

CITY OF WYANDOTTE
REGULAR CITY COUNCIL MEETING

A Regular Session of the Wyandotte City Council was held in Council Chambers, on Monday, June 3, 2019, 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: Theodore Galeski, City Assessor; Todd Browning, City Treasurer; William Look, City Attorney; Greg Mayhew, City Engineer; and Lawrence Stec, City Clerk

PRESENTATIONS

- MACP Accreditation Certificate Presentation to WPD
- Police Chaplain Introduction
- APWA Project of the Year Award Presentation to City

PRESENTATION OF PETITIONS

PUBLIC HEARINGS

UNFINISHED BUSINESS

CALL TO THE PUBLIC

CONSENT AGENDA

2019-225 CONSENT AGENDA APPROVALS

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that the following items on the consent agenda be approved:

1. Approval of Council Meeting Minutes – May 20, 2019
2. Street Closure Request – Garfield Elementary School
3. Application for Rezoning Referral to Planning Commission – 9 Walnut St.
4. Planned Development District Application Referral to Planning Commission – 3708 3rd
5. Special Events:
 - a. Special Event Application – Seaway Boat Club
 - b. WSAF 2019 City Hall Parking Lot Contract
 - c. WSAF 2019 Beverage Ticket Contract
6. Special Assessment Placements – Various Services
7. Certified Election Results – May 7, 2019 Special Election

Motion unanimously carried.

2019-226 MINUTES

By Councilperson Maiani, supported by Councilperson Schultz

RESOLVED that the minutes of the meeting held under the date of May 20, 2019, be approved as recorded, without objection.

Motion unanimously carried.

2019-227 STREET CLOSURE REQUEST – GARFIELD ELEMENTARY SCHOOL

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that Council permits the use of city sidewalks and property for the Garfield Elementary School End-of Year event to be held on Wednesday, June 12, 2019, and approves the

requested closure of Superior Blvd., between 3rd and 4th Streets from 8:15am to 2:15pm on said date of event; AND

BE IT FURTHER RESOLVED that Council directs the Department of Public Service to assist Garfield Elementary School in the closure of east- and west-bound Superior Blvd for said event by providing proper equipment at the requested times; AND

BE IT FURTHER RESOLVED that Garfield Elementary School's authorizing agent will complete and submit a hold harmless agreement, to be prepared by the Department of Legal Affairs, prior to the event date.

Motion unanimously carried.

2019-228 APPLICATION FOR REZONING – 9 WALNUT STREET

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that the application for rezoning of the property at 9 Walnut Street is hereby referred to the Planning Commission for the required public hearing.

Motion unanimously carried.

2019-229 PLANNED DEVELOPMENT DISTRICT APPLICATION – 3708 3RD ST.

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that the Planned Development District Application for 3708 3rd Street is hereby referred to the Planning Commission for review and recommendations.

Motion unanimously carried.

2019-230 SPECIAL EVENT APPLICATION – SEAWAY BOAT CLUB DOCK PARTY

By Councilperson Maiani, supported by Councilperson Schultz

RESOLVED that Council hereby approves the Special Event Application as submitted by the Special Event Coordinator and grants permission to the Seaway Boat Club of 6 Perry Place to close approximately 100 feet of Perry Place from August 14th – 19th to facilitate the annual dock party to be held on August 16th and 17th, 2019; AND

BE IT FURTHER RESOLVED that there will be no drilling or anchoring tents to the concrete roadway and provisions are provided for emergency vehicles to obtain entrance if need be; AND

BE IT FURTHER RESOLVED that an agent of Seaway Boat Club must execute a Hold Harmless Agreement as prepared by the Department of Legal Affairs, add the City of Wyandotte as additional insured to their insurance policy, abide by all City of Wyandotte ordinances, and adhere to special permits obtained from the LCC.

Motion unanimously carried.

2019-231 WSAF 2019 CITY HALL PARKING LOT CONTRACT

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that Council concurs with the recommendation of the Special Event Coordinator to approve the contract between the City of Wyandotte and the Wyandotte Goodfellows and the Old Time Ballplayers for the use of the City Hall/Chase Bank Parking Lot during the 2019 Wyandotte Street Art Fair from July 10-13, 2019; AND

BE IT FURTHER RESOLVED that the Wyandotte Department of Public Service will provide barricades by 7:30AM on Wednesday, July 10, 2019; AND

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby directed to execute said contract on behalf of the City of Wyandotte, provided both organizations sign a hold harmless agreement for the City of Wyandotte as prepared by the Department of Legal Affairs, prior to the event.

Motion unanimously carried.

2019-232 WSAF 2019 BEVERAGE TICKET CONTRACT

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that Council concurs with the recommendation of the Special Event Coordinator to approve the agreement between the City of Wyandotte and St. Pius Catholic School and The Wyandotte

Music Boosters to operate as beer ticket-takers in the Biddle Avenue area during the Wyandotte Street Art Fair, July 10th – 13th, 2019; AND

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby directed to execute said agreement on behalf of the City of Wyandotte.

Motion unanimously carried.

2019-233 SPECIAL ASSESSMENT PLACEMENTS – VARIOUS SERVICES

By Councilperson Maiani, supported by Councilperson Schultz

RESOLVED by City Council that Council hereby concurs in the recommendation of the City Administrator in his communication regarding the list of delinquent Special Assessment Installments; AND

BE IT FURTHER RESOLVED that Council directs the City Treasurer to spread said charges on the 2019 Summer Tax Roll.

Motion unanimously carried.

2019-234 CERTIFIED ELECTION RESULTS – MAY 7, 2019 SPECIAL ELECTION

By Councilperson Maiani, supported by Councilperson Schultz

WHEREAS the Special Election was held on May 7, 2019, AND

WHEREAS in accordance with election law, the Wayne County Board of Canvassers performed the canvass and certified the election results on May 10, 2019.

THEREFORE BE IT RESOLVED that the Wayne County Board of Canvassers Certificate of Determination and local election results be received and placed on file in the City Clerk's Office.

Motion unanimously carried.

NEW BUSINESS

2019-235 HIRING OF PROBATIONARY POLICE OFFICER – D. TODD

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that Council Concurs with the determination that vacancies exist for these positions of police officer and the Council authorizes the filling of such vacancies; AND

BE IT FURTHER RESOLVED that subsequent to a written examination, physical agility test, background investigation and interview panel conducted by the police department, candidate David Todd, be offered employment as probationary police officer contingent upon his successful completion of a physical, drug screen, and psychological examination.

Motion unanimously carried.

2019-236 HIRING OF ENG./BLDG. CLERK TYPIST – R. SPRADLIN

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that Council acknowledges receipt of the communication from the City Engineer regarding the hiring of a Clerk Typist I – Class Code 25A for the Engineering and Building Department; AND

BE IT FURTHER RESOLVED that the Council approves the hiring of Rebecca Spradlin as a Clerk Typist I at Class Code 25A at the Engineering and Building Department.

Motion unanimously carried.

2019-237 NOTICE OF INTENT TO ISSUE CABLE SYSTEM REVENUE BONDS

By Councilperson Maiani, supported by Councilperson Schultz

**City of Wyandotte
City of Wayne, State of Michigan**

NOTICE OF INTENT RESOLUTION
CABLE SYSTEM REVENUE BONDS

A RESOLUTION TO APPROVE:

- Notice of Intent to Issue Bonds and Right of Referendum for up to \$12,000,000 of Cable System Revenue Bonds.
- 45-day referendum period during which voters could petition for referendum beginning when the Notice is published in *The News-Herald*.
- Bonds to be payable solely from net revenues of the Cable System.

PREAMBLE

WHEREAS, the City of Wyandotte, City of Wayne, State of Michigan (the “City”) provides cable television, internet and other telecommunication services to the City’s residents; and

WHEREAS, the City Charter provides that the Municipal Service Commission (the “Commission”) constructs, manages, supervises and controls cable television, internet operations and other telecommunication systems units, plants, works, instrumentalities and properties (the “Cable System”); and

WHEREAS, the Commission has proposed that the City acquire, construct, and install improvements to the Cable System, including, but not limited to, acquisition and equipping of a new head end facility, acquisition and installation of fiber-to-the-home (FTTH) infrastructure, and other approved improvements, together with any appurtenances and attachments thereto and any related site improvements (collectively, the “Project”); and

WHEREAS, the City determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire and construct the Project; and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended (“Act 94”), permits a City to borrow money to finance the acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds payable solely from the revenues received by the City from the operations of the public improvement, net of the amount necessary for operation and maintenance; and

WHEREAS, the issuance of revenue bonds under Act 94 payable from net revenues of the Cable System (the “Revenue Bonds”), for the purpose of financing the acquisition and installation of the Project, the funding of reserve funds, and paying capitalized interest and bond issuance costs appears to be the most practical means to that end; and

WHEREAS, the Commission will determine the aggregate principal amount of the Revenue Bonds prior to the sale of the bonds, but in any event the principal amount of the Revenue Bonds will not exceed Twelve Million Dollars (\$12,000,000); and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Revenue Bonds in order to comply with the requirements of Section 33 of Act 94.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Revenue Bonds in *The News-Herald*, a newspaper of general circulation in the City. The notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO ELECTORS OF THE CITY OF WYANDOTTE AND TO USERS
OF THE CITY’S CABLE SYSTEM OF INTENT TO ISSUE
CABLE SYSTEM REVENUE BONDS PAYABLE FROM THE REVENUES
OF THE CABLE SYSTEM AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Wyandotte intends to issue and sell the City’s Cable System Revenue Bonds pursuant to Act 94, Public Acts of Michigan, 1933, as

amended, in the maximum aggregate principal amount of Twelve Million Dollars (\$12,000,000) (the "Revenue Bonds"), for the purpose of paying costs to acquire, construct, and install improvements to the Cable System, including, but not limited to, acquisition and equipping of a new head end facility, acquisition and installation of fiber-to-the-home (FTTH) infrastructure, and other approved improvements, together with any appurtenances and attachments thereto and any related site improvements. Costs financed with proceeds of the Revenue Bonds shall include funding of required bond reserve funds, capitalized interest and costs of issuance. The Revenue Bonds will mature in annual installments not to exceed the maximum permitted by law, with interest on the unpaid balance from time to time remaining outstanding on the Revenue Bonds at interest rates to be determined at sale of the Revenue Bonds but in no event to exceed such rates as may be permitted by law. The Revenue Bonds may be issued in one or more series and may be combined with bonds issued for other purposes as shall be determined by the City Council.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of the Cable System (the "Cable System"). Said revenues will consist of rates, fees and charges billed to the users of the Cable System, a schedule of which is presently on file in the offices of the Department of Municipal Service and posted at www.wyan.org. Said rates, fees and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the Cable System, to pay the principal of and interest on the Revenue Bonds and any other bonds of the Cable System, and to pay other obligations of the Cable System.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT VOTE OF THE ELECTORS UNLESS A VALID PETITION REQUESTING AN ELECTION ON THE QUESTION OF ISSUING THE REVENUE BONDS, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. If such petition is filed, the Revenue Bonds cannot be issued unless approved by a majority vote of the electors of the City voting on the question of their issuance.

THIS NOTICE is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended. Additional information may be obtained at the offices of the City Clerk and the Department of Municipal Service.

Lawrence S. Stec, City Clerk
City of Wyandotte

2. The City Council hereby determines that the foregoing form of notice of intent to issue the Revenue Bonds, and the manner of publication directed, is adequate notice to the electors of the City and the users of the Cable System and is the method best calculated to give them notice of the City's intent to issue the Revenue Bonds, the purpose of the Revenue Bonds, the source of payment of the Revenue Bonds, the security for the Revenue Bonds, and the right of referendum of the electors with respect thereto. The City Council hereby determines that the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

3. The City hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 of the Internal Revenue Code of 1986, as amended:

- (1) The City reasonably expects to reimburse itself with proceeds of debt to be incurred by the City for certain costs associated with acquisition of the Project which were or will be paid from the funds of the Cable System.
- (2) The maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$12,000,000.
- (3) A reimbursement allocation of the expenditures described above with the proceeds of the Revenue Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement

allocation is an allocation in writing that evidences the use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.

4. The City hereby requests Bendzinski & Co., Registered Municipal Advisors with the Municipal Securities Rulemaking Board, to continue to act as Municipal Advisor to the City for the Bonds.

5. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds. The City acknowledges that Miller Canfield represents many municipal bond underwriters, banks, and financial institutions in connection with matters unrelated to issuance of the Bonds, and requests Miller Canfield to continue as bond counsel notwithstanding representation by Miller Canfield in matters unrelated to the Bonds of various underwriting firms which might purchase the Bonds or financial institutions which might act as transfer agent for the Bonds.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.
Motion unanimously carried.

2019-238 2019 WYANDOTTE MASTER PLAN

By Councilperson Maiani, supported by Councilperson Schultz

WHEREAS, pursuant to the Michigan Planning Enabling Act, Act 33 of 2008, MCL 125.3801, *et. seq.*, the City of Wyandotte set out in said Act; and

WHEREAS, MCL 125.3843(2) provides that the approval of the proposed amended Master Plan shall be by resolution of the Planning Commission carried by the affirmative votes of not less than 2/3 of the members and forward to the City Council for their final approval; and

WHEREAS, development of a future land use plan is pivotal in accommodating development in an organized manner while retaining its unique characteristics and promoting economic development; and

WHEREAS, the City Clerk distributed a letter to various townships, utilities, County boards and City boards for review and comments notifying them that a copy of the Master Plan and maps were placed on the City's website for review and also stated the time, date, location and place of the public hearing; and

WHEREAS, the Planning Commission held a public hearing on May 16, 2019 to discuss and take final comments on the Master Plan and have approved a resolution recommending the City Council give their final approval of the 2019 Master Plan; and

NOW THEREFORE, LET IT BE RESOLVED, that the City Council has accepted the recommendation from the Planning Commission and therefore approves and adopts the 2019 Master Plan including the maps and other descriptive materials included within the plan.

Motion unanimously carried.

2019-239 SALE OF MCKINLEY TO RR & CLARK TO HUDSON – PIZZO DEV. GROUP

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that the communication from the City Engineer regarding the Sale of Vacant Property between McKinley to Railroad and Clark to Hudson, Wyandotte is received and placed on file; AND

BE IT FURTHER RESOLVED that the Council concurs with the recommendation to sell the property between McKinley and Railroad and Hudson and Clark to Pizzo Development Group, LLC in the amount of \$59,640.00 in accordance with the Purchase Agreement presented to Council; AND

BE IT FURTHER RESOLVED that if the Purchaser(s), Pizzo Development Group, LLC, does not undertake development on or before August 22, 2019 and complete construction by August 22, 2020, will result in Seller's right to repurchase property including any improvements for \$47,712.00. A condition will be placed on the Deed that will include this contingency;

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the Offer to Purchase Real Estate for the property between McKinley and Railroad and Hudson and Clark, between Pizzo Development Group, LLC and the City of Wyandotte for \$59,640.00 as presented to Council; AND

BE IT RESOLVED that the required hearing for public comment on the vacation of Fourth Street and the alley vacation be scheduled.

Motion unanimously carried.

2019-240 VACATION OF 4TH STREET NORTH OF CLARK

By Councilperson Maiani, supported by Councilperson Schultz

At a regular session of the City Council of the City of Wyandotte.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYANDOTTE.

That it is a necessary public improvement for the health, welfare, comfort and safety of the People of the City of Wyandotte, and is deemed advisable to vacate, abolish and discontinue the following land as a public street in the City of Wyandotte, Wayne County, Michigan, more particularly described as:

That part of the City owned 4th Street, formerly known as 5th Street, lying north of Clark Street between McKinley to the east and the Railroad to the west abutting Lots 46 and 47 of The Alkali Subdivision of a part of a tract of land belonging to the Estate of George Clark, deceased, East of the Detroit Lima and Northern Railroad and west of Biddle Avenue as recorded in Liber 22 of Plats, Page 22 Wayne County Records.

RESOLVED FURTHER, that this Council will meet on Monday, July 1, 2019, at 7:00 p.m., in the Council Chambers of the Wyandotte City Hall, 3200 Biddle Avenue, in said City, to hear objections to the proposed vacating, abolishing and discontinuing of said described land as a public street.

RESOLVED FURTHER, that the City Clerk shall give notice of such meeting, with a copy of this Resolution, in a newspaper published and circulating in said City, in accordance with the provisions of the City Charter.

Motion unanimously carried.

2019-241 VACATION OF EAST/WEST ALLEY FROM MCKINLEY TO RAILROAD

By Councilperson Maiani, supported by Councilperson Schultz

At a regular session of the City Council of the City of Wyandotte.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYANDOTTE.

That it is a necessary public improvement for the health, welfare, comfort and safety of the People of the City of Wyandotte, and is deemed advisable to vacate with easement the sixteen (16) foot public alley between McKinley and the Railroad, South of Hudson and north of Clark in the City of Wyandotte, Wayne County, Michigan, more particularly described as:

The sixteen (16) foot wide alley abutting Lots 39 thru 49 and the fifty (50) foot wide public street of "The Alkali Subdivision" of a part of a tract of land belonging to the Estate of George Clark, deceased, East of the Detroit Lima and Northern Railroad and west of Biddle Avenue as recorded in Liber 22 of Plats, Page 22, Wayne County Records, and abutting Lots 88 thru 98 of Hudson's Sub'n of Part of Lot 4 of the Geo. Clark Estates Sub'n, Sec's 20 and 21 (T.3S., R.11E.), Ecorse (now City of Wyandotte), Wayne Co., Mich. As recorded in Liber 22, Page 23, Wayne County Records.

RESOLVED FURTHER, that this Council will meet on Monday, July 1, 2019, at 7:00 p.m., in the Council Chambers of the Wyandotte City Hall, 3200 Biddle Avenue, in said City, to hear objections to the proposed vacating of said described land as a public alley.

RESOLVED FURTHER, that the City Clerk shall give notice of such meeting, with a copy of this Resolution, in a newspaper published and circulating in said City, in accordance with the provisions of the City Charter.

Motion unanimously carried.

2019-242 WYANDOTTE JAYCEES DUMPSTER REQUEST

By Councilperson Maiani, supported by Councilperson Schultz

BE IT RESOLVED that Council permits the Wyandotte Jaycees to utilize a city dumpster at no charge to the organization for their storage clean out on June 15, 2019; AND

BE IT FURTHER RESOLVED that the Council directs the Wyandotte Jaycees to work with the Department of Public Service to coordinate and fulfill this request.

Motion carried.

YEAS: Councilpersons Alderman, Calvin, DeSana, Schultz, Sabuda

NAYS: None

ABSTAIN: Councilperson Maiani

2019-243 CLOSED SESSION

By Councilperson Maiani, supported by Councilperson Schultz

RESOLVED that the City Administrator has expressed a desire to meet in closed session for discussion connected with the negotiation of a collective bargaining agreement. This is in accordance with Section 15.268c of PA 267 of 1976.

THEREFORE, BE IT RESOLVED that this Body will meet in closed session immediately following the regularly scheduled Council meeting for the above-stated purpose only.

Motion unanimously carried.

2019-244 BILLS & ACCOUNTS

By Councilperson Maiani, supported by Councilperson Schultz

RESOLVED that the total bills and accounts of \$1,776,450.36 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

REPORTS & MINUTES

Municipal Service Commission

May 15, 2019

Planning Commission

April 18, 2019

Recreation Commission

May 8, 2019

Retirement Commission

March 15, 2019

REMARKS OF THE MAYOR, COUNCIL, & ELECTED OFFICIALS


Councilperson DeSana: Read letter from Rick Malechuck of St. Vincent Pallotti Parish thanking the City for their part in a successful 2019 Spring Fling event.

ADJOURNMENT**2019-245 ADJOURNMENT**

By Councilperson Maiani, supported by Councilperson Schultz

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 7:55 p.m.

Motion unanimously carried.



Lawrence S. Stec, City Clerk