

AGENDA FOR THE COMMITTEE OF THE WHOLE AND REGULAR SESSION  
MONDAY, AUGUST 3rd, 2015 7:00 PM  
PRESIDING: THE HONORABLE MAYOR JOSEPH R. PETERSON  
CHAIRPERSON OF THE EVENING: THE HONORABLE SHERI M. FRICKE

ROLL CALL: FRICKE, GALESKI, MICIURA, SABUDA, SCHULTZ, STEC

COMMUNICATIONS - MISCELLANEOUS:

1. Communication from John Clancy regarding a request to place an American Flag near the federal Social Security Building on Biddle Avenue.
2. Communication from Henry Gumbis regarding a parking issue.
3. Communication from Dennis Bargowski relative to a future Boat Marina.

PERSONS IN THE AUDIENCE

NEW BUSINESS (ELECTED OFFICIALS)



#### COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

4. Communication from Mayor Peterson setting forth a request to appoint Kevin Van Boxell to City Council to fill the unexpired term created by the resignation of Lawrence Stec.

5. Communication from the Superintendent of Recreation regarding the SMART 2016 FY Municipal and Community Credit Contract.

6. Communication from the Special Events Coordinator relative to:

- A. Entertainment Contract (Natale Emanuele)
- B. 2015 Sound Contract Music in the Park
- C. Special Event Application Wyandotte Business Association
- D. Waterside Concert Series 2015-Music in the Park
- E. Special Event Rouge Free Will Baptist Church Event

7. Communication from the Planning Commission regarding a request for an amendment to the Outdoor Café at 126 Oak Street.

8. Communication from the Planning Commission relative to the rezoning of the property known as former 600-604 Poplar.

9. Communication from the Planning Commission regarding a request for an Outdoor Café at 130 Maple.

10. Communication from the City Engineer setting forth a Purchase Agreement to sell city-owned property known as former 997-1007 Eureka.

11. Communication from the Planning Commission regarding Zoning Ordinance amendments.



## CITIZENS PARTICIPATION

### FIRST READING OF ORDINANCES:

AN ORDINANCE ENTITLED  
AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE  
ZONING ORDINANCE BY AMENDING  
ARTICLE XII-B-1 NEIGHBORHOOD BUSINESS  
DISTRICT, Section 1200 Principal Uses Permitted

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AN ORDINANCE ENTITLED  
AN ORDINANCE TO AMEND THE CITY OF  
WYANDOTTE ZONING ORDINANCE BY AMENDING  
ARTICLE VIII-RM-2 TOWNHOUSE RESIDENTIAL DISTRICTS-  
Section 801 and Section 802

### REPORTS AND MINUTES

Municipal Service Working Session	July 22, 2015
Municipal Service Commission	July 22, 2015
Recreation Commission	July 14, 2015
Finance Daily Cash Receipts	July 24, 27, 29, 2015
July Board of Review Minutes	
Fire Commission	July 14, 2015
Police Commission	July 14, 2015
Zoning Board of Appeals & Adjustments	July 15, 2015
Planning Commission	July 16, 2015
Department of Public Service	July 17 to July 22, 2015



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1707 20<sup>th</sup> Street  
Wyandotte, Michigan  
48192

City of Wyandotte  
City Hall  
3131 Biddle Avenue  
Wyandotte, Michigan

July 21, 2015

Dear Mayor and Council,

I request that you see to it that an appropriate American flag be placed near the federal Social Security Building on Biddle Avenue.

One of the reasons we are proud to live in Wyandotte relates to our patriotism. As a city we proudly hail the American flag through several memorials in honor of those who have served to keep us free.

We are deeply disappointed in our present president and his administration for their disrespect for our veterans, our nation, and our flag. This is why, all the more, we here in the great City of Wyandotte, should stand tall.

I spoke to my state representative about this very issue a few weeks ago.

Please respond to let me know the status of my request.

Sincerely,

*John Clancy*  
John Clancy



**Maria Johnson**

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**From:** Henry Gumbis [henrygumbis@gmail.com]

**Sent:** Wednesday, July 29, 2015 2:34 PM

**To:** clerk@wyan.org

Honorable Mayor, Distinguished City Council persons:

I reside on Edcliff Court, and if you have ever driven through our street you would see that any on street parking is difficult at best because the street is very narrow. We are able to park when necessary by placing two tires partially on the sidewalk. This gives extra room for someone driving through our street to be able to make the passage without hitting any cars. This is important when Emmons is blocked by a train and people use the court to turn around.

I bring this up because I've lived on this street since 1972, and there has never been any issues with parking till today (Wednesday). I saw the Ordinance Officer in vehicle 7-33 pull up to my daughters car. I walked out and inquired what the problem is, that's when he informed me that parking partially on the sidewalk is illegal. As a retired Police Officer I'm aware of this, but since foot traffic is virtually non existent, anyone walking into the court uses the street. Now I'm not asking that we be allowed to break the law, but since it has not been an issue till today, let us use the status quo that has existed on our court for these many years. Any considerations in this matter will be greatly appreciated.

Thank You


Henry Gumbis

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2015.0.6086 / Virus Database: 4392/10337 - Release Date: 07/30/15





**To: City Clerk - Please put onto the City Council Agenda,**  
Please present this, have this read, and discuss this at the next City Council Meeting  
**RE: Wyandotte Boat Marina**

**Dear Honorable Mayor Peterson and City Council,**

I am definitely for a boat Marina in Wyandotte. I heard that there is some federal grant money for a Marina in Wyandotte that might expire soon and I think it would be a real shame to lose the federal money. I do a lot of traveling throughout the country and up north in Michigan where there are many marinas like in Charlevoix, MI and a marina would make Wyandotte a destination city to go travel to downriver, dine in, and shop in.

People from all over would like to take a trip with their boats and dock in Wyandotte if given the opportunity. I also have a lot of friends from other places with boats, like Grosse Ile and Gibraltar and they would love to be able to take their boats out instead of driving their cars to Wyandotte and dock in Wyandotte and go to the local businesses and spend their money. People from other areas would also come and help the businesses. I think it would help the downtown businesses greatly. Wyandotte is a gem and this would add to Wyandotte's uniqueness. Most cities do not have the water access of Wyandotte and a vibrant downtown to do this and I hope you will discuss this at the next City Council meeting and the idea of it being right at Oak Street I also think would be great for the boaters to get off their boats and walk right to the businesses and festivals easily.

Many Thanks for listening to my views on this matter.

Sincerely, 

Home Owner Resident close to downtown Wyandotte where the site would be:  
Dennis Bargowski  
217 Superior Boulevard  
Wyandotte, MI 48192

734-324-8981

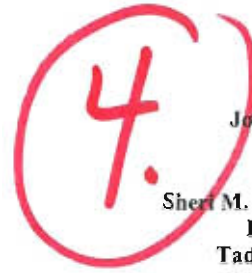


## OFFICIALS

Thomas Woodruff  
CITY ASSESSOR

William R. Griggs  
CITY CLERK

Todd M. Browning  
TREASURER



MAYOR  
Joseph R. Peterson

COUNCIL  
Sheri M. Sutherby-Fricke  
Daniel E. Galeski  
Tadeusz Miciura Jr.  
Leonard T. Sabuda  
Donald Schultz Jr.  
Lawrence S. Stec

July 27, 2015

The Honorable City Council  
City of Wyandotte  
3200 Biddle Avenue – Ste. 300  
Wyandotte MI 48192

Gentlemen and Madam:

Pursuant to section 3 of chapter VII of the City Charter, if a vacancy occurs in any elective office, the mayor, with the approval of the council, shall appoint an eligible person to fill such vacancy until the office is filled by election at the next general city election. Therefore, I am recommending the appointment of Kevin Van Boxell to City Council to fill the unexpired term created by the resignation of Lawrence Stec.

Attached please find Mr. Van Boxell's resume. He has been a Wyandotte resident since 1977. He has served as a Wyandotte School District trustee for 15 years. He also was part owner of a trucking company where he was responsible for financial, insurance and federal and state regulatory matters. He has military experience in the US Navy which involved being deployed to Afghanistan and included training troops in job and combat skills, as well as educational officer, command career counselor and drug and alcohol program adviser. He has also been involved in several community service organizations such as the Salvation Army, American Legion, and VFW and is a member of St. Joseph's Church.

After interviewing Mr. Van Boxell, it was evident that he has maintained an interest in city government by watching and attending the City Council meetings, staying up to date with city projects and events, maintaining knowledge of the city charter, and is familiar with our form of government. He has expressed great interest in being a member of City Council and is enthusiast to take on a role to continue to move the city forward.

Thanking you in advance for your support of this recommendation.

Sincerely,

Joseph R. Peterson, Mayor  
City of Wyandotte



## **Kevin D. Van Boxell**

**1271 12<sup>th</sup> Street  
Wyandotte, Michigan 48192  
(734)283-8715  
(313)3777126  
[kvb729@aol.com](mailto:kvb729@aol.com)**

### **Personal**

Resident and homeowner in Wyandotte since 1977  
Married to Ann Hollobaugh for 38 years  
Two Daughters (Beth Botts and Lisa Beck)  
Daughters are Wyandotte graduates who still reside in the city  
Five grandchildren

### **Education**

Graduated O.L. of Mt. Carmel High School in 1973  
Attended Henry Ford Community College  
Attended Wayne County Community College  
Leadership courses – U.S. Navy  
Transportation Courses – Michigan State University

### **Employment**

**C. Van Boxell Transportation, Inc. - Detroit, MI  
(06/1973 to 04/2009) 32 years  
Vice President**

Responsibilities included corporate and employee insurance coverage. Responsible for corporate legal, compliance and authority matters. Maintained and audited OSHA, DOT and other regulatory compliance. Directed fleet of trucks and trailers hauling chemical and oil products. Managed the recruiting, hiring, and training of all drivers. Developed, implemented and administered policies, procedures, and training for safety, hazardous materials and emergency response. Commercial Driver's License (CDL) and Hazmat and tanker endorsements. Accident investigation.

**U.S. Navy Reserves (Selfridge Air National Guard Base)  
(12/1991 to present)**

#### **Equipment Operator Chief (E7)**

Recently retired from the U.S. Navy Reserves. Responsible for 600 enlisted members of a Construction Battalion (Seabee) Reserve Unit encompassing 10 reserve centers in Michigan, Indiana, and Ohio. Command Career Counselor-maintain advancement records, coordinate and schedule training courses, research and recommend Naval careers for members, provide support for



deployment issues. Drug and Alcohol Prevention Administrator (DAPA) Officer- evaluate and council members for incidents of suspected substance abuse oversee testing, make treatment recommendations to Command. Command Managed Equal Opportunity (CMEO) Officer- coordinate and provide training to support the Navy's equal opportunity (EO) policy. Investigate and resolve allegations of discrimination in a confidential, timely, and just manner according to procedures. Instructor- combat warfare. Licensed to operate heavy equipment. Explosives driver. Active Duty 1974-1976 NATO Supreme Allied Command-Norfolk, **Reserves 1977-1980** USS Vulcan **Reserves 1989-2013** U.S. Navy Seabee Battalion 26 & 21 C **Deployed 2004** (1 yr.) **Deployed 2010** (1 yr.) Afghanistan **Retired 2013** as EOC (SCW) Chief Petty Officer E-7 (SCW- Seabee Combat Warfare)

## **Certificates /Licenses**

CDL (Class A) -State of Michigan  
Heavy Equipment Operator –U.S. Navy

## **Training**

Michigan State University (Lansing, MI) Certificates of Training in the following: Motor Fleet Supervisor, Transportation of Hazardous Materials, Accident Investigation and Advanced Accident Investigation. American Trucking Association Certifications- Handling Hazardous Materials and Wastes. Michigan Trucking Association – Hazardous Materials Training. U.S. Department of Transportation – Federal Hazardous Materials Regulations, Federal Motor Carrier Safety Regulations. Fox Valley Technical Institute (Appleton, WI)- Tractor Trailer Jackknife Avoidance and Decision Driving Techniques.

## **Community Service**

Salvation Army volunteer and Advisory Board Member  
American Legion (Downriver Office)  
Member – VFW  
American Legion  
P.L.A.V.  
Parishioner – St. Joseph's Church

## **Elected Offices**

Michigan Trucking Association Board of Governors  
Appointed to fill vacancy on Wyandotte School Board in 1994  
Served over 13 years on the School Board, holding all offices and trustee position.



**Activities**

Trustee- Wyandotte School District 1994-2009

Chairperson for the Building, Finance and Policy committees. Level 2 certified School Board Member (MASB).

Michigan Trucking Association 1978-2009

Board of Governors (27 yrs.)

President of Eastern Council of Safety Supervisors

Served in various positions such as Chairman, Vice Chairman, Assistant Secretary/Treasurer, Board Member, and Safety Appeals Board. Conducted road patrols and scale inspections.

MTA Safety Professional of the Year 1988.



**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

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**MEETING DATE:** August 3rd, 2015

**AGENDA ITEM #** \_\_\_\_\_

**ITEM:** SMART 2016FY Municipal and Community Credit Contract

**PRESENTER:** Justin N. Lanagan, Superintendent of Recreation

**INDIVIDUALS IN ATTENDANCE:**

**BACKGROUND:** This is a SMART contract agreement for our 37<sup>th</sup> year of SMART funding for our transportation programs. For the fiscal year 2016, we are receiving \$63,898 from SMART. These funds are used to insure our Senior Bus and Van, subsidize the Taxi Token Programs, and for any necessary maintenance repairs for the two vehicles.

**STRATEGIC PLAN/GOALS:** To continue to provide the finest services and quality of life through the continued operation of our Senior Transportation programs.

**ACTION REQUESTED:** Adopt a resolution concurring with the Superintendent of Recreation's recommendation to have the Mayor and City Clerk sign the FY2016 Municipal and Community Credit contract.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** 101-750-850-550 will be fully funded through the Municipal and Community credits allocated by SMART (\$63,898).

**IMPLEMENTATION PLAN:** The signed contract will be returned to SMART.

**COMMISSION RECOMMENDATION:** n/a

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:** Approved by Department of Legal Affairs

**MAYOR'S RECOMMENDATION:**



**LIST OF ATTACHMENTS:** SMART FY2016 Municipal and Community Credit Contract, Exhibits A and B, and the EEOC Report.



**RESOLUTION:**

Wyandotte, Michigan  
Date: August 3<sup>rd</sup>, 2015

RESOLUTION by Councilman \_\_\_\_\_

**Resolved by the City Council that Council hereby authorizes the Mayor and City Clerk to sign the SMART Municipal and Community Credit Contract for FY16 as submitted by the Superintendent of Recreation.**

I move the adoption of the foregoing resolution.

MOTION by

Councilmen \_\_\_\_\_

Supported by Councilman \_\_\_\_\_

YEAS

COUNCIL

NAYS

Fricke  
Galeski  
Miciura  
Sabuda  
Schultz  
Stec





**Suburban Mobility Authority for Regional Transportation**

Buhl Building • 535 Griswold Street, Suite 600 • Detroit, MI 48226 • (313) 223-2100

June 24, 2015

Mrs. Aimee Garbin  
Parks and Recreation  
City of Wyandotte  
3131 Third Street  
Wyandotte, MI 48192

Dear Aimee:

Enclosed is the FY 2016 Municipal and Community Credit contract between SMART and City of Wyandotte.

To receive your FY 2016 funds, please complete the enclosed contract, including Exhibits A and B and the EEOC Report A form. The employee information reported on the **EEOC form should only include the department and persons involved in the transportation program**. Quarterly Operating Report, via MYSMART, is due at the end of each quarter during the term of the contract and is the mechanism finance uses to disburse Municipal and Community Credit funds.

Upon completion, please return all documents to me for final execution (refer to the attached check list). Once the contract has been signed by SMART's General Manager, I will return a fully executed contract to you for your record. As always, please feel free to call me at 734-446-3026 if you have questions or need my assistance to fill out the contract.

I wish you much success with your community transportation program.

Sincerely,

Melissa V. Hightower  
Ombudsperson, Wayne County

Enclosures





# MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT

## for FY - 2016

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I, Joseph R. Peterson, as the Mayor of the **City of Wyandotte** (hereinafter, the "Community") hereby apply to SMART and agree to the terms and conditions herein, for the receipt and expenditure of **Municipal Credits** (Section 1 below), and **Community Credits** (Section 2 below); and further agree that the **Municipal and Community Credits Master Agreement** between the parties is incorporated herein by reference. A description of the service the Community shall provide hereunder is set forth in Exhibit A, and the operating budget for that service is set forth in Exhibit B, both of which are attached hereto and incorporated herein.

1. The Community agrees to use **\$25,460** in **Municipal Credit** funds as follows:

- (a) Transfer to \_\_\_\_\_ Funding of: \$ \_\_\_\_\_  
TRANSFeree COMMUNITY
- (b) Van/Bus Operations At the cost of: \$ 25,460  
(Including Charter and Taxi services)
- (c) Services Purchased from SMART At the cost of: \$ \_\_\_\_\_  
(Including Tickets, Shuttle Services/Dial-a-Ride)

**Total \$ 25,460**

SMART intends to provide Municipal Credit funds under this contract to the extent funds for the program are made available to it by the Michigan Legislature pursuant to Michigan Public Act 51 of 1951. Municipal Credit funds made available to SMART through legislative appropriation are based on projected revenue estimates. In the event that revenue actually received is insufficient to support the Legislature's appropriation, it will result in an equivalent reduction in funding provided to the Community pursuant to this Contract. In such event, SMART reserves the right, without notice, to reduce the payment of Municipal Credit funds by the amount of any reduction by the legislature to SMART. All funding must be spent by September 30, 2017; all funds not spent by that date will revert back to SMART pursuant to Michigan Public Act 51 of 1951, for expenditure consistent with Michigan law and SMART policy.

2. The Community agrees to use **\$38,438** in **Community Credit** funds available as follows:

- (a) Transfer to \_\_\_\_\_ Funding of: \$ \_\_\_\_\_  
TRANSFeree COMMUNITY
- (b) Van/Bus Operations At the cost of: \$ 38,438  
(Including Charter and Taxi services)
- (c) Services Purchased from SMART At the cost of: \$ \_\_\_\_\_  
(Including Tickets, Shuttle Services/Dial-a-Ride)
- (d) Capital Purchases At the cost of: \$ \_\_\_\_\_

**Total \$38,438**



# MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT for FY - 2016

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Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART policy, including procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by Community requires submission of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). Community Credit dollars available in FY 2016, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement. All Community Credit funds must be spent by June 30, 2018 unless approval from SMART General Manager is obtained to extend Community Credits for an additional 2 years to allow accrual for major capital projects; any funds not spent by that date may revert back to SMART for expenditure consistent with SMART policy.

This agreement shall be binding once signed by both parties.

CITY OF WYANDOTTE

By: \_\_\_\_\_

Date \_\_\_\_\_

Its: \_\_\_\_\_

Suburban Mobility Authority for  
Regional Transportation

Date \_\_\_\_\_

By: \_\_\_\_\_

John C. Hertel  
General Manager

Reviewed & Approved by

Bill Look as to form on 7-22-15  
William R. Look



# MUNICIPAL CREDIT & COMMUNITY CREDIT CONTRACT

## For FY - 2016

### EXHIBIT "A"

#### **I. MUNICIPAL BUS/VAN PROGRAM – SENIOR CITIZENS AND SPECIAL POPULATIONS**

Service Description:	The City of Wyandotte owns and operates a SMART Bus and a SMART Van that are used to transport senior citizens and special populations to doctor, school, hospital appointments, shopping, etc.
Service Area:	Within the City of Wyandotte and surrounding neighboring cities, if possible.
Service Hours:	This service runs between 8 am and 4 pm. All requests for transportation are made on an appointment basis depending on the availability of the vehicle.
Eligible User Group:	Wyandotte Senior Citizens 60 years of age and older and handicapped individuals
Fare Structure:	\$1 each way
Service Level:	Trips are scheduled as needed. Requests are made to the Tele-Care/Senior Van Office at least 48 hours in advance.
Service Mode:	12 Passenger S.M.A.R.T. Bus #29155 8 Passenger S.M.A.R.T. Van #27117

#### **II. TAXI TOKEN SERVICE**

Definition:	City of Wyandotte will provide a taxi service for qualified individuals, using a local transportation company.
Service Area:	Limited Area - Wayne County
Service Hours:	7 days per week - 24 hours per day
Eligible User Group:	Resident Senior Citizens 60 & Over And residents with disabilities
Fare Structure:	\$3.50 per token – 50% funded by SMART 50% paid by rider (\$1.75 per token) Minimum purchase 10 tokens per month Maximum purchase 40 tokens per month
Service Level:	Seniors must provide proof of age. Persons with disabilities must provide documentation from their doctor.
Service Mode:	Trinity Transportation



# MUNICIPAL CREDIT & COMMUNITY CREDIT CONTRACT

## For FY - 2016

Primary Contact Person Name: Aimee E. Pattenau-Garbin (**Quarterly Reports**)

Office Telephone Number: (734) 324-7292

Cell Phone Number: (734) 231-1659

Fax Number: (734) 556-3228

Email Address: recreation@wyan.org

Street Address, City, Zip Code: 3131 Third Street, Wyandotte, MI 48192

Secondary Contact Person Name: Justin N. Lanagan

Office Telephone Number: (734) 324-7294

Cell Phone Number: (734) 365-4318

Fax Number: (734) 556-3228

Email Address: jnlanagan@wyan.org

Street Address, City, Zip Code: 3131 Third Street, Wyandotte, MI 48192

\*Other Names: Daniel Zasadny (**Weekly Reports**)

Office Telephone Number: (734) 324-7295

Cell Phone Number: N/A

Fax Number: (734) 556-3228

Email Address: yack@wyan.org

Street Address, City, Zip Code: 3131 Third Street, Wyandotte, MI 48192

\*Other Names: Angela Boggs (**Weekly Reports**)

Office Telephone Number: (734) 324-7295

Cell Phone Number: N/A

Fax Number: (734) 556-3228

Email Address: yack@wyan.org

Street Address, City, Zip Code: 3131 Third Street, Wyandotte, MI 48192

***\*Please indicate the staff person who sends the weekly and quarterly reports***



# MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT for FY - 2016

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## EXHIBIT B

### PROJECT OPERATING BUDGET

Municipality: City of Wyandotte

Contract Period: July 1, 2015 - June 30, 2016

Account No: 48138

#### OPERATING EXPENSES:

Administrative Fee	
(10% max. of MC & CC funds)	<u>6,390.00</u>
Driver Wages	<u>23,750.89</u>
Fringe Benefits	
Gasoline & Lubricants	<u>6,195.06</u>
Vehicle Insurance	<u>13,600.00</u>
Parts, Maintenance Supplies	<u>5,492.64</u>
Mechanic Wages	
Fringe Benefits	
Dispatch Wages	<u>5,348.40</u>
Other (Specify)	

**Sub-Total (Operating Expenses)**

60,116.99

#### PURCHASED SERVICE:

Taxi Service	<u>31,955.00</u>
Charter Service	
SMART Bus Tickets	
SMART Shuttle Service	
SMART Dial-A-Ride	
Other (Specify)	

**Sub-Total (Purchased Service)**

31,955.00

#### CAPITAL EQUIPMENT:

(Only list purchases to be made with Community Credits)

Computer Equipment	
Software	
Vehicle	
Maintenance Equipment	
Other (Specify)	

**Sub-Total (Capital Equipment)**

92,131.99

#### TOTAL EXPENSES

(Operating Expenses, Purchased Service,  
and Capital Equipment):

92,131.99



# MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT for FY - 2016

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## EXHIBIT B, continued (Page 2)

### REVENUES:

Municipal Credit Funds	<u>25,460</u>
Community Credit Funds	<u>38,438</u>
Specialized Services Funds	
General Funds	<u>4,653.24</u>
Farebox Revenue	<u>23,580.75</u>
In-Kind Service	
Special Fares (Contracted Service)	
Other (Specify)	

### TOTAL REVENUE:

92,131.99

(Note: TOTAL EXPENSES must equal TOTAL REVENUE)



# Equal Employment Opportunity Compliance Report A

**Bid / Project Name**

Name of Firm		Employer I.D.
City of Wyandotte Recreation Department		Number
Address		
3131 Third Street		
City	State	Zip
Wyandotte	MI	48192
<input type="checkbox"/> Independent firm, or <input type="checkbox"/> Owned / controlled by:		
Corporate address of parent or affiliated company:		
Indicate the appropriate box for your reporting unit (Mark only one box):	<input type="checkbox"/> Consolidated Report <input type="checkbox"/> Headquarters Unit Report <input type="checkbox"/> Special Report	<input type="checkbox"/> Single Establishment Employer Report <input type="checkbox"/> Individual Establishment Report (Submit one for each establishment)

## Business Data

What is the major activity of this establishment (Be specific, i.e., manufacturing steel casings, retail grocer, wholesale plumbing supplies, title insurance)?

## Transportation Programs

Include the specific type of product or type of service provided, as well as the principal business or industrial activity:

## City Government

Have all subcontractors been informed of their responsibility to file EEO Compliance Report A?	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	
Is an Affirmative Action Plan on file with SMART's Office of Contract Compliance?	<input type="checkbox"/> Yes	If no, plan will be
	<input type="checkbox"/> No	submitted by (indicate date):
An Affirmative Action Plan is on file with the following governmental agencies. Please list:		

<b>Employment Data</b>	Employment at this establishment - Report all permanent, temporary, or part time employees including apprentices and on-the-job trainees. Enter the appropriate figures on ALL lines and in ALL columns. Blank spaces will be considered as zero.
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[illegible]

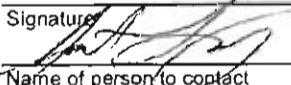


**Employment Data (continued)**

Employment at this establishment-Report all permanent, temporary, or part-time employees including apprentices and on-the-job trainees.  
Enter the appropriate figures.

Job Categories	Current Workforce					Under- utilization		Estimated Number of Vacancies	20____Goals				Ultimate Goals			
	No. of Employees	Minority		Female					Minority		Female		Minority		Female	
		#	%	#	%	Min.	Fem.		#	%	#	%	Year	%	Year	%
Officials/Managers																
Professionals	1															
Technicians																
Sales Workers																
Office and Clerical Staff	4			3	75											
Craftsmen (Skilled)																
Operators (Semi. Skilled)																
Laborers (Unskilled)	1															
Service Workers	4	1	33	1	33											
Journey Workers																
Apprentices																
Total	10	1	33	4	40											

**Certification**

Name of authorized official		Title	
Justin N. Lanagan		Superintendent of Recreation	
Signature 		Date	
		7/29/15	
Name of person to contact regarding this report		Title	
Same			
Address		City	
(number and street)		Wyandotte	
3131 Third St.			
State	Zip Code	Area	Telephone
Michigan	48192	Code 734	Number 324-7294
		Ext.	

How was information as to race or ethnic group obtained? ☒ Visual Survey ☐ Employment Records

Do not write below this line. For SMART Only.

Date	Awardable		Signature	Comments
	Yes	No		



**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

6-A

**MEETING DATE:** August 3<sup>rd</sup> 2015

**AGENDA ITEM #** \_\_\_\_

**ITEM: Special Event Application -Entertainment Contract**

**PRESENTER:** Heather A. Thiede, Special Events Coordinator

**INDIVIDUALS IN ATTENDANCE:** Heather A. Thiede, Special Events Coordinator

**BACKGROUND:** Herewith, please find the entertainment contract assembled and recommended by my office for the Music in the Park Event. *For details please see the below listing.*

Natale Emanuele - \$150

**STRATEGIC PLAN/GOALS:** The City of Wyandotte hosts several quality of life events throughout the year. These events serve to purpose the goals of the City of Wyandotte by bringing our community together with citizen participation and supporting the local businesses and non-profit organizations.

**ACTION REQUESTED:** Adopt a resolution to concur with the above recommendation and authorize Mayor Peterson or William Griggs, City Clerk to sign the attached contracts.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:**

285.225.925.730.812 - \$150

**IMPLEMENTATION PLAN:** Contract to be signed by Mayor Joseph R. Peterson and William Griggs, City Clerk to be returned to Heather A. Thiede for implementation.

**COMMISSION RECOMMENDATION:** N/A

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:** Concurs with recommendation, signature on file.

**MAYOR'S RECOMMENDATION:**



**LIST OF ATTACHMENTS**

Contract

**MODEL RESOLUTION:**

**RESOLUTION**

Wyandotte, Michigan  
Date: August 3<sup>rd</sup> 2015

RESOLUTION by Councilman \_\_\_\_\_  
BE IT RESOLVED by the City Council that Council Concurs with the Special Event Coordinator in the



following resolution:

A resolution to APPROVE the entertainment contract for the below band for the 2015 Music in the Parks as outlined in the provided communication dated August 3<sup>rd</sup> 2015. BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby directed to execute said contract on behalf of the City of Wyandotte.

Natale Emanuele - \$150

I move the adoption of the foregoing resolution.

I move the adoption of the foregoing resolution.

MOTION by Councilmen\_\_\_\_\_

Supported by Councilman\_\_\_\_\_

YEAS

COUNCIL

NAYS

Fricke  
Galeski  
Miciura  
Sabuda  
Schultz  
Stec



## Entertainment Agreement

An agreement made this 27 day of JULY, 2015 between the City of Wyandotte and NATHALIE EMANUELE

Name of Musical Group:

NATHALIE EMANUELE

Name of Contact Person:

NATHALIE EMANUELE

Contact Address:

18542 KOESTER RIVERVIEW

Phone Number:

(784) 285-3440

Business ID Number:

List type of entity (LLC, Corporation, DBA, Partnership, etc.) and provide documentation creating entity:

Music Style:

STANDER . POP.

Number of Entertainers:

1

It is mutually agreed between the parties that NATHALIE EMANUELE (name of contact on the w-9 receiving the check) will furnish ENTERTAINMENT for the Wyandotte Music in the Parks on: ON 6 20TH 2015

The price for this engagement is

\$150


Deposit: City agrees to reserve date with a . If no deposit is required, please specify here if not required .

If performers fail to appear and perform as agreed upon, performance fee will not be paid and deposit fee (if any) shall be returned to the City of Wyandotte. If the City of Wyandotte must file legal proceedings to enforce any provision of this agreement, the undersigned shall be responsible to reimburse the City of Wyandotte's costs and reasonable attorney fees.



This engagement will be held outside. The City of Wyandotte agrees to allow the vendor to market CD's during the performance within the entertainment area with 20 feet of the stage.

The undersigned agrees to abide by the City of Wyandotte Ordinance and holds the City of Wyandotte harmless for any and all claims of liability or injury or property damage that may result from activities or actions by performers or staff for \_\_\_\_\_ and agrees to indemnify the City of Wyandotte from all liabilities and claims whatever for injury (including death) to persons and damage to property resulting from performers routine while at the event or resulting from setup and take-down of musical equipment while at the location of the event. The undersigned represents that he/she has the legal authority to sign this agreement on behalf of the above group.



Signature of Entertainment Representative

Date JUL. 27 - 2015

Signature of City Representative

Date \_\_\_\_\_



**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

6-B

**MEETING DATE:** August 3<sup>rd</sup> 2015

**AGENDA ITEM #** \_\_\_\_\_

**ITEM:** 2015 Sound Contract Music in the Park - Bass Notes Production

**PRESENTER:** Heather A. Thiede, Special Event Coordinator

**INDIVIDUALS IN ATTENDANCE:** Heather A. Thiede, Special Event Coordinator

**BACKGROUND:** As you know the Special Event staff is in the process of planning our Music in the Park series for 2015. In light of this, attached, please review a contract for Bass Note Productions to provide sound for the Music in the Park Series.

**STRATEGIC PLAN/GOALS:** The City of Wyandotte hosts several quality of life events throughout the year. These events serve to purpose the goals of the City of Wyandotte by brining our community together with citizen participation and supporting the local businesses and non-profit organizations.

**ACTION REQUESTED:** We feel that Mr. Zang will once again provide excellent service and request your support of this contract.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:**

Music in the Parks - \$1,200 total for 4 events

**IMPLEMENTATION PLAN:** The resolutions and all necessary documents will be forwarded to the Special Event Coordinator.

**COMMISSION RECOMMENDATION:** N/A

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:** Concurs with recommendation. signature on file.

**MAYOR'S RECOMMENDATION:**



**LIST OF ATTACHMENTS:**

2015 Bass Note Production Agreement

**MODEL RESOLUTION:**

**RESOLUTION**

Wyandotte, Michigan  
Date: August 3<sup>rd</sup> 2015

RESOLUTION by Councilman \_\_\_\_\_



Resolved by City Council to approve the request of the Special Event Coordinator to approve of the contract between Bass Note Productions to provide sound for Music in the Park 2015 special events.

I move the adoption of the foregoing resolution.

MOTION by Councilmen \_\_\_\_\_

Supported by Councilman \_\_\_\_\_

YEAS

COUNCIL

NAYS



# **bass note productions**

July 28, 2015

## **Service Agreement**

Bass Note Productions will provide sound services for Music in the Park events listed:

August 20th	\$300
August 27 <sup>th</sup>	\$300
September 17 <sup>th</sup>	\$300
September 24 <sup>th</sup>	\$300

Services will include set up, operation, and removal of sound equipment.

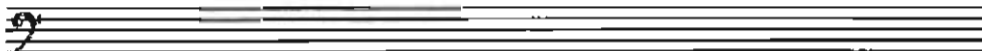
Venue appropriate public address system and appropriate microphones and mixer as required.

Date:	various
Start:	~6:00 PM
Finish:	~7:30 PM
Location:	Bishop Park
Fee:	as described per event-total \$1200.00
Point of Contact:	Heather Theide 324-4502 Special Events Coordinator

Verified By: \_\_\_\_\_

If a need should arise for any additional DJ or other sound services please contact me, I'll do my best to accommodate your wishes.

Jim Zang



734-626-1069

P.O. Box 131  
Wyandotte, MI 48192



**CITY OF WYANDOTTE  
REQUEST FOR COUNCIL ACTION**

6-c

**MEETING DATE:** August 3<sup>rd</sup> 2015

**AGENDA ITEM #** \_\_\_\_\_

**ITEM:** Special Event Application – Wyandotte Business Association

**PRESENTER:** Heather A. Thiede, Special Events Coordinator

**INDIVIDUALS IN ATTENDANCE:** Heather A. Thiede, Special Events Coordinator

**BACKGROUND:** Below please find the requested date for streets/property the Wyandotte Business Association (WBA) would like to utilize for their August Third Friday and special event. The WBA is asking permission for the following items:

August 21<sup>st</sup> 2015

Close requested streets at 11:00 a.m. to re-open at midnight. – See map attached.

- Biddle Avenue - from Eureka Rd. to Oak St.
- East of Biddle Ave
  - Sycamore St east of Biddle to alley
  - Maple St east of Biddle to alley
  - Elm St east of Biddle to alley
- West of Biddle Ave
  - Sycamore St west of Biddle Coastal Thai Restaurant
  - Maple St west of Biddle to alley
  - Elm St west of Biddle to the alley at CVS Store
- 1st St – please allow for traffic to access Oak St public parking lot, but closed starting at the last approach near Chelsea Men's Store
- Gravel parking lot at old city hall to accommodate the placement of a dumpster and porta johns

If there are any costs for any city staff/material/property for said event, the WBA will be responsible for those fees no later than 30 days after said event date. Any tents on the street or sidewalk must be weighted (no stakes are allowed to be used to anchor tents) to prevent collapse. Clean up before/during and after the event must be done by the WBA. This means any glass, spills; broken items will need to be cleaned during the event. The WBA must add the City of Wyandotte as additional insured to their insurance policy and sign a hold harmless agreement. Any requests made after this letter is reviewed and approved will be evaluated by the Special Events Coordinator and necessary Department Heads for approval/denial (Please see the attached applications).

**STRATEGIC PLAN/GOALS:** The City of Wyandotte hosts several quality of life events throughout the year. These events serve to purpose the goals of the City of Wyandotte by bringing our community together with citizen participation and supporting the local businesses and non-profit organizations.

**ACTION REQUESTED:** It is requested the City Council concur with the support of the Special Event Coordinator, Police Chief, Recreation Superintendent, Fire Chief and Department of Public Service Superintendent and support the use of city streets, sidewalks and property for their events held:



**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** N/A

**IMPLEMENTATION PLAN:** The resolutions and all necessary documents will be forwarded to the Chief of Police, Department of Public Service, Recreation, Fire Department and Special Event Coordinator.

**COMMISSION RECOMMENDATION:** N/A

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:** N/A

**MAYOR'S RECOMMENDATION:**



**LIST OF ATTACHMENTS**

Information sheet

**MODEL RESOLUTION:**

**RESOLUTION**

Wyandotte, Michigan  
Date: August 3<sup>rd</sup> 2015

**RESOLUTION** by Councilman \_\_\_\_\_

BE IT RESOLVED by the City Council that Council Concurs with the recommendation of the Special Events Coordinator to approve the use of city sidewalks, streets and property for the event held August 21<sup>st</sup> 2015.

I move the adoption of the foregoing resolution.

**MOTION** by Councilmen \_\_\_\_\_

Supported by Councilman \_\_\_\_\_

YEAS

COUNCIL

NAYS

Fricke  
Galeski  
Miciura  
Sabuda  
Schultz  
Stec



**WBA Event** Wine Crawl, WBA 3<sup>rd</sup> Friday - Aug 19, 2015 Biddle Ave and Downtown Area  
**WBA Contact** Dan Cataldo – Cell: 734-624-5144 / Nick Bader - Cell: 734-624-1145  
**Event Hours** 5:00pm – 10:00pm

**Street Closures** Yes. Close requested streets at 11:00 a.m. to re-open at midnight. – See map attached.

- Biddle Avenue - from Eureka Rd. to Oak St.
- East of Biddle Ave
  - Sycamore St east of Biddle to alley
  - Maple St east of Biddle to alley
  - Elm St east of Biddle to alley
- West of Biddle Ave
  - Sycamore St west of Biddle Coastal Thai Restaurant
  - Maple St west of Biddle to alley
  - Elm St west of Biddle to the alley at CVS Store
  - 1st St – please allow for traffic to access Oak St public parking lot, but closed starting at the last approach near Chelsea Men's Store
- Gravel parking lot at old city hall to accommodate the placement of a dumpster and porta johns

**Activity:**

- Entertainment on Show mobile
- Wine Tasting Event – 21 & older can participate by taking event wine glasses business to business. ID Check and wrist banding for age verification
- Businesses pouring 1 ounce wine samples
- Michigan Winery Booths and Food Vendors Street side
- Businesses are encouraged to set up tents, stay open late, and participate in event

**City Requests**

- Barricades as needed for road closures noted above and "No Parking After 11:00am" Signs
- Electrical is needed. Electrical requests should be completed in 14 days prior to event
- Show Mobile - Placement to be determined by electrical capabilities
- Millennium Trolley is not needed for this event due to road closures
- Fencing – A 3<sup>rd</sup> party company is being contracted for fencing. City fencing may not be needed
- Water Hydrant at Biddle and Maple
- Trash Cans – an ample supply of lined trash cans on streets and a dumpster at Old City Hall Parking Lot
- Golf Carts Requesting 2 Golf Carts or 1 golf cart and the Gator to use during for the day. Permission to store the carts at the nearby Fire Station overnight and returned in morning

**Other Set up**

- Porta Johns delivered before 1:00
- 20 x 40 Tent for event check in and age verification
- Vendor booths with set up throughout the day, busier by 2:00 pm
- Horse & Carriage – may be running 6:00pm – 9:00pm Free to passengers
- Signage place throughout to visibly mark Event Areas, No Alcohol Beyond Points, Event Rules & Policies
- Possible classic car show on Biddle Ave between Eureka and Sycamore

**Tear Down**

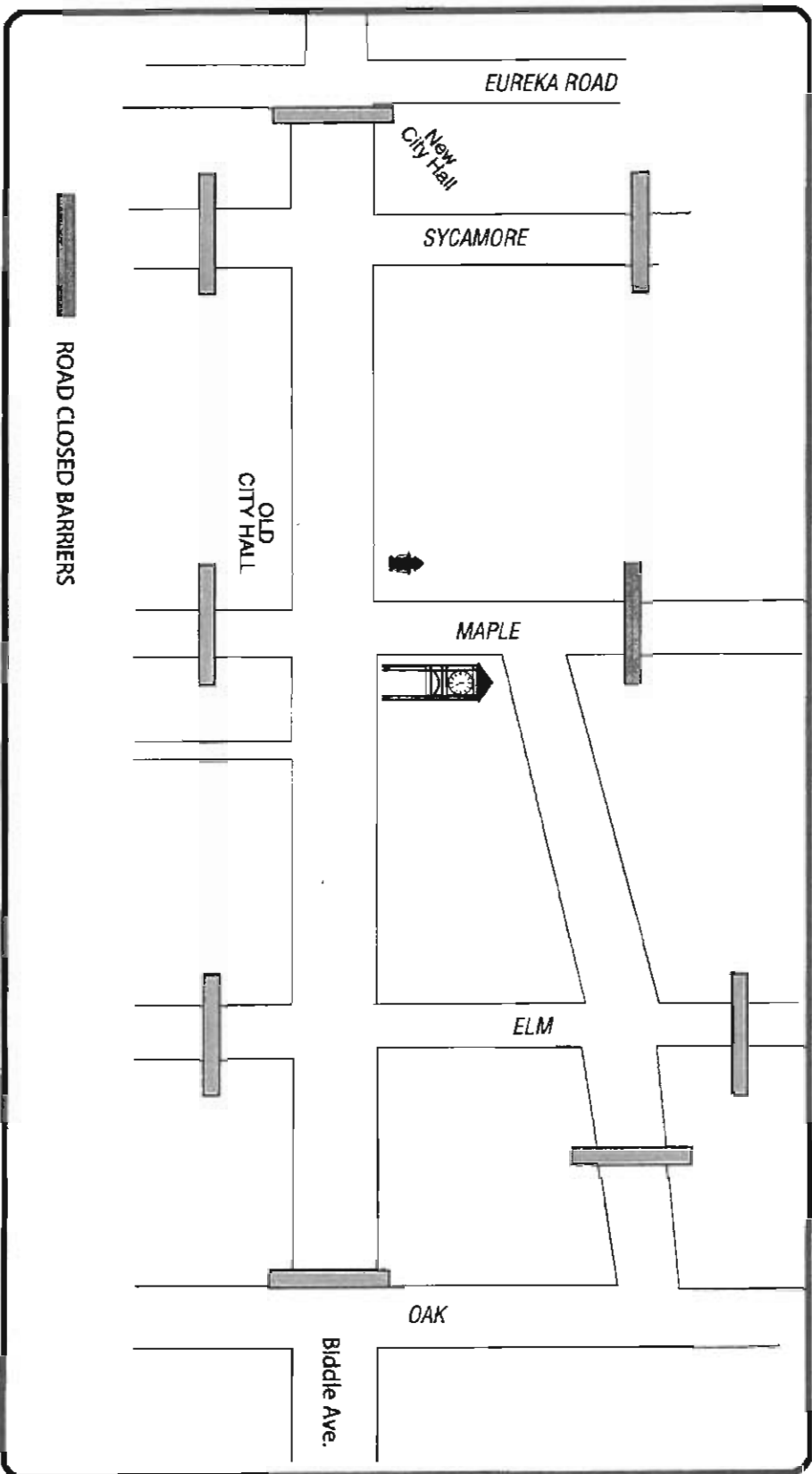
- Event areas will be cleaned and trash moved to dumpster
- Vendor booths taken down and moved by midnight



# 2015 WBA WINE CRAWL

August 21st - 3rd Friday  
DOWNTOWN WYANDOTTE

## ROAD CLOSURES





**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

6-D

**MEETING DATE:** August 3<sup>rd</sup> 2015

**AGENDA ITEM #** \_\_\_\_\_

**ITEM:** Waterside Concert Series 2015 – Music in the Park

**PRESENTER:** Heather A. Thiede, Special Event Coordinator

**INDIVIDUALS IN ATTENDANCE:** Heather A. Thiede, Special Event Coordinator

**BACKGROUND:** The Special Events Office would like to propose for your consideration the revival of the Water Side Concert Series, Music in the Park for the 2015 late summer months in Bishop Park. Leo Stevenson and Merrill Lynch have donated funds again this year, to hold these concerts and we feel that renewing this special event this summer will benefit not only the citizens of Wyandotte but all of downriver. Featuring a variety of family friendly bands, patrons will have the opportunity to bring lawn chairs and blankets to Downtown Wyandotte to enjoy an evening of quality music in the park.

Music in the Park would run on August 20<sup>th</sup>, 27<sup>th</sup> and September 17<sup>th</sup> and 24<sup>th</sup> 2015. All music nights will be fully sponsored by Leo Stevenson and Merrill Lynch

We appreciate your consideration in this proposal and support of special event programming in the City of Wyandotte.

**STRATEGIC PLAN/GOALS:** The City of Wyandotte hosts several quality of life events throughout the year. These events serve to purpose the goals of the City of Wyandotte by bringing our community together with citizen participation and supporting the local businesses and non-profit organizations.

**ACTION REQUESTED:** Adopt a resolution to concur with the above recommendation and authorize Mayor Peterson or William Griggs, City Clerk to sign the attached contract.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:**

\$2,000 to be deposited to the Waterside Concert Series Expense Account – 285-225-925-812

**IMPLEMENTATION PLAN:** Contracts to be signed by Mayor Joseph R. Peterson and William Griggs, City Clerk to be returned to Heather A. Thiede for implementation.

**COMMISSION RECOMMENDATION:** N/A

**CITY ADMINISTRATOR'S RECOMMENDATION:** N/A

**LEGAL COUNSEL'S RECOMMENDATION:** Concurs with recommendation, signature on file.

**MAYOR'S RECOMMENDATION:**

**LIST OF ATTACHMENTS:**

**MODEL RESOLUTION:**

**RESOLUTION**

Wyandotte, Michigan



Date: August 3<sup>rd</sup>, 2015

RESOLUTION by Councilman \_\_\_\_\_

BE IT RESOLVED by the City Council that Council Concurs with the Special Event Coordinator in the following resolution:

A resolution to APPROVE the contract use of Bishop Park on August 20<sup>th</sup>, 27<sup>th</sup> and September 17<sup>th</sup> and 24<sup>th</sup> 2015 as outlined in the provided communication dated August 3<sup>rd</sup> 2015, to be paid from the Waterside Concert Series Expense Account. BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby directed to execute said contract on behalf of the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilmen \_\_\_\_\_

Supported by Councilman \_\_\_\_\_

YEAS

COUNCIL

NAYS

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Galeski  
Miciura  
Sabuda  
Schultz  
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**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

**6-E**  
**AGENDA ITEM #** \_\_\_\_\_

**MEETING DATE:** August 3<sup>rd</sup> 2015

**ITEM:** Special Event Application – Rouge Free Will Baptist Church Event

**PRESENTER:** Heather A. Thiede, Special Events Coordinator

**INDIVIDUALS IN ATTENDANCE:** Heather A. Thiede, Special Events Coordinator

**BACKGROUND:** Attached please find the Special Event Application from Rouge Free Will Baptist Church requesting to hold an event August 23<sup>rd</sup> 2015 and use Bishop Park. This event has been reviewed and approved by Police Chief, Fire Chief, Recreation Superintendent, and Department of Public Service provided the group add the City of Wyandotte as additional insured to their insurance policy and sign a hold harmless agreement. (Please see the attached application and information sheets).

**STRATEGIC PLAN/GOALS:** The City of Wyandotte hosts several quality of life events throughout the year. These events serve to purpose the goals of the City of Wyandotte by bringing our community together with citizen participation and supporting the local businesses and non-profit organizations.

**ACTION REQUESTED:** It is requested the City Council concur with the support of the Chief of Police, Fire Chief, and Recreation Superintendent and support the use of the City Park and property for their event held August 23<sup>rd</sup> 2015.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** N/A

**IMPLEMENTATION PLAN:** The resolutions and all necessary documents will be forwarded to the Chief of Police, Department of Public Service, Recreation, Fire Department and Special Event Coordinator.

**COMMISSION RECOMMENDATION:** N/A

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:** Concurs with recommendation, signature on file.

**MAYOR'S RECOMMENDATION:**

**LIST OF ATTACHMENTS**

Special Event Application

**MODEL RESOLUTION:**



**RESOLUTION**

Wyandotte, Michigan  
Date: August 3<sup>rd</sup> 2015

RESOLUTION by Councilman\_\_\_\_\_

BE IT RESOLVED by the City Council that Council Concurs with the recommendation of the Special Event Coordinator, Fire Chief, Police Chief and Recreation Superintendent to approve the use of City Parks and property for the event held on August 23<sup>rd</sup> 2015.

I move the adoption of the foregoing resolution.

MOTION by Councilmen\_\_\_\_\_

Supported by Councilman\_\_\_\_\_

**YEAS**

**COUNCIL**

**NAYS**

Fricke  
Galeski  
Miciura  
Sabuda  
Schultz  
Stec



# Application for Special Event

Special Events Office, City of Wyandotte  
2624 Biddle Avenue Wyandotte, Michigan 48192  
P: 734-324-4502 F: 734-324-7283  
hthiede@wyan.org www.wyandottetestreetartfair.org

Date of proposed event: Sunday, August 16, 2015 or  
Sunday, August 23, 2015 Times: 9 AM 6:00 PM

Name of Applicant: Rouge Free Will Baptist Church-Reverend Danny Slater, Pastor

Name of Business or Organization: Rouge Free Will Baptist Church

Type of legal entity of your business/organization: Church

Name of individual authorized to sign documents on behalf of your business/organization: Reverend Slater

Address: 221 Ford Avenue Wyandotte, MI 48192

Email: Dslater1@wyan.org Cell Phone: (734) 624-5910

Please attach a detailed description and site map (please see details for proper site map on page 3 of this document) of the proposed event to this application for review by the Special Event Office.

Site of proposed event: Bishop Park - Stage and Pavillion

Estimated maximum number of persons expected at the event for each day: 150

Is Alcohol going to be served or provided at this event: NO Do you have a license: N/A

Do you need water hook up for this event? NO

If you will need water hook up, please list where and what the water will be for: \_\_\_\_\_

**Electrical needs:** Please list on the attached electrical sheet your electrical needs for your event. This document must be returned to the Special Event Office along with this application if you require power at your event.

**Application fee:** \$50 Please make checks or money orders payable to the City of Wyandotte.

If you have any questions regarding this application and its details feel free to contact the Special Event Office at hthiede@wyan.org or 734.324.4502.



**WYANDOTTE MUNICIPAL SERVICE-SPECIAL EVENT ELECTRICAL APPLICATION FORM**

**SERVICES OFFERED:**

120 Volt Standard receptacle – 3 Prong grounded only – Fuse Protected.

240 Volt Standard stove type receptacle – 3 Prong grounded only – Fuse protected. Oak St parking only.

240 Volt – 3 Prong twist lock – 50 Amp receptacle – (Female).

All electrical power shall be turned on 2 hours prior to the start of the event. Early turn-on requests will require 2 days notice prior to the start of the event. Early turn-on's will be 24 hours prior to the event.

**RATES:**

Early turn-on's \_\_\_\_\_ \$35.00

Electrical service requiring 1 – 2 Plugs – (120 Volts) \_\_\_\_\_ \$35.00

Electrical service requiring 3 – 4 Plugs – (120 Volts) \_\_\_\_\_ \$70.00

Electrical service requiring 5 – 6 Plugs – (120 Volts) \_\_\_\_\_ \$105.00

Electrical service requiring over 6 Plugs – (120 Volts) \_\_\_\_\_ \$140.00

Electrical service requiring (240 Volts) at 50 Amps or less (Range Plug) Oak St parking only \_\_\_\_\_ \$150.00

Electrical service requiring (240 Volts) at 50 Amps maximum – (Self Contained) \_\_\_\_\_ \$150.00

All service calls outside of normal working hours for 120 Volt Plugs (Plaster Box Receptacles) – 1<sup>st</sup> service call is free – 2<sup>nd</sup> service call is \$25 plus overtime cost – 3<sup>rd</sup> service call is \$50 plus overtime cost.

All service calls outside of normal working hours for Self Contained service plugs – 1<sup>st</sup> service call is free – 2<sup>nd</sup> service call is \$50 plus overtime – 3<sup>rd</sup> service call is \$100 plus service cost.

**EQUIPMENT TO BE USED: Please be specific!**

<u>TYPE</u>	<u>VOLTAGE</u>	<u>NUMBER OF PLUGS</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

It shall be the users responsibility to ensure that equipment used is properly maintained and grounded, with cords that are equipped with (3 Prongs) to mate with extension cords and receptacles so designed that the Ground connection is made. It is hereby expressed and understood that the Department of Municipal Services does not undertake to furnish continuous service, nor shall DMS be liable for damages resulting from the use of it's Electrical Service.



**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

7

MEETING DATE: August 3, 2015

AGENDA ITEM #

**ITEM:** Request for Outdoor Café at 126 Oak Street

**PRESENTER:** Elizabeth A. Krimmel, Chairperson

**INDIVIDUALS IN ATTENDANCE:** Elizabeth A. Krimmel, Chairperson

**BACKGROUND:** The City received a request from Captain's, 126 Oak Street to amend their outdoor café in the front of 126 Oak Street, Wyandotte. The Planning Commission held the required public hearing on July 16, 2015, wherein the revised outdoor café layout was reviewed. The Planning Commission received comments from the adjacent property owners, tenants of the Edinger Apartments, Police Chief and City Engineer. The Planning Commission has no objection to this change, provided The Dotte Pub submits plans to move their café. Please see the attached duly adopted Resolution. Further, since the outdoor café is on City owned property Council will need to approve this change and a Grant of License, Hold Harmless Agreement and Insurance would be required.

The Planning Commission also received a request for the rear café, which was approved and the duly adopted Resolution is attached.

**STRATEGIC PLAN/GOALS:** The City is committed to making the downtown a destination of choice for residents throughout Southeast Michigan by encouraging existing businesses to expand.

**ACTION REQUESTED:** Concur with recommendation provided a Grant of License, Hold Harmless and Insurance is received by the City.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** n/a

**IMPLEMENTATION PLAN:** Execute Grant of License and Hold Harmless and receive Insurance Certification

**COMMISSION RECOMMENDATION:** Approved by Planning Commission July 16, 2015

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:**

**MAYOR'S RECOMMENDATION:**



**LIST OF ATTACHMENTS:** Minutes and Resolution from the Planning Commission



RESOLUTION PLANNING COMMISSION

July 16, 2015

RESOLUTION BY COMMISSIONER PARKER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that Special Approval #506 – requested by Captains (Owner and Appellant) for:

A Certificate of Occupancy for an Outdoor Café in front of 126 Oak

Be hereby approved contingent upon City Council approval on the basis of the following reasons:

The proposed outdoor café complies with all ordinance requirements or will comply with said requirements and the conditions below prior to use as an outdoor café. Further, during the public hearing for this application, there were no objections to the proposed project.

Said approval is subject to the following conditions:

1. The outdoor café is subject to all conditions applicable to an outdoor café in the Central Business District (CBD) Zoning District, Special Land Uses, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner indicated as drawing Sheet 1, dated June 16, 2015.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements attached.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to Midnight from March 15 through October 31.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Fence detail to be the same as Belicoso Café, 3030 Biddle Avenue, Wyandotte.
9. Table detail to be the same as Belicoso Café, 3030 Biddle Avenue, Wyandotte.
10. Approval by City Council for removal of the planter box and use of the public property is required.
11. The owner has agreed to reimburse the City to modify the base of a light pole to a clear space of three (3) feet to provide clearance for a wheelchair.
12. Dotte Pub is required submit plans for approval to move their outdoor café, prior to construction of this Outdoor Café.

I move adoption of the foregoing resolution.

Commissioner Parker

Supported by Commissioner Rutkowski

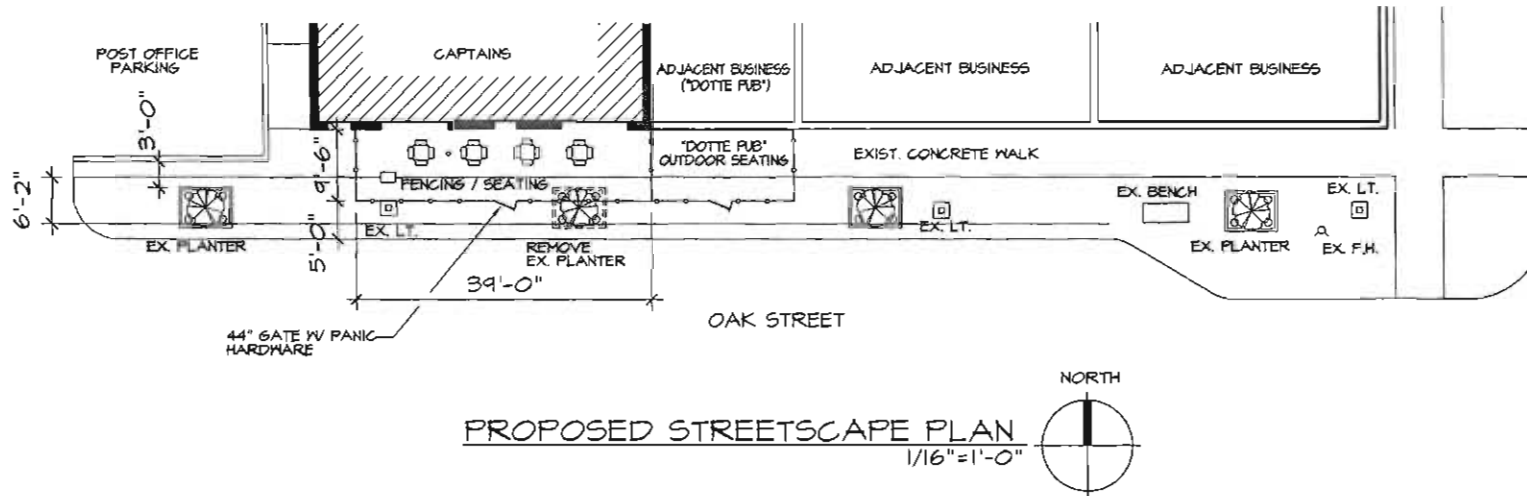
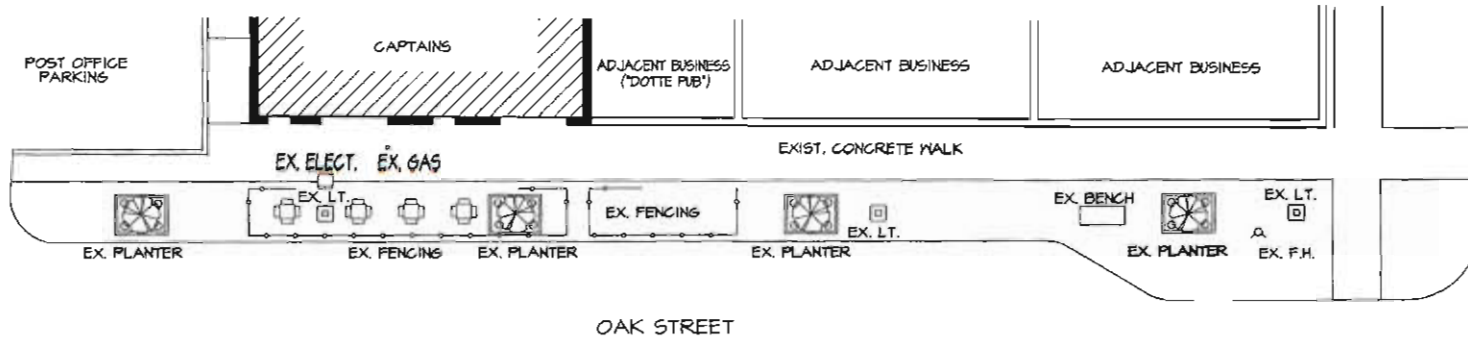
YES: Duran, Krimmel, Lupo, Parker, Pasko, Rutkowski, Tavernier

NO: Benson

ABSENT: Adamczyk

MOTION PASSED





approved by RC 7/16/15



RESOLUTION PLANNING COMMISSION

July 16, 2015

RESOLUTION BY COMISSIONER DURAN

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that Special Approval #506 – requested by Captains (Owner and Appellant) for:

A Certificate of Occupancy for an Outdoor Café in rear of 126 Oak

Be hereby approved basis of the following reasons:

The proposed outdoor café complies with all ordinance requirements or will comply with said requirements and the conditions below prior to use as an outdoor café. Further, during the public hearing for this application, there were objections to the proposed project.

Said approval is subject to the following conditions:

1. The outdoor café is subject to all conditions applicable to an outdoor café on private property in the Central Business District (CBD) Zoning District, Special Land Uses, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner indicated as drawing Sheet 1, dated May 22, 2014.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements attached.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to midnight from March 15 through October 31.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Fence to be 6 feet in height and of a material to be maintenance free.
9. Table layout to be as indicated on Sheet 1, dated May 22, 2014.
10. Areas indicated on drawing Sheet 1, identified as "future building" are not be occupied as part of approved outdoor café.
11. Use of port-a-potty is permitted during special events only, not to be stored on property.

I move adoption of the foregoing resolution.

Commissioner Duran

Supported by Commissioner Pasko

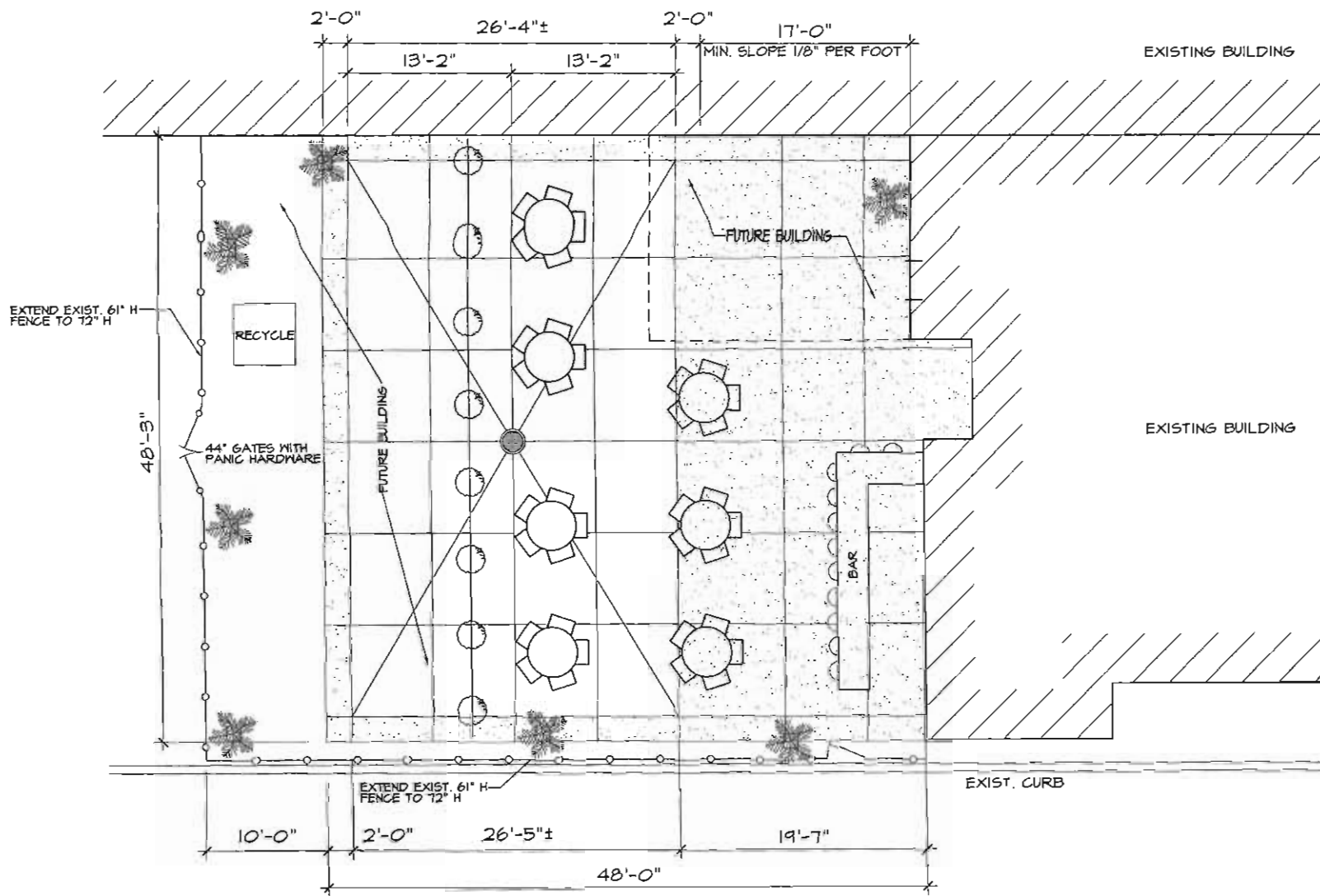
YES: Benson, Duran, Krimmel, Lupo, Parker, Pasko, Rutkowski, Tavernier

NO: None

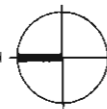
ABSENT: Adamczyk

MOTION PASSED





PROPOSED PARTIAL SITE PLAN  
1/8"=1'-0" NORTH



Approved by PC 7/16/15

<b>Kret's</b> Classic Kitchens & Construction <small>With our attention to detail</small>	CAPTAINS- ORNAMENTAL FIRE FEATURE		DATE	SHEET
			APRIL 11, 2014	1
			APRIL 23, 2014	
			MAY 6, 2014	
			MAY 22, 2014	
126 OAK		WYANDOTTE, MICHIGAN		



Mr. Mazloun stated that was correct.

Commissioner Pasko confirmed that the hours would be from 11 a.m. to midnight.

Mr. Mazloun indicated that was correct.

Commissioner Pasko confirmed that the outdoor café is from April to October.

Mr. Mazloun indicated that was correct.

Chairperson Krimmel indicated that this request would have to be approved by the City Council since the café is located in the City right of way.

There being no further discussion the hearing was closed. No communications were received regarding this hearing.

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**PUBLIC HEARING #506** – Request from Rick DeSana and Les Salliotte (Owners and Appellants) of Captain's, for Certificate of Occupancy to revise their Outdoor Cafes site plans at 126 Oak, Wyandotte, Michigan in CBD Zoning District.

#### **PUBLIC HEARING – FRONT OUTDOOR CAFÉ**

Chairperson Krimmel read the appeal and indicated that the Commission would hear the front outdoor café first and then the rear café would be after. Chairperson Krimmel asked if there was anyone present who wished to speak regarding this hearing.

Dean Robinette Attorney for Rickle's Entertainment LLC., representing the owners of the property, present.

Mr. Robinette indicated that he is here to answer any questions the Commissioners might have and the owners are also present. Mr. Robinette indicated that they would like special approval to have the café opened past midnight and understands that they would need both the Commission and the Council approval for this.

Mr. Robinette indicated that the current locations of the café does not allow for free passage of pedestrians on the sidewalk. Mr. Robinette indicated that they would like to attach the café to the front of the building that way they can control the serving of alcohol by the waiter staff.

Mr. Robinette referred the Commission to the plan that was submitted and indicated that his clients would pay to have the light pole removed so that they meet the requirements for passage by the café.

Commissioner Pasko asked if the only way to get into the café would be thru the building.

Mr. Robinette indicated that is correct.

Mr. Salliotte, owner, stated that there is a man door on the west side and that is the door to the restaurant.



Commissioner Benson indicated that traditionally the Commission has not extended the hours of outdoor cafes past midnight. Commissioner Benson asked if the bar is open and the café is required to be closed, how would you control closing the café.

Mr. Robinette indicated that is one of the reasons they would like the café open until 2:00 a.m. and they would work with the other departments and City Council.

Mr. Robinette indicated further that he has a list of outdoor cafes that are open past midnight and he indicated that they have gone to City Council for approval.

Chairperson Krimmel indicated that to her knowledge, the Commission has not approved any outdoor café past midnight.

Commissioner Duran indicated that the cafes probably don't have approval to be opened past midnight.

Commissioner Tavernier asked about the planter box and if the DDA was informed since they would be modifying the streetscape.

Mr. Robinette indicated that he thought this was the first step and if the planter box can stay they will keep it there.

Chairperson Krimmel indicated that she has no issue with removing the planter box, it will make it safer to move around the café.

Mr. Robinette indicated that they did not consult the DDA.

Commissioner Tavernier asked if they talked to the Dotte Pub since this will affect them.

Ben Tallerico indicated that the Dotte Pub would need to move their café for this to work.

Mr. Robinette indicated that they are not in partnership with them and not sure what their plans are.

Commissioner Tavernier indicated that it should be coordinated with them for this to work.

Commissioner Rutkowski asked if this could be approved without knowing what the Dotte Pub is doing.

Mr. Tallerico indicated that the Commission could approve the café with conditions.

Maratha, occupant at the Edinger Apartments, 114 Oak Street, Wyandotte, present.

Maratha indicated that she has issues with the bar, there is consistent bad language, screaming, people all over the place and smoking in their lobby. Maratha continued that she is always calling the police with issues at this bar and does not understand how the Commission can consider approving the extended hours because there are residents upstairs that were there before the bar was there.



Maratha further indicated that it is bad every night and it does not close at midnight.

Chairperson Krimmel indicated that her issues are police issues and the Commission is not the enforcement agency.

Maratha indicated that no one is requiring them to hold up the Ordinance.

James, Manager of the Edinger Apartments, 114 Oak Street and also an occupant. James indicated that he is not representing the Owner, Mr. Howey.

James indicated that there are people all over the place screaming and causing traffic issues. James continued that he calls the Police and nothing seems to be done, because of who owns the bar. James continued that this location should be required to meet the requirements of the ordinance and something needs to be done. James indicated that he has gone to City Council with his issues.

Corki Benson read a letter into the record and it is attached as a communication.

Martha indicated that when the Police come they don't do anything. It is really getting bad for the residents that live in the adjacent apartment building.

Chairperson Krimmel indicated that her complaints are law enforcement issues.

Salvatore Renzon, who helps Maratha out, present. Mr. Renzon indicated that a lot of the problem is that the cafes merge together (Captains and Dotte) and there are always issues with trying to walk down the sidewalk and the police are always being called out. Mr. Renzon further indicated that they are smoking wacky tobacco in their lobby even the Police noticed it, but no action is taken by the Police.

Mr. Robinette indicated that Captains is concerned with the traffic on Oak Street and they feel that the change to the location would help with that.

Commissioner Pasko stated that the Dotte Pub's outdoor cafe would need to be changed for this to work.

Mr. Tallerico indicated that the Commission should consider setting a design standard for outdoor cafes in the CBD. Mr. Tallerico continued that most of the cafes are located adjacent to the street and not attached to the building.

Chairperson Krimmel asked if the occupancy allowed for the café is 16 people.

There was a discussion on the how the occupancy load is determined by the Commission, Mr. Robinette and the City Engineer.

There being no further discussion the hearing for the front outdoor café was closed.

**PUBLIC HEARING – REAR OUTDOOR CAFÉ**



Mr. Robinette stated that they understand the concerns and they have reduced the occupancy of the rear outdoor café. Mr. Robinette continued that they will not occupy the area that states future building. The Commission and Mr. Robinette discussed the plan that was submitted.

Mr. Robinette continued that they will still request that the hours of the café be until 2:00 a.m. to City Council and they would turn off the music at midnight.

Mr. Tallerico indicated that there are no porta potties on the plan.

Mr. Robinette indicated that they are used for special occasions and 3<sup>rd</sup> Friday events, maybe they are used 12 or 15 days a year.

Chairperson Krimmel asked if they are ever removed from the site.

Mr. Robinette indicated no, they are kept on the site.

Mr. Tallerico asked how many speakers they had on the outside.

Mr. Salliotte indicated one (1) speaker on the bar facing away from the Edinger Apartments and added there is no live music.

Commissioner Rutkowski stated that even if the music is off outside, the music from the inside would go out.

Commissioner Pasko asked about the height of the fence.

Mr. Robinette indicated that the fence is 72 inches in height from the ground.

Chairperson Krimmel asked what is the plan for the future building on the plan.

Mr. Salliotte indicated that they would be constructing restrooms, future bar and handicap access to the bar when they have funds.

Commissioner Benson asked if the gate on the plan was for the entrance to the rear outdoor café.

Mr. Salliotte stated no it is used just for deliveries to the kitchen, it is usually locked.

James Manager of the Edinger Apartments.

James indicated that the rear outdoor café is not being enforced. The design leads to non-compliance, the music is always loud and the porta potties are never removed from the site and are used daily.

Scott Hossack, 114 Oak Street, tenant at the Edinger Apartments.

Mr. Hossack stated that shutting the music off will not help with the noise it is over whelming and his apartment faces the Post Office and he cannot open his windows from 8 p.m. to 3 a.m.



Mr. Hossack stated that they have over 100 people just in the rear café and that building can't hold that many people. Mr. Hossack further stated that the noise is so bad and he is total frustrated.

Chairperson Krimmel stated that the occupancy load is 74.

Mr. Bruce Yinger, 117 Chestnut, Wyandotte

Mr. Yinger stated that he sees people lined up in the parking lot of the post office and he feels the owners are pushing the rules since they opened in 2013. Mr. Yinger continued that there is noise until well after midnight, and that he understands that during the Art Fair, but it is every weekend. Mr. Yinger stated that he sees alcohol being passed outside of the cafes.

Mr. Yinger added that he has lived on Chestnut for 20 years and there is no enforcement for this bar.

Commissioner Lupo stated that the effected apartments are on the west, front and rear of the building.

James indicated that the noise affects those apartments, but every resident is affected by this bar.

Commissioner Lupo asked if the music was off would that help.

James replied no, that is only one (1) problem the capacity load and shouting/loud talking are problems.

Mr. Robinette indicated that the photos attached to the communication that the Commission received from the owner of the Edinger Apartments is over a year old and not the current look of the rear café. Mr. Robinette indicated that there were no issues during the Art Fair at this location.

James indicated that they were on good behavior during the Art Fair, because this hearing was coming up.

Mr. Joe Hirsch, 144 Chestnut, Wyandotte.

Mr. Hirsch indicated that this bar is backed-up to residential properties and that the noise is always going past 1 am and that Mr. Hirsch is afraid that this bar is affecting their property values. Mr. Hirsch continued that during the summer he can't open his windows due to the noise of this bar.

The Commission reviewed the site plan with the Owners and the City Engineer.

There being no further discussion the hearing was closed. Two (2) communications were received regarding this hearing. Also a communication was read by Corki Benson, at the hearing and made part of the file. Further communications were received from the Police and Engineering Department which were read into the file. All are made part of the file.

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Corki Benson- 404 Vinewood - Secretary of Garfield Neighbors United.

The issue of outdoor cafes is of concern to Garfield Neighbors United because most of them are located within the established boundaries of Garfield Neighbors United.

A bit of history: Bar issues like parking, late night noise, broken bottles and cans on residential lawns and private property, fights, and even public urination on Biddle Avenue affected our Garfield neighborhood for 2 summers. After several efforts to stop the invasion of the bar's patrons coming into our neighborhood members of Garfield Neighbors United and the residents in the area of the South Shore persuaded some City Council members to show up at last call and witness these problems first hand.

The police and city began to work together to put up No Parking signs in the area. They added volunteer police foot patrols along Biddle and strongly enforced any and all ord. that applied to get the problems under control.

I am not saying all these things are associated with current outdoor cafes but issues involving an outdoor café is not the first rodeo for the Garfield neighborhood.

I personally don't have much interest in any new plan for Captain's outdoor cafes. For some reason it does not seem logical to me that a new plan for Captains would be in the works when the old plan was never complied with in several areas and especially since this new plan is very similar to one denied by the Planning Commission and Mayor and Council over 18 months ago.

But I do think many of the other outdoor cafes serving alcohol will be very interested in this new plan for Captain's as I assume it will be an option for their cafes in the name of Business Friendly. You set the precedence and they will take advantage of it!



I do believe the closing time for Captain's outdoor rear café should be 12AM for all 7 days a week because it backs a residential neighborhood and even a 10' fence would not change my opinion of a 12am closing all 7days in a week.

The most important thing about ALL outdoor cafes is that they comply with the ord.s that apply to them and that has not been the case in the past. Currently most every Wyandotte outdoor café serving alcohol is non-compliant with one or more of the rules, regulations, or ord. requirements. For example no gate vs two gates, not removing fencing during Nov. 1 thru Mar 14 and having patrons use their outdoor café space all last winter, open beyond approved closing hours, occupancy overload, alcohol in areas outside approved fenced areas, or even open 2 years without going thru the legal application process, etc.

First and foremost: Any ord. that can't be enforced, is not enforced, or the city won't enforce leads to a lack of compliance and credibility of purpose. In my opinion City ord. 2200-S Special Land Uses has become such an ord.

The City ord. 2200-S is flawed in several areas. I believe Natalie Rankin came before this Planning Commission a few years ago suggesting a revision of this ord. With this new plan for Captains maybe a revision is now possible. A few changes I would suggest:

1. I have been told numerous times the Planning Commission recommends but Mayor and Council approves this City ord. 2200-S clearly states extended hours must be specifically approved by the Planning Commission and the City Council. Right or Wrong?
2. I have also been told by some city officials that a gate is not required for an outside café serving alcohol. But in the case of most outdoor cafes it states decorative fencing and gate to be of exact same design, material, and height so as to match Belicoso Café. For example:
  - Lions, Tigers, and Beers- Decorative fencing and gate to be of exact same design, material, and height so as to match Belicoso Café.
  - Gizzmos- Decorative fencing and gate to be exact same design, material, and height so as to match Belicoso Café.



Dotte Pub- Fence detail to be the same as Belicoso Café and table to be the same as Belicoso Café.

As late as June 18, of this year VFW 136 was granted a Certificate of Occupancy for an outside café by the Planning Commission. This was subject to a condition requiring decorative fencing and a gate.

I believe I saw in tonight's conditions for the Susi Bar Belicoso like furnishings and a gate were required again .

My question is why keep listing the gate as a condition if it is not required and if required why not enforce it?

3. Much of the info in resolutions and conditions and rules implies Belicoso Café, the first Wyandotte outdoor café serving alcohol, is a sort of "standard" for outdoor cafés in several areas as heard in info I just read. I would personally like to suggest that the City's Ord be revised deleting the name Belicoso Café from the ord. and instead include specific detailed info such as sizes, colors, materials, etc. It is difficult for Planning, Mayor and Council, bar owners, and the general public to support the City's ord., rules and conditions without seeming preferential to Belicoso.
4. I think some revised details of this ord. could perhaps be in the form of a check list that could be used for city inspections of all outside cafes serving alcohol prior to opening and closing each year to see that everyone is in compliance and on the same page as to the details of the ord. This check list might also make the ord. more effective and eliminate a place like the Susi Bar from having an open outside café NOT APPROVED officially by Planning or City Council for the past two summers - just another problem that might have been cleared up with that yearly check list.

All my research was interesting and the conclusions are all mine. I was very surprised with how sometimes even small differences between the Cities outdoor café ord. and the inconsistencies of the numerous required conditions seem to reinforce non-compliance among the current approved outside cafes. Before any more decisions regarding outdoor cafes serving alcohol are made I'd like to see changes made in a revised ord. that can be clearly understood, fairly written, specific in details, and most of all enforceable.



I'd like to go on record as saying that the City of Wyandotte needs more ord. officers or more hours for the current officers. It's difficult to enforce ANY ord. including 2200-S with a lack of personal and hours...and I know that's not just my opinion!

In closing: Any ord. that can't be enforced, is not enforced, or the city won't enforce leads to a lack of compliance and credibility of purpose.

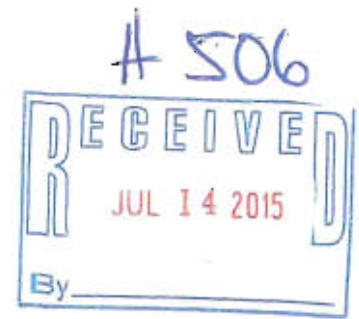
Thank you for your time and consideration of my comments and suggestions.



July 10, 2015

**VIA HAND DELIVERY**

City of Wyandotte Planning Commission  
Attn: Kelly Roberts, Secretary  
3200 Biddle Avenue  
Suite 200  
Wyandotte, MI 48192



RE: Public Hearing - Special Approval # PC506 – Outdoor Cafe  
Rick DeSana and Les Salliotte (Owners and Appellants) Captain's Pub

Dear Commissioners:

This letter is in response to your notice dated July 1, 2015 regarding the above referenced Public Hearing. D&C Development Company is the adjacent land owner consisting of 36 residential apartments, which is the neighboring property owner of the Owners and Appellants listed above. Please be advised, **we object to any new development to this location and more specifically any rear outdoor Café/Bar.** This is clearly an expansion to the existing bar, which they now have two taps for kegs in the patio area. We object for the following reasons:

1. There is **no buffer area** for our Tenants (please see the attached Exhibit A).
  - a. The noise: The noise from the radio/DJ along with the patrons trying to talk over the music goes directly into our Tenant's apartments. These are studio apartments, where the Tenants sleep and live in the same space. They can't get away from the noise and several Tenants have even bought window air conditioner units to try and drown out the noise. Last year the Appellants had live bands and karaoke, which they have now agreed to prohibit.
  - b. The smoke: The smoke from the bar a patron rises and flows into our Tenant's apartments. Most City and Federal building now prohibit smoking anywhere in immediate vicinity of doors and windows to prevent innocent victims from being in contact with second hand smoke.
  - c. The smell/eye sore: The smell coming from the Porta-Potties goes up directly to the Tenants. With that said, the Porta-Potties have now been moved to the opposite side, which has helped diminish the foul odor. These Porta-Potties are an eye sore. How would you like to look at them on a daily basis from your home? Why are they permitted to have/use Porta-Potties? Is this a good image for our City?

Keep in mind, typically in a downtown area, there would at least be a buffer of an alley, garage or even a yard before the house. However, this proposed Outdoor Café/Bar is directly below our Tenants windows. It is not reasonable that our Tenants have to purchase air conditioner units just to drown out the noise, or close their windows to prevent the smell of second hand smoke, or the foul smell of waste and chemicals from a Porta-Potti. Unfortunately our Tenants can't apply the common phrase "nice sleeping weather" and just keep their windows open for the night because of these nuisances from the new bar patio.



2. **Noise ordinances** – The noise ordinances are not being enforced. The police are called and don't show up in a timely manner or no action is taken. Everyone understands the "Big Name" parties involved, but this is unacceptable to our 36 Tenants who are Wyandotte Residents too. The current patio bar area has two running taps (See attached Exhibit B) and does not shut down when they are supposed to. There have been numerous police reports regarding the current back yard patio/bar relating to noise. It is my understanding there are even complaints from the houses on Chestnut from the noise level. Fortunately, there have not been any bands or karaoke this summer; however, the music along with patrons trying to talk over the music is still unacceptable and not fair for our Tenants. The following is the City's noise ordinance for your convenience. Section 25-85 states: **Sec. 25-85. - Unreasonable noise prohibited.**

A person is guilty of a misdemeanor if he or she operates or permits the operation of an amplified or un-amplified radio, tape, cassette, stereo, television, phonograph, musical instrument, boom box, loud speaker, other electronic sound producing device, or similar device, which causes total noise exceeding 82 DBA. or which may be heard more than one hundred feet away from the source of the noise. As used in this section, "DBA" means decibels measured on the A-weighted network of a sound level meter, as specified in American National Standards Institute standard S1.4. If it is shown that the noise level is in excess of the DBA level established in this section or may be heard more than one hundred feet from the source of the noise, that evidence shall be prima facie evidence that the person is producing unreasonable noise as prohibited by this section.

Any police officer may issue a citation to the offender for any violation committed in his or her presence without the necessity of a prior complaint from any other person. The provisions of this section shall not apply to city approved special events such as the Annual Wyandotte Street Art Fair, concerts, festivals or other similar events.

How can this be fair to the Tenants who are within the 100 foot source?

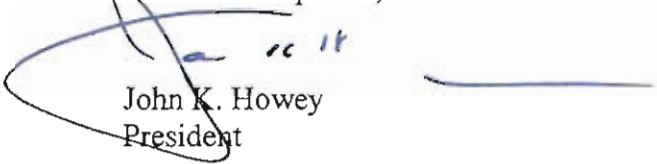
*(Ord No. 1078, § 1, 9-20-99)*

In conclusion, the results have been the loss too many tenants over the past year. At least – Eight (8) or Twenty-two percent (22%) have left specifically because of the rear patio noise from Captain's Pub. One Tenant left after she saw a man looking into her second floor window. He gained access from the fire escape and must have jumped to the roof ledge (Please see attached Exhibit A). Ironically, she had just testified in court earlier relating to a drunken guy who drove into the back wall of the bar (this was prior to their permanent fence being erected). A roofed-in area would only generate more space to allow more people, which would just increase the problems we already have at that location. We did not have these issues prior to Captain's opening up for business in the rear patio area. The crowd is a younger, more aggressive crowd, which is NOT conducive to an Outdoor Café /Bar IMMEDIATELY ADJACENT to an apartment complex with 36 Residents of the City of Wyandotte. How would you like to live next to this nuisance? The City of Wyandotte is better than this! Many of Tenants work, support and worship within the City. These are not transient people; it's a home to 36 Tenants who call the City of Wyandotte home, just as you do. They should not be affected as they are



from this Fraternity style bar with picnic tables and Porta-Potties. Overextending the current property has created problems with noise, smoke, smell/eye sore and parking for the surrounding area of the Bar. These are health, safety and welfare issues. Captain's has already been closed down by the Fire Department for exceeding their capacity. We again ask the Planning Commission to respect our Tenants and Residents of the City of Wyandotte and deny the Appellants application. Please contact me with any questions or concerns at my office at 23933 Vreeland Road, Flat Rock, MI 48134 or via telephone at 734.671.1600.

Sincerely,  
D&C Development, Co



John K. Howey  
President



Exhibit A

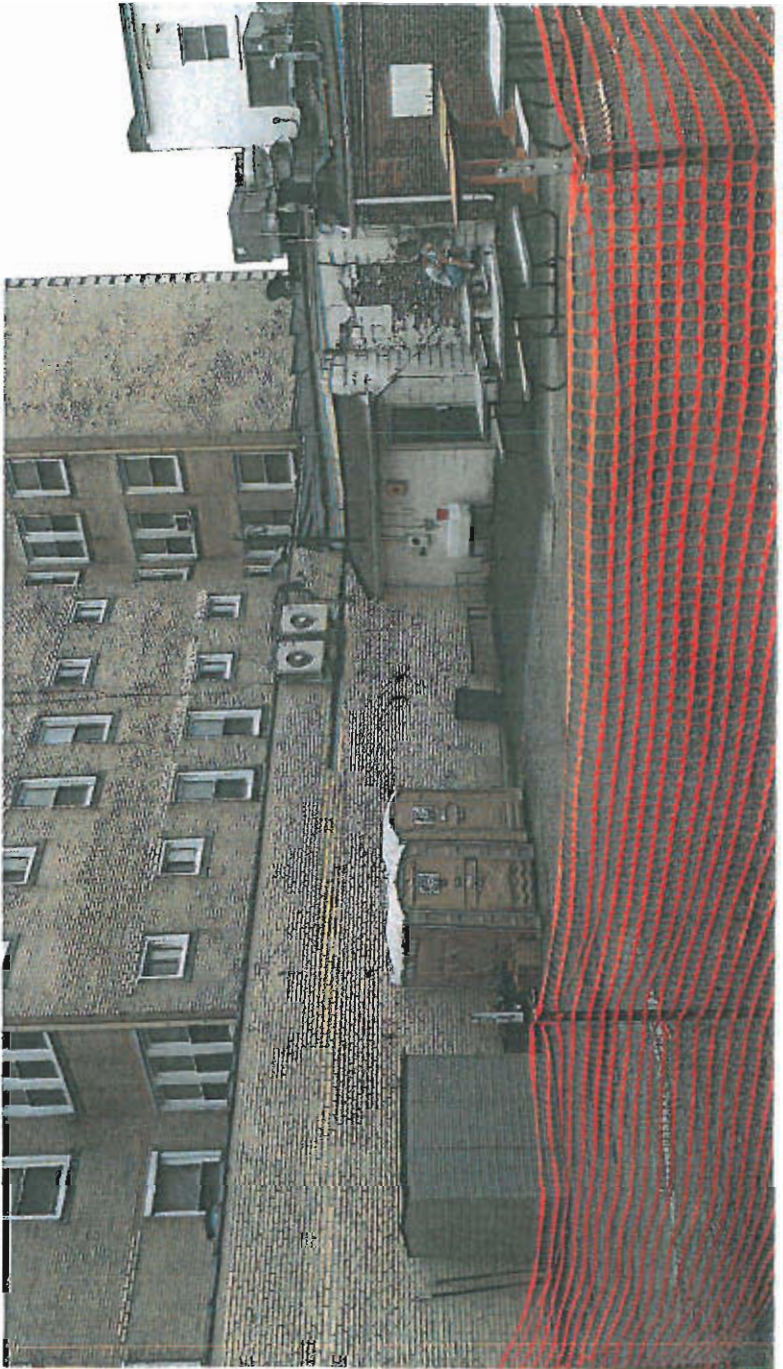
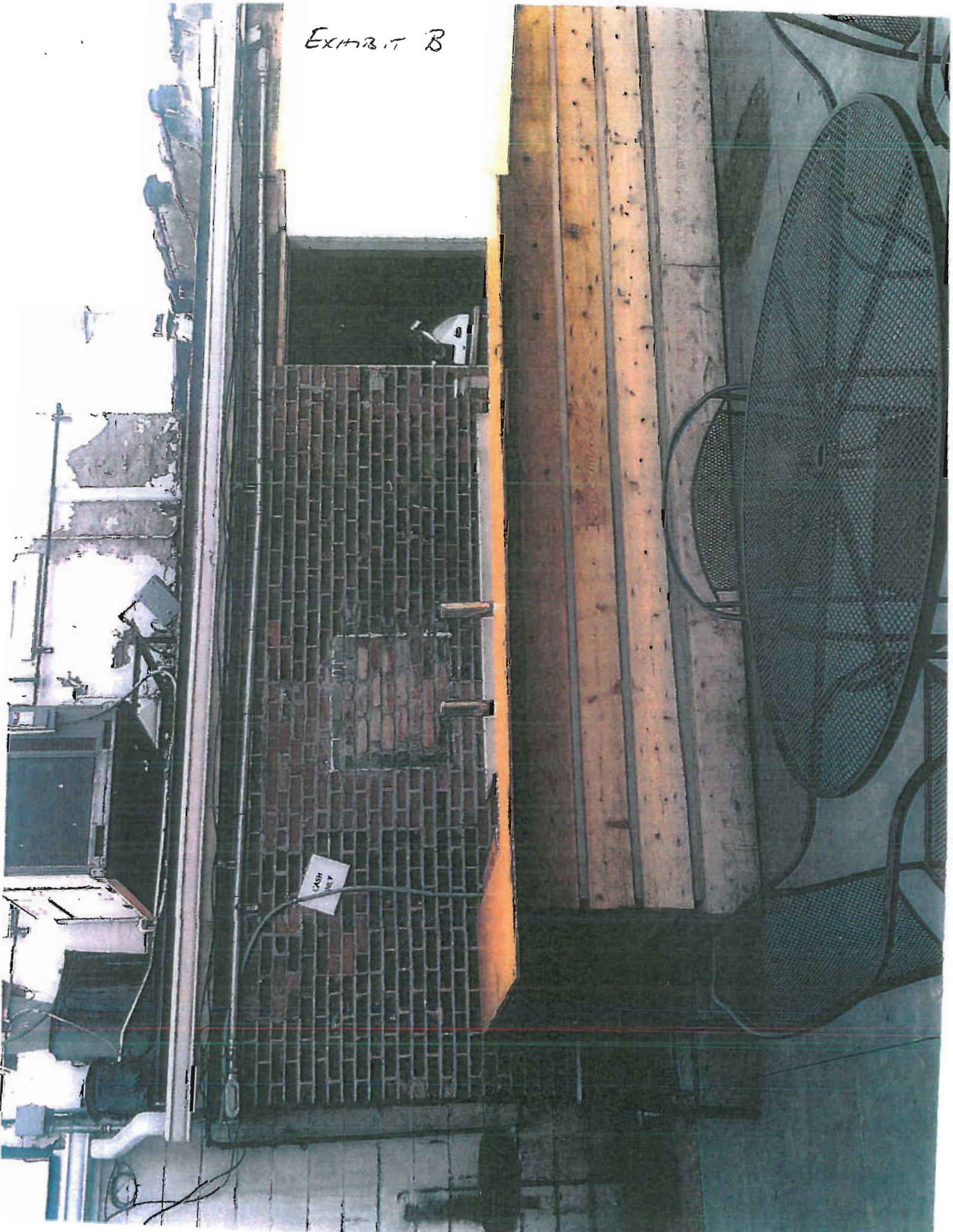




EXHIBIT B





**MAYOR**  
Joseph R. Peterson

**CITY CLERK**  
William R. Griggs

**TREASURER**  
Todd M. Browning

**CITY ASSESSOR**  
Thomas R. Woodruff



**DANIEL J. GRANT**  
**CHIEF OF POLICE**

# 506 **CITY COUNCIL**  
Sheri Sutherby Fricke  
Daniel E. Galeski  
Ted Miciura, Jr.  
Leonard T. Sabuda  
Donald C. Schultz  
Lawrence S. Stec

**TO:** Kelly Roberts, Development Coordinator

**DATE:** June 26, 2015

**FROM:** Daniel J. Grant, Chief of Police

**SUBJECT: MODIFICATIONS TO OUTDOOR SERVICE – 126 OAK STREET**

**CC:** Clerks Office

This correspondence is in response to your e-mail dated Wednesday June 24, 2015 relative to the Outdoor Service application at Captain's, 126 Oak Street, Wyandotte, Michigan. In regards to the proposed rear service area on the north side of the building, there is an existing outdoor service area which has been approved by the City and I have no objections if the modifications as noted on the plans are approved. I have also reviewed the two proposed plans for the outdoor service area at the front of the building and have no objections if the proposal for front and rear outdoor service areas are approved as illustrated on the engineering drawings submitted by the applicant, with the following conditions:

- The applicant meets all laws and ordinances as required by the Fire and Engineering Departments.
- Since the proposed outdoor service area is adjacent to the Dotte Pub, the license holder must assure that the fencing/barrier between the two areas is maintained so there will be no movement of patrons between the two licensed areas while in possession of alcoholic beverages.
- The modification to the plans are also approved for the Dotte Pub, which will also be required to make the modifications as noted.
- Approval is received from the Liquor Control Commission for the modifications to their outdoor service areas.

Further, the police department recommends that Captain's be reminded that an outdoor service permit allows the sale, service, and consumption of alcoholic beverages in a well-defined and clearly marked area outside of the licensed premises<sup>1</sup>. Compliance with this provision is the responsibility of the licensed establishment, and failure to comply can result in the issuance of a violation.

---

<sup>1</sup> R 436.1419 - Outdoor Service



#5D6

**OFFICIALS**

**William R. Griggs**  
CITY CLERK

**Todd M. Browning**  
CITY TREASURER

**Thomas R. Woodruff**  
CITY ASSESSOR



**MARK A. KOWALEWSKI, P.E.**  
CITY ENGINEER

**MAYOR**  
**Joseph R. Peterson**

**COUNCIL**  
**Sheri Sutherby Fricke**  
**Daniel E. Galeski**  
**Ted Miciura, Jr.**  
**Leonard T. Sabuda**  
**Donald C. Schultz**  
**Lawrence S. Stec**

July 10, 2015

Elizabeth A. Krimmel, Chairperson  
Wyandotte Planning Commission  
City of Wyandotte

RE: Outdoor Cafes at 126 Oak Street  
Wyandotte, Michigan

Dear Ms. Krimmel:

The undersigned has reviewed the plans submitted for the front and rear outdoor cafes at the above captioned property and the following applies:

**Front Outdoor Café:**

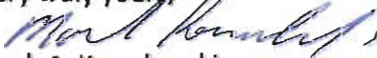
1. Sheet #1 - On the outdoor café application the hours of operation is not filed out. As per Section 2202.S.1 of the Ordinance the hours permitted are from 7 am to 12 midnight in the CBD District, unless longer hours are specifically approved by the Planning Commission and City Council. Also, the outdoor café may be set up from March 15 through October 15 and removed to facilitate snow removal.
2. Sheet #1 - The existing light pole creates an encroachment of (2'-1 ½") into required 5' minimum sidewalk width, Section 2201.S.2. A minimum of a 3' clear width is required for a wheel chair. The encroachment leaves 2'-10 ½" remaining which is a violation of the Barrier Free Code. The owner has agreed to reimburse the City to modify the base of this light pole to clear a space of three (3) feet.
3. Approval of the Mayor and City Council will be required for proposed outdoor café and work in the right-of-way.

**Rear Outdoor Café:**

1. On the outdoor café application the hours of operation is not filed out. As per Section 2202.S.1 of the Ordinance the hours permitted are from 7 am to 12 midnight in the CBD District, unless longer hours are specifically approved by the Planning Commission and City Council.

If you have any questions, feel free to contact the undersigned.


Very truly yours,

  
Mark A. Kowalewski  
City Engineer

MAK:kr

3200 Biddle Avenue, Suite 200, Wyandotte, Michigan 48192 734-324-4551 • Fax 734-324-4535 email: [engineering1@wyandotte.org](mailto:engineering1@wyandotte.org)



Equal Housing Opportunity 

An Equal Opportunity Employer





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
6/23/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Alta Professional Insurance Services Agency 14141 Farmington Road  Livonia MI 48154		<b>CONTACT NAME:</b> Michael Camilleri <b>PHONE (A/C No. Ext.):</b> (734) 432-2075 <b>FAX (A/C No.):</b> (734) 786-0067 <b>E-MAIL ADDRESS:</b> mike@altaproinsurance.com	
<b>INSURED</b> Rickles Entertainment, LLC, DBA: Captain's 122-128 Oak Street  Wyandotte MI 48192		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: Capitol Specialty Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

**COVERAGES** **CERTIFICATE NUMBER:** CL1562300613 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			CS02535990-01	7/7/2015	7/7/2016	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 2,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	\$ 2,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	ANY AUTO						BODILY INJURY (Per person)	\$
	ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR					EACH OCCURRENCE	\$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE	\$
	DED <input type="checkbox"/> RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/> Y/N					WC STATUTORY LIMITS	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> N/A					E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
City of Wyandotte is named as additional insured with respect to general liability.

<b>CERTIFICATE HOLDER</b>  City of Wyandotte 3200 Biddle Ave Wyandotte, MI 48191	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  Pamela Allen/CAMIMI
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**MODEL RESOLUTION:**

RESOLUTION

Wyandotte, Michigan  
Date: August 3, 2015

RESOLUTION by Councilperson \_\_\_\_\_

RESOLVED BY THE MAYOR AND CITY COUNCIL that Council concurs with the recommendation of the Planning Commission to grant the request of Captain’s, 126 Oak Street to revise the location for their outdoor café in conjunction with said business from March 15 through October 31 from 11 a.m. through 12 midnight; AND

BE IT FURTHER RESOLVED that a Grant of License and Hold Harmless Agreement is executed by the Owners of Captain’s and liability insurance and property damage coverage in the minimum amount of \$2,000,000 naming the City as additional insured is submitted to the City every year of operation.

I move the adoption of the foregoing resolution.

MOTION by Councilperson \_\_\_\_\_

Supported by Councilperson \_\_\_\_\_

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	Stec	_____



**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

8

MEETING DATE: \_\_\_\_\_

AGENDA ITEM # \_\_\_\_\_

**ITEM:** Rezoning of the property known as Former 600-604 Poplar, Wyandotte

**PRESENTER:** Elizabeth A. Krimmel, Chairperson

**INDIVIDUALS IN ATTENDANCE:** Mark A. Kowalewski, City Engineer

**BACKGROUND:** A request from the City Engineer to the rezone of the property known as former 600-604 Poplar from Two Family Residential District (RT) to Single Family Residential District (RA) was referred to the Planning Commission to hold the required public hearing.

The hearing was held on July 16, 2015, and the Commission's Resolution was to recommend to City Council to approve this request.

**STRATEGIC PLAN/GOALS:** The City is committed to enhancing the community's quality of life by, fostering the revitalization and preservation of older areas of the City as well as developing, redeveloping new areas, ensuring that all new developments will be planned and designed consistent with the city's historic and visual standards; have a minimum impact on natural areas; and, have a positive impact on surrounding areas and neighborhoods, promoting the finest in design, amenities and associated infrastructure improvements in all new developments

**ACTION REQUESTED:** Concur with recommendation of the Planning Commission.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** n/a

**IMPLEMENTATION PLAN:** n/a

**COMMISSION RECOMMENDATION:** July 16, 2015

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:** n/a

**MAYOR'S RECOMMENDATION:**



**LIST OF ATTACHMENTS:** Resolution and Minutes of the Planning Commission



**RESOLUTION FROM PLANNING COMMISSION  
JULY 16, 2015**

**PUBLIC HEARING #060215** – Request from the City Engineer to consider an amendment of the Zoning Ordinance Map to rezone the following described land in the City of Wyandotte, County of Wayne, and State of Michigan as follows:

West 15 feet of Lot 6 Wyandotte Land Co. Subdivision, as  
recorded in Liber 37, Page 38 Wayne County Records

Known as the Former 600-604 Poplar, Wyandotte, Michigan  
48192

It is proposed that said land be rezoned from Two Family Residential District (RT) to Single Family District (RA).

MOTION BY COMMISSIONER BENSON, supported by Commissioner Parker to recommend to the Mayor and City Council that the property known as 600-604 Poplar, (West 15 feet of Lot 6 Wyandotte Land Co. Subdivision, as recorded in Liber 37, Page 38 Wayne County Records), Wyandotte be rezoned to RA (Single Family Residential District).

YES: Benson, Duran, Krimmel, Lupo, Parker, Pasko, Rutkowski, Tavernier

NO: None

ABSENT: Adamczyk

MOTION PASSED

Planning Commission  
Meeting June 18, 2015

**PUBLIC HEARING #060215** – Request from the City Engineer to consider an amendment of the Zoning Ordinance Map to rezone the following described land in the City of Wyandotte, County of Wayne, and State of Michigan known as the Former 600-604 Poplar, Wyandotte, Michigan 48192.

Chairperson Krimmel read the appeal and asked if there was anyone present who wished to speak regarding this hearing.

Chairperson Krimmel indicated that she was happy to see that properties in this area are being rezoned to Single Family.

There being no further discussion the hearing was closed. No communications were received regarding this hearing.

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**MODEL RESOLUTION:**

RESOLUTION

Wyandotte, Michigan

Date: July 27, 2015

RESOLUTION by Councilperson \_\_\_\_\_

RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the Planning Commission regarding the rezoning of the property known as former 600-604 Poplar, Wyandotte is hereby received and placed on file; AND

NOW THEREFORE, BE IT RESOLVED that Council concur with the recommendation of the Planning Commission and hereby approves the requested rezoning application for the property known as Former 600-604 Poplar, Wyandotte, Michigan to Residential Single Family District (RA); AND

BE IT FURTHER RESOLVED that said rezoning be referred to Department of Legal Affairs to prepare the proper ordinance change.

I move the adoption of the foregoing resolution.

MOTION by Councilperson \_\_\_\_\_

Supported by Councilperson \_\_\_\_\_

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	Stec	_____



**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

MEETING DATE: August 3, 2015

AGENDA ITEM #

9

**ITEM:** Request for Outdoor Café at 130 Maple

**PRESENTER:** Elizabeth A. Krimmel, Chairperson

**INDIVIDUALS IN ATTENDANCE:** Elizabeth A. Krimmel, Chairperson

**BACKGROUND:** The City received a request from Sushi Bar, 130 Maple to utilize the City owned property adjacent to their property for an outdoor café. The Planning Commission held the required public hearing on July 16, 2015, wherein the outdoor café layout was reviewed. The Planning Commission received comments from the Police Chief and City Engineer. The Planning Commission has no objection to this use. Please see the attached duly adopted Resolution. Further, since the outdoor café is on City owned property a Grant of License, Hold Harmless Agreement and Insurance would be required.

**STRATEGIC PLAN/GOALS:** The City is committed to making the downtown a destination of choice for residents throughout Southeast Michigan by encouraging existing businesses to expand.

**ACTION REQUESTED:** Concur with recommendation provided a Grant of License, Hold Harmless and Insurance is received by the City.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** n/a

**IMPLEMENTATION PLAN:** Execute Hold Harmless and receive Insurance Certification

**COMMISSION RECOMMENDATION:** Approved by Planning Commission July 16, 2015

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:**

**MAYOR'S RECOMMENDATION:**



**LIST OF ATTACHMENTS:** Minutes and Resolution from the Planning Commission



RESOLUTION FROM PLANNING COMMISSION

July 16, 2015

RESOLUTION BY COMMISSIONER TAVERNIER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that Special Approval #505 – requested by Mike Mazoum/Sushi Bar(Appellant and Owner) for:

A Certificate of Occupancy for an Outdoor Café at 130 Maple.

Be hereby approved on the basis of the following reasons:

The proposed outdoor café complies with all ordinance requirements or will comply with said requirements and the conditions below prior to use as an outdoor café. Further, during the public hearing for this application, there were NO objections to the proposed project.

Said approval is subject to the following conditions:

1. The outdoor café is subject to all conditions applicable to an outdoor café on private property in the Central Business District (CBD) Zoning District, Section 2200.S.1 of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
3. Compliance with all Police, Fire and City Engineer requirements attached.
4. Use of the outdoor café shall be allowed from 7:00 a.m. to Midnight from March 15 through October 31.
5. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
6. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
7. Approval by City Council for use of the public property is required. If approved by City Council liability insurance and property damage coverage naming the City of Wyandotte an insured party in an amount approved by the City's Financial Director is required.
8. Decorative fencing and gate to be black aluminum similar design, material and height to Belicose Café at 3030 Biddle Avenue.
9. Approval by Wyandotte City Council.
10. The fencing shall be removed from November 1<sup>st</sup> to March 14<sup>th</sup> of each year.

I move adoption of the foregoing resolution.

Commissioner Tavernier

Supported by Commissioner Pasko

YES: Benson, Duran, Krimmel, Lupo, Parker, Pasko, Rutkowski, Tavernier

NO: None

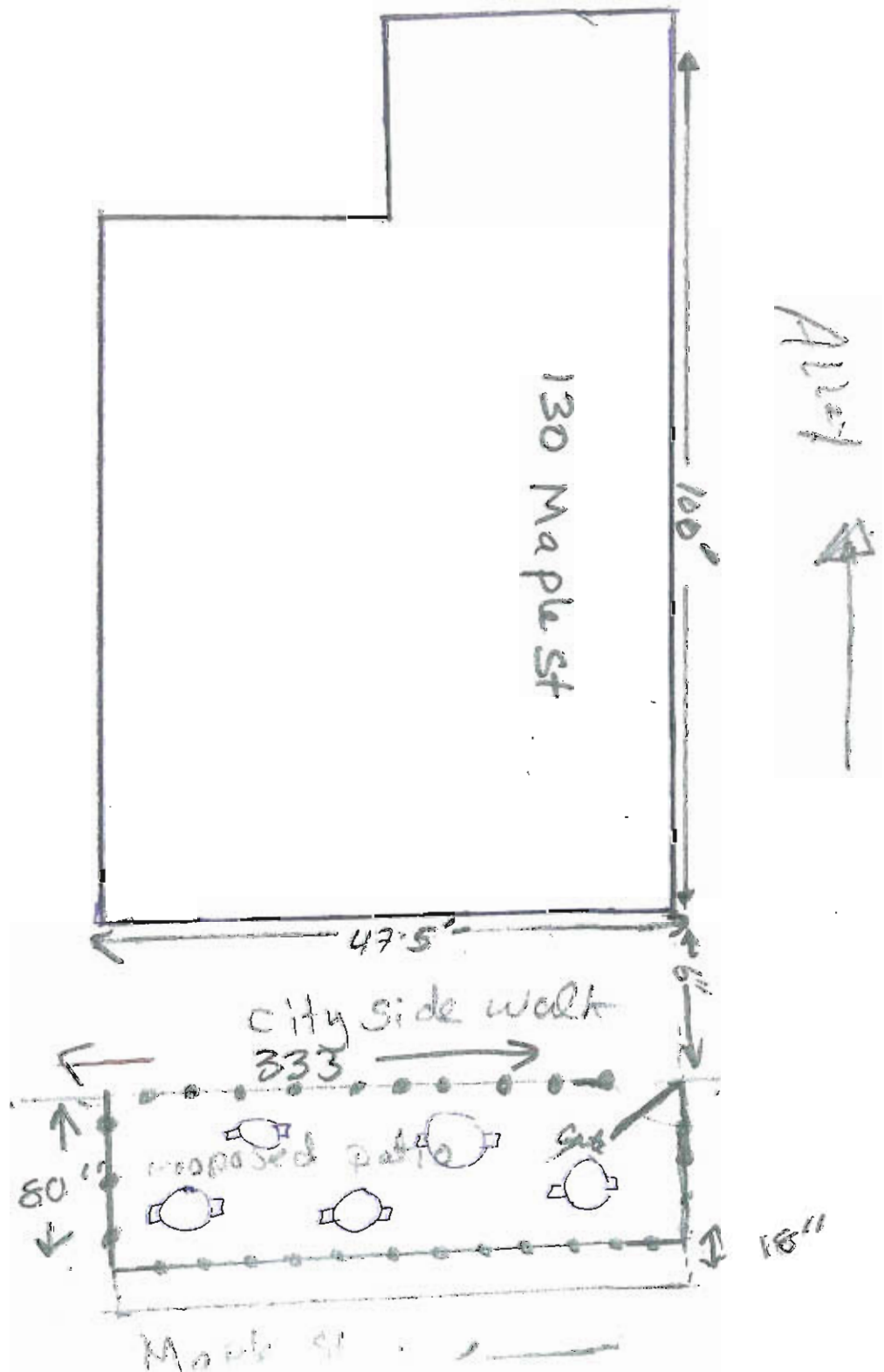
ABSENT: Adamczyk

MOTION PASSED



130 Maple St  
Wyandotte.  
Sushi Bar.

7/16/15  
approved  
by P.C.





**MOTION TO ADJOURN:**

MOTION BY COMMISSIONER TAVERNIER, supported by Commissioner Lupo to adjourn the meeting at 10:15 p.m.

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**PUBLIC HEARING #060215** – Request from the City Engineer to consider an amendment of the Zoning Ordinance Map to rezone the following described land in the City of Wyandotte, County of Wayne, and State of Michigan known as the Former 600-604 Poplar, Wyandotte, Michigan 48192.

Chairperson Krimmel read the appeal and asked if there was anyone present who wished to speak regarding this hearing.

Chairperson Krimmel indicated that she was happy to see that properties in this area are being rezoned to Single Family.

There being no further discussion the hearing was closed. No communications were received regarding this hearing.

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**PUBLIC HEARING #505** – Request from Mike Mazloun, (Owner and Appellant) of Sushi Bar, for a Certificate of Occupancy for an Outdoor Cafe at 130 Maple, Wyandotte, Michigan in CBD Zoning District.

Chairperson Krimmel read the appeal and asked if there was anyone present who wished to speak regarding this hearing.

Mike Mazloun owner and appellant present.

Mr. Mazloun indicated that he applied for the outdoor café to add to his restaurant and to allow customers to be outside.

Chairperson Krimmel asked if the café would be in front of the sushi bar.

Mr. Mazloun stated yes.

Mr. Mazloun continued that he owns both buildings and is making them into one building.

Commissioner Benson asked of the fence currently there would stay and the other restaurant would not have a café.

Mr. Mazloun replied that was correct.

Chairperson Krimmel asked Mr. Mazloun if he had a copy of the ordinance and read it.

Mr. Mazloun indicated that he has a copy.

Chairperson Krimmel indicated that the application stated only 10 seats inside the café.



Mr. Mazloun stated that was correct.

Commissioner Pasko confirmed that the hours would be from 11 a.m. to midnight.

Mr. Mazloun indicated that was correct.

Commissioner Pasko confirmed that the outdoor café is from April to October.

Mr. Mazloun indicated that was correct.

Chairperson Krimmel indicated that this request would have to be approved by the City Council since the café is located in the City right of way.

There being no further discussion the hearing was closed. No communications were received regarding this hearing.

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**PUBLIC HEARING #506** – Request from Rick DeSana and Les Salliotte (Owners and Appellants) of Captain's, for Certificate of Occupancy to revise their Outdoor Cafes site plans at 126 Oak, Wyandotte, Michigan in CBD Zoning District.

#### **PUBLIC HEARING – FRONT OUTDOOR CAFÉ**

Chairperson Krimmel read the appeal and indicated that the Commission would hear the front outdoor café first and then the rear café would be after. Chairperson Krimmel asked if there was anyone present who wished to speak regarding this hearing.

Dean Robinette Attorney for Rickle's Entertainment LLC., representing the owners of the property, present.

Mr. Robinette indicated that he is here to answer any questions the Commissioners might have and the owners are also present. Mr. Robinette indicated that they would like special approval to have the café opened past midnight and understands that they would need both the Commission and the Council approval for this.

Mr. Robinette indicated that the current locations of the café does not allow for free passage of pedestrians on the sidewalk. Mr. Robinette indicated that they would like to attach the café to the front of the building that way they can control the serving of alcohol by the waiter staff.

Mr. Robinette referred the Commission to the plan that was submitted and indicated that his clients would pay to have the light pole removed so that they meet the requirements for passage by the café.

Commissioner Pasko asked if the only way to get into the café would be thru the building.

Mr. Robinette indicated that is correct.

Mr. Salliotte, owner, stated that there is a man door on the west side and that is the door to the restaurant.



**MAYOR**  
Joseph R. Peterson

**CITY CLERK**  
William R. Griggs

**TREASURER**  
Todd M. Browning

**CITY ASSESSOR**  
Thomas R. Woodruff



**DANIEL J. GRANT**  
**CHIEF OF POLICE**

#505  
**CITY COUNCIL**  
Sheri Sutherby Fricke  
Daniel E. Galeski  
Ted Miciura, Jr.  
Leonard T. Sabuda  
Donald C. Schultz  
Lawrence S. Stec

**TO:** Kelly Roberts, Development Coordinator

**DATE:** June 26, 2015

**FROM:** Daniel J. Grant, Chief of Police

**SUBJECT: NEW OUTDOOR SERVICE – 130 MAPLE STREET**

**CC:** Clerks Office

This correspondence is in response to your e-mail dated Wednesday June 24, 2015 relative to the Outdoor Service application at the Sushi Bar, 130 Maple Street, Wyandotte, Michigan. I have no objections if the proposal for the front outdoor service area is approved as illustrated on the drawings submitted by the applicant, with the following conditions:

- The applicant meets all laws and ordinances as required by the Fire and Engineering Departments.
- Engineering approves the Sushi Bar for use of the intervening property at the front of the building which is 47.5' long which is the width of the building front and 6' 8" wide which is proposed for the front sidewalk area.
- Approval is received from the Liquor Control Commission for an Outdoor Café.

Further, the police department recommends that the Sushi Bar owners be reminded that an outdoor service permit allows the sale, service, and consumption of alcoholic beverages in a well-defined and clearly marked area outside of the licensed premises<sup>1</sup>. Compliance with this provision is the responsibility of the licensed establishment, and failure to comply can result in the issuance of a violation.

<sup>1</sup> R 436.1419 - Outdoor Service



#505

**OFFICIALS**

William R. Griggs  
CITY CLERK

Todd M. Browning  
CITY TREASURER

Thomas R. Woodruff  
CITY ASSESSOR



**MAYOR**  
Joseph R. Peterson

**COUNCIL**  
Sheri Sutherby Fricke  
Daniel E. Galeski  
Ted Miciura, Jr.  
Leonard T. Sabuda  
Donald C. Schultz  
Lawrence S. Stec

MARK A. KOWALEWSKI, P.E.  
CITY ENGINEER

July 8, 2015

Elizabeth A. Krimmel, Chairperson  
Wyandotte Planning Commission  
3200 Biddle Avenue  
Wyandotte, Michigan 48192

RE: Outdoor Café 130 Maple


Dear Ms. Krimmel:

The undersigned has reviewed the application and plans submitted for the outdoor café at the above captioned property and the following applies.

1. On the outdoor café application the hours of operation are from 11 am to 2 pm.. As per Section 2202.S.1 of the Ordinance, the hours permitted are from 7 am to 12 midnight in the CBD District unless longer hours are specifically approved by the Planning Commission and City Council. Also, the outdoor café may be set up from March 15 through October 15 and removed to facilitate snow removal.
2. Section 2202.S.3 states if alcohol is served, entrance to the outdoor café is required from the inside of the building. The owner of the establishment shall provide a copy of the Michigan Liquor Control Commission Inspection to the Engineering and Police Department indicating that the outdoor café is not required to be connected to the building.
3. The currently installed unapproved fencing for the current outdoor café is located right up to the edge of the curb. In this area, the cars park at a 45 degree angle to the face of the curb. A field meeting with the owner, Building Inspector, and Fire Chief, recommend pulling the fence back 18" after measuring the projection from the front bumpers of several cars and trucks parked in the area. The site plan indicates this 18" setback.
4. Since, the outdoor cafes is on public property, liability insurance and property damage coverage naming the City of Wyandotte as an insured party, in an amount approved by the City of Wyandotte's Financial Director, must be provided before an outdoor café may be set up. Please provide a copy of this updated policy.
5. City Council approval is required since the outdoor café is located in the City right-of-way.

If you have any questions, feel free to contact the undersigned.

Very truly yours,

  
Mark A. Kowalewski  
City Engineer

MAK:kr



**MODEL RESOLUTION:**

RESOLUTION

Wyandotte, Michigan  
Date:     

RESOLUTION by Councilperson \_\_\_\_\_

RESOLVED BY THE MAYOR AND CITY COUNCIL that Council concurs with the recommendation of the Planning Commission to grant the request of Sushi Bar, 130 Maple for an outdoor café in conjunction with said business from March 15 through October 31 from 11 a.m. through 12 midnight; AND

BE IT FURTHER RESOLVED that a Hold Harmless Agreement is executed by the Owners of Sushi Bar and liability insurance and property damage coverage in the minimum amount of \$2,000,000 naming the City as additional insured is submitted to the City every year of operation.

I move the adoption of the foregoing resolution.

MOTION by Councilperson \_\_\_\_\_

Supported by Councilperson \_\_\_\_\_

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	Stec	_____



**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

MEETING DATE: August 3, 2015

AGENDA ITEM #

10

**ITEM:** Purchase Agreement to sell City owned property known as former 997-1007 Eureka

**PRESENTER:** Mark A. Kowalewski, City Engineer

*Mark Kowalewski 7-29-15*

**BACKGROUND:** The former 997-1007 Eureka was offered for sale in accordance with the attached Build a Future in Wyandotte Specifications for Acquisition of Vacant Parcels for the Construction of a New Single Family Home. Mr. and Mrs. Nestman are proposing to construct a single family home consisting of approximately 2,530 square feet, 4 bedrooms, 3 baths, full basement and attached garage. The exterior will be brick with some vinyl and stone.

**STRATEGIC PLAN/GOALS:** We are committed to enhancing the community's quality of life by:  
1. Fostering the revitalization and preservation of older areas of the City as well as developing, redeveloping new areas. 2. Ensuring that all new developments will be planned and designed consistent with the city's historic and visual standards; have a minimum impact on natural areas; and, have a positive impact on surrounding areas and neighborhoods. 3. Fostering the maintenance and development of stable and vibrant neighborhoods.

**ACTION REQUESTED:** Adopt a resolution concurring with recommendation

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** The Purchasers will be purchasing this property for \$10,000 which will be placed as a mortgage on the property payable if the property is sold or transferred in any manner within ten (10) years of the date of closing date. Should the property sell or is transferred in any manner before the ten (10) years have expired the entire purchase price plus all closing cost will be due immediately upon sale or transfer to the City of Wyandotte. The mortgage will be executed at time of closing.

**IMPLEMENTATION PLAN:** Execute Purchase Agreement and close on property.

**COMMISSION RECOMMENDATION:** N/A

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:** Approved by Legal.

**MAYOR'S RECOMMENDATION:**

*ATP*

**LIST OF ATTACHMENTS:** Purchase Agreement and Build a Future in Wyandotte Specifications for Acquisition of Vacant Parcels for the Construction of a New Single Family Home



**LOOK, MAKOWSKI and LOOK**  
ATTORNEYS AND COUNSELORS AT LAW  
PROFESSIONAL CORPORATION  
2241 OAK STREET  
WYANDOTTE, MICHIGAN 48192-5390  
(734) 285-6500  
FAX (734) 285-4160

William R. Look  
Steven R. Makowski

Richard W. Look  
(1912-1993)

**PURCHASE AGREEMENT**

1. **THE UNDERSIGNED** hereby offers and agrees to purchase the following land situated in the City of

Wyandotte County, Michigan, described as follows:  
See Attachment for Legal being known as the Former 997-1007 Eureka Street, and to pay therefore the sum of Ten  
Thousand Dollars & 00/100 (\$10,000.00) Dollars, subject to the existing building and use restrictions, easements, and zoning  
ordinances, if any, upon the following conditions;

**THE SALE TO BE CONSUMMATED BY  
PROMISSORY NOTE/MORTGAGE SALE**

<b>PROMISSORY/ MORTGAGE SALE</b>	1. The Purchase Price of <u>\$10,000.00</u> plus closing costs to be determined at closing shall be paid by a Promissory Note to the Seller when the above described property is sold, refinanced, foreclosed, transferred in any manner, conveyed or otherwise disposed of by the Purchaser as evidence by a Promissory Note. A mortgage will be executed and recorded at the time of closing to secure repayment. The mortgage will include the above described property. Purchaser is responsible to pay for the recording costs of the mortgage and said amounts will be added to the purchase price at the time of closing. In the event the Purchaser fails to pay the purchase price when due, the Seller may foreclose by advertisement on the mortgaged premises and Purchaser agrees to pay Seller's reasonable attorney fees and all costs associated with said foreclosure. See Paragraph 13 for terms of mortgage.
<b>Evidence of Title</b>	2. As evidence of title, Seller agrees to furnish Purchaser as soon as possible, a Policy of Title Insurance in an amount not less than the purchase price, bearing date later than the acceptance hereof and guaranteeing the title in the condition required for performance of this agreement, will be accepted. Purchaser is responsible to pay for the Title Insurance premium.
<b>Time of Closing</b>	3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the parties agree to complete the sale upon notification that Seller is ready to close. 4. In the event of default by the Seller hereunder, the purchaser may, at his option, elect to enforce the terms hereof or demand, and be entitled to, an immediate refund of his entire deposit in full termination of this agreement.
<b>Purchaser's Default</b>	5. If objection to the title is made, based upon a written opinion of Purchaser's attorney that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date, is notified in writing of the particular defects claimed, either (1) to remedy the title, or (2) to obtain title insurance as required above, or (3) to refund the deposit in full termination of this agreement if unable to remedy the title the Purchaser agrees to complete the sale within 10 days of written notification thereof. If the Seller is unable to remedy the title or obtain title insurance within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.
<b>Seller's Default</b>	
<b>Title Objections</b>	6. The Seller shall deliver and the Purchaser shall accept possession of said property, subject to rights of the following tenants: _____ If the Seller occupies the property, it shall be vacated on or before _____ From the closing to the date of vacating property as agreed, SELLER SHALL PAY the sum of \$ _____ per day. THE BROKER SHALL RETAIN from the amount due Seller at closing the sum of \$ _____ as security for said occupancy charge, paying to the Purchaser the amount due him and returning to the Seller the unused portion as determined by date property is vacated and keys surrendered to Broker.
<b>Possession</b>	
<b>Taxes and Prorated Items</b>	7. All taxes and assessments which have become a lien upon the land at the date of this agreement shall be paid by the Seller. Current taxes, if any, shall be prorated and adjusted as of the date of closing in accordance with <u>due date</u> (Insert one: "Fiscal Year" "Due Date." If left blank, Fiscal Year applies) basis of the municipality or taxing unit in which the property is located. Interest, rents and water bills shall be prorated and adjusted as of the date of closing. Due dates are August 1 and December 1.
<b>Broker's Authorization</b>	8. It is understood that this offer is irrevocable for fifteen (15) days from the date hereof, and if not accepted by the Seller within that time, the deposit shall be returned forthwith to the Purchaser. If the offer is accepted by the Seller, the Purchaser agrees to complete the purchase of said property within the time indicated in Paragraph 3. 9. The Broker is hereby authorized to make this offer and the deposit of <u>N/A</u> Dollars may be held by him under Act No. 112, P.A. of 1960 Sect. 13, (j) and applied on the purchase price if the sale is consummated.



THIS IS A LEGAL BINDING CONTRACT, IF NOT UNDERSTOOD SEEK COMPETENT HELP

10. APPLICABLE TO F. H. A. SALES ONLY:

It is expressly agreed that, notwithstanding any other provisions of this contract, the Purchaser shall not be obligated to complete the purchase of the property described herein or to incur any penalty by forfeiture of earnest money deposits or otherwise unless the Seller has delivered to the purchaser a written statement issued by the Federal Housing Commissioner setting forth the appraised value of the property for mortgage insurance purpose of not less than \$ \_\_\_\_\_ which statement the Seller hereby agrees to deliver to the Purchaser promptly after such appraised value statement is made available to the Seller. The Purchaser shall, however, have the privilege and the option of proceeding with the consummation of this contract without regard to the amount of the appraised valuation made by the Federal Housing Commissioner.

It is further understood between Purchaser and Seller that the additional personal property listed herein has a value of \$ \_\_\_\_\_.

11. The covenants herein shall bind and inure to the benefit of the executors, administrators, successors and assigns of the respective parties.

By the execution of this instrument the Purchaser acknowledges THAT HE HAS EXAMINED THE ABOVE described premises and is satisfied with the physical condition of structures thereon and acknowledges the receipt of a copy of this offer.

The closing of this sale shall take place at the office of the City Engineer, 3200 Biddle Avenue, Wyandotte, MI

However, if a new mortgage is being applied for, Purchasers will execute said mortgage at the bank or mortgage company from which the mortgage is being obtained. Additional conditions, if any: See Addendum for additional Paragraphs 12 through 20 and Signatures

IN PRESENCE OF:

X Ronald Newman L. S.

Purchaser

R. Newman L. S.

Purchaser

Address

Phone: 734 552 7087

Dated \_\_\_\_\_

**BROKER'S ACKNOWLEDGMENT OF DEPOSIT**

Received from the above named Purchaser the deposit money above mentioned, which will be applied as indicated in Paragraphs 8 and 9 above, or will be returned forthwith after tender if the foregoing offer and deposit is declined.

Address \_\_\_\_\_

Broker

Phone \_\_\_\_\_

By: \_\_\_\_\_

This is a co-operative sale on a \_\_\_\_\_

basis with \_\_\_\_\_

**ACCEPTANCE OF OFFER**

TO THE ABOVE NAMED PURCHASER AND BROKER:

The foregoing offer is accepted in accordance with the terms stated, and upon consummation Seller hereby agrees to pay the Broker for services rendered a commission of ( \_\_\_\_\_ Dollars) ( \_\_\_\_\_ per cent of the sale price), which shall be due and payable at the time set in said offer for the consummation of the sale, or if unconsummated, at the time of Seller's election to refund the deposit, or of Seller's or Purchaser's failure, inability or refusal to perform the conditions of this offer; provided, however, that if the deposit is forfeited under the terms of said offer, the Seller agrees that one-half of such deposit (but not in excess of the amount of the full commission) shall be paid to or retained by the Broker in full payment for services rendered.

By the execution of this instrument, the Seller acknowledges the receipt of a copy of this agreement.

CITY OF WYANDOTTE:

IN PRESENCE OF:

\_\_\_\_\_  
L. S.

Seller

\_\_\_\_\_  
L. S.

Seller

Address 3131 Biddle Avenue, Wyandotte

Dated: \_\_\_\_\_

Phone 734-324-4555

**PURCHASER'S RECEIPT OF ACCEPTED OFFER**

The undersigned Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing Offer to Purchase.

Dated \_\_\_\_\_

\_\_\_\_\_  
L. S.

Purchaser



ADDENDUM TO  
OFFER TO PURCHASE REAL ESTATE

This Agreement is contingent upon the following:

12. The closing for this Agreement is contingent upon the Purchaser, within 120 days of Seller's signed acceptance, obtaining a building permit, issued by the Engineering and Building Department for the construction of a single family home, consisting the following features:
  - Approximately 2,530 square feet with 4 bedrooms, 3 baths as indicated on Attachment A
  - Full basement to be in accordance with Section R310-Emergency Escape and Rescue Openings in accordance with the 2006 Michigan Residential Code. Emergency Escape and Rescue Opening must have an approved cover. The basement is also required to have a Backflow Valve and Sump Pump. See Attachment B *some*
  - Exterior to be brick and stone. *some siding*
  - Attached garage.
  - Home must meet all current zoning requirements.
13. The Purchasers will be purchasing this property for \$10,000 which will be placed as a mortgage on the property payable if the property is sold or transferred in any manner within ten (10) years of the date of closing date. Should the property sell or is transferred in any manner before the ten (10) years have expired the entire purchase price plus all closing cost will be due immediately to the City of Wyandotte upon sale or transfer. The Promissory Note and Mortgage will be executed at time of closing.
14. If plans and unit installed with energy savings systems such as solar systems capable of supplying 1kw of energy or wind turbines supplying 400 watts of energy or geothermal systems capable of heating, cooling and provided hot water then the City will reduce the balance of the promissory note by \$2,000.
15. This Agreement is further contingent upon the Purchaser undertaking development within six (6) months from time of closing and complete construction within one (1) year. "Undertaking development" is defined as: the commencement of the building construction. "Building Construction" is defined as: completion of the basement walls and framing of the structure. Failure to undertake development or complete construction within the required time will result in Seller's right to repurchase property including any improvements for one (\$1.00) dollar. A Deed Restriction will be placed on the property which will include this contingency.
16. All utilities are required to be underground. Purchaser will provide three (3) ducts; electrical, cable and telephone to a central location. If reusing existing sewer tap, line must be inspected or cameraed and documents submitted to the Engineering Department for approved use. If use is not approved, you must re-tap the main.
17. The Purchaser is responsible for the cost of the Title Insurance Policy Premium, Closing Fee of \$200.00 and Wayne County Mapping Fee. These charges will be included into the mortgage.
18. Dirt shall be removed from the site at the Purchaser's expense.
19. The property is being sold in "As Is" condition, without express or implied warranty. Purchaser understands that buildings were removed from the site and the City of Wyandotte accepts no responsibility for underground conditions or environmental conditions of the property.
20. This Agreement is subject to the approval of the Wyandotte City Council.

RONALD NESTMAN

Tracy Nestman

Dated: 7/19/15

Ronald Nestman  
Ronald Nestman Purchaser

Gray A Nestman  
Tracy Nestman Purchaser  
1823 15<sup>th</sup> Street  
Wyandotte, MI 48192

CITY OF WYANDOTTE, Seller

\_\_\_\_\_  
Joseph R. Peterson, Mayor

\_\_\_\_\_  
William R. Griggs, City Clerk  
3200 Biddle Avenue  
Wyandotte, Michigan 48192

Dated: \_\_\_\_\_

Legal Department Approval \_\_\_\_\_



LEGAL DESCRIPTION

LOT 6 EXC N PT MEAS 19.10 FT ALONG E LOT LINE AND 17.78 FT ALONG W LOT LINE and LOT 7 EXC N PT MEAS 17.78 FT ALONG E LOT LINE AND 16.46 FT ALONG W LOT LINE and LOT 8 BLOCKS EXC N PT MEAS 16.46 FT ALONG E LOT LINE AND 15.15 FT ALONG W LOT LINE and LOT 9 AND E 1/2 LOT 10 LYING S OF A LINE DISTANT SLY 15.15 FT FROM NE COR OF LOT 9 AND 13.18 FT FROM NW COR OF SAID E 1/2 LOT 10 BLOCKS EUREKA SUB T3S R11E L58 P33 WCR



Attachment A

# EUREKA ROAD

## PROPOSED SITE PLAN

TOTAL LOT AREA: 13,328 SQ. FT.  
TOTAL LOT COVERAGE: 3,438 SQ. FT.  
% OF LOT COVERAGE=25.78%

SCALE: 1"=10'-0"



PROPOSED FRONT ELEVATION

SCALE: 3/16" = 1'-0"

NE

### REVISIONS

#	DATE/REMARK
1	

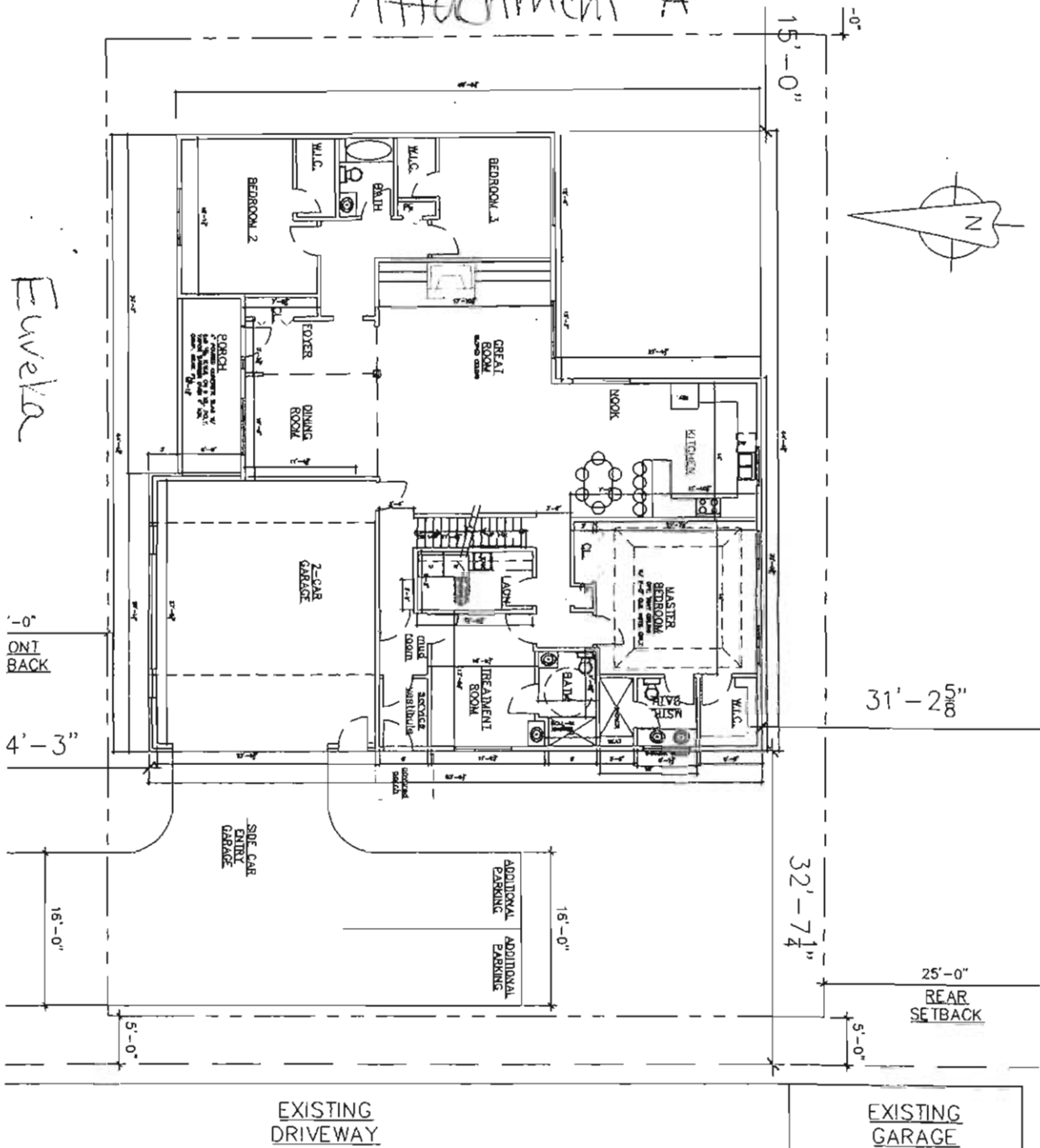
PERMIT

7-9-15

A-1



# Attachment A



RESIDENCE

4 ROAD

5 MICHIGAN

**R.D.P. DESIGN**  
ARCHITECT - DESIGNER

1203 SUPERIOR BLVD., WYANDOTTE MI 48192  
734-341-3129



Build a **FUTURE**  
*in Wyandotte*

**SPECIFICATION FOR ACQUISITION OF  
VACANT PARCELS  
FOR THE CONSTRUCTION OF A  
NEW SINGLE FAMILY HOME  
ON PROPERTY OWNED BY  
THE CITY OF WYANDOTTE**

Department of Engineering and Building  
City of Wyandotte, Michigan

Mark A. Kowalewski,  
City Engineer



## INSTRUCTIONS AND CONDITIONS

### Delivery

Proposals with deposits shall be delivered to the City Engineer at Wyandotte City Hall, 3200 Biddle Avenue, Michigan, 48192 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

### Separate Proposals

A separate proposal must be submitted for each parcel. Proposals will become the property of the City of Wyandotte.

### Expeditious Agreement

The maker of the best proposal, as recommended by the Committee, shall expeditiously enter into a purchase agreement, subject to the terms set forth in these Specifications for submission to the City Council.

### Terms of Sale

These lots are available for \$10,000. The City is discouraging any bids under \$10,000. The City offers terms for the sale of these lots which are as follows:

1. \$10,000 Cash plus all closing costs due at time of closing.
2. \$5,000 due at closing and \$5,000 plus closing cost (ie title commitment, recording fee, mapping fees) as a no interest fee lien on the property payable upon the next sale or if the property is remortgaged or transferred in any manner.
3. \$10,000 placed as no interest fee lien on the property which also includes closing costs (ie title commitment, recording fee, mapping fees). This lien will be forgivable if the purchaser(s) occupy the property as their primary residences for ten (10) years. Note: the City will not subordinate this lien.

Further, a reduction of the purchase price of \$2,000 is available if the purchaser agrees to install energy saving systems such as solar systems capable of supplying 1 kw of energy or wind turbines supplying 400 watts of energy or geothermal systems capable of heating, cooling and providing hot water.

### As Is Condition

This property is being sold, in an "as is" condition without expressed or implied warranty. The City of Wyandotte assumes no responsibility for the environmental conditions of the properties.

Prospective purchaser understand that, whether buildings were removed or not, the City of Wyandotte accepts no responsibility for underground conditions in cases where there were previous structures, with or without a basement.

### Title Insurance

The City of Wyandotte will furnish a warranty deed. Title insurance must be obtained at the purchaser's expense. The City will provide its policy, if available, to the successful proposal maker as credit on a new policy.



### Taxes and Prorated Items

All taxes and assessments which have become a lien upon the land as of the date of the Purchase Agreement shall be paid by the City as Seller. Current taxes, if any, INCLUDING CURRENT TAXES ON HOMES ALREADY DEMOLISHED, shall be prorated and adjusted as of the date of closing in accordance with the "Due Date" basis of the taxing unit in which the property is located.

### Neighborhood Enterprise Zones (NEZ)

Properties which are located in an NEZ are eligible to receive a twelve (12) year tax abatement, which will reduce the taxes paid by homeowners. Proposals will be accepted by Developers and/or Builders and/or Owner Occupied Persons. The City may show preference towards an owner occupant's proposal depending on the quality of the proposal received. Example of the tax saving is as follows:

Home valued at \$200,000 **without** the tax abatement using 2006 Homestead Tax Rate:

Taxable Value for land and house \$100,000 x 48 mills = \$4,800.00

Home valued at \$200,000 **with** the tax abatement using 2006 Homestead Tax Rate:

Taxable Value for land \$10,000 x 48 mills = \$480.00

Taxable Value for home \$90,000 x 16.86 mills = \$1,500.00

This is a yearly savings of \$2,820.00

CONTACT THE ENGINEERING DEPARTMENT TO SEE IF LOT IS ELIGIBLE FOR THIS TAX INCENTIVE.

### Closing Fee

Purchaser is responsible for the payment of the TWO HUNDRED (\$200.00) DOLLAR closing fee. The closing fee will be paid at time of closing.

### Subdivision Precluded

The properties are being offered as one single parcel each and shall not be subdivided.

### Dirt Removal

Said Agreement will provide that dirt shall be removed from the site at Purchaser's expense.

### Subject to Easement

The City will require the granting of a five (5) foot easement as part of the condition of sale. This Easement will be for future underground access for decorative 14' LED Lamp Post fixtures.



### Building Permit Prior to Closing

The Purchase Agreement will require that a building permit be obtained prior to closing. Permits will only be issued to licensed residential builders.

Exception - A homeowner who meets the following requirements: A bona fide owner of a single family residence which is or will be on completion, for a minimum of two (2) years his or her place of residence, and no part of which is used for rental or commercial purposes, nor is contemplated for such purpose, may do his or her own work, providing he or she applies for and secures a permit, pays the fee, does the work himself or herself in accordance with the provisions hereof, applies for inspections and receives approval of the work by the code official. Failure to comply with these requirements will subject the owner's permit to cancellation. Owners building their own homes, will be required to sign an affidavit that they understand and agree to these conditions. Any violation of the two (2) year occupancy requirement will result in prosecution by the City.

Purchaser will have 120 days to obtain a building permit from the date of the Agreement. One (1) thirty (30) day extension may be granted by the City Engineer if there is a good reason.

### Timely Development

Purchaser agrees to undertake development for the construction of a Single Family Dwelling no later than six (6) months from the date of the closing. Purchaser's failure to undertake development results in the City's right to repurchase the property at 80% of the purchase price as evidenced and enforced by a recordable document.

### Guideline Price Not Binding

These lots are available for \$10,000. The City is discouraging any bids under \$10,000. The City offers terms for the sale of these lots which are as follows:

1. \$10,000 Cash plus all closing costs due at time of closing.
2. \$5,000 due at closing and \$5,000 plus closing cost (ie title commitment, recording fee, mapping fees) as a no interest fee lien on the property payable upon the next sale or if the property is remortgaged or transferred in any manner.
3. \$10,000 placed as no interest fee lien on the property which also includes closing costs (ie title commitment, recording fee, mapping fees). This lien will be forgivable if the purchaser(s) occupy the property as their primary residences for ten (10) years. Note: the City will not subordinate this lien.

Further, a reduction of the purchase price of \$2,000 is available if the purchaser agrees to install energy saving systems such as solar systems capable of supplying 1 kw of energy or wind turbines supplying 400 watts of energy or geothermal systems capable of heating, cooling and provided hot water.

### Reservation

The City reserves the right to reject any or all proposals and the right to waive any formal defects in proposals when deemed in the best interest of the City.



## REQUIREMENTS

### Sales Price

The proposed price must be written in both words and numerals. These lots are offered for \$10,000 per buildable lot. The following are the options available for purchase:

1. \$10,000 Cash plus all closing costs due at time of closing.
2. \$5,000 due at closing and \$5,000 plus closing cost (ie title commitment, recording fee, mapping fees) as a no interest fee lien on the property payable upon the next sale or if the property is remortgaged or transferred in any manner.
3. \$10,000 placed as no interest fee lien on the property which also includes closing costs (ie title commitment, recording fee, mapping fees). This lien will be forgivable if the purchaser(s) occupy the property as their primary residences for ten (10) years. Note: the City will not subordinate this lien.

Further, a reduction of the purchase price of \$2,000 is available if the purchaser agrees to install energy saving systems such as solar systems capable of supplying 1 kw of energy or wind turbines supplying 400 watts of energy or geothermal systems capable of heating, cooling and provided hot water.

### Disclosure and Anti-Collusion

Proposal makers must complete the sworn affidavit included in this RFP, listing all persons, firms or corporations having any interest in the Agreement that would result from acceptance of the proposal, and stating whether any member of the City Council, or Officer, or Employee of the City is directly interested in said proposal.

### Deposit

The proposal maker must accompany the proposal with a deposit in the form of a cashier's check, bank money order, or certified check payable to the City of Wyandotte for ten (10%) percent of the amount offered for the parcel. This earnest money deposit shall be applied to the purchase price at the time of closing.

In order to protect the integrity of this solicitation and review process, deposits may be forfeited in cases where acceptable proposals are withdrawn prior to execution of any Agreement. All other deposits shall be returned at the direction of the City Council.

Once the City determines to enter into an Agreement and the proposal maker fails to consummate the sale, the Deposit will be forfeited to the City of Wyandotte.

### Evaluation

In order to best serve the City's interest, proposals will be evaluated for: highest and best use of the property; quality of development as measured by meeting or exceeding the suggested minimum features; and the demonstrated experience, qualifications, and readiness of the prospective purchaser. The highest dollar amount does not necessarily determine the best proposal.

### Equalization Factor

Any current Wyandotte Resident submitting a proposal on lots included in these specifications will receive a five (5%) percent Equalization Factor Credit on their proposal price for the property should their proposal be considered equivalent in quality to the high dollar bid proposal.

Equivalent in quality shall mean similar size square footage, exterior, amenities, such as but not limited to; fireplaces, tile floors, bay windows, counter tops, bedrooms, bathrooms, fixtures, etc.

Proof of residency will be required upon request.



## BUILDING REQUIREMENTS

### Harmony with Adjoining Residential Properties

Proposed building should respect the existing character of the immediate neighborhood. McKinley Neighbors United Picture Portfolio applies on lots located in the Neighborhood Enterprise Zone (NEZ) located between Eureka and Grove. This Portfolio is for reference only. The City does not have any of these plans available.

### Building Features

Proposals must be attached to Signature Sheet and describe the proposed new single family dwelling by specifying the following features:

- a. Number of stories.
- b. Estimated amount of square feet.
- c. Provisions for a garage. *GARAGES PLACED IN FRONT OF THE LIVING QUARTERS, BECOMING THE PREDOMINANT FEATURE (more than 3 feet) IN THE FRONT YARD ARE UNDESIRABLE.*
- d. Number of bathrooms.
- e. Provisions for underground utilities. Contact Wyandotte Municipal Service and Ameritech for information.
- f. Other desirable architectural features such as covered porches, extended soffits, picture windows, bay windows, doorwalls, fireplaces, vaulted ceilings.
- g. Trim on house (vinyl, aluminum or painted wood).
- h. Decks or patios

### Suggested Minimum Features

#### One Story Building Minimum Features:

- a. Consist of a minimum of 1,200 square feet of living area. This does not include basement or garage square footage.
- b. Full brick exterior. (Vinyl or aluminum would be considered as an alternative depending on the neighborhood)
- c. Full basement.
- d. All utilities underground (Electric, Cable and Telephone).

#### Two Story Building Minimum Features:

- a. Consist of a minimum of 1,500 square feet of living area. This does not include basement or garage square footage.
- b. Brick exterior on the entire first floor. (Vinyl or aluminum would be considered as an alternative depending on the neighborhood)
- c. Full Basement.
- d. All utilities underground (Electric, Cable and Telephone).

#### Corner Lots:

- a. Wrap around porches



## BUILDING REQUIREMENTS

### Required Feature

1. All basements shall have backflow prevention system, which shall include back water valves and sump pump.
2. All basements shall comply with Section R310 – Emergency Escape and Rescue Openings in accordance with the 2003 Michigan Residential Code. Also a cover over the opening will be required in accordance with Section R310.4 - Bars, grills, covers and screens of the 2003 Michigan Residential Code.

### Standards

Purchaser understands that development of the property is subject to all the current codes and ordinances of the City of Wyandotte applicable for construction and use, such as the following:

Maximum Height: Two (2) stories or thirty (30) feet.

Maximum Lot Coverage: All structures can only cover thirty-five (35%) percent of property.

Yard Requirements: Front: Minimum of twenty (20) feet.  
Side: Minimum of four (4) feet, except corner lots  
require minimum of five (5) feet on side  
abutting street.  
Total Side: Twelve (12) feet.  
Rear: Minimum of twenty-five (25) feet.

**NOTE:** Submittals which exceed these minimums requirements should be clearly stated on the proposal. More specific information of the proposed project will aid the Land Sale Committee in making its recommendation for acceptance to the Mayor and City Council.

The City reserves the right to reject any proposal wherein the square footage of the house does not meeting with the character of the neighborhood or size of the lot.



Date: \_\_\_\_\_

TO: The City Engineer  
Wyandotte, Michigan

Location of Parcel: \_\_\_\_\_

**THE UNDERSIGNED HEREBY CERTIFY AS FOLLOWS:**

- ☐ **INSPECTION:** Familiarity with the present condition of premises based ~~on~~ recent inspection.
- ☐ **COMPREHENSION:** Understanding Specifications including expeditious agreement, Council approval, permit prior to closing, and commitment to develop within ~~in~~ six (6) months.
- ☐ **PROPOSED BUILDING FEATURES: PROPOSAL MUST BE ATTACHED.**
- ☐ **AMOUNT PROPOSED:** \_\_\_\_\_ Dollars  
(\$ \_\_\_\_\_)
- ☐ **DEPOSIT:** Ten Percent (10%) of above amount enclosed. Check No. \_\_\_\_\_
- ☐ **EXECUTED ANTI-COLLUSION AFFIDAVIT** to be attached.

**CHECK ONE:**

**Proposal Maker will build home to reside in.** ☐

**Proposal Maker will build home for sale.** ☐

**SIGNATURE:** \_\_\_\_\_

**NAME:** \_\_\_\_\_  
Please print

**ADDRESS:** \_\_\_\_\_  
Please print

\_\_\_\_\_  
Please print

**Phone:** \_\_\_\_\_



ANTI-COLLUSION AFFIDAVIT

NOTE: The affidavit set forth before MUST be executed on behalf of the proposal makers and furnished with every proposal.

STATE OF MICHIGAN  
COUNTY OF WAYNE

\_\_\_\_\_, being first duly sworn, deposes and says he/she is the  
\_\_\_\_\_ of \_\_\_\_\_  
(Title) (Name of Company)

the proposal maker which has submitted, on the \_\_\_\_\_ day of \_\_\_\_\_,  
to the City of Wyandotte, Michigan, a proposal for: Parcel No. \_\_\_\_\_  
known as \_\_\_\_\_

all as fully set forth in said proposals. The aforementioned proposal maker constitutes the only person, firm or corporation having any interest in said proposal or in any contract, benefit or profit which may, might or could accrue to, or grow out of the acceptance in whole or in part of said proposal, except as follows: \_\_\_\_\_

\_\_\_\_\_  
Affiant further states that said proposal is in all respects fair and is submitted without collusion or fraud; and that no member of the City Council, or officer or employee of said City is directly or indirectly interested in said proposal.

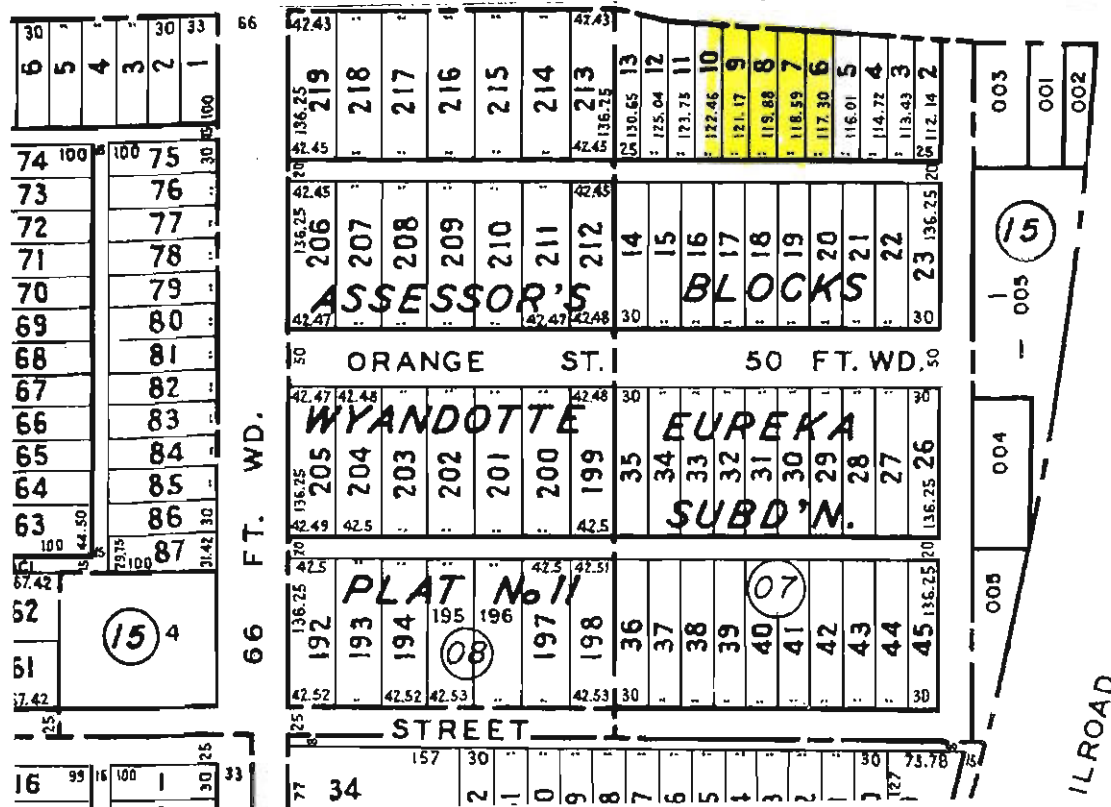
\_\_\_\_\_  
Affiant Signature

SWORN to and subscribed before me, a Notary Public, in for the above name State and County this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



# EUREKA



## LEGAL DESCRIPTION

LOT 6 EXC N PT MEAS 19.10 FT ALONG E LOT LINE AND 17.78 FT ALONG W LOT LINE and LOT 7 EXC N PT MEAS 17.78 FT ALONG E LOT LINE AND 16.46 FT ALONG W LOT LINE and LOT 8 BLOCKS EXC N PT MEAS 16.46 FT ALONG E LOT LINE AND 15.15 FT ALONG W LOT LINE and LOT 9 AND E 1/2 LOT 10 LYING S OF A LINE DISTANT SLY 15.15 FT FROM NE COR OF LOT 9 AND 13.18 FT FROM NW COR OF SAID E 1/2 LOT 10 BLOCKS EUREKA SUB T3S R11E L58 P33 WCR

Lot Size - 112' X 12'



**MODEL RESOLUTION:**

**RESOLUTION**

Wyandotte, Michigan  
Date: August 3, 2015

RESOLUTION by Councilperson \_\_\_\_\_

RESOLVED BY THE MAYOR AND COUNCIL that the communication from the City Engineer regarding the City owned property located at former 997-1007 Eureka is hereby received and placed on file; AND

BE IT FURTHER RESOLVED that the Council concurs with the recommendation to sell the property known as former 997-1007 Eureka to Ronald and Tracy Nestman for the amount of \$10,000.00; AND

BE IT FURTHER RESOVLED that if the Purchaser, Ronald and Tracy Nestman do not undertaking development within six (6) months from time of closing and complete construction within one (1) year. "Undertaking development" is defined as: the commencement of the building construction. Failure to undertake development or complete construction will results in Seller's right to repurchase property including any improvements for One (\$1.00) Dollar. A Deed Restriction will be placed on the property which 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 known as former 997-1007 Eureka, between Ronald and Tray Nestman and the City of Wyandotte for \$10,000 as presented to Council on august 3, 2015.

I move the adoption of the foregoing resolution.

MOTION by Councilperson \_\_\_\_\_

Supported by Councilperson \_\_\_\_\_

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	Stec	_____



**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

**MEETING DATE:** August 3, 2015

**AGENDA ITEM #**

**11**

**ITEM:** **Zoning Ordinance Amendment** – Article VIII - amending Section 801– Special Uses and adding Section 802 – Required Conditions and Article XII – B-1 Neighborhood Business District, Section 1200 Principal Uses Permitted, Subsection E, F, and G

**PRESENTER:** Elizabeth A. Kimmel, Chairperson Planning Commission

**INDIVIDUALS IN ATTENDANCE:** Mark A. Kowalewski

**BACKGROUND:** A request from the City Engineer was received to amend two (2) ordinances (1) to change where business schools or private schools are allowed and the (2) to clear-up the language for Special Uses in an RM-2 District were referred by your Honorable Body to the Planning Commission to hold the required public hearing. The public hearings were held on July 16, 2015, no objections were received. Therefore, the Planning Commission recommends approval of these changes.

**STRATEGIC PLAN/GOALS:** Promoting the finest in design, amenities and associated infra-structure improvements in all new developments and establishing a unique historic, cultural and visual identity for Wyandotte as a destination city within the region

**ACTION REQUESTED:** Adopt a resolution receiving and placing the communication on file and setting first reading of the ordinance.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** N/A

**IMPLEMENTATION PLAN:** Adopt Resolution and update Zoning Ordinance

**COMMISSION RECOMMENDATION:** Approved by the Planning Commission July 16, 2015

**CITY ADMINISTRATOR'S RECOMMENDATION:**

**LEGAL COUNSEL'S RECOMMENDATION:** Ordinance prepared by City Attorney

**MAYOR'S RECOMMENDATION:**



**LIST OF ATTACHMENTS:** Minutes from Planning Commission meeting on July 16, 2015



## **PLANNING COMMISSION RESOLUTIONS**

**PUBLIC HEARING** to consider amendments to the City of Wyandotte Zoning Ordinance Article VIII - amending Section 801- Special Uses and adding Section 802 - Required Conditions.

MOTION BY COMMISSIONER BENSON, supported by Commissioner Parker to recommend to the Mayor and City Council that the proposed amendment to the City of Wyandotte Zoning Ordinance, Article VIII - amending Section 801- Special Uses and adding Section 802 - Required Conditions be approved.

YES: Benson, Duran, Krimmel, Lupo, Parker, Pasko, Rutkowski, Tavernier

NO: None      ABSENT: Adamczyk      MOTION PASSED

**PUBLIC HEARING** to consider amendments to the City of Wyandotte Zoning Ordinance Article XII - B-1 Neighborhood Business District, Section 1200 Principal Uses Permitted, Subsection E, F, and G.

MOTION BY COMMISSIONER BENSON, supported by Commissioner Parker to recommend to the Mayor and City Council that the proposed amendment to the City of Wyandotte Zoning Ordinance, Article XII - B-1 Neighborhood Business District, Section 1200 Principal Uses Permitted, Subsection E, F, and G be approved.

YES: Benson, Duran, Krimmel, Lupo, Parker, Pasko, Rutkowski, Tavernier

NO: None      ABSENT: Adamczyk      MOTION PASSED



**PUBLIC HEARING** to consider amendments to the City of Wyandotte Zoning Ordinance Article VIII - amending Section 801– Special Uses and adding Section 802 – Required Conditions.

**PUBLIC HEARING** to consider amendments to the City of Wyandotte Zoning Ordinance Article XII – B-1 Neighborhood Business District, Section 1200 Principal Uses Permitted, Subsection E, F, and G.

Chairperson Krimmel read the appeal and asked if there was anyone present who wished to speak regarding this hearing.

Mr. Kowalewski explained that there has a demand for schools in a B-1 District which is not allowed currently and he feels this is a right district for the type of use.

Mr. Tallerico agreed with the City Engineers recommendation.

There being no further discussion the hearing was closed. No communications were received regarding this hearing.

---



**MODEL RESOLUTION:**

RESOLUTION

Wyandotte, Michigan  
Date: August 3, 2015

RESOLUTION by Councilperson \_\_\_\_\_

RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the Planning Commission, regarding changes to Article VIII - amending Section 801– Special Uses and adding Section 802 – Required Conditions and Article XII – B-1 Neighborhood Business District, Section 1200 Principal Uses Permitted, Subsection E, F, and G; AND

BE IT FURTHER RESOLVED that said 1<sup>st</sup> reading be held at tonight's meeting.

I move the adoption of the foregoing resolution.

MOTION by Councilperson \_\_\_\_\_

Supported by Councilperson \_\_\_\_\_

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	Stec	_____



First Reading

AN ORDINANCE ENTITLED

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE  
ZONING ORDINANCE BY AMENDING

ARTICLE XII – B-1 NEIGHBORHOOD BUSINESS DISTRICT, Section 1200 Principal Uses Permitted,  
CITY OF WYANDOTTE ORDAINS:

Section 1. Amendment.

The following Section of the City of Wyandotte Zoning Ordinance entitled Article XII – B-1 Neighborhood Business District, Section 1200 Principal Uses Permitted, Subsection E, F, and G shall be amended to read:

1200 Principal Uses Permitted

- E. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance studios, music and voice schools, and art studios.
- F. Other uses which are similar to the above uses.
- G. Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted uses.

Section 2. Severability.

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

Section 3. Effective Date.

This ordinance shall be published along with the notice of adoption in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption and shall take effect fifteen (15) days after its adoption or seven (7) days after publication whichever is later. The notice of adoption shall include the text of the amendment, the effective date of the Ordinance, and the place and time where a copy of the Ordinance may be purchased or inspected.

On the question, “SHALL THIS ORDINANCE NOW PASS?” the following vote was recorded.

YEAS

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\_\_\_\_\_

Fricke  
Galeski  
Miciura  
Sabuda  
Schultz  
Stec

NAYS

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\_\_\_\_\_

ABSENT \_\_\_\_\_

I hereby approve the adoption of the foregoing Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



## CERTIFICATION

We, the undersigned, Joseph R. Peterson and William R. Griggs, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
William R. Griggs, City Clerk

\_\_\_\_\_  
Joseph R. Peterson, Mayor



## NOTICE OF ADOPTION

The City of Wyandotte Zoning Ordinance has been amended as follows:

The effective date of this Ordinance is \_\_\_\_\_. A copy of this Ordinance may be purchased or inspection at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.



First Reading

AN ORDINANCE ENTITLED

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE  
ZONING ORDINANCE BY AMENDING

ARTICLE VIII – RM-2 TOWNHOUSE RESIDENTIAL DISTRICTS – Section 801 and Section 802

CITY OF WYANDOTTE ORDAINS:

Section 1. Amendment.

The following Section of the City of Wyandotte Zoning Ordinance entitled Article VIII – amending Section 801– Special Uses and adding Section 802 – Required Conditions shall read:

801. Special Uses

The following uses may permitted by the Planning Commission subject to conditions hereinafter imposed in Article XXII for each use and subject to the review and approval of a site plan and in accord with Section 2607 and after a public hearing in accord with Section 2608 by the Planning Commission.

A. Uses permitted as special uses and as regulated in the RM-1A Districts.

802 – Required Conditions

The following conditions shall be required in all RM-2 Districts.

A. All required conditions of the RM-1A District shall apply to the RM-2 District.

Section 2. Severability.

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

Section 3. Effective Date.

This ordinance shall be published along with the notice of adoption in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption and shall take effect fifteen (15) days after its adoption or seven (7) days after publication whichever is later. The notice of adoption shall include the text of the amendment, the effective date of the Ordinance, and the place and time where a copy of the Ordinance may be purchased or inspected.

On the question, “SHALL THIS ORDINANCE NOW PASS?” the following vote was recorded.

YEAS

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\_\_\_\_\_

Fricke  
Galeski  
Miciura  
Sabuda  
Schultz  
Stec

NAYS

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ABSENT \_\_\_\_\_

I hereby approve the adoption of the foregoing Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



## CERTIFICATION

We, the undersigned, Joseph R. Peterson and William R. Griggs, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
William R. Griggs, City Clerk

\_\_\_\_\_  
Joseph R. Peterson, Mayor



## NOTICE OF ADOPTION

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