

City of Southgate
Regular City Council Meeting
May 7, 2014

A Regular Meeting of the Council of the City of Southgate was held in the Municipal Council Chambers, 14400 Dix-Toledo Highway, Southgate, Michigan on Wednesday, May 7, 2014 and was called to order at 8:00 PM by Council President Sheryl Denman.

This meeting began with the Pledge of Allegiance, followed by roll call.

Present: Bill Colovos, Sheryl Denman, Mark Farrah, Karen George, Patricia Ganzberger, John Graziani, Dale Zamecki.

Absent: Bob Casanova*, *excused

Also Present: Mayor Joseph G. Kuspa, City Administrator Brandon Fournier, City Attorney Ed Zelenak, City Engineer John Hennessey, District Judge James Kandreas, City Treasurer James Dallos, Administrator/Finance Director David Angileri, City Clerk Janice Ferencz, Public Safety Director Thomas Coombs, Police Chief Jeff Smith, Fire Chief Doug Gildner, Director of Public Services Bob Tarabula and Parks & Recreation Program Director Dustin Lent.

Minutes:

Moved by Colovos, supported by Zamecki, RESOLVED, that the minutes of the City Council Work Session dated April 16, 2014 be approved as presented. Carried unanimously

Moved by George, supported by Graziani, RESOLVED, that the minutes of the Regular City Council Meeting dated April 16, 2014 be approved as presented. Carried unanimously.

Consideration of Bids:

1. Letter from Mayor; Re: Recommendation for 2014-2016 Joint Crack Sealing Program, was read:

Moved by Ganzberger, supported by George, RESOLVED that the Southgate City Council adopts a resolution and hereby concurs with the recommendation of the Mayor and Engineer and awards the bid for Joint Crack Sealing Program for 2014-2016 to Michigan Joint Sealing (28830 W. 8 Mile Rd, Suite 103, Farmington Hills, MI 48336) in the amount of \$254,790. for a three year period at \$84,930. each year. FURTHER RESOLVED THAT, sufficient funds are available in the Major and Local Street funds under ACT 51 Transportation Expenditures to cover costs for this project.

Motion carried unanimously.

2. Letter from Mayor; Re: Recommendation of Bid Award for Dix-Toledo Rd, Water Main Relining Project, was read:

Moved by Zamecki, supported by Graziani, RESOLVED, that the Southgate City Council adopts a resolution and hereby concurs with the recommendation of the Mayor and Engineer and awards the bid for the 2014 Dix-Toledo Rd Water Main Lining Project to Fer-Pal Construction USA, LLC (26187 Northline, Taylor, MI 48180) in the amount of \$866,277.50, which includes the cost for construction inspection services and a 10% contingency of \$78,752.50. FURTHER RESOLVED, that adequate funds are available in the Water and Sewer Capital Improvement Fund to cover costs for this project.

Motion carried unanimously.

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3. Letter from Mayor; Re: Recommendation of Bid Award for Electrical Repairs and Maintenance, was read:

Moved by George, supported by Ganzberger, RESOLVED, that the Southgate City Council adopts a resolution and hereby concurs with the recommendation of the Mayor and DPS Director and awards the bid for Electrical Repairs and Maintenance to Riney Electric (1459 Fort St, Wyandotte, MI 48192) in the amount of \$55.00 per hour Monday thru Friday and \$75.00 per hour Saturdays, Sundays and Holidays. FURTHER RESOLVED, that sufficient funds are available in the Various Departmental Budgets to cover costs associated with these maintenance issues.

Discussion took place.

Motion carried unanimously.

Scheduled Hearings:

1. Moved by Ganzberger, supported by George, RESOLVED, that Council enters a public hearing to discuss the 2014-2015 Mayor Budget. Carried unanimously.

The regular meeting adjourned at 8:39 PM for scheduled hearings and reconvened at 8:54 pm.

Moved by Ganzberger, supported by Graziani, RESOLVED, that this public hearing be closed. Carried unanimously.

2. Moved by Zamecki, supported by Ganzberger, RESOLVED, that Council enters a public hearing to discuss the User charge Southgate/Wyandotte Drainage District. Carried unanimously.

The regular meeting adjourned at 8:54 PM for scheduled hearings and reconvened at 8:59 pm.

Moved by Ganzberger, supported by Zamecki, RESOLVED, that this public hearing be closed. Carried unanimously.

3. Moved by Ganzberger, supported by George, RESOLVED, that Council enters a public hearing to discuss the Proposed Water/Sewer/Capital Improvement Rate Increase. Carried unanimously.

The regular meeting adjourned at 9:00 PM for scheduled hearings and reconvened at 9:07 pm.

Moved by Ganzberger, supported by George, RESOLVED, that this public hearing be closed. Carried unanimously.

Communications A:

1. **Letter from ACA/Finance Director Re: Southgate/Wyandotte Drainage District User Charge, was read:**

Moved by Ganzberger, supported by Farrah, RESOLVED that the Southgate City Council adopts the following resolution:

WHEREAS, the costs of operating, maintaining and replacing facilities, constructed by the Southgate-Wyandotte Relief Drain Drainage District have been apportioned by the Wayne County Drainage Board in accordance with Sections 468, 469 and 478 of the Michigan Drain Code, Act 40 of Michigan Public Acts of 1956, as amended and Section 14a of

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Act 51 of Michigan Public Acts of 1951, as amended, and in accordance with the Federal Water Regulations promulgated there under (Title 40 Code of Federal Regulations, Part 35); and,

WHEREAS, the City of Southgate is empowered by Section 490 of the Michigan Drain Code, Act 40 of Michigan Public Acts of 1956, Section 9 of Act 211 of Michigan Public Acts of 1956, and City of Southgate Charter Section 162 to enact user service charges for the Southgate-Wyandotte Relief Drain Drainage District by ordinance; and,

WHEREAS, the collection of such user service charges is necessary to fund the repair, operation and maintenance of the facilities of the Southgate-Wyandotte Relief Drain Drainage District and is essential to the public health, safety and welfare of users of said Southgate-Wyandotte Relief Drain Drainage District; and,

WHEREAS, a Public Hearing regarding the proposed user service charge apportionments promulgated by the Wayne County Drainage Board and the individual user service charges derived there from was held by the City Council, City of Southgate on May 7, 2014 and notice given to all the residents within the benefiting geographic area by publication in the local newspaper; and,

WHEREAS, such Public Hearing was held by the City Council to entertain views and comments from interested individuals regarding the individual user service charges for fiscal year July 1, 2014 through June 30, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the City of Southgate does hereby adopt the following apportionment of costs of operating, maintaining and replacing facilities constructed by the Southgate-Wyandotte Relief Drain Drainage District as proposed by the Wayne County Drainage Board:

<u>Public Corporation</u>	<u>Tentative Percentage of Costs</u>
City of Southgate, MI	42.708 %
City of Wyandotte, MI	50.322 %
State of Michigan	1.804 %
County of Wayne	<u>5.166 %</u>
TOTAL	100.00 %

BE IT FURTHER RESOLVED that the City of Southgate:

- 1) Affirms that the City's cost of operating and maintaining the Southgate-Wyandotte Drainage District for fiscal year July 1, 2014 through June 30, 2015 is estimated to be \$744,540; and,
- 2) Affirms that the City's cost of modernization and automation of the Southgate-Wyandotte Drainage District Treatment Facilities for fiscal year 07.01.14 through 06.30.15 is estimated to be \$642,512, and,
- 3) Assesses such annual costs less excess Fund Balance to benefiting property owners in compliance with the user charge formula **as identified in Exhibit A and attached hereby and incorporated herein by reference; and,**
- 4) Confirms the roll for all persons whose name appears on the tax rolls as owning land within the Southgate-Wyandotte Drainage District as prepared by the City Clerk and Finance Department and on file within City Hall incorporated herein by reference in its entirety.

BE IT FURTHER RESOLVED that user charges have been or shall be levied on the summer tax rolls of the owners of real property within the geographic areas as follows:

North: Brest Avenue, South: Pennsylvania Road, East: Fort Street, and
West: Generally comprised by the area commencing with McCann (on the south side) to Eureka,
to Reeck, to I-75;

BE IT FURTHER RESOLVED, that the City of Southgate does hereby re-adopt the individual user charge formula, which formula is attached hereto as Exhibit A and incorporated herein in its entirety by

reference thereto, which formula shall be kept in the Office of the City Clerk for review by any interested party.

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BE IT FURTHER RESOLVED, that any individual who is aggrieved by the user charge formula adopted here in or aggrieved by the application of said formula to their property shall file a notice of same with the City Engineer, within twenty-eight (28) days of the annual adoption of the user charge, who shall review the complaint and make a recommendation to the City Council. The City Council shall deny, affirm, or modify such user charges in accordance with its rules. **The effective date of this Resolution shall be May 7, 2014 (the Public Hearing, in this regard, was May 7, 2014.)**

Motion carried unanimously.

2. Memo from Administrator Re: Request from DPS Director Excess Fleet Sale Authorization, was read:

Moved by Zamecki, supported by Colovos, RESOLVED that the Southgate City Council adopts a resolution authorizing the Fleet Mechanic to engage in the sale and disposition of the following vehicles:

<u>Unit#</u>	<u>VIN</u>	<u>Mileage</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>
S-58	1090 1173	1136 Hours	1990	ODB	SCL800TM19
815	2FAHP71VX8X138942	112139	2008	Ford	Crown Victoria
S-21	2FTZX1722WCA19098	168637	1998	Ford	F150
S-10	2FTDX1722VCA34208	131461	1997	Ford	F150
R-5	CP18812918	2313 hours	1990	Kabota	R2400
831	2FAHP71W06X157053	116325	2006	Ford	Crown Victoria
RES-4	2FAFP71W2XX198552	158684	1999	Ford	Crown Victoria
RES-5	2FAFP71W1YX160179	83458	2000	Ford	Crown Victoria

Motion carried unanimously.

3. Letter from Mayor; Re: Plum Avenue Sanitary Relief Sewer Change Order #1, was read:

Moved by Zamecki, supported by George, RESOLVED that the Southgate City Council adopts a resolution authorizing Change Order Number 1 for the Plum Avenue Relief Sewer in a revised amount of \$1,195,089.25, consisting of a 10% contingency being accounted for if additional pavement repairs are required and also if any unforeseen conditions arise during the sewer installation. FURTHER RESOLVED THAT, adequate funds are available in the Southgate Wyandotte Relief Drain Fund, Water and Sewer Capital and Municipal Street Fund for this project.

Discussion took place.

Motion carried unanimously.

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4. Letter from Mayor; Re: City of Southgate Charter; Ballot Questions, was read:

ADJUST THE COUNCIL MEETING TIME FROM 8:00 PM TO 7:00 PM

Moved by Zamecki, supported by Farrah, RESOLVED that the Southgate City Council adopts a resolution authorizing the language and ballot proposal be added to the August 5, 2014 Primary Election as follows:

BE IT RESOLVED, that pursuant to the Home Rule Cities Act, being Act 279 of 1909, as amended, and specifically Section 21 of said Act, the Council for the City of Southgate hereby proposes that Section 39 of found in the Charter of the City of Southgate be amended.

BE IT FURTHER RESOLVED, that the City Clerk shall cause to be submitted to the electors of the City at the next regular municipal election to be held on the 5th day of August, 2014, a proposal to amend the Charter of the City of Southgate, more specifically to amend Section 39 of Article 3, of the City Charter, which currently reads:

Section 39 Regular meetings; time; place.

Regular meetings of the Council shall be held on the first and third Wednesdays at 8:00 p.m. in the Council Chambers. If any time set for the holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

TO BE AMENDED TO PROVIDE AS FOLLOWS:

Section 39 Regular meeting; time; place.

Regular meetings of the Council shall be held on the first and third Wednesdays at **7:00 p.m.** in the Council Chambers. If any time set for the holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

BE IT FURTHER RESOLVED that the ballot language shall read as follows:

Statement of Purpose

It is proposed that the Charter of the City of Southgate and specifically Section 39 of Article 3 of the City Charter be amended to set the Council Meeting time at Seven P.M.:

Question

"Do you favor amending Article 3, Section 39 (Regular meeting; time; place) to set the Council Meeting times for the first and third Wednesday night of each month at seven p.m.?"

BE IT FURTHER RESOLVED, that prior to submission to the electors, the Statement of Purpose and Question shall be submitted to the Attorney General and Governor, respectively, as provided in the Home Rule Cities Act.

AYES: Bill Colovos, Sheryl Denman, Mark Farrah, Patricia Ganzberger, John Graziani, Dale Zamecki.

NAYES: Karen George.

ABSENT: None.

ABSENETION: None.

Councilman George objected to motion as she would like this ballot question put on the November 4, 2014 General Election.

Motion passes with a vote of 6 – 1.

And

ALLOW THE USE OF THE CITY'S WEB PAGE TO BE USED FOR CERTAIN NOTIFICATION PULICATIONS, WHEN PERMITTED BY STATE LAW

Moved by Zamecki, supported by Graziani, RESOLVED that the Southgate City Council adopts a resolution authorizing the language and ballot proposal be added to the August 5, 2014 Primary Election as follows:

BE IT RESOLVED, that pursuant to the Home Rule Cities Act, being Act 279 of 1909, as amended, and specifically Section 21 of said Act, the Council for the City of Southgate hereby proposes that Sections 47 and 174 of found in the Charter of the City of Southgate be amended.

BE IT FURTHER RESOLVED, that the City Clerk shall cause to be submitted to the electors of the City at the next regular municipal election to be held on the 5th day of August, 2014, a proposal to amend the Charter of the City of Southgate, more specifically to amend Section 47 of Article 3, and Section 174 or Article 10 of the City Charter, which currently reads:

Section 47 Publication of Council proceedings.

The proceedings of the Council shall be published in the official newspaper of the City within ten days after the passage thereof. A summary of the action(s) taken consisting of the ordinance, resolution or other action acted upon, the names of the Councilmen moving and seconding the same, and a record of the vote thereon, prepared by the City Clerk and approved by the President of the Council, shall constitute sufficient compliance with the provisions of this section.

TO BE AMENDED TO PROVIDE AS FOLLOWS:

Section 47 Publication of Council proceedings.

The proceedings of the Council shall be published **in accordance with State law by appearing in the official newspaper of the City or on the City's official web page, or will be posted in three (3) locations in the City** within ten days after the passage thereof. A summary of the action(s) taken consisting of the ordinance, resolution or other action acted upon, the names of the Councilmen moving and seconding the same, and a record of the vote thereon, prepared by the City Clerk and approved by the President of the Council, shall constitute sufficient compliance with the provisions of this section.

AND

Section 174 Record and authentication; publication.

All ordinances shall be recorded in an indexed book marked "Ordinance Book," and he record of each ordinance shall be authenticated by the signature of the Mayor and Clerk. Such record and authentication shall be done promptly after the final passage of the ordinance, but

failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation.

It shall be the duty of the Clerk to cause every ordinance to be published either by printing the same in the official newspaper of the City or by posting the same in three public places within the City. And it shall be the duty of the Council to designate which method of publication shall be used. The publication of an ordinance in the Council proceedings shall be deemed a sufficient publication. The Clerk shall immediately, after such publication, enter in the "Ordinance Book," under the record of the ordinance, a certificate under his hand stating the time and method of such publication. Such certificate shall be prima-facie evidence of the due publication of the ordinance.

TO BE AMENDED TO PROVIDE AS FOLLOWS:

Section 174 Record and authentication; publication.

All ordinances shall be recorded in an indexed book marked "Ordinance Book," and the record of each ordinance shall be authenticated by the signature of the Mayor and Clerk. Such record and authentication shall be done promptly after the final passage of the ordinance, but failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation.

It shall be the duty of the Clerk to cause every ordinance to be published **in accordance with State law by appearing in the official newspaper of the City or on the City's official web page, or will be posted in three (3) locations in the City.** The Clerk shall immediately, after such publication, enter in the "Ordinance Book," under the record of the ordinance, a certificate under his hand stating the time and method of such publication. Such certificate shall be prima-facie evidence of the due publication of the ordinance.

BE IT FURTHER RESOLVED that the ballot language shall read as follows:

Statement of Purpose

It is proposed that the Charter of the City of Southgate and specifically Section 47 and Section 174 of the City Charter be amended to allow for the use of online publications for proceedings and records.

Question

"Shall Section 47 of the Southgate City Charter, entitled "Publication of Council Proceedings" and Section 174 "Records and authentication" be amended to permit, as an alternative to newspaper publication, the posting and publishing of locally required notices, proceedings and ordinances on the City's official internet webpage and by posting paper copies in three locations in the City?"

BE IT FURTHER RESOLVED, that prior to submission to the electors, the Statement of Purpose and Question shall be submitted to the Attorney General and Governor, respectively, as provided in the Home Rule Cities Act.

AYES: Bill Colovos, Sheryl Denman, Mark Farrah, Patricia Ganzberger, John Graziani, Dale Zamecki.

NAYES: Karen George.

ABSENT: None.

ABSENTION: None.

Councilman George objected to motion as she would like this ballot question put on the November 4, 2014 General Election.

Motion passes with a vote of 6 – 1.

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5. Letter from Mayor Re: Appointments to Library Commission, was read:

Moved by George, supported by Colovos, RESOLVED that the Southgate City Council adopts the following resolution concurring with the Mayor's appointments of Dave Warren (15043 Coventry) and Helen Loveday (16720 Club Dr) to the Library Commission for a term expiring April 2016.

Motion carried unanimously.

6. Letter from Mayor; Re: Appointments to Brownfield Redevelopment Authority/EDC Board, was read:

Moved by Zamecki, supported by Graziani, RESOLVED that the Southgate City Council adopts the following resolution concurring with the Mayor's appointments of Ron Moran (17101 Michigan Ave, Dearborn, MI 48126) to both the Brownfield Redevelopment Authority for a six-year term expiring June 2020 and the Economic Development Corp for a six-year term expiring June 2020.

Motion carried unanimously.

Communications B:

1. Letter from Mayor; Re: Appointments to Water Board, Public Safety Commission and Parks and Recreation Commission, was read:

Moved by Ganzberger, supported by George, RESOLVED that the following Communications B items are hereby received and filed:

- a. Appointments to Water Board (for a term expiring April 2016)

Jerry Duisk	17305 Cedarlawn
Dan Brooks	14450 Stoutwood Ct
Brian Wolff	12328 Manor
Jim Vince	13116 Argyle
Robert Tank	15435 Cameron

- b. Appointments to Public Safety Commission (for a term expiring April 2016)

Paul Knott	12940 Devoe
Robert Hine	12055 Fordline
Norman Loveday	15265 Pheasant Run
Jim Austin	14966 Irene
Theresa Grzechowski	16213 Helen

David Smith 13301 Mark
Paul Kolokowski 13214 Catalpa

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- c. Appointments to Parks & Recreation Commission (for a term expiring April 2016)
- | | |
|------------------|-----------------|
| Carol Gordos | 12539 Fordline |
| Cheryl Tank | 15435 Cameron |
| Joseph Bennett | 16714 McCann |
| Nate Neubecker | 14363 Longtin |
| Cindy McGrath | 12404 Irene |
| Rob Proudlock | 16736 Aspen Way |
| Roy Birmingham | 17105 Timothy |
| Dave Pinkowski | 15475 Leroy |
| Darlene Pomponio | 12324 Bedford |

Motion carried unanimously.

Old Business:

Councilman Ganzberger commended Senate Candidate Rashida Talib for her hard work and dedication and her presence at the Council meetings.

Claims and Accounts:

Moved by Ganzberger, supported by Colovos, RESOLVED, that Claims and Accounts be paid as outlined on Warrant #1256 in the amount of \$2,575,119.82.

Carried unanimously.

Adjournment:

Moved by Ganzberger, supported by George, RESOLVED, that this Regular Meeting of the Southgate City Council be adjourned at 9:25 P.M. Carried unanimously.

Sheryl Denman
Council President

Janice M. Ferencz
City Clerk

Mk
05/09/14