

CITY OF WYANDOTTE
REGULAR CITY COUNCIL MEETING

A Regular Session of the Wyandotte City Council was held via Virtual Telecommunication methods, due to COVID-19 in accordance with Executive Order 2020-48 using the Zoom Audio platform, on Monday, April 20, 2020, and was called to order at 7:00pm with Honorable Mayor Joseph R. Peterson presiding.

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

Present: Councilpersons Robert Alderman, Christopher Calvin, Robert DeSana, Megan Maiani, Leonard Sabuda, and Donald Schultz

ABSENT: None

Also, Present: City Treasurer, Todd Browning; Theodore Galeski, City Assessor; William Look, City Attorney; Greg Mayhew, City Engineer; and Lawrence Stec, City Clerk

PRESENTATIONS

PRESENTATION OF PETITIONS

PUBLIC HEARINGS

UNFINISHED BUSINESS

CALL TO THE PUBLIC

CONSENT AGENDA

2020-74 MINUTES

By Councilperson Schultz, supported by Councilperson Maiani
RESOLVED that the minutes of the meeting held under the date of March 2, 2020, be approved as recorded, without objection.
Motion unanimously carried.

2020-75 QUARTERLY INVESTMENT REPORTS – 3Q & 4Q 2019

By Councilperson Schultz, supported by Councilperson Maiani
BE IT RESOLVED that Council hereby receives and places on file the 2019 3rd and 4th Quarter Quarterly Investment Report submitted on April 20, 2020 by the Deputy Treasurer/Assistant Finance Director.
Motion unanimously carried.

2020-76 2020 BISHOP PARK CONCESSION LEASE

By Councilperson Schultz, supported by Councilperson Maiani
RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the Superintendent of Recreation and the Recreation Commission to award a one year extension to operate the Bishop Park Concession Stand for the 2020 season to Mohammed Motahhar, in the amount of \$2,000 provided the proper insurance is placed on file in the City Clerk's Office and all stipulations are adhered to as outlined in said lease; AND
BE IT FURTHER RESOLVED that the Council authorizes the Mayor and City Clerk to sign said lease agreement on behalf of the City of Wyandotte.
Motion unanimously carried.

2020-77 2020/2021 BLOUNT CRUISE SHIP DOCKINGS

By Councilperson Schultz, supported by Councilperson Maiani
 RESOLVED by the City Council that Council CONCURS with the recommendation of the Superintendent of Recreation and hereby APPROVES the Bishop Park Docking Agreement with Blount Small Ship Adventures for 2020-2021. Ships will dock on June 29, July 11, August 18, August 23, August 30, and September 4 of 2020 and 2021, at a rate of \$200 per day plus \$25 per docking for garbage removal; AND
 BE IT FURTHER RESOLVED that the City Council authorizes the Mayor and City Clerk to sign the docking contract.
 Motion unanimously carried.

2020-78 2020 WASF GUIDE BOOK

By Councilperson Schultz, supported by Councilperson Maiani
 BE IT RESOLVED that Council concurs with the recommendation of the Special Event Coordinator to approve the contract between the City of Wyandotte and Community Publishing in the amount of \$5,000 for the 2020 WSAF Guide Book to be inserted in their June publication of the Wyandotte Today Magazine with funds to be paid from the WSAF Expense Account #285-225-925-860.
 BE IT FURTHER RESOLVED that Mayor and City Clerk are authorized to execute said contract on behalf of the City of Wyandotte.
 Motion unanimously carried.

2020-79 MIMI'S MISSION NON-PROFIT STATUS REQUEST

By Councilperson Schultz, supported by Councilperson Maiani
 RESOLVED that Council approves the request from Mimi's Mission to be recognized as a non-profit organization operating in the community for the purpose of obtaining a Charitable Gaming License.
 Motion unanimously carried.

NEW BUSINESS

2020-80 STATE OF EMERGENCY – CITY OF WYANDOTTE

By Councilperson Schultz, supported by Councilperson Maiani
 WHEREAS, the City of WYANDOTTE (the "City") is taking proactive steps to prevent and prepare for the spread of the outbreak of the novel coronavirus (COVID-19);
 WHEREAS, any widespread local outbreak of COVID-19 could hinder and/or cease operations of the City and overwhelm governmental services; including, Emergency Medical Services, Hospitals, Urgent Cares, utilities, Fire and Police services;
 WHEREAS, the spread of COVID-19 falls within definitions of the Emergency Management Act of 1976, Act 390 of 1976, represents an occurrence or threat of widespread or severe damage, injury or loss of life;
 WHEREAS, as a result of this ongoing situation and the uncertainty of the impact to WYANDOTTE's residents and City employees, the City believes it is necessary to authorize the Mayor or his designee to take steps to protect the health and safety of City residents and employees and to create reasonable flexibility to react and take action to COVID-19 threat;
 WHEREAS, the City shall require heightened and strict protocols for WYANDOTTE's Fire, Police, and Public Works Departments, when required to enter residences and for any interaction with the general public and shall work to limit face-to-face interactions between the City employees and potentially infected general public during daily business;
 WHEREAS, it has become necessary based upon the above stated conditions for the City Council to declare by this Resolution a "State of Emergency" as authorized under Section 10 of Act 390, P.A. 1976 and grant the Mayor or his designee the emergency powers and authority provided therein; including, but not limited to: authority to direct and coordinate the development of emergency operations plans and programs in accordance with the policies and plans established by the appropriate federal, state and local agencies; authority to appropriate and expend funds, make contracts, and obtain and distribute

equipment, materials, and supplies for disaster purposes and to maintain the operations and services of the City; authority to suspend or not enforce any or all City Ordinances, regulations, policies, or practices adverse to the health and safety of residents; authority to order closure of any governmental building, program, activity, meeting, or service; authority to suspend any activity, program or service with or without notice; authority to approve or add any service, function or activity deemed necessary to protect the health and safety of residents and employees; authority to provide for the health and safety of persons and property including providing emergency assistance and coordination of the local response to emergencies within the municipality; authority to appoint, employ, remove, or provide fire, police and other personnel as needed; authority to schedule, reschedule, restrict and/or cancel, with or without notice, any meeting of any City Board; Commission, or Sub-Committee, including any or all Planning Commission, Zoning Board of Appeals or other City meeting and to otherwise restrict or impose reasonable safeguards for all approved meetings; authority to terminate or suspend any and all permits, licenses, or permissions granted by the City which are adverse to the health and safety of residents, including the termination or suspension of any application or existing solicitation permit, temporary retail permit or any other permit, license or permission reasonably expected to increase personal interaction or spread of the virus without appropriate safeguards;

WHEREAS, all City Departments, employees, consultants and independent contractors are hereby directed to keep records of all expenditures, costs and expenses incurred as a result of the City's response to this emergency situation;

NOW THEREFORE BE IT RESOLVED, by passage of this Resolution the WYANDOTE City Council, in accordance with Section 10 of Act 390, P.A. 1976, as amended, hereby declares that a "State of Emergency" exists within our jurisdiction as of March 23rd, 2020, and that the City Mayor and his designee are hereby granted the above temporary authority and as otherwise provided by statute through May 4, 2020, unless extended;

BE IT FURTHER RESOLVED, a certified copy of this resolution will be by LEIN or facsimile to the Commanding Officer of the Emergency Management Division, Department of State Police (LEIN code: ELES), MSP Special Operations Division (LEIN code: ELOP), and the appropriate EMO District Coordinator, pursuant to Section 10 of Act 390, P.A. 1976, as amended.

Motion unanimously carried.

2020-81 EMERGENCY PAID SICK LEAVE ACT

By Councilperson Schultz, supported by Councilperson Maiani

CITY OF WYANDOTTE

RESOLUTION OF CITY OF WYANDOTTE EMERGENCY RESPONDERS EMERGENCY PAID SICK LEAVE ACT REGARDING COVID-19

Whereas, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death that can easily spread from person to person; and

Whereas, in response to the outbreak on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a Public health emergency; and

Whereas, on March 10, 2020, Governor Gretchen Whitmer declared a state of emergency across the State of Michigan pursuant to Executive Order No. 2020-4; and

Whereas, on March 13, 2020, President Donald Trump declared a national state of emergency due to the outbreak; and

Whereas, in response to the present public health crisis, the House of Representatives adopted House Resolution 6201 establishing the Emergency Family Medical Leave Expansion Act; and

Whereas, pursuant to the language in the statute which goes into effect on April 2, 2020, Section 3105, special rule for health care providers and emergency responders provides that employer of an employee who is a health care provider or an emergency responder may elect to exclude such employees from the application of this provision and the amendments made under Section 3102 of this Act; and

Whereas, additional protections have also been afforded to first responders because of the important and critical nature of their continued working and responding to duty during this emergency; and

Whereas, the public safety of the residents of City of Wyandotte remains the critical concern at present and the necessity of acting in accordance with this special rule is in the best interests of the residents of the City.

NOW THEREFORE BE IT RESOLVED:

1. That the City Council of the City of Wyandotte has as determined effective, Monday, March 30, 2020 exempt all emergency responders from the provisions of Emergency Paid Sick Leave Act.
Motion unanimously carried.

2020-82 EMERGENCY FAMILY MEDICAL LEAVE EXPANSION ACT

By Councilperson Schultz, supported by Councilperson Maiani

CITY OF WYANDOTTE

RESOLUTION OF CITY EMERGENCY RESPONDERS EMERGENCY FAMILY MEDICAL LEAVE EXPANSION ACT REGARDING COVID-19

Whereas, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death that can easily spread from person to person; and

Whereas, in response to the outbreak on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a Public health emergency; and

Whereas, on March 10, 2020, Governor Gretchen Whitmer declared a state of emergency across the State of Michigan pursuant to Executive Order No. 2020-4; and

Whereas, on March 13, 2020, President Donald Trump declared a national state of emergency due to the outbreak; and

Whereas, in response to the present public health crisis, the House of Representatives adopted House Resolution 6201 establishing the Emergency Family Medical Leave Expansion Act; and

Whereas, pursuant to the language in the statute which goes into effect on April 2, 2020, Section 3105, special rule for health care providers and emergency responders provides that employer of an employee who is a health care provider or an emergency responder may elect to exclude such employees from the application of this provision and the amendments made under Section 3102 of this Act; and

Whereas, additional protections have also been afforded to first responders because of the important and critical nature of their continued working and responding to duty during this emergency; and

Whereas, the public safety of the residents of the City remains the critical concern at present and the necessity of acting in accordance with this special rule is in the best interests of the residents of the City.

NOW THEREFORE BE IT RESOLVED:

1. That the City Council of the City of Wyandotte has as determined effective, Monday, March 30, 2020 exempt all emergency responders from the provisions of Emergency Medical and Family Leave Expansion Act.
Motion unanimously carried.

2020-83 REAPPOINTMENT – DEPARTMENT OF LEGAL AFFAIRS

By Councilperson Schultz, supported by Councilperson Maiani

RESOLVED by the City Council hereby re-appoints the firm of Look Makowski and Look, P.C. as the Department of Legal Affairs for the City of Wyandotte for a two-year term effective April 20, 2020 to April 19, 2022 with a salary of \$80,000 per year to come from Account Number 101-200-825-330.

Motion unanimously carried.

2020-84 APPOINTMENT TO PLANNING COMMISSION – K. STEC

By Councilperson Schultz, supported by Councilperson Maiani

WHEREAS, a vacancy has occurred on the Planning Commission due to the death of Commissioner Bob Benson; and

WHEREAS, City Council extends their deepest condolences to the family of Bob Benson as well as thanks and appreciation for the service Bob has given to the City of Wyandotte;

BE IT RESOLVED that City Council hereby CONCURS with the recommendation of Mayor Peterson to appoint Kelly Stec of 2414 15th St., Wyandotte, MI to the Planning Commission. Term to expire April 2023.

Motion unanimously carried.

2020-85 DEFICIT ELIMINATION PLAN – EQUIPMENT & REPLACEMENT FUND

By Councilperson Schultz, supported by Councilperson Maiani

WHEREAS, the financial statements of the City of Wyandotte show a deficit in the Equipment and Replacement Fund; and

WHEREAS, The City of Wyandotte is required to adopt A Deficit Elimination Plan that addresses said deficit in the Equipment and Replacement Fund; and

WHEREAS, Staff has prepared the Deficit Elimination Plan to address the requirement; now therefore

BE IT RESOLVED BY CITY COUNCIL, That Council adopts the Deficit Elimination Plan; and

BE IT FURTHER RESOLVED BY CITY COUNCIL, That the Deputy Treasurer/Assistant Finance Director be and hereby is directed to make any necessary filings of the Deficit Elimination Plan to ensure compliance with accounting requirements.

Motion unanimously carried.

2020-86 DEFICIT ELIMINATION PLAN – CONSTRUCTION FUND

By Councilperson Schultz, supported by Councilperson Maiani

WHEREAS, the financial statements of the City of Wyandotte show a deficit in the Construction Fund; and WHEREAS, The City of Wyandotte is required to adopt a Deficit Elimination Plan that addresses said deficit in the Construction Fund; and

WHEREAS, Staff has prepared the attached proposed Deficit Elimination Plan along with budget amendments to address the requirement; now therefore

BE IT RESOLVED BY CITY COUNCIL, That Council adopts the Deficit Elimination Plan; and

BE IT FURTHER RESOLVED BY CITY COUNCIL, That the Deputy Treasurer/Assistant Finance Director be and hereby is directed to make any necessary filings of the Deficit Elimination Plan to ensure compliance with accounting requirements.

Motion unanimously carried.

2020-87 DEFICIT ELIMINATION PLAN – BROWNFIELD REDEV. AUTH. FUND

By Councilperson Schultz, supported by Councilperson Maiani

WHEREAS, the financial statements of the City of Wyandotte show a deficit in the Brownfield Redevelopment Authority Fund; and

WHEREAS, The City of Wyandotte is required to adopt A Deficit Elimination Plan that addresses said deficit in the Brownfield Redevelopment Authority Fund; and

WHEREAS, Staff has prepared the attached proposed Deficit Elimination Plan to address the requirement; now therefore

BE IT RESOLVED BY CITY COUNCIL, That Council adopts the Deficit Elimination Plan for the Brownfield Redevelopment Authority Fund; and

BE IT FURTHER RESOLVED BY CITY COUNCIL, That the Deputy Treasurer/Assistant Finance Director be and hereby is directed to make any necessary filings of the Deficit Elimination Plan to ensure compliance with accounting requirements.

Motion unanimously carried.

2020-88 WPD PURCHASE OF BODY WORN CAMERAS

By Councilperson Schultz, supported by Councilperson Maiani

BE IT RESOLVED BY THE CITY COUNCIL that the Council concurs with the approval to purchase Body Worn Cameras from Axon (Bid File #4777) in the amount of \$63,917.00, enter in to a Total Assurance Plan agreement for (5) years in the amount of \$31,730.00. each year, with total cost after 6 years in the amount of \$190,837.00; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL authorizes the police department to proceed with this purchase.

Motion unanimously carried.

2020-89 1ST AMEND. TO MAINTENANCE AGREEMENT – WAYNE METRO CAA

By Councilperson Schultz, supported by Councilperson Maiani

RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the City Engineer regarding the 1st Amendment to the Maintenance Agreement between the City of Wyandotte and Wayne Metropolitan Community Action Agency is hereby approved; AND

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute said 1st Amendment as presented to Council.

Motion unanimously carried.

2020-90 BID FILE #4719: WASTE MANAGEMENT CONTRACT AMENDMENT

By Councilperson Schultz, supported by Councilperson Maiani

Resolved by City Council that Council concurs with the recommendation of the City Engineer and approves the contract amendment to Waste Management's Contract for File #4719 Solid Waste Collection Program, and further, authorizes the Mayor and City Clerk to sign said contract amendment.

Motion unanimously carried.

2020-91 BID FILE #4707: CONTRACT EXTENSION – ASPHALT RESURFACING

By Councilperson Schultz, supported by Councilperson Maiani

Resolved by City Council that Council agrees with the recommendation of the City Engineer and approves the contract extension of Bid File #4707 for Al's Asphalt Paving Co. in the amount of \$2,200,000 paid from the following accounts: \$542,000 from account #202-440-825-460, \$842,000 paid from account #203-440-825460, \$816,000 paid from account #492-200-825-460.

Motion unanimously carried.

2020-92 BID FILE #4757: CONTRACT EXT. – BITUMINOUS STREET JOINT & CRACK SEALING

By Councilperson Schultz, supported by Councilperson Maiani

Resolved by City Council that Council agrees with the recommendation of the City Engineer and approves the contract extension of Bid File #4757 for Michigan Joint Sealing in the amount of \$530,000 which shall be paid from the following accounts: \$261,000 from account #202-440-825-460 and \$269,000 paid from account #492-200-825-460.

Motion unanimously carried.

2020-93 BID FILE #4726: CONTRACT EXTENSION – GRASS CUTTING SERVICES

By Councilperson Schultz, supported by Councilperson Maiani

Resolved by City Council that Council agrees with the recommendation of the City Engineer and APPROVES the contract extension of Bid File #4726 for U.S. Lawns of Livonia in the amount of \$70,944 paid from the following accounts: \$60,192 from account #492-200-850-520 and \$10,752 paid from account #101-448-825480.

Motion unanimously carried.

2020-94 BID FILE #4778: DEMOLITION OF VARIOUS STRUCTURES

By Councilperson Schultz, supported by Councilperson Maiani

RESOLVED that Council concurs with the recommendation of the City Engineer and approves the award for Bid File #4778 to Pro Excavation of Wyandotte, MI, for the Demolition of Various Structures in the amount of \$264,000, and authorizes the Mayor and City Clerk to proceed with the execution of this contract, and,

FURTHER RESOLVED the project will be funded from account 492-200-850-519 in the amount of \$264,000 for the demolition of structures at:

351 HUDSON STREET

321 SYCAMORE STREET

2303 3RD STREET

425-429 ST. JOHNS STREET

569 ORANGE STREET

2557 BIDDLE AVENUE

616 ORANGE STREET

2533 BIDDLE AVENUE

405 CHERRY STREET

863 8TH STREET

Motion unanimously carried.

2020-95 COMPOSTING AGREEMENT

By Councilperson Schultz, supported by Councilperson Maiani

RESOLVED by the City Council that Council approves the Composting Agreement with Regulated Resource Recovery, Inc. to provide processing of compost materials for the City at the unit rate of \$8.75 per cubic yard, and

FURTHER RESOLVED that the Mayor is authorized to execute said Composting Agreement.

Motion unanimously carried.

2020-96 FINAL READING #1485: RETIREMENT ALLOWANCE ORDINANCE

By Councilperson Schultz, supported by Councilperson Maiani

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND SECTIONS 2-206(1), 2-206(2) DEFINITION OF "FINAL AVERAGE COMPENSATION" 2-206 DEFINITION OF "POLICEMAN OR FIREMAN MEMBER", 2-206 DEFINITION OF "VOLUNTARY RETIREMENT AGE", 2-207(c),(1),(4) "MEMBERSHIP", 2-214 "POLICEMAN AND FIREMAN MEMBER RETIREMENT ALLOWANCE", 2-221(b) "RETIREMENT ALLOWANCE OPTIONS", AND 2-245(b) "SPECIAL SUPPLEMENTAL RETIREMENT BENEFIT ALLOWANCE" OF THE CODE OF ORDINANCES OF THE CITY OF WYANDOTTE.

The City of Wyandotte Ordains:

Section 1. Amendment of Sec. 2-206. "Definitions" by amending the definition of "Final Average Compensation"

Sec. 2-206. Definitions

Final Average Compensation means:

1. For general members, the average of any three (3) consecutive years of a member's credited service producing the highest total amount of said member's base wage plus the average longevity payments made to the member during the last three (3) years of his employment, effective October 6, 1980. If a member has less than three (3) years of credited service, his final average compensation received by him during his total period of credited service. Notwithstanding anything herein to the contrary, effective October 5, 1987, for members of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, and for members of the Police Officers Association of Michigan (P.O.A.M.), final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) shall also include a member's accrued vacation and sick leave paid on retirement, provided however, that said accrued vacation and sick leave amounts shall in no event increase a member's final average compensation more than ten (10) per cent. Notwithstanding anything herein to the contrary, effective February 1, 1990, for nonunion general members, for members of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, and members of the F.O.P. police/fire dispatcher/clerical, final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) shall also include a member's accrued

vacation and sick leave paid on retirement, provided however, that said accrued vacation and sick leave amounts shall in no event increase a member's final average compensation more than twenty-five (25) per cent. Notwithstanding anything herein to the contrary, effective February 1, 2000, for nonunion general members and for members of the American Federation of State, County, and Municipal Employees

(A.F.S.C.M.E.) Local 894, final average compensation means the average of the highest three (3) consecutive years of compensation, and includes all base wages, overtime, and longevity. Final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) will also include accrued sick and vacation time paid on retirement. The accrued sick and vacation amounts shall not increase a member's final average compensation by more than twenty-five (25) per cent. Notwithstanding anything herein to the contrary, effective February 1, 2013, for nonunion general members, and June 30, 2013, for members of the American Federation of State, County, and Municipal Employees (A.F.S.C.M.E.) Local 894, final average compensation means the average of the highest three (3) consecutive years of compensation, and includes all base wages, and longevity. Final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) will also include accrued sick and vacation time paid on retirement. The accrued sick and vacation amounts shall not increase a member's final average compensation by more than twenty-five (25) per cent. Notwithstanding anything to the contrary, effective January 1, 1999, for members of the American Federation of State, County, and Municipal Employees (A.F.S.C.M.E.) Local 894, final average compensation means the average of the highest three (3) consecutive years of compensation, and includes all base wages, overtime, and longevity. Final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) will also include accrued sick and vacation time paid on retirement. The accrued sick and vacation amounts shall not increase a member's final average compensation by more than twenty-five (25) per cent.

2. For police members, the best twelve (12) months of compensation plus holiday pay for the three hundred sixty-five-day period preceding the effective date of retirement plus longevity contained in the last year of credited service, effective October 6, 1980. Notwithstanding anything herein to the contrary, effective February 1, 1987, for members of the patrol officers bargaining unit only, final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) shall also include a member's accrued vacation and sick leave paid on retirement, provided however, that said accrued vacation and sick amounts shall in no event increase a member's final average compensation more than ten (10) per cent. Notwithstanding anything herein to the contrary, for police members and police department command officers, final average compensation means the best twelve (12) consecutive months of compensation, plus longevity contained in the last year of credited service, and shall also include holiday pay for the three hundred sixtyfive-day period preceding the effective date of retirement, effective October 5, 1981. Notwithstanding anything herein to the contrary, effective February 1, 1990, for police members and police department command officers, final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) shall also include a member's accrued vacation and sick leave paid on retirement, provided however, that said accrued vacation and sick leave amounts shall in no event increase a member's final average compensation more than twenty-five (25) per cent. Notwithstanding anything herein to the contrary, effective February 1, 1999, for police patrol members and February 1, 2000, for police command members, final average compensation means the average of the highest three (3) out of the last ten (10) years of compensation, and includes all base wages, shift differential, eligible overtime as defined in the collective bargaining agreement, annual payments of accrued compensatory time, longevity pay, and holiday pay. Final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) will also include sick and vacation time paid on retirement. The accrued sick and vacation amounts shall not increase a member's final average compensation by more than twenty-five (25) per cent. Notwithstanding anything herein to the contrary, effective January 1, 2020, for police patrol and command officers hired after February 1, 1999, final average compensation means the average of the highest sixty (60) consecutive months of base wages out

of the last ten (10) consecutive years. For fire members "final average compensation" means the best twelve (12) months of compensation plus longevity contained in the last year of credited service, effective October 4, 1976, and "final average compensation" shall also include holiday pay for the three hundred sixty-five-day period preceding the effective date of retirement, effective October 5, 1981. Notwithstanding anything herein to the contrary, effective February 1, 1987, for fire members, final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) shall also include a member's accrued vacation and sick leave paid on retirement, provided however, that said accrued vacation and sick leave amounts shall in no event increase a member's final average compensation by more than ten (10) per cent. Notwithstanding anything herein to the contrary, effective February 1, 1990, for fire members, final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) shall also include a member's accrued vacation and sick leave paid on retirement, provided however, that said accrued vacation and sick leave amounts shall in no event increase a member's final average compensation more than twenty-five (25) per cent. Notwithstanding anything herein to the contrary, effective February 1, 2000, for fire members, final average compensation means the average of the highest three (3) out of the last ten (10) consecutive years of compensation, and includes all base wages, ALS premium pay, overtime, longevity, food allowance and holiday pay. Final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) will also include accrued sick and vacation time paid on retirement. The accrued sick and vacation amounts shall not increase a member's final average compensation by more than twenty-five (25) per cent. Notwithstanding anything herein to the contrary, effective February 1, 2012, for fire members final average compensation means the average of the highest three (3) consecutive years out of the last ten (10) years of compensation, and includes all base wages, ALS premium pay, food allowance and holiday pay for this time period. Final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) will also include accrued sick and vacation time paid on retirement. The accrued sick and vacation amounts shall not increase a member's final average compensation by more than twenty-five (25) per cent. Notwithstanding anything herein to the contrary, effective January 1, 2016, for fire members, final average compensation means the average of the highest three (3) out of the last ten (10) consecutive years of compensation, and includes all base wages, ALS premium pay, eligible overtime as defined in the collective bargaining agreement, longevity, food allowance and holiday pay. Final average compensation (except in the case of a deferred retirement, a member's resignation or a member's discharge) will also include accrued sick and vacation time paid on retirement. The accrued sick and vacation amounts shall not increase a member's final average compensation by more than twenty-five (25) per cent.

Section 2. Amendment of Sec. 2-206. "Definitions" by amending the definition of "Policeman or Fireman Member" in Subparagraph (1)

Sec. 2-206. Definitions

Member means any person who is included in the membership of the retirement system as set forth below:

1. Policeman or fireman member means any member who is employed in the police or fire departments of the city holding the rank of patrolman or pipeman, including probationary patrolman or pipeman, or higher rank. The term "policeman or fireman member" shall not include (i) any person who is privately employed as a policeman or a fireman, (ii) any person who is temporarily employed as a policeman or fireman for any emergency, (iii) any civilian employee in the police or fire departments, , (iii) any civilian employee in the police or fire departments, (iv) any police patrol member hired between after February 1, 1999, and December 31, 2019, who did not elect to join the system as of January 1, 2020, and (v) any police command member hired between after February 1, 1999 and December 31, 2019, who did not elect to join the system as of January 1, 2020, and (vi) any fireman member hired after October 1, 2000.
2. Hospital member means any member who is employed in the Wyandotte General Hospital.
3. Municipal service member means any member who is employed in the municipal service department of the city.

4. General member means any member, including nonunion administrative, technical, and clerical employees and members of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, and members of the Police Officers Association of Michigan (P.O.A.M.), except (i) a policeman or fireman member, (ii) a hospital member, (iii) a municipal service member, (iv) nonunion administrative, technical, or clerical employees of the city hired after October 1, 1999, (v) members of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, hired after March 31, 2000, (vi) nonunion administrative, technical, or clerical employees of the city hired before October 1, 1999, who voluntarily elected to leave membership of the retirement system on March 31, 2001, pursuant to the rules in effect at that time, (vii) members of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, hired before March 31, 2000, who voluntarily elected to leave membership of the retirement system on March 31, 2001, pursuant to the rules in effect at that time, (viii) members of the Police Officers Association of Michigan (P.O.A.M.)—Dispatchers/clerical bargaining unit hired after July 1, 2001, (ix) members of the Police Officers Association of Michigan (P.O.A.M.)—Dispatchers/clerical bargaining unit hired before July 1, 2001, who voluntarily elected to leave membership of the retirement system on June 30, 2002, pursuant to the rules in effect at that time, and (x) members of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, hired before March 31, 2000, who voluntarily elected to leave membership of the retirement system on March 31, 2013, pursuant to the rules in effect at that time. Section 3. Amendment of Sec. 2-206. “Definitions” by amending the definition of “Voluntary Retirement Age”

Sec. 2-206. Definitions

Voluntary Retirement Age means the applicable age set forth below:

1. For a police member hired prior to February 1, 1999, the first to occur, (i) fifty-five (55) years of age, or (ii) twenty-five (25) years of credited service and at least age fifty (50), effective October 4, 1976. For a police member hired after February 1, 1999, the first to occur, (i) fifty-five (55) years of age and twenty-five (25) years of credited service or (ii) sixty (60) years of age with ten (10) years of credited service.
 2. For a fire member, the first to occur of (i) fifty-five (55) years of age, or (ii) fifty (50) years of age and thirty (30) years of credited service, effective October 3, 1977. Notwithstanding anything herein to the contrary, effective February 1, 1990, for a fire member, twenty-five (25) years of credited service without regard to age, or age fifty-five (55) with ten (10) or more years of credited service.
 3. Age sixty (60) years for a hospital member.
 4. For an hourly municipal service member, age sixty (60) years, or (ii) the age at which he acquires thirty (30) years of credited service. Effective January 1, 1988, for an exempt or nonexempt salaried municipal service member only, the first to occur of (i) age sixty (60) years, or (ii) the age at which he acquires twenty-five (25) years of credited service.
 5. For a general member, the first to occur of (i) age fifty-five (55) years, or (ii) the age at which he acquires twenty-five (25) years of credited service, effective October 4, 1976. Notwithstanding anything herein to the contrary, effective February 1, 1990, for a general member, twenty-five (25) years of credited service without regard to age, or age fifty-five (55) with ten (10) or more years of credited service
- Section 4. Amendment of Subparagraphs (c)(1) and (4) of Sec. 2-207. “Membership”
- Sec. 2-207. Membership (a) The membership of the retirement system shall include all persons who are, and who become, officers or employees of the city, except as provided in subsection (b) of this section.
- (b) The membership of the retirement system, effective April 1992, shall not include:
- 1) Elective and appointive officials who are not in full time employment with the city;
 - 2) Any person whose services are compensated on a fee or contractual basis;
 - 3) Any person in a position normally working less than eighty (80) hours per month;
 - 4) Any person hired on a temporary part-time seasonal, co-op, internship or emergency or volunteer basis, including crossing guards and park rangers;
 - 5) The medical director and actuary;

- 6) Any person who cannot complete the minimum credited service requirements, other than those eligible under section 2-262 dealing with the Reciprocal Retirement Act;
- 7) Any person in receipt of retirement allowance from the City of Wyandotte Employee's Retirement System.
- (c) In addition to the exclusions identified in (b) above, membership of the retirement system shall not include:
- 1) Any police patrol member hired between after February 1, 1999, and December 31, 2019, who did not elect to join the system effective January 1, 2020.
 - 2) Any nonunion administrative technical or clerical employees of the city hired after October 1, 1999;
 - 3) Any member of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, hired after March 31, 2000;
 - 4) Any police command member hired between after February 1, 1999, and December 31, 2019, who did not elect to join the system effective January 1, 2020
 - 5) Any fireman member hired after October 1, 2000;
 - 6) Any nonunion administrative, technical, or clerical employee of the city hired before October 1, 1999, who voluntarily elected to leave membership of the retirement system on March 31, 2001, pursuant to the rules in effect at that time;
 - 7) Any member of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, hired before March 31, 2000, who voluntarily elected to leave membership of the retirement system on March 31, 2001, pursuant to the rules in effect at that time;
 - 8) Any member of the dispatch/clerical bargaining unit hired after July 2, 2001;
 - 9) Any member of the dispatch/clerical bargaining unit hired before July 1, 2002, who voluntarily elected to leave membership of the retirement system on June 30, 2002, pursuant to the rules in effect at that time;
 - 10) Any municipal service employee hired after September 30, 2006;
 - 11) Any municipal service employee hired before October 1, 2006, who voluntarily elected to leave membership of the retirement system.
 - 12) Any member of the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 894, hired before March 31, 2000, who voluntarily elected to leave membership of the retirement system on March 31, 2013, pursuant to the rules in effect at that time.
- (d) In all cases of doubt, the commission shall decide who is a member of the system within the meaning of this article. Section 5. Amendment of Sec. 2-214. "Policeman and Fireman Member Retirement Allowance" by adding a provision guaranteeing a minimum straight life pension taking effect January 1, 2020 for police members
- Sec. 2-214. Policeman and Fireman Member Retirement Allowance
Effective February 1, 1999 for patrol police members and February 1, 2000 for command police members, hired after October 1, 1982, retroactive to date of hire, shall receive a straight life retirement allowance and shall have the right to elect a retirement allowance under an option provided in section 2-221 in lieu of a straight life retirement allowance. The straight life retirement allowance shall equal the sum of:
- (1) An annuity which shall be the actuarial equivalent of his accumulated contributions standing to his credit in the annuity savings fund at the time of his retirement; and
 - (2) A pension which when added to his annuity will provide a retirement allowance equal to the number of years and months of credited service, not to exceed twenty-five (25) years, multiplied by two and one-half (2½) per cent, times the final average compensation plus the number of years and months of credited service in excess of twenty-five (25) years, if any, multiplied by one (1) per cent times the final average compensation.
- Maximum benefit is seventy-five (75) per cent of final average compensation. Members will make pretax contributions of five (5) per cent from all income included in the final average compensation. Effective February 1, 2000, a fireman member, retroactive to date of hire, shall be guaranteed a minimum straight life pension equal to:

- (1) An amount equal to the sum of (i) the number of years, and fraction of a year, of his credited service not to exceed twenty-five (25) years, multiplied by two and one-half (2½) per cent of his final average compensation, plus (ii) the number of years, and fraction of a year, of his credited service in excess of twenty-five (25) years, if any, multiplied by one (1) per cent of his final average compensation, but not to exceed seventy-five (75) per cent of final average compensation; less
- (2) An amount equal to the actuarial equivalent of his hypothetical accumulated contributions standing to his credit at the time of his retirement, such actuarial equivalent amount to be computed on the basis of the 1971 group annuity mortality table, with a five-year setback for females, and interest at the rate of six (6) per cent per year, compounded annually. Effective February 1, 2000, interest will be applied at five (5) per cent per year, compounded annually.

Effective September 16, 2005, a fireman member who is an active member on October 1, 1982 who retires within sixty (60) days after the attainment of twenty-five (25) years of credited service as a fire member (provided said retirement occurs subsequent to September 16, 2005), or who retires subsequent to September 16, 2005 and no later than November 15, 2005, shall be eligible for a minimum straight life pension equal to:

- (1) An amount equal to the sum of (i) the number of years, and fraction of a year, of his credited service not to exceed twenty-five (25) years, multiplied by two and four-fifths (2.80) per cent of his final average compensation, plus (ii) the number of years, and fraction of a year, of his credited service in excess of twenty-five (25) years, if any, multiplied by one (1) per cent of his final average compensation, but not to exceed seventy-five (75) per cent of final average compensation; less
- (2) An amount equal to the actuarial equivalent of his hypothetical accumulated contributions standing to his credit at the time of his retirement, such actuarial equivalent amount to be computed on the basis of the 1971 group annuity mortality table, with a five-year setback for females, and interest at the rate of six (6) per cent per year, compounded annually.

A command police member who is an active member on October 1982 shall be guaranteed a minimum straight life pension equal to:

- (1) An amount equal to the sum of (i) the number of years, and fraction of a year, of his credited service not to exceed twenty-five (25) years, multiplied by two and one-half (2½) per cent of his final average compensation, plus (ii) the number of years, and fraction of a year, of his credited service in excess of twenty-five (25) years, if any, multiplied by one (1) per cent of his final average compensation, but not to exceed seventy-five (75) per cent of final average compensation; less
- (2) An amount equal to the actuarial equivalent of his hypothetical accumulated contributions standing to his credit at the time of retirement, such actuarial equivalent amount to be computed on the basis of the 1971 group annuity mortality table, with a five-year setback for females, and interest at the rate of six (6) per cent per year, compounded annually.

Effective October 16, 2001, a command police member who is an active member on October 1, 1982 who retires within thirty (30) days after the attainment of twenty-five (25) years of credited service as a police member provided said retirement occurs subsequent to October 16, 2001 (but in no case have cumulative credited service in excess of thirty (30) years) will be eligible for a minimum straight life pension equal to:

- (1) An amount equal to the sum of (i) the number of years, and fraction of a year, of his credited service not to exceed twenty-five (25) years, multiplied by two and four-fifths (2.80) per cent of his final average compensation, plus (ii) the number of years, and fraction of a year, of his credited service in excess of twenty-five (25) years, if any, multiplied by one (1) per cent of his final average compensation, but not to exceed seventy-five (75) per cent of final average compensation; less (2) An amount equal to the actuarial equivalent of his hypothetical accumulated contributions standing to his credit at the time of his retirement, such actuarial equivalent amount to be computed on the basis of the 1971 group annuity mortality table, with a five-year setback for females, and interest at the rate of six (6) per cent per year, compounded annually.

Effective January 1, 2020, for police members hired after February 1, 1999, shall be guaranteed a minimum straight life pension equal to: (1) An amount equal to the sum of (i) the number of years, and

fraction of a year, of his credited service, multiplied by two (2) per cent of his final average compensation, but not to exceed seventy (70) per cent of final average compensation.

Notwithstanding anything elsewhere in this section to the contrary, effective February 1, 1990, as it relates to police or fire members and police department command officers, the city expressly reserves the right to waive, maintain or alter the provisions of this section, provided however, in no event shall any pension benefits set forth in this article be lessened or reduced as a result of waiving, maintaining, or altering any provisions thereof.

Section 6. Amendment of Subparagraph (b) of Sec. 2-221. "Retirement Allowance Options"

Sec. 2-221. Retirement Allowance Options

(a) Subject to the provisions of subsection (b) hereinafter set forth, prior to the effective date of his retirement, but not thereafter, a member may elect to receive his retirement allowance as a straight life retirement allowance payable throughout his life, or he may elect to receive the actuarial equivalent, computed as of the effective date of his retirement, of his straight life retirement allowance in a reduced retirement allowance payable throughout his life, and nominate a beneficiary in accordance with the provisions of option 1, 2 or 3 set forth below. If a member does not elect an option prior to the effective date of his retirement, his retirement allowance shall be paid him as a straight life retirement allowance.

(1) Option 1—Cash refund annuity. Under option 1 a retirant shall receive a reduced retirement allowance payable throughout his life with the provisions that if he dies before he has received in payment of the annuity portion of his reduced retirement allowance an aggregate amount equal to his accumulated contributions standing to his credit in the annuity savings fund at the time of his retirement, the difference between his said accumulated contributions and the said aggregate amount of annuity payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the commission. If there be no such designated person surviving the retirant, such difference, if any, shall be paid to the retirant's legal representative.

(2) Option 2—Joint and survivor allowance. Under option 2 a retirant shall receive a reduced retirement allowance payable throughout his life with the provisions that upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the commission prior to the effective date of his retirement.

(3) Option 3—Modified joint and survivor allowance. Under option 3 a retirant shall receive a reduced retirement allowance payable throughout his life with the provision that upon his death one-half his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the commission prior to the effective date of his retirement. (b) Notwithstanding anything elsewhere in this section to the contrary, effective February 1, 1990, as it relates to police members hired before February 1, 1999, police department command officers hired before February 1, 1999, members of the F.O.P. police/fire dispatcher/clerical bargaining unit, fire members and general members, and effective October 1, 1995 for hourly municipal members, and effective June 6, 1990 for salaried municipal service members, if said member has elected either an option 2 or option 3 prior to the effective date of his retirement and the retirant and the nominated beneficiary become legally divorced or the beneficiary nominated in accordance with either option dies prior to said retirant, then in either case the retirant's retirement allowance shall be paid to him as a straight life retirement allowance as of the date of the entry of the judgment of divorce or the date of death of said nominated beneficiary, as the case may be.

(c) Effective September 16, 1996, all general city, police and fire employees who retired on or before January 31, 1990 and received a monthly pension payroll paycheck on September 15, 1996 with said retiree selecting either an option 2 or option 3 survivorship retirement benefit prior to the effective date of his retirement and the beneficiary nominated in accordance with either option having died prior to said retirement, then the retirant's retirement allowance shall be paid as a straight life retirement allowance to the retirant as of the date of the beneficiaries death or September 18, 1996 whichever date occurs later.

Effective September 16, 2004, all municipal service salary and hourly employees who retired on or before and received a monthly pension payroll paycheck on September 15, 2004 with said retiree selecting either an option 2 or option 3 survivorship retirement benefit prior to the effective date of his retirement and the beneficiary nominated in accordance with either option having died prior to September 16, 2004, then the retirant's retirement allowance shall be paid as a straight life retirement allowance to the retirant as of the beneficiary's death or September 16, 2004 whichever date occurs later. (d) A retroactive benefit shall be paid to all general city, police and fire retirees who have met all of the requirements of subsection (c) above from September 16, 1996 to date of the resolution passage by the city council. This benefit shall be paid in the month following city council passage of this Ordinance No. 1028, passed Jan. 6, 1997. In no instance shall any retroactive straight life benefit be paid for any retirement time prior to September 16, 1996 or to a deceased retiree's estate if the retiree died prior to September 16, 1996.

A retroactive benefit shall be paid to all municipal service salary and hourly retirees who have met all of the requirements of subsection (c) above that pertains to municipal service as of September 16, 2004. This benefit shall be paid in the month following city council passage of Ordinance No. 1204. In no instance shall any retroactive straight life benefit be paid for any retirement time prior to September 16, 2004 or to a deceased retiree's estate if the retiree died prior to September 16, 2004.

Section 7. Amendment of Subparagraph (b) of Sec. 2-245. "Special Supplemental Retirement Benefit Allowance"

Sec. 2-245. Special Supplemental Retirement Benefit Allowance

(a) The provisions of this section shall be effective December 15, 1980, and shall be operative during a fiscal year if the (i) retirement commission adopts a resolution as of September thirtieth of each fiscal year to allocate monies to the special retirement reserve fund for the fiscal year under section 2-238, and (ii) the city council adopts a resolution declaring the provisions of this section in effect for the fiscal year.

(b) Subject to the preceding restrictions, to be eligible for a special supplemental retirement benefit allowance, the retirant or beneficiary must have been in receipt of a retirement allowance for one (1) full calendar year as of the September thirtieth prior to receiving a retirement allowance. Police members hired after February 1, 1999, are ineligible for any improvement or supplemental payments of retirement allowances payable to retirants of the retirement system.

(c) The amount of the special supplemental retirement allowance to be paid each eligible retirant or beneficiary shall be equal to one-half of the total monies credited to the special retirement reserve fund as of September thirtieth of each fiscal year under section 2-238 divided by the total number of years of credited service for all eligible retirants and beneficiaries of the system multiplied by each retirant's or beneficiary's respective years of credited service in the system.

(d) Payment of the special supplemental retirement benefit allowance set forth herein shall be paid to each eligible retirant or beneficiary on December fifteenth of each year.

(e) A request form shall be submitted to each eligible retirant or beneficiary, and shall be returned within thirty (30) days of mailing. Failure to return the form will eliminate the benefit payment to the retirant or beneficiary for that fiscal period.

(f) In the case of a beneficiary, the effective date of the special supplemental retirement benefit allowance shall be the date of death of the member of the system or the date of retirement of the member of the system, as the case may be.

(g) The commission shall evaluate the requirements of this section and the possibility of increasing benefits under this section each fiscal year.

(h) Notwithstanding anything in this section to the contrary, no special supplemental retirement benefit allowance shall be made to any retirant or beneficiary in any fiscal year unless sufficient monies are available in the special retirement reserve fund to make the benefit payments provided in subsection (c).

Section 8. Severability.

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

Section 9. Effective Date. This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and the Ordinance or its summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. A copy of this Ordinance may be inspected or obtained at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan.

Motion unanimously carried.

2020-97 FIRST READING #1486: CHAPTER 14 – GARBAGE, TRASH, WEEDS

By Councilperson Schultz, supported by Councilperson Maiani

BE IT RESOLVED that Council concurs with the proposed amendments to Chapter 14 Garbage, Trash and Weeds, and further, that the first reading of the Ordinance Amendment #1486 regarding the aforementioned section of the Code of Ordinances was held on April 20, 2020.

Motion unanimously carried.

2020-98 FIRST & FINAL READING #1487: LEGAL AFFAIRS SALARY

By Councilperson Schultz, supported by Councilperson Maiani

AN ORDINANCE ENTITLED AN ORDINANCE SETTING THE SALARY FOR THE DEPARTMENT OF LEGAL AFFAIRS

THE CITY OF WYANDOTTE ORDAINS:

Section 1. Salary for Department of Legal Affairs

The salary for the law firm of William R. Look, P.C. as the Department of Legal Affairs for the City of Wyandotte shall be at a yearly salary of Eighty Thousand and 00/100 (\$80,000.00) Dollars to cover the period from April 20, 2020 to April 19, 2022. In addition, the law firm shall be reimbursed for miscellaneous costs and expenses incurred when acting as legal counsel for the City of Wyandotte.

Section 2. Severability.

All Ordinances or parts of Ordinances in conflict herein are hereby repealed, only to the extent necessary to give this Ordinance full force and effect.

Section 3. Effective Date.

This ordinance shall take immediate effect. This ordinance is deemed necessary for the immediate preservation of the public peace, property, health, safety and for providing for the usual daily operation of the City. This ordinance shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. The ordinance shall designate the location in the City where a true copy of the ordinance can be inspected or obtained.

Motion unanimously carried.

REPORTS & MINUTES

Beautification Commission	03/11/2020
Cultural & Historical Commission	02/13/2020
Fire Commission	02/25/2020
Police Commission	02/25/2020 & 03/10/2020
WMS Commission	02/26/2020

REMARKS OF THE MAYOR, COUNCIL, & ELECTED OFFICIALS

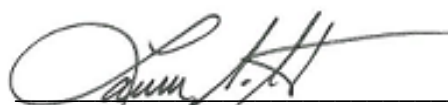
ADJOURNMENT

2020-99 ADJOURNMENT

By Councilperson Schultz, supported by Councilperson Maiani

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 7:23 p.m.

Motion unanimously carried.



 Lawrence S. Stec, City Clerk