

**CITY OF TRENTON  
REGULAR MEETING  
JULY 1, 2019**

After the Pledge of Allegiance to the Flag, a moment of silence was held for Merlin Terrell, father-in-law of Councilman LeFevre; Alice Miller, wife of former city employee Harry Miller; and Paul Hopersberger, brother of city employee Will Hopersberger. The Regular Meeting of the City Council of Trenton, Michigan was called to order by Mayor Stack at 7:02 p.m. on the above date in the City Hall Council Chambers.

Present on roll call by City Clerk Debra Devitt: Councilpersons Timber Baun-Crooks, Richard Benedetti, Robert Howey, Nelson Perugi, Steven Rzeppa and Mayor Kyle Stack.

Absent: Councilman William LeFevre.

Moved by Councilman Howey, seconded by Councilman Perugi, to excuse the absence of Councilman LeFevre.

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

Other Officers Present: Wallace Long, City Attorney; John Laub, Human Resources Director; John Dahlquist, City Assessor; Michael McCullough, City Treasurer; Jill Cooper, Deputy City Treasurer; Karen Sall, City Controller; Paul Haley, Emergency Management Coordinator; William Hogan, City Engineer; Theresa Monthei, I.T. Administrator; Joann Gonyea, Parks and Recreation Director; Dean Creech, Fire Chief; Steven Voss, Director of Police and Fire Services; Todd Scheffler, Police Chief; and Erin Chapman, City Librarian.

**MINUTES**

Moved by Councilman Howey, seconded by Councilman Benedetti, to approve the minutes of the Regular Meeting of June 17, 2019.

Carried unanimously.

**APPOINTMENTS**

Moved by Councilman Howey, seconded by Councilman Rzeppa, to approve the Mayor's reappointment of Mark Gilstorf, to the Recreation Commission, for the term ending June 1, 2022.

Roll call: Benedetti, yes; Howey, yes; Perugi, yes; Rzeppa yes; Stack, abstain; and Baun-Crooks, yes.

Motion carried.

**COMMUNICATIONS AGENDA**

**GENERAL**

- G-1. 33rd District Court: Financial Report, December 31, 2018
- G-2. 33rd District Court: Fines, Costs, Fees, May 2019

**DEPARTMENT HEADS AND OFFICIALS**

- I-1. City Attorney: Ordinance No. 800, Vaping, revised
- I-2. City Assessor: 2020 Real Property Tax Hardship Partial Exemption Guidelines for Tax Relief under Section 211.7U, P.A. 206 of 1893
- I-3. City Assessor: Tax Incentive Guidelines and Procedures for Obsolete Property Rehabilitation Act P.A. 146 of 2000 (as amended)
- I-4. City Controller: 2018 Municipal Employees Retirement System (MERS) Actuarial Valuation
- I-5. City Engineer: Request to Award Frank & Poet Multi-Purpose Path Asphalt Resurfacing, Contract 2018-02
- I-6. I.T. Director: Radio Replacement for City Hall

**LATE COMMUNICATIONS**

- J-1. THS Athletics: Gold Card Sale

**OTHER COUNCIL BUSINESS**

- M-1. Councilman Howey: Study Session

**COMMUNICATIONS**

G-1  
33rd District Court  
Financial Report, December 31, 2018

Moved by Councilman Howey, seconded by Councilman Rzeppa, to approve the Financial Report with Supplemental Information, December 31, 2018, submitted by the 33rd District Court.

Carried unanimously.

G-2  
33rd District Court  
Fines, Costs, Fees, May 2019

Moved by Councilman Howey, seconded by Councilman Rzeppa, to approve and place on file the Fines, Costs, Fees, May 2019, submitted by the 33rd District Court, showing the City of Trenton owing \$1,217.27.

Carried unanimously.

I-1  
City Attorney  
Ordinance 800, Vaping, revised

**CITY OF TRENTON  
ORDINANCE NO. 800 (revised)**

**AN ORDINANCE TO AMEND SECTION 66, DIVISION 2 ENTITLED "TOBACCO" BY ADDING A NEW SUB-SECTION 66-360 OF THE TRENTON CITY CODE, ENTITLED "VAPING", REGULATING THE USE AND POSSESSION OF ELECTRONIC DELIVERY DEVICES FOR TOBACCO PRODUCTS BY MINORS WITHIN THE CITY LIMITS.**

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

**Section 1.** Section 66, Division 2 of the City Code entitled Tobacco is hereby amended by adding a new section 66-360, entitled: "**Vaping**" regulating service, purchase, consumption and possession of electronic delivery devices for tobacco products by persons under the age of 18.

**Sec 66-360 - VAPING**

- a) No person under the age of eighteen (18) years of age may possess or use (including inhaling or exhaling) any of the following items in public, including upon school property (as defined in Sec. 25-21), public parks or anywhere else within the City of Trenton:
- i. Electronic nicotine delivery system (ends);
  - ii. Electronic cigarette or electronic smoking device;
  - iii. E-Liquid, E-Juice, E-Wax d. Vapes, Vaporizers, Vape pens;
  - iv. E-Pipes, Hookah, water pipe, or any other type of pipe;
  - v. Any other similar type of item as described above that could be used for inhaling or exhaling, or vaping ingredients or contents including but not limited to nicotine, cannabis (THC), flavorings, propylene glycol, glycerin or any other ingredients.
- b) A person who is eighteen (18) years of age or older shall not use or possess any of the items listed in (a) above, on school property, unless specifically permitted by the school and then only in those areas of school property and at times, authorized by the school that are outdoors, including but not limited to, an open area stadium during either of the following time periods: Saturdays, Sundays, and other days on which there is no regularly scheduled classes or school activities, or; after 6:00 p.m. on days which there are regularly scheduled school hours and activities.
- c) In the event any person possesses or uses any of the above items described in (a) above in violation of this ordinance, the item will be seized and forfeited to and destroyed by the City of Trenton.
- d) Any person who violates any provision of this ordinance is responsible for a municipal civil infraction subject to a fine of one hundred (\$100.00) dollars.

e) This Ordinance may be enforced by the Trenton Police Department and for the violations on school property, by the various school principals or their designees, school security police or school liaison or all attendance officers, provided, however, that all appearance tickets or citations written in violation of this section shall be coordinated through the Trenton Police Department.

**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.

**ADOPTED, APPROVED AND PASSED** by the City Council of the City of Trenton this 1<sup>st</sup> day of July, 2019.

Moved by Councilwoman Baun-Crooks, seconded by Councilman Benedetti, to approve the emergency reading of Ordinance 800, Vaping.

Carried unanimously.

I-2

City Assessor

2020 Real Property Tax Hardship Partial Exemption Guidelines for Tax Relief under  
Section 211.7U, P.A. 206 of 1893

**CITY OF TRENTON  
RESOLUTION 2019-18**

**CITY OF TRENTON 2020 REAL PROPERTY TAX HARDSHIP PARTIAL EXEMPTION  
GUIDELINES FOR PROPERTY TAX RELIEF UNDER SECTION 211.7U**

**WHEREAS**, the adoption of guidelines for real property tax hardship partial exemption is required by the Trenton City Council for the City of Trenton; and

**WHEREAS**, the principal residence of persons, who the Assessor and Board of Review determines by reason of hardship to be unable to contribute to the public charge, is eligible for partial exemption from taxation under Public Act 390 of 1994 (MCL 211.7u); and

**WHEREAS**, pursuant to PA 390 of 1994, the City of Trenton, Wayne County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of claimant and all residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all of the following on an annual basis:

**2020 REAL PROPERTY TAX HARDSHIP PARTIAL EXEMPTION GUIDLINES  
(REVISED AND UPDATED AS OF JULY 1, 2019) FOR PROPERTY TAX RELIEF UNDER  
SECTION 211.7U, P.A. 206 OF 1893**

Section 211.7u(1) of the Michigan General Property Tax Act defines the poverty, or Hardship Exemption, as a method to provide relief for those who, in the judgment of the Board of Review, are unable to fully contribute to the annual property tax burden of their principal residence due to their financial situation. In order to qualify for the Hardship Exemption, the claimant must meet all of the following requirements. It may be possible that a claimant meets the income standard for the Hardship Exemption, but does not meet the asset standard or other standards as set forth in these guidelines. In this instance, the claimant would not qualify for the exemption even though the income standard was met.

The Board of Review shall follow the policy and guidelines when granting or denying a Partial Hardship Exemption. The same standards shall apply to each claimant in the City for the assessment year, unless the Board of review determines there are substantial and compelling reasons why there should be a deviation from policy and guidelines and the substantial and compelling reason are communicated in writing to the claimant. (Section 211.7u (5)). Hardship Applicants are not prohibited from also appealing the assessment of property for which the hardship claim is made before the Board of Review in the same year.

1. Partial Hardship Exemptions shall apply only to the Applicant's qualified Principal Residence and the property must be classified Residential for property tax purposes. Under no circumstances shall a Partial Hardship Exemption be granted or apply to the property of a business, partnership, or a corporation.
2. Applicants who have purchased their principal residence within the current year or preceding two calendar years are not eligible for the exemption. When a home is purchased, it is expected that the buyer considers the cost to maintain the home, including the State mandated property taxes, when determining their affordability of the home purchase. Not doing so, creates a self-induced hardship, which will not be considered eligible for an exemption.
3. The amount of relief due to hardship that will be granted by the Board of Review for any Qualified Applicant shall not exceed the amount as determined by the City of Trenton hardship exemption income level calculation report.

To be eligible for the exemption by reason of hardship, a person shall do all of the following on an annual basis:

1. Applicant must be an owner of and occupy as a principal residence, (as defined by MCL 211.7dd), the property for which an exemption is being requested.

2. Applicants must complete in its entirety a “CITY OF TRENTON PARTIAL EXEMPTION APPLICATION” form (MCL 211.7u). All claims, including all required information listed below, must be filed with the City Assessor for review of completeness and eligibility compliance. Applications are to be filed after January 1<sup>st</sup> and before the day prior to the last day of the March, July or December Board of Review meetings for the assessment year. Incomplete applications and/or applications of taxpayers not meeting the eligibility requirements will be returned to the Applicant and will not be considered by the Board of Review. All first time Qualified Applicants, or their authorized Representative, must appear in person before the Board of Review in order to be considered for relief due to financial hardship. Applicants who wish to send a Representative to appear on their behalf must provide them with a Notarized Letter of Authorization. The Representative will be required to present a photo identification along with the letter. Applications meeting all eligibility requirements will be presented before the Board of Review.
  
3. Applicants must provide copies of the following forms, including all supporting documents and schedules, for a person’s residing in the household, filed in the immediately preceding year or in the current year:
  - a. Federal Income Tax Return (1040 or 1040A), Applicant must file this tax return even if they owe no income tax or are not required to file a Federal Income Tax Return if they meet the requirements for receiving an Earned Income Tax Credit (EITC) and any 1099’s received.
  - b. State of Michigan Income Tax Returns (MI-1040), Applicant must file this tax return even if they own no income tax or are not required to file a Michigan Income Tax Return if they were granted a Federal Income Tax Credit. The State will provide a 6% supplement EITC when the Applicant files his/her State Income Tax Return.
  - c. If Applicant did not file a Federal or State Income Tax return, they must complete and file an Income Tax Exemption Affidavit (Treasury Form 4988) for all persons residing in the residence who were not required to file in the current or in the immediately preceding year, and who did not meet the qualifications for receiving an EITC.
  - d. Michigan Homestead Property Tax Credit Claim (ML-1040CR).
  - e. W-2 Forms.
  - f. Social Security Benefit Statement (form SSA-1099) for all persons residing in the household, who receive Social Security benefits.
  - g. Proof of all sources of income if not included on the W-2 Forms, including any check stubs or receipts of other persons living in the household, or from State or Federal Government Checks.
  - h. Bank and/or credit union statements, for all current and preceding six months, of all checking and savings accounts.
  - i. A copy of a valid Michigan driver’s license or other legal form of photo-identification, which indicates residing property address for all persons in the household.



- j. Copies of the most recent year’s tax bills and taxable values of all property other than the Homesteaded/Principal Residence owned or partially owned by the hardship Applicant.

The City requires all Applicants to provide copies of their originally-filled tax returns and will not accept summary information reports or reproduced tax returns. Federal and State tax returns must be signed unless “e-filed” documents are included. The City retains the right and is authorized obtain copy of any household occupant’s federal income tax returns from the Internal Revenue Service or Michigan Income Tax Returns from the Department of Treasury pursuant to MCL 205.28, and all vehicle or titled asset registration information from the Secretary of State. Applicants may present other information in support of hardship status.

- 4. Applicants must meet the “City of Trenton Income Standards for Eligibility Guidelines” as adopted by the City of Trenton, provided such alternate guidelines do not provide income eligibility requirements less than the federal guidelines.

**CITY OF TRENTON 2020 PARTIAL POVERTY INCOME ELIGIBILITY GUIDELINES**

Family Size	Annual Income
1 Person	\$18,000
2 Person	\$20,680
3 Person	\$24,365
4 Person	\$25,850
Additional greater than 8 persons, add \$4,420 for each additional person	

The Board of Review shall consider income from all sources and from all occupants of the household when determining whether an Applicant meets the hardship income standards adopted by the City of Trenton. Income includes:

- a. Money, wages, and salaries before deductions.
- b. Regular payments for social security, railroad retirement, unemployment and worker’s compensation, veteran’s payments and public assistance.
- c. Gifts, loans, and contributions by all persons, whether living in the household or not.
- d. Alimony, child support, and military family allotments.
- e. Private pensions, government pensions, regular insurance or annuity payments, and inheritance payments.

In addition to meeting the income level requirements as noted above, Applicants must also meet requirements based on asset level, or otherwise stated requirements, such as saving accounts, checking accounts, certificates of deposit, investments, (including collectable items purchased for their investment value), stocks, bonds, inheritances, life insurance policies, interest earnings/dividends, retirement funds, and ownership in other real estate property.

- 5. To be eligible for a partial exemption based on the asset level, or other standards, the following requirement will be meet:

- a. Applicant shall report the total value of savings accounts, checking accounts, and certificates of deposit, all investments, stocks, bonds, inheritances, life insurance policies, interest earning/dividends, and retirement funds from all household members.
- b. Applicants shall not own interest in any real estate or leasing other than their principal residence.
- c. The total value of any recreational vehicles or equipment shall not exceed the amount of the current annual property tax obligation. Recreational vehicles include snowmobiles, boats, jet skis, camping trailers, travel trailers, motorcycles, motor homes, off-road vehicles, or anything else which may be considered a recreational vehicle.

**NOW, THEREFORE, BE IT RESOLVED** by the Trenton City Council of the City of Trenton, that the Assessor and Board of Review shall follow the above stated policy and the City of Trenton 2020 Partial Poverty Income Eligibility Guidelines in granting or denying a partial exemption, unless the Assessor and Board of Review determine there are substantial and compelling reasons why there should be a deviation from the policy and City of Trenton guidelines and these reasons are communicated in writing to the claimant.

**ADOPTED, APPROVED AND PASSED BY THE** City Council of the City of Trenton, this 1<sup>st</sup> day of July, 2019.

Moved by Councilman Rzeppa, seconded by Councilwoman Baun-Crooks, to approve the Real Property Tax Hardship Partial Exemption Guidelines for Tax Relief under Section 211.7U for the 2020 Tax Year.

Carried unanimously.

I-3

City Assessor

Tax Incentive Guidelines and Procedures for Obsolete Property Rehabilitation Act P.A. 146 of 2000 (as amended)

**CITY OF TRENTON  
RESOLUTION 2019-19**

**CITY OF TRENTON TAX INCENTIVE GUIDELINES AND PROCEDURES FOR  
OBSOLETE PROPERTY REHABILITATION ACT P.A. 146 OF 2000 (AS AMENDED)**

**WHEREAS**, Michigan State Law provides to municipalities various economic development incentives; and

**WHEREAS**, the City of Trenton has made a long term commitment to economic development, and the City seeks to foster a diversified tax base so that it may deliver sustainable government; and

**WHEREAS**, the economic viability of the City of Trenton depends upon the City's ability to retain and foster expansion of existing commercial business, as well as attract new investment through the location of new businesses; and



**WHEREAS**, the City of Trenton recognizes it must also enhance its competitiveness with other communities and especially neighboring municipalities; and

**WHEREAS**, the City of Trenton who wishes to consider granting Obsolete Property Rehabilitation Act P.A. 146 of 2000 (as amended) tax incentive, shall adopt a set of guidelines and procedures.

**CITY OF TRENTON  
TAX INCENTIVE GUIDELINES AND PROCEDURES  
JULY 1, 2019**

**OBSOLETE PROPERTY REHABILITATION ACT  
P.A. 146 OF 2000  
REVIEW POLICY**

The following procedures relate to the establishment of the Obsolete Property Rehabilitation District and the criteria to review applications and determine the length of the tax abatement certificate to be issued by the State Tax Commission.

**I. Establishment of an Obsolete Property Rehabilitation District:**

Upon submittal of an application for establishment of a single property district, the City of Trenton shall make an inspection of the building to determine whether the commercial or commercial housing property is blighted or functionally obsolete. The recommendation will be forwarded to the City Council for consideration regarding the adoption of the single Obsolete Property Rehabilitation District.

A District may also be established when fifty-percent (50%) of the property owners of a certain location file a written request for establishment of the district. In this case, no building inspection is necessary for the establishment of the district. However, after application for an exemption certificate is received, an inspection will verify whether the commercial or commercial housing property is blighted or functionally obsolete.

In the instance that the City Council establishes a district upon their own initiative, no such inspection will be necessary for the purpose of establishing the district. However, after application for an exemption certificate is received an inspection will verify whether the commercial or commercial housing property is blighted or functionally obsolete.

A public hearing will be held for each district to be established, whether by City Council initiative or upon request of the building owner.

**II. Application Review/Length of Certificate Criteria:**

Once a district is established, applications for exemption certificates can be obtained at the City of Trenton Assessing Office and when completed submitted to the City Clerk and processed.

Within sixty (60) days from submittal the City of Trenton has to review applications, the Economic Development Committee (EDC) at its regular meeting will discuss each application and determine the length of the exemption certificate.

The EDC will take into consideration the type of rehabilitation, the length of time of the certificate requested, and ensure that the requirements within P.A. 146 of 2000 are followed, which include:

- Create significant employment.
- When completed, the rehab program shall constitute a rehabilitated facility within the district.
- Have the likelihood to accomplish one or more of the following:
  - Increase commercial activity
  - Retain employment/prevent employment loss
  - Revitalize urban areas
  - Increase number of residents in the community

The EDC will also make recommendation to City Council the length of the exemption certificate. The type of rehabilitation will determine the length of the certificate approved by the EDC.

The recommendations of the EDC will be forwarded to City Council for approval. A public hearing will be held regarding each rehabilitation application prior to City Council consideration. Upon City Council approval of the application for tax exemption certificate; the application and resolution of approval will be forwarded to the State Tax Commission for final approval and certificate issuance.

## Definitions

**Commercial housing property** means that portion of real property not occupied by an owner of that real property that is classified as residential real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, is a multiple-unit dwelling, or is a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial housing property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to a multiple-unit dwelling or dwelling unit in a multiple-purpose structure, used for residential purposes.

**Commercial property** means land improvements classified by law for general ad valorem tax purposes as real property including real property assessable as personal property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, the primary purpose and use of which is the operation of a commercial business enterprise. Commercial property shall also include facilities related to a commercial business enterprise under the same ownership at that location, including, but not limited to, office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Commercial property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to the operation of a commercial business enterprise or a multiple-unit dwelling or a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial property does not include any of the following:

(i) Land.

(ii) Property of a public utility.

**Facility**, except as otherwise provided in this act, means a building or group of contiguous buildings.

**Functionally obsolete** means that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super adequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property. (See MCL 125.2652)

**Note:** The STC offers the following as examples of functional obsolescence:

1. A floor plan which is inappropriate for the highest and best use of the property.
2. A heating system, which is inadequate for the highest and best use of the property.
3. Excessively high or low ceilings for the highest and best use of the property.
4. Partition walls, which restrict the highest and best use of the property.
5. Mechanical systems (e.g. electrical, plumbing, etc.) which are inadequate for the highest and best use of the property.

**Obsolete property** means commercial property or commercial housing property that is 1 or more of the following:

1. Blighted property means property that meets 1 or more of the following criteria:
  - A. Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
  - B. Is an attractive nuisance to children because of physical condition, use, or occupancy.
  - C. Is a fire hazard or is otherwise dangerous to the safety of the persons or property.
  - D. Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
  - E. Is tax reverted property owned by a qualified local governmental unit, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a qualified local governmental unit, county, or this state after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of PA 145 of 2000. (See MCL 125.2652)

2. A facility as that term is defined below:

Facility as defined in PA 451 of 1994 means any area, place, or property where a hazardous substance in excess of the concentrations which satisfy the requirements of section 20120a(1)(a) or (17) or the cleanup criteria for unrestricted residential use under part 213 has been released, deposited, disposed of, or otherwise comes to be located. Facility does not include any area, place, or property at which response activities have

been completed which satisfy the cleanup criteria for the residential category provided for in section 20120a(1)(a) and (17) or at which corrective action has been completed under part 213 which satisfies the cleanup criteria for unrestricted residential use. (See MCL 324.20101)

3. Functionally obsolete. Please see the definition of “functionally obsolete”.

**Obsolete property rehabilitation district** means an area of a qualified local governmental unit established as provided in section 3. Only those properties within the district meeting the definition of "obsolete property" are eligible for an exemption certificate issued pursuant to section 6 of PA 146 of 2000.

**Rehabilitation** means changes to obsolete property other than replacement that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. Rehabilitation includes major renovation and modification including, but not necessarily limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the obsolete property to an economically efficient condition. **Rehabilitation shall not include improvements aggregating less than 10% of the true cash value of the property at commencement of the rehabilitation of the obsolete property.**

**Rehabilitated facility** means a commercial property or commercial housing property that has undergone rehabilitation or is in the process of being rehabilitated, including rehabilitation that changes the intended use of the building. A rehabilitated facility does not include property that is to be used as a professional sports stadium. A rehabilitated facility does not include property that is to be used as a casino. As used in this subdivision, "casino" means a casino or a parking lot, hotel, motel, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226.

**Taxable value** means the value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

### **Costs**

The application processing fees are to made payable to the “City of Trenton Treasurer” and must be submitted at time of application:

District Application - \$200.00

Project Application - \$200.00

Project Applica Attachment E

**Obsolete Property Rehabilitation Certificate  
Letter of Agreement**

**RECORD OF CITY COUNCIL PROCEEDINGS  
CITY OF TRENTON, MICHIGAN  
HELD ON THE 1ST DAY OF JULY 2019**

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This Agreement, made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, by and between \_\_\_\_\_, of \_\_\_\_\_, (“Company”) and the CITY OF TRENTON, a Michigan Municipal Corporation, of 2800 Third Street, Trenton, Michigan 48183 (“City”) for the purposes of fulfilling the requirements of Act. No. 146 of the Public Acts of 2000, and to set forth the rights, duties and obligations of the respective parties.

1. Company acknowledges that as a prerequisite to obtaining an Obsolete Property Rehabilitation Certificate (“tax abatement”) that Company has made certain material representations to the City in its application for an Obsolete Property Rehabilitation Certificate dated \_\_\_\_\_, \_\_\_\_, upon which the City has justifiably relied, and upon which the City will continue to rely, and based upon which the Company will receive certain monetary benefits, tax abatements, to which it otherwise would not be entitled.
2. Company further acknowledges that the receipt of an Obsolete Property Rehabilitation Certificate is also based upon the material representations made by the Company in its application for an Obsolete Property Rehabilitation Certificate. Further, that all representations made therein are true and correct to the best of the company’s information, knowledge and belief and that the representations include the past history of the Company, the present status of the Company and the future duties and obligations to be performed by the Company.
3. In consideration of the receipt of an Obsolete Property Rehabilitation Certificate, it is expressly agreed by the Company that should any of the material representations of Company be erroneous or should Company fail to substantially perform any future promises, duties or obligations, the same shall be deemed to constitute a breach of this Agreement and the City may petition the State Tax Commission to revoke the Obsolete Property Rehabilitation Certificate.
4. Company agrees to comply with all relevant local rules, regulations, codes and ordinances within the City of Trenton during the entire period for which the Obsolete Property Rehabilitation Certificate was granted. Under this provision the Company agrees to comply at all its facilities in the City of Trenton with all construction, building and zoning codes in effect during the entire period for which the Obsolete Property Rehabilitation Certificate was granted. Failure to comply shall constitute grounds for revocation of the Obsolete Property Rehabilitation Certificate.
5. Company shall submit to the City Assessor, for the term of the Obsolete Property Rehabilitation Certificate, an annual status report recapping activity for the abated project as of December 31, of each year. The report will be due no later than February 20 of each subsequent year. It will indicate actual moneys expended as of each annual report date, total project actual costs by year of completion and actual number of jobs created or retained as of December 31, of each year of the project. If, as of any annual report date during the life of the project, there is a variation of more than ten percent (10%) in the estimated employment levels or expended moneys from what was set forth in the application, the Company must include an explanation for this variation in the annual status report.

6. Company further agrees that it shall pay all taxes and assessments on the regular ad valorem tax roll, real and personal, hereupon levied on said premises or any equipment or personal property thereon before any penalty for non-payment attaches thereto, beginning with the next tax billing and continuing throughout the term of the Obsolete Property Rehabilitation Certificate. Failure to pay all such taxes as provided above shall be deemed to constitute a breach of this Agreement and City may petition the State Tax Commission to revoke the Obsolete Property Rehabilitation Certificate and/or may otherwise proceed in accordance with the remedies provided by statute. If, at any time during the effective term of the exemption certificate, a participant in the program appeals to the Michigan Tax Tribunal disputing the "taxable value" of the property subject to the tax abatement, the City of Trenton may petition the State Tax Commission to revoke the Obsolete Property Rehabilitation Certificate.
7. Company represents that it intends to remain in business with the City during the term for which the Obsolete Property Rehabilitation Certificate has been approved. Under this provision the Company agrees to maintain buildings, equipment and employment related to the new project as represented by the Company in its application for an Obsolete Property Rehabilitation Certificate. Company also represents that it intends to maintain overall building, equipment and employment at the level as represented by the Company in its application for an Obsolete Property Rehabilitation Certificate. Failure to remain within the limits of the City of Trenton or failure to implement and maintain buildings, equipment and employment related to the new project shall be deemed to constitute a breach of this Agreement and City may petition the State Tax Commission to revoke the Obsolete Property Rehabilitation Certificate. Company acknowledges that failure to remain within the City of Trenton during the entire period for which the Obsolete Property Rehabilitation Certificate was granted shall constitute grounds for immediate revocation of Obsolete Property Rehabilitation Certificate and the denial of the City's consent to the granting of an Obsolete Property Rehabilitation Certificate in a governmental unit to which the Company has relocated or employment has been transferred from the City. Company may present to the City Council those compelling circumstances, which could allow the City Council, in its sole discretion, to approve such transfer.
8. Company does not agree to maintain any specified level of overall employment, for any particular period of time, except as specifically set forth in its Application for an Obsolete Property Rehabilitation Certificate. The City's sole remedy and the Company's sole obligation in the event of an employment shortfall are set forth herein.
9. City acknowledges that in some instances, economic conditions, technology, or conditions beyond the control of the Company may prevent the Company from fulfilling the terms of the Application for an Obsolete Property Rehabilitation Certificate and complying fully with this Agreement. City agrees that it shall give the Company an opportunity to explain to the City Council the reasons for any variations from the representations as contained in the Application for an Obsolete Property Rehabilitation Certificate and the City Council, in its sole discretion, will evaluate the Company's situation prior to taking any action authorized by this Agreement.
10. This Agreement shall become effective upon the issuance of a Certificate in compliance with the Application for an Obsolete Property Rehabilitation



Certificate by the Michigan State Tax Commission and shall be null and void and of no force or effect whatsoever, if the Michigan State Tax Commission fails to issue such a Certificate. This Agreement shall be null and void upon expiration of the Obsolete Property Rehabilitation Certificate.

11. The Affidavit attached as “**Exhibit A**” is incorporated by reference as if fully set forth herein.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written above.

WITNESSES:

COMPANY:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

WITNESSES:

CITY OF TRENTON:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**NOW, THEREFORE, BE IT RESOLVED** by the Trenton City Council of the City of Trenton, that the Economic Development Committee and the Assessor shall follow the above stated guidelines and procedures for granting or denying a real property Tax Incentive for an individual or entity under P.A. 146 of 2000 (As Amended) Obsolete Property Rehabilitation Act.

**ADOPTED, APPROVED AND PASSED BY THE** City Council of the City of Trenton, this 1<sup>st</sup> day of July, 2019.

Moved by Councilman Rzeppa, seconded by Councilman Benedetti, to approve the Real Property Tax Incentive Guidelines and Procedures for Obsolete Property Rehabilitation Act P.A. of 146 of 2000 (as amended).

Carried unanimously.

I-4

City Controller

2018 Municipal Employees Retirement System (MERS) Actuarial Valuation

Moved by Councilman Howey, seconded by Councilman Rzeppa, to receive and place on file the December 31, 2018 MERS actuarial valuation.

Carried unanimously.

I-5

City Engineer

Request to Award Frank & Poet Multi-Purpose Path Asphalt Resurfacing Contract 2018-02

Moved by Councilman Howey, seconded by Councilman Rzeppa, to award the Frank & Poet Multi-Purpose Asphalt Resurfacing Contract 2018-02, to the lowest qualified bidder, S & J Asphalt Paving Company, Inc., in the amount of \$291,500.00, and reject all other bids; and establish a total project budget to include contingency in the amount of \$306,000.00, with funding from Capitals Account #402-265-988.028.

Carried unanimously.

I-6

I.T. Director

Radio Replacement for City Hall

Moved by Councilwoman Baun-Crooks, seconded by Councilman Rzeppa, to concur with the recommendation of the IT Director and purchase the replacement radio from BluTec Systems, in the amount of \$7,856.00, with funding from the computer account, #101-930-934001, and waive the bidding process in the best interest of the City.

Carried unanimously.

### **LATE COMMUNICATIONS**

J-1

THS Athletics

Gold Card Sale

Moved by Councilwoman Baun-Crooks, seconded by Councilman Benedetti, to grant the Trenton High School Athletic Teams permission to sell Gold Cards door to door in the City of Trenton on Wednesday, August 14, 2019, between the hours of 5:00 p.m. and 7:30 p.m., pending Civic Commission approval.

Carried unanimously.

### **DISBURSEMENTS AND STATEMENTS**

Moved by Councilman Howey, seconded by Councilman Perugi, to approve the Authorized Disbursements, July 1, 2019, in the amount of \$551,244.80, and the disbursement payable to B & D Vacuum, in the amount of \$29.98.

Carried unanimously.

### **REPORTS**

Moved by Councilman Howey, seconded by Councilman Perugi, to receive and place on file the Brownfield Redevelopment Authority Minutes, May, 2, 2019; Fire and Police

Pension Board Minutes, May, 15, 2019; and the Planning Commission Public Hearing and Regular Meeting Minutes, June 12, 2019.

Carried unanimously.

**OTHER COUNCIL BUSINESS**

M-1  
Councilman Howey  
Study Session

Moved by Councilman Howey, seconded by Councilman Rzeppa, to reschedule the study session regarding the IT Assessment to follow the July 15 Regular Council Meeting.

Carried unanimously.

**COMMENTS FROM THE COUNCIL AND OFFICIALS**

- |                          |                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councilman Howey         | * Thanked everyone for their efforts at the Summer Festival.                                                                                                                                                                                                                                                                                                      |
| Councilman Rzeppa        | * Thanked Parks and Rec Director Gonyea, the committee and volunteers for their work at the Summer Festival. Wished everyone a happy fourth of July.                                                                                                                                                                                                              |
| Councilwoman Baun-Crooks | * Great weekend at the Summer Festival. Mayor's Breakfast had a great turn out. Paint on Fire Station 2 looks great. Condolences to the LeFevre family. Have a safe and happy fourth of July.                                                                                                                                                                     |
| Councilman Benedetti     | * Great work at the Summer Festival. Condolences to the LeFevre family.                                                                                                                                                                                                                                                                                           |
| Councilman Perugi        | * Wished everyone a safe and happy fourth of July.                                                                                                                                                                                                                                                                                                                |
| Mayor Stack              | * Thanked Summer Festival Committee, Police, Fire, DPW and Library. Limited space at Rotary Park for July 4 fireworks due to water issues. Fireworks start at dusk. Free phone app called Traxx that tells when trains are on the tracks. Flushable wipes are not flushable. Help needed on July 5 at 8:00 a.m. at Rotary Park with cleanup.                      |
| City Clerk Devitt        | * Petitions available for Tuesday, November 5, City General Election. Filing deadline is Tuesday, July 23, by 4:00 p.m. in the Clerk's office. City Hall closed July 4 for Independence Day. Trash pickup delayed one day. Next Regular Council Meeting Monday, July 15, with Study Session at 6:30 p.m., the Regular Meeting at 7:00 p.m. and a Study Session to |

RECORD OF CITY COUNCIL PROCEEDINGS  
CITY OF TRENTON, MICHIGAN  
HELD ON THE 1ST DAY OF JULY 2019

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follow.

- City Assessor Dahlquist \* Have not received tax foreclosure list from Wayne County yet.
- City Treasurer McCullough \* Shout out to Parks and Recreation Director Gonyea, Recreation Business Operations Manager Beaker and volunteer staff at the Token Booth at the Summer Festival. Tax bills were mailed Friday; can be paid until Tuesday, September 3 without penalty.
- Parks and Rec. Dir. Gonyea \* Outdoor concert at Cultural Center Wednesday, July 10 at 7:00 p.m. Looking for volunteers to assist with Lions Park playground build Friday, July 12 from 8:00 a.m. to noon.
- Director of Police and Fire Voss \* Five-year agreement with Equature to provide body cameras at no cost to the City. Reminder to residents to be patient during Fourth of July traffic and road closures. Thanks to all employees who worked the Summer Festival. No parking on railroad property.

**MOTION TO ADJOURN** by Councilman Howey, seconded by Councilman Rzeppa, at 7:26 p.m.

APPROVED BY:

\_\_\_\_\_  
KYLE F. STACK, MAYOR

\_\_\_\_\_  
DEBRA R. DEVITT, CITY CLERK

MINUTES PREPARED BY: Eric J. Hoshaw, Deputy City Clerk

APPROVED ON: \_\_\_\_\_

INFORMATIONAL ITEMS:

1. Wayne County Treasurer's Office: 3rd Annual Veterans Resource Fair
2. Comcast: TiVo Customers, Accessing Xfinity On Demand App
3. State of Michigan: Notice of Hearing, DTE Electric Company, Case No. U-20521