely it is that trust can be assured from the public as a whole and from individual citizens, and;

Whereas, recording via video tapes of our regular City Council Meetings and later broadcasting such tapes, is one way our City has chosen to promote open government, and;

Whereas, the videos of Council meetings are being currently broadcast on certain of the cable channels and efforts are underway to ensure these videos will be made available to those without access to the current cable channels by copy or by use of the City website where the meetings may be archived and played at the convenience of the viewer, and;

Whereas, to date we have not normally recorded “work sessions” for future broadcast but insofar as they are integral parts of the workings of the City Government, these too must be videotaped for viewing on the Cable channels, by copy, and ultimately on the City website.

NOW THEREFORE BE IT RESOLVED:

That effective immediately, not only will “regular” City Council meetings be video-taped for future viewing, but *all* Open Council Meetings, including “work sessions” along with any other City Council open meetings of any type, including “special” or “Town Hall” type meetings, shall also be video-taped and archived.

Roll Call vote 2 yes & 5 no

MOTION FAILED

Motion by Hayes

Supported by Gaworecki

WHEREAS, traditions are unquestionably important in society and government, and;

WHEREAS, certain traditions become mere emblems of the status quo and serve no ongoing useful purpose, if ever they did, and;

WHEREAS, the Allen Park City Council has maintained a longstanding tradition of seating the City Attorney and City Administrator at the Mayor and Council’s table, and;

WHEREAS, the Allen Park City Council has not consistently required that City Department Heads to be present in a definite place, or at all, within the Chambers during City

Council meetings thus causing many interruptions in the proceedings while one or another of said Department Heads was located, and;

WHEREAS, there is no practical utility for the seating the City Attorney and City Administrator at the Mayor and Council's table, indeed their placement at the table may even serve as an impediment to the best functioning of the government, and;

WHEREAS, as a practical matter, it seems it would be far more effective to have the City Attorney and City Administrator sit directly in front of the Mayor and Council's table as to permit the best possible eye contact and two way communication among all members seated at the table and these Appointed individuals, rather than have to have Council members distant from these Appointed Persons crane their necks in an attempt to see and hear the person speaking, and;

WHEREAS, it stands to reason that all other Department Heads should also join the City Attorney and City Administrator directly in front of the table in the very front rows of the Council Chambers to ensure their ready availability to the Mayor and Council and to facilitate the best possible access and communication among elected and appointed officials.

NOW THEREFORE BE IT FORMALLY RESOLVED:

Henceforth, beginning January 24, 2012 and onward, The Mayor and Council Table will be occupied by the Mayor, the Council, the City Clerk, and the City Treasurer *only*. *The City Attorney will sit next to the Clerk, City Administrator shall sit next ro the City Treasurer* , and the rest of the City Department Heads will be required to be seated in the very front row of the Council Chambers near the podium, on which the microphone is stationed, directly before the Mayor and Council's table so as to provide immediate and ready access to the questions and discussions in which they may be called to participate.

MOTION ADOPTED

Motion by Hayes

Supported by Sisko

RESOLVED, to adopt the following consent Agenda items:

1. Request to approve the 2012 MDOT Annual Right-of-Way Permit Resolution
2. Request to approve the 2012 Wayne County Annual Maintenance Permit Resolution
3. Request to approve the 2012 Wayne County Annual Special Events Permit Resolution

MOTION ADOPTED

Motion by Hayes

Supported by Gaworecki

RESOLVED, that the City Council of the City of Allen Park hereby names Doug Morton, Director of Public Services / Engineering as the primary representative to the Wayne County Downriver Joint Management Committee, and Mayor William Matakas, as the alternate representative.

MOTION ADOPTED

Motion by Hayes

Supported by Templin

RESOLVED, that the City Council of the City of Allen Park hereby authorizes Doug Morton, Director of Public Services / Engineering to sign the Memorandum of Understanding with the United States Department of Agriculture relating to the National Cooperative Soil Survey, on behalf of the City of Allen Park.

MOTION ADOPTED

Motion by Keenan
 Supported by DeGiulio
 RESOLVED, to accept and file the 2011 City of Allen Park Annual Audit as presented by Randy Darnell the City Auditor
 MOTION ADOPTED

Motion by Keenan
 Supported by Templin
 RESOLVED, to amend the FY 2011/2012 Budget **Amendment 1:**

The Downtown Development Authority has approved a contribution to the City's General Fund for \$334,000. \$219,000 has been earmarked for Parks and Rec operations and \$115,000 has been earmarked for DPW operations.

101-000-671-250 Transfer from DDA \$334,000 Increase to revenues
 MOTION ADOPTED

Motion by Hayes
 Supported by DeGiulio
 RESOLVED, to amend the FY 2011/2012 Budget **Amendment 2:**

Police and Fire Special Assessment levied December 1, 2011.

General Fund Impact -

101-305-701-205 Personal Services – Special Assess. Police	\$1,273,232	Decrease of expense
101-340-701-205 Personal Services – Special Assess. Fire	<u>1,273,232</u>	Decrease of expense
Net decrease of expense		<u>\$2,546,464</u>

Police and Fire Special Assessment Fund Impact -

205-000-403-900 Gross P&F SA	\$2,942,464	Increase to revenue
205-000-403-900 Est Delinquent Personal	(33,000)	Decrease to revenue
205-000-403-400 Brownfield Capture	(118,000)	Decrease to revenue
205-000-403-300 DDA Capture	(157,000)	Decrease to revenue
205-000-404-000 Est. County Chargebacks	<u>(88,000)</u>	Decrease to revenue
Net increase to revenue		<u>\$2,546,464</u>

205-305-701-000 Personal Services –Police	\$1,273,232	Decrease of expense
205-340-701-000 Personal Services –Fire	<u>1,273,232</u>	Decrease of expense
Net increase of expense		<u>\$2,546,464</u>

Police and Fire Special Assessment Fund Net Effect \$0

MOTION ADOPTED

Motion by Hayes
 Supported by DeGiulio
 RESOLVED, to **TABLE** the FY 2011/2012 Budget **Amendment 3:**

The City is 50% through fiscal year 2012. The Finance Department has reviewed and compared the amended fiscal year 2012 budget to the year to date activity through December 31, 2011. Proposed budget amendments have calculated. Based on the proposed amendments, the Finance Department recommends the City proceed with a loan for \$2,150,000. The loan proceeds include \$2,000,000 of operating shortfalls and \$150,000 of cost of issuance estimates.

101-000-698-000 Proceeds From Issuance of debt	\$2,150,000	Increase to revenue
101-230-963-000 Professional Services	<u>(150,000)</u>	Increase of expenses

Net proceeds

\$2,000,000

Impact of Proposed Budget Amendments on 6/30/12 budget:

Transfer from DDA	\$ 334,000
Net P&F Special Assessment	2,546,463
Net Issuance of Long Term Debt	<u>2,000,000</u>

Net Increase to Fund Balance	<u>\$4,880,463</u>
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Original budget deficit	\$4,762,100
Estimated additional shortfall – net	<u>118,363</u>

Revised estimated operating deficit	<u>\$4,880,463</u>
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Roll Call Vote (to Table) – 4 Yes: DeGiulio, Hayes, Matakas, and Sisko
 3 NO: Gaworecki, Keenan, and Templin

MOTION ADOPTED to TABLE

Motion by DeGiulio

Supported by Templin

RESOLVED, to approve the following members to the Council Legal Affairs Committee:
 Councilman Dennis Hayes, Councilman Bob Keenan, & Tina Gaworecki

MOTION ADOPTED

Motion by Hayes

Supported by Templin

RESOLVED, to untable A-3 Contract for City Administrator John Zech and refer it to the Legal
 Affairs Committee

MOTION ADOPTED

Motion by Keenan

Supported by Gaworecki

RESOLVED, to untable A-5 Responses to RFP for City Attorney for review and refer it to the
 Legal Affairs Committee

MOTION ADOPTED

Motion by Hayes

Supported by DeGiulio

RESOLVED, to approve the following fee's for the City Clerks Office:

Licenses and Permits

Licenses that do not require Council approval are listed below:

General Retail	\$50.00 New \$70.00
Restaurant	\$80.00 - \$200.00 New \$150

Gas Station w/Convenience Store	\$120.00 New \$200
Hotels/Motels	\$200.00 New \$250
Banquet Halls	\$200.00 - \$300 New \$200
Amusement Distributor Fee	\$150.00
Mechanical/Amusement Device	\$25.00/per machine
Pool Table	\$10.00/per machine
Jukebox	\$10.00/per machine
Going Out of Business	\$100.00 (with inventory list and dates of sale)
Snow Plow/Landscaping	\$30.00 New \$50
Sign Hangers	\$100.00 (with proof of insurance) New \$150
Taxi Cab	\$50.00 per cab with police inspection, proof of license of driver New \$75.00

Licenses/Permits that *require* Council approval are listed below:

Christmas Tree Lot License	\$25.00 (plus \$300.00 deposit) New \$50.00
Auctions	\$50.00 (plus \$1,000.00 bond and inventory list) NEW - \$100
Curbside pick-up	\$50.00
Ice Cream Vendors	\$100.00 per truck (with police inspection) New \$200
Door-to-Door Distribution of Flyers	\$200.00 New \$300
Door-to-Door Solicitation	\$200.00 New \$300
Sale of Fireworks	\$50.00 (with Fire Department approval and \$5 Million bond) New \$100
Block Party	FREE (with form containing residents signatures)

MOTION ADOPTED with Councilman DeGiulio casting a NO vote

Motion by Hayes

Supported by DeGiulio

WHEREAS, the community of Allen Park in Wayne County currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing historical ordinance adoption action dated May 22, 2001 the City of Allen Park affirms/accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. The community directs its construction code act designated enforcing agency, the Allen Park Building Official to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:

- a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
- b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 3. Appendix G of the current Michigan Building Code.
- d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.

- e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
 3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

MOTION ADOPTED

Motion by Keenan

Supported by Templin

RESOLVED, to that a 3rd and Final Reading of Proposed Ordinance #2012 – 01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF ALLEN PARK BY THE ADDITION TO CHAPTER 10 – ARTICLE II THE STATE CONSTRUCTION CODE THE FOLLOWING SECTIONS 10-33 AND 10-34 TO PROVIDE FOR ENFORCEMENT OF APPENDIX G OF THE MICHIGAN BUILDING CODE AND DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS

Public Comments were heard

Shall this Ordinance Pass?

ROLL CALL VOTE UNANIMOUS

MOTION ADOPTED

Motion by DeGiulio

Supported by Keenan

RESOLVED, to Convene into Closed Session for the purposes of Attorney Client privileged memo regarding the Paluch Home, and Labor Negotiations in regards to AFSCME and Allen Park Police Officers Union) which are permitted by MCL 15.268

ROLL CALL VOTE UNANIMOUS

MOTION ADOPTED

Motion by Gaworecki

Supported by DeGiulio

RESOLVED, to reconvene back in the regular Council meeting

MOTION ADOPTED

Motion by Hayes

Supported by DeGiulio

RESOLVED, to proceed with the 15 lay-off notices to AFSCME

MOTION ADOPTED

Motion by Hayes

Supported by Sisko

RESOLVED, to accept the offer from APPOA regarding Grievances 2011-01 & 2011-02

MOTION ADOPTED

Motion by Templin

Supported by Gaworecki

RESOLVED, to adjourn the regular council meeting

MOTION ADOPTED

William B. Matakas – Mayor

Michael I. Mizzi – City Clerk