



AGENDA

REGULAR SESSION

MONDAY, FEBRUARY 29, 2016 7: 00 PM

PRESIDING: THE HONORABLE MAYOR JOSEPH R. PETERSON

CHAIRPERSON OF THE EVENING: THE HONORABLE LEONARD T. SABUDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

PRESENTATIONS

UNFINISHED BUSINESS

1. 81 Chestnut Lease

COMMUNICATIONS MISCELLANEOUS

2. 2nd Chance Network Intersection Drive

PERSONS IN THE AUDIENCE

NEW BUSINESS (ELECTED OFFICIALS)

COMMUNICATION FROM CITY AND OTHER OFFICIALS

3. WPD Purchase of Patrol Vehicle
4. WPD Purchase of Kustom Signal Radar Speed Measurement Devices
5. WPD Promotion – Brian Zalewski
6. Zoning Ordinance Amendments
 - a. Article XXV –General Exceptions, Section 2500 Area, Height, & Use Exceptions, Sec. F
 - b. Article XXII. – Section 2200 Special Land Uses, Section V
7. PD Plan - 646 Biddle Avenue
8. Planning Commission Opposition of SB #720 and HB #5232
9. 2016 Subscription Yard Waste Collection
10. Annual License for Yard Waste Collection

REPORTS & MINUTES

| | |
|-----------------------|--------------------------------------|
| City Council | February 22, 2016 |
| Daily Cash Receipts | February 23 & 24, 2016 |
| Fire Commission | February 9, 2016 |
| Planning Commission | January 21, 2016 |
| Police Commission | February 9, 2016 & February 23, 2016 |
| Recreation Commission | February 15, 2016 |

BILLS & ACCOUNTS

CITIZENS PARTICIPATION

RECESS & RECONVENE

FIRST READING OF AN ORDINANCE

- Article XXV –General Exceptions, Section 2500 Area, Height, & Use Exceptions, Sec. F
- Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H
- Article XXII. – Section 2200 Special Land Uses, Section V
- Chapter 14, Art. I, §14-14 and §14-14(2)c regarding annual yard waste licenses

RESOLUTIONS

ADJOURNMENT

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: ~~January 25, 2016~~ ²⁹ February 7, 2016

AGENDA ITEM # 1

ITEM: Lease Agreement – 81 Chestnut

PRESENTER: Todd A. Drysdale, City Administrator *Drysdale*

INDIVIDUALS IN ATTENDANCE: N/A

BACKGROUND: The original lease between the Downriver Council of the Arts (DCA) and Wyandotte Art Center, LLC (LLC), has expired. Additionally, the LLC has been dissolved. The Downtown Development Authority has included an operating grant of \$25,000 to the DCA for the 2016FY. Consequently, it is necessary to enter into a lease agreement until the end of the fiscal year.

Attached you will find the new lease as well as the previous lease agreement. In addition to the term, the primary changes include replacing the LLC with the City of Wyandotte, removing language relating to the initial renovation of the building, and clarifying the responsibility for certain maintenance items.

STRATEGIC PLAN/GOALS: To be financially responsible and to provide the finest services and quality of life.

ACTION REQUESTED: Authorize the Mayor and City Clerk to sign the Lease Agreement.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: Additional \$9,500 in revenue to the City's General Fund (101-000-655-018). Current budget is zero (\$0).

IMPLEMENTATION PLAN: City Administrator to coordinate signing of the agreement.

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: Concur

LEGAL COUNSEL'S RECOMMENDATION: Review and concur as to form.

MAYOR'S RECOMMENDATION: *ALP*

LIST OF ATTACHMENTS:

1. Lease Agreement – 10/1/15 through 9/30/16
2. Lease Agreement – expired 12/31/15

MODEL RESOLUTION:

RESOLVED BY CITY COUNCIL that the Council acknowledges the receipt of the communication from the City Administrator relative to the lease agreement with the Downriver Council of the Arts for 81 Chestnut and

FURTHER, authorizes the Mayor and City Clerk to sign the agreement with a term to expire on September 30, 2016

MOTION BY COUNCIL MEMBER _____

SUPPORTED BY COUNCIL MEMBER _____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

Absent: _____

LEASE AGREEMENT

This Lease Agreement is made and executed on the ____ day of _____, by and between City of Wyandotte, 3200 Biddle Avenue, Wyandotte, Michigan, 48192 referred to as Lessor, and Downriver Council for the Arts, a Michigan nonprofit corporation, referred to as Lessee.

The parties agree as follows:

SECTION ONE

DEMISE, DESCRIPTION, USE AND CONDITION OF PREMISES

Lessor demises and lets to Lessee, to occupy and to use for arts, cultural and arts-related educational programs and activities, exhibits, studio rental, exhibitions and arts-related office purposes and for no other purposes, the following real estate located in the County of Wayne, State of Michigan, described as follows ("Leased Premises"):

81 Chestnut Street, Wyandotte, Michigan

together with nonexclusive use of parking facilities owned by the City located adjacent to or near the Leased Premises.

Lessor, its agents or others have made no representations or warranties as to the condition or the state of repair of the Leased Premises.-Lessees' acceptance of the Leased Premises is conditioned upon the issuance of a certificate of occupancy from the authorized municipal agency.

SECTION TWO

TERM

The Lessee acknowledges it will be allowed to examine the Leased Premises prior to the commencement of the term of this Lease and knows the condition thereof. The term of this Lease Agreement shall be from January 1, 2016 to September 30, 2016 unless otherwise terminated pursuant to Section Seven. Ninety (90) days prior to the end of the Lease Term, the Lessee may request an extension of the Lease Term and Lessor shall in good faith consider such request (provided however nothing herein contained shall be interpreted to provide Lessee a right to any extension hereof for less than the then market rental value of the Leased Premises), at which time, provided Lessor approves the request, a new Lease Agreement shall be executed.

SECTION THREE

RENT

Lessee agrees to pay Lessor a cash rent (prorated accordingly) for the above-described Leased Premises of Nine Thousand, Five Hundred and 0/100 (\$9,500.00) Dollars per year, paid on a quarterly basis on the first day of January, April, and July

SECTION FOUR

A. LESSEE'S DUTIES IN OPERATING LEASED PREMISES

Lessee agrees as follows:

1. To keep and maintain the interior of the Leased Premises in a condition similar to the condition that it was on the commencement of the Lease Agreement. Except for ordinary wear and loss and/or unavoidable destruction.
2. To take proper care of, and to prevent injury to, the Leased Premises.
3. To provide janitorial services on a regular basis.
4. To prevent all unnecessary waste, loss, or damage to the property or Lessor.
5. To keep the Leased Premises neat and orderly.
6. To insure all of its personal property; and carry public liability insurance for not less than One Million (\$1,000,000) Dollars per occurrence, and to name Lessor as an additional insured thereon.
7. To carry workmen's compensation insurance.
8. Not to assign this Lease Agreement or sublet any part of the Leased Premises without the written consent of the Lessor except for the purpose of renting space to artists or users of the facility consistent with the purpose of operating an arts center. Note that the Lessee shall be responsible for any real property taxes if the property is considered taxable.
9. Not to erect signs without first obtaining prior written consent of Lessor.
10. Not to permit or allow smoking, the use of alcohol, drugs, or tobacco on the Leased Premises except with written consent from the Lessor and upon the receipt of all necessary permits allowing such activity.
11. To develop and implement a marketing plan for the Leased Premises to be presented to the Lessor within thirty (30) days of commencement of the lease term.
- ~~12.~~ To provide a minimum public access to the Leased Premises of eight (8) hours a day, six (6) days a week.
13. Coordinate and manage all activities related to the rental of the Leased Premises.
14. Develop fundraising and grant writing services for the purpose of supplementing the cost of maintaining and improving the Leased Premises and the operations that occur within. Lessor acknowledges and agrees that Lessee will also engage in fundraising, including but not limited to grants, donations, gifts, events and programs and the like, to support Lessee's operations and the arts programming

and activities that are the intended purpose of Lessee's occupation of the Leased Premises, and that without such fundraising efforts, Lessee cannot meet its mission and carry out such programming and activities.

15. To develop and implement all programming at the Leased Premises [including a web presence].
16. Provide quarterly financial reports to the Lessor and provide access to all financial records associated with activities at the Leased Premises.
17. Provide security for building and events.
18. Provide annual activity reports to the Lessor or more frequently upon request.
19. Provide free use of the facility by the City of Wyandotte ("City") for events or presentations when a minimum sixty (60) day notice is provided by the City. The City will make every attempt to provide at least a ninety (90) day request and understands that no guarantees of facility availability can be made when the request does not meet the longer notice period. Except for the use of the facility, the City will be responsible for all associated costs for these events.
20. Use its best efforts to cause the Leased Premises to be operated and maintained in such a manner that will avoid the occurrence of any event causing the recapture of all or any part of the historic tax credits awarded to Lessor as a result of the rehabilitation of the Leased Premises;

B. LESSOR'S DUTIES IN OPERATING LEASED PREMISES

Lessor agrees as follows:

1. To maintain the exterior of the Leased Premises [through the City's Department of Public Works] including snow plowing, landscaping, grass cutting, and other maintenance issues. Exterior maintenance does not include tuck pointing of bricks.
2. To assist in non-routine maintenance of the interior of the building [through the City's Department of Public Works] including HVAC, electrical, and plumbing systems. Interior maintenance does not include plaster repair to walls or ceilings.

In the event any repairs to be performed by Lessor shall be directly necessitated by negligence or misuse by the Lessee, then the Lessee shall pay all reasonable expenses for such repairs.

Lessee shall promptly notify Lessor of any needed repairs.

Lessor retains the right to sell the naming rights to the building with the proceeds held by the Lessor in a separate account, and designated solely to support the operations, programs and activities undertaken by Lessee. The proceeds shall be released to Lessees for such purposes upon Lessee's request. Any funds remaining unused at the time of the termination of the lease shall be sole property of the Lessor and can be used for any purpose identified by the Lessor. All other naming rights with respect to galleries, rooms, activities, studios, fixtures and other contents of the Leased Premises shall reside

with Lessee, and proceeds from such naming rights shall be designated by Lessee in its sole discretion.

C. INDEMNIFICATION

Lessee agrees to pay and to defend, indemnify and hold harmless the Lessor from and against any and all liabilities, losses, damages, causes of action, suits, claims, demands, judgments, costs and expenses of any kind or any nature whatsoever (including, without limitation, remediation costs, environmental assessment costs, governmental compliance costs, and reasonable expert's and attorneys' fees and expenses), known or unknown, foreseen or unforeseen, which may at any time be imposed upon, incurred by, or asserted or awarded against Lessor, its employees, agents, members, or other persons serving in an advisory capacity to any of them or against the Leased Premises or any portion thereof, arising from: any injury to or death of or claim of injury to or death of any person or any damage to or loss of or claim of damage to or loss of property on the Leased Premises or otherwise, in each case arising out of the use, possession, ownership, condition or occupation of the Leased Premises or any part thereof from and after the date hereof; violation by Lessee, its employees, agents, or members, or invitees of any of them, of any environmental law affecting the Leased Premises or any part thereof or the ownership, occupancy or use thereof from and after the date hereof; provided, however, that notwithstanding the foregoing, Lessee shall not have any liability to Lessor for any loss or damage arising out of acts of Lessor, or persons under the control or direction of Lessor, including claims with respect to Lessor's work, or out of any release or threat of release of hazardous substance for which Lessor is responsible; provided, further, notwithstanding anything herein to the contrary, in no event shall the Lessee have any liability or obligation, and the Lessor shall indemnify, defend and hold the Lessee harmless from and against any injury to or death of or claim of injury to or death of any person or any damage to or loss of or claim of damage to or loss of property on the Leased Premises or otherwise, in each case arising out of the use, possession, ownership, condition or occupation of the Leased Premises or any part thereof with respect to any event first occurring on or before the commencement of this Lease Agreement. The Lessor shall give Lessee prompt and timely notice of any claim made or suit instituted against it or any other party of which it has knowledge, relating to any matter which in any way may result in indemnification pursuant to this Section. The obligations of Lessee under this Section shall survive the Lease Term. The foregoing indemnification shall not be construed as creating any rights in or conferring any rights to any third parties.

SECTION FIVE

LESSEE'S RIGHT TO MAKE IMPROVEMENTS AND ALTERATIONS

Lessee shall have the right to make non-structural alterations or improvements to the portion of the Leased Premises to which it has exclusive and nonexclusive rights.

However, all such improvements, alterations, and modifications shall be done at its sole cost and expense and only after Lessee has presented to Lessor a written proposal for such work with appropriate drawings and plans attached. No work shall be commenced prior to written approval by Lessor. In the event Lessor does not give its approval, the decision shall be final and binding.

SECTION SIX

LESSOR'S RESERVATION OF RIGHTS, LESSEE'S NONEXCLUSIVE USE

The Lessee shall use and occupy the Lease Premises as described above, however, subject to the following:

[none identified]

SECTION SEVEN

DEFAULT

Lessee shall be in default if it fails to carry out substantially the provisions of this Lease Agreement within thirty (30) days after service by Lessor of written notice to Lessee as provided in Section Nineteen regarding Lessee's failure to fulfill its obligations. In the event the default is not cured within the notice period, Lessor shall have the right to reenter and to take full possession of the Leased Premises, which Lessee agrees to vacate peaceably without claim for damages. Lessee shall be responsible and pay any and all reasonable attorney fees and costs incurred by Lessor in the enforcement of this Lease or removal of Lessee from the Leased Premises.

SECTION EIGHT

UTILITY PAYMENTS

Lessee shall pay one hundred (100%) percent of all utility charges directly attributable to the Leased Premises. These amounts include, but are not limited to, electric, natural gas, water, telephone, internet service, security and fire alarm monitoring, and elevator maintenance. Utilities shall be put in the Lessee's name at the commencement of the lease. These amounts can be paid from proceeds received from rental activity at the Leased Premises.

SECTION NINE

COMPENSATION FOR DAMAGE

At the conclusion of the Lease Agreement, Lessee shall pay to Lessor reasonable compensation for any damage to the Leased Premises for which Lessee is responsible,

after due allowance is made for damage resulting from ordinary wear and depreciation or from causes beyond Lessee's control.

SECTION TEN

RIGHT TO REENTRY

Lessor reserves the right to enter the Lease Premises at all reasonable times for the purpose of viewing or making repairs or improvements on or to the Leased Premises, provided that such entry and activity shall not unreasonably interfere with the occupancy of Lessee.

SECTION ELEVEN

GOVERNING LAW

It is agreed that this Lease Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Michigan.

SECTION TWELVE

WAIVERS

Waiver by Lessor of any breach of any covenant or duty of Lessee under this Lease Agreement is not a waiver of a breach of any other covenant or duty of Lessee, or of any subsequent breach of the same covenant or duty.

SECTION THIRTEEN

TERMINATION

At the termination of this Lease Agreement, by the terms hereof, by operation of law, or otherwise, Lessee shall remove all of its furniture and furnishings on or before the termination date. Lessee shall leave at the Leased Premises all property owned by Lessor or third parties. The Lessee shall leave the Leased Premises in substantially the same condition as it was received. Any property that shall be left by Lessee after termination shall be considered abandoned by the Lessee unless prior arrangements are made in writing with Lessor.

SECTION FOURTEEN

EFFECT OF PARTIAL INVALIDITY

The invalidity of any provision of this Lease Agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this Lease Agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

SECTION FIFTEEN

ENTIRE AGREEMENT

This Lease Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease Agreement shall not be binding upon either party except to the extent incorporated in this Lease Agreement.

SECTION SIXTEEN

MODIFICATION OF AGREEMENT

Any modification of this Lease Agreement or additional obligation assumed by either party in connection with this Lease Agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.

SECTION SEVENTEEN

PARAGRAPH HEADINGS

The titles to the paragraphs of this Lease Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Lease Agreement.

SECTION EIGHTEEN

EFFECTIVE DATE

Notwithstanding the date this Lease was executed, this Lease shall be and is effective January 1, 2016.

SECTION NINETEEN

NOTICES

All notices, requests, demands, claims, and other communications hereunder shall be in writing. Any such written communication shall be deemed to have been duly given (except as may otherwise be specifically provided herein to the contrary), and shall be deemed sufficient to preserve the rights of the sending party, if either (a) mailed by certified or registered mail, with postage prepaid by sender, or shipped by express courier service, with charges prepaid by sender and receipted for by or on behalf of the intended recipient, in each case to the following address (or to such other address as any party may designate for himself or itself by notice to the other parties given pursuant hereto), or (b) delivered by hand and receipted for by or on behalf of the intended recipient:

Lessor: City of Wyandotte
 3200 Biddle Avenue
 Wyandotte, MI 48192

Lessee: Executive Director
 Downriver Council for the Arts
 81 Chestnut
 Wyandotte MI 48192

SECTION TWENTY

BINDING EFFECT

The provisions of this Lease Agreement shall be binding on the heirs, executors, administrators, successors, and assignees of both Lessor and Lessee in like manner as upon the original parties, unless modified by mutual agreement.

IN WITNESS WHEREOF, Lessor and Lessee have signed their names and affixed their seals the day and year first written above.

WITNESS

City of Wyandotte

By: The City of Wyandotte
Its: Mayor

By: _____
Joseph R. Peterson, Mayor

DOWNRIVER COUNCIL OF THE ARTS

By: _____
XXXXXXXXXXXXXXXXXXXX
President, Downriver Council for the Arts

OFFICIALS

William R. Griggs
CITY CLERK

Andrew A. Swiecki
CITY TREASURER

Colleen A. Keehn
CITY ASSESSOR



JOSEPH R. PETERSON
MAYOR

COUNCIL

Todd M. Browning
James R. DeSana
Sheri M. Sutherby-Fricke
Daniel E. Galeski
Leonard T. Sabuda
Lawrence S. Stec

February 23, 2010

RESOLUTION

Todd A. Drysdale
Director of Financial and Administrative Services
3131 Biddle Avenue
Wyandotte, Michigan 48192


By Councilwoman Sheri M. Fricke
Supported by Councilman James R. DeSana

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the Director of Financial and Administrative Services and APPROVES the Lease Agreement for 81 Chestnut between Wyandotte Art Center LLC and the Downriver Council of the Arts providing all stipulations in said lease are adhered to. AND BE IT FURTHER RESOLVED that the Director of Financial and Administrative Services be directed to sign said agreement on behalf of the City of Wyandotte.

YEAS: Councilmembers Browning DeSana Fricke Sabuda
NAYS: Councilman Galeski

RESOLUTION DECLARED ADOPTED

I, Maria Johnson, Deputy City Clerk for the City of Wyandotte, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the Mayor and Council of the City of Wyandotte, at the regular meeting held on February 22, 2010.


Maria Johnson
Deputy City Clerk

CC: Downriver Council for the Arts, DDA

LEASE AGREEMENT

This Lease Agreement is made and executed on the 25th day of February, 2010, by and between Wyandotte Art Center LLC, a Michigan limited liability company, 3131 Biddle Avenue, Wyandotte, Michigan 48192, referred to as Lessor, and Downriver Council for the Arts, a Michigan nonprofit corporation, referred to as Lessee.

The parties agree as follows:

SECTION ONE

DEMISE, DESCRIPTION, USE AND CONDITION OF PREMISES

Lessor demises and lets to Lessee, to occupy and to use for arts, cultural and arts-related educational programs and activities, exhibits, studio rental, exhibitions and arts-related office purposes and for no other purposes, the following real estate located in the County of Wayne, State of Michigan, described as follows ("Leased Premises"):

81 Chestnut Street, Wyandotte, Michigan

together with nonexclusive use of parking facilities owned by the City located adjacent to or near the Leased Premises.

Lessor, its agents or others have made no representations or warranties as to the condition or the state of repair of the Leased Premises. The parties understand that work may remain to be done upon the date of execution of this lease. Therefore, Lessees' acceptance of the Leased Premises is conditioned upon the issuance of a certificate of occupancy from the authorized municipal agency.

Notwithstanding the execution date of this Lease, the term thereof shall not commence until Lessee occupies the Leased Premises. Thereafter, this Lease Agreement may only be terminated at the end of its Term or in accordance with Section Seven hereof.

SECTION TWO

TERM

The Lessee acknowledges it will be allowed to examine the Leased Premises prior to the commencement of the term of this Lease and knows the condition thereof. The term of this Lease Agreement shall be from January 1, 2010 or Lessee's occupation of the Leased Premises under Section One, whichever is later, to December 31, 2015, unless otherwise terminated pursuant to Section Seven. Ninety (90) days prior to the end of the Lease Term, the Lessee may request an extension of the Lease Term and Lessor shall in good faith consider such request (provided however nothing herein contained shall be interpreted to provide Lessee a right to any extension hereof for less than the then market rental value of the Leased Premises), at which time, provided Lessor approves the request, a new Lease Agreement shall be executed.

SECTION THREE

RENT

Lessee agrees to pay Lessor a cash rent (prorated accordingly) for the above-described Leased Premises of Nine Thousand, Five Hundred and 0/100 (\$9500.00) Dollars per year, paid on a quarterly basis on the first day of January, April, July, and October

SECTION FOUR

A. LESSEE'S DUTIES IN OPERATING LEASED PREMISES

Lessee agrees as follows:

1. To keep and maintain the interior of the Leased Premises in a condition similar to the condition that it was on the commencement of the Lease Agreement. Except for ordinary wear and loss and/or unavoidable destruction.
2. To take proper care of, and to prevent injury to, the Leased Premises.
3. To provide janitorial services on a regular basis.
4. To prevent all unnecessary waste, loss, or damage to the property or Lessor.
5. To keep the Leased Premises neat and orderly.
6. To insure all of its personal property; and carry public liability insurance for not less than One Million (\$1,000,000) Dollars per occurrence, and to name Lessor as an additional insured thereon.
7. To carry workmen's compensation insurance.
8. Not to assign this Lease Agreement or sublet any part of the Leased Premises without the written consent of the Lessor except for the purpose of renting space to artists or users of the facility consistent with the purpose of operating an arts center. Note that the Lessee shall be responsible for any real property taxes if the property is considered taxable.

9. Not to erect signs without first obtaining prior written consent of Lessor.
10. Not to permit or allow smoking, the use of alcohol, drugs, or tobacco on the Leased Premises except with written consent from the Lessor and upon the receipt of all necessary permits allowing such activity.
11. To develop and implement a marketing plan for the Leased Premises within six (6) months of commencement of lease. This plan will be presented to the Lessor prior to the due date.
12. To provide a minimum public access to the Leased Premises of eight (8) hours a day, six (6) days a week within one (1) year of the commencement date of the lease.
13. Coordinate all activities related to the rental of the Leased Premises.
14. Develop fundraising and grant writing services for the purpose of supplementing the cost of maintaining and improving the Leased Premises and the operations that occur within. Lessor acknowledges and agrees that Lessee will also engage in fundraising, including but not limited to grants, donations, gifts, events and programs and the like, to support Lessee's operations and the arts programming and activities that are the intended purpose of Lessee's occupation of the Leased Premises, and that without such fundraising efforts, Lessee cannot meet its mission and carry out such programming and activities.
15. To develop and implement all programming at the Leased Premises [including a web presence].
16. Provide quarterly financial reports to the Lessor and provide access to all financial records associated with activities at the Leased Premises.
17. Provide security for building and events.
18. Provide annual activity reports to the Lessor or more frequently upon request.
19. Provide free use of the facility by the City of Wyandotte ("City") for events or presentations when a minimum sixty (60) day notice is provided by the City. The City will make every attempt to provide at least a ninety (90) day request and understands that no guarantees of facility availability can be made when the request does not meet the longer notice period. Except for the use of the facility, the City will be responsible for all associated costs for these events.
20. Use its best efforts to cause the Leased Premises to be operated and maintained in such a manner that will avoid the occurrence of any event causing the recapture of all or any part of the historic tax credits awarded to Lessor as a result of the rehabilitation of the Leased Premises;

B. LESSOR'S DUTIES IN OPERATING LEASED PREMISES

Lessor agrees as follows:

1. To maintain the exterior of the Leased Premises [through the City's Department of Public Works] including snow plowing, landscaping, grass cutting, and other maintenance issues.
2. To assist in non-routine maintenance of the interior of the building [through the City's Department of Public Works] including HVAC, electrical, and plumbing systems.

734780-0671
A. J. [signature]

3. Prior to commencement of this Lease Agreement, provide up to \$500,000 in investment to the facility to improve and renew the facility and its infrastructure which is contingent upon available funding as determined by the Lessor.

In the event any repairs to be performed by Lessor shall be directly necessitated by negligence or misuse by the Lessee, then the Lessee shall pay all reasonable expenses for such repairs.

Lessee shall promptly notify Lessor of any needed repairs.

Lessor retains the right to sell the naming rights to the building with the proceeds held by the Lessor in a separate account, and designated solely to support the operations, programs and activities undertaken by Lessee. The proceeds shall be released to Lessees for such purposes upon Lessee's request. Any funds remaining unused at the time of the termination of the lease shall be sole property of the Lessor and can be used for any purpose identified by the Lessor. All other naming rights with respect to galleries, rooms, activities, studios, fixtures and other contents of the Leased Premises shall reside with Lessee, and proceeds from such naming rights shall be designated by Lessee in its sole discretion.

C. INDEMNIFICATION

Lessee agrees to pay and to defend, indemnify and hold harmless the Lessor from and against any and all liabilities, losses, damages, causes of action, suits, claims, demands, judgments, costs and expenses of any kind or any nature whatsoever (including, without limitation, remediation costs, environmental assessment costs, governmental compliance costs, and reasonable expert's and attorneys' fees and expenses), known or unknown, foreseen or unforeseen, which may at any time be imposed upon, incurred by, or asserted or awarded against Lessor, its employees, agents, members, or other persons serving in an advisory capacity to any of them or against the Leased Premises or any portion thereof, arising from: any injury to or death of or claim of injury to or death of any person or any damage to or loss of or claim of damage to or loss of property on the Leased Premises or otherwise, in each case arising out of the use, possession, ownership, condition or occupation of the Leased Premises or any part thereof from and after the date hereof; violation by Lessee, its employees, agents, or members, or invitees of any of them, of any environmental law affecting the Leased Premises or any part thereof or the ownership, occupancy or use thereof from and after the date hereof; provided, however, that notwithstanding the foregoing, Lessee shall not have any liability to Lessor for any loss or damage arising out of acts of Lessor, or persons under the control or direction of Lessor, including claims with respect to Lessor's work, or out of any release or threat of release of hazardous substance for which Lessor is responsible; provided, further, notwithstanding anything herein to the contrary, in no event shall the Lessee have any liability or obligation, and the Lessor shall indemnify, defend and hold the Lessee harmless from and against any injury to or death of or claim of injury to or death of any person or any damage to or loss of or claim of damage to or loss of property on the

Leased Premises or otherwise, in each case arising out of the use, possession, ownership, condition or occupation of the Leased Premises or any part thereof with respect to any event first occurring on or before the commencement of this Lease Agreement. The Lessor shall give Lessee prompt and timely notice of any claim made or suit instituted against it or any other party of which it has knowledge, relating to any matter which in any way may result in indemnification pursuant to this Section. The obligations of Lessee under this Section shall survive the Lease Term. The foregoing indemnification shall not be construed as creating any rights in or conferring any rights to any third parties.

SECTION FIVE

LESSEE'S RIGHT TO MAKE IMPROVEMENTS AND ALTERATIONS

Lessee shall have the right to make non-structural alterations or improvements to the portion of the Leased Premises to which it has exclusive and nonexclusive rights. However, all such improvements, alterations, and modifications shall be done at its sole cost and expense and only after Lessee has presented to Lessor a written proposal for such work with appropriate drawings and plans attached. No work shall be commenced prior to written approval by Lessor. In the event Lessor does not give its approval, the decision shall be final and binding.

SECTION SIX

LESSOR'S RESERVATION OF RIGHTS, LESSEE'S NONEXCLUSIVE USE

The Lessee shall use and occupy the Lease Premises as described above, however, subject to the following:

[none identified]

SECTION SEVEN

DEFAULT

Lessee shall be in default if it fails to carry out substantially the provisions of this Lease Agreement within thirty (30) days after service by Lessor of written notice to Lessee as provided in Section Nineteen regarding Lessee's failure to fulfill its obligations. In the event the default is not cured within the notice period, Lessor shall have the right to reenter and to take full possession of the Leased Premises, which Lessee agrees to vacate peaceably without claim for damages. Lessee shall be responsible and pay, any and all reasonable attorney fees and costs incurred by Lessor in the enforcement of this Lease or removal of Lessee from the Leased Premises.

SECTION EIGHT

UTILITY PAYMENTS

Lessee shall pay one hundred (100%) percent of all utility charges directly attributable to the Leased Premises. These amounts include, but are not limited to, electric, natural gas, water, telephone, internet service, security and fire alarm monitoring, and elevator maintenance. Utilities shall be put in the Lessee's name at the commencement of the lease. These amounts can be paid from proceeds received from rental activity at the Leased Premises.

SECTION NINE

COMPENSATION FOR DAMAGE

At the conclusion of the Lease Agreement, Lessee shall pay to Lessor reasonable compensation for any damage to the Leased Premises for which Lessee is responsible, after due allowance is made for damage resulting from ordinary wear and depreciation or from causes beyond Lessee's control.

SECTION TEN

RIGHT TO REENTRY

Lessor reserves the right to enter the Lease Premises at all reasonable times for the purpose of viewing or making repairs or improvements on or to the Leased Premises, provided that such entry and activity shall not unreasonably interfere with the occupancy of Lessee.

SECTION ELEVEN

GOVERNING LAW

It is agreed that this Lease Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Michigan.

SECTION TWELVE

WAIVERS

Waiver by Lessor of any breach of any covenant or duty of Lessee under this Lease Agreement is not a waiver of a breach of any other covenant or duty of Lessee, or of any subsequent breach of the same covenant or duty.

SECTION THIRTEEN

TERMINATION

At the termination of this Lease Agreement, by the terms hereof, by operation of law, or otherwise, Lessee shall remove all of its furniture and furnishings on or before the termination date. Lessee shall leave at the Leased Premises all property owned by Lessor or third parties. The Lessee shall leave the Leased Premises in substantially the same condition as it was received. Any property that shall be left by Lessee after termination shall be considered abandoned by the Lessee unless prior arrangements are made in writing with Lessor.

SECTION FOURTEEN

EFFECT OF PARTIAL INVALIDITY

The invalidity of any provision of this Lease Agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this Lease Agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

SECTION FIFTEEN

ENTIRE AGREEMENT

This Lease Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease Agreement shall not be binding upon either party except to the extent incorporated in this Lease Agreement.

SECTION SIXTEEN

MODIFICATION OF AGREEMENT

Any modification of this Lease Agreement or additional obligation assumed by either party in connection with this Lease Agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.

SECTION SEVENTEEN

PARAGRAPH HEADINGS

The titles to the paragraphs of this Lease Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Lease Agreement.

SECTION EIGHTEEN

EFFECTIVE DATE

Notwithstanding the date this Lease was executed, this Lease shall be and is effective January 1, 2010.

SECTION NINETEEN

NOTICES

All notices, requests, demands, claims, and other communications hereunder shall be in writing. Any such written communication shall be deemed to have been duly given (except as may otherwise be specifically provided herein to the contrary), and shall be deemed sufficient to preserve the rights of the sending party, if either (a) mailed by certified or registered mail, with postage prepaid by sender, or shipped by express courier service, with charges prepaid by sender and receipted for by or on behalf of the intended recipient, in each case to the following address (or to such other address as any party may designate for himself or itself by notice to the other parties given pursuant hereto), or (b) delivered by hand and receipted for by or on behalf of the intended recipient:

Lessor: Wyandotte Art Center, LLC
3131 Biddle Avenue
Wyandotte, MI 48192

Lessee: Executive Director
Downriver Council for the Arts
81 Chestnut
Wyandotte MI 48192

SECTION TWENTY

BINDING EFFECT

The provisions of this Lease Agreement shall be binding on the heirs, executors, administrators, successors, and assignees of both Lessor and Lessee in like manner as upon the original parties, unless modified by mutual agreement.

IN WITNESS WHEREOF, Lessor and Lessee have signed their names and affixed their seals the day and year first written above.

WITNESS

Paula Brown

WYANDOTTE ART CENTER LLC

By: The City of Wyandotte
Its: Manager

By: Todd A. Drysdale
Todd A. Drysdale, Director of
Financial and Administrative Services

Philipa C. Matas

DOWNRIVER COUNCIL OF THE ARTS

By:

Douglas Scott
Douglas Scott
President, Downriver Council for the Arts

81 Chestnut Lease Agreement Supporting Information

January 28, 2016

The Honorable Joseph R. Peterson & City Council
3131 Biddle Avenue, Wyandotte, Michigan 48192

Dear Mayor and Council:

I am writing you to answer some questions that came up during the January 25th Council meeting regarding the Downriver Council for the Arts located in the James R. DeSana Center for Arts and Culture. We are also in the audience this evening to answer any other questions.

The proposal for raising the lease of the DCA at this point in time would be a financial strain for the organization. Please consider that as an organization we continually look for ways to increase revenue and decrease expenses and:

- The DCA received \$49,500 from the DDA and paid \$9,500 in rent on an annual basis since the inception of the original lease. For 2016, the DCA is only receiving \$25,000 from the DDA while still paying out the proposed amount of \$9,500. Thus, the net support from the City of Wyandotte has dropped \$24,500 or 61% from the prior years.
- Our operational expenses for the James R. DeSana Center for Arts and Culture are approximately \$4000 to \$5,000 a month and our lease to the city is \$9,500 a year. Thus our annual expenses to just keep the building operational is about \$69,500.00
- We are in the midst of a program to have the building become self-sufficient. For 2016 we have re-evaluated our four studios and have increased revenue for each studio. We looked at our rental structure and have researched and raised our current fees. In the past we have hosted fashion shows, weddings, graduations, baby showers, birthday parties, anniversary parties, Kendama tournaments, cabaret shows and film openings. We will continue the trend we have set and increase rentals and rental rates.

The money that is received from the DDA is operational money and is used strictly for the James R. DeSana Center for Arts and Culture to keep it in top condition. We are committed to being good stewards for this historic building.

The money received does not fund the Downriver Council for the Arts as an organization for its programs, projects or salaries. The following is what the grant money supports for the James R. DeSana Center for Arts and Culture.

- All Star Alarm Company, Cintas Rugs, Wyandotte Municipal Services, DTE Energy, Insurance on the James R. DeSana Center for Arts and Culture/ Goodwin through Lademan Insurance co. of Wyandotte, Schindler Elevator Company, Executive Protection Security, Janitorial Supplies for the James R. DeSana Center for Arts and Culture, Weekly Janitorial cleaning of the James R. DeSana Center for Arts and Culture and the Quarterly lease agreement with the City of Wyandotte.
- The City of Wyandotte maintains the building with normal landlord up keep, such as roofing, and building related needs.
- We have made improvements such as new flooring, new lighting, painting of the walls and ceiling in the gallery, classrooms and other parts of the building.

The DCA has become an important part of the Wyandotte community and has approximately 2000 visitors a month. We are open Tuesday – Saturday 9am-5pm daily and are often open 9am-9pm. We are currently implementing longer hours as we are continually adding classes and workshops as well as meetings and rentals. And:

- The DCA is an arts and culture destination for the Downriver Community in. We are the Arts and Culture hub for 21 different communities. We contribute to the branding of Wyandotte as an arts community.
- When visitors enter the DCA and tour our facility we hand out the Wyandotte Guide supplied by the DDA. We point out where there are other art galleries, restaurants and shopping as well as other things to do in the Wyandotte Area.
- The Theatre on the third floor is the home theatre for the Wyandotte Community Theatre, AKT Theatre and TNT Productions.
- Some of the community groups that use the James R. DeSana Center for Arts and Culture are: Wyandotte Rotary, AAUW, Dining for Women, Fall Festival of the Arts, Acanthus Art Society, Alpha Kappa Delta, the WBA and the DDA.
- All organizations that use the facilities or are members of the DCA are: Southgate Community Players, DIA, The Guidance Center, Dearborn Symphony, Michigan Philharmonic, Michigan Opera Theatre, WCCCD, Poets and Playwrights, SWRCC, Taylor Conservatory and Botanical Gardens, Glowfish Studios, Arts Detroit, Downriver ARC, Josephine Ford Cancer Center, and the Park Restaurant.
- The DCA has two galleries showing mainly regional artists. Some of the exhibits have brought in hundreds of people. The Joe Scott Show had 400 in attendance opening night, Fall Festival had over 200 and many of our Community Gallery openings have 100 to 200 people at opening nights. The Community Gallery is a place where non- profits and schools are able to showcase their artwork.
- We chair two of the WBA's 3rd Fridays, including Art on the Avenue and Kidapalooza.
- We take part in many 3rd Friday and DDA activities such as Chalk and Chocolate. During Restaurant week we passed out postcards to each person that attended our Indie Craft Fair. There were 50 vendors and we had 2,000 people in attendance in 2014 and in 2015 we again had over 2,000 people in attendance and handed out Wyandotte Walking guides to all that attended. In 2016 we will once again have the Downriver Indie Craft Fair and we have already begun talking to the WBA and DDA how to help drive people that attend our fair into the streets of Wyandotte., We also participated in the DIA Inside Out and each year have an art component in Paint the Town Pink.
- In 2015 DCA hosted a street fair within a street fair named Chestnut Art Mart Indie Craft Fair.

Besides the rentals the DCA receives funds the following ways:

- Memberships/ Individual as well as Cultural Partners, adult art and craft classes in watercolor, drawing, figure drawing, oil, acrylic, pastels, pre-school art classes, art classes for youth, Michael Farrell Lectures, adult art and craft workshops, Girls Scout of America Workshops, and a 6 week summer art camp serving 300 downriver youth.
- Fundraisers: Recycled Runway Project, Mothers and Others Tea, The Indie Craft Fair, Walls of Opportunity, 11X14 exhibits, Oktoberfest, The Holiday Luncheon and St Patrick's concert.
- Other organizations that offer financial support for the DCA are BASF, Huron Valley Steel, Fritz Enterprise, World Heritage Foundation, the Prechter Family and The Colina Foundation.

I thank you for your continued support of the James R. DeSana Center for Arts and Culture. If you have any questions, please feel free to contact me.

Sincerely,
Tammy Trudelle, Executive Director, Downriver Council for the Arts

From: 2ND Chance Resale [secondchanceurgent@yahoo.com]
Sent: Monday, February 22, 2016 6:56 PM
To: clerk@wyan.org
Subject: Second Chance Network
Attachments: legal docs 2016.5.pdf; 2016 SCN Budget(1).ods

3200 Biddle Ave. Ste. 100
 Wyandotte, MI.
 48192

2/22/16

Mayor/City Council

The Second Chance Network was able to help more than 100 people in need over the last two years. The funds collected were disbursed to provide: Shelter, food, clothing, jobs and transportation. Due to Fraser and other cities allowing us to solicit in their intersections, these funds were raised.

We are asking for your support and again this year, to continue helping people in need get off of the streets, receive job training/jobs and become self-sufficient. We will hand out cards with our contact information asking if anyone knows someone who may need our services in your city.

All participants will be provided with extensive intersection safety training (this is our #1 priority) and wear a reflective vest. In addition, they will be **video monitored in real time** throughout the day to ensure safety precautions are being adhered to and surpassed.

The dates that the Second Chance Network would like to hold intersection drives in your city are:
 Wednesday, March 23rd – Saturday, March 26th (weather permitting). The hours of operation are 7:30 A.M. - 7:00 P.M..

We want to thank you in advance for respecting our first amendment rights.

The requested intersections are:

Fort & Ford Biddle & Ford
 Fort & Eureka Biddle & Eureka Goddard & Fort Biddle & Oak
 Fort & Oak

Some of the above intersections may not be utilized. It will depend on traffic & volunteers.
 (Wyandotte borders only)

Attached is all legal documentation verifying our non-profit status.

If there are any questions/concerns, please feel free to call:

President
(586) 306-0250

Vice President
(586) 339-2597

THE SECOND CHANCE NETWORK GOAL IS TO RAISING \$50,000 TO HOUSE MICHIGAN'S HOMELESS!

The Second Chance Network (A Michigan Non-profit Corporation) has a fresh new take on how to help the homeless, let them help themselves. We offer a job, provide them with stable living accommodations and supply them with food and clothing. We believe these 4 core necessities give our clients a key advantage to get back on their feet and become productive members of society. Please help us achieve our goals.

1. The Michigan Coalition Against Homelessness estimates that Michigan has a total of 92,341 homeless individuals.
2. Forty-one percent of homeless individuals in Michigan suffer from mental illness.
3. There is not enough affordable housing in Michigan. As our population ages, and children with disabilities move into adulthood, this need will continue to increase.
4. **It actually costs taxpayers more to leave people homeless than to provide them with housing that they can afford.**
5. **The odds of homeless children having a chance of graduating High School is less than 1 in 4.** This leads to a lifetime of lost wages and difficulties in preventing homelessness later in life.
6. The U.S. Department of Housing and Urban Development states that Michigan had a 6.1% increase in homelessness cases from 2013 to 2014. This is one of the highest in the nation.
7. Many people are only 1 paycheck away from becoming homeless. This person could be a friend, a family member or even YOU!!!

Please educate yourself on homelessness. Help dispel the myths and stereotypes about the homeless. Many individuals have lost their jobs and are struggling to find new employment, making them unable to pay for housing.

Follow us on our journey at www.2ndchancenetwork.org or www.michigan.gov/charities

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
FILING ENDORSEMENT

This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT

for

SECOND CHANCE NETWORK

ID NUMBER: 71494X

received by facsimile transmission on December 12, 2013 is hereby endorsed.

Filed on December 13, 2013 by the Administrator.

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.



Sent by Facsimile Transmission

*In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 13th day
of December, 2013.*

*Alan J. Schefke, Director
Corporations, Securities & Commercial Licensing Bureau*

REGISTRATION #:
50807



BILL SCHUETTE
ATTORNEY GENERAL

EXPIRATION DATE:
7/31/2016

Second Chance Network
22503 Stephens
St. Clair Shores, MI 48080

This is your current

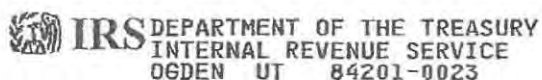
CHARITABLE SOLICITATION REGISTRATION

Second Chance Network

- **The renewal form for this registration is due 30 days prior to above expiration date.** The Renewal Solicitation Form is available on the Attorney General Charitable Trust's website www.mi.gov/charity.
- **Extension** of the registration may be requested if required information will not be available prior to the renewal due date. A written request must be received on or before the above expiration date. If granted, a new expiration date will appear on our searchable database at www.mi.gov/charity. Notification will **not** be sent.
- **Throughout the year**, notify us within 30 days of changes in the following:
 - Address, or your name and any other names used
 - Board of directors or resident agent
 - Any information that appears on your organization report on our searchable database at www.mi.gov/charitysearch.
 - Ceasing operations or merging with another organization
- Submit any **contracts** you enter into with professional fundraisers within 10 days of execution. Charities must verify the licensure of their professional fundraisers. Licensure can be verified at www.mi.gov/charitysearch.
- **The Attorney General Registration number listed above must be referenced on all documents.**

Charitable Trust Section
P.O. Box 30214
Lansing, MI 48909

Phone: 517-373-1152
Fax: 517-241-7074
Email: ct_email@mi.gov
Website: www.mi.gov/charity



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SECOND CHANCE NETWORK
% JAMI SPINAZZOLA
22503 STEPHENS ST
ST CLAIR SHORES MI 48080

002674

Date of this notice: 12-03-2013

Employer Identification Number:
90-1029337

Form: SS-4

Number of this notice: CP 575 E

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 90-1029337. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

ANNUAL FILING REQUIREMENTS

Most organizations with an EIN have an annual filing requirement, even if they engage in minimal or no activity.

A. If you are tax-exempt, you may be required to file one of the following returns or notices:

- Form 990, Return of Organization Exempt From Income Tax
- Form 990-EZ, Short Form Return of Organization Exempt From Income Tax
- Form 990-PF, Return of Private Foundation
- Form 990-N, e-Postcard (available online only)

Additionally, you may be required to file your annual return electronically.

If an organization required to file a Form 990, Form 990-PF, Form 990-EZ, or Form 990-N does not do so for three consecutive years, its tax-exempt status is automatically revoked as of the due date of the third return or notice.

Please refer to www.irs.gov/990filing for the most current information on your filing requirements.



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 03/02/2015

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).

PRODUCER 855-223-8731

 IHT Insurance Agency
 6457 Reflections Drive
 Suite 100
 Dublin, OH 43017

INSURED

 Second Chance Network, Inc.
 32184 Woodward Ave
 Royal Oak, MI 48073

CONTACT NAME: IHT Insurance Agency

PHONE (A/C No.): 855-223-8731

FAX (A/C No.):

E-MAIL: com@ihtagency.com

ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: NSI - Westbend

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES
CERTIFICATE NUMBER:
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.

| REG. LTR. | TYPE OF INSURANCE | ADOL. SUBR. INSD. YYYY | POLICY NUMBER | POLICY EFF. (MM/DD/YYYY) | POLICY EXP. (MM/DD/YYYY) | LIMITS |
|--|---|------------------------|---------------|--------------------------|--------------------------|---|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE: <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY: <input type="checkbox"/> PRO <input type="checkbox"/> LEG OTHER: | | A01397400 | 03/17/2015 | 03/17/2015 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (ea occurrence) \$ 100,000 MED EXP (any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$ |
| | AUTOMOBILE LIABILITY ANY AUTO: <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> HIRED AUTOS | | | | | COMBINED SINGLE LIMIT (ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| | UMBRELLA LIAB: <input type="checkbox"/> EXCESS LIAB: <input type="checkbox"/> CLAIMS-MADE: <input type="checkbox"/> | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/OWNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MI) If yes, describe below: | | | | | PER STATUTE <input type="checkbox"/> OTHER <input type="checkbox"/> E & L EACH ACCIDENT \$ E & L DISEASE - EA EMPLOYER \$ E & L DISEASE - POLICY LIMIT \$ |
| DESCRIPTION OF OPERATION(S), LOCATION(S), VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) | | | | | | |

CERTIFICATE HOLDER

 Second Chance Network Inc
 28855 Van Dyke
 Warren, MI 48092

CANCELLATION

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

RE Olmstead

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ACORD 25 (2014/01)

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MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

Date Received

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document

Name

JAMI SPINAZZOLA

Address

22503 STEPHENS

City

ST. CLAIR SHORES

State

MI

ZIP Code

48080

EFFECTIVE DATE

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

ARTICLES OF INCORPORATION

For use by Domestic Nonprofit Corporations
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

SECOND CHANCE NETWORK

ARTICLE II

The purpose or purposes for which the corporation is organized are:

SEE ATTACHED

ARTICLE III

1. The corporation is organized upon a NON-STOCK basis.
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is

_____ If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

BY LAWS
OF
SECOND CHANCE NETWORK, INC.
A NOT-FOR-PROFIT CORPORATION
INCORPORATED UNDER THE LAWS OF
THE STATE OF MICHIGAN

BY - LAWS
of
SECOND CHANCE NETWORK, INC.

ARTICLE I - OFFICES

The principal office of the corporation shall be in the City of Warren in the County of Macomb in the State of Michigan.

The corporation may also have offices at such other places within or without this state as the board may from time to time determine or the business of the corporation may so require.

ARTICLE II - PURPOSES

The purposes for which this corporation has been organized are as stated in the Certificate of Incorporation which may be amended as required.

The Corporation is organized exclusively for charitable, religious, educational and scientific purposes, including for such purposes, the making of distributions to organizations that qualify as an exempt organization under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Second Chance Network, Inc. has been organized in order to provide shelter, food, clothing and job training to the homeless.

No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from Federal Income Tax under section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future tax code, or (b) by an organization, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Upon dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or state or local government for public purpose. Any such asset not so disposed of shall be disposed of by the Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purpose or to such organization or organizations as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE III - DIRECTORS

1. MANAGEMENT OF THE CORPORATION.

The corporation shall be managed by the board of directors which shall consist of at least three directors. Each director shall be at least eighteen years of age.

2. ELECTION AND TERM OF DIRECTORS.

At each annual meeting of members the membership shall elect directors to hold office until the next annual meeting. Each director shall hold office until the expiration of the term for which he was elected and until his successor has been elected and shall have qualified, or until his prior resignation or removal.

3. INCREASE OR DECREASE IN NUMBER OF DIRECTORS.

The number of directors may be increased or decreased by a vote of a majority of all of the directors. No decrease in number of directors shall shorten the term of any incumbent director.

4. NEWLY CREATED DIRECTORSHIPS AND VACANCIES.

Newly created directorships resulting from an increase in the number of directors and vacancies occurring in the board for any reason except the removal of directors without cause may be filled by a vote of the majority of the directors then in office, although less than a quorum exists, unless otherwise provided in the certificate of incorporation. Vacancies occurring by reason of the removal of directors without cause shall be filled by vote of the other directors. A director elected to fill a vacancy caused by resignation, death or removal shall be elected to hold office for the unexpired term of his predecessor.

5. REMOVAL OF DIRECTORS.

Any or all of the directors may be removed for cause by action of the board. Directors may be removed due to nonfulfillment of duties required by board, misconduct, theft and misrepresentation of our organization all by majority vote of the board members.

6. RESIGNATION.

A director may resign at any time by giving written notice to the board, the president or the secretary of the corporation. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the board or such officer, and the acceptance of the resignation shall not be necessary to make it effective.

7. QUORUM OF DIRECTORS.

Unless otherwise provided in the certificate of incorporation, a majority of the entire board shall constitute a quorum for the transaction of business or any specified item of business.

8. ACTION OF THE BOARD.

Unless otherwise required by law, the vote of a majority of the directors present at the time of the vote, if a quorum is present at such time, shall be the act of the board. Each director present shall have one vote.

9. PLACE AND TIME OF BOARD MEETINGS.

The board may hold its meetings at the office of the corporation or at such other places, either within or without the state, as it may from time to time determine.

10. REGULAR ANNUAL MEETING.

A regular annual meeting of the board shall be held.

11. NOTICE OF MEETINGS OF THE BOARD, ADJOURNMENT.

Regular meetings of the board may be held without notice at such time and place as it shall from time to time determine. Special meetings of the board shall be held upon notice to the directors and may be called by the president upon three days notice to each director either personally or by mail or by wire; special meetings shall be called by the president or by the secretary in a like manner on written request of two directors. Notice of a meeting need not be given to any director who submits a waiver of notice whether before or after the meeting or who attends the meeting without protesting prior thereto or at its commencement, the lack of notice to him.

A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. Notice of the adjournment shall be given to all directors who were absent at the time of the adjournment and, unless such time and place are announced at the meeting, to the other directors.

12. CHAIRMAN.

At all meetings of the board the president, or in his absence, a chairman chosen by the board shall preside.

13. EXECUTIVE AND OTHER COMMITTEES.

The board, by resolution adopted by a majority of the entire board, may designate from among its members an executive committee and other committees, each consisting of three or more directors. Each such committee shall serve at the pleasure of the board.

ARTICLE IV - OFFICERS

1. OFFICES, ELECTION, TERM.

Unless otherwise provided for in the certificate of incorporation, the board may elect or appoint a president, one or more vice-presidents, a secretary and a treasurer, and such other officers as it may determine, who shall have such duties, powers and functions as hereinafter provided. All officers shall be elected or appointed to hold office until the meeting of the board. Each officer shall hold office for the term for which he is elected or appointed and until his successor has been elected or appointed and qualified.

2. REMOVAL OR RESIGNATION.

Any officer elected or appointed by the board may be removed by the board with or without cause. In the event of the death, resignation or removal of an officer, the board in its discretion may elect or appoint a successor to fill the unexpired term. Any two or more offices may be held by the same person, except the offices of president and secretary.

3. PRESIDENT.

The president shall be the chief executive officer of the corporation; he shall preside at all meetings of the members and of the board; he shall have the general management of the affairs of the corporation and shall see that all orders and resolutions of the board are carried into effect.

4. VICE-PRESIDENTS.

Second Chance Network
List of participants

Amanda Schalm
Alexis Schalm
Jami Spinazzola
Patricia Spinazzola
James Spinazzola
Bradlee Radke
Michael Meddaugh
Gary VanBorne
Michael Hoffman
Jennifer Ritter
Donna Reid
Jessica Taddia
Melanie Alshaibah
Jenna Sharon
Shannon Williams
Greg Jesky
Niah Chogke
Michael Zielinski
Ashley Meddaugh
Jamie Kolman
Joe Uteg
Melissa Harrison
Melvin Tucker
Doug Rowe
Lisa Chouke
Monica Daniel
Oliver Henderson
Janine McCaskill
Andrew Joseph
Latanya Williams
Tony Grimes
Mike Spanto
Matt Allen
Dave Watson
Megan Fozzy
Kareem Colmen
Joe Richardson
Mike McMillan
Christopher Simms
Paul Kendall
Brian Owens
Justin Martenka
C.J. Warner

To Whom It May Concern

Please try to understand how a person can become homeless, each person has their own story to tell. My fall from grace started with a traffic ticket from the city of Monroe MI. I drive an 18 wheel semi, over the road for a living. My down fall begins with, trying to do my job. The time for my delivery was late at night, the street was under construction. Two blocks from the delivery site, the truck drive wheels picked up small pieces of construction rebar material. The rebar steel was shot out from the tractor rear tires like a rocket, hitting the trailer brake air lines and tires. The damaged lines lost air, locking the trailer brakes. The truck was blocking the road unable to move. I called the local police for help to manage traffic around the truck. The second call was for repairs, ETA was two hours for the repair truck. After waiting over an hour for the police, the officer attitude was way out of line. I was forced to be polite and was very careful with the conversation. That upset the officer even more. I was told to get back into my truck and wait for the repair truck. A short time later the officer knocked on my driver door, he gave me back my driver's license and paper work for the truck. Than he handed me a traffic ticket, I looked at the ticket and could not believe what was on it. The officer wrote me up for Careless Driving. The officer would not talk with me, he told me!!! I will see you in court. The next day I called my company to report the ticket. The company has a no tolerance rule for this type of ticket. I lost my job and cannot apply for a new posting until after the court date to remove this from my driving record.

After a six weeks living at a motel and running out of money, a friend gave me the phone number for the Second Chance Network for a part time job. Talking with Mike, telling him and his wife my story. They gave me the job and helped me pay for the room at the boarding house I am living at. There is no way I can truly express my feelings for the help Second Chance Network has given me. I am looking forward to giving the job they gave me a 100 and 10 percent. After my court date and going back to work driving. The Second Chance Network can depend on my support to advance their organization.

Thank You

Yours truly

Allen Hibbert

- Michael Mcmillan — 5 star

My name is Michael McMillan and I have so much gratitude for Second chance network for all they have done for me. I was homeless and have been for quite some time. They have helped me out with housing and taken me off the streets. I no longer have to fret over where I'm to lay my head at night nor if I'm going to be able to eat today. I was hopeless and had lost the Faith I once had, just as it is... said in the word..." I once was lost but know I'm found". The God of my understanding has never left me and has drawn my heart closer to Him and His heart closer to me. Thank you so much Michael and Jami!!

Sincerely,

Michael McMillan

James Esnault — 5 star Doing Good Work in the Community! We could use more people like these two in the world!

[Unlike](#) · [Comment](#) · [about 3 months ago](#) · [1 Review](#) ·

- [Second Chance Network](#) likes this.



Write a comment...



Matthew Allen — 5 star

[Unlike](#) · [Comment](#) · [about 4 months ago](#) · [3 Reviews](#) ·

- [Second Chance Network](#) likes this.



Remove

Matthew Allen Mike and Jamie have never steered me wrong. I am an ex convict who was severely addicted to drugs, then they gave me a chance at a new life. they have only been very supportive about me staying away from drugs. the negative comments I'm seeing here are probably from people who didn't want to follow the rules. it's time to grab your bootstraps and grow up. to those who are still using drugs and alcohol, you have to remember one thing, the party store owner and drug dealer does not miss you, there's another fool out there that replaced you as soon as you decided to stop using drugs and alcohol. grow up and notice when somebody is doing something good. Mike and Jamie are good people doing a good thing, plain and simple!!!

March 23 at 10:09am · [Like](#)



DRIVER LICENSE



R 322.366 603 995
D08 12-30-1973

ISS 12-22-2014
EXP 12-30-2018

123073

22503 STEPHENS, SI
627 ALMO CIRCLE NW ALBANY, AL 36801-4201

Sum F 14pt 509

End NONE

DISCUSSION POINT

Flynn BLU

171) - 6066503539162

Rev 01-21-2011

HEICIT 5 9

BLU

12

12-30-1973

INDEPENDENT

MI 44080-4301

ST CLAIR JOURNAL

FAME MECHANISMS REVEALED

[illegible]

Sharing Montgomery Budget Worksheet

Organization Name: **SECOND CHANCE NETWORK**

| | Current Org. Budget | Current YTD Actuals | Program Related | Non-Program Related |
|---|------------------------|------------------------|--------------------|------------------------|
| Revenue | | | | |
| Government grants & contracts | | | | |
| Foundations | | | | |
| Corporations | | | | |
| Religious institutions | | | | |
| United Way, combined federal & other federated campaigns | | | | |
| Individual contributions | 165,000 | | | |
| Fundraising events & products | | | | |
| Membership and program income | | | | |
| Other | | | | |
| Total cash revenue | \$165,000 | | | |
| Total in-kind revenue | | | | |
| Total Revenue | \$165,000 | \$8,605 | \$156,314 | \$33,314 |
| Expenses | | | | |
| Staff salary & wages (work program) | 109,000 | 4,848 | 109,000 | |
| Insurance | 6,150 | 1,030 | 3,336 | 2,814 |
| Fringe benefits & payroll taxes | | | | |
| Sub-grants to partner orgs | | | | |
| Consultant and professional fees | 358 | 39 | 358 | - |
| Travel and meetings | 7,000 | 484 | 7,000 | - |
| Equipment | 5,500 | 475 | 5,500 | - |
| Supplies | 10,200 | 59 | 10,200 | - |
| Staff development | | | | |
| Printing & copying | 4,000 | 92 | 4,000 | - |
| IT/telephone | 5,000 | 384 | 2,500 | 2,500 |
| Postage & delivery | 120 | 10 | 120 | - |
| Fundraising fees | | | | |
| Licensing fees/membership fees | 300 | 20 | 300 | - |
| Housing and related expenses | 42,000 | 1,164 | 42,000 | - |
| Total cash expenses | | | | |
| Total in-kind expenses | \$- | \$- | \$- | |

Sharing Montgomery Budget Worksheet

| | | | | |
|-----------------------|-----------|---------|-----------|---------|
| | | | | |
| Total Expenses | \$189,628 | \$8,605 | \$184,314 | \$5,314 |
| | | | | |
| Revenue over Expenses | \$- | \$- | \$- | \$- |

RESOLUTION

DATE: February 29, 2016

RESOLUTION by Councilperson _____

BE IT RESOLVED that the Council has received the communication and approves the request from 2nd Chance Network to hold an intersection drive from March 23 – March 26, 2016, at the following intersections:

Fort & Ford Ave.
Biddle & Ford Ave.
Fort & Eureka
Biddle & Eureka
Goddard & Fort
Biddle & Oak
Fort & Oak

BE IT FURTHER RESOLVED that the 2nd Chance Network is required to complete and file a Hold Harmless Agreement, as prepared by the Department of Legal Affairs, with the City Clerk prior to the start date of the drive.

I Move the adoption of the foregoing resolution.

MOTION by Councilperson _____

SUPPORTED by Councilperson _____

YEAS

COUNCIL

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

NAYS

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # 3

ITEM: Purchase of Chevrolet Tahoe Patrol Vehicle

PRESENTER: Daniel J. Grant, Chief of Police



INDIVIDUALS IN ATTENDANCE: Dan Grant

BACKGROUND: As you may recall, I received City Council approval on December 14, 2015 to purchase two 2015 Chevrolet Tahoe patrol vehicles from Shaheen Chevrolet in Lansing. I was only able to procure one of the two vehicles as the Lansing Police Department took one of the vehicles as both were originally from their large order.

I am requesting to purchase a 2016 Chevrolet Tahoe police package patrol vehicle from Berger Chevrolet in Grand Rapids who was awarded the State of Michigan and Oakland County municipal contracts for patrol vehicles. The price for the patrol vehicle is \$34,259.00 as noted on the attached price quote.

STRATEGIC PLAN/GOALS: Maintaining our fleet of patrol vehicles enables our Police Officers to maintain patrols throughout the City of Wyandotte and effectively respond to calls for service from our residents which is consistent with the City of Wyandotte's strategic plan.

ACTION REQUESTED: City Council approval for the purchase of one Chevrolet Tahoe police package patrol vehicle.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: The funds for the purchase of this Chev. Tahoe with the price quote of \$34,259.00 are available in the budgeted Vehicle Account 101-301-850-530.

IMPLEMENTATION PLAN: If approved by the City Council, the vehicle which is already in the dealerships inventory will be obtained, the necessary equipment will be installed, and the vehicle will be deployed for police service.

COMMISSION RECOMMENDATION: The Police Commission has been presented with the proposal to purchase 2 new patrol vehicles at their meeting on December 8th.

CITY ADMINISTRATOR'S RECOMMENDATION: Concur with recommendation.


(Todd Drysdale, City Administrator)

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION:

Concur with recommendation.



(Joseph Peterson, Mayor)

LIST OF ATTACHMENTS:

1. Price Quote from Berger Chevrolet Inc.
2. Copy of advertisement from Mich. Police Chief's magazine.

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: February 29, 2016

RESOLUTION by Councilman _____

BE IT RESOLVED BY THE CITY COUNCIL that the Council concurs with the Chief of Police to purchase one (1) Chevrolet Tahoe police package patrol vehicle from Berger Chevrolet Inc. which is the dealership awarded the contract for the State of Michigan and Oakland County. The pricing for this purchase will be as noted on the submitted price quote.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL that this expenditure will be paid from our Vehicle account 101-301-850-530.

I move the adoption of the foregoing resolution.

MOTION by
Councilmen _____

Supported by Councilman _____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

Berger Chevrolet

2525 28th Street SE
Grand Rapids, MI 49512
(616) 949-5200 fax (616) 988-9178

Invoice No.

274574

INVOICE

Customer

Name City of Wyandotte
Address 2015 Biddle Ave
City Wyandotte State MI ZIP 48192
Phone 734-324-4424

Date 2/22/2016
P.O. #
Contact Chief Dan Grant
Salesperson Bob Evans

| Qty | Description | Unit Price | TOTAL |
|--|---|-------------|-------------|
| 1 | 2016 Chevrolet Tahoe 2wd police package | \$34,244.00 | \$34,244.00 |
| 1 | Title Fee | \$15.00 | \$15.00 |
| INVOICE MUST BE PAID WITHIN 10 DAYS Late Payment Charge 1% and 2% after 30 days | | | |
| Vehicle Number 1GNLCDEC8GR274574 | | | |

Payment Details



Please submit payment
upon receipt

| | |
|---------------------|--------------------|
| Subtotal | \$34,259.00 |
| Shipping & Handling | \$0.00 |
| Taxes | |
| TOTAL | \$34,259.00 |

Office Use Only

Berger Chevrolet

The ONLY Chevrolet dealer holding the
ENTIRE STATE OF MICHIGAN and
OAKLAND COUNTY Municipal Contracts

No One Can Beat A *Berger* Price!

Visit Us! Booth #71



Caprice
From \$25,968

Tahoe 2WD
From \$32,744



Tahoe 4WD
From \$35,532

Impala
From \$19,074



The State of Michigan and the Oakland County Contract for all Chevrolet vehicles
has been awarded to Berger Chevrolet exclusively for 2015—2016.

This offer is good through Berger Chevrolet *only*, and is extended to all municipalities in Michigan.
Our customers have grown to expect and appreciate consistent performance from Berger.

Easy to deal with—year after year—Talk to a professional—See the difference



Bob Evans
Director of Municipal Sales

Berger Chevrolet
2525 28th Street S.E.
Grand Rapids, MI 49512

Berger
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It's always better at Berger

YOUR PATROL VEHICLE SPECIALIST SERVING MUNICIPALITIES SINCE 1925
TOLL-FREE 866-760-6500

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # 4

ITEM: Purchase of Two Kustom Signal Radar Speed Measurement Devices

PRESENTER: Daniel J. Grant, Chief of Police

INDIVIDUALS IN ATTENDANCE: Dan Grant



BACKGROUND: The Officers of the Wyandotte Police Department have been using Kustom Signals radar speed measurement devices for over 20-years and two of our units are well over 10-years old and no longer functioning properly. Our radar devices are used by all of our Police Officers to enforcement the speed limits throughout the City of Wyandotte and the Kustom Signal radars are approved for use in the State of Michigan by the Michigan Radar Task Force. We are proposing to purchase the radar devices directly from the manufacturer and have been afforded the same pricing as offered through the MiDeal Michigan state purchasing contract at a cost of \$1,539 per unit for a total of \$3,078.

STRATEGIC PLAN/GOALS: By keeping all of our departmental speed measuring radar devices operational in our patrol vehicles, our Officers are able to monitor the speeds of vehicles traveling throughout the city and take the appropriate enforcement action when speed violators are observed. Such traffic law enforcement is consistent with the City of Wyandotte's strategic plan.

ACTION REQUESTED: City Council approval for the purchase of two Kustom Signal Eagle IIX Golden radar speed measurement devices in the amount of \$3,078.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: The funds for the purchase of the Kustom Signal radar speed measurement devices has been approved in the current budget in the Other Equipment Account 101-301-850-540.

IMPLEMENTATION PLAN: If approved by the City Council, the order will be placed with Kustom Signals, Inc. and when the radars are delivered they will be deployed and placed into use immediately.

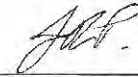
COMMISSION RECOMMENDATION: The Police Commission has received this proposal and approved the purchase.

CITY ADMINISTRATOR'S RECOMMENDATION: Concur with recommendation.


(Todd Drysdale, City Administrator)

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION: Concur with recommendation.



(Joseph Peterson, Mayor)

LIST OF ATTACHMENTS: 1. Price Quote from Kustom Signals, Inc.

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: February 29, 2016

RESOLUTION by Councilman _____

BE IT RESOLVED BY THE CITY COUNCIL that the Council concurs with the Chief of Police to purchase two Kustom Signals, Inc. Eagle IIX Golden radar speed measurement devices at the pricing as noted in the State of Michigan purchasing contract.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL that this expenditure will be paid from our Other Equipment Account 101-301-850-540.

I move the adoption of the foregoing resolution.

MOTION by
Councilmen _____

Supported by Councilman _____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell



KUSTOM SIGNALS, INC.

9652 Loiret Blvd
Lenexa, KS 66219-2406
(913) 492-1400 fax (913) 492-1703

Invoice No.

524420

SOLD TO:

Name WYANDOTTE POLICE DEPT
Attn: _____
Address 2015 BIDDLE AVE
WYANDOTTE MI 48192

Date 2/18/2016
Customer No. 17225
Order No. 325913 SO
Customer PO 17225
Terms N30

INVOICE

SHIP TO:

Name WYANDOTTE POLICE DEPT
Attn: BRIAN ZALESKI
Address 2015 BIDDLE AVE
WYANDOTTE MI 48192

Remit To:
Kustom Signals, Inc
P. O. Box 776238
Chicago, IL 60677-6238
Attn: Accounts Receivable

| Qty | Description | Unit Price | TOTAL |
|-------|--|------------|------------|
| 2 | ***EAGLE IIX, GOLDEN*** XE32150 XE32158 MI STATE CONTRACT | 1,539.00 | 3,078.00 |
| | | | \$3,078.00 |
| Tax | | | |
| TOTAL | | | \$3,078.00 |

F.E.I.N. 43-1757730

ORIGINAL INVOICE

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # 5

ITEM: Promotion of Brian Zalewski to the rank of Inspector

PRESENTER: Daniel J. Grant, Chief of Police



INDIVIDUALS IN ATTENDANCE: Dan Grant

BACKGROUND: After the retirement of Police Inspector Jamie Pouliot this past December, on January 25th I posted to fill the vacancy and three current members of our Police Department expressed interest in the position. On Friday February 19th interviews of the candidates were conducted by myself, City Administrator Todd Drysdale, and two Police Chiefs from area Police Departments and we selected Officer Brian Zalewski to fill the vacancy. Brian was born and raised in the City of Wyandotte, has his Associate's Degree in Criminal Justice, has over 24-years of dedicated service with our agency, and in my opinion will do an excellent job as second-in-command of the Police Department.

STRATEGIC PLAN/GOALS: To promote Officer Brian Zalewski to the rank of Inspector which will make him the second highest ranking Officer in the police department according to our current chain-of-command.

ACTION REQUESTED: Concur with the Police Department to promote Officer Brian Zalewski to the position of Police Inspector

BUDGET IMPLICATIONS & ACCOUNT NUMBER: The position of Inspector is currently budgeted and I anticipate that he will meet with our City Administrator and work within the existing salary/benefit range for that position.

IMPLEMENTATION PLAN: If approved by the City Council, notification will be submitted to the City Administrator's Office and a meeting scheduled with Brian regarding the salary/benefits for the position.

COMMISSION RECOMMENDATION: The Police Commission has approved the promotion of Brian Zalewski at their regular meeting on February 23, 2016.

CITY ADMINISTRATOR'S RECOMMENDATION: Based on a review of the City's current resources, organizational structure, and staffing expectations, the filling of this position appears necessary to provide effective services to the residents of the City of Wyandotte. Concur with recommendation.

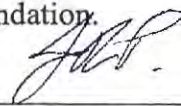


(Todd Drysdale, City Administrator)

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION:

Concur with recommendation.



(Joseph Peterson, Mayor)

LIST OF ATTACHMENTS:

1. Job Description for Police Inspector

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: February 29, 2016

RESOLUTION by Councilman _____

BE IT RESOLVED BY THE CITY COUNCIL that the Council Concurs with the determination that the promotion of Brian Zalewski to fill the vacant Inspector's position will assist with the current Command Structure of the Police Department and the City Council authorizes the filling of such position and:

FURTHER RESOLVED BY THE CITY COUNCIL that subsequent to an interview panel which was conducted on February 19th, the Inspector promotion shall be awarded to Officer Brian Zalewski, authorization is granted to make said promotions.

I move the adoption of the foregoing resolution.

MOTION by
Councilmen _____

Supported by Councilman _____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

WYANDOTTE POLICE DEPARTMENT

JOB DESCRIPTION

POSITION TITLE:

Police Inspector

GENERAL STATEMENT OF DUTIES:

Under the direction of the Chief of Police, the Inspector shall be responsible for the command of the Police Department and, upon authorization and in the absence of the Chief of Police, direction of the entire Police Department. The Inspector shall be responsible for the continuous enforcement of laws and ordinances, protection of life and property, and the preservation of peace within the City of Wyandotte.

SUPERVISION RECEIVED:

Work is performed under the direction and authorization of the Chief of Police.

SUPERVISION EXERCISED:

Under the authority of the Chief of Police, the Inspector exercises supervision over the Police Department. The Inspector directly supervises first line supervisors and other key line and staff personnel. Upon authorization and in the absence of the Chief of Police, the Inspector exercises direction and control over all members of the Police Department.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

1. Assists in the planning, coordination, supervision and evaluation of Police Department operations;
2. Assists in the development of policies and procedures for the Department and implements the directives of the Chief of Police.
3. Plans and implements law enforcement programs for the Department in order to better carry out the policies and goals of the Chief of Police and City management; reviews Department performance and effectiveness in assigned areas, formulates programs or policies to alleviate deficiencies;
4. Coordinates the information gathered and work accomplished by various employees; assigns employees to special assignments as the needs arise for their specific skills;
5. Assigns and schedules employees to work units and hours which provide optimum effectiveness in terms of current situations and circumstances governing deployment;
6. Directs the development and maintenance of systems, records and legal documents that provide for the proper evaluation, control and documentation of Police Department operations in assigned areas;
7. Receive, investigate and review complaints against members of the Department and administer discipline, where appropriate, subject to the express, prior approval of the Chief of Police; prepare formal reports concerning disciplinary issues and related investigations;
8. Conducts training and provides coaching and guidance for subordinate personnel;
9. Prepares and submits periodic reports to the Chief of Police regarding the Department's activities;
10. Provides effective performance evaluations for subordinate members of the Department and forwards them to the Chief of Police in a timely manner;
11. Provides briefings to the Chief of Police regarding activity of the Department and problems related to deficiencies, misconduct, or substandard performance;
12. Responds to major incidents to personally assume on site command and to ensure that the appropriate resources are properly deployed;

13. Periodically patrol the City of Wyandotte to ensure a thorough knowledge of the community and problems and to monitor the environment faced by employees; to enforce the laws and ordinances personally and through direction of others;
14. Cooperates with County, State and Federal law enforcement officers as appropriate where activities of the Police Department are involved;
15. Upon request, meets elected or appointed officials, other law enforcement officials, community and business representatives and the public on all aspects of the Department's activities;
16. Conducts research, monitors professional literature, and attends conferences to keep abreast of current trends in the field;
17. Analyzes and recommends improvements to equipment and facilities as needed;
18. When required by supervisory shortages, the Inspector shall assume the responsibility of supervision for the affected shift.
19. Supervise the assignment of cases which require further investigation by Detectives or Uniformed personnel to assure that proper and thorough investigations are completed;
20. Attend any court or administrative hearings/proceedings as required by department;
21. Monitor and audit all confiscated/secured property and evidence which is placed into the property room and assure that the disposition of such property and evidence is in accordance with the law and department policy;
22. Monitor the Police Department facilities to assure that they are cleaned and maintained properly;
23. Assist in monitoring the Police budget to maintain expenditures in accordance with the budget along with making recommendations to the Chief regarding supplies, vehicles, and equipment;
24. On occasion monitor the police radio and incoming telephone lines to assure professional standards are being met by our Police Officers and members of the Downriver Central Dispatch;
25. Upon direction of the Chief of Police or City Administrator and in the absence of the Chief, provides direction and control for the entire Wyandotte Police Department for a limited period;
26. Performs other related work as may be required or assigned.

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # 6A

ITEM: Zoning Ordinance Amendment – Article XXV – General Exceptions, Section 2500- Area, height and use exceptions, Section F projections into required open spaces

PRESENTER: Elizabeth A. Krimmel, Chairperson Planning Commission

INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski

BACKGROUND: Request from the City Engineer to amend Article XXV – General Exceptions, Section 2500- Area, height and use exceptions, Section F projections into required open spaces was referred by your Honorable Body to the Planning Commission to hold the required public hearing. This amendment clarifies the existing language as to how to measure how far a front porch could be constructed into the required front yard. Therefore, the Planning Commission recommends approval of this change.

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 February 18, 2016

CITY ADMINISTRATOR'S RECOMMENDATION:

Drusdale

LEGAL COUNSEL'S RECOMMENDATION: Ordinance prepared by City Attorney

MAYOR'S RECOMMENDATION:

Alt

LIST OF ATTACHMENTS: Minutes from Planning Commission meeting on February 18, 2016

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan

Date: February 29, 2016

RESOLUTION by Councilperson _____

RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the Planning Commission regarding changes to Article XXV – General Exceptions, Section 2500—Area, height and use exceptions, Section F projections into required open spaces is hereby received and placed on file; AND

BE IT FURTHER RESOLVED that said 1st 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 | _____ |
| _____ | VanBoxell | _____ |

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # **6B**

ITEM: **Zoning Ordinance Amendment** – Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H – Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats and Article XXII. – Section 2200 Special Land Uses, Section V – Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats

PRESENTER: Elizabeth A. Krimmel, Chairperson Planning Commission

INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski

BACKGROUND: A request to amend the ordinance to regulate the sale of new or used automobiles, trucks, recreational vehicles, mobile homes and boats were referred by your Honorable Body to the Planning Commission to hold the required public hearing. The public hearings were held on January 21, 2016, no objections were received. This request was then referred to your Honorable Body on February 1, 2016, at that time, the Ordinance was denied for the first reading.

At the February 18, 2016, Planning Commission meeting, the Planning Commission passed the following motion

Resolution by Commissioner Benson, Supported by Commissioner Lupo to refer back to City Council the amendments to the Zoning Ordinance regarding outdoor sales space for new or used automobiles, trucks, recreation vehicles, mobile homes and boats Section 2200 and Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H – Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats. The Commission's recommendation to only allow this use on Fort Street is due to the changes in the State Law. The Commission feels Fort Street is the best location for this use.

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

NO: None ABSENT: Adamczyk, Pasko

MOTION PASSED

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 resolutions to receive and place the communication on file and setting first reading of the ordinance.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: Adopt Resolution and update Zoning Ordinances

COMMISSION RECOMMENDATION: Approved by the Planning Commission January 21 and February 18, 2016

CITY ADMINISTRATOR'S RECOMMENDATION:

LEGAL COUNSEL'S RECOMMENDATION: Ordinances prepared by City Attorney

MAYOR'S RECOMMENDATION:

LIST OF ATTACHMENTS: Minutes from Planning Commission meeting on January 21, 2016

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: February 29, 2016

RESOLUTION by Councilperson_____

RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the Planning Commission, regarding changes to Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H – Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats and Article XXII. – Section 2200 Special Land Uses, Section V – Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats and is hereby received; AND

BE IT FURTHER RESOLVED that said 1st 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 | _____ |
| _____ | VanBoxell | _____ |

Mr. Nadak stated that he tried to meet with Mr. and Mrs. Kulaszewski, he told them to contact him but they have not.

Mr. Nadak stated that they will not have music outside and it really **is** not an outdoor café.

Mr. Kulaszewski asked if the area could be opened until 12 midnight.

Chairperson Krimmel stated yes.

Mr. Kulaszewski stated that he has seen the previous operators of outdoor cafes and he is concerned that this will be like the bars downtown.

There being no further discussion, the hearing was closed. Communications were received from the City Engineer, Fire Chief and Police Chief regarding this request.

PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XXV – GENERAL EXCEPTIONS – SECTION 2500 AREA, HEIGHT AND USE EXCEPTIONS, SECTION F – Projections into required open spaces.

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

There was no one in the audience to speak to this ordinance change.

Mr. Tallerico stated that this ordinance is to clean-up the language in the ordinance regarding construction of porches.

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

PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H – Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats

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

Chairperson Krimmel stated that this was discussed at a previous Planning Commission meeting a while ago. Chairperson Krimmel continued that used car lots will only be allowed on Fort Street (M-85) and no used car lot shall be permitted within seven hundred fifty (750) feet of another used car lot.

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

PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XXII. – Section 2200 Special Land Uses, Section V – Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats

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

Chairperson Krimmel stated that this was discussed at a previous Planning Commission meeting a while ago.

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

**CITY OF WYANDOTTE, MICHIGAN
CERTIFIED RESOLUTION
2016-36 (DENIED)**

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN, HELD IN THE COUNCIL CHAMBERS, OF THE MUNICIPAL BUILDING.

UNDER THE DATE OF: February 1, 2016

MOVED BY: Councilperson VanBoxell

SUPPORTED BY: Councilperson Schultz

RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the Planning Commission, regarding changes to Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H – Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats and Article XXII. – Section 2200 Special Land Uses, Section V – Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats is hereby received; AND

BE IT FURTHER RESOLVED that the first reading of aforementioned ordinance will be read at the City Council meeting held on February 1, 2016.

MOTION DENIED

YEAS: Councilpersons Sabuda, Schultz, VanBoxell

NAYS: Councilpersons Galeski, Miciura

ABSENT: Councilperson Fricke

I, LAWRENCE S. STEC, duly authorized City Clerk of Wyandotte, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council on February 1, 2016 said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976.


Lawrence S. Stec
City Clerk

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 1, 2016

AGENDA ITEM # _____

ITEM: **Zoning Ordinance Amendment – Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H – Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats and Article XXII. – Section 2200 Special Land Uses, Section V – Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats**

PRESENTER: Elizabeth A. Krimmel, Chairperson Planning Commission

INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski

BACKGROUND: A request to amend the ordinance to regulate the sale of new or used automobiles, trucks, recreational vehicles, mobile homes and boats were referred by your Honorable Body to the Planning Commission to hold the required public hearing. The public hearings were held on January 21, 2016, 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 resolutions to receive and place the communication on file and setting first reading of the ordinance.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: Adopt Resolution and update Zoning Ordinances

COMMISSION RECOMMENDATION: Approved by the Planning Commission January 21, 2016

CITY ADMINISTRATOR'S RECOMMENDATION:

LEGAL COUNSEL'S RECOMMENDATION: Ordinances prepared by City Attorney

MAYOR'S RECOMMENDATION:

LIST OF ATTACHMENTS: Minutes from Planning Commission meeting on January 21, 2016

AN ORDINANCE ENTITLED

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

ARTICLE XIV – B-2 General Business District, Section 1401 SPECIAL USES, Section H– Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats
CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1.

The following Section of the City of Wyandotte Zoning Ordinance entitled “Article XIV – Section 1401 Special Uses,” Section H, entitled “Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats” be amended to read the following:

ARTICLE XIV SPECIAL USES

Sec. H. Outdoor sales spaced for new or used automobiles, trucks, recreational vehicles, mobile homes and boats shall only be allowed on Fort Street (M-85) and no used car lot shall be permitted within seven hundred fifty (750) feet of another used car lot.

Section 2.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5.

This Ordinance shall take effect 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 and inspected.

AN ORDINANCE ENTITLED

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

ARTICLE XXII – SECTION 2200 SPECIAL LAND USES, SECTION V – Outdoor sales space for new
or used automobiles, recreational vehicles, mobile homes and boats

CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1.

The following Section of the City of Wyandotte Zoning Ordinance entitled “Article XXII – Section 2200 Special Land Uses,” Section V, entitled “Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats” by adding #(9) to read the following:

ARTICLE XXII SPECIAL LAND USES

Sec. V. (9) Outdoor sales spaced for new or used automobiles, recreational vehicles, mobile homes and boats shall only be allowed on Fort Street (M-85).

Section 2.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5.

This Ordinance shall take effect 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 and inspected.

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # 7

ITEM: Approved PD Plan for 646 Biddle Avenue, Wyandotte

PRESENTER: Elizabeth A. Krimmel, Chairperson Planning Commission

BACKGROUND: A PD Planned Development District application from Zaid Nakad, Bentley Banquet Center, was received by the Planning Commission, for the required public hearing, to approve the Stage I and Stage II Final Site Plan for an outdoor wedding area, outdoor gathering space for photos, outdoor café, an expanded parking lot with associated landscaping on the south side of Bennett Street and approval of the exterior materials for the addition to the building. Attached is the Resolution duly adopted by the Planning Commission at a regular meeting held on February 18, 2016. In the Resolution, the Commission approved the plans submitted and associated architectural renders (see attached).

STRATEGIC PLAN/GOALS: This recommendation is consistent with the Goals and Objectives of the City of Wyandotte Strategic Plan in 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 approving the request.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: Adopt Resolution approving the uses and forward same to the property owner.

COMMISSION RECOMMENDATION: Approved by the Planning Commission February 18, 2016

CITY ADMINISTRATOR'S RECOMMENDATION: 

LEGAL COUNSEL'S RECOMMENDATION: n/a

MAYOR'S RECOMMENDATION: 

LIST OF ATTACHMENTS: Minutes from Planning Commission meeting of February 18, 2016; Resolution adopted by the Planning Commission; Site Plan; Architectural Renderings

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: February 29, 2016

RESOLUTION by Councilperson _____

WHEREAS on February 18, 2016, the Planning Commission held the public hearing and notice was placed in the New Herald. Comments were received including a letter from the City Engineer, Police Chief and Fire Chief; AND

WHEREAS the Planning Commission approved the Stage I and Stage II Final Site Plan and architectural renders for the property located at 646 Biddle Avenue, Wyandotte; AND

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYANDOTTE that the City Council approves the Stage I and Stage II Final Site Plan as submitted by Zaid Nakad, Bentley Banquet Center, Owner, of the property at 646 Biddle Avenue to be used as banquet facility with an outdoor wedding area, outdoor gathering space for photos, outdoor café, expanded parking lot and approval of the exterior materials for the addition to the building with the requirements set forth in the Zoning Ordinance Section 2000 and the following conditions:

1. The outdoor café is subject to all conditions applicable to an outdoor café on private property in accordance with 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, if any.
4. Use of the outdoor café shall be allowed from 10 a.m. to 12 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. Decorative fencing 6 feet in height and to be white vinyl. Sun Screen and Gazebo to be as indicated on architectural rendering dated February 16, 2016.
8. Wall along Bennett to be stone or tile as indicated on architectural renderings.
9. No outdoor music after 10:00 p.m.

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 | _____ |
| _____ | VanBoxell | _____ |

City of Wyandotte
PLANNING COMMISSION
Minutes of the Thursday, February 18, 2016, Meeting
MINUTES AS RECORDED

The meeting was called to order by Chairperson Elizabeth A. Krimmel at 6:30 p.m.

COMMISSIONERS PRESENT: Benson, Duran, Krimmel, Lupo, Parker, Rutkowski

COMMISSIONERS EXCUSED: Adamczyk, Pasko

ALSO PRESENT: Ben Tallerico
Kelly Roberts, Recording Secretary

COMMUNICATIONS:

Resolution by Commissioner Benson, Supported by Commissioner Lupo to refer back to City Council the amendments to the Zoning Ordinance regarding outdoor sales space for new or used automobiles, trucks, recreation vehicles, mobile homes and boats Section 2200. The Commission's recommendation to only allow this use on Fort Street is due to the changes in the State Law. The Commission feels Fort Street is the best location for this use.

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

NO: None

ABSENT: Adamczyk, Pasko

MOTION PASSED

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

MOTION BY COMMISSIONER RUTKOWSKI, supported by Commissioner Benson to approve the minutes of the Meeting of January 21, 2016. MOTION PASSED.

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

NO: None

ABSENT: Adamczyk, Pasko

MOTION PASSED

OLD BUSINESS:

None

NEW BUSINESS:

1. PUBLIC HEARING – Request from Bentley Banquet, 646 Biddle Avenue, Wyandotte, requesting approval of plans including an outdoor wedding area, outdoor gathering space for photos, outdoor café, an expanded parking lot with associated landscaping on the south side of Bennett Street, and approval of the exterior materials for the addition to the building. The property is located in a PD Planned Development District.

MOTION BY COMMISSIONER RUTKOWSKI, supported by Commissioner Lupo; WHEREAS, the site plan for 646 Biddle Avenue proposes the construction of an outdoor wedding area, outdoor gathering space for photos, outdoor café, expanded parking lot and an addition for the Bentley Banquet; and

WHEREAS, the site plan for 646 Biddle Avenue generally meets the criteria of the City of Wyandotte's Zoning Map in terms of the Planned Development District in that the PD District reflects the Master Plan which designates said area; and

WHEREAS, on February 18, 2016, the Planning Commission of the City of Wyandotte, held a Public Hearing with proper notice, in accord with the requirements of Act 207 of 1921 as amended;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, to recommend to City Council that the site plan dated January 19, 2016, and eight (8) architectural renders of exterior of building and gazebo for the project at 646 Biddle Avenue be accepted and approved subject to the findings of the public hearing on February 18, 2016, as described in the minutes of the Commission meeting and the following:

1. The outdoor café is subject to all conditions applicable to an outdoor café on private property in accordance with 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, if any.
4. Use of the outdoor café shall be allowed from 10 a.m. to 12 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. Decorative fencing 6 feet in height and to be white vinyl. Sun Screen and Gazebo to be as indicated on architectural rendering dated February 16, 2016.
8. Wall along Bennett to be stone or tile as indicated on architectural renderings.
9. No outdoor music after 10:00 p.m.

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

NO: None

ABSENT: Adamczyk, Pasko

MOTION PASSED

2. PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XXV – GENERAL EXCEPTIONS – SECTION 2500 AREA, HEIGHT AND USE EXCEPTIONS, SECTION F – Projections into required open spaces.

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 XXV - General Exceptions – Section 2500 be approved.

YES: Benson, Duran, Krimmel, Lupo, Parker, Rutkowski
NO: None
ABSENT: Adamczyk, Pasko
MOTION PASSED

PERSONS IN THE AUDIENCE:

No persons in audience.

SPECIAL ORDER:

The Commission reviewed legislative changes regarding historic districts HB5232 and SB720. These changes effectively eliminate historic districts in Michigan. The Commission is opposed to these house bills. Therefore, the following Resolution was offered:

MOTION BY COMMISSIONER BENSON, supported by Commissioner Parker to send a communication to Representative Clemente and Senator Young to oppose these two (2) bills.

YES: Benson, Duran, Krimmel, Lupo, Parker, Rutkowski
NO: None
ABSENT: Adamczyk, Pasko
MOTION PASSED

BILLS AND ACCOUNT:

MOTION BY COMMISSIONER DURAN, supported by Commissioner Parker to:
Pay Beckett & Raeder for Planning Consultant fees for February 2016 in the amount of \$700.00
Hours for Secretarial Services: 01/09/2016 – 02-06-2016 8.50 total hours

YES: Benson, Duran, Krimmel, Lupo, Parker, Rutkowski
NO: None
ABSENT: Adamczyk, Pasko
MOTION PASSED

MOTION TO ADJOURN:

MOTION BY COMMISSIONER BENSON, supported by Commissioner Lupo to adjourn the meeting at 7:20 p.m.

PUBLIC HEARING – Request from Bentley Banquet, 646 Biddle Avenue, Wyandotte, requesting approval of plans including an outdoor wedding area, outdoor gathering space for photos, outdoor café, an expanded parking lot with associated landscaping on the south side of Bennett Street, and approval of the exterior materials for the addition to the building. The property is located in a PD Planned Development District.

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

Mr. Zaid Nakad, Owner, 646 Biddle Avenue, Present.

Mr. Nakad played a video showing the Commission what they are planning for the property.

Mr. Nakad explained after the video that this will be an asset to the City and the neighborhood.

Mr. Kulaszewski, 159 Bennett, Wyandotte.

Mr. Kulaszewski stated that he feels that a public hearing should have been held first before any work was started. Mr. Kulaszewski continued that other projects in Wyandotte went through the public hearing process before work started and he wants to know why this was allowed to start, this hearing seems like a big waste of time.

Chairperson Krimmel stated that the Commission is reviewing the exterior, the addition of the outdoor area and expanding the parking lot.

Mr. Kulaszewski asked why the public hearing was not held first.

Chairperson Krimmel stated that the City Engineer is here and maybe he could answer your questions.

Mr. Kulaszewski stated that he went to the Council meeting and no one there cared about the neighborhood when the home at 149 Bennett stood vacant for years with nothing being done.

Chairperson Krimmel stated that the condition of the home is not under control of the Commission's authority.

Mr. Kulaszewski stated that the sale and the application were before the City Council and now there is a public hearing on stuff that is already started. Mr. Kulaszewski stated further that the neighborhood thinks this is a done deal and this is a big waste of time.

Mr. Tallerico stated that the Commission tonight is reviewing the outdoor wedding area, outdoor gathering space for photos, outdoor café, and the expanded parking lot with associated landscaping the Commission can't talk to the process of the application.

Mr. Kulaszewski stated that the biggest issue is that stuff is being done with no public hearing so why is the hearing being held now? Mr. Kulaszewski continued that when Labadie Park project started there were all sorts of hearings before anything started regarding the colors of the exterior and stuff.

Mr. Kowalewski stated that Labadie Park Project was vacant property and it was required under the PD District to have a Phase I and Phase II hearings there were a lot more steps. The project before the Commission today, is an existing club/banquet facility with no use change and under Section 2004.D of the Ordinance the City Engineer has authority to review and approve without Council or Planning Commission review.

Mr. Kowalewski stated further that under the PD District the application goes to the City Council first and then they refer the application to the Planning Commission for the public hearing. Mr. Kowalewski continued that the sale of the lot was on the same agenda and it should probably

been approved before the application was submitted because the lot is on the plans. Had the Council not approved the sale of the lot, the plans before you would have to be changed.

Mr. Tallerico stated that proper procedures were followed in accordance with the PD Ordinance.

Mr. Kowalewski stated that his Department issued permits for the foundation and building, but noted that the exterior materials would require approval by the Planning Commission. Mr. Kowalewski continued that the outdoor areas are a new use and would require approval by both the City Council and the Planning Commission. The PD District looks at similar zoning districts that allow for this use which includes B-2, CBD and B-1 District, it is appropriate to allow an outdoor café at this location because this area is underlined zoned B-2.

Mr. Kowalewski stated further that review of the landscaping for the parking lot and the exterior building meet the requirements of the Ordinance.

Commission Benson stated that he understands that the Outdoor Café Ordinance is under review and he has no problem with the parking lot landscaping and the colors of the building, but maybe the outdoor area should be held off until the revisions to the Ordinance are completed.

Mr. Tallerico stated that the Commission must review this application with the Ordinance that is in effect now.

Mr. Kowalewski stated that rules for outdoor cafes are in place now and this application should be reviewing in accordance with those rules. It is not appropriate to hold this application up.

Commission Benson stated that there have been problems with outdoor cafes near residential areas and with residential properties right across the street, he is concerned.

Mr. Tallerico stated that an ordinance change might not get passed in a timely manner and this application should not be held up.

Mr. Kowalewski stated that if the City Council felt the Ordinance was outdated, it would be up to them to put a moratorium on any outdoor café approvals which is not the case.

Chairperson Krimmel stated that the café will be on private property.

Mr. Kowalewski stated that is correct.

Chairperson Krimmel stated that the outdoor area would mostly be used on the weekends.

Mr. Kowalewski stated that is correct there would be limited activity.

Mr. Nadak stated that the outdoor café is not a bar it is part of an elegant banquet facility. Mr. Nadak stated further that he would not really consider, it an outdoor café it would be used for wedding and showers.

Mr. Nadak stated that he owns and operates the hall/banquet facility behind the Hospital since 2009 and there have been no complaints.

Mr. Nadak stated that he tried to meet with Mr. and Mrs. Kulaszewski, he told them to contact him but they have not.

Mr. Nadak stated that they will not have music outside and it really is not an outdoor café.

Mr. Kulaszewski asked if the area could be opened until 12 midnight.

Chairperson Krimmel stated yes.

Mr. Kulaszewski stated that he has seen the previous operators of outdoor cafes and he is concerned that this will be like the bars downtown.

There being no further discussion, the hearing was closed. Communications were received from the City Engineer, Fire Chief and Police Chief regarding this request.

PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XXV – GENERAL EXCEPTIONS – SECTION 2500 AREA, HEIGHT AND USE EXCEPTIONS, SECTION F – Projections into required open spaces.

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

There was no one in the audience to speak to this ordinance change.

Mr. Tallerico stated that this ordinance is to clean-up the language in the ordinance regarding construction of porches.

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

OFFICIALS

Lawrence S. Stec
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
Kevin VanBoxell

February 3, 2016

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

RE: Bentley Banquet Hall
646 Biddle Avenue
Wyandotte, Michigan

Dear Chairperson Krimmel:

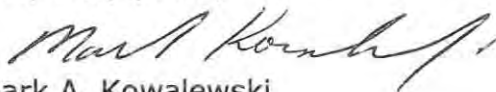
The City Council has received an application from Bentley Banquet at 646 Biddle Avenue requesting approval in a PD Planned Development District. The plans include an outdoor wedding area, outdoor gathering space for photos, and outdoor café. There is an expanded parking lot with associated landscaping on the south side of Bennett Street and the Applicant is constructing an addition to the existing building which requires approval of the exterior materials.

A review of the proposed uses and site plan has been completed by the Engineering and Building Department and the following applies. The proposed additional uses meet the parking and landscaping requirements for the entire site. Further, the outdoor café will be required to meet the requirements of Outdoor Cafes Section 2200.S of the Ordinance.

I have prepared a proposed Resolution for your consideration.

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

Very truly yours,


Mark A. Kowalewski
City Engineer

MAK:kr
Enclosures

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



Equal Housing Opportunity



An Equal Opportunity Employer

OFFICIALS

Thomas Woodruff
CITY ASSESSOR

Lawrence S. Stec
CITY CLERK

Todd M. Browning
CITY TREASURER



JEFFERY CARLEY
FIRE CHIEF

MAYOR
Joseph R. Peters

COUNCIL
Sheri Sutherby Fric
Daniel E. Gales
Ted Miclura, J
Leonard T. Sabuc
Donald C. Schul
Kevin VanBoxe

February 5, 2016

Engineering Department
City of Wyandotte
3200 Biddle Avenue
Wyandotte, Michigan 48192

PLAN REVIEW


Address: Outdoor Café.

The undersigned has reviewed the plans submitted for the outdoor café at 646 Biddle Bentley Banquet:

1. Approved outdoor café documents to date.
 - ✓ 105.4.4 Approved Documents.
 - ✓ *Construction documents approved by the fire code official ~~are~~ approved with the intent that such construction documents comply in all respects with this code. Review and approval by the fire code official shall not relieve the applicant of the responsibility of compliance with this code.*



Please feel free to contact the undersigned if you require anything further with regards to this matter.

Sincerely,


Jeffery Carley, Fire Chief

266 Maple • Wyandotte, Michigan 48192 • Telephone Number 734-324-7252 • Fax Number 734-288-7078

email: wfdchief@wyan.org

 Equal Housing Opportunity/Equal Opportunity Employer 

MAYOR
Joseph R. Peterson

CITY CLERK
Lawrence S. Stec

TREASURER
Todd M. Browning

CITY ASSESSOR
Thomas R. Woodruff



DANIEL J. GRANT
CHIEF OF POLICE

CITY COUNCIL
Sheri Sutherby Fricke
Daniel E. Galeski
Ted Miciura, Jr.
Leonard T. Sabuda
Donald C. Schultz
Kevin VanBoxell

TO: Kelly Roberts, Development Coordinator

DATE: February 9, 2016

FROM: Daniel J. Grant, Chief of Police

SUBJECT: OUTDOOR CAFÉ REQUEST – 646 Biddle Avenue, Bentley Banquet

CC: Clerks Office

This correspondence is in response to your e-mail dated Thursday February 4, 2016 relative to the Outdoor Service application at 646 Biddle Avenue, Wyandotte, Michigan. I have no objections if the proposal for the outdoor service area is 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.
- I presume that the applicant intends to make application to the Michigan Liquor Control Commission (LCC) for the serving of alcoholic beverages on-site which is obviously prevalent in the operation of a banquet facility. If they intend to serve in their outdoor areas, approval will be required from the LCC for an outdoor café.
- If approved for serving alcoholic beverages outside, it must be contained in a well-defined and clearly marked area outside of the licensed premises.

If you need any further assistance with this proposed outdoor café, please do not hesitate to contact me at your convenience.

RESOLUTION
WYANDOTTE PLANNING COMMISSION
FEBRUARY 18, 2016

RE: Resolution for the the project at 646 Biddle Avenue, Wyandotte, Michigan in accordance with Section 2004.D. of PD Planned Development District

The resolution was offered by COMMISSIONER RUTKOWSKI

Supported by Commissioner Lupo

WHEREAS, the site plan for 646 Biddle Avenue proposes the construction of an outdoor wedding area, outdoor gathering space for photos, outdoor café, expanded parking lot and an addition for the Bentley Banquet; and

WHEREAS, the site plan for 646 Biddle Avenue generally meets the criteria of the City of Wyandotte's Zoning Map in terms of the Planned Development District in that the PD District reflects the Master Plan which designates said area; and

WHEREAS, on February 18, 2016, the Planning Commission of the City of Wyandotte, held a Public Hearing with proper notice, in accord with the requirements of Act 207 of 1921 as amended;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, to recommend to City Council that the site plan dated January 19, 2016, and eight (8) architectural renders of exterior of building and gazebo for the project at 646 Biddle Avenue be accepted and approved subject to the findings of the public hearing on February 18, 2016, as described in the minutes of the Commission meeting and the following:

1. The outdoor café is subject to all conditions applicable to an outdoor café on private property in accordance with 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, if any.
4. Use of the outdoor café shall be allowed from 10 a.m. to 12 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. Decorative fencing 6 feet in height and to be white vinyl. Sun Screen and Gazebo to be as indicated on architectural rendering dated February 16, 2016.
8. Wall along Bennett to be stone or tile as indicated on architectural renderings.
9. No outdoor music after 10:00 p.m.

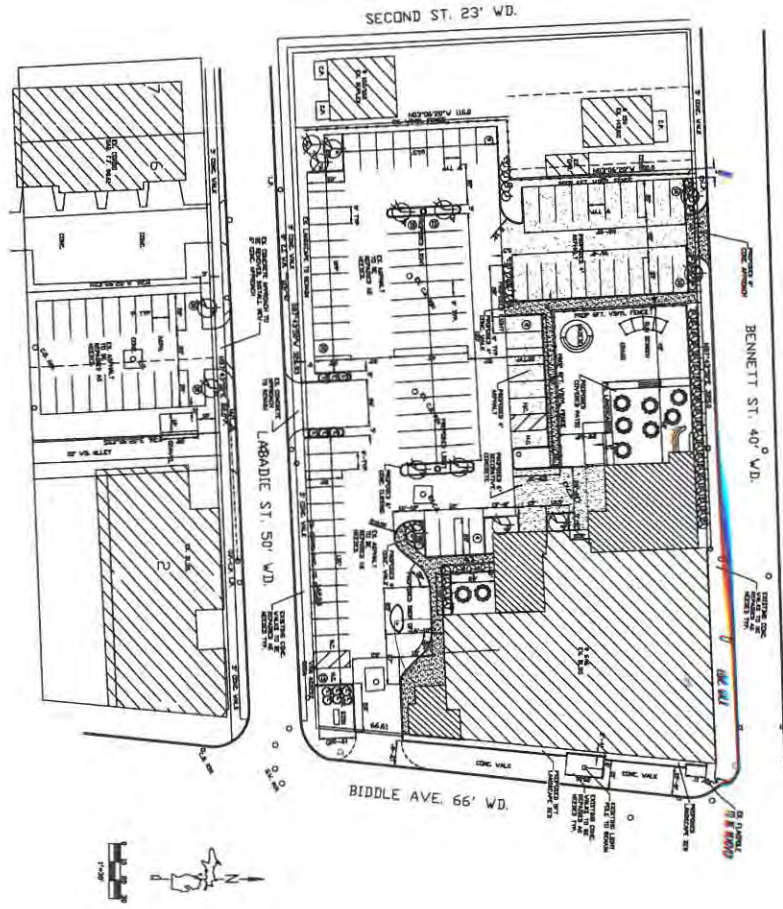
YES: Benson, Duran, Krimmel, Lupo, Parker, Rutkowski

NO: None

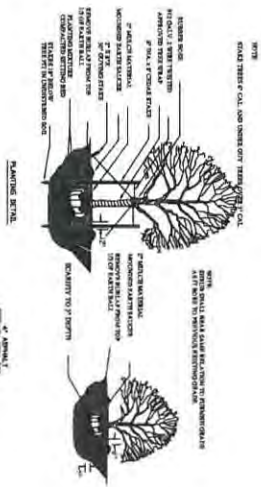
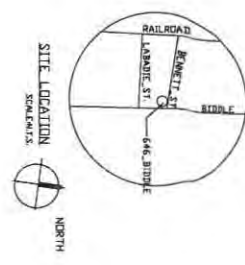
ABSENT: Adamczyk, Pasko

MOTION PASSED

Approved by Planning Commission
February 18, 2016



NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, ZONING ORDINANCE, 2011, AS AMENDED.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, SUBDIVISION MAP ACT, 1998, AS AMENDED.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, UTILITY CODE, 2011, AS AMENDED.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, LANDSCAPE CODE, 2011, AS AMENDED.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, SIGNAGE CODE, 2011, AS AMENDED.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, TRAFFIC CODE, 2011, AS AMENDED.
7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, FIRE CODE, 2011, AS AMENDED.
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, HEALTH CODE, 2011, AS AMENDED.
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, ENVIRONMENTAL CODE, 2011, AS AMENDED.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC WORKS CODE, 2011, AS AMENDED.
11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC SAFETY CODE, 2011, AS AMENDED.
12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC UTILITIES CODE, 2011, AS AMENDED.
13. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC TRANSPORTATION CODE, 2011, AS AMENDED.
14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC RECREATION CODE, 2011, AS AMENDED.
15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC CULTURE CODE, 2011, AS AMENDED.
16. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC HISTORY CODE, 2011, AS AMENDED.
17. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC ARTS CODE, 2011, AS AMENDED.
18. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC LANDSCAPE CODE, 2011, AS AMENDED.
19. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC INFRASTRUCTURE CODE, 2011, AS AMENDED.
20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC SERVICES CODE, 2011, AS AMENDED.
21. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC SAFETY CODE, 2011, AS AMENDED.
22. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC UTILITIES CODE, 2011, AS AMENDED.
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29. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC INFRASTRUCTURE CODE, 2011, AS AMENDED.
30. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VANDERBILT, TENNESSEE, PUBLIC SERVICES CODE, 2011, AS AMENDED.



REVISIONS

| NO. | DATE | BY | DESCRIPTION |
|-----|-----------|----|-------------|
| 1 | 1-15-2016 | | |

3 WORKING DAYS BEFORE YOU DIG
CALL MISS DIG
1-800-822-7171

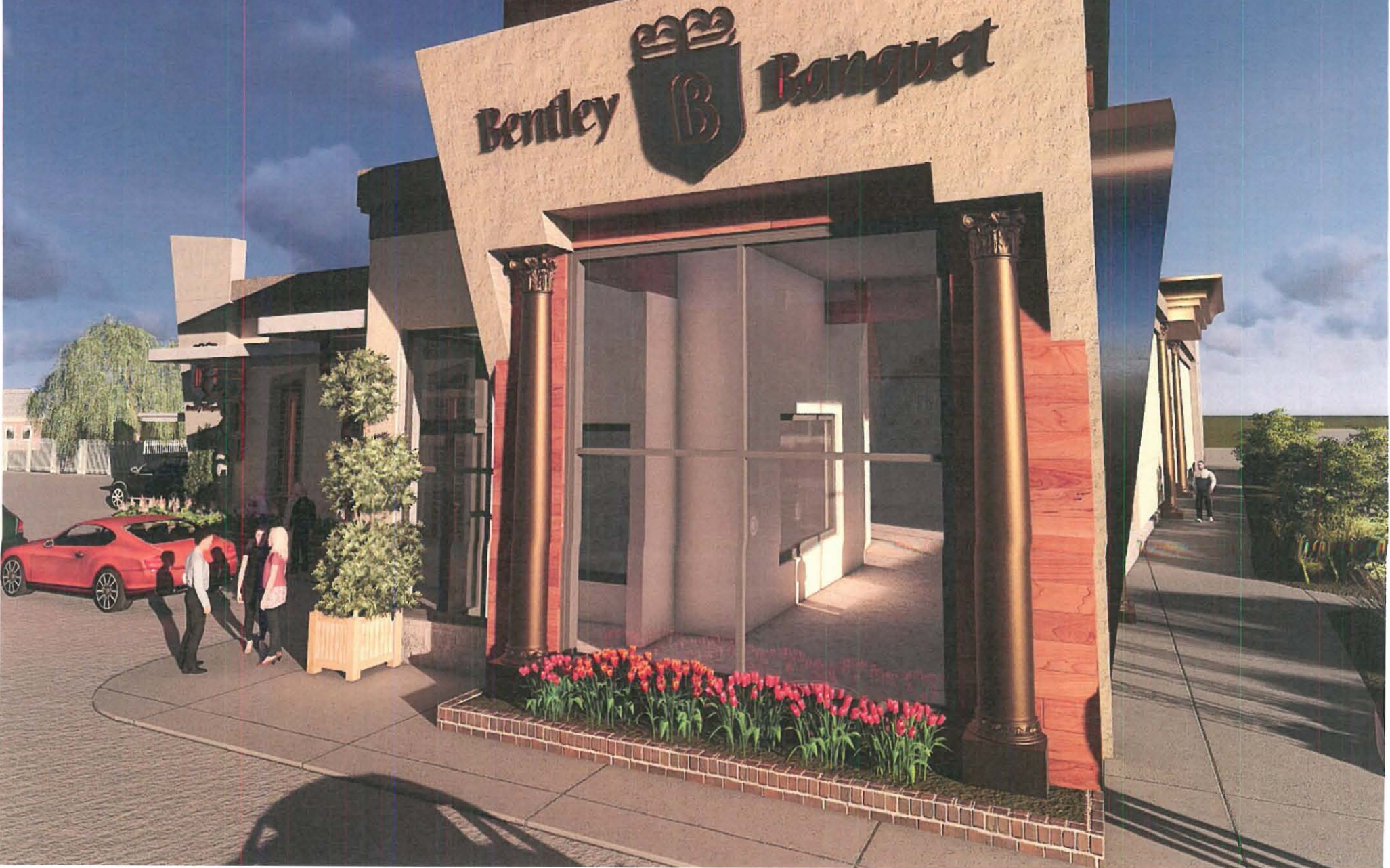
BENTLEY BANQUET CENTER
646 BIDDLE AVE. VANDERBILT

Approved by Planning Commission
February 18, 2016



Approved by Planning Commission
February 18, 2016

Bentley  Banquet



Approved by Planning Commission
February 18, 2016



Approved by Planning Commission
February 18, 2016



Outdoor Covered Patio

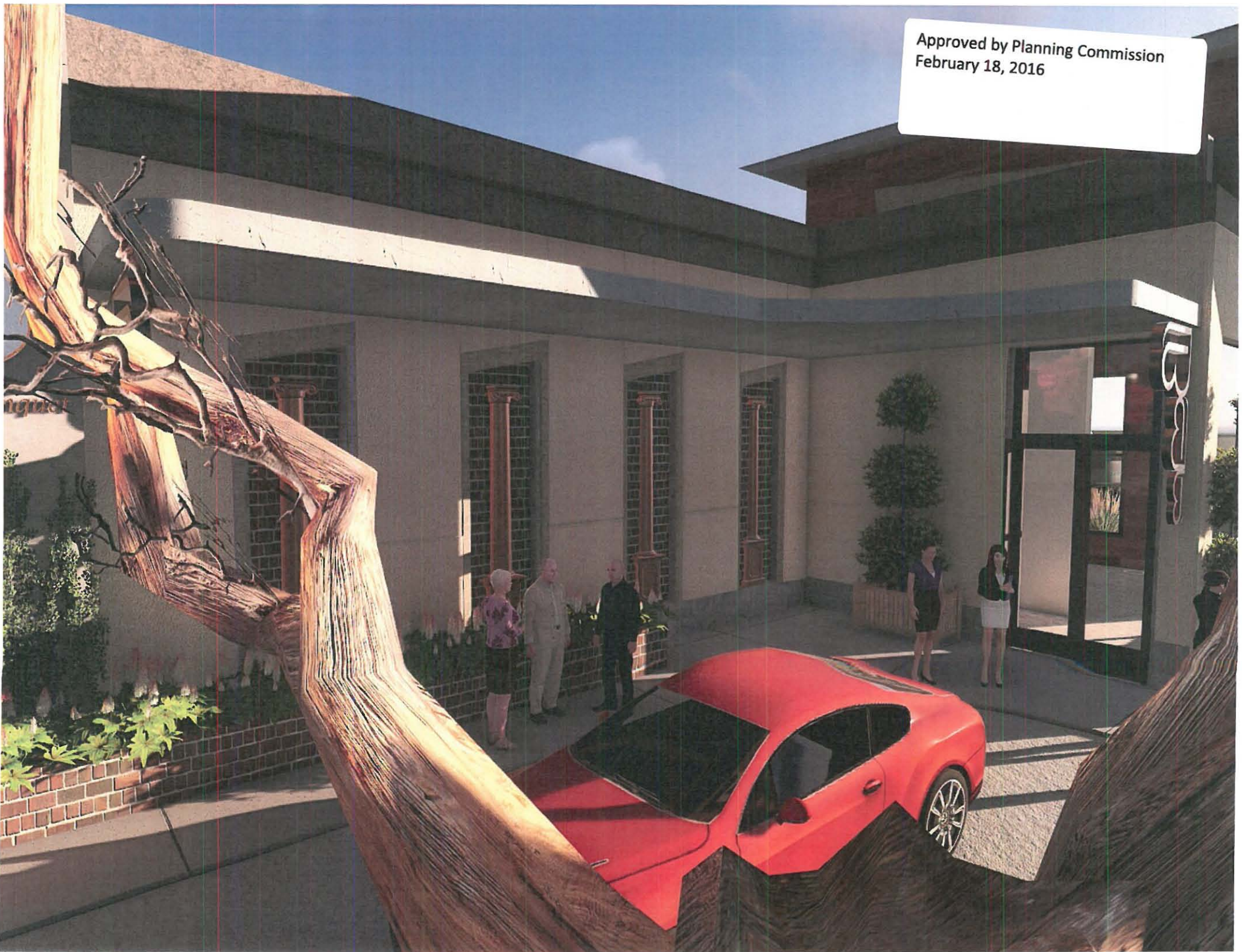
Approved by Planning Commission
February 18, 2016



Approved by Planning Commission
February 18, 2016



Approved by Planning Commission
February 18, 2016



Approved by Planning Commission
February 18, 2016



CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # 8

ITEM: Senate Bill #720 and House Bill #5232

PRESENTER: Elizabeth A. Krimmel, Planning Commission

INDIVIDUALS IN ATTENDANCE: n/a

BACKGROUND: Senate Bill No. 720 and House Bill No. 5232 were introduced which would amend the Historic District Act of Michigan. These bills will effectively eliminate historic district in the State of Michigan. The way in which the current bills are written would:

- Empower large landowners to determine the fate of a neighborhood at the expense of all other property owners;
- Disempower neighborhoods from self-determination as a majority vote of electors in the local unit would be required for designation;
- Politicize the appeal process for a non-partisan state board of experts to local elected officials;
- Establish ambiguous standards that may deviate from the Secretary of Interior Standard for historic resources; and
- Require that all (current and future) historic districts would be dissolved 10 years after the bill is enacted, unless a popular vote at the election immediately preceding the district's dissolution is approved as a renewal.

The Planning Commission is requesting Your Honorable Body adopt a resolution to the legislators for consideration.

STRATEGIC PLAN/GOALS: n/a

ACTION REQUESTED: Adopt proposed resolution requesting Senators oppose adoption of Senate Bill No. 720 and House Representative Bill No. 5232

BUDGET IMPLICATIONS & ACCOUNT NUMBER: n/a

IMPLEMENTATION PLAN: Send adopted resolution to legislators for consideration.

COMMISSION RECOMMENDATION: Requested by the Planning Commission from their 2/18/16 meeting

CITY ADMINISTRATOR'S RECOMMENDATION:

Shayda

LEGAL COUNSEL'S RECOMMENDATION: n/a

MAYOR'S RECOMMENDATION:

ALP

LIST OF ATTACHMENTS: Senate Bill No. 720 and House Bill No. 5232

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: February 29, 2016

RESOLUTION by Councilperson _____

WHEREAS, Senate Bill No.720 and House Bill No. 5232 proposes to eliminate historic districts in Michigan by effectively Empower large landowners to determine the fate of a neighborhood at the expense of all other property owners; Disempower neighborhoods from self-determination as a majority vote of electors in the local unit would be required for designation; Politicize the appeal process for a non-partisan state board of experts to local elected officials; Establish ambiguous standards that may deviate from the Secretary of Interior Standard for historic resources; and require that all (current and future) historic districts would be dissolved 10 years after the bill is enacted, unless a popular vote at the election immediately preceding the district's dissolution is approved as a renewal; and

NOW, THEREFORE, BE IT RESOLVED, that governing body of the City of Wyandotte does hereby oppose Senate Bill No. 720 and House Bill No 5232; and

BE IT FURTHER RESOLVED, the governing body of the City of Wyandotte does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Office of Governor Snyder, State Representative Clemente, Senator Young, sponsors of SB5232 and HB720, the Downriver Community Conference, and the Michigan Association of Planning.

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 | _____ |
| _____ | VanBoxell | _____ |

Kelly Roberts

Other Business

From: Robert <rbenson@wyan.org>
Sent: Saturday, February 06, 2016 10:23 AM
To: 'Joe Peterson'
Cc: 'Kelly Roberts '
Subject: FW: MAP Legislative Update

Joe,

We may want to say something about this and let the Historical Society know.

Kelly,

I would like to discuss this at our next meeting.

Bob Benson

From: Michigan Association of Planning [mailto:kelly@planningmi.ccsend.com] **On Behalf Of** Michigan Association of Planning
Sent: Monday, February 01, 2016 1:06 PM
To: rbenson@wyan.org
Subject: MAP Legislative Update

Having trouble viewing this email? [Click here](#)



Michigan Association of Planning Legislative Alert: URGENT: HB 5232 and SB720 Historic Districts

Two Bills were introduced last week to amend the Historic Districts Act, House Bill 5232 and SB 720. The bills are the same. The House Committee met last week.

HB 5232: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/House/pdf/2016-HIB-5232.pdf>

SB 720: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/Senate/pdf/2016-SIB-0720.pdf>

Analysis of HB 5232: [http://www.legislature.mi.gov/\(S\(yagt24wvy2fu0mwiqaabn5sd\)\)/mileg.aspx?page=getObject&objectname=2016-HB-5232](http://www.legislature.mi.gov/(S(yagt24wvy2fu0mwiqaabn5sd))/mileg.aspx?page=getObject&objectname=2016-HB-5232)

Historic Preservation is the foundation of many community's economic revitalization efforts, and is one of the most important tools to protect our history and culture, create a

sense of place, and is relevant to community development efforts for both small towns and big cities. From Grand Rapids to Ann Arbor, Detroit to Traverse City, Monroe to Marquette planners have long recognized the value of protecting historic buildings, downtowns, and neighborhoods.

MAP's Historic Preservation Policy clearly articulates our position http://www.planningmi.org/downloads/hp_and_cultural_resources_policy_final_2006.pdf

These bills will effectively eliminate historic districts in the State of Michigan. The way in which the current bills are written would:

- empower large landowners to determine the fate of a neighborhood at the expense of all other property owners;
- disempower neighborhoods from self-determination as a majority vote of electors in the local unit would be required for designation;
- politicize the appeal process from a non-partisan state board of experts to local elected officials;
- establish ambiguous standards that may deviate from the Secretary of Interior Standards for historic resources; and
- require that all (current and future) historic districts would be dissolved 10 years after the bill is enacted, unless a popular vote at the election immediately preceding the district's dissolution is approved as a renewal.

Given the pace at which the bills were introduced - and the House hearing held - MAP urges planners to reach out to their representatives and senators to oppose this bill.

Find Your Representative Here:

<http://www.house.mi.gov/mhrpublic/>

Find Your State Senator Here: <http://www.senate.michigan.gov/fysbyaddress.htm>

Reach out to your DDA's and Historic District Commissions, and neighborhood leaders who reside in historic districts, and let them know too. **We must make our voices heard, and let our representatives in Lansing know the economic value that historic districts bring to our communities.**

Andrea Brown, AICP
Executive Director
Michigan Association of Planning
A Chapter of the American Planning Association

Michigan Association of Planning
1919 W. Stadium Blvd., Suite 4 | Ann Arbor, MI 48103

p: 734-913-2000 | f: 734-913-2061
info@planningmi.org

Michigan Association of Planning, 1919 W. Stadium Blvd., Suite 4, Ann

HOUSE BILL No. 5232

January 26, 2016, Introduced by Reps. Afendoulis, Chatfield, Theis, Lucido, Poleski, Lyons, Cox, Sheppard, Hughes, Hooker, Smiley, Price, LaFontaine, Callton, Yonker, Garcia, Victory, Cole, Johnson, Kivela, Jenkins, Bumstead, Kelly and Glenn and referred to the Committee on Local Government.

A bill to amend 1970 PA 169, entitled
"Local historic districts act,"
by amending sections 1a, 3, 5, 9, and 14 (MCL 399.201a, 399.203, 399.205, 399.209, and 399.214), sections 1a and 5 as amended by 2004 PA 67, sections 3 and 9 as amended by 2001 PA 67, and section 14 as added by 1992 PA 96.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. As used in this act:

2 (a) "Alteration" means work that changes the detail of a
3 resource but does not change its basic size or shape.

4 (b) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT
5 AUTHORITY CREATED BY SECTION 21 OF THE STATE HOUSING DEVELOPMENT
6 AUTHORITY ACT OF 1966, 1966 PA 346, MCL 125.1421.

7 (c) ~~(b)~~ "Certificate of appropriateness" means the written

1 approval of a permit application for work that is appropriate and
2 that does not adversely affect a resource.

3 (D) ~~(e)~~ "Commission" means a historic district commission
4 created by the legislative body of a local unit under section 4.

5 (E) ~~(d)~~ "Committee" means a historic district study committee
6 appointed by the legislative body of a local unit under section 3
7 or 14.

8 (F) ~~(e)~~ "Demolition" means the razing or destruction, whether
9 entirely or in part, of a resource and includes, but is not limited
10 to, demolition by neglect.

11 (G) ~~(f)~~ "Demolition by neglect" means neglect in maintaining,
12 repairing, or securing a resource that results in deterioration of
13 an exterior feature of the resource or the loss of structural
14 integrity of the resource.

15 (H) ~~(g)~~ "Denial" means the written rejection of a permit
16 application for work that is inappropriate and that adversely
17 affects a resource.

18 ~~— (h) "Department" means the department of history, arts, and~~
19 ~~libraries.~~

20 (i) "Fire alarm system" means a system designed to detect and
21 announce the presence of fire or by-products of fire. Fire alarm
22 system includes smoke alarms.

23 (j) "Historic district" means an area, or group of areas not
24 necessarily having contiguous boundaries, that contains 1 resource
25 or a group of resources that are related by history, architecture,
26 archaeology, engineering, or culture.

27 (k) "Historic preservation" means the identification,

1 evaluation, establishment, and protection of resources significant
2 in history, architecture, archaeology, engineering, or culture.

3 (l) "Historic resource" means a publicly or privately owned
4 building, structure, site, object, feature, or open space that is
5 significant in the history, architecture, archaeology, engineering,
6 or culture of this state or a community within this state, or of
7 the United States.

8 (m) "Local unit" means a county, city, village, or township.

9 (n) "Notice to proceed" means the written permission to issue
10 a permit for work that is inappropriate and that adversely affects
11 a resource, pursuant to a finding under section 5(6).

12 (o) "Open space" means undeveloped land, a naturally
13 landscaped area, or a formal or man-made landscaped area that
14 provides a connective link or a buffer between other resources.

15 (p) "Ordinary maintenance" means keeping a resource unimpaired
16 and in good condition through ongoing minor intervention,
17 undertaken from time to time, in its exterior condition. Ordinary
18 maintenance does not change the external appearance of the resource
19 except through the elimination of the usual and expected effects of
20 weathering. Ordinary maintenance does not constitute work for
21 purposes of this act.

22 (q) "Proposed historic district" means an area, or group of
23 areas not necessarily having contiguous boundaries, that has
24 delineated boundaries and that is ~~under review by a committee or a~~
25 ~~standing committee~~ **SUBJECT TO THE REVIEW PROCESS SET FORTH IN**
26 **SECTION 3(1)(A) TO (D)(iii) OR 14(1)** for the purpose of making a
27 ~~recommendation as to~~ **DECIDING** whether it should be established as a

1 historic district or added to an established historic district.

2 (r) "Repair" means to restore a decayed or damaged resource to
3 a good or sound condition by any process. A repair that changes the
4 external appearance of a resource constitutes work for purposes of
5 this act.

6 (s) "Resource" means 1 or more publicly or privately owned
7 historic or nonhistoric buildings, structures, sites, objects,
8 features, or open spaces located within a historic district.

9 (t) "Smoke alarm" means a single-station or multiple-station
10 alarm responsive to smoke and not connected to a system. As used in
11 this subdivision, "single-station alarm" means an assembly
12 incorporating a detector, the control equipment, and the alarm
13 sounding device into a single unit, operated from a power supply
14 either in the unit or obtained at the point of installation.

15 "Multiple-station alarm" means 2 or more single-station alarms that
16 are capable of interconnection such that actuation of 1 alarm
17 causes all integrated separate audible alarms to operate.

18 (u) "Standing committee" means a permanent body established by
19 the legislative body of a local unit under section 14 to conduct
20 the activities of a historic district study committee on a
21 continuing basis.

22 (v) "Work" means construction, addition, alteration, repair,
23 moving, excavation, or demolition.

24 Sec. 3. (1) A local unit may, by ordinance, establish 1 or
25 more ~~historic districts. The historic districts, WHICH~~ shall be
26 administered by a commission established ~~pursuant to~~ UNDER section
27 4, ~~Before establishing a historic district, SUBJECT TO ALL OF THE~~

1 FOLLOWING:

2 (A) THE LOCAL UNIT SHALL OBTAIN PRELIMINARY APPROVAL OF A
3 PROPOSED HISTORIC DISTRICT FROM AT LEAST 2/3 OF THE PROPERTY OWNERS
4 WITHIN THE PROPOSED HISTORIC DISTRICT, AS LISTED ON THE TAX ROLLS
5 OF THE LOCAL UNIT, PURSUANT TO A WRITTEN PETITION THAT INCLUDES A
6 PRECISE DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED HISTORIC
7 DISTRICT.

8 (B) FOR PURPOSES OF FURTHER CONSIDERING 1 OR MORE PROPOSED
9 HISTORIC DISTRICTS APPROVED UNDER SUBDIVISION (A), the legislative
10 body of the local unit shall appoint a historic district study
11 committee. The committee shall ~~contain a majority of persons who~~
12 ~~have a clearly demonstrated interest in or knowledge of historic~~
13 ~~preservation, and shall contain representation from 1 or more~~
14 CONSIST OF 4 TO 7 INDIVIDUALS, 1 OF WHOM IS AN ELECTED MEMBER OF
15 THE LEGISLATIVE BODY OF THE LOCAL UNIT, 1 OF WHOM IS A
16 REPRESENTATIVE OF A duly organized local historic preservation
17 ~~organizations. ORGANIZATION, AND AT LEAST 1 OF WHOM IS ENGAGED IN~~
18 THE BUSINESS OF RESIDENTIAL OR COMMERCIAL CONSTRUCTION. The
19 committee shall do all of the following:

20 (i) ~~(a)~~ Conduct a photographic inventory of resources within
21 each proposed historic district. ~~following procedures established~~
22 ~~or approved by the department.~~

23 (ii) ~~(b)~~ Conduct basic research of each proposed historic
24 district and the historic resources located within that district.

25 (iii) ~~(c)~~ Determine the total number of historic and
26 nonhistoric resources within a proposed historic district and the
27 percentage of historic resources of that total. In evaluating the

1 significance of historic resources, the committee shall be guided
 2 by the selection criteria for evaluation issued by the United
 3 States ~~secretary of the interior~~ **SECRETARY OF THE INTERIOR** for
 4 inclusion of resources in the national register of historic places,
 5 as set forth in 36 C.F.R. ~~CFR~~ part 60. ~~and criteria established~~
 6 ~~or approved by the department, if any.~~

7 (iv) ~~(d)~~ Prepare a preliminary historic district study
 8 committee report that addresses at a minimum all of the following:

9 (A) ~~(i)~~ The charge of the committee.

10 (B) ~~(ii)~~ The composition of the committee membership.

11 (C) ~~(iii)~~ The historic district or districts studied.

12 (D) ~~(iv)~~ The boundaries for each proposed historic district in
 13 writing and on maps.

14 (E) ~~(v)~~ The history of each proposed historic district.

15 (F) ~~(vi)~~ The significance of each district as a whole, as well
 16 as a sufficient number of its individual resources to fully
 17 represent the variety of resources found within the district,
 18 relative to the evaluation criteria.

19 (v) ~~(e)~~ Transmit copies of the preliminary report for review
 20 and recommendations to the local planning body, to the ~~department,~~
 21 **AUTHORITY, AND** to the Michigan historical commission. ~~and to the~~
 22 ~~state historic preservation review board.~~

23 (vi) ~~(f)~~ Make copies of the preliminary report available to
 24 the public pursuant to subsection ~~(4)~~ **(2)**.

25 (C) ~~(2)~~ Not less than 60 calendar days after the transmittal
 26 of the preliminary report, the committee shall hold a public
 27 hearing in compliance with the open meetings act, 1976 PA 267, MCL

1 15.261 to 15.275. Public notice of the time, date, and place of the
 2 hearing shall be given in the manner required by the open meetings
 3 act, 1976 PA 267, MCL 15.261 to 15.275. Written notice shall be
 4 mailed by first-class mail ~~not less than~~ **AT LEAST 14** calendar days
 5 before the hearing to the owners of properties within the proposed
 6 historic district, as listed on the tax rolls of the local unit.

7 (D) ~~(3) After~~ **ALL OF THE FOLLOWING MUST OCCUR WITHIN 1 YEAR**
 8 **AFTER** the date of the public hearing, ~~the committee and the~~
 9 ~~legislative body of the local unit shall have not more than 1 year,~~
 10 unless ~~otherwise~~ **SOME OTHER TIME FRAME IS** authorized by the
 11 legislative body of the local unit: ~~, to take the following~~
 12 ~~actions:~~

13 (i) ~~(a)~~ The committee shall prepare and submit a final report
 14 with its recommendations and the recommendations, if any, of the
 15 local planning body to the legislative body of the local unit. If
 16 the recommendation is to establish a historic district or
 17 districts, the final report ~~shall~~ **MAY** include a draft of a proposed
 18 ordinance or ordinances.

19 (ii) ~~(b)~~ After receiving a final report that recommends the
 20 establishment of a historic district or districts, the legislative
 21 body of the local unit, at its discretion, may introduce and pass
 22 or reject ~~an~~ **A CONDITIONALLY EFFECTIVE** ordinance or ordinances **THAT**
 23 **WILL ESTABLISH A HISTORIC DISTRICT OR DISTRICTS ONLY IF APPROVED**
 24 **UNDER SUBPARAGRAPH (iii) .**

25 (iii) **A CONDITIONALLY EFFECTIVE ORDINANCE OR ORDINANCES PASSED**
 26 **UNDER SUBPARAGRAPH (ii) ESTABLISHES A HISTORIC DISTRICT OR**
 27 **DISTRICTS ONLY IF A MAJORITY OF THE ELECTORS IN THE LOCAL UNIT**

1 VOTING AT AN ELECTION APPROVE THAT ESTABLISHMENT OF THE HISTORIC
2 DISTRICT OR DISTRICTS. THIS VOTE SHALL BE TAKEN AT THE NEXT REGULAR
3 ELECTION HELD IN THE LOCAL UNIT THAT OCCURS AT LEAST 70 DAYS AFTER
4 THE PASSAGE OF THE CONDITIONALLY EFFECTIVE ORDINANCE OR ORDINANCES
5 DESCRIBED IN SUBPARAGRAPH (ii) .

6 (iv) If ~~the local unit passes~~ ACTIONS TAKEN UNDER
7 SUBPARAGRAPHS (ii) AND (iii) RESULT IN THE PASSAGE OF an ordinance
8 or ordinances establishing 1 or more historic districts, the local
9 unit shall file a copy of that ordinance or those ordinances,
10 including a legal description of the property or properties located
11 within the historic district or districts, with the register of
12 deeds. ~~A local unit shall not pass an ordinance establishing a~~
13 ~~contiguous historic district less than 60 days after a majority of~~
14 ~~the property owners within the proposed historic district, as~~
15 ~~listed on the tax rolls of the local unit, have approved the~~
16 ~~establishment of the historic district pursuant to a written~~
17 ~~petition.~~

18 (2) ~~(4)~~ A writing prepared, owned, used, in the possession of,
19 or retained by a committee in the performance of an official
20 function shall be made available to the public in compliance with
21 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

22 Sec. 5. (1) A permit shall be obtained before any work
23 affecting the exterior appearance of a resource is performed within
24 a historic district or, if required under subsection (4), work
25 affecting the interior arrangements of a resource is performed
26 within a historic district. The person, individual, partnership,
27 firm, corporation, organization, institution, or agency of

1 government proposing to do that work shall file an application for
 2 a permit with the inspector of buildings, the commission, or other
 3 duly delegated authority. If the inspector of buildings or other
 4 authority receives the application, the application shall be
 5 immediately referred together with all required supporting
 6 materials that make the application complete to the commission. A
 7 permit shall not be issued and proposed work shall not proceed
 8 until the commission has acted on the application by issuing a
 9 certificate of appropriateness or a notice to proceed as prescribed
 10 in this act. A commission shall not issue a certificate of
 11 appropriateness unless the applicant certifies in the application
 12 that the property where work will be undertaken has, or will have
 13 before the proposed project completion date, a fire alarm system or
 14 a smoke alarm complying with the requirements of the Stille-
 15 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
 16 125.1501 to 125.1531. A local unit may charge a reasonable fee to
 17 process a permit application.

18 (2) An applicant aggrieved by a decision of a commission
 19 concerning a permit application may file an appeal with the state
 20 ~~historic preservation review board within the department.~~
 21 **LEGISLATIVE BODY OF THE LOCAL UNIT.** The appeal shall be filed
 22 within 60 days after the decision is furnished to the applicant.
 23 The appellant may submit all or part of the appellant's evidence
 24 and arguments in written form. The ~~review board~~ **LEGISLATIVE BODY OF**
 25 **THE LOCAL UNIT** shall consider an appeal at its first regularly
 26 scheduled meeting after receiving the appeal, but may not charge a
 27 fee for considering an appeal. The ~~review board~~ **LEGISLATIVE BODY OF**

1 THE LOCAL UNIT may affirm, modify, or set aside a commission's
 2 decision and may order a commission to issue a certificate of
 3 appropriateness or a notice to proceed. A permit applicant
 4 aggrieved by the decision of the ~~state historic preservation review~~
 5 ~~board~~ LEGISLATIVE BODY OF THE LOCAL UNIT may appeal the decision to
 6 the circuit court having jurisdiction over the historic district
 7 commission whose decision was appealed to the ~~state historic~~
 8 ~~preservation review board~~ LEGISLATIVE BODY OF THE LOCAL UNIT.

9 (3) In reviewing plans, the commission shall ~~follow~~ CONSULT
 10 the United States ~~secretary~~ SECRETARY of the ~~interior's~~ INTERIOR'S
 11 standards for rehabilitation and guidelines for rehabilitating
 12 historic buildings, as set forth in 36 C.F.R. CFR part 67, UNLESS
 13 THE COMMISSION FINDS THAT A DIFFERENT STANDARD IS IN THE BEST
 14 INTEREST OF THE COMMUNITY. Design review standards and guidelines
 15 that address special design characteristics of historic districts
 16 administered by the commission may be followed if ~~they are~~
 17 ~~equivalent in guidance to the secretary of interior's standards and~~
 18 ~~guidelines and are established or approved by the department.~~ THE
 19 COMMISSION FINDS THAT THEY ARE IN THE BEST INTEREST OF THE
 20 COMMUNITY. The commission shall also consider all of the following:

21 (a) The historic or architectural value and significance of
 22 the resource and its relationship to the historic value of the
 23 surrounding area.

24 (b) The relationship of any architectural features of the
 25 resource to the rest of the resource and to the surrounding area.

26 (c) The general compatibility of the design, arrangement,
 27 texture, and materials proposed to be used.

1 (d) Other factors **THAT THE COMMISSION FINDS RELEVANT**, such as
 2 aesthetic value ~~, that the commission finds relevant. AND THE~~
 3 **REASONABLENESS OF THE ADDITIONAL COSTS REQUIRED TO COMPLETE A**
 4 **HISTORICALLY ACCURATE REHABILITATION.**

5 (e) Whether the applicant has certified in the application
 6 that the property where work will be undertaken has, or will have
 7 before the proposed project completion date, a fire alarm system or
 8 a smoke alarm complying with the requirements of the Stille-
 9 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
 10 125.1501 to 125.1531.

11 (4) The commission shall review and act upon only exterior
 12 features of a resource and, except for noting compliance with the
 13 requirement to install a fire alarm system or a smoke alarm, shall
 14 not review and act upon interior arrangements ~~unless specifically~~
 15 ~~authorized to do so by the local legislative body or unless~~
 16 interior work will cause visible change to the exterior of the
 17 resource. The commission shall not disapprove an application due to
 18 considerations not prescribed in subsection (3).

19 (5) If an application is for work that will adversely affect
 20 the exterior of a resource the commission considers valuable to the
 21 local unit, state, or nation, and the commission determines that
 22 the alteration or loss of that resource will adversely affect the
 23 public purpose of the local unit, state, or nation, the commission
 24 shall attempt to establish with the owner of the resource an
 25 economically feasible plan for preservation of the resource.

26 (6) Work within a historic district shall be permitted through
 27 the issuance of a notice to proceed by the commission if any of the

1 following conditions prevail and if the proposed work can be
2 demonstrated by a finding of the commission to be necessary to
3 substantially improve or correct any of the following conditions:

4 (a) The resource constitutes a hazard to the safety of the
5 public or to the structure's occupants.

6 (b) The resource is a deterrent to a major improvement program
7 that will be of substantial benefit to the community and the
8 applicant proposing the work has obtained all necessary planning
9 and zoning approvals, financing, and environmental clearances.

10 (c) Retaining the resource will cause undue financial hardship
11 to the owner when a governmental action, an act of God, or other
12 events beyond the owner's control created the hardship, and all
13 feasible alternatives to eliminate the financial hardship, which
14 may include offering the resource for sale at its fair market value
15 or moving the resource to a vacant site within the historic
16 district, have been attempted and exhausted by the owner.

17 (d) Retaining the resource is not in the interest of the
18 majority of the community.

19 (7) The business that the commission may perform shall be
20 conducted at a public meeting of the commission held in compliance
21 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
22 Public notice of the time, date, and place of the meeting shall be
23 given in the manner required by the open meetings act, 1976 PA 267,
24 MCL 15.261 to 15.275. A meeting agenda shall be part of the notice
25 and shall include a listing of each permit application to be
26 reviewed or considered by the commission.

27 (8) The commission shall keep a record of its resolutions,

1 proceedings, and actions. A writing prepared, owned, used, in the
2 possession of, or retained by the commission in the performance of
3 an official function shall be made available to the public in
4 compliance with the freedom of information act, 1976 PA 442, MCL
5 15.231 to 15.246.

6 (9) The commission shall adopt its own rules of procedure and
7 shall adopt design review standards and guidelines for resource
8 treatment to carry out its duties under this act.

9 (10) The commission may delegate the issuance of certificates
10 of appropriateness for specified minor classes of work to its
11 staff, to the inspector of buildings, or to another delegated
12 authority. The commission shall provide to the delegated authority
13 specific written standards for issuing certificates of
14 appropriateness under this subsection. On at least a quarterly
15 basis, the commission shall review the certificates of
16 appropriateness, if any, issued for work by its staff, the
17 inspector, or another authority to determine whether or not the
18 delegated responsibilities should be continued.

19 (11) Upon a finding by a commission that a historic resource
20 within a historic district or a proposed historic district subject
21 to its review and approval is threatened with demolition by
22 neglect, the commission may do either of the following **WITH THE**
23 **APPROVAL OF THE LEGISLATIVE BODY OF THE LOCAL UNIT:**

24 (a) Require the owner of the resource to repair all conditions
25 contributing to demolition by neglect.

26 (b) If the owner does not make repairs within a reasonable
27 time, the commission or its agents may enter the property and make

1 such repairs as are necessary to prevent demolition by neglect. The
2 costs of the work shall be charged to the owner, and may be levied
3 by the local unit as a special assessment against the property. The
4 commission or its agents may enter the property for purposes of
5 this section upon obtaining an order from the circuit court.

6 (12) When work has been done upon a resource without a permit,
7 and the commission finds that the work does not qualify for a
8 certificate of appropriateness, the commission may require an owner
9 to restore the resource to the condition the resource was in before
10 the inappropriate work or to modify the work so that it qualifies
11 for a certificate of appropriateness. If the owner does not comply
12 with the restoration or modification requirement within a
13 reasonable time, the commission may seek an order from the circuit
14 court to require the owner to restore the resource to its former
15 condition or to modify the work so that it qualifies for a
16 certificate of appropriateness. If the owner does not comply or
17 cannot comply with the order of the court, the commission or its
18 agents may enter the property and conduct work necessary to restore
19 the resource to its former condition or modify the work so that it
20 qualifies for a certificate of appropriateness in accordance with
21 the court's order. The costs of the work shall be charged to the
22 owner, and may be levied by the local unit as a special assessment
23 against the property. When acting pursuant to an order of the
24 circuit court, a commission or its agents may enter a property for
25 purposes of this section.

26 Sec. 9. (1) The commission shall file certificates of
27 appropriateness, notices to proceed, and denials of applications

1 for permits with the inspector of buildings or other delegated
2 authority. A permit shall not be issued until the commission has
3 acted as prescribed by this act. If a permit application is denied,
4 the decision shall be binding on the inspector or other authority.
5 A denial shall be accompanied with a written explanation by the
6 commission of the reasons for denial and, if appropriate, a notice
7 that an application may be resubmitted for commission review when
8 suggested changes have been made. The denial shall also include
9 notification of the applicant's rights of appeal to the state
10 ~~historic preservation review board~~ **LEGISLATIVE BODY OF THE LOCAL**
11 **UNIT** and to the circuit court. The failure of the commission to act
12 within 60 calendar days after the date a complete application is
13 filed with the commission, unless an extension is agreed upon in
14 writing by the applicant and the commission, shall be considered to
15 constitute approval.

16 (2) Local public officials and employees shall provide
17 information and records to committees, commissions, and standing
18 committees, and shall meet with those bodies upon request to assist
19 with their activities.

20 (3) The ~~department~~ **AUTHORITY** shall cooperate with and assist
21 local units, committees, commissions, and standing committees in
22 carrying out the purposes of this act and may establish or approve
23 standards, guidelines, and procedures that encourage uniform
24 administration of this act in this state but that are not legally
25 binding on any individual or other legal entity.

26 Sec. 14. (1) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
27 **SUBSECTION, A** local unit may at any time establish by ordinance

1 additional historic districts, including proposed districts
2 previously considered and rejected, may modify boundaries of an
3 existing historic district, or may eliminate an existing historic
4 district. ~~Before establishing, modifying, or eliminating a historic~~
5 ~~district, a historic district study committee appointed by the~~
6 ~~legislative body of the local unit~~ WHEN CONSIDERING THE
7 ESTABLISHMENT OF AN ADDITIONAL HISTORIC DISTRICT OR THE
8 MODIFICATION OF THE BOUNDARIES OF AN EXISTING ONE, THE LOCAL UNIT
9 SHALL FIRST OBTAIN THE PETITION DESCRIBED IN SECTION 3(1)(A) BEFORE
10 THE LEGISLATIVE BODY OF THE LOCAL UNIT MAY APPOINT A HISTORIC
11 DISTRICT STUDY COMMITTEE OR AUTHORIZE THE SERVICES OF A RETAINED
12 INITIAL COMMITTEE, A STANDING COMMITTEE, OR A COMMITTEE ESTABLISHED
13 TO CONSIDER ONLY SPECIFIC PROPOSED DISTRICTS AND THEN BE DISSOLVED.
14 IF A COMMITTEE IS APPOINTED OR ITS SERVICES ARE AUTHORIZED BY THE
15 LEGISLATIVE BODY OF THE LOCAL UNIT, FURTHER CONSIDERATION OF THE
16 ESTABLISHMENT OF AN ADDITIONAL HISTORIC DISTRICT OR MODIFICATION OF
17 THE BOUNDARIES OF AN EXISTING ONE SHALL FOLLOW THE PROCEDURES SET
18 FORTH IN SECTION 3(1)(B) TO (D) AND THE COMMITTEE SHALL ALSO
19 CONSIDER ANY PREVIOUSLY WRITTEN COMMITTEE REPORTS PERTINENT TO THE
20 PROPOSED ACTION. WHEN CONSIDERING THE ELIMINATION OF A HISTORIC
21 DISTRICT, THE LEGISLATIVE BODY OF THE LOCAL UNIT MAY APPOINT A
22 HISTORIC DISTRICT STUDY COMMITTEE AND MAY DO SO WITHOUT THE
23 PETITION DESCRIBED IN SECTION 3(1)(A) FIRST BEING OBTAINED; THAT
24 COMMITTEE shall ~~, except as provided in subsection (2),~~ comply with
25 the procedures set forth in section 3-3(1)(B) TO (D) and shall
26 consider any previously written committee reports pertinent to the
27 proposed action; AND ANY ORDINANCE THAT THE LEGISLATIVE BODY OF THE

1 LOCAL UNIT PASSES FOR PURPOSES OF ELIMINATING THE HISTORIC DISTRICT
 2 IS EFFECTIVE WITHOUT THE ELECTORS' APPROVAL DESCRIBED IN SECTION
 3 3 (1) (D) (ii) TO (iii) SUBSEQUENTLY BEING OBTAINED. To conduct these
 4 THE activities DESCRIBED IN THIS SUBSECTION, local units may,
 5 SUBJECT TO THE PETITION PROCEDURE REFERENCED IN THIS SUBSECTION,
 6 retain the initial committee, establish a standing committee, or
 7 establish a committee to consider only specific proposed districts
 8 and then be dissolved.

9 ~~—— (2) If considering elimination of a historic district, a~~
 10 ~~committee shall follow the procedures set forth in section 3 for~~
 11 ~~issuing a preliminary report, holding a public hearing, and issuing~~
 12 ~~a final report but with the intent of showing 1 or more of the~~
 13 ~~following:~~

14 ~~—— (i) The historic district has lost those physical~~
 15 ~~characteristics that enabled establishment of the district.~~

16 ~~—— (ii) The historic district was not significant in the way~~
 17 ~~previously defined.~~

18 ~~—— (iii) The historic district was established pursuant to~~
 19 ~~defective procedures.~~

20 (2) ~~(3)~~ Upon receipt of substantial evidence showing the
 21 presence of historic, architectural, archaeological, engineering,
 22 or cultural significance of a proposed historic district, the
 23 legislative body of a local unit may, at its discretion, adopt a
 24 resolution requiring that all applications for permits within the
 25 proposed historic district be referred to the commission as
 26 prescribed in sections 5 and 9. The commission shall review permit
 27 applications with the same powers that would apply if the proposed

1 historic district was an established historic district. The review
2 may continue in the proposed historic district for not more than 1
3 year, or until such time as the ~~local unit approves or rejects the~~
4 establishment of the historic district ~~by ordinance,~~ **IS APPROVED OR**
5 **REJECTED PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 3 OR 14,**
6 whichever occurs first.

7 (3) ~~(4)~~ If the legislative body of a local unit determines
8 that pending work will cause irreparable harm to resources located
9 within an established historic district or a proposed historic
10 district, the legislative body may by resolution declare an
11 emergency moratorium of all such work for a period not to exceed 6
12 months. The legislative body may extend the emergency moratorium
13 for an additional period not to exceed 6 months upon finding that
14 the threat of irreparable harm to resources is still present. Any
15 pending permit application concerning a resource subject to an
16 emergency moratorium may be summarily denied.

17 (4) A HISTORIC DISTRICT IN EXISTENCE ON THE EFFECTIVE DATE OF
18 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL DISSOLVE 10
19 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
20 THIS SUBSECTION UNLESS THE QUESTION OF ITS RENEWAL IS SUBMITTED TO
21 THE ELECTORS IN THE LOCAL UNIT AT THE REGULAR ELECTION IMMEDIATELY
22 PRECEDING THE DATE THAT THE HISTORIC DISTRICT WOULD OTHERWISE
23 DISSOLVE AND A MAJORITY OF THOSE ELECTORS VOTING AT THE ELECTION
24 APPROVE THE RENEWAL OF THE HISTORIC DISTRICT. A HISTORIC DISTRICT
25 ESTABLISHED UNDER THIS ACT OR RENEWED UNDER THIS SUBSECTION AFTER
26 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION
27 SHALL DISSOLVE 10 YEARS AFTER THE DATE OF THAT ESTABLISHMENT OR

1 RENEWAL UNLESS THE QUESTION OF ITS RENEWAL IS SUBMITTED TO THE
2 ELECTORS IN THE LOCAL UNIT AT THE REGULAR ELECTION IMMEDIATELY
3 PRECEDING THE DATE THAT THE HISTORIC DISTRICT WOULD OTHERWISE
4 DISSOLVE AND A MAJORITY OF THOSE ELECTORS VOTING AT THE ELECTION
5 APPROVE THE RENEWAL OF THE HISTORIC DISTRICT. A RENEWAL APPROVED
6 UNDER THIS SUBSECTION IS EFFECTIVE ON THE DATE THAT THE HISTORIC
7 DISTRICT WOULD HAVE OTHERWISE DISSOLVED.

SENATE BILL No. 720

January 26, 2016, Introduced by Senators MACGREGOR, SCHUITMAKER and ZORN and referred to the Committee on Local Government.

A bill to amend 1970 PA 169, entitled
 "Local historic districts act,"
 by amending sections 1a, 3, 5, 9, and 14 (MCL 399.201a, 399.203,
 399.205, 399.209, and 399.214), sections 1a and 5 as amended by
 2004 PA 67, sections 3 and 9 as amended by 2001 PA 67, and section
 14 as added by 1992 PA 96.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. As used in this act:

2 (a) "Alteration" means work that changes the detail of a
 3 resource but does not change its basic size or shape.

4 (b) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT
 5 AUTHORITY CREATED BY SECTION 21 OF THE STATE HOUSING DEVELOPMENT
 6 AUTHORITY ACT OF 1966, 1966 PA 346, MCL 125.1421.

7 (c) ~~(b)~~ "Certificate of appropriateness" means the written

1 approval of a permit application for work that is appropriate and
2 that does not adversely affect a resource.

3 (D) ~~(e)~~—"Commission" means a historic district commission
4 created by the legislative body of a local unit under section 4.

5 (E) ~~(d)~~—"Committee" means a historic district study committee
6 appointed by the legislative body of a local unit under section 3
7 or 14.

8 (F) ~~(e)~~—"Demolition" means the razing or destruction, whether
9 entirely or in part, of a resource and includes, but is not limited
10 to, demolition by neglect.

11 (G) ~~(f)~~—"Demolition by neglect" means neglect in maintaining,
12 repairing, or securing a resource that results in deterioration of
13 an exterior feature of the resource or the loss of structural
14 integrity of the resource.

15 (H) ~~(g)~~—"Denial" means the written rejection of a permit
16 application for work that is inappropriate and that adversely
17 affects a resource.

18 ~~—(h) "Department" means the department of history, arts, and~~
19 ~~libraries.~~

20 (i) "Fire alarm system" means a system designed to detect and
21 announce the presence of fire or by-products of fire. Fire alarm
22 system includes smoke alarms.

23 (j) "Historic district" means an area, or group of areas not
24 necessarily having contiguous boundaries, that contains 1 resource
25 or a group of resources that are related by history, architecture,
26 archaeology, engineering, or culture.

27 (k) "Historic preservation" means the identification,

1 evaluation, establishment, and protection of resources significant
2 in history, architecture, archaeology, engineering, or culture.

3 (l) "Historic resource" means a publicly or privately owned
4 building, structure, site, object, feature, or open space that is
5 significant in the history, architecture, archaeology, engineering,
6 or culture of this state or a community within this state, or of
7 the United States.

8 (m) "Local unit" means a county, city, village, or township.

9 (n) "Notice to proceed" means the written permission to issue
10 a permit for work that is inappropriate and that adversely affects
11 a resource, pursuant to a finding under section 5(6).

12 (o) "Open space" means undeveloped land, a naturally
13 landscaped area, or a formal or man-made landscaped area that
14 provides a connective link or a buffer between other resources.

15 (p) "Ordinary maintenance" means keeping a resource unimpaired
16 and in good condition through ongoing minor intervention,
17 undertaken from time to time, in its exterior condition. Ordinary
18 maintenance does not change the external appearance of the resource
19 except through the elimination of the usual and expected effects of
20 weathering. Ordinary maintenance does not constitute work for
21 purposes of this act.

22 (q) "Proposed historic district" means an area, or group of
23 areas not necessarily having contiguous boundaries, that has
24 delineated boundaries and that is ~~under review by a committee or a~~
25 ~~standing committee~~ **SUBJECT TO THE REVIEW PROCESS SET FORTH IN**
26 **SECTION 3(1)(A) TO (D)(iii) OR 14(1)** for the purpose of making a
27 ~~recommendation as to~~ **DECIDING** whether it should be established as a

1 historic district or added to an established historic district.

2 (r) "Repair" means to restore a decayed or damaged resource to
3 a good or sound condition by any process. A repair that changes the
4 external appearance of a resource constitutes work for purposes of
5 this act.

6 (s) "Resource" means 1 or more publicly or privately owned
7 historic or nonhistoric buildings, structures, sites, objects,
8 features, or open spaces located within a historic district.

9 (t) "Smoke alarm" means a single-station or multiple-station
10 alarm responsive to smoke and not connected to a system. As used in
11 this subdivision, "single-station alarm" means an assembly
12 incorporating a detector, the control equipment, and the alarm
13 sounding device into a single unit, operated from a power supply
14 either in the unit or obtained at the point of installation.

15 "Multiple-station alarm" means 2 or more single-station alarms that
16 are capable of interconnection such that actuation of 1 alarm
17 causes all integrated separate audible alarms to operate.

18 (u) "Standing committee" means a permanent body established by
19 the legislative body of a local unit under section 14 to conduct
20 the activities of a historic district study committee on a
21 continuing basis.

22 (v) "Work" means construction, addition, alteration, repair,
23 moving, excavation, or demolition.

24 Sec. 3. (1) A local unit may, by ordinance, establish 1 or
25 more ~~historic districts. The historic districts, WHICH~~ shall be
26 administered by a commission established ~~pursuant to~~ UNDER section
27 4, ~~Before establishing a historic district, SUBJECT TO ALL OF THE~~

1 FOLLOWING:

2 (A) THE LOCAL UNIT SHALL OBTAIN PRELIMINARY APPROVAL OF A
3 PROPOSED HISTORIC DISTRICT FROM AT LEAST 2/3 OF THE PROPERTY OWNERS
4 WITHIN THE PROPOSED HISTORIC DISTRICT, AS LISTED ON THE TAX ROLLS
5 OF THE LOCAL UNIT, PURSUANT TO A WRITTEN PETITION THAT INCLUDES A
6 PRECISE DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED HISTORIC
7 DISTRICT.

8 (B) FOR PURPOSES OF FURTHER CONSIDERING 1 OR MORE PROPOSED
9 HISTORIC DISTRICTS APPROVED UNDER SUBDIVISION (A), the legislative
10 body of the local unit shall appoint a historic district study
11 committee. The committee shall contain a majority of persons who
12 have a clearly demonstrated interest in or knowledge of historic
13 preservation, and shall contain representation from 1 or more
14 CONSIST OF 4 TO 7 INDIVIDUALS, 1 OF WHOM IS AN ELECTED MEMBER OF
15 THE LEGISLATIVE BODY OF THE LOCAL UNIT, 1 OF WHOM IS A
16 REPRESENTATIVE OF A duly organized local historic preservation
17 organizations. ORGANIZATION, AND AT LEAST 1 OF WHOM IS ENGAGED IN
18 THE BUSINESS OF RESIDENTIAL OR COMMERCIAL CONSTRUCTION. The
19 committee shall do all of the following:

20 (i) ~~(a)~~ Conduct a photographic inventory of resources within
21 each proposed historic district. ~~following procedures established~~
22 ~~or approved by the department.~~

23 (ii) ~~(b)~~ Conduct basic research of each proposed historic
24 district and the historic resources located within that district.

25 (iii) ~~(c)~~ Determine the total number of historic and
26 nonhistoric resources within a proposed historic district and the
27 percentage of historic resources of that total. In evaluating the

significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States ~~secretary of the interior~~ **SECRETARY OF THE INTERIOR** for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R. ~~CFR~~ part 60. ~~, and criteria established or approved by the department, if any.~~

(iv) ~~(d)~~ Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

(A) ~~(i)~~ The charge of the committee.

(B) ~~(ii)~~ The composition of the committee membership.

(C) ~~(iii)~~ The historic district or districts studied.

(D) ~~(iv)~~ The boundaries for each proposed historic district in writing and on maps.

(E) ~~(v)~~ The history of each proposed historic district.

(F) ~~(vi)~~ The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(v) ~~(e)~~ Transmit copies of the preliminary report for review and recommendations to the local planning body, to the ~~department,~~ **AUTHORITY, AND** to the Michigan historical commission. ~~, and to the state historic preservation review board.~~

(vi) ~~(f)~~ Make copies of the preliminary report available to the public pursuant to subsection ~~(4)~~ **(2)**.

(C) ~~(2)~~ Not less than 60 calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing in compliance with the open meetings act, 1976 PA 267, MCL

1 15.261 to 15.275. Public notice of the time, date, and place of the
 2 hearing shall be given in the manner required by the open meetings
 3 act, 1976 PA 267, MCL 15.261 to 15.275. Written notice shall be
 4 mailed by first-class mail ~~not less than~~ **AT LEAST** 14 calendar days
 5 before the hearing to the owners of properties within the proposed
 6 historic district, as listed on the tax rolls of the local unit.

7 (D) ~~(3) After~~ **ALL OF THE FOLLOWING MUST OCCUR WITHIN 1 YEAR**
 8 **AFTER** the date of the public hearing, ~~the committee and the~~
 9 ~~legislative body of the local unit shall have not more than 1 year,~~
 10 unless otherwise **SOME OTHER TIME FRAME IS** authorized by the
 11 legislative body of the local unit: ~~, to take the following~~
 12 ~~actions:~~

13 (i) ~~(a)~~ The committee shall prepare and submit a final report
 14 with its recommendations and the recommendations, if any, of the
 15 local planning body to the legislative body of the local unit. If
 16 the recommendation is to establish a historic district or
 17 districts, the final report ~~shall~~ **MAY** include a draft of a proposed
 18 ordinance or ordinances.

19 (ii) ~~(b)~~ After receiving a final report that recommends the
 20 establishment of a historic district or districts, the legislative
 21 body of the local unit, at its discretion, may introduce and pass
 22 or reject ~~an~~ **A CONDITIONALLY EFFECTIVE** ordinance or ordinances **THAT**
 23 **WILL ESTABLISH A HISTORIC DISTRICT OR DISTRICTS ONLY IF APPROVED**
 24 **UNDER SUBPARAGRAPH (iii).**

25 (iii) **A CONDITIONALLY EFFECTIVE ORDINANCE OR ORDINANCES PASSED**
 26 **UNDER SUBPARAGRAPH (ii) ESTABLISHES A HISTORIC DISTRICT OR**
 27 **DISTRICTS ONLY IF A MAJORITY OF THE ELECTORS IN THE LOCAL UNIT**

VOTING AT AN ELECTION APPROVE THAT ESTABLISHMENT OF THE HISTORIC DISTRICT OR DISTRICTS. THIS VOTE SHALL BE TAKEN AT THE NEXT REGULAR ELECTION HELD IN THE LOCAL UNIT THAT OCCURS AT LEAST 70 DAYS AFTER THE PASSAGE OF THE CONDITIONALLY EFFECTIVE ORDINANCE OR ORDINANCES DESCRIBED IN SUBPARAGRAPH (ii) .

(iv) ~~If the local unit passes~~ ACTIONS TAKEN UNDER SUBPARAGRAPHS (ii) AND (iii) RESULT IN THE PASSAGE OF an ordinance or ordinances establishing 1 or more historic districts, the local unit shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the register of deeds. ~~A local unit shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.~~

(2) ~~(4)~~ A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 5. (1) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, if required under subsection (4), work affecting the interior arrangements of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of

1 government proposing to do that work shall file an application for
 2 a permit with the inspector of buildings, the commission, or other
 3 duly delegated authority. If the inspector of buildings or other
 4 authority receives the application, the application shall be
 5 immediately referred together with all required supporting
 6 materials that make the application complete to the commission. A
 7 permit shall not be issued and proposed work shall not proceed
 8 until the commission has acted on the application by issuing a
 9 certificate of appropriateness or a notice to proceed as prescribed
 10 in this act. A commission shall not issue a certificate of
 11 appropriateness unless the applicant certifies in the application
 12 that the property where work will be undertaken has, or will have
 13 before the proposed project completion date, a fire alarm system or
 14 a smoke alarm complying with the requirements of the Stille-
 15 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
 16 125.1501 to 125.1531. A local unit may charge a reasonable fee to
 17 process a permit application.

18 (2) An applicant aggrieved by a decision of a commission
 19 concerning a permit application may file an appeal with the state
 20 ~~historic preservation review board within the department.~~
 21 **LEGISLATIVE BODY OF THE LOCAL UNIT.** The appeal shall be filed
 22 within 60 days after the decision is furnished to the applicant.
 23 The appellant may submit all or part of the appellant's evidence
 24 and arguments in written form. The ~~review board~~ **LEGISLATIVE BODY OF**
 25 **THE LOCAL UNIT** shall consider an appeal at its first regularly
 26 scheduled meeting after receiving the appeal, but may not charge a
 27 fee for considering an appeal. The ~~review board~~ **LEGISLATIVE BODY OF**

1 **THE LOCAL UNIT** may affirm, modify, or set aside a commission's
 2 decision and may order a commission to issue a certificate of
 3 appropriateness or a notice to proceed. A permit applicant
 4 aggrieved by the decision of the ~~state historic preservation review~~
 5 ~~board~~ **LEGISLATIVE BODY OF THE LOCAL UNIT** may appeal the decision to
 6 the circuit court having jurisdiction over the historic district
 7 commission whose decision was appealed to the ~~state historic~~
 8 ~~preservation review board~~ **LEGISLATIVE BODY OF THE LOCAL UNIT.**

9 (3) In reviewing plans, the commission shall ~~follow~~ **CONSULT**
 10 the United States ~~secretary~~ **SECRETARY** of the ~~interior's~~ **INTERIOR'S**
 11 standards for rehabilitation and guidelines for rehabilitating
 12 historic buildings, as set forth in 36 ~~C.F.R.~~ **CFR** part 67, **UNLESS**
 13 **THE COMMISSION FINDS THAT A DIFFERENT STANDARD IS IN THE BEST**
 14 **INTEREST OF THE COMMUNITY.** Design review standards and guidelines
 15 that address special design characteristics of historic districts
 16 administered by the commission may be followed if ~~they are~~
 17 ~~equivalent in guidance to the secretary of interior's standards and~~
 18 ~~guidelines and are established or approved by the department.~~ **THE**
 19 **COMMISSION FINDS THAT THEY ARE IN THE BEST INTEREST OF THE**
 20 **COMMUNITY.** The commission shall also consider all of the following:

21 (a) The historic or architectural value and significance of
 22 the resource and its relationship to the historic value of the
 23 surrounding area.

24 (b) The relationship of any architectural features of the
 25 resource to the rest of the resource and to the surrounding area.

26 (c) The general compatibility of the design, arrangement,
 27 texture, and materials proposed to be used.

1 (d) Other factors **THAT THE COMMISSION FINDS RELEVANT**, such as
2 aesthetic value ~~, that the commission finds relevant.~~ **AND THE**
3 **REASONABLENESS OF THE ADDITIONAL COSTS REQUIRED TO COMPLETE A**
4 **HISTORICALLY ACCURATE REHABILITATION.**

5 (e) Whether the applicant has certified in the application
6 that the property where work will be undertaken has, or will have
7 before the proposed project completion date, a fire alarm system or
8 a smoke alarm complying with the requirements of the Stille-
9 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
10 125.1501 to 125.1531.

11 (4) The commission shall review and act upon only exterior
12 features of a resource and, except for noting compliance with the
13 requirement to install a fire alarm system or a smoke alarm, shall
14 not review and act upon interior arrangements ~~unless specifically~~
15 ~~authorized to do so by the local legislative body or unless~~
16 interior work will cause visible change to the exterior of the
17 resource. The commission shall not disapprove an application due to
18 considerations not prescribed in subsection (3).

19 (5) If an application is for work that will adversely affect
20 the exterior of a resource the commission considers valuable to the
21 local unit, state, or nation, and the commission determines that
22 the alteration or loss of that resource will adversely affect the
23 public purpose of the local unit, state, or nation, the commission
24 shall attempt to establish with the owner of the resource an
25 economically feasible plan for preservation of the resource.

26 (6) Work within a historic district shall be permitted through
27 the issuance of a notice to proceed by the commission if any of the

1 following conditions prevail and if the proposed work can be
2 demonstrated by a finding of the commission to be necessary to
3 substantially improve or correct any of the following conditions:

4 (a) The resource constitutes a hazard to the safety of the
5 public or to the structure's occupants.

6 (b) The resource is a deterrent to a major improvement program
7 that will be of substantial benefit to the community and the
8 applicant proposing the work has obtained all necessary planning
9 and zoning approvals, financing, and environmental clearances.

10 (c) Retaining the resource will cause undue financial hardship
11 to the owner when a governmental action, an act of God, or other
12 events beyond the owner's control created the hardship, and all
13 feasible alternatives to eliminate the financial hardship, which
14 may include offering the resource for sale at its fair market value
15 or moving the resource to a vacant site within the historic
16 district, have been attempted and exhausted by the owner.

17 (d) Retaining the resource is not in the interest of the
18 majority of the community.

19 (7) The business that the commission may perform shall be
20 conducted at a public meeting of the commission held in compliance
21 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
22 Public notice of the time, date, and place of the meeting shall be
23 given in the manner required by the open meetings act, 1976 PA 267,
24 MCL 15.261 to 15.275. A meeting agenda shall be part of the notice
25 and shall include a listing of each permit application to be
26 reviewed or considered by the commission.

27 (8) The commission shall keep a record of its resolutions,

1 proceedings, and actions. A writing prepared, owned, used, in the
2 possession of, or retained by the commission in the performance of
3 an official function shall be made available to the public in
4 compliance with the freedom of information act, 1976 PA 442, MCL
5 15.231 to 15.246.

6 (9) The commission shall adopt its own rules of procedure and
7 shall adopt design review standards and guidelines for resource
8 treatment to carry out its duties under this act.

9 (10) The commission may delegate the issuance of certificates
10 of appropriateness for specified minor classes of work to its
11 staff, to the inspector of buildings, or to another delegated
12 authority. The commission shall provide to the delegated authority
13 specific written standards for issuing certificates of
14 appropriateness under this subsection. On at least a quarterly
15 basis, the commission shall review the certificates of
16 appropriateness, if any, issued for work by its staff, the
17 inspector, or another authority to determine whether or not the
18 delegated responsibilities should be continued.

19 (11) Upon a finding by a commission that a historic resource
20 within a historic district or a proposed historic district subject
21 to its review and approval is threatened with demolition by
22 neglect, the commission may do either of the following **WITH THE**
23 **APPROVAL OF THE LEGISLATIVE BODY OF THE LOCAL UNIT:**

24 (a) Require the owner of the resource to repair all conditions
25 contributing to demolition by neglect.

26 (b) If the owner does not make repairs within a reasonable
27 time, the commission or its agents may enter the property and make

1 such repairs as are necessary to prevent demolition by neglect. The
2 costs of the work shall be charged to the owner, and may be levied
3 by the local unit as a special assessment against the property. The
4 commission or its agents may enter the property for purposes of
5 this section upon obtaining an order from the circuit court.

6 (12) When work has been done upon a resource without a permit,
7 and the commission finds that the work does not qualify for a
8 certificate of appropriateness, the commission may require an owner
9 to restore the resource to the condition the resource was in before
10 the inappropriate work or to modify the work so that it qualifies
11 for a certificate of appropriateness. If the owner does not comply
12 with the restoration or modification requirement within a
13 reasonable time, the commission may seek an order from the circuit
14 court to require the owner to restore the resource to its former
15 condition or to modify the work so that it qualifies for a
16 certificate of appropriateness. If the owner does not comply or
17 cannot comply with the order of the court, the commission or its
18 agents may enter the property and conduct work necessary to restore
19 the resource to its former condition or modify the work so that it
20 qualifies for a certificate of appropriateness in accordance with
21 the court's order. The costs of the work shall be charged to the
22 owner, and may be levied by the local unit as a special assessment
23 against the property. When acting pursuant to an order of the
24 circuit court, a commission or its agents may enter a property for
25 purposes of this section.

26 Sec. 9. (1) The commission shall file certificates of
27 appropriateness, notices to proceed, and denials of applications

1 for permits with the inspector of buildings or other delegated
 2 authority. A permit shall not be issued until the commission has
 3 acted as prescribed by this act. If a permit application is denied,
 4 the decision shall be binding on the inspector or other authority.
 5 A denial shall be accompanied with a written explanation by the
 6 commission of the reasons for denial and, if appropriate, a notice
 7 that an application may be resubmitted for commission review when
 8 suggested changes have been made. The denial shall also include
 9 notification of the applicant's rights of appeal to the state
 10 ~~historic preservation review board~~ **LEGISLATIVE BODY OF THE LOCAL**
 11 **UNIT** and to the circuit court. The failure of the commission to act
 12 within 60 calendar days after the date a complete application is
 13 filed with the commission, unless an extension is agreed upon in
 14 writing by the applicant and the commission, shall be considered to
 15 constitute approval.

16 (2) Local public officials and employees shall provide
 17 information and records to committees, commissions, and standing
 18 committees, and shall meet with those bodies upon request to assist
 19 with their activities.

20 (3) The ~~department~~ **AUTHORITY** shall cooperate with and assist
 21 local units, committees, commissions, and standing committees in
 22 carrying out the purposes of this act and may establish or approve
 23 standards, guidelines, and procedures that encourage uniform
 24 administration of this act in this state but that are not legally
 25 binding on any individual or other legal entity.

26 Sec. 14. (1) **A-EXCEPT AS OTHERWISE PROVIDED IN THIS**
 27 **SUBSECTION, A** local unit may at any time establish by ordinance

1 additional historic districts, including proposed districts
2 previously considered and rejected, may modify boundaries of an
3 existing historic district, or may eliminate an existing historic
4 district. ~~Before establishing, modifying, or eliminating a historic~~
5 ~~district, a historic district study committee appointed by the~~
6 ~~legislative body of the local unit~~ WHEN CONSIDERING THE
7 ESTABLISHMENT OF AN ADDITIONAL HISTORIC DISTRICT OR THE
8 MODIFICATION OF THE BOUNDARIES OF AN EXISTING ONE, THE LOCAL UNIT
9 SHALL FIRST OBTAIN THE PETITION DESCRIBED IN SECTION 3(1)(A) BEFORE
10 THE LEGISLATIVE BODY OF THE LOCAL UNIT MAY APPOINT A HISTORIC
11 DISTRICT STUDY COMMITTEE OR AUTHORIZE THE SERVICES OF A RETAINED
12 INITIAL COMMITTEE, A STANDING COMMITTEE, OR A COMMITTEE ESTABLISHED
13 TO CONSIDER ONLY SPECIFIC PROPOSED DISTRICTS AND THEN BE DISSOLVED.
14 IF A COMMITTEE IS APPOINTED OR ITS SERVICES ARE AUTHORIZED BY THE
15 LEGISLATIVE BODY OF THE LOCAL UNIT, FURTHER CONSIDERATION OF THE
16 ESTABLISHMENT OF AN ADDITIONAL HISTORIC DISTRICT OR MODIFICATION OF
17 THE BOUNDARIES OF AN EXISTING ONE SHALL FOLLOW THE PROCEDURES SET
18 FORTH IN SECTION 3(1)(B) TO (D) AND THE COMMITTEE SHALL ALSO
19 CONSIDER ANY PREVIOUSLY WRITTEN COMMITTEE REPORTS PERTINENT TO THE
20 PROPOSED ACTION. WHEN CONSIDERING THE ELIMINATION OF A HISTORIC
21 DISTRICT, THE LEGISLATIVE BODY OF THE LOCAL UNIT MAY APPOINT A
22 HISTORIC DISTRICT STUDY COMMITTEE AND MAY DO SO WITHOUT THE
23 PETITION DESCRIBED IN SECTION 3(1)(A) FIRST BEING OBTAINED; THAT
24 COMMITTEE shall ~~, except as provided in subsection (2),~~ comply with
25 the procedures set forth in section ~~3~~ 3(1)(B) TO (D) and shall
26 consider any previously written committee reports pertinent to the
27 proposed action; AND ANY ORDINANCE THAT THE LEGISLATIVE BODY OF THE

1 LOCAL UNIT PASSES FOR PURPOSES OF ELIMINATING THE HISTORIC DISTRICT
 2 IS EFFECTIVE WITHOUT THE ELECTORS' APPROVAL DESCRIBED IN SECTION
 3 3 (1) (D) (ii) TO (iii) SUBSEQUENTLY BEING OBTAINED. To conduct these
 4 THE activities DESCRIBED IN THIS SUBSECTION, local units may,
 5 SUBJECT TO THE PETITION PROCEDURE REFERENCED IN THIS SUBSECTION,
 6 retain the initial committee, establish a standing committee, or
 7 establish a committee to consider only specific proposed districts
 8 and then be dissolved.

9 ~~—— (2) If considering elimination of a historic district, a~~
 10 ~~committee shall follow the procedures set forth in section 3 for~~
 11 ~~issuing a preliminary report, holding a public hearing, and issuing~~
 12 ~~a final report but with the intent of showing 1 or more of the~~
 13 ~~following:~~

14 ~~—— (i) The historic district has lost those physical~~
 15 ~~characteristics that enabled establishment of the district.~~

16 ~~—— (ii) The historic district was not significant in the way~~
 17 ~~previously defined.~~

18 ~~—— (iii) The historic district was established pursuant to~~
 19 ~~defective procedures.~~

20 (2) (3) Upon receipt of substantial evidence showing the
 21 presence of historic, architectural, archaeological, engineering,
 22 or cultural significance of a proposed historic district, the
 23 legislative body of a local unit may, at its discretion, adopt a
 24 resolution requiring that all applications for permits within the
 25 proposed historic district be referred to the commission as
 26 prescribed in sections 5 and 9. The commission shall review permit
 27 applications with the same powers that would apply if the proposed

1 historic district was an established historic district. The review
2 may continue in the proposed historic district for not more than 1
3 year, or until such time as the ~~local unit approves or rejects the~~
4 establishment of the historic district ~~by ordinance,~~ **IS APPROVED OR**
5 **REJECTED PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 3 OR 14,**
6 whichever occurs first.

7 (3) ~~(4)~~—If the legislative body of a local unit determines
8 that pending work will cause irreparable harm to resources located
9 within an established historic district or a proposed historic
10 district, the legislative body may by resolution declare an
11 emergency moratorium of all such work for a period not to exceed 6
12 months. The legislative body may extend the emergency moratorium
13 for an additional period not to exceed 6 months upon finding that
14 the threat of irreparable harm to resources is still present. Any
15 pending permit application concerning a resource subject to an
16 emergency moratorium may be summarily denied.

17 (4) A HISTORIC DISTRICT IN EXISTENCE ON THE EFFECTIVE DATE OF
18 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL DISSOLVE 10
19 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
20 THIS SUBSECTION UNLESS THE QUESTION OF ITS RENEWAL IS SUBMITTED TO
21 THE ELECTORS IN THE LOCAL UNIT AT THE REGULAR ELECTION IMMEDIATELY
22 PRECEDING THE DATE THAT THE HISTORIC DISTRICT WOULD OTHERWISE
23 DISSOLVE AND A MAJORITY OF THOSE ELECTORS VOTING AT THE ELECTION
24 APPROVE THE RENEWAL OF THE HISTORIC DISTRICT. A HISTORIC DISTRICT
25 ESTABLISHED UNDER THIS ACT OR RENEWED UNDER THIS SUBSECTION AFTER
26 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION
27 SHALL DISSOLVE 10 YEARS AFTER THE DATE OF THAT ESTABLISHMENT OR

1 RENEWAL UNLESS THE QUESTION OF ITS RENEWAL IS SUBMITTED TO THE
2 ELECTORS IN THE LOCAL UNIT AT THE REGULAR ELECTION IMMEDIATELY
3 PRECEDING THE DATE THAT THE HISTORIC DISTRICT WOULD OTHERWISE
4 DISSOLVE AND A MAJORITY OF THOSE ELECTORS VOTING AT THE ELECTION
5 APPROVE THE RENEWAL OF THE HISTORIC DISTRICT. A RENEWAL APPROVED
6 UNDER THIS SUBSECTION IS EFFECTIVE ON THE DATE THAT THE HISTORIC
7 DISTRICT WOULD HAVE OTHERWISE DISSOLVED.

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # 9

ITEM: Subscription Yard Waste Collection - 2016

PRESENTER: Mark A. Kowalewski, City Engineer *Mark Kowalewski 2-25-16*

INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski, City Engineer

BACKGROUND: The Solid Waste Contract with Waste Management has an option to provide Curbside Yard Waste Collection at \$83.47/season. The Department of Public Service has been performing this collection since 2011, at a lower cost to the subscribers. I recommend that the Department of Public Service continue to provide this service at a cost of \$70.00/season or \$2.12/week. This is an \$11.00 dollar increase of the rate from last year. See attached Yard Waste Report. This service will start the week of April 28th and continue until the week of November 28, 2016. In the 2015 Season the City had 662 Subscribers to this program.

Any Resident interested in this program should complete a Curbside Yard Waste Application available on our website at www.wyandotte.net under the Department of Public Service.

STRATEGIC PLAN/GOALS: n/a

ACTION REQUESTED: Concur with fee of \$70.00/season or \$2.12/week.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: This is a budgeted item in the 2015-2016 Budget.

IMPLEMENTATION PLAN: Once approved, a notice will be placed on the Information Channel that there is open enrollment. Last year's customers will be sent a renewal notice.

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: *SDynsdale*

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION: *JS*

LIST OF ATTACHMENTS: Yard Waste Report January 2016 and Rate Schedule

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: February 29, 2016

RESOLUTION by Councilperson _____

BE IT RESOLVED that Council concurs with the recommendation of the City Engineer regarding the Curbside Yard Waste Subscription and approves the Department of Public Service to provide Subscription Yard Waste Collection for 2016 at a cost of \$70.00 for the 2016 Season; AND

BE IT RESOLVED that the Engineering Department will place a notice on cable and the City website to inform residents of open enrollment; AND

BE IT FURTHER RESOLVED that residents interested in this program should complete a Curbside Yard Waste Application available at www.wyandotte.net under the Department of Public Service tab.

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 | _____ |

YARD WASTE REPORT – JANUARY 2016

Expected Expenses for 2016:

| | |
|------------------|--------------------|
| Labor and Fringe | \$15,500.00 |
| Equipment | \$23,000.00 |
| Materials | \$ 100.00 |
| *2011 Shortfall | \$ 1,041.19 |
| 2015 Shortfall | <u>\$ 3,657.83</u> |
| Total Expenses | \$43,299.02 |

EXPENSES FOR 2015:

| | |
|------------------|--------------------|
| Labor and Fringe | \$15,368.02 |
| Equipment | \$22,788.68 |
| Materials | \$ 0.00 |
| *2011 Shortfall | <u>\$ 1,041.19</u> |
| Total Expenses | \$39,197.89 |

Seasonal Employee Hours Worked: 1,194 hours
Full Time Employee Hours Worked: 0 hours
Equipment Used: Truck: #23 and Trailer #8

Expected Revenue for 2016:

Number of Subscribers: 625
(5 Year Average: 598,587,629,648,662)

$$625 \text{ Subscribers} \times \frac{\$70.00}{\text{Subscribers}} = \$43,750.00$$

SUMMARY:

| | |
|--------------------|--------------------|
| Expected Expenses: | \$43,299.02 |
| Expected Revenue: | <u>\$43,750.00</u> |
| Excess Revenue | \$ 450.98 |

REVENUE FOR 2015:

Number of Subscribers: 662

Revenue for 2015: \$35,540.06
Annual Fee \$59.00/season (\$1.74/week)

SUMMARY:

| | |
|--------------------------|--------------------|
| Expenses: | \$39,197.89 |
| Revenue: | <u>\$35,540.06</u> |
| Shortfall/Excess Revenue | (\$ 3,657.83) |

Recommend 2016 Annual Fee: \$70.00/season (\$2.12/week)

Some subscriber's fees are prorated because they do not sign up at the beginning of the season.

Advantages: 1) Lower the cost to Subscribers from \$83.47/season via WM to \$70.00/season via DPS.
2) Yard route collection would be provided on same days as Trash Collection.

*For the 2011 year the City had a deficit of \$6,247.11. This shortfall is being made up in years 2012 thru 2017 via 1/6 (\$6,247.11) recovery expend annually of \$1,041.19.

Yard Waste Subscription Weekly Cost
2016 \$2.12 PER WEEK

| <u>Weeks Left</u> | <u>Dates of Week</u> | <u>Cost Per Week</u> | <u>Total Cost</u> |
|-------------------|----------------------|----------------------|-------------------|
| 33 | 4-18 TO 4-22 | \$70.00 | |
| 32 | 4-25 TO 4-29 | \$67.84 | |
| 31 | 5-2 TO 5-6 | \$65.72 | |
| 30 | 5-9 TO 5-13 | \$63.60 | |
| 29 | 5-16 TO 5-20 | \$61.48 | |
| 28 | 5-23 TO 5-27 | \$59.36 | |
| 27 | 5-30 TO 6-3 | \$57.24 | |
| 26 | 6-6 TO 6-10 | \$55.12 | |
| 25 | 6-13 TO 6-17 | \$53.00 | |
| 24 | 6-20 TO 6-24 | \$50.88 | |
| 23 | 6-27 TO 7-1 | \$48.76 | |
| 22 | 7-4 TO 7-8 | \$46.64 | |
| 21 | 7-11 TO 7-15 | \$44.52 | |
| 20 | 7-18 TO 7-22 | \$42.40 | |
| 19 | 7-25 TO 7-29 | \$40.28 | |
| 18 | 8-1 TO 8-5 | \$38.16 | |
| 17 | 8-8 TO 8-12 | \$36.04 | |
| 16 | 8-15 TO 8-19 | \$33.92 | |
| 15 | 8-22 TO 8-26 | \$31.80 | |
| 14 | 8-29 TO 9-2 | \$29.68 | |
| 13 | 9-5 TO 9-9 | \$27.56 | |
| 12 | 9-12 TO 9-16 | \$25.44 | |
| 11 | 9-19 TO 9-23 | \$23.32 | |
| 10 | 9-26 TO 9-30 | \$21.20 | |
| 9 | 10-3 TO 10-7 | \$19.08 | |
| 8 | 10-10 TO 10-14 | \$16.96 | |
| 7 | 10-17 TO 10-21 | \$14.84 | |
| 6 | 10-24 TO 10-28 | \$12.72 | |
| 5 | 10-31 TO 11-4 | \$10.60 | |
| 4 | 11-7 TO 11-11 | \$8.48 | |
| 3 | 11-14 TO 11-18 | \$6.36 | |
| 2 | 11-21 TO 11-25 | \$4.24 | |
| 1 | 11-28 TO 12-2 | \$2.12 | |

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: February 29, 2016

AGENDA ITEM # 10

ITEM: Annual License for Yard Waste Collection

PRESENTER: Mark A. Kowalewski, City Engineer

Mark Kowalewski 2-25-16

INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski, City Engineer

BACKGROUND: The City accepts grass and yard waste at the Recycling Drop-Off Center from Wyandotte residents at no charge. Businesses may utilize the Recycling Drop-Off Center by obtaining a license. Businesses not located in Wyandotte may obtain licenses provided only yard waste is collected from Wyandotte Properties. In 2015, twenty (20) businesses obtained licenses and six (6) businesses were non-Wyandotte businesses. Since some businesses had more than one (1) licensed truck, there were 34 licenses issued. The current license fees are \$300 per truck for non-Wyandotte businesses and \$75 per truck for Wyandotte businesses. In 2015, these license fees generated \$4,125.00.

The City has delivered the yard waste to Jack's Lawn Service in Monroe. The fee has been \$2.00 per cubic yard. Jack's Lawn Service has closed. We are currently researching options that can accommodate Wyandotte's volume. The cost will increase to at least \$8.50 per cubic yard. It is anticipated that 5,000 cubic yards will be collected @ \$8.50 per cubic yard or \$42,500 in anticipated tipping fees.

To continue to accept and process yard waste, I recommend that the License Fees for businesses utilizing the Recycling Drop-Off Center be increased to begin to capture some of the cities additional expenses. The fees would increase to \$200 per pick-up truck for Wyandotte Businesses and \$800 per pick-up truck for non-Wyandotte businesses. Attached is a proposed ordinance change for your consideration.

STRATEGIC PLAN/GOALS: This is consistent with the 2010-2015 Goals and Objectives of the City of Wyandotte Strategic Plan in the continuing efforts to creating fiscal stability.

ACTION REQUESTED: Increase License Fee for Yard Waste Collection Businesses by adopting Ordinance change.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: Increase revenue to account 290-000-650-012 Yard Waste by \$6,875. Increase expenditure to account #290-448-825-491 Compost Tipping Fee by \$27,500 to \$42,500 with \$20,625 provided from fund balance.

IMPLEMENTATION PLAN: After adoption of Ordinance notify Yard Waste Collection Businesses of new License Fees.

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION:

Shrysdal

LEGAL COUNSEL'S RECOMMENDATION: Ordinance reviewed and approved by B. Look.

MAYOR'S RECOMMENDATION:

ALP

LIST OF ATTACHMENTS: Current Ordinance for Yard Waste Collection, Proposed Ordinance for Yard Waste Collection and Yard Waste License Information

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: February 29, 2016

RESOLUTION by Councilperson _____

BE IT RESOLVED by the City Council that the Ordinance changes to Chapter 14 Garbage, Trash and Weeds regarding Annual License Fees for Yard Waste Collection Business will be a First Reading at tonight's meeting;
AND

BE IT FURTHER RESOLVED that the fees will be as follow:

\$200 per pick-up truck for Wyandotte Businesses
\$800 per pick-up truck for non-Wyandotte Businesses

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 | _____ |
| _____ | VanBoxell | _____ |

Current ordinance

Sec. 14-14. - License.

All persons engaged in the business or practice of collection or transporting any solid waste or yard waste from any premises, or upon the streets, alleys or public ways of the city, shall be licensed. This section shall not apply to city employees in the performance of their duties or persons authorized to perform said services by contract with the city.

- (1) The annual fee for a license for solid waste and garbage collection shall be one hundred dollars (\$100.00). Application shall be made to the city. At a minimum, the application must include the following information:
 - a. Description of the methods and equipment used to collect material, description of services provided, location by address, size in cubic yards, and type front or rear load of all dumpsters serviced by applicant.
 - b. Proof of liability insurance acceptable to the city.
 - c. License shall specify location where collected material is disposed. No licensed collector shall dispose of material at sites other than those herein specified.
 - d. Each licensed collection receptacle provided by said license must be the proper type as determined by the city engineer, and be hygienic, and not contributing to litter and be properly maintained.
 - e. Such other pertinent facts as the city engineer may from time to time require for the purpose of determining whether the applicant complies with any and all laws, rules or regulations established by the city, county, state or federal government in regards to waste handling or disposal.
 - f. Unless revoked, every license granted under this section shall expire on the next succeeding May 31 following issuance.
- (2) The annual fee for a license for yard waste collection shall apply if the city drop-off recycling center is utilized by said business. The yard waste collector shall only utilize the drop-off recycling center with yard waste collected from Wyandotte properties. The fee shall be two hundred fifty dollars (^{300.00}~~\$250.00~~) per truck for non-Wyandotte businesses and fifty dollars (^{75.00}~~\$50.00~~) per truck for Wyandotte businesses. Application shall be made to the city clerk. At a minimum, the application shall include the following information:
 - a. Description of the vehicles used to collect yard waste, license number of vehicles, location by address, name and phone number of all locations in Wyandotte serviced by applicant.
 - b. Proof of liability insurance acceptable to the city.
 - c. Applicant shall agree to utilize the recycling drop-off center during posted hours with the following exceptions. The drop-off center shall not be utilized by applicant on weekends after 1:00 p.m. on Fridays till 7:30 a.m. Mondays. The drop-off center shall not be utilized by the applicant on weekdays after 2:00 p.m.
 - d. Such other pertinent facts as the city engineer may from time to time require for the purpose of determining whether the applicant complies with any and all laws, rules or regulations established by the city, county, state or federal government in regards to yard waste disposal.

Amended by Resolution dated 12/14/10

- e. Unless revoked, every license granted under this section shall expire on the next succeeding May 31, following issuance.

(Ord. No. 961, § 1, 2-1-93; Ord. No. 965, § 1, 5-10-93; Ord. No. 977, § 1, 3-21-94; Ord. No. 1211, § 1, 12-20-04; Ord. No. 1263, § 1, 3-6-06)

OFFICIALS

William R. Griggs
CITY CLERK

Andrew A. Swiecki
CITY TREASURER

Colleen A. Keehn
CITY ASSESSOR



COUNCIL

Todd M. Browning
James R. DeSana
Sheri M. Sutherby-Fricke
Daniel E. Galeski
Leonard T. Sabuda
Lawrence S. Stec

December 14, 2010

JOSEPH R. PETERSON
MAYOR

RESOLUTION

Mark A. Kowalewski
City Engineer
3131 Biddle Avenue
Wyandotte, Michigan 48192

By Councilman James R. DeSana
Supported by Councilman Lawrence S. Stec

RESOLVED by the City Council that Council CONCURS in the recommendation of the City Engineer to change the following yearly charges regarding Chapter 14, Garbage, Trash and Weeds, Section 14-14 relative to the contractors who utilize the City of Wyandotte Drop-Off Recycling Center for yard waste disposal effective January 1, 2011 as follows:

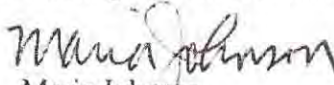
YARD WASTE LICENSE FEE

| | |
|------------------------------|--------------------|
| Non-Wyandotte Based Business | \$300.00 per truck |
| Wyandotte Based Business | \$ 75.00 per truck |

YEAS: Councilmembers Browning DeSana Fricke Sabuda Stec
NAYS: None

RESOLUTION DECLARED ADOPTED

I, Maria Johnson, Deputy City Clerk for the City of Wyandotte, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the Mayor and Council of the City of Wyandotte, at the regular meeting held on December 13, 2010.


Maria Johnson
Deputy City Clerk

CC: Finance, DPS

I hereby approve the adoption of the foregoing ordinance this day of , 2016.

CERTIFICATE

We, the undersigned, JOSEPH R. PETERSON and LAWRENCE S. STEEC, respectively the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the Council of the City of Wyandotte, at a regular session thereof on Monday, the _____ day of _____, 2016.

Dated: _____, 2016

JOSEPH R. PETERSON, Mayor

LAWRENCE S. STEC, City Clerk

YARD WASTE LICENSE

CURRENT YARD WASTE LICENSES

| | |
|---|-------------------|
| 14 Wyandotte Businesses with 27 Licenses @ \$75/each = | \$2,025.00 |
| 6 Non-Wyandotte Businesses with 7 Licenses @ \$300/each = | <u>\$2,100.00</u> |
| Total | \$4,125.00 |

FUTURE YARD WASTE LICENSES

| | |
|---|--------------------|
| 14 Wyandotte Businesses with 27 Licenses @ \$200/each = | \$ 5,400.00 |
| 6 Non-Wyandotte Businesses with 7 Licenses @ \$800/each = | <u>\$ 5,600.00</u> |
| Total | \$11,000.00 |

FIRST READING OF ORDINANCES

Guide Sheet

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE
ZONING ORDINANCE BY ADDING
ARTICLE XXV – GENERAL EXCEPTIONS – SECTION 2500 AREA, HEIGHT
AND USE EXCEPTIONS, SECTION F – Projections into required open spaces

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE
ZONING ORDINANCE BY AMENDING
ARTICLE XIV - B-2 General Business District, Section 1401 SPECIAL USES,
Section H- Outdoor sales space for new or used automobiles, trucks, recreational
vehicles, mobile homes and boats

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE
ZONING ORDINANCE BY ADDING
ARTICLE XXII - SECTION 2200 SPECIAL LAND USES, SECTION V -
Outdoor sales space for new or used automobiles, recreational vehicles, mobile
homes and boats

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF WYANDOTTE BY AMENDING SECTION 14-14
ENTITLED “LICENSE”

AN ORDINANCE ENTITLED

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE
ZONING ORDINANCE BY ADDING
ARTICLE XXV – GENERAL EXCEPTIONS – SECTION 2500 AREA, HEIGHT AND USE
EXCEPTIONS, SECTION F – Projections into required open spaces

CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1.

The following Section of the City of Wyandotte Zoning Ordinance entitled ARTICLE XXV – GENERAL EXCEPTIONS – SECTION 2500 AREA, HEIGHT AND USE EXCEPTIONS, SECTION F – Projections into required open spaces, amending items 1 and 6 to read the following:

ARTICLE XXV GENERAL EXCEPTIONS

Sec. F.1. Outside stairways, fire escapes, vestibules, balconies, decks and similar projections from a wall of a building, and detached decks extending more than two (2) feet above the established grade shall not extend into any required yard. A landing required for exit from a building of a maximum area of ten (10) square feet is allowed.

Sec. F. 6. An unenclosed terrace porch may project six (6) feet into a required front yard and may include a fixed canopy or awning, but this shall not be interpreted to include enclosed sides. An existing porch within a required front yard or required side yard may be replaced, but may not be extended any closer to the front or side property line. To construct or replace a deck or porch with an area enclosed below the floor level with an access door for storage, a four (4) inch wide by twenty-four (24) inch deep ratwall or a four (4) inch concrete floor slab is required.

Section 2.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5.

This Ordinance shall take effect 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 and inspected.

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

| <u>YEAS</u> | | <u>NAYS</u> |
|-------------|-----------|-------------|
| _____ | Fricke | _____ |
| _____ | Galeski | _____ |
| _____ | Miciura | _____ |
| _____ | Sabuda | _____ |
| _____ | Schultz | _____ |
| _____ | VanBoxell | _____ |

ABSENT _____

I hereby approve the adoption of the foregoing Ordinance this _____ day of _____, 200__.

CERTIFICATION

We, the undersigned, Joseph R. Peterson and Lawrence S. Stec, 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 _____, 200__.

Lawrence S. Stec, 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 inspected 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.

AN ORDINANCE ENTITLED

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

ARTICLE XIV – B-2 General Business District, Section 1401 SPECIAL USES, Section H– Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats

CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1.

The following Section of the City of Wyandotte Zoning Ordinance entitled “Article XIV – Section 1401 Special Uses,” Section H, entitled “Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats” be amended to read the following:

ARTICLE XIV SPECIAL USES

Sec. H. Outdoor sales spaced for new or used automobiles, trucks, recreational vehicles, mobile homes and boats shall only be allowed on Fort Street (M-85) and no used car lot shall be permitted within seven hundred fifty (750) feet of another used car lot.

Section 2.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5.

This Ordinance shall take effect 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 and inspected.

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

YEAS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

NAYS

ABSENT _____

I hereby approve the adoption of the foregoing Ordinance this _____ day of _____, 200__.

CERTIFICATION

We, the undersigned, Joseph R. Peterson and Lawrence S. Stec, 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 _____, 200__.

Lawrence S. Stec, City Clerk

Joseph R. Peterson, Mayor

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AN ORDINANCE ENTITLED

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

ARTICLE XXII – SECTION 2200 SPECIAL LAND USES, SECTION V – Outdoor sales space for new
or used automobiles, recreational vehicles, mobile homes and boats

CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1.

The following Section of the City of Wyandotte Zoning Ordinance entitled “Article XXII – Section 2200 Special Land Uses,” Section V, entitled “Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats” by adding #(9) to read the following:

ARTICLE XXII SPECIAL LAND USES

Sec. V. (9) Outdoor sales spaced for new or used automobiles, recreational vehicles, mobile homes and boats shall only be allowed on Fort Street (M-85).

Section 2.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5.

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

YEAS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

NAYS

ABSENT _____

I hereby approve the adoption of the foregoing Ordinance this _____ day of _____, 200__.

CERTIFICATION

We, the undersigned, Joseph R. Peterson and Lawrence S. Stec, 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 _____, 200__.

Lawrence S. Stec, City Clerk

Joseph R. Peterson, Mayor

NOTICE OF ADOPTION

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

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I hereby approve the adoption of the foregoing ordinance this day of , 2016.

CERTIFICATE

We, the undersigned, JOSEPH R. PETERSON and LAWRENCE S. STEC, respectively the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the Council of the City of Wyandotte, at a regular session thereof on Monday, the _____ day of _____, 2016.

Dated: _____, 2016

JOSEPH R. PETERSON, Mayor

LAWRENCE S. STEC, City Clerk

REPORTS & MINUTES

1

February 22, 2016

CITY OF WYANDOTTE **REGULAR CITY COUNCIL MEETING**

A Regular Session of the Wyandotte City Council was held in Council Chambers, on Monday, February 8, 2016, and was called to order at 7:00pm with Honorable Mayor Joseph R. Peterson presiding.

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

Present: Councilpersons Miciura, Sabuda, Schultz, and VanBoxell

Absent: Councilpersons Fricke and Galeski; Thomas Woodruff, City Assessor

Also Present: Todd Browning, City Treasurer; William Look, City Attorney; Mark Kowalewski, City Engineer; and Lawrence Stec, City Clerk

PRESENTATION

Municipal Services General Manager, Rod Lesko, stating that there are no issues with the City Water System.

COMMUNICATIONS MISCELLANEOUS

AGENDA ITEM #1 (2016-46)

Communication from Knights of Columbus #1802 requesting permission for "Tootsie Roll Drive" on March 18-20, 2016.

AGENDA ITEM #2 (2016-47)

Communication from Ann Abrahamson, M.D., from the Center of Rehabilitation for Henry Ford Wyandotte Hospital requesting permission to hold the 5th annual Benefit Walk on September 10, 2016

AGENDA ITEM #3 (2016-48)

Communication from Frances J. Kulaszewski regarding the sale of property at the former 149 Bennett.

PERSONS IN THE AUDIENCE

None

NEW BUSINESS (ELECTED OFFICIALS)

Councilperson Miciura – Question regarding status of McKinley project

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

AGENDA ITEM #4 (2016-49)

Communication from Mayor Joseph R. Peterson regarding re-appointments to the Downtown Development Authority

AGENDA ITEM #5 (2016-50)

Communication from Mayor Joseph R. Peterson regarding the appointment of Joseph Gruber to the Design Review Committee

AGENDA ITEM #6 (2016-51)

Communication from City Administrator, Todd A. Drysdale, with response to previous agenda item from January 11, 2016 regarding the city application process and wording.

AGENDA ITEM #7 (2016-52)

Communication from Superintendent of Recreation, Justin N. Lanagan, requesting concurrence with recommendation to hire Chet Potoczek as full time recreation maintenance foreman

AGENDA ITEM #8 (2016-53)

Communication from Interim Museum Director, Sarah Jordan, announcing a Mom2Mom Sale on June 25, 2016 at the Yack Arena

AGENDA ITEM #9A (2016-54)

Communication from Special Event Coordinator, Heather Thiede, regarding use of city property and street/sidewalk closures for WBA events in February, August, and September of 2016.

AGENDA ITEM #9B (2016-55)

Communication from Special Event Coordinator, Heather Thiede, regarding use of city property and street/sidewalk closures for WBA events in March, April, May, June, October, November, and December of 2016.

AGENDA ITEM #9C (2016-56)

Communication from Special Event Coordinator, Heather Thiede, regarding the Wyandotte Street Art Fair Marketing Contracts.

AGENDA ITEM #9D (2016-57)

Communication from Special Event Coordinator, Heather Thiede, regarding a Special Event Application from Kenny Krell of Powerman North America/3 Disciplines with request to hold a 5k, 10k, and 15k in Wyandotte on April 15, 2016.

AGENDA ITEM #9E (2016-58)

Communication from Special Event Coordinator, Heather Thiede, regarding Restaurant Week in Wyandotte from April 2-9, 2016.

AGENDA ITEM #10 (2016-59)

Communication from Power Systems Supervising Engineer, Charlene Hudson, requesting concurrence from council in awarding substation fencing bid to Industrial Fence and Landscaping, Inc.

AGENDA ITEM #11 (2016-60)

Communication from City Engineer, Mark A. Kowalewski, requesting approval of the purchase of 1733 5th Street.

AGENDA ITEM #12 (2016-61)

Communication from City Engineer, Mark A. Kowalewski, requesting approval of the purchase of 89 Perry Place.

AGENDA ITEM #13 (2016-62)

Communication from City Engineer, Mark A. Kowalewski, requesting referral of SAD #939 to the City Assessor and City Treasurer for certification and collection.

AGENDA ITEM #13 (2016-63)

Communication from City Engineer, Mark A. Kowalewski, requesting approval of the request from Jason D'Herin to install a green space at 507 Biddle.

AGENDA ITEM #13 (2016-64)

Communication from City Engineer, Mark A. Kowalewski, requesting approval of the purchase of 2 mowers for the Department of Public Services.

REPORTS & MINUTES

| | |
|----------------------------------|--|
| City Council | February 1, 2016 |
| Daily Cash Receipts | February 4, February 12, & February 18, 2016 |
| Beautification Commission | January 13, 2016 |
| Cultural & Historical Commission | August 13, 2015 |
| Downtown Development Authority | December 8, 2015 & January 12, 2016 |
| Fire Commission | January 19, 2016 |
| Police Commission | January 19, 2016 & February 9, 2016 |

CITIZENS PARTICIPATION

Chris Calvin, 466 Sycamore, regarding the new city application language.

RECESS**RECONVENE**

Present: Councilpersons Galeski, Miciura, Sabuda, Schultz, and VanBoxell, and Mayor Joseph R. Peterson

Absent: Councilpersons Fricke and Galeski; Thomas Woodruff, City Assessor

Also Present: Todd Browning, City Treasurer; William Look, City Attorney; Mark Kowalewski, City Engineer; and Lawrence Stec, City Clerk

HEARING

2016-2017 Community Development Block Grant
(CDBG) Program Projects (2016-66)

RESOLUTIONS**2016-45 MINUTES**

By Councilperson Miciura, supported by Councilperson Sabuda

RESOLVED that the minutes of the meeting held under the date of February 1, 2016, be approved as recorded, without objection.

Motion unanimously carried.

2016-46 KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE

By Councilperson Miciura, supported by Councilperson Sabuda

WHEREAS, the Wyandotte Knights of Columbus Council #1802 is requesting permission to participate in the annual "Mentally Impaired Drive", also known as the "Tootsie Roll Drive" on March 18, 19, and 20, 2016.

WHEREAS, the fundraising event will consist of soliciting donations from motorists stopped at traffic signals at the intersections of Ford and Biddle, Oak and Biddle, Eureka and Fort, and the Eureka turnarounds by persons wearing vests that clearly identify the Knights of Columbus.

BE IT RESOLVED that Council approves the request of the Knights of Columbus Council #1802 to solicit donations for their annual "Mentally Impaired Drive" also known as the "Tootsie Roll Drive", provided a Hold Harmless Agreement is executed as prepared by the Department of Legal Affairs.

Motion unanimously carried.

2016-47 HFWH BENEFIT WALK

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that Council hereby approves the request of Ann Abrahamson, M.D. and the Center of Rehabilitation for Henry Ford Wyandotte Hospital to hold the 5th Annual benefit walk

on Saturday, September 10, 2016 at 10:00 a.m., commencing at Bishop Park and utilizing city sidewalks throughout Downtown Wyandotte between Bishop Park, Eureka Rd., and HFWH. BE IT FURTHER RESOLVED that a Hold Harmless Agreement must be executed and on file in the Clerk's office as prepared by the Department of Legal Affairs and that the Police, Fire, and Recreation Departments be informed of the event via certified resolution for appropriate action, if any.

Motion unanimously carried.

2016-48 CITIZEN COMMUNICATION – 149 BENNETT ST.

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that the communication from Frances Kulaszewski, 159 Bennett St., Wyandotte, relative to the sale of city property at the former 149 Bennett St. is hereby received and placed on file.

Motion unanimously carried.

2016-49 DDA RE-APPOINTMENTS

By Councilperson Miciura, supported by Councilperson Sabuda

BE BE IT RESOLVED that the City Council hereby CONCURS in Mayor Joseph Peterson's recommendation in the following re-appointments to the Downtown Development Authority, terms to expire June 2019:

- John Jarjosa
- Anne Majlinger
- Norman J. Walker

Motion unanimously carried.

2016-50 DESIGN REVIEW COMMITTEE APPOINTMENT

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that the City Council hereby CONCURS in Mayor Joseph Peterson's recommendation to appoint Joseph Gruber, 3001 Biddle, Unit 200, Wyandotte, MI 48192 to the Design Review Committee. Term to expire February 2019.

Motion unanimously carried.

2016-51 CITY EMPLOYMENT APPLICATION UPDATE

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that the subcommittee appointed by the City Council on January 11, 2016, to review the application process for hiring all city employees, has recommended the modification of the employment application as follows:

OLD: Have any of your relatives ever been employed by the City of Wyandotte? If yes, indicate names and dates employed: _____

NEW: Have any of your relatives ever been, or currently are, employed by the City of Wyandotte (including elected officials)? If yes, indicate names and dates: _____

BE IT FURTHER RESOLVED, that a listing of all part-time or seasonal employees be communicated to the city councilmembers upon hiring; AND

BE IT FURTHER RESOLVED, reiterates that the responsibility for hiring all part-time employees is delegated to the City Administrator and Department Heads as long as the expenditures stay within the budgetary appropriation for such personnel; AND

FURTHER, reiterates that the names of all full-time employees be brought to the City Council for approval after an external solicitation, in the form of a newspaper or internet advertisement, for interested parties be conducted when a non-police or non-fire department job vacancy occurs.

Motion unanimously carried.

2016-52 RECREATION MAINTENANCE FOREMAN HIRING

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that the Council concurs with the recommendation of the Recreation Commission and Superintendent of Recreation to fill the vacant Recreation Maintenance Foreman position; AND

BE IT FURTHER RESOLVED that Council approved the recommendation to hire Chet Potoczek to fill said vacancy at Classification Level 32A, subject to the successful completion of a physical and drug screen examination.

Motion unanimously carried.

2016-53 MOM 2 MOM SALE ANNOUNCEMENT

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that the Council concurs with the recommendation of the Interim Museum Director to hold the Wyandotte Museums Mom 2 Mom Sale on Saturday, June 25th, 2016; AND BE IT FURTHER RESOLVED that Council authorizes the use of the Yack Arena and City Hall parking lots to provide ample parking for the event.

Motion unanimously carried.

2016-54 WBA THIRD FRIDAYS – FEBRUARY, AUGUST, SEPTEMBER

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that Council concurs with the recommendation of the Special Event Coordinator to approve the use of city sidewalks, streets and property for the events to be held February 19th & 20th, August 19th, September 16th, 2016.

February 19th & 20th, 2016 – WBA Third Friday

- Permission to utilize city sidewalks – Ice Sculptures/metal stands to remain a few days on site
- Permission to have live ice carving/dueling saw competitions
- Permission to utilize the Theatre Lot at First and Elm Streets

August 19th, 2016 – WBA Third Friday

- All streets to close at 1 pm and reopen at midnight
- Request to close Biddle Avenue between Oak and Eureka Road
- Request to close Sycamore from Biddle to Alley – East
- Request to close Maple from Biddle to Alley – East
- Request to close Elam to Biddle to Alley – East
- Request to close Sycamore and Biddle to just past Tossed and Found
- Request to close Maple from Biddle to just past the Sushi Bar location
- Request to close Elm from Biddle to the Alley – West
- Request to close First Street behind Chelsea's Menswear
- All roads should be closed with signs no later than 1 pm

September 16th, 2016 – WBA Third Friday

- Roads closed at 1 pm and reopened at midnight
- Request to close Biddle Avenue between Oak and Eureka Road
- Request to close Sycamore from Biddle to Alley – East
- Request to close Maple from Biddle to Alley – East
- Request to close Elm to Biddle to Alley – East
- Request to close Sycamore and Biddle to just past Tossed and Found
- Request to close Maple from Biddle to just past the Sushi Bar location
- Request to close Elm from Biddle to the Alley – West
- Request to close First Street behind Chelsea's Menswear

BE IT FURTHER RESOLVED that the WBA will comply with the following:

- That any costs for any city staff/material/property for said event, will be the responsibility of the WBA to be paid 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.
- The WBA will be responsible for clean up before, during (glass, spills, broken items, etc.), and after 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.

Motion unanimously carried.

2016-55 WBA THIRD FRIDAYS – ALL OTHER MONTHS

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED by the City Council that Council Concurs with the recommendation of the Special Event Coordinator to approve the use of city sidewalks, streets and property for the events held, March 18th, April 15th, May 20th, May 21st, June 17th, October 21st, November 18th and December 16th 2016.

March 18th 2016

- Permission to utilize city sidewalks/property

April 15th 2016 - Area to potentially change – update to be presented at later date

- Permission to utilize city sidewalks/property

May 20th and 21st 2016 – Area to potentially change – update to be presented at later date

- Permission to utilize city sidewalks/property

June 17th 2016

- Permission to close Elm Street between 1st Street and up to CVS Alley
- Permission to utilize Theatre Lot city property/sidewalks
- Permission to close 1st Street between Chelsea Men's Store & Corner of Elm
- Re-Open streets at 12 am or when the showmobile is removed
- No Parking signs to be posted Friday, June 17th after 2 pm on the above areas/streets

October 21st 2016

- Re-Open streets at 12 am or when the showmobile is removed
- Permission to utilize Theatre Lot /city property/sidewalks
- Permission to close Elm Street between 1st Street and up to CVS Alley
- Permission to close 1st Street between Chelsea Men's Store & Corner of Elm
- No Parking signs to be posted Friday, October 21st after 2 pm on the above areas/streets

November 18th 2016

- Permission to utilize city property/sidewalks
- No event details as of 2/10/2016

December 16th 2016

- Permission to utilize city property/sidewalks
- No event details as of 2/10/2016

BE IT FURTHER RESOLVED that the WBA will comply with the following:

- That any costs for any city staff/material/property for said event, will be the responsibility of the WBA to be paid 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.
- The WBA will be responsible for clean up before, during (glass, spills, broken items, etc.), and after 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.

Motion unanimously carried.

2016-56 WSAF MARKETING CONTRACTS

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that Council Concurs with the Special Event Coordinator to approve the marketing contracts for the below companies for the 2016 Wyandotte Street Art Fair, to be paid from the Wyandotte Street Art Fair account 285.225.925.730.860.

NPR - WDET 101.9FM \$4,240.00

CBS WWJ 950 \$3,850.00

Total: \$8090.00

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

Motion unanimously carried.

2016-57 POWERMAN NORTH AMERICA – WYANDOTTE RUN

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that Council Concurs with the recommendation of the Special Event Coordinator, Fire Chief, Police Chief, Department of Public Service, and Recreation Superintendent to hold the Powerman North America – Wyandotte Run and approve the use of City Parks and property using the following route:

The athletes will head straight to a Right on Biddle/Jefferson in the immediate right lane which will be coned for the start. It will take approximately 3 minutes to get all the athletes from the starting line at the park/Elm street to the other side of Eureka. Athletes will follow a coned lane the entire route. In order to achieve the set 3.1 mile loop the athletes will take a quick left into the BASF Waterfront park, following that trail to the end of the park making a Right on WYE to a Right back on Jefferson to a Left on Grove. They will take that down to a turnaround point, head back to a Left on 4th Heading up to the next traffic/safety concern will be where the runners cross Eureka again at 4th and Eureka. After that it is a straight run to Elm, Right turn up to 3rd where the athletes will make a quick left/right into the alley up to the finish line.

BE IT FURTHER RESOLVED the Powerman North America/3 Disciplines add the City of Wyandotte as additional insured to their insurance policy and sign a hold harmless agreement.

Motion unanimously carried.

2016-58 RESTAURANT WEEK IN WYANDOTTE

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that the communication from the Special Events Coordinator relative to Restaurant Week in Wyandotte from April 2nd – 9th, 2016, is hereby received and placed on file; AND

BE IT FURTHER RESOLVED that Mayor and Council hereby approve Restaurant Week in the City of Wyandotte and encourage all citizens to take part in same.

Motion unanimously carried.

2016-59 MUNICIPAL SERVICES SUBSTATION FENCING BID APPROVAL

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED by the City Council that Council Concurs with the Wyandotte Municipal Services Commission in the following,

WHEREAS, the Wyandotte City Council understands the need and supports the community owned electric distribution facilities and the necessity to maintain the commitment to providing

the best service possible in a timely and efficient manner that is also fiscally responsible, now therefore,

BE IT RESOLVED, by the Wyandotte City Council, a majority of its members thereto concurring, authorizing the WMS General Manager to award the bid for the purchase of a 8' tall, 3/8" black vinyl mesh fencing with barbed wire spaced at 8' intervals for the 11th Street Substation addition/Electric Storeroom yard expansion to the lowest qualified bidder, Industrial Fence and Landscaping, Inc. at a cost not to exceed \$82,160.00 per the recommendation of WMS management.

Motion unanimously carried.

2016-60 CITY PURCHASE OF 1733 5TH STREET

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that the resolution to acquire the property at 1733 5th Street be held in abeyance until March 14, 2016, to allow the City Engineer the time to renegotiate the purchase agreement as directed by the Mayor and Council.

Motion unanimously carried.

2016-61 CITY PURCHASE OF 89 PERRY PLACE

By Councilperson Miciura, supported by Councilperson Sabuda

RESOLVED BY THE CITY COUNCIL that Council concurs with the recommendation of the City Engineer to acquire the property at known as 89 Perry Place in the amount of \$23,700.00 to be appropriated from TIFA Area Funds; AND

BE IT RESOLVED that the Department of Legal Affairs, William R. Look, is hereby directed to prepare and sign the necessary documents and the Mayor and City Clerk be authorized to execute the Purchase Agreement; AND

BE IT FURTHER RESOLVED that the City Engineer is directed to demolish same upon completion of the Wyandotte Historical Commission inspection of the home as it pertains to the preservation of historical and cultural items for the City of Wyandotte; AND

BE IT RESOLVED that William R. Look, City Attorney is authorized to execute closing documents for the purchase of said property on behalf of the Mayor and City Clerk.

Motion unanimously carried.

2016-62 SAD #939 22ND STREET SEWER SERVICE TAP REPAIRS

By Councilperson Miciura, supported by Councilperson Sabuda

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the City Engineer that the Assessment Roll for Special Assessment District #939 – 22nd Street Sewer Service Tap Repairs, as presented by the City Engineer, be referred to the City Assessor for certification and City Treasurer for collection of said assessment over a ten (10) year period upon the designated lots of the special assessment district, and be it further resolved that the City Clerk shall be directed to publish the notice of Special Assessment, setting the time when the City Council and City Assessor will meet to review said assessment.

Motion unanimously carried.

2016-63 507 BIDDLE GRANT OF LICENSE

By Councilperson Miciura, supported by Councilperson Sabuda

RESOLVED by the City Council that Council hereby concurs in the recommendation of the City Administrator and City Engineer to permit Jason D'Herin to construct a green space on the Clinton Street right-of-way adjacent to the Detroit River, and authorizes the Mayor and City Clerk to sign the Grant of License and Hold Harmless Agreement; AND

BE IT FURTHER RESOLVED that this recommendation is consistent with the Goals and Objectives of the City of Wyandotte Strategic Plan in the continuing effort to enhance the quality of life for residents and the maintenance of infrastructure.

Motion unanimously carried.

2016-64 DPS MOWER PURCHASE

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the City Engineer regarding purchasing two (2) mowers is hereby received and placed on file; AND BE IT FURTHER RESOLVED that Council approves utilizing the State of Michigan Procurement Contract to purchase from Hustler Turf Equipment, Hesston, KS, two (2) mowers for \$24,651.72 from account no. 101-448-850-530 \$24,000.00 and 101-448-854-540 \$651.72.

Motion unanimously carried.

2016-65 BILLS & ACCOUNTS

By Councilperson Miciura, supported by Councilperson Sabuda

RESOLVED that the total bills and accounts of \$1,986,681.26 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

2016-66 HEARING RELATIVE TO 2016-17 CDBG PROGRAM PROJECTS

By Councilperson Miciura, supported by Councilperson Sabuda

BE IT RESOLVED that Council hereby refers all comments from the 2016-2017 Community Development Block Grant Program (CDBG) Public Hearing held on February 22, 2016, to the City Engineer for review and recommendation back to Council; AND

BE IT FURTHER RESOLVED that a 2nd Public Hearing will be held on Monday, March 14, 2016, for final review and approval of the 2016-2017 Community Development Block Grant Program (CDBG) Projects.

2016-67 ADJOURNMENT

By Councilperson Miciura, supported by Councilperson Sabuda

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 8:05 p.m.

Motion unanimously carried.



Lawrence S. Stec, City Clerk

02/23/2016 03:43 PM

User: ktrudell

DB: Wyandotte

Receipt #

Description

Date

Cashier

Wkstn

RECEIPT REGISTER FOR CITY OF WYANDOTTE

Post Date from 02/23/2016 - 02/23/2016 Open Receipts

Received Of
Distribution

Amount

Page: 1/2

| | | | | | | | |
|-----------------------------------|--------|------------|-----------------|----|-----------------|-----------------------|--------------------|
| O | 381552 | 02/23/2016 | ktrudell | F2 | DCAC | | |
| SH | | | 101-000-001-000 | | 101-303-925-998 | DCACA SHELTER REVENUE | 1,611.00 |
| AC | | | 101-000-001-000 | | 101-000-257-078 | Reserve-Animal Care | 160.00 |
| | | | | | | | <hr/> |
| | | | | | | | 1,771.00 CITY CASH |
| SHELTER REVENUE & ANMAL CARE FUND | | | | | | | |
| SHELTER REC# 3892 -3933 | | | | | | | |
| FINANCE REC# 0385 | | | | | | | |
| Total of 1 Receipts | | | | | | | <hr/> 1,771.00 |

02/23/2016 03:43 PM

RECEIPT REGISTER FOR CITY OF WYANDOTTE

Page: 2/2

User: ktrudell

Post Date from 02/23/2016 - 02/23/2016 Open Receipts

DB: Wyandotte

Receipt #

Date

Cashier

Wkstn

Received Of
Distribution

Amount

Description

*** TOTAL OF CREDIT ACCOUNTS ***

101-000-257-078 Reserve-Animal Care

101-303-925-998 DCACA SHELTER REVENUE

160.00

1,611.00

TOTAL - ALL CREDIT ACCOUNT

1,771.00

*** TOTAL OF DEBIT ACCOUNTS ***

101-000-001-000 Cash

1,771.00

TOTAL - ALL DEBIT ACCOUNTS

1,771.00

*** TOTAL BY FUND ***

101 General Fund

1,771.00

TOTAL - ALL FUNDS:

1,771.00

*** TOTAL BY BANK ***

GEN GENERAL OPERATING FUND

Tender Code/Desc.

(CCA) CITY CASH

1,771.00

TOTAL:

1,771.00

TOTAL - ALL BANKS:

1,771.00

*** TOTAL OF ITEMS TENDERED ***

Tender Code/Desc.

(CCA) CITY CASH

1,771.00

TOTAL:

1,771.00

*** TOTAL BY RECEIPT ITEMS ***

(1) AC: RESERVE-ANIMAL CARE/POUND

(1) SH: DCACA SHELTER REVENUE

160.00

1,611.00

TOTAL - ALL RECEIPT ITEMS:

1,771.00

02/24/2016 02:36 PM

User: ktrudell

DB: Wyandotte

RECEIPT REGISTER FOR CITY OF WYANDOTTE

Page: 1/2

Post Date from 02/24/2016 - 02/24/2016 Open Receipts

| Receipt # | Date | Cashier | Wkstn | Received Of Distribution | Amount |
|---------------------|--------|------------|-----------------|-----------------------------|------------------------------|
| O | 382025 | 02/24/2016 | ktrudell | F2 | WYANDOTTE ADOPTION CENTER |
| AC | | | 101-000-001-000 | 101-000-257-078 | Reserve-Animal Care 1,330.00 |
| AC | | | 101-000-001-000 | 101-000-257-078 | Reserve-Animal Care 2,080.00 |
| AC | | | 101-000-001-000 | 101-000-257-078 | Reserve-Animal Care 20.00 |
| | | | | | <hr/> |
| | | | | | 3,430.00 CITY CASH |
| ADOPT 14 DOGS | | | | | |
| ADOPT 32 CATS | | | | | |
| SELL 4 CAT CARRIERS | | | | | |
| | | | | | <hr/> |
| Total of 1 Receipts | | | | | 3,430.00 |

02/24/2016 02:36 PM

User: ktrudell

DB: Wyandotte

Receipt # Date

Description

Cashier

Wkstn

RECEIPT REGISTER FOR CITY OF WYANDOTTE

Post Date from 02/24/2016 - 02/24/2016 Open Receipts

Received Of
Distribution

Amount

Page: 2/2

*** TOTAL OF CREDIT ACCOUNTS ***

101-000-257-078 Reserve-Animal Care

3,430.00

TOTAL - ALL CREDIT ACCOUNT

3,430.00

*** TOTAL OF DEBIT ACCOUNTS ***

101-000-001-000 Cash

3,430.00

TOTAL - ALL DEBIT ACCOUNTS

3,430.00

*** TOTAL BY FUND ***

101 General Fund

3,430.00

TOTAL - ALL FUNDS:

3,430.00

*** TOTAL BY BANK ***

GEN GENERAL OPERATING FUND

Tender Code/Desc.

(CCA) CITY CASH

3,430.00

TOTAL:

3,430.00

TOTAL - ALL BANKS:

3,430.00

*** TOTAL OF ITEMS TENDERED ***

Tender Code/Desc.

(CCA) CITY CASH

3,430.00

TOTAL:

3,430.00

*** TOTAL BY RECEIPT ITEMS ***

(3) AC: RESERVE-ANIMAL CARE/POUND

3,430.00

TOTAL - ALL RECEIPT ITEMS:

3,430.00

CITY OF WYANDOTTE FIRE COMMISSION MEETING

The Fire Commission meeting was held in the 2nd Floor Conference Room at Police Headquarters on Tuesday, February 9, 2016. Commissioner Harris called the meeting to order at 6:09 p.m.

ROLL CALL:

| | |
|----------------------|--|
| Present: | Commissioner Harris Commissioner Izzo Chief Carley |
| Recording Secretary: | Lynne Matt |
| Absent: | Commissioner Melzer |

READING OF JOURNAL

Motioned by Commissioner Izzo, supported by Commissioner Harris to approve the minutes as recorded for the meeting held on January 19, 2016. Motion carried unanimously.

UNFINISHED BUSINESS

None

COMMUNICATIONS

None

DEPARTMENTAL

1. Wyandotte Fire Department Annual Report "January 1 thru December 2015"

Commissioner Harris stated that there were 2,434 rescue runs and that \$1,158,159 was billed out last year. Chief Carley reported that we collect about 60% of that. Chief pointed out that we received 24 mutual aids on rescue runs but we provided 98 rescue runs to others. Commissioner Izzo motioned to receive report and place on file; supported by Commissioner Harris. Motion carried.

DEPARTMENTAL (continued)

2. *Wyandotte Fire Department Monthly Report "January 2016"*

Chief Carley reported that for the month there were a total of 224 rescue runs, with average response time of 3:39 seconds and that \$96,799.50 was billed out. Commissioner Izzo motioned to receive report and place on file; supported by Commissioner Harris. Motion carried.

3. *Department bills submitted January 14, 2016 in the amount of \$4,064.36*

Department bills submitted January 28, 2016 in the amount of \$2,446.50

Commissioner Izzo motioned to pay bills and accounts submitted as stated above; supported by Commissioner Harris. Roll call; motion carried.

4. *Daily Reports*

Commissioner Izzo motioned to receive and place on file reports; supported by Commissioner Harris. Motion carried.

ADJOURNMENT

No further business comes before the Commission, upon motion duly made and supported; the meeting adjourned at 6:25 p.m.

Respectfully submitted,

Michael Izzo
Secretary

MI/lm

A handwritten signature in black ink, appearing to read 'Michael Izzo', is written over a faint, circular official stamp. The signature is fluid and cursive.

OFFICE OF THE SECRETARY

1000 WEST 10TH AVENUE
SUITE 1000
DENVER, CO 80202

City of Wyandotte
PLANNING COMMISSION
Minutes of the Thursday, January 21, 2016, Meeting
MINUTES AS RECORDED

The meeting was called to order by Chairperson Elizabeth A. Krimmel at 6:30 p.m.

COMMISSIONERS PRESENT: Duran, Krimmel, Parker, Pasko, Rutkowski

COMMISSIONERS EXCUSED: Adamczyk, Benson, Lupo

ALSO PRESENT: Ben Tallerico
Kelly Roberts, Recording Secretary

COMMUNICATIONS:

No Communications

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

MOTION BY COMMISSIONER PASKO, supported by Commissioner Rutkowski to approve the minutes of the Meeting of November 19, 2015. MOTION PASSED.

OLD BUSINESS:

None

NEW BUSINESS:

1. PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H – Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats to be amended as follow:

ARTICLE XIV SPECIAL USES

Sec. H. Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats shall only be allowed on Fort Street (M-85) and no used car lot shall be permitted within seven hundred fifty (750) feet of another used car lot.

MOTION BY COMMISSIONER PASKO, supported by Commissioner Rutkowski to recommend to the Mayor and City Council that the proposed amendment to the City of Wyandotte Zoning Ordinance, Article XIV B-2 - amending Section 1401 Special Uses, Section H Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats be approved.

YES: Duran, Krimmel, Parker, Pasko, Rutkowski

NO: None

ABSENT: Adamczyk, Benson, Lupo

MOTION PASSED

2. PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XXII. – Section 2200 Special Land Uses, Section V – Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats to be amended as follow:

ARTICLE XXII SPECIAL LAND USES

Sec. V. (9) Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats shall only be allowed on Fort Street (M-85).

MOTION BY COMMISSIONER PASKO, supported by Commissioner Rutkowski to recommend to the Mayor and City Council that the proposed amendment to the City of Wyandotte Zoning Ordinance Article XXII. – Section 2200 Special Land Uses, Section V – Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats be approved.

YES: Duran, Krimmel, Parker, Pasko, Rutkowski

NO: None

ABSENT: Adamczyk, Benson, Lupo

MOTION PASSED

PERSONS IN THE AUDIENCE:

No persons in audience.

SPECIAL ORDER:

None

BILLS AND ACCOUNT:

MOTION BY COMMISSIONER PASKO, supported by Commissioner Parker to:
Pay Beckett & Raeder for Planning Consultant fee for December 2015 and January 2016 in the amount of \$1,400.00
Hours for Secretarial Services: 12/01/2015-01/08/2016 6.50 total hours

YES: Duran, Krimmel, Parker, Pasko, Rutkowski

NO: None

ABSENT: Adamczyk, Benson, Lupo

MOTION PASSED

MOTION TO ADJOURN:

MOTION BY COMMISSIONER PASKO, supported by Commissioner Duran to adjourn the meeting at 6:50 p.m.

PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XIV. – B-2 General Business District, Section 1401 Special Uses, Section H – Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats

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

Chairperson Krimmel stated that this was discussed at a previous Planning Commission meeting a while ago. Chairperson Krimmel continued that used car lots will only be allowed on Fort Street (M-85) and no used car lot shall be permitted within seven hundred fifty (750) feet of another used car lot.

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

PUBLIC HEARING – To consider amendments to the City of Wyandotte Zoning Ordinance Article XXII. – Section 2200 Special Land Uses, Section V – Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats

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

Chairperson Krimmel stated that this was discussed at a previous Planning Commission meeting a while ago.

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

City of Wyandotte

Police Commission Meeting

Regular Commission Meeting
February 9, 2016

ROLL CALL

Present: Chief Daniel Grant
Commissioner John Harris
Commissioner Dr. Michael Izzo

Absent: Commissioner Doug Melzer (Excused)

Others Present: None

The regular meeting was called to order at the Wyandotte Police Department, 2015 Biddle Avenue, Wyandotte, Michigan by Chairperson, Commissioner Harris at 6:23 p.m.

The Minutes from the special Police Commission meeting on January 19, 2016, were presented.

Izzo moved, Harris seconded,
CARRIED, to approve the special minutes of January 19, 2016, as presented.

UNFINISHED BUSINESS

NONE

COMMUNICATIONS

NONE

DEPARTMENTAL

1. Police Statistics – January 2016

Again, there is nothing out of the ordinary.

Chief Grant will provide the State statistics for comparison purposes as soon as they are available.

Harris moved, Izzo seconded,
CARRIED, to receive the January 2016 police statistics and place on file.

2. Inspector Position Update

Chief Grant shared the interview schedule which will take place on Friday, February 19, 2016. The interview panel will consist of four individuals, including Chief Grant and City Administrator, Todd Drysdale. The other two interviewers will be law enforcement officials from the Downriver Community who are not familiar with the prospective candidates.

Once the interview panel selects the candidate, Chief Grant will come back to the Commission with his recommendation.

Izzo moved, Harris seconded,
CARRIED, to receive the Interview Schedule for the position of Inspector and place on file.

3. Citizen Survey Responses

Chief Grant shared three citizen responses, along with his letters, commending the officers involved in each of the incidents.

The survey responses were all positive. The first response involved Officer Trusewicz and a natural death case. The second response involved Officer Zimmers and the destruction of property where a resident had their Christmas lights stolen. The third response involved Officer McKinney and another natural death involving a young man.

The Commissioners offered their gratitude to the Officers too for a job well done.

Izzo moved, Harris seconded,
CARRIED, to receive the Citizen Survey responses and place on file.

4. Bills and Accounts – February 9, 2016 \$30,869.03

Izzo moved, Harris seconded,
A Roll Call was held and the Motion
CARRIED, to unanimously approve payment of the bills for February 9, 2016 \$30,869.03

NEW BUSINESS

NONE

Members of the Audience

ADJOURNMENT

Since there was no further business to come before the Commission, there was a motion to adjourn the meeting at 6:37 p.m.

Izzo moved, Harris seconded,
CARRIED, to adjourn meeting at 6:37 p.m.

Laura Allen
Administrative Assistant
Wyandotte Police Department



City of Wyandotte

Police Commission Meeting

Regular Commission Meeting
February 23, 2016

ROLL CALL

Present: Chief Daniel Grant
Commissioner John Harris
Commissioner Doug Melzer
Commissioner Dr. Michael Izzo

Absent: None

Others Present: None

The regular meeting was called to order at the Wyandotte Police Department, 2015 Biddle Avenue, Wyandotte, Michigan by Chairperson, Commissioner Harris at 6:07 p.m.

The Minutes from the regular Police Commission meeting on February 9, 2016, were presented.

Melzer moved, Izzo seconded,
CARRIED, to approve the regular minutes of February 9, 2016, as presented.

UNFINISHED BUSINESS

NONE

COMMUNICATIONS

NONE

DEPARTMENTAL

1. Inspector Position – Recommendation to Commissioners (interviews to be held 2/19/16)

The interviews were held last Friday, and three people applied, Sgt. Weise, Det. Yoscovits and Officer Zalewski.

Chief Grant shared the questions which the four member interview panel asked each candidate. He then shared the candidates' scores and indicated that Officer Zalewski was the top scorer.

Chief Grant then asked the Commissioners for their approval to promote Officer Zalewski to the position of Inspector and their endorsement to send this recommendation to City Council.

Melzer moved, Izzo seconded,
CARRIED, to approve the promotion of Officer Zalewski to the position of Inspector and proceed to City Council with this approval.

2. Citizen Survey Response

This particular response came from a gentleman whose mail from the Social Security Department appeared to be tampered with before he received it. Officer Sharpes was the one who responded to the incident, and received all positive responses on the questionnaire.

Melzer moved, Izzo seconded,
CARRIED, to receive the Citizen Survey Response and place on file.

3. Bills and Accounts – February 23, 2016 \$20,946.99

Melzer moved, Izzo seconded,
A Roll Call was held and the Motion
CARRIED, to unanimously approve payment of the bills for February 23, 2016 \$20,946.99

NEW BUSINESS

NONE

Members of the Audience

ADJOURNMENT

Since there was no further business to come before the Commission, there was a motion to adjourn the meeting at 6:24 p.m.

Melzer moved, Izzo seconded,
CARRIED, to adjourn meeting at 6:24 p.m.

Laura Allen
Administrative Assistant
Wyandotte Police Department



WYANDOTTE RECREATION COMMISSION

A meeting of the Wyandotte Recreation Commission was called to order on Monday, February 15th, 2016 at 7:30 pm in the Harold Popp Warming Room at the Benjamin F. Yack Center.

Members Present:

President Wally Merritt
Vice President Margaret Loya
Secretary Lori Shiels
Commissioner Rob DeSana

Also Present:

Sup't of Recreation Justin N. Lanagan
Recreation Secretary Aimee Garbin

Excused:

Commissioner Ed Ronco

A motion was made by Vice President Loya and supported by Commissioner Ronco to approve the minutes of the previous meeting.

PERSONS IN THE AUDIENCE:

None

CORRESPONDENCE:

1. Commission check received from Wyandotte karate in the amount of \$133.00.

INTERDEPARTMENTAL:

None

COUNCIL RESOLUTIONS:

January 11, 2016 Council Agenda item approving a one year extension to Saif Alghathie, in the amount of \$2000 for the operation of the Bishop Park Concession Stand.

January 11, 2016 Council Agenda item approving the Boat Ramp Extension through fiscal year 2018, with payments equaling \$16,200 per year.

January 11, 2016 Council Agenda item approving the 2016 Benjamin F. Yack Arena Events: Lions Club Flea Market, North American Modeling Engineering Expo, Walk for MS, Southgate Anderson High School Graduation, Woodhaven High School Graduation, Roosevelt High School Graduation and Circus Pages.

February 1, 2016 Council Agenda item approving the 52nd annual Hebda Cup Rowing Regatta and the Wy-Hi Regatta.

REPORTS AND MINUTES:

Arena Report January 2016.....\$1,827.00 Open Skating.... \$19,622.00 Ice Rental....\$2,539.00

Skate Lessons....\$7,334.96 Concession

Account Breakdown Pay Period ending 12/13/2015, 12/27/2015, 1/10/2016 & 1/24/2016

Tele-care Report January 2016

Senior Van Report December 2015

Open Skate Report January 2, 2016 to January 31, 2016.....\$1,817.00

Senior Friendship Club Minutes December 2015

Senior Friendship Club Treasurers Report – January 2016

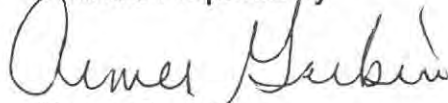
SPECIAL ORDER:

Commission discussed with Superintendent Lanagan:

- Superintendent Lanagan stated he was approached by Anna Napolitano, the owner of Court Connections. Anna is the former head athletic trainer for the Wyandotte Roosevelt Athletic teams. She recently opened up her own business. Court Connections offers a variety of indoor recreation drop-in classes centered around baseball, softball, and volleyball training as well as multiple clinics at a drop in hourly rate. With our cooperation and help advertising these program offerings, the Recreation Department will receive 10% of all Wyandotte registration fees.
- Superintendent Lanagan stated Eric Raupp from Raupp Landscaping estimated the work needed at Wilson School Ball Fields would cost approximately \$7,000. The estimates were forwarded on to the Athletic Director, who met with the School Business Manager, and they determined that the School District would cover the majority of the cost to perform necessary upgrades.
- Superintendent Lanagan stated twelve applications and/or resumes were submitted for the Recreation Ground Crew Supervisor. Four applicants were selected and Superintendent Lanagan and President Merritt conducted interviews over two days. Chet Potoczek was unanimously selected by Commission as the best candidate for the job. Superintendent Lanagan will take the recommendation to the City Council meeting on February 22, 2016. Vice President Loya motioned, Commissioner DeSana Seconded.

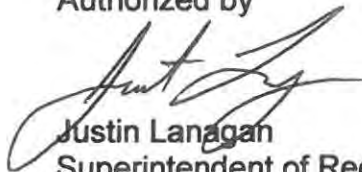
There being no further business to discuss, a motion was made by Commissioner DeSana and supported by Secretary Shiels to adjourn the meeting at 7:55 pm.

Minutes Prepared by



Aimee Garbin
Recreation Secretary

Authorized by



Justin Lanagan
Superintendent of Recreation

2016 Wyandotte Recreation Commission Meetings – 2nd Tuesday @ 7:30 pm @ Yack Arena

March 8th

April 12th

May 10th

June 21st Special Exception

July 12th

August 9th

September 13th

October 11th

November 15th Special Exception

December 13th