

**MINUTES OF REGULAR ROMULUS CITY COUNCIL MEETING
SEPTEMBER 26, 2011**

Romulus City Hall Council Chambers, 11111 Wayne Rd. Romulus, MI 48174

The meeting was called to order at 7:30 p.m. by Mayor Pro-Tem LeRoy D. Burcroff.

Present: John Barden, LeRoy Burcroff, Linda Choate, William Crova, Celeste Roscoe, William Wadsworth, Eva Webb.

Administrative Officials in Attendance:

Alan R. Lambert, Mayor

Ellen L. Craig-Bragg, Clerk

Stacy Paige, Treasurer

Pledge of Allegiance

Roll Call

1. **Agenda** – Approval.
2. **Minutes**
 - A. Approval of the minutes from the regular meeting held September 12, 2011.
3. **Petitioner: None**
4. **Chairperson's Report – LeRoy D. Burcroff, Mayor Pro Tem**
5. **Mayor's Report – Alan R. Lambert, Mayor**
 - A. Bid Award 11/12-02; Universal Sensor for Leak Detection – DPW.
 - B. Bid Award 11/12-04; Cold Patch.
 - C. Introduction of Budget Amendment 10/11-33, General Fund.
 - D. Introduction of Budget Amendment 10/11-34, General Fund.
 - E. Introduction of Budget Amendment 10/11-35, General Fund.
 - F. Fiscal Year 2011 Encumbrance Listing.
 - G. **For Your Information:**
 1. Communication from Thomas Wilson, DPW Director, RE: Emergency Repair Fire Truck # R-4.
- 6A. **Clerk's Report – Ellen L. Craig-Bragg, Clerk**
 1. Second reading and final adoption of amended City of Romulus Code of Ordinances Chapter 38, Romulus Employee Pension Plan.
 2. Request for a study session from DPW Director, Tom Wilson, to discuss the Sanitary Sewer Evaluation Study (SSES).
 3. Request for a study session from fire chief, David Allison, to discuss an open-burning ordinance.

For Your Information:

 1. County-sponsored household hazardous waste & electronic waste collections.
 2. Notice of hearing – Detroit Edison – Sept. 30, 2011 at 9:00 a.m. Lansing, MI.
- 6B. **Treasurer's Report – Stacy Paige, Treasurer**
 1. Request for a study session on Monday, October 3, 2011 at 6:30 p.m. to discuss third and fourth quarter investments (January – June, 2011).
7. **Public Comment** – Citizens are to limit their comments to three (3) minutes. All citizens wishing to speak will be heard.
8. **Unfinished Business**
9. **New Business**
10. **Communication**
11. **Warrant 11-18** Checks presented for approval - \$722,343.27.
12. **Adjournment**

1. Moved by Crova, seconded by Barden to accept the agenda as presented.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
 Nays – None
 Motion Carried Unanimously.

11-261 2A. Moved by Wadsworth, seconded by Webb to approve the minutes of the regular meeting of the Romulus City Council held September 12, 2011.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
 Nays – None
 Motion Carried Unanimously.

4. Moved by Barden, seconded by Crova to accept the chairperson’s report.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
 Nays – None
 Motion Carried Unanimously.

11-262 5A. Moved by Crova, seconded by Barden to award Bid 11/12-02 for the acquisition of a universal sensor for water leak detection equipment for the City of Romulus Department of Public Works to the lowest bidding company, SLC Meter Service, Inc. in the amount of \$14,970.00.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
 Nays – None
 Motion Carried Unanimously.

11-263 5B. Moved by Wadsworth, seconded by Roscoe to award Bid 11/12-04 to establish unit pricing for cold patch for the six month period starting October 1, 2011 to the two qualifying companies, Barrett Paving Materials in the amount of \$98.45 per ton pickup price and Ajax Materials Corporation in the amount of \$98.50 per ton pickup prices.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth.
 Nays – Webb.
 Motion Carried.

11-264 5C. Moved by Crova, seconded by Choate to concur with the recommendation of Debra Hoffman, Finance Director, to introduce Budget Amendment 10/11-33 to recognize the reimbursement and the expenditure for the E-light grant approved with Council resolution 11-103.

<u>FUND/DEPT.</u>		<u>CURRENT</u>		<u>AMENDED</u>
<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>BUDGET</u>	<u>AMENDMENT</u>	<u>BUDGET</u>
GENERAL FUND				
<u>Revenue</u>				
101-3110-512.58-41	DCC Cops Grant Revenue	19,050	19,000	38,050
<u>Expense</u>				
101-3110-731.80-16	DCC Cops Grant Expense	19,050	19,000	38,050
To recognized the reimbursement and the expenditure for the E-light grant approved with Council resolution 11-103				

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
 Nays – None
 Motion Carried Unanimously.

11-265 5D. Moved by Webb, seconded by Barden to concur with the recommendation of Debra Hoffman, Finance Director, to introduce Budget Amendment 10/11-34 to recognize unanticipated library separation costs from the Wayne County System through May, 2011.

<u>FUND/DEPT.</u>		<u>CURRENT</u>		<u>AMENDED</u>
<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>BUDGET</u>	<u>AMENDMENT</u>	<u>BUDGET</u>
GENERAL FUND				
<u>Expense</u>				
101-5120-751.77-60	Contr Svcs/WC Library Contract	147,500	27,824	175,324
<u>Fund Balance</u>				
101-0000-390.00-00	General Fund Fund Balance	1,226,389	(27,824)	1,198,565

To recognize unanticipated library separation costs from the Wayne County System through May 2011.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Wadsworth, Webb.
 Nays – Roscoe.
 Motion Carried.

11-266 5E. Moved by Wadsworth, seconded by Crova to concur with the recommendation of Debra Hoffman, Finance Director, to introduce Budget Amendment 10/11-35 to recognize additional building permit revenue.

<u>FUND/DEPT.</u>		<u>CURRENT</u>		<u>AMENDED</u>
<u>ACCOUNT NO.</u>	<u>ACCOUNT NAME</u>	<u>BUDGET</u>	<u>AMENDMENT</u>	<u>BUDGET</u>
GENERAL FUND				
<u>Revenues</u>				
101-3910-511.47-70	Building Dept Permits	300,000	27,824	327,824
<u>Fund Balance</u>				
101-0000-390.00-00	General Fund Fund Balance	1,198,565	27,824	1,226,389

To recognize additional building permit revenue.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Wadsworth.
 Nays – Roscoe, Webb.
 Motion Carried.

11-267 5F. Moved by Crova, seconded by Choate to concur with the recommendation of Debra Hoffman, Finance Director, and respectfully request Council’s approval of the FY 2010/2011 encumbrances for supplies and services in the amount of \$604,896.44.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
 Nays – None
 Motion Carried Unanimously

11-268 6A1. Moved by Webb. seconded by Roscoe to approve second reading and final adoption of amended City of Romulus Code of Ordinances, Chapter 38, Romulus Employee Pension Plan.

**CITY OF ROMULUS
APPENDIX B
CHAPTER 38**

ROMULUS EMPLOYEES PENSION PLAN

An Ordinance to amend the City of Romulus Code of Ordinances Chapter 38 Romulus Employee Pension Plan.

THE CITY OF ROMULUS ORDAINS:

Section 1: Short Title

This ordinance shall be known and cited as the Ordinance Amendment Required by the Internal Revenue Service in 2011 for Plan Qualification under the Amended Romulus Employee Pension Plan.

Section 2: Sec. 38.1.2(m) of the City of Romulus Employees' Pension Plan Ordinance as restated effective July 1, 2009 is amended effective July 1, 2009 to read as follows:

(m) *Compensation* means the following:

For all purposes except applying the limitation of Code Section 415, "Compensation" means for the period in question a Participant's base pay from the City for services rendered, **including** Participant Contributions to this Plan and elective contributions on behalf of the Participant to any eligible deferred compensation plan described in Code Section 457, **but excluding** bonuses, overtime pay, Code section 132(f)(4) qualified transportation fringe benefits, any City Contribution made to this Plan, any contribution made by the City to any other pension, profit sharing, insurance, hospitalization or other policy maintained by the City for the benefit of such Participant, and all other extraordinary and unusual payments, provided that for AFSCME Participants, base pay shall be calculated by multiplying such Participant's hourly rate times eight (8) for each day worked and for each day for which such Participant is entitled to compensation even though such Participant does not work. Compensation as defined under this paragraph shall exclude any amount attributable to a period while the individual in question was not a Participant in the Plan.

For the purpose of applying the limitation of Code Section 415, "Compensation" for a Limitation Year means the sum of (1) and (2) as follows:

(1) the total earned income, wages, salaries and other amounts actually received (without regard to whether or not the amount is paid in cash) by the Participant from the City for personal services rendered in the course of employment with the City, as reportable for federal income tax purposes, **excluding in any event the following:**

(a) contributions to a plan of deferred compensation which are not includable in the employee's gross income for the taxable year in which contributed, or City contributions under a simplified employee pension plan to the extent such contributions are deductible by the employee, or any distributions from a plan of deferred compensation;

(b) amounts realized from the exercise of a nonqualified stock option, or when restricted stock (or property) held by the employee either becomes freely transferable or is no longer subject to a substantial risk of forfeiture;

(c) amounts realized from the sale, exchange or other disposition of stock acquired under a qualified stock option;

(d) other amounts which received special tax benefits, such as premiums for group term life insurance (but only to the extent that the premiums are not includable in the gross income of the employee), or contributions made by the City (whether or not under a salary reduction agreement) towards the purchase of an annuity described in Section 403(b) of the Internal Revenue Code (whether or not the amounts are actually excludable from the gross income of the employee);

plus,

(2) the following types of salary deferrals attributable to such Participant;

(a) all elective contributions made under an Internal Revenue Code Section 401(k) plan, an Internal Revenue Code Section 125 cafeteria plan, a simplified employee pension plan as defined in Section 402(h)(1)(B) of the Internal Revenue Code, or an Internal Revenue Code Section 403(b) tax deferred annuity;

(b) all compensation deferred under an eligible deferred compensation plan as defined in Internal Revenue Code Section 457;

(c) all employee contributions under government plans that are treated as employer contributions under Internal Revenue Code Section 414(h)(2), including Participant Contributions picked up and paid by the City under this Plan; and

(d) any amounts not included in taxable income by reason of Section 132(f) of the Internal Revenue Code.

For purposes of subparagraph 2(a) above, elective contributions made under an Internal Revenue Code Section 125 cafeteria plan shall include any amounts not available to a Participant in cash in lieu of group health coverage because the Participant is unable to certify that such Participant has other health coverage (deemed Internal Revenue Code Section 125 compensation). An amount shall be treated as an elective contribution made under an Internal Revenue Code Section 125 cafeteria plan only if the City does not request or collect information regarding the Participant's other health coverage as part of the enrollment process for the health plan.

For purposes of applying the Annual Additions limitation set forth in Code Section 415 and section 38.4.5 of this Plan, Compensation for a particular Limitation Year with respect to a Participant shall be those amounts actually paid or made available to a Participant within the Limitation Year and while he is an Employee. Likewise, for other purposes under the Plan, a Participant's Compensation with respect to a particular period shall mean his Compensation actually paid or otherwise made available to the Participant during such period and while he

is an Employee. Except as otherwise specifically provided in the following paragraph, amounts accrued but not yet paid shall only be taken into account when actually paid or otherwise made available.

Notwithstanding the provisions of the preceding paragraph to the contrary, for purposes of Code Section 415 and Sec. 38.4.5 of this Plan, Compensation determined with respect to any Participant for any Limitation Year or Plan Year commencing on or after July 1, 2007, shall include certain post-termination compensation amounts paid to him by the City by the later of: two and one-half (2-1/2) months after his termination of employment with the City, or by the end of the limitation year that includes the date of his termination of employment with the City. Such post-termination compensation amounts shall include amounts that would have been payable to such Participant for service during regular working hours or outside regular working hours (such as overtime or shift differential), commissions, bonuses or other similar amounts, if he had continued in the employment of the City. In addition, post-termination compensation amounts attributable to accrued bona fide sick, vacation, or other leave, shall also be recognized as Compensation under the Plan to the extent the Participant would have been able to use the accrued leave if his employment with the City had continued.

The annual Compensation of each Participant taken into account for any purpose under the Plan for any Plan Year or Limitation Year commencing on or after January 1, 2002, shall not exceed two hundred thousand dollars (\$200,000) as adjusted for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code. The cost of living adjustment in effect for a calendar year applies to the Plan Year or Limitation Year beginning in such calendar year.

If a Plan Year or Limitation Year consists of fewer than twelve (12) months, the Compensation limit in effect for the calendar year in which such Plan Year or Limitation Year begins shall be multiplied by a fraction, the numerator of which is the number of months in the Plan Year or Limitation Year, and the denominator of which is twelve (12).

Section 38.4.6

Sec. 38.4.6 of the City of Romulus Employees' Pension Plan Ordinance restated effective July 1, 2009 is amended effective July 1, 2009 to add the following new paragraph (g):

(g) Notwithstanding anything in this Plan to the contrary, a Participant shall be one hundred percent (100%) vested in all his Accounts in the Plan on the date he completes the requirements for Normal Retirement other than termination of employment with the City or Court, as described in the definition of Normal Retirement Date in Sec. 38.1.2(s) above.

Section 3: Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4: Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5: Severability

Should any clause, sentence, paragraph, subsection or section of this Article be declared void or otherwise invalid, for any reason, by any court, such declaration shall not affect any portion of this Article other than the part specifically declared to be void.

Section 6: Effective Date

This ordinance shall become effective immediately upon publication in the official newspaper.

I, Ellen L. Craig-Bragg, Clerk for the City of Romulus, Michigan, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Romulus City Council at its regular meeting held on the 26th day of September, 2011.

Ellen L. Craig-Bragg, Clerk, City of Romulus, Michigan

Attest: ALAN R. LAMBERT, MAYOR

Within forty-five (45) days after the publication of any ordinance duly passed by the Council, a petition may be presented to the Council protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by not less than six percent (6%) of the registered electors registered at the last preceding election at which a Mayor of the City was elected. Said ordinance shall thereupon and thereby be suspended from operation and the Council shall immediately reconsider such ordinance.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.

Nays – None

Motion Carried Unanimously

11-269 6A2. Moved by Wadsworth, seconded by Crova to schedule a study session to discuss Sanitary Sewer Evaluation Study (SSES) on Monday, October 3, 2011 at 6:00 p.m. to be held in the City Hall Council Chambers, 11111 Wayne Road, Romulus, MI 41874. **(Rescinded - See Resolution # 11-271)**

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.

Nays – None

Motion Carried Unanimously

11-270 6A3. Moved by Barden, seconded by Wadsworth to schedule a study session to discuss an open-burning ordinance on Monday, October 3, 2011 at 6:00 p.m. to be held in the City Hall Council Chambers, 11111 Wayne Road, Romulus, MI 48174.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
Nays – None
Motion Carried Unanimously

11-271 6A2. Moved by Wadsworth, seconded by Crova to rescind resolution number 11- 269 and to schedule a study session to discuss Sanitary Sewer Evaluation Study (SSES) on Monday, October 10, 2011 at 7:00 p.m. to be held in the City Hall Council Chambers, 11111 Wayne Road, Romulus, MI 48174.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
Nays – None
Motion Carried Unanimously

11-272 6B1. Moved by Roscoe, seconded by Barden to schedule a study session to discuss third and fourth quarter investments (January – June, 2011) on Monday, October 3, 2011 at 6:30 p.m. to be held in the City Hall Council Chambers, 11111 Wayne Road, Romulus, MI 48174.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
Nays – None
Motion Carried Unanimously

11-273 10. Moved by Webb, seconded by Barden to adopt a memorial resolution for the family of Thelma Mathews.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
Nays – None
Motion Carried Unanimously

11-274 11. Moved by Barden, seconded by Choate to authorize the city treasurer to disburse funds as listed In Warrant 11-18 in the amount of Seven Hundred Twenty-Two Thousand, Three Hundred Forty-Three Dollars and Twenty-Seven Cents (\$722,343.27).

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Roscoe, Wadsworth, Webb.
Nays – None
Abstain – Crova.
Motion Carried.

12. Moved by Wadsworth, seconded by Roscoe to adjourn the regular meeting of the Romulus City Council.

Roll Call Vote: Ayes – Barden, Burcroff, Choate, Crova, Roscoe, Wadsworth, Webb.
Nays – None
Motion Carried Unanimously.

I, Ellen L. Craig-Bragg, Clerk for the City of Romulus, Michigan do hereby certify the foregoing to be a true copy of the minutes of the regular meeting of the Romulus City Council held on September 26, 2011.



Ellen L. Craig-Bragg, City Clerk
City of Romulus, Michigan