



AGENDA

REGULAR SESSION

MONDAY, OCTOBER 3, 2016 7: 00 PM

PRESIDING: THE HONORABLE MAYOR JOSEPH R. PETERSON

CHAIRPERSON OF THE EVENING: THE HONORABLE TED MICIURA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

PRESENTATIONS

UNFINISHED BUSINESS

1. Department of Legal Affairs Response – J.P. Karas Communication (9/19/2016)
2. Department of Engineering Response – Joshua Sterling Communication (9/26/2016)

COMMUNICATIONS MISCELLANEOUS

3. Proclamation Request – Lugene Flores, National Society Daughters of the American Revolution

PERSONS IN THE AUDIENCE

NEW BUSINESS (ELECTED OFFICIALS)

COMMUNICATION FROM CITY AND OTHER OFFICIALS

4. Wyandotte Fire Fighter's Pancake Breakfast/Open House
5. Special Events:
 - a. Kids Fall Festival 2016
 - b. RHS Downriver Fanfare 2016
 - c. Holiday Performance Contract – Mr. & Mrs. Olszewski
6. 2016 Leaf Collection Schedule
7. City Purchase of 1528 Chestnut

REPORTS & MINUTES

City Council

September 26, 2016

Daily Cash Receipts

September 27, September 28 & September 29, 2016

Municipal Services Commission

September 7, 2016 (REVISED) & September 28, 2016

Recreation Commission

September 13, 2016

BILLS & ACCOUNTS

CITIZENS PARTICIPATION

RECESS & RECONVENE

FIRST READING OF ORDINANCES

- #1433: Article XXII Special Land Uses, Section 2201 – General Provisions, Section H – Revoke Special Land Use
- #1434: Article XXII Special Land Uses, Section 2202 – Special Land Use Designated, Section S – Outdoor Café

FINAL READING OF ORDINANCES

- #1432: Article V, Section 21-122 – Pawnbrokers & Second Hand Dealers, License Fees

RESOLUTIONS

ADJOURNMENT

LOOK, MAKOWSKI AND LOOK

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

2241 OAK STREET

WYANDOTTE, MICHIGAN 48192

(734) 285-6500

FAX (734) 285-4160

WILLIAM R. LOOK
STEVEN R. MAKOWSKI

RICHARD W. LOOK
(1912 - 1993)

SEPTEMBER 29, 2016

To: Honorable Mayor and City Council

From: William R. Look

Re: Communication from J.P. Karas regarding comments made by elected official

Dear Mayor and City Council:

I was directed to report back to the City Council concerning the written communication of J.P. Karas dated September 14, 2016. The law in the State of Michigan indicates that a communication is defamatory if, under all of the circumstances, it tends to so harm the reputation of an individual that it lowers the individual's reputation in the community or deters others from associating or dealing with the individual. The general elements for defamation are:

- 1) False statement;
- 2) Unprivileged publication to a third party;
- 3) Fault amounting to negligence on the part of the publisher;
- 4) Harm caused by the communication.

While there are some legal privileges, the above rules generally apply to elected officials and citizens who address the legislative body.

In addition to the above, the City Council has adopted a policy on "Addressing the Council" which can be found on the City website. Basically the rules prohibits personal attacks totally unrelated to the manner in which an officer, employee, or elected official performs his or her duties. Also no person shall use threatening or abusive language. If individuals (whether elected official, city employee, or member of the public) are concerned about comments made at a public meeting, they must consult with their own personal attorney. No city official (including City Attorney) can make determinations on whether communications are defamatory or not. That is a matter for the courts.

Under state law the following applies:

"An action for libel and slander shall not be brought based upon a communication involving public officials or public figures unless the claim is sustained by clear and convincing proof that the defamatory falsehood was published with knowledge that it was false or with reckless disregard of whether or not it was false." MCL 600.2911(6)

"An action for libel or slander shall not be brought based upon a communication involving a private individual unless the defamatory falsehood concerns the private individual and was published negligently. Recovery under this provision shall be limited to economic damages including attorney fees." MCL 600.2911(7)

In conclusion, the following was a quote in an article entitled, "Civility in Local Government: The Civil Society" (author William L. Steude) in an issue of Michigan Municipal Review dated April 2001:

"To be civil, in ordinary understanding, means to be polite, respectful, decent, tolerant, graceful in language and gesture, tone, exercising restraint toward others, cooling the hot passions of partisanship, adversarial and personalized argument, with magnanimity toward others."

Respectfully submitted,
Dept. of Legal Affairs

by: William R. Look
William R. Look

RESOLUTION

DATE: October 3, 2016

RESOLUTION by Councilperson _____

BE IT RESOLVED that the response from the Department of Legal Affairs regarding the letter submitted by Mr. J.P. Karas and read at the September 19, 2016 City Council meeting is hereby received and placed on file.

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: October 3, 2016

AGENDA ITEM # 2

ITEM: Communication from Joshua Sterling, Epic Property Management

PRESENTER: Mark A. Kowalewski, City Engineer



INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski, City Engineer

BACKGROUND: The attached communication from Joshua Sterling, Epic Property Management, was referred to the City Engineer. Mr. Sterling is requesting the sewer tap fee be reduced from \$2,000 and the ¾" water service be allowed to stay in place and not be required to place with a new one (1) inch water service when constructing new homes. Attached is a previous communication to City Council dated October 14, 2013. The Engineering Department reviewed the sewer permit fees with the surrounding communities, and it is recommended that Wyandotte reduce the permit fee when a sewer is being tapped into the City sewer main from \$2,000 to \$500. If you concur with this recommended change, the First Reading should be held at tonight's meeting.

As far as reducing the water service from 1" to ¾" this is a requirement of the Rules and Regulations applying to water service adopted by the Department of Municipal Service in Section 18 which states, "The minimum size service line is one (1) inch". The labor, material and equipment utilized by the Water Department to provide this one (1) inch service is reasonable and I recommend no change.

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

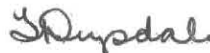
ACTION REQUESTED: Hold the required reading of the Ordinance.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: Reduction to Plumbing Permit Fees received for a one (1) year period could be approximately \$15,000 (10 new construction @ \$1,500 per tap).

IMPLEMENTATION PLAN: Hold the required reading of the Ordinance.

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION:



LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION:



LIST OF ATTACHMENTS: Communication from Epic Property Management, Current Fee Schedule and Proposed Amendment to Code of Ordinance and City Council Communication dated October 14, 2013.

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: October 3, 2016

RESOLUTION by Councilperson _____

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the City Engineer regarding a response to Joshua Sterling, Epic Property Management, is hereby received and placed on file;
AND

BE IT FURTHER RESOLVED that the Council concurs with the recommendation of the City Engineer regarding amendment to Article II. Plumbing Code, Sec 29-23 Amendments, Section P-114.2 Fee Schedule to amend the fee for sewer pipe new City sewer being tapped to \$500; AND

BE IT RESOLVED that the said revision be read for the 1st reading at the October 10, 2016 Council 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	_____

PLUMBING PERMIT FEES

Base Fee	50.00
stack, soil waste vent.....	11.00
inside conductor	11.00
conductor.....	11.00
storm and seepage drains	45.00
water closet	11.00
bath.....	11.00
lavatory	11.00
shower	11.00
sink, all descriptions.....	11.00
sump, all descriptions.....	11.00
urinal	11.00
fountain, all descriptions.....	11.00
floor drain trap	11.00
garbage disposal.....	11.00
hot water heater.....	11.00
pump or interceptor.....	11.00
laundry tray	11.00
dishwasher.....	11.00
barwaste	11.00
auto laundry machine.....	30.00
water service	50.00
additional inspection	40.00
backflow preventors residential	11.00
grease trap	11.00
sewer replacement 6"	60.00
sewer replacement 8"	70.00
sewer replacement 10" - 12"	90.00
sewer replacement 14" - 18"	130.00
sewer replacement greater than 18'	140.00
sewer pipe new city sewer being tapped.....	2,000.00
manholes, each.....	25.00
stove hookup	11.00
sprinkler system per head.....	2.00
water distributions	
3/4" - 1"	30.00
1 1/4" - 1 1/2"	40.00
2"	50.00
2 1/2" - 3"	60.00
4"	80.00
exceeding 4"	90.00
catch basin, manhole each.....	35.00

Effective 10-15-12

PLUMBING PERMIT FEES

Commercial Backflow Preventor RP2, Double check Valves
Vacuum Breakers:

1/2" - 2"	25.00
2 1/2" - 4"	60.00
Over 4"	100.00

PLUMBING PERMIT FEES

Reinspection fee	40.00
Registration of Plumbing Contractor License	15.00
Administration Fee	30.00
Late Fee	125.00

If a permit is not obtained before the work is started, a late fee of one hundred twenty-five dollars (\$125.00) will be charged in addition to the regular permit.

Effective 10-15-12



12863 Eureka Road, Southgate, MI 48195

734.225.6934
CITY CLERK

2016 SEP 22 P 3:41

September 22nd, 2016

Wyandotte City Council,

As the owner of Epic Property Management and Epic Homes, we have been expanding our business in Wyandotte over the past 7 years. Up until 2016 we have strictly purchased and remodeled existing homes. Most homes we work with have been vacant and dilapidated for years before we take ownership. Our projects include full interior and exterior remodels of the homes, featuring top of market finishes such as Granite countertops, Tiled shower surrounds, Restoring hardwood floors, etc. When complete, these projects raise the value of surrounding properties, improve neighborhoods, and make the city of Wyandotte a more desirable place to live.

As the economy improved we shifted our focus to building new homes on vacant city lots. Although these projects are on the cusp of being financially viable, the ability to purchase the lots at a reasonable price from the city and construct the homes on a strict budget made the projects feasible.

We initially purchased 3 lots and immediately began construction. Our intent was to complete these projects and purchase an additional 10-12 lots in 2017. To our dismay, once we began the permitting process, we found that water connection fees and sewer tap fees were much higher than anticipated and potentially detrimental to the budget and viability of these projects.

Specifically, we were being charged \$2,000 to run a 1" water line to the water service connection box, even though the existing ¾" line was existing with no problems and our plans were approved with ¾" water lines throughout the house.

Additionally, we were being charged \$2,000 for a "new" sewer tap, although we are simply connecting to the existing tap from the home that sat on the lot previously. We were told that if the tap was not broken we would receive a majority refund of this fee. We do not feel that this is a just practice, as the site already had a sewer tap. Regardless of that tap being in good condition or broken it does not cost the city any more money, or add any more strain to the sewer system than previously existed.

We are asking the council to consider removing the charge for a new sewer tap for homes built on lots with existing sewer taps, regardless of condition of the tap. We are also asking the council to consider removing the requirement to modify the water service to 1" when the existing ¾" supply would be sufficient for the property's design.

Thank you for your time and consideration.

Joshua K. Sterling
Epic Property Management, LLC
josh@epicpropertymanagement.com
(734)225-6934

OFFICIALS

William R. Griggs
CITY CLERK

Todd M. Browning
CITY TREASURER

Thomas R. Woodruff
CITY ASSESSOR



JOSEPH PETERSON
MAYOR

COUNCIL

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

October 15, 2013

RESOLUTION

Mark A. Kowalewski
City Engineer
3200 Biddle Avenue
Wyandotte, Michigan 48192

By Councilman Lawrence Stec
Supported by Councilwoman Sheri M. Fricke

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer regarding amendment to Article II Plumbing Code, Sec 29-23 Amendments, Section P-114.2 Fee Schedule to amend the fees for sewer pipe new City sewer being tapped to \$500.00; AND BE IT FURTHER RESOLVED that the said revision be submitted as a First Reading at the October 14, 2013 City Council Meeting.

YEAS: Councilmembers Sabuda Schultz

NAYS: Councilmembers Fricke Galeski Miciura Stec

MOTION FAILED TO PASS

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 October 14, 2013.


Maria Johnson
Deputy City Clerk

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 14, 2013

AGENDA ITEM # 8

ITEM: Amendment to the Code of Ordinances – Article II. Chapter 29 Plumbing Code, Sec 29-23 Amendments, Section P-114.2 Fee Schedule

PRESENTER: Mark A. Kowalewski, City Engineer

INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski, City Engineer

BACKGROUND: After review of the sewer permit fees in other surrounding communities, it is recommended that Wyandotte reduce the permit fee when a sewer is being tapped into the City sewer main from \$2,000 to \$500. If you concur with this recommended change, the First Reading should be held at tonight's meeting.

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

ACTION REQUESTED: Hold the required reading of the Ordinance.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: Reduction to Plumbing Permit Fees received for a one (1) year period could be approximately \$15,000 (10 new construction @ \$1,500 per tap).

IMPLEMENTATION PLAN: Hold the required reading of the Ordinance.

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: *Support*

LEGAL COUNSEL'S RECOMMENDATION:

MAYOR'S RECOMMENDATION: *OK MR*

LIST OF ATTACHMENTS: Current Fee Schedule and Proposed Amendment to Code of Ordinance

AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND CHAPTER 29 PLUMBING AND GAS
ARTICLE II. PLUMBING CODE, SEC. 29-23 AMENDMENTS
SECTION P-114.2 FEE SCHEDULE – SEWER TAP NEW
OF THE CITY OF WYANDOTTE
CODE OF ORDINANCES

CITY OF WYANDOTTE ORDAINS:

Section 1.

Chapter 29, Article II. Plumbing Code, Section 29-23 Amendments, Section P-114.2 Fee Schedule is hereby amend the fee for sewer replacement to the main to read as follows:

Section P-114.2 Fee Schedule. The permit fees for sewer tap new shall be as indicated in the following schedule all other fees shall remain unchanged:

Sewer pipe new city sewer being tapped.....\$500.00

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 fifteen (15) days from the date of its passage by the Wyandotte City Council and shall be published in within ten (10) days after adoption.

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

YEAS

Fricke
Galeski
Miciura
Sabuda
Schultz
Stec

NAYS

ABSENT _____

I hereby approve the adoption of the foregoing Ordinance this _____ day of _____, 20____.

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 _____, 20____.

Lawrence S. Stec, City Clerk

Joseph R. Peterson, Mayor

NOTICE OF ADOPTION

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

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



National Society Daughters of the American Revolution

**Monguagon Chapter of Michigan
(serving the Downriver area)**

September 21, 2016

Dear Mayor,

The 1976 Native American Awareness Week was expanded by Congress and President George Bush in August of 1990 by designating November as the National American Indian Heritage Month.

The month long celebrations and recognitions of Indian cultures, arts, education, historical activities, and heritage enrich our national culture as well.

Since the Downriver area's heritage of the Wyandotte Indians has had significant impression on our society today in this area, it seems appropriate to honor our native ancestors and their contribution to all cultures in this country.

In honor of this month, we ask that the Mayors of the Downriver communities proclaim the month of November as American Indian Heritage Month.

I would like to extend another thank you to the Mayors who participated in the acknowledgment of the National American Indian Heritage Month for 2015.

A sample of such a proclamation is enclosed for your convenience.

Thank you

Lugene A. Flores

Please respond to:

Lugene Flores

American Indians Chairperson

15079 Siebert Street

Taylor, MI 48180

PROCLAMATION

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of American today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned;

NOW THEREFORE, I, _____, by virtue of the authority vested in me as Mayor of the _____, Michigan do hereby proclaim November 2012 as the National American Indian Heritage Month, in the _____ and urge all citizens to observe this month with appropriate programs, ceremonies and activities.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the _____, Michigan be affixed this _____, Two-thousand and twelve.

(name and signature)

RESOLUTION

DATE: October 3, 2016

RESOLUTION by Councilperson _____

WHEREAS the request from Lugene Flores, Monguagon Chapter of the National Society Daughters of the American Revolution, is requesting that the City of Wyandotte to recognize the month of November as National American Indian Heritage Month.

BE IT RESOLVED that Mayor and Council approve the preparation of a proclamation, as requested, to be presented to the NSDAR Monguagon Chapter of Michigan.

I Move the adoption of the foregoing resolution.

MOTION by Councilperson _____

SUPPORTED by Councilperson _____

YEAS

COUNCIL

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

NAYS

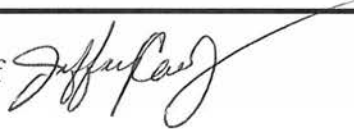
CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 3, 2016

AGENDA ITEM # 4

ITEM: Fire Department – Wyandotte Fire Fighter’s Pancake Breakfast during Open House

PRESENTER: Jeffery Carley, Fire Chief



INDIVIDUALS IN ATTENDANCE:

BACKGROUND: National Fire Prevention Week this year is October 9th through the 15th, this year’s theme is “**Don’t Wait Check the date; replace smoke alarms every 10 years**”. During Fire Prevention week the Wyandotte Fire Fighter holds their annually pancake breakfast and Open House.

STRATEGIC PLAN/GOALS: Fire Prevention and Education

ACTION REQUESTED: Adopt a resolution granting permission to the Wyandotte Fire Fighters to host their annual Pancake breakfast during this year open house scheduled for October 16, 2016. In addition, adopt a resolution granting permission to the Wyandotte Fire Department to close the west half of city lot #9 at 7 am until 1 pm for a “Jaws of Life” Demo and close Maple street east at the Yack parking lot entrance to 3rd Street from 7 am until 1 pm.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: N/A

COMMISSION RECOMMENDATION:

CITY ADMINISTRATOR’S RECOMMENDATION:



LEGAL COUNSEL’S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION:



LIST OF ATTACHMENTS

Letter from Wyandotte Fire Fighters requesting permission

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan

Date: October 3, 2016

RESOLUTION by Councilman _____

BE IT RESOLVED by the City Council that Council grant permission to the Wyandotte Fire Fighters Local 356 to conduct their Annual pancake breakfast during the Wyandotte Fire Department Open House October 15, 2016

AND FURTHER RESOLVED that the west half of City parking lot #9 and Maple Street in front of the Central fire station be closed October 15, 2016 from 7 am until 1 pm.

I move the adoption of the foregoing resolution.

MOTION by
Councilmen _____

Supported by Councilman _____

YEAS

COUNCIL

NAYS

Fricke

Galeski

Miciura

Sabuda

Schultz

VanBoxell



Wyandotte Fire Fighters - Local 356

1093 Ford Avenue • Wyandotte, Michigan 48192

September 1, 2016

Police and Fire Commission
City of Wyandotte
2015 Biddle
Wyandotte, MI 48192

RE: Pancake breakfast / Open house

Dear Commissioners,

The Wyandotte Firefighters Local 356 is once again asking permission to hold our annual pancake breakfast/open house. The open house will be held on Sunday October 16th at fire station #1 (266 Maple). With this we also ask for permission to shut down the city's parking lot #9, located on the southwest corner of 2nd and Maple. The reason for this closer would be for a possible helicopter landing (weather permitting), to enhance the experience for the citizens. This helicopter landing has happened in the past without closer of the parking lot, which has caused stress the morning of trying to get vehicles moved for a safe and possible landing. Local 356 are also asking for permission to hand out coloring sheets to the Wyandotte elementary schools which will provide free entry into breakfast for the children with the return of colored sheet. This event has been a great way for our fire department to build a bond with the citizens, and raise money for our charities account to donate in times of need. We await response from the Police and Fire commission to further proceed with this great event.

Sincerely,

Firefighter Kyle Caparaotta

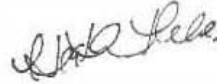
CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 3rd 2016

AGENDA ITEM # 5a

ITEM: Kids Fall Festival Downtown Wyandotte

PRESENTER: Heather A. Thiede, Special Event Coordinator



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

BACKGROUND: The Downtown Development Authority, Wyandotte Business Association and my office are currently planning the 2016 Kids Fall Festival Event scheduled for October 21st 2016 from 6 to 8 pm. This event will include: Trick or Treating at Downtown Wyandotte Businesses, pumpkin painting, cider and donuts. Limited to the first 1,000 kids, 12 and under, must be in costume. \$5 in advance or bring a canned good item and receive \$2 off the day of the event benefiting Gleaners Food Bank. Due to the amount of participants in the past trick or treat events we are seeking permission to close Biddle Avenue to keep the families and children safe.

- All streets to close at 11am 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 Elm to Biddle to Alley – East
- Request to close Sycamore and Biddle to just past Coastal Thai
- Request to close Maple from Biddle to alley
- Request to close Elm from Biddle to the Alley – West
- Request to close First Street behind Chelsea's Menswear
- Gravel parking lot at the former City Hall 3131 Biddle
- All roads should be closed with signs no later than 11am

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

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

ACTION REQUESTED: Adopt a resolution to concur with the above recommendation

BUDGET IMPLICATIONS & ACCOUNT NUMBER:

Funds to be taken from the 2016 Special Event Misc. Account as well as the DDA Expense Account.

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

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: N/A



LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION:



LIST OF ATTACHMENTS:

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: October 3rd 2016

RESOLUTION by Councilman_____

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

A resolution to APPROVE the contract use of city sidewalks for the 2016 Kids Fall Festival Event scheduled for October 21st 2016 from 6 to 8 pm. This event will include: Trick or Treating at Downtown Wyandotte Businesses, pumpkin painting, cider and donuts. Limited to the first 1,000 kids, 12 and under, must be in costume. \$5 in advance or bring a canned good item and receive \$2 off the day of the event benefiting Gleaners Food Bank. Due to the amount of participants in the past trick or treat events we are seeking permission to close Biddle Avenue to keep the families and children safe. Expense to be paid from the Special Event Misc. Account as well as DDA Expense Accounts.

- All streets to close at 11am 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 Elm to Biddle to Alley – East
- Request to close Sycamore and Biddle to just past Coastal Thai
- Request to close Maple from Biddle to alley
- Request to close Elm from Biddle to the Alley – West
- Request to close First Street behind Chelsea's Menswear
- Gravel parking lot at the former City Hall 3131 Biddle
- All roads should be closed with signs no later than 11am

I move the adoption of the foregoing resolution.

MOTION by Councilmen_____

Supported by Councilman_____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 3rd 2016

AGENDA ITEM # 5b

ITEM: Special Event Application - RHS Downriver Fanfare

PRESENTER: Heather A. Thiede, Special Events Coordinator

Heather Thiede

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

BACKGROUND: The Roosevelt High School Downriver Fanfare event will be held October 4th here in the City of Wyandotte. The group would like to request the following items from the times of 4 pm to 10 pm, October 4th 2016:

- a. Streets will be blocked from 3:30 pm to 10 pm
- b. Permission to close Maple Street between 5th and 7th Streets
- c. Permission to close 5th Street from Eureka to Maple
- d. Permission to close the alley behind the Auto Shop
- e. Overflow parking to use the Chase Bank parking lot located next to the Yack Arena

This event has been reviewed and approved by the Police Chief, Fire Chief, Recreation Superintendent and DPS Superintendent pending the signing of a hold harmless agreement by the School District representative. It is also requested that there be access for emergency vehicles available on the above listed streets and alleys.

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

ACTION REQUESTED: It is requested the City Council concur with the support of the Special Event Coordinator, Police Chief, Recreation Superintendent, Fire Chief and Department of Public Service Superintendent and support the use of city streets, sidewalks and property for their event held October 4th.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

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

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: *LD Rydalen*

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

MAYOR'S RECOMMENDATION: *ALP*

LIST OF ATTACHMENTS

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: October 3rd 2016

RESOLUTION by Councilman _____

BE IT RESOLVED by the City Council that Council Concurs with the recommendation of the Special Events Coordinator to approve the use of city sidewalks, streets and property for the event held October 4th 2016.

I move the adoption of the foregoing resolution.

MOTION by Councilmen _____

Supported by Councilman _____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell



Roosevelt High School
Instrumental Music Department



540 Eureka Rd., Wyandotte, MI 48192

Phone (734) 759-5236

Fax (734) 759-5009

dangem@wy.k12.mi.us

DOWNRIVER FANFARE '14

September 19, 2016

Honorable Mayor Joe Peterson
and Wyandotte City Council
Wyandotte City Hall
3200 Biddle Avenue
Wyandotte, MI 48192

Re: 12th Annual Downriver Fanfare
Street Block Request

Greetings:

The Wyandotte Music Boosters will host the 12th Annual Downriver Fanfare, a high school marching band showcase on Tuesday, October 4, 2016 at Roosevelt High School. We presently have several area high school marching bands participating in this event. We are excited this year to be able to host the Eastern Michigan University Marching Band.

In order to accommodate the movement of the bands from their warm-up areas to the football field, we hereby request that Maple Street between 5th and 7th Streets and also 5th Street from Eureka to Maple Street, be blocked so as to allow these bands easy access to the RHS gym parking lot off Maple Street. We would also request that the alley directly behind the auto shop of the high school be blocked from public use. The use of the street and the alley blocking would begin at approximately 3:30 pm and end at approximately 10:00 pm.

Please feel free to contact the Downriver Fanfare Co- Chairpersons, Ann Marie Dajos or Phillip Dajos with any questions.

Mark A. D'Angelo
Instrumental Music Director
Roosevelt High School
Phone: (734)759-5236
E-Mail: dangem@wy.k12.mi.us

Ann Marie Dajos/Phillip Dajos
Downriver Fanfare Co- Chairperson
Phone: (734) 748-1349
E-Mail: annmariedajos@yahoo.com

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 3rd 2016

AGENDA ITEM # 5c

ITEM: Holiday Performance Contract- Parade

PRESENTER: Heather A. Thiede, Special Event Coordinator

Heather A. Thiede

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

BACKGROUND: Herewith, please find the Holiday Performance Contract assembled and recommended by my office for the 2016 Christmas Parade. We have confidence that once again, Mr. and Mrs. Olszewski will provide us with quality services and are endorsing their contract for the Holiday event downtown.

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

ACTION REQUESTED: Adopt a resolution to concur with the above recommendation and authorize Mayor Peterson and Lawrence Stec, City Clerk to sign the attached contract.

BUDGET IMPLICATIONS & ACCOUNT NUMBER:

Christmas Parade Expense Account

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

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: *SDysdal*

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

MAYOR'S RECOMMENDATION: *JRP*

LIST OF ATTACHMENTS:

Agreement

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: October 3rd, 2016

RESOLUTION by Councilman _____

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

A resolution to APPROVE the contract for Mr. and Mrs. Olszewski for the 2016 Christmas Parade as outlined

in the provided communication dated October 3rd 2016, funds to be paid from the Christmas Expense Account.
BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby directed to execute said contract on behalf of the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilmen _____

Supported by Councilman _____

YEAS

COUNCIL

NAYS

Fricke
Galeski
Miciura
Sabuda
Schultz
VanBoxell

AGREEMENT

This agreement entered into between the City of Wyandotte ("City") and
LAWRENCE OLSZEWSKI
ELAINE OLSZEWSKI ("Performer") for the purpose of Performer portraying Santa

Claus and Mrs. Claus. The parties agree hereto as follows:

1. Performer agrees to provide the service of Santa Claus and Mrs. Claus for the following events:
 - a. Riding in Christmas Parade on November 19, 2016. 10 am to 12:00 pm
2. In consideration of the above, City will pay Performer \$75 an hour after the completion of each event. We ask that you come dressed in costume to the events.
3. In consideration of the above, Performer agrees to hold the City harmless and hereby assumes all risk and liability relating to the above mentioned activity and agrees to indemnify the City of Wyandotte and all city officials, employees volunteers and agents from all liability or responsibility whatever for injury (including death) to persons, or for any damage to any City of Wyandotte property, or to the property of others arising out of or resulting from their performance as Santa Claus and Mrs. Claus.

This Agreement entered into on 9-9-16 day of SEPTEMBER, 2016.

City of Wyandotte:

Joseph R. Peterson, Mayor

Lawrence Stec, Clerk

Performer:

Lawrence J. Olszewski

Elaine J. Olszewski

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 3, 2016

AGENDA ITEM # 6

ITEM: Leaf Collection Schedule for 2016

PRESENTER: Mark A. Kowalewski, City Engineer



INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski, City Engineer

BACKGROUND: Attached is the 2016 Leaf Collection Schedule for the City. All leaves should be at the curb the Monday of each week indicated. We are requesting residents avoid parking on the street during their weeks of leaf collection. We also request residents DO NOT place any corn stalks, pumpkins or garden debris in the street during leaf collection. Those items can be recycled at the Drop-Off Recycling Center.

Further, leaves can be dropped-off at the Recycling Center. The Recycling Drop-off Center hours are Monday thru Friday 8:00 a.m. to 5:30 p.m. and Saturday 8:00 a.m. to 4:00 p.m., Sunday 12:00 p.m. to 4:00 p.m. Closed Holidays. There will be extended hours during the month of November with the Recycling Center remaining open until 6:00 p.m. on Saturday and open on Sunday at 10:00 a.m. and close at 4:00 p.m.

STRATEGIC PLAN/GOALS: This recommendation is consistent with the 2010-2015 Goals and Objectives of the City of Wyandotte Strategic Plan in committing to protect and manage our natural resources vigorously by managing our natural resources, river and creeks, wildlife, and parks wisely. They are precious to us and by careful stewardship they may be enjoyed by future generations

ACTION REQUESTED: Adopt Resolution to concur with schedule.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: n/a

IMPLEMENTATION PLAN: Post notice on City's website and in News Herald.

COMMISSION RECOMMENDATION: n/a

CITY ADMINISTRATOR'S RECOMMENDATION:



LEGAL COUNSEL'S RECOMMENDATION: n/a

MAYOR'S RECOMMENDATION:



LIST OF ATTACHMENTS: 2016 Leaf Collection Schedule

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: October 3, 2016

RESOLUTION by Councilperson _____

RESOLVED BY THE MAYOR AND COUNCIL that the communication from the City Engineer regarding Leaf Collection Service in the City of Wyandotte is hereby received and placed on file; AND

BE IT FURTHER RESOLVED that Council authorizes the City Clerk to publish said scheduled in the Wyandotte New Herald; AND

BE IT FURTHER RESOLVED that the City requests residents to avoid parking on the streets during their weeks of leaf collection.

I move the adoption of the foregoing resolution.

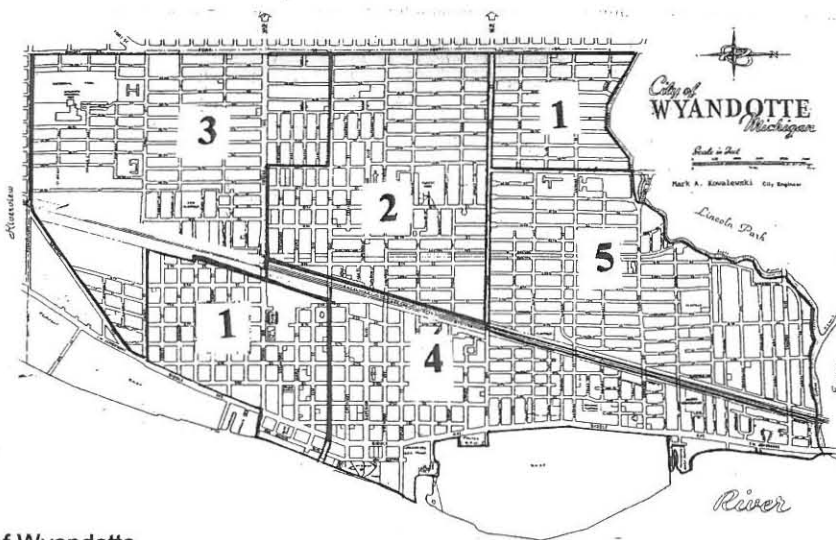
MOTION by Councilperson _____

Supported by Councilperson _____

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

**CITY OF WYANDOTTE
2016 LEAF COLLECTION SCHEDULE**

<u>WEEKS</u>	<u>AREA</u>
October 31 – Nov 4, 2016	3 Pennsylvania to South Side of Eureka, Railroad to 15 th Street; South side of Oak Street to Pennsylvania, 15 th Street to Fort Street; South side of Grove to Central, Biddle Avenue to Railroad
November 7 - 11, 2016	4 North Side Oak Street to North Drive, Railroad to Detroit River
November 14 – 18, 2016	5 North side of Ford Avenue to North Drive, Railroad to East side of 15 th Street
November 21 -25, 2016	1 West side of 15 th Street to Fort Street; Goddard to north side of Ford Avenue; South side of Oak Street to North side of Grove; Detroit River to the Railroad
November 28 – Dec 2, 2016	2 South side of Ford Avenue to North side of Eureka, Railroad to 15 th Street; South side of Ford Avenue to north side of Oak 15 th Street to Fort Street



City of Wyandotte
2016 Leaf Collection Schedule

The above schedule for leaf collection begins on October 31, 2016. Check the map for the pickup in your area. Pickup will be during the weeks shown above, but leaves should be at the curb on each Monday's date. No grass clippings, branches, tree trimming, etc., are to be placed in the street. If these items are mixed in with the leaves, neither they nor the leaves will be picked up until the resident removes the undesirable materials. These materials will damage the vacuums. Should the resident not remove the undesirable material, the resident may be issued a violation of City ordinance and possibly incur a fine.

Every effort will be made to adhere to the above schedule, however, weather conditions, holidays and equipment breakdowns may cause schedule delays.

- SUGGESTIONS:**
1. Rake all leaves into the street at the curb.
 2. Do not park on or near leaf piles due to the potential fire hazard.
 3. Wetting the leaf piles with a garden hose will prevent blowing and also reduce the risk of fires.

- OTHER OPTIONS:**
1. Leaves can be placed with Curbside Yard Waste Collection.
 2. Leaves can be taken to the Wyandotte Drop-Off Recycling at 1168 Grove.

Recycling Center Hours:

Monday thru Friday 8:00 a.m. to 5:30 p.m.

Saturday 8:00 a.m. to 4:00 p.m.

Sunday 12:00 p.m. to 4:00 p.m. Closed Holidays

Extended hours during the month of November, 2016 –Saturday until 6:00 p.m. and Sunday 10:00 a.m. to 4:00 p.m.

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 3m, 2016

AGENDA ITEM # 7

ITEM: City Purchasing 1528 Chestnut, Wyandotte

PRESENTER: Mark A. Kowalewski, City Engineer



INDIVIDUALS IN ATTENDANCE: Mark A. Kowalewski, City Engineer

BACKGROUND: This property is an eyesore in the neighborhood. The City is being offered this property for the sales price of \$25,000.00. The property information is as follows:

Lot Size: 60' x 140'

Demolition Cost Estimated at: \$6,000.00

2016 SEV: \$33,335

Market Value: \$66,670

2015 Taxes: \$1,822.64

This property is large enough for the construction of a new single family dwelling.

STRATEGIC PLAN/GOALS: This is consistent with the Goals and Objectives of the City of Wyandotte Strategic Plan in insuring that the City is committed to maintaining and developing excellent neighborhoods by, matching tools and efforts to the conditions in city neighborhoods, continuing neighborhood renewal projects, where needed, in order to revitalize structures and infrastructures in residential and commercial areas.

ACTION REQUESTED: Approve the Purchase Agreement for the City to acquire property and authorize the Mayor and City Clerk to execute same.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: 284-200-850-560 Land & Building

IMPLEMENTATION PLAN: Mayor and City Clerk execute the Purchase Agreement and close on property.

COMMISSION RECOMMENDATION: n/a

CITY ADMINISTRATOR'S RECOMMENDATION: 

LEGAL COUNSEL'S RECOMMENDATION: Approved PA. W. Look

MAYOR'S RECOMMENDATION:



LIST OF ATTACHMENTS: Purchase Agreement and Map

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: October 3, 2016

RESOLUTION by Councilperson _____

RESOLVED BY THE CITY COUNCIL that Council concurs with the recommendation of the City Engineer to acquire the property at known as 1528 Chestnut the amount of \$25,000.00 to be appropriated from UDAG 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.

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	_____

LOOK, MAKOWSKI and LOOK
ATTORNEYS AND COUNSELORS AT LAW
PROFESSIONAL CORPORATION
2241 OAK STREET
WYANDOTTE, MICHIGAN 48192-5390

William R. Look
Steven R. Makowski

(734) 285-6500
FAX (734) 285-4160

Richard W. Look
(1912-1993)

OFFER TO PURCHASE REAL ESTATE

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

{ City
Township of
Village

Wyandotte Wayne County, Michigan, described as follows:
Lots 5 and 6 Dewey Place Subdivision, Block 2 as recorded in Liber 21, Page 59 WCR

_____ being known as
1528 Chestnut Street, together with all improvements and appurtenances,
including all lighting fixtures, shades, Venetian blinds, curtain rods, storm windows and storm doors, screens, awnings, TV antenna,
gas conversion unit and permit _____ if any, now on the premises, and to pay
therefore the sum of Twenty Five Thousand (\$25,000.00) Dollars, subject to the existing building and use restrictions,
easements, and zoning ordinances, if any, upon the following conditions;

THE SALE TO BE CONSUMMATED BY: A

(Fill out one of the four following paragraphs, and strike the remainder)

Cash Sale	A. Delivery of the usual Warranty Deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check. _____
Cash Sale with New Mortgage	B. Delivery of the usual Warranty Deed conveying a marketable title. Payment of Purchase money is to be made in cash or certified check. Purchaser agrees that he will immediately apply for a _____ mortgage in the amount of \$ _____, and pay \$ _____ down plus mortgage costs, prepaid items and adjustments in cash. Purchaser agrees to execute the mortgage as soon as the mortgage application is approved, a closing date obtained from the lending institution, and, if applicable, final inspection of the property approved by the Veterans Administration or F. H. A.
Sale to Existing Mortgage	C. Delivery of the usual Warranty Deed conveying a marketable title, subject to mortgage to be deducted from the purchase price. Payment of the purchase money is to be made in cash or certified check less the amount owing upon an existing mortgage now on the premises, with accrued interest to date of consummation, held by _____ upon which there is unpaid the sum of approximately _____ Dollars, with interest at _____ per cent, which mortgage requires payment of _____ Dollars on the _____ day of each and every month, which payments DO, DO NOT include prepaid taxes and insurance. If the Seller has any accumulated funds held in escrow for the payment for any prepaid items, the Purchaser agrees to reimburse the seller upon proper assignment of same. The Purchaser agrees to assume and pay said mortgage according to the terms thereof.
Sale on Land Contract	D. Payment of the sum of _____ Dollars, in cash or city check, and the execution of a Land Contract acknowledging payment of that sum and calling for the payment of the remainder of the purchase money within _____ years from the date of Contract in monthly payments of not less than _____ Dollars each, which include interest payments at the rate of _____ per cent per annum; and which DO, DO NOT include prepaid taxes and insurance.
Sale to Existing Land Contract	If the Seller's title to said land is evidenced by an existing by an existing land contract with unperformed terms and conditions substantially as above set forth and the cash payment to be made by the undersigned on consummation hereof will pay out the equity, an assignment and conveyance of the vendee's interest in the land contract, with an agreement by the undersigned to assume the balance owing thereon, will be accepted in lieu of the contract proposed in the preceding paragraph. If the Seller has any accumulated funds held in escrow for the payment of prepaid taxes or insurance, the Purchaser agrees to reimburse the Seller upon the proper assignment of same.
Evidence of Title	2. As evidence of title, Seller agrees to furnish Purchaser as soon as possible, a Policy of Title Insurance in an amount not less than the purchase price, bearing date later than the acceptance hereof and guaranteeing the title in the condition required for performance of this agreement, will be accepted.
Time of Closing	3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the parties agree to complete the sale upon notification that Purchaser is ready to close; however, if the sale is to be consummated in accordance with paragraph B, then the closing will be governed by the time there specified for obtaining a mortgage. In the event of default by the Purchaser hereunder, the Seller may, at his option, elect to enforce the terms hereof or declare a forfeiture hereunder and retain the deposit as liquidated damages.
Purchaser's Default/Seller's Default	4. In the event of default by the Seller hereunder, the purchaser may, at his option, elect to enforce the terms hereof or demand, and be entitled to, an immediate refund of his entire deposit in full termination of this agreement.
Title Objections	5. If objection to the title is made, based upon a written opinion of Purchaser's attorney that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed, either (1) to remedy the title, or (2) to obtain title insurance as required above, or (3) to refund the deposit in full termination of this agreement if unable to remedy the title or obtain title insurance. If the Seller remedies the title or shall obtain such title commitment within the time specified, the Purchaser agrees to complete the sale within 10 days of written notification thereof. If the Seller is unable to remedy the title or obtain title insurance within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.
Possession	6. The Seller shall deliver and the Purchaser shall accept possession of said property, subject to rights of the following tenants: <u>None</u> If the Seller occupies the property, it shall be vacated on or before <u>closing</u> From the closing to the date of vacating property as agreed, SELLER SHALL PAY the sum of \$ <u>NA</u> per day. THE BROKER SHALL RETAIN from the amount due Seller at closing the sum of \$ <u>NA</u> , as security for said occupancy charge, paying to the Purchaser the amount due him and returning to the Seller the unused portion as determined by date property is vacated and keys surrendered to Broker.

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

Taxes and Prorated Items	7. All taxes and assessments which have become a lien upon the land at the date of this agreement shall be paid by the Seller. Current taxes, if any, shall be prorated and adjusted as of the date of closing in accordance with <u>due date</u> (Insert one: "Fiscal Year" "Due Date." If left blank, Fiscal Year applies) basis of the municipality or taxing unit in which the property is located. Interest, rents and water bills shall be prorated and adjusted as of the date of closing. Due dates are August 1 and December 1.
Broker's Authorization	8. It is understood that this offer is irrevocable for fifteen (15) days from the date hereof, and if not accepted by the Seller within that time, the deposit shall be returned forthwith to the Purchaser. If the offer is accepted by the Seller, the Purchaser agrees to complete the purchase of said property within the time indicated in Paragraph 3. 9. The seller is hereby authorized to accept this offer and the deposit of <u>0</u> Dollars may be held by him under Act No. 112, P.A. of 1960 Sect. 13, (j) and applied on the purchase price if the sale is consummated.

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

It is expressly agreed that, notwithstanding any other provisions of this contract, the Purchaser shall not be obligated to complete the purchase of the property described herein or to incur any penalty by forfeiture of earnest money deposits or otherwise unless the Seller has delivered in the purchaser a written statement issued by the Federal Housing Commissioner

setting forth the appraised value of the property for mortgage insurance purpose of not less than \$ _____ which statement the Seller hereby agrees to deliver to the Purchaser promptly after such appraised value statement is made available to the Seller. The Purchaser shall, however, have the privilege and the option of proceeding with the consummation of this contract without regard to the amount of the appraised valuation made by the Federal Housing Commissioner.

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

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

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

The closing of this sale shall take place at the office of _____.

However, if a new mortgage is being applied for, Purchasers will execute said mortgage at the bank or mortgage company from which the mortgage is being obtained.

Additional conditions, if any: **1. Contingent upon City Council approval, 2. Seller agrees not to enter into any third party agreements including with any telecommunications companies wishing to install equipment on said property prior to closing.**

City of Wyandotte:

IN PRESENCE OF:

L. S.
JOSEPH R. PETERSON, Mayor **Purchaser**

L. S.
LAWRENCE S. STEC, Clerk **Purchaser**

Address _____

Dated _____ Phone: _____

BROKER'S ACKNOWLEDGMENT OF DEPOSIT

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

Address _____

Broker

Phone _____ By: _____

This is a co-operative sale on a _____ basis with _____

ACCEPTANCE OF OFFER

TO THE ABOVE NAMED PURCHASER AND BROKER:

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

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

IN PRESENCE OF:

Dennis Zack L. S.
Seller

Rachel M. Zack L. S.
Rachel Zack **Seller**

Address 2206 18th, Wyandotte, Mo

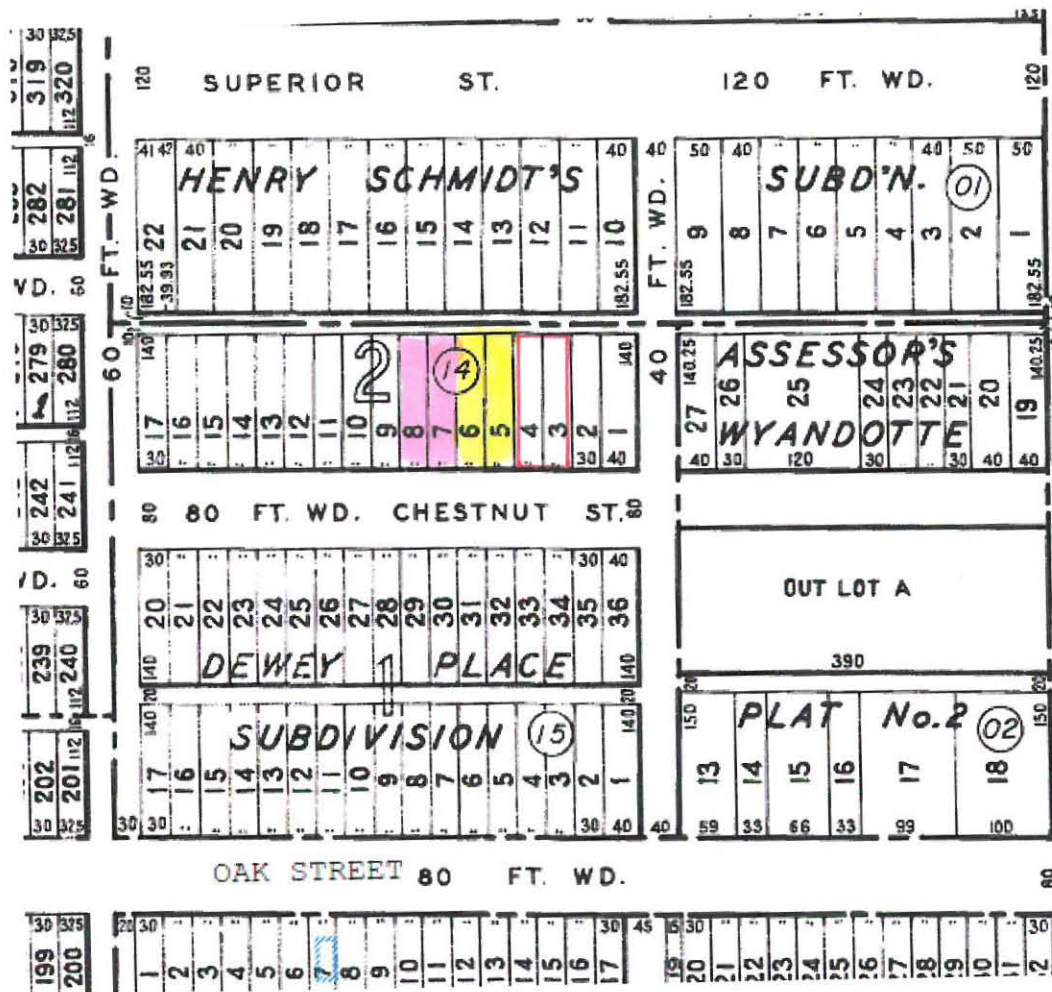
Dated: _____ Phone 1-734-512-9108

PURCHASER'S RECEIPT OF ACCEPTED OFFER

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

Dated _____ L. S.
Purchaser

4892



1518 Chestnut - LOTS 3 AND 4 DEWEY PLACE SUB, BLOCK 2 - Lot Size: 60' x 140'

1528 Chestnut - Lots 5 and 6 Dewey Place Subdivision Block 2 - Lot Size: 60' X 140'

1538 Chestnut - LOTS 7 AND 8 DEWEY PLACE SUB, BLOCK 2 - Lot Size: 60' x 140'

Guide Sheet

FIRST READING OF AN ORDINANCE

#1433

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE ZONING ORDINANCE
TO AMEND CERTAIN PORTIONS OF
ARTICLE XXII SPECIAL LAND USES
SECTION 2201 – GENERAL PROVISIONS
AMENDING SECTION H – REVOKE SPECIAL LAND USE

#1434

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE ZONING ORDINANCE
TO AMEND CERTAIN PORTIONS OF
ARTICLE XXII SPECIAL LAND USES
SECTION 2202 – SPECIAL LAND USE DESIGNATED
AMENDING SECTION S – OUTDOOR CAFE

AN ORDINANCE ENTITLED

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE
ZONING ORDINANCE TO AMEND
CERTAIN PROVISIONS OF
ARTICLE XXII SPECIAL LAND USES
SECTION 2201 – GENERAL PROVISIONS
AMENDING SECTION H – REVOKE SPECIAL LAND USE

CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose and Intent

It is determined necessary for the health, safety and welfare of the City to adopt this article regulating the location and operations of Outdoor Cafes Uses.

Section 2. Amendment to Section 2201 "GENERAL PROVISIONS" by amending Paragraph H of Article XXII "Special Land Uses", shall read as follows:

H. Revoke special land use. A special land use may be revoked by the planning commission under the following procedures:

1. Mail notice of the proposed action to revoke the special land use to the owner/operator of the business and outdoor café at least 10 calendar days prior to the hearing.
2. Provide with the notice the reasons for the proposed action.
3. Provide with the notice the date, time and place of the hearing for the proposed action.
4. Include in the notice a statement that the owner/operator may present evidence and testimony and question any witness at the hearing.
5. At the hearing, the city engineer's office or planner will present to the planning commission any witnesses, reports, documents and recommendations concerning the proposed revocation of the special land use.

Criteria for revocation.

The planning commission may revoke a special land use upon a determination by the commission that, based upon a preponderance of evidence presented at the public hearing, any of the following exists:

1. Violation of any of the restrictions of the special land use set forth in the city ordinance or in any conditions set by the city when it approved the special land use.
2. Maintenance of a nuisance upon the premises, including, but not limited to, any of the following:
 - a. Existing violations of building, zoning, health, fire or regulatory codes.
 - b. A pattern of patron conduct upon or in the neighborhood of the licensed establishment including outdoor café which is in violation of the law or disturbs the peace, order and tranquility of the neighborhood.
 - c. Failure to maintain the grounds and exterior of the licensed establishment (including outdoor café), including litter, debris, refuse blowing, or being deposited on adjoining properties.

- d. Entertainment without a required permit or entertainment which disturbs the peace, order and tranquility of the neighborhood.
- e. Any advertising, promotion or activity which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed establishment (including outdoor café).
- f. Any condition of default in the payment of any tax, fee, charge, water bill, special assessment or other debt to the city or any unpaid judgment payable to the city.
- g. Any misrepresentation of any information in any application or hearing for the grant or renewal of any special land use (including outdoor café).

Section 3. Reservation of Rights.

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 4. Severability.

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 5. Conflicting Ordinances.

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 6. Effective

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

AN ORDINANCE ENTITLED

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE
ZONING ORDINANCE TO AMEND
CERTAIN PROVISIONS OF
ARTICLE XXII SPECIAL LAND USES
SECTION 2202 – SPECIAL LAND USE DESIGNATED
AMENDING SECTION S – OUTDOOR CAFE

CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose and Intent

It is determined necessary for the health, safety and welfare of the City to adopt this article regulating the location and operations of Outdoor Cafes Uses.

Section 2. Amendment to Section 2202 "Special Land Use Designated" by amending Paragraph S of Article XXII "Special Land Uses" of Zoning Ordinance shall read the follows:

Article XXII – Special Land Uses, 2202. Special Land Use Designated

S – Outdoor Café

1. An outdoor café may be set up and used from March 15 through November 15. The permitted hours of operation are from 7:00 a.m. to 12 midnight Monday thru Sunday with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by City Council. Noise radiating from an outdoor café, which exceeds 75 DBA between 7:00 a.m. to 12 midnight or 65 DBA for all other times shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is prohibited. The "DBA" represents the sound pressure level in decibel measured on the "A" scale of a standard sound level meter. Noise level measurements shall be taken at the zoning district boundary of any residential zoning district, recreation unit district and any planned development as may be appropriate. In all other districts, noise level measurements shall be taken at the property line of an affected property.

Upon request, the City Council may by resolution, extend the dates of operations or the hours of operation. A public hearing on said request shall first be held by the Planning Commission (under the same procedures for approval of special land use). Upon receipt by the City Council of recommendation of the planning commission the City Council may approve the request. The criteria for approval will include the impact on adjacent or nearby residential, religious, educational or commercial properties and review of previous or current compliance with all city ordinances, state and federal regulations. Any approval for extension of dates or hours shall be issued on a calendar year basis and shall expire on December 31st and must be renewed annually. The City Council may grant a renewal of the extended dates or hours without the necessity of a public hearing if it determines the applicant is in compliance with all requirements of all city ordinances and approvals for the special land use. Any approval for extension of dates or hours is subject to revocation by the Planning Commission in accordance with paragraph H, section 2201.

2. A site drawing showing the detailed plan of the outdoor café must be submitted to and approved by the Planning Commission. The detailed plan is to include: the design, relevant details and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs and other equipment, as well as lighting and electrical outlet locations. The location of entrances and exits shall be shown. For cafes on public property, the plan shall also show existing sidewalks, buildings, curbs, existing improvements, i.e., lamp posts, street trees, benches, mailboxes, etc., and an unobstructed clear area for pedestrian use (a minimum of 60"). A minimum clearance of seven (7) feet shall be maintained between the sidewalk and bottom edge of table umbrellas or awnings. The layout shall show all seating, tables and chairs and shall be used to determine maximum occupancy load for the outdoor café. The occupancy load shall be posted in a conspicuous location.
3. Plans for setting up the outdoor café must be approved by the Department of Engineering and Building to provide for the free passage of pedestrians along the sidewalks, by the Police Department to provide for traffic and pedestrian safety, and by the Fire Department for fire-safety issues. An outdoor café which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six (6) feet high.
4. The outdoor café must be part of a licensed restaurant and meet all the requirements of the department of health and any other local, county or state requirements, including the City of Wyandotte's ordinance and the Michigan Liquor Control Commission (if applicable).
5. For outdoor cafes on public property, liability insurance, Liquor Liability Coverage and property damage coverage naming the City of Wyandotte as an insured party, in an amount approved by the City of Wyandotte's City Administrator, must be provided before an outdoor café may be set up and be maintained for as long as the outdoor café is in operation.
6. Approval of the City Council is required for the proposed use of any public area or facility. All provisions of a Grant of License must be complied with at all times. Consideration for approval for use of any public area shall be limited to public property that is situated within fifty (50) feet of the extended property boundaries of property owned by the applicant. Any public outdoor café not within the road right-of-way may also require a written lease as determined by the City Council.
7. An outdoor café in a B-2 district may provide for only thirty five percent (35%) more seating than is provided inside the restaurant. Additional parking shall be provided for the square foot area of the outdoor café in accordance with Section 2403.
8. No sign or any other form of advertising is permitted in the dining area, nor on fences or railings of such area with the exception of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella. No display of merchandise for sale shall be allowed.

9. Furnishings of an outdoor café shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that canopies and railings, shall be secured by means of flush mounted anchors or other methods approved by the Building Official. No objects which are part of an outdoor café, except lighting fixtures, railings, awnings, or other nonpermanent covers or canopies, may be attached, even in a temporary manner, to any building, or structure on which the outdoor café abuts. When the associated establishment and/or the outdoor café on public property are not open for daily use, all furnishings and fixtures, unless otherwise specifically approved, shall be removed from the public property or stored in an approved manner which shall not cause a public nuisance or hazard. The Building Official shall determine when fences on public property shall be removed. The Building Official shall determine when a hazardous condition exists in the public right-of-way and on other public property. Any fence abutting public right-of-way or in public right-of-way must be of black metal material. Shop drawings plans shall be provided with each application for fencing and all furniture on any outdoor café for review by the Planning Commission.
10. Outdoor dining areas must remain clear of litter, food scraps and soiled dishes at all times.
11. Annual inspection of the outdoor café to be conducted by the Engineering and Building Department for compliance with approved plan. All outdoor cafes shall apply annually to the Planning Commission for approval. A public hearing will be required only if a written complaint is received by the Planning Commission in the previous year. The Engineering and Building Department will be responsible to receive written complaints concerning an outdoor café and said complaints shall be forwarded to the Planning Commission. The City Council will approve an application checklist which will include yearly fees for application review, inspections, use of public area and review of insurance. This checklist will be utilized for inspection by the Engineering and Building Department. The yearly fee will be established by City Council Resolution.

Section 3. Reservation of Rights.

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 4. Severability.

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 5. Conflicting Ordinances.

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 6. Effective

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

First Reading Supporting Documents

REQUEST FOR COUNCIL ACTION

MEETING DATE: September 26, 2016

AGENDA ITEM # _____

ITEM: **Zoning Ordinance Amendment** – Article XXII Special Land Uses, Section 2201 General Provisions, Sub-Section H Revoke Special Land Use; Section 2202 Special Land Use Designated Sub-Section S Outdoor Café and Section 2405.E Performance Standards for Noise

PRESENTER: Stan Pasko, Vice-Chairperson Planning Commission [Stan Pasko](#)

INDIVIDUALS IN ATTENDANCE: Stan Pasko, Vice-Chairperson Planning Commission; Mark Kowalewski, City Engineer

BACKGROUND: City Council referred a review of the Outdoor Café Ordinance to the City Engineer, City Planner and City Attorney for review and make suggested changes to the Planning Commission. A public hearing was held on June 23, 2016. The Commission agreed with all proposed changes except for the following:

Section 2202.S.1 – Hours of operations, the Commission recommends the hours be extended on Friday and Saturday only to 2:00 a.m. for all Zoning Districts (CBD, RU and B-2).

Add Section 2202.S.11 – An annual inspection be performed for compliance with the approved plan.

At the meeting of August 8, 2016, Your Honorable Body received the Planning Commission recommendations and additional comments regarding the proposed changes and referred all communications back to the Planning Commission. The Planning Commission received a communication from the City Engineer and City Attorney with recommended changes. The Commission reviewed these additional comments at their meeting of September 15, 2016, and the following changes were recommended:

Section 2202.S.1 Add the following: The permitted hours of operation are from 7:00 a.m. to 12 midnight Monday thru Sunday with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by City Council.

Section 2202.S.2 – All proposed changes were accepted and approved with no changes.

Section 2202.S.3 – All proposed changes were accepted and approved with no changes.

Section 2202.S.4 – All proposed changes were accepted and approved with no changes.

Section 2202.S.5 – All proposed changes were accepted and approved with no changes.

Section 2202.S.6 – Add the following underlined wording to this Section, “Consideration for approval for use of any public area shall be limited to public property that is situated within fifty (50) feet of the extended property boundaries of property owned by applicant. Any public outdoor café not within the road right-of-way may also require a written lease as determined by the City Council.”

Section 2202.S.7 – All proposed changes were accepted and approved with no changes.

Section 2202.S.8 – All proposed changes were accepted and approved with no changes.

Section 2202.S.9 – Add the following: Any fence abutting public right-of-way or in public right-of-way must be of black metal material. Shop draws plans shall be submitted with each application for fencing and all furniture on any outdoor café for review by the Planning Commission.

Section 2202.S.10 – All proposed changes were accepted and approved with no changes.

Section 2202.S.11 – Add the following sentences: “All outdoor cafes shall apply annually to the Planning Commission for approval. A public hearing will be required only if a written complaint is received by the Planning Commission in the previous year. The Engineering and Building Department will be responsible to receive written complaints concerning an outdoor café and said complaints shall be forward to the Planning Commission. The City Council will approve an application checklist which will include yearly fees for application review, inspections, use of public area and review of insurance. This checklist will be utilized for inspection by the Engineering and Building Department. The yearly fee will be established by City Council Resolution.”

The proposed changes to the Outdoor Café Ordinance are attached and are shown in **red**. Changes to Section 2405.E Performance Standards for Noise is included as Ordinance format.

STRATEGIC PLAN/GOALS: This recommendation is consistent with the Goals and Objections 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 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: Recommendation by the Planning Commission September 15, 2016

CITY ADMINISTRATOR'S RECOMMENDATION: 

LEGAL COUNSEL'S RECOMMENDATION: Reviewed by W. Look 9/22/16

MAYOR'S RECOMMENDATION: 

LIST OF ATTACHMENTS: Resolution from Planning Commission meeting of September 15, 2016 and proposed Ordinance changes.

RESOLUTION

Planning Commission Wyandotte, Michigan

Wyandotte, Michigan September 15, 2016

To consider amendments to the City of Wyandotte Zoning Ordinance Article XXII Special Land Uses, Section 2201 General Provisions Sub-Section H Revoke Special Land Use and Section 2202 Special Land Use Designated Sub-Section S Outdoor Cafes.

The Commission reviewed each Section of the proposed changes to Article XXII- Special Land Uses, Section 2202 Special Land Use Designated Sub-Section S Outdoor Cafes and the following was determined:

MOTION BY COMMISSIONER BENSON, supported by Commissioner Lupo to approve the permitted hours of operation Section 2202.S.1. as follows:

Section 2202.S.1 Change to: The permitted hours of operation are from 7:00 a.m. to 12 midnight Monday thru Sunday with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by City Council. All other changes to this section are approved as presented.

YES: Adamczyk, Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

NO: None

ABSENT:

MOTION PASSED

Section 2202.S.2 – All proposed changes were accepted and approved.

Section 2202.S.3 – All proposed changes were accepted and approved.

Section 2202.S.4 – All proposed changes were accepted and approved.

Section 2202.S.5 – All proposed changes were accepted and approved.

MOTION BY COMMISSIONER BENSON, supported by Commissioner Mayhew to the recommended change as proposed in the communication date September 12, 2016 to Section 2202.S.6. as follows:

Section 2202.S.6 – Add the following underlined wording to this Section, "Consideration for approval for use of any public area shall be limited to public property that is situated with fifty (50) feet of the extended property boundaries of property owned by applicant. Any public outdoor café not within the road right-of-way may also require a written lease as determined by the City Council.

YES: Adamczyk, Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

NO: None

ABSENT:

MOTION PASSED

RESOLUTION

Planning Commission Wyandotte, Michigan

Wyandotte, Michigan September 15, 2016

Section 2202.S.7 – All proposed changes were accepted and approved.

Section 2202.S.8 – All proposed changes were accepted and approved.

MOTION BY COMMISSIONER PARKER, supported by Commissioner Benson to add the following to Section 2202.S.9 as follows:

Section 2202.S.9: Any fence abutting public right-of-way or in public right-of-way must be of black metal material. Shop draws plans shall be provided with each application for fencing and all furniture on any outdoor café for review by the Planning Commission.

YES: Adamczyk, Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

NO: None

ABSENT:

MOTION PASSED

Section 2202.S.10 – All proposed changes were accepted and approved.

MOTION BY COMMISSIONER BENSON, supported by Commissioner Duran to the recommended changes as proposed in the communication date September 12, 2016 to Section 2202.S.11. as follows:

Section 2202.S.11 – Add the following sentences: "All outdoor cafes shall apply annually to the Planning Commission for approval. A public hearing will be required only if a written complaint is received by the Planning Commission in the previous year. The Engineering and Building Department will be responsible to receive written complaints concerning an outdoor café and said complaints shall be forwarded to the Planning Commission. The City Council will approve an application checklist which will include yearly fees for application review, inspections, use of public area and review of insurance. This checklist will be utilized for inspection by the Engineering and Building Department. The yearly fee will be established by City Council Resolution."

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

September 12, 2016

Stan Pasko, Chairperson
Planning Commission
City of Wyandotte
3200 Biddle Avenue
Wyandotte, Michigan 48192

RE: Proposed Changes to Outdoor Café Ordinance

Dear Chairperson Pasko:

At the August 8, 2016, City Council meeting the proposed changes to the Outdoor Café Ordinance were referred back to the Planning Commission. The undersigned recommend that the following elements be considered based on discussions at the City Council meeting:

Section 2202.S.6: Add the following underlined wording to this Section, "Consideration for approval for use of any public area shall be limited to public property that is situated within fifty (50) feet of the extended property boundaries of property owned by applicant. Any public outdoor café not within the road right-of-way may also require a written lease as determined by the City Council".

Section 2202.S.11: Add the following sentences, "All outdoor cafes shall apply annually to the Planning Commission for approval. A public hearing will be required only if a written complaint is received by the Planning Commission in the previous year. The Engineering and Building Department will be responsible to receive written complaints concerning an outdoor café and said complaints shall be forward to the Planning Commission. The City Council will approve an application checklist which will include yearly fees for application review, inspection, use of public areas and review of insurance. This checklist will be utilized for inspection by the Engineering and Building Department." The yearly fee will be established by City Council Resolution".

Section 22.2.S.9: The Engineering Department has received inquiries as to why Alvis at 3233 Biddle Avenue has red, blue, green, purple, yellow tables and chairs. A review of the Resolution approving this outdoor café does not detail the color of the tables or chairs. Therefore, the colored tables and chairs are permitted. Other outdoor cafes have green plastic chairs, brown wooden tables and chairs and various other types. There was a time when all resolutions adopted by the Planning Commission stated fence, tables and chairs are to be similar to Belicoso which were black metal. This was convenient as Belicoso was one of the first outdoor café in the Central Business District (CBD).

This condition was also discussed in Corki Benson's communication to City Council stating, "The wrought iron or metal black furnishings were originally required to be consistent and more professional looking than plastic ... and in my opinion they still are." The Planning Commission may want to consider changes to this Section if your intentions are to have all items uniform.

At the City Council meeting, there were concerns about extending hours to 2:00 a.m. on Fridays and Saturdays. The Planning Commission may want to reconsider this recommendation and review the original recommendation of extending hours only on 3rd Fridays, Street Art Fair and events approved by Resolution by City Council.

Respectfully submitted,



Mark A. Kowalewski
City Engineer



William R. Look
City Attorney

MAK/WRL:kr

REVISED CHANGES SEPTEMBER 15, 2016

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SECTION 2200

SPECIAL LAND USE DESIGNATED (S) OUTDOOR CAFÉ (1)

Outdoor Café

1. An outdoor café may be set up and used from March 15 through November 15. The permitted hours of operation are from ~~7:00 a.m. to 12 midnight in CBD Districts, Monday, Tuesday, Wednesday, Thursday and Sunday and 7:00 a.m. to 2:00 a.m. Friday and Saturday ONLY, and from 10:00 a.m. to 12 midnight, Monday, Tuesday, Wednesday, Thursday and Sunday and 7:00 a.m. to 2:00 a.m. Friday and Saturday Only in RU and B-2 Districts unless longer hours are specifically approved by the City Council.~~ 7:00 a.m. to 12 midnight Monday thru Sunday with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by City Council. Noise radiating from an outdoor café, which exceeds 75 DBA between 7:00

Comment [KR1]: Added from PC 9/15/16

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a.m. to 12 midnight or 65 DBA for all other times shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area. The "DBA" represents the sound pressure level in decibel measured on the "A" scale of a standard sound level meter. Noise level measurements shall be taken at the zoning district boundary of any residential zoning district, recreation unit district and any planned development as may be appropriate. In all other districts, noise level measurements shall be taken at the property line of an affected property. ~~Upon request, the city council may, by resolution, extend the dates of operation or the hours of operation for the following events:~~

- ~~3rd Fridays as sponsored by Wyandotte Business Association~~
- ~~Street Art Fair sponsored by City of Wyandotte Events approved by Resolution of City Council~~

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Upon request, the City Council may by resolution, extend the dates of operations or the hours of operation. A public hearing on said request shall first be held by the Planning Commission (under the same procedures for approval of special land use). Upon receipt by the City Council of recommendation of the planning commission the City Council may approve the request. The criteria for approval will include the impact on adjacent or nearby residential, religious, educational or commercial properties and review of previous or current compliance with all city ordinances, state and federal regulations. Any approval for extension of dates or hours shall be issued on a calendar year basis and shall expire on December 31st and must be renewed annually. The City Council may grant a renewal of the extended dates or hours without the necessity of a public hearing if it determines the applicant is in compliance with all requirements of all city ordinances and approvals for the special land use. Any approval for extension of dates or hours is subject to revocation by the Planning Commission in accordance with paragraph h, section 2201.

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Comment [KR2]: Added from PC 9/15/16

- 2.1. 2.A site drawing showing the detailed plan of the outdoor café must be submitted to and approved by the Planning Commission. The detailed plan is to include: the design, relevant details and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs and other equipment, as well as lighting and electrical outlet locations. The location of entrances and exits shall be shown. For cafes on public property, the plan shall also show existing sidewalks, buildings, curbs, existing improvements, i.e., lamp posts, street trees, benches, mailboxes, etc., and an unobstructed clear area for pedestrian use (a minimum of 60"). A minimum clearance of seven (7) feet shall be maintained between the sidewalk and bottom edge of table umbrellas or awnings. The layout shall show all seating, tables

REVISED CHANGES SEPTEMBER 15, 2016

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and chairs and shall be used to determine maximum occupancy load for the outdoor café. The occupancy load shall be posted in a conspicuous location.

~~3-2.~~ 3. Plans for setting up the outdoor café must be approved by the Department of Engineering and Building to provide for the free passage of pedestrians along the sidewalks, by the Police Department to provide for traffic and pedestrian safety, and by the Fire Department for fire-safety issues. An outdoor café which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six (6) feet high.

~~4-3.~~ 4. The outdoor café must be part of a licensed restaurant and meet all the requirements of the department of health and any other local, county or state requirements, including the City of Wyandotte's ordinance and the Michigan Liquor Control Commission (if applicable).

~~5-4.~~ 5. For outdoor cafes on public property, liability insurance, Liquor Liability Coverage and property damage coverage naming the City of Wyandotte as an insured party, in an amount approved by the City of Wyandotte's Financial Director, must be provided before an outdoor café may be set up and be maintained for as long as the outdoor café is in operation.

~~6-5.~~ 6. Approval of the City Council is required for the proposed use of any public area or facility. All provisions of a Grant of License must be complied with at all times. Consideration for approval for use of any public area shall be limited to public property that is situated within fifty (50) feet of the extended property boundaries of property owned by the applicant. Any public outdoor café not within the road right-of-way may also require a written lease as determined by the City Council.

Comment [IKR3]: Added From PC 9/15/16

~~7-6.~~ 7. An outdoor café in a B-2 district may provide for only thirty five percent (35%) more seating than is provided inside the restaurant. Additional parking shall be provided for the square foot area of the outdoor café in accordance with Section 2403.

~~8-7.~~ 8. No sign or any other form of advertising is permitted in the dining area, nor on fences or railings of such area with the except of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella. No display of merchandise for sale shall be allowed.

~~9-8.~~ 9. Furnishings of an outdoor café shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that canopies and railings, , shall be secured by means of flush mounted anchors or other methods approved by the Building Official. No objects which are part of an outdoor café, except lighting fixtures, railings, awnings, or other nonpermanent covers or canopies, may be attached, even in a temporary manner, to any building, or structure on which the outdoor café abuts. When the associated establishment and/or the outdoor café on public property are not open for daily use, all furnishings and fixtures, unless otherwise specifically approved, shall be

REVISED CHANGES SEPTEMBER 15, 2016

removed from the public property or stored in an approved manner which shall not cause a public nuisance or hazard. The Building Official shall determine when fences on public property shall be removed. The Building Official shall determine when a hazardous condition exists in the public right-of-way and on other public property. Any fence abutting public right-of-way or in public right-of-way must be of black metal material. Shop draws plans shall be provided with each application for fencing and all furniture on any outdoor café for review by the Planning Commission.

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Comment [KR4]: Added From PC 9/15/16

~~10-9.~~ 10. Outdoor dining areas must remain clear of litter, food scraps and soiled dishes at all times.

- 11. Annual inspection of the outdoor café to be conducted by the Engineering and Building Department for compliance with approved plan. All outdoor cafes shall apply annually to the Planning Commission for approval. A public hearing will be required only if a written complaint is received by the Planning Commission in the previous year. The Engineering and Building Department will be responsible to receive written complaints concerning an outdoor café and said complaints shall be forwarded to the Planning Commission. The City Council will approve an application checklist which will include yearly fees for application review, inspections, use of public area and review of insurance. This checklist will be utilized for inspection by the Engineering and Building Department. The yearly fee will be established by City Council Resolution.

Comment [KR5]: Added From PC 9/15/16

SECTION 2100 GENERAL PROVISIONS

H. Revoke special land use. A special land use may be revoked by the planning commission under the following procedures:

1. Mail notice of the proposed action to revoke the special land use to the owner/operator of the business at least 10 calendar days prior to the hearing.
2. Provide with the notice the reasons for the proposed action.
3. Provide with the notice the date, time and place of the hearing for the proposed action.
4. Include in the notice a statement that the owner/operator may present evidence and testimony and question any witness at the hearing.
5. At the hearing, the city engineer's office or planner will present to the planning commission any witnesses, reports, documents and recommendations concerning the proposed revocation of the special land use.

Criteria for revocation.

The planning commission may revoke a special land use upon a determination by the commission that, based upon a preponderance of evidence presented at the public hearing, any of the following exists:

1. Violation of any of the restrictions of the special land use set forth in the city ordinance or in any conditions set by the city when it approved the special land use.
2. Maintenance of a nuisance upon the premises, including, but not limited to, any of the following:
 - a. Existing violations of building, zoning, health, fire or regulatory codes.

REVISED CHANGES SEPTEMBER 15, 2016

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- b. A pattern of patron conduct upon or in the neighborhood of the licensed establishment which is in violation of the law or disturbs the peace, order and tranquility of the neighborhood.
- c. Failure to maintain the grounds and exterior of the license establishment, including litter, debris, refuse blowing, or being deposited on adjoining properties.
- d. Entertainment without a permit or entertainment which disturbs the peace, order and tranquility of the neighborhood.
- e. Any advertising, promotion or activity which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licenses establishment.
- f. Any condition of default in the payment of any tax, fee, charge, water bill, special assessment or other debt to the city or any unpaid judgment payable to the city.
- g. Any misrepresentation of any information in any application or hearing for the grant or renewal of any special land use.

PROPOSED CHANGES JULY 18, 2016

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SECTION 2200

SPECIAL LAND USE DESIGNATED (S) OUTDOOR CAFÉ (1)

A. Outdoor Café

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1. An outdoor café may be set up and used from ~~March-April~~15 through ~~October~~
~~November~~3115. The permitted hours of operation are from 7:00 a.m. to 12
midnight in CBD Districts, ~~Monday, Tuesday, Wednesday, Thursday and~~
~~Sunday and 7:00 a.m. to 2:00 a.m. Friday and Saturday ONLY~~, and from
10:00 a.m. to 12 midnight, ~~Monday, Tuesday, Wednesday, Thursday and~~
~~Sunday and 7:00 a.m. to 2:00 a.m. Friday and Saturday Only~~ in RU and B-2
Districts unless longer hours are specifically approved by ~~the Planning~~
~~Commission and~~ the City Council. Noise radiating from an outdoor café,
which exceeds ~~75 DBA between 8:00 a.m. to 12 midnight or 65 DBA for all~~
~~other times shall, 50 DBA between 8:00 p.m. and 12 midnight, or other~~
~~approved hours, or 55 DBA between 7:00 a.m. and 8:00 p.m., shall~~
constitute prima facie evidence that such noise unreasonably disturbs the
comfort, quiet and repose of persons in the area. The "DBA" represents the
sound pressure level in decibel measured on the "A" scale of a standard
sound level meter. Noise level measurements shall be taken at the zoning
district boundary of any residential zoning district, recreation unit district and
any planned development as may be appropriate. In all other districts, noise
level measurements shall be taken at the property line of an affected
property. ~~The City Council may, by resolution, extend the dates of operation~~
~~or the hours of operation for a stipulated number of days, not to exceed a~~
~~total of 30 days per calendar year.~~

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~~Upon request, the city council may, by resolution, extend the dates of~~
~~operation or the hours of operation for the following events:~~

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numbering

~~3rd Fridays as sponsored by Wyandotte Business Association~~
~~Street Art Fair sponsored by City of Wyandotte~~
~~Events approved by Resolution of City Council~~

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1. A public hearing on said request shall first be held by the Planning
Commission (under the same procedures for approval of special land use).
Upon receipt by the city council of recommendation of the planning
commission the City Council may approve the request. The criteria for
approval will include the impact on adjacent or nearby residential, religious,
educational or commercial properties and review of previous or current
compliance with all city ordinances, state and federal regulations. Any
approval for extension of dates or hours shall be issued on a calendar year
basis and shall expire on December 31st and must be renewed annually. The
city council may grant a renewal of the extended dates or hours without the
necessity of a public hearing if it determines the applicant is in compliance
with all requirements of all city ordinances and approvals for the special land
use. Any approval for extension of dates or hours is subject to revocation by
the planning commission in accordance with paragraph h, section 2201.

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2. A site drawing showing the detailed plan of the outdoor café must be
submitted to and approved by the Planning Commission. The detailed plan is
to include: the design, relevant details and location of all temporary
structures such as awnings, planters, landscaping, railing, tables, chairs and
other equipment, as well as lighting and electrical outlet locations. ~~The~~
~~location of entrances and exits shall be shown.~~ For cafes on public property,

PROPOSED CHANGES JULY 18, 2016

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the plan shall also show existing sidewalks, buildings, curbs, existing improvements, i.e., lamp posts, street trees, benches, mailboxes, etc., and an unobstructed clear area for pedestrian use (a minimum of 60"). A minimum clearance of seven (7) feet shall be maintained between the sidewalk and bottom edge of table umbrellas or awnings. The layout shall show all seating, tables and chairs and shall be used to determine maximum occupancy load for the outdoor café. The occupancy load shall be posted in a conspicuous location.

3. Plans for setting up the outdoor café must be approved by the Department of Engineering and Building to provide for the free passage of pedestrians along the sidewalks, by the Police Department to provide for traffic and pedestrian safety, and by the Fire Department for fire-safety issues. If alcohol is served, entrance to the outdoor café is required to be from inside the building. An outdoor café which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six (6) feet high.
4. The outdoor café must be part of a licensed restaurant and meet all the requirements of the department of health and any other local, county or state requirements, including the City of Wyandotte's ordinance and the Michigan Liquor Control Commission (if applicable).
5. For outdoor cafes on public property, liability insurance and property damage coverage naming the City of Wyandotte as an insured party, in an amount approved by the City of Wyandotte's Financial Director, must be provided before an outdoor café may be set up and be maintained for as long as the outdoor café is in operation.
6. Approval of the City Council is required for the proposed use of any public area or facility. All provisions of a Grant of License must be complied with at all times.
7. An outdoor café in a B-2 district may provide for only thirty five percent (35%) more seating than is provided inside the restaurant. Additional parking shall be provided for the square foot area of the outdoor café in accordance with Section 2403.
8. No sign or any other form of advertising is permitted in the dining area, nor on fences or railings of such area with the except of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella. No display of merchandise for sale shall be allowed.
9. Furnishings of an outdoor café shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that canopies and railings, if specifically approved by the Planning Commission and the City Council, shall may be secured by means of flush mounted anchors or other methods approved by the Building Official. No objects which are part of an

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PROPOSED CHANGES JULY 18, 2016

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outdoor café, except lighting fixtures, railings, awnings, or other nonpermanent covers or canopies, may be attached, even in a temporary manner, to any building, or structure on which the outdoor café abuts. When the associated establishment and/or the outdoor café on public property are not open for daily use, all furnishings and fixtures, unless otherwise specifically approved, shall be removed from the public property or stored in an approved manner which shall not cause a public nuisance or hazard. The Building Official shall determine when fences on public property shall be removed. The Building Official shall determine when a hazardous condition exists in the public right-of-way and on other public property.

10. Outdoor dining areas must remain clear of litter, food scraps and soiled dishes at all times.

- ~~10.~~ 11. Annual inspection of the outdoor café to be conducted by the Engineering and Building Department for compliance with approved plan.

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SECTION 2100 GENERAL PROVISIONS

H. ~~Revoke special land use. A special land use can be revoked by the planning commission, under the same procedure as the section used to approve it, if it is found that it no longer meets the standards of this ordinance.~~ Revoke special land use. A special land use may be revoked by the planning commission under the following procedures:

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1. Mail notice of the proposed action to revoke the special land use to the owner/operator of the business at least 10 calendar days prior to the hearing.
2. Provide with the notice the reasons for the proposed action.
3. Provide with the notice the date, time and place of the hearing for the proposed action.
4. Include in the notice a statement that the owner/operator may present evidence and testimony and question any witness at the hearing.
5. At the hearing, the city engineer's office or planner will present to the planning commission any witnesses, reports, documents and recommendations concerning the proposed revocation of the special land use.

Criteria for revocation.

The planning commission may revoke a special land use upon a determination by the commission that, based upon a preponderance of evidence presented at the public hearing, any of the following exists:

1. Violation of any of the restrictions of the special land use set forth in the city ordinance or in any conditions set by the city when it approved the special land use.
2. Maintenance of a nuisance upon the premises, including, but not limited to, any of the following:
 - a. Existing violations of building, zoning, health, fire or regulatory codes.
 - b. A pattern of patron conduct upon or in the neighborhood of the licensed establishment which is in violation of the law or disturbs the peace, order and tranquility of the neighborhood.
 - c. Failure to maintain the grounds and exterior of the license establishment, including litter, debris, refuse blowing, or being deposited on adjoining properties.
 - d. Entertainment without a permit or entertainment which disturbs the peace, order and tranquility of the neighborhood.

PROPOSED CHANGES JULY 18, 2016

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- e. Any advertising, promotion or activity which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licenses establishment.
- f. Any condition of default in the payment of any tax, fee, charge, water bill, special assessment or other debt to the city or any unpaid judgment payable to the city.
- g. Any misrepresentation of any information in any application or hearing for the grant or renewal of any special land use.

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PROPOSED CHANGES JULY 18, 2016

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12. Outdoor Café Registration Required.

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The owner of any outdoor café shall register with the City and shall designate a person as responsible local agent who shall be legally responsible for operating the outdoor café and shall also be responsible for providing access to such premises for making the inspections necessary to ensure compliance with the terms of the approved outdoor café.

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Only establishments with an approved Certificate of Occupancy and Certificate of Conformity for the remainder of the property utilized with the outdoor café may register.

12. Registration forms and fee.

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(a) Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the city engineer and shall include at least the following information:

1. The name and address of applicant.

2. The names and addresses of all owners of the property adjacent to the outdoor café and no post office box addresses shall be accepted.

3. The name, local address and telephone number of the responsible local agent.

4. The authorization appointing a responsible local agent signed by both the owner and the responsible local agent.

(b) The fee of twenty-five dollars (\$25.00) for each outdoor café registered shall be paid at the time of registration. No post office boxes will be accepted as a legal address. Registration shall be required by June 1, 2016, for existing outdoor cafes or within thirty (30) days for newly approved outdoor café.

13. Registration term and renewal.

Registration shall be made by June 1, 2016, or prior to the use or occupancy of any new outdoor café. The term of the registration shall be valid as long as the owner remains unchanged. Any new owner shall register in accordance with Section 12 into the new owner's name within ten (10) days of the date of transfer of ownership. A fee of fifteen (\$15.00) dollars shall be paid at the time of registering the transfer of ownership.

14. Responsible local agent.

The responsible local agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity, having his or her place of residence in the County of Wayne or within fifty (50) miles radius of the City of Wyandotte, and shall be designated by the owner as responsible for operating such premises in compliance with all the provisions of the City of Wyandotte codes and ordinances. The owner may act as the responsible local agent provided he/she resides in the County of Wayne or within a fifty (50) mile radius of the City of Wyandotte. All official notices of the city may be issued to the responsible local agent, and any notice so issued shall be deemed to have been issued upon the owner of record.

15. Transfer of ownership.

Before an outdoor cafe can be transferred, conveyed, leased, or sold (including by

PROPOSED CHANGES JULY 18, 2016

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land contract) a new inspection shall be required. The inspection fee will follow the same guidelines as stated in Section 17.b. It shall be unlawful for the owner of any outdoor café who has received a notice of violation to transfer, convey, lease or sell (including by land contract) his/her ownership and/or interest in any way to another, unless such owner shall have first furnished to the grant, lessee or vendee, or transferee a true copy of any notice of violation and shall have furnished to the building official a signed and notarized statement from the grantee, vendee or lessee, or transferee acknowledging the receipt of such notice of violation.

16. Certificate of Outdoor Café required.

No person shall occupy an outdoor café unless there is a valid Certificate of Conformity/Outdoor Café issued by the department of engineering and building in the name of the owner/responsible local agent and issued for the specific outdoor café. The certificate shall be displayed in a conspicuous place in each outdoor café. The certificate shall be issued after making application with the building department and an inspection by the code enforcement inspectors to determine that the outdoor café complies with the provisions of the codes and ordinances of the City of Wyandotte. An inspection report shall be completed by the inspectors after completing the inspection of the property. The report shall note all violations found on the property. The report shall note all violations found at the outdoor café.

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Before a Certificate of Conformity/Outdoor Café is issued all violations must be corrected and approved.

A Certificate of Conformity/Outdoor Café is valid for a period of five (5) years from its date of issuance if issued within six (6) months of the date of the inspection report, provided that the outdoor café remain in compliance with all applicable codes and ordinances and are not sold or transferred. If violations are corrected more than six (6) months of the date of the inspection report, then the Certificate of Conformity/Outdoor Café will be valid for a period of five (5) years and six (6) months from the date of the inspection report. For a new Certificate of Conformity/Outdoor Café shall be issued simultaneously with the certificate of occupancy and shall remain valid for five (5) years provided that outdoor café remain in compliance with all the applicable codes and ordinances and are not sold or transferred. When the outdoor café is going to be sold or transferred, a new inspection and a new Certificate of Conformity/Outdoor Café shall be required. The inspection fees will follow the same guidelines as stated in Section 17b. The city engineer may revoke a Certificate of Conformity/Outdoor Café for a violation of any code, ordinance or rule or regulation of the city. The Certificate of Conformity/Outdoor Café must be renewed every five (5) years at the department of engineering and building.

17. Certificate of Conformity/Outdoor Café application form and fee.

(a) Applications for Certificate of Conformity/Outdoor Café shall be made in such form and in accordance with such instructions as may be provided by the city engineer and shall include at least the following information:

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1. Name, address and phone number of the owner(s).
2. Name, address and phone number of responsible local agent.
3. Address of outdoor café applied for under the Certificate of

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PROPOSED CHANGES JULY 18, 2016

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Conformity/Outdoor Café.

(b) The inspection fee for a Certificate of Conformity/Outdoor Café shall be one hundred (\$100.00) dollars.

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(c) The renewal inspection fee every five (5) years for each outdoor café shall be one hundred (\$100.00) dollars.

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18. Posting of Certificate of Conformity/Outdoor Café

The following information shall be posted in a conspicuous place at outdoor café.

1. A copy of the current Certificate of Conformity/Outdoor Café

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2. The name, address and telephone number of the responsible local agent.

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MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan

Date: September 26, 2016

RESOLUTION by Councilperson _____

RESOLVED BY THE MAYOR AND CITY COUNCIL that the communication from the Planning Commission, regarding changes to Article XXII Special Land Uses, Section 2201 General Provisions, Sub-Section H Revoke Special Land Use; Section 2202 Special Land Use Designated Sub-Section S Outdoor Cafe and Section 2405 – Performance Standards Section E – Noise is hereby received; AND

BE IT FURTHER RESOLVED that Council schedules the 1st reading of the ordinance.

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, MICHIGAN
CERTIFIED RESOLUTION
2016-482**

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: September 26, 2016

MOVED BY: Councilperson Schultz

SUPPORTED BY: Councilperson Fricke

BE IT RESOLVED that the communication from the Planning Commission, regarding changes to Article XXII Special Land Uses, Section 2201 General Provisions, Sub-Section H Revoke Special Land Use; Section 2202 Special Land Use Designated Sub-Section S Outdoor Cafe and Section 2405 – Performance Standards Section E – Noise is hereby received; AND

BE IT FURTHER RESOLVED that Council schedules the 1st reading of the ordinance on October 3, 2016.

Motion carried.

YEAS: Fricke, Sabuda, Schultz, VanBoxell

NAYS: Galeski, Miciura

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 September 26, 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.

A handwritten signature in black ink, appearing to read 'Lawrence S. Stec', is written over a horizontal line.

**Lawrence S. Stec
City Clerk**

Guide Sheet

FINAL READING OF AN ORDINANCE

#1432

AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND SECTION 21-122 "LICENSE FEE AND POSTING" OF
ARTICLE V "PAWNBROKERS AND SECOND HAND DEALERS"

AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND SECTION 21-122 “LICENSE FEE AND
POSTING” OF ARTICLE V “PAWNBROKERS AND SECOND HAND
DEALERS”

The City of Wyandotte Ordains:

Section 1. Amendment to Section 21-122 “License Fee and Posting”.

Sec. 21-122. License Fee and Posting.

Commencing with the start of the 2017-2018 licensing cycle (June 2017), the fee for the license required by this Article shall be One Hundred Fifty (\$150.00) each year. Any change in the future of this fee may be made by council resolution.

Section 2. Severability

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

Section 3. Effective date

This Ordinance takes effect fifteen (15) days from the date of its passage and a summary shall be published in a newspaper circulated in the City of Wyandotte within ten (10) days after the adoption.

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

YEAS	COUNCILMEN	NAYS
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	Van Boxell	_____

Absent: _____

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

CERTIFICATE

We, the undersigned, JOSEPH R. PETERSON and LAWRENCE 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 STEC, City Clerk

Reports & Minutes

1

September 26, 2016

CITY OF WYANDOTTE **REGULAR CITY COUNCIL MEETING**

A Regular Session of the Wyandotte City Council was held in Council Chambers, on Monday, September 26, 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 Daniel Galeski, Sheri Fricke, Ted Miciura, Leonard Sabuda, Donald Schultz, and Kevin VanBoxell

Absent: None

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

PRESENTATIONS

None

UNFINISHED BUSINESS

None

COMMUNICATIONS MISCELLANEOUS

Discussion regarding Resolutions #2016-473 – #2016-476

PERSONS IN THE AUDIENCE

- Joe Gruber, DDA Director, read business owner letter.
- Dan Helka, Dotte Pub, regarding outdoor café ordinance.
- Tom Kaul, 3115 Van Alstyne, regarding outdoor café ordinance.
- Bruce Yinger, 117 Chestnut, regarding outdoor café ordinance.
- Les Salliotte, 2827 2nd, regarding outdoor café ordinance.
- Ron Culhane, 1258 Spruce, regarding outdoor café ordinance.
- Rick DeSana, 126 Oak, regarding outdoor café ordinance.

NEW BUSINESS (ELECTED OFFICIALS)

- Councilperson Galeski: Commissioner Palamara's mailing

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

Discussion regarding Resolution #2016-477 – #2016-483

- Tom Roberts, Architect, spoke regarding WFD Central Station Restoration Plan

PRESENTATION OF PETITIONS

None

REPORTS & MINUTES

City Council

September 19, 2016

Beautification Commission

August 10, 2016 & September 14, 2016

Brownfield Redevelopment Authority

September 20, 2016

Daily Cash Receipts

September 16, 2016

Design Review Committee

September 13, 2016

Planning Commission

August 18, 2016 & September 15, 2016

CITIZENS PARTICIPATION

None

RECESS**RECONVENE**

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

Absent: None

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

HEARINGS

None

FIRST READING OF AN ORDINANCE

None

FINAL READING OF AN ORDINANCE

None

RESOLUTIONS**2016-472 MINUTES**

By Councilperson Galeski, supported by Councilperson Schultz

RESOLVED that the minutes of the meeting held under the date of September 19, 2016, be approved as recorded.

Motion unanimously carried.

2016-473 ENGINEER RESPONSE – OBRIEN COMMUNICATION

By Councilperson Galeski, supported by Councilperson Schultz

BE IT RESOLVED that the communication from the City Engineer regarding the response to the communication of Ms. O'Brien is hereby received and placed on file.

Motion unanimously carried.

2016-474 LEGAL AFFAIRS RESPONSE - J.P. KARAS COMMUNICATION

By Councilperson Galeski, supported by Councilperson Schultz

BE IT RESOLVED that the response from the Department of Legal Affairs regarding the letter submitted by Mr. J.P. Karas relative to comments made at the September 12, 2016 City Council meeting is hereby extended until October 10, 2016.

Motion carried.

ABSTAIN: Councilman Miciura

2016-475 COMMUNICATION – C. BENSON

By Councilperson Galeski, supported by Councilperson Miciura

BE IT RESOLVED that the communication from Ms. Corki Benson relative to the McKinley School Site is hereby received and placed on file.

BE IT FURTHER RESOLVED that whereas the City Council hereby thanks and acknowledges the letter of immediate concern from Mrs. Corki Benson, and whereas a letter of this importance must be placed as the city's top priority and that it is the job of the City Council to act immediately to guarantee the health, safety, and welfare of the citizens of Wyandotte, and it clearly appears there is little hope of the city council members to reach a common ground decision as requested by so called community activists, and where as the letter of intent has expired and is clearly null and void at this time and it is our duty as elected officials to move forward in a timely fashion to deal with the impasse rather than simply ignore it.

THEREFORE, I am respectfully requesting we set our differences aside and put the community first by adopting the following resolution:

THEREFORE IT IS RESOLVED AS FOLLOWS:

The City Council does hereby direct city staff and the city engineer to re-advertise for bids and proposals for the project commonly known as the McKinley school repurposing project and that required provisions be incorporated into the bid documents, and published per city guidelines with return to council in 2 weeks (October 10, 2016).

Motion carried.

YEAS: Fricke, Galeski, Miciura, Sabuda

NAYS: Schultz, VanBoxell

2016-476 COMMUNICATION – J. STERLING, EPIC PROPERTY MGMT.

By Councilperson Galeski, supported by Councilperson Schultz

BE IT RESOLVED that the communication from Mr. Joshua Sterling regarding water connection and sewer tap fees is hereby referred to the City Engineer for review and consideration of the reduction of fees with report back to the City Council in 2 weeks (10/10/2016).

Motion unanimously carried.

2016-477 WFD CENTRAL STATION RESTORATION MASTER PLAN

By Councilperson Galeski, supported by Councilperson Schultz

BE IT RESOLVED that Council concurs with the recommendation of the City Engineer, Fire Chief, Police and Thomas Roberts- Architect to proceed with option # 2 of Wyandotte Fire Department Central Station Restoration Master Plan Final Report and directs the City Administrator to present financing options with time frames.

Motion unanimously carried.

2016-478 ROOF RESTORATION – STATION #1 BID ACCEPTANCE

By Councilperson Galeski, supported by Councilperson Schultz

BE IT RESOLVED that Council concurs with the recommendation of the City Engineer and Fire Chief in accepting the bid of Great Lakes Roofing Inc., Troy, Michigan in a bid amount of \$22,000.00 for the Roof Restoration for Fire Station #1, 266 Maple Street from Account No. 101-336-825-490.

Motion unanimously carried.

2016-479 2016 FISCAL YEAR BUDGET AMENDMENTS

By Councilperson Galeski, supported by Councilperson Schultz

BE IT RESOLVED that Council hereby concurs in the recommendations of the Deputy Treasurer/Assistant Finance Director and approves the necessary 2016 Fiscal Year Budget amendments.

BE IT FURTHER RESOLVED that a copy of the 2016 Fiscal Year Budget amendments shall be placed on file and available for public inspection in the office of the City Clerk.

Motion unanimously carried.

2016-480 WAYNE COUNTY PARKS GRANT AGREEMENT

By Councilperson Galeski, supported by Councilperson Schultz

BE IT RESOLVED that Council hereby approves the acceptance of the Wayne County Parks Division Grant in the amount of \$50,000; AND

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign the agreement between the Charter County of Wayne and the City of Wyandotte for Park Improvements.

Motion unanimously carried.

2016-481 ZONING ORD. AMEND – OUTDOOR CAFÉS (#1) - DENIED

By Councilperson Galeski, supported by Councilperson Sabuda

BE IT RESOLVED that the communication from the Planning Commission, regarding changes to Article XXII Special Land Uses, Section 2201 General Provisions, Sub-Section H Revoke Special Land Use; Section 2202 Special Land Use Designated Sub-Section S Outdoor Cafe and Section 2405 – Performance Standards Section E – Noise is hereby received; AND

BE IT FURTHER RESOLVED that Section 2202.S.1 “Outdoor Cafes” hours of operation shall be changed to include Sunday through Saturday, 7am – 12midnight, with extended hours to 2am on 3rd Fridays and during the Street Fair and Special Events with no increase in decibels.

BE IT FURTHER RESOLVED that Council schedules the 1st reading of the ordinance.

Motion denied.

YEAS: Galeski, Miciura, Sabuda

NAYS: Fricke, Schultz, VanBoxell, Mayor Peterson

2016-482 ZONING ORD. AMEND – OUTDOOR CAFÉS (#2)

By Councilperson Schultz, supported by Councilperson Fricke

BE IT RESOLVED that the communication from the Planning Commission, regarding changes to Article XXII Special Land Uses, Section 2201 General Provisions, Sub-Section H Revoke Special Land Use; Section 2202 Special Land Use Designated Sub-Section S Outdoor Cafe and Section 2405 – Performance Standards Section E – Noise is hereby received; AND

BE IT FURTHER RESOLVED that Council schedules the 1st reading of the ordinance on October 3, 2016.

Motion carried.

YEAS: Fricke, Sabuda, Schultz, VanBoxell

NAYS: Galeski, Miciura

2016-483 WAYNE COUNTY HAZARDOUS WASTE COLLECTION DAY

By Councilperson Galeski, supported by Councilperson Schultz

BE IT RESOLVED that Council receives the communication from the City Engineer regarding the Household Hazardous Waste Collection; AND

BE IT FURTHER RESOLVED that said notice is posted to the City’s website and on information cable channel.

Motion unanimously carried.

2016-468 BILLS & ACCOUNTS

By Councilperson Galeski, supported by Councilperson Schultz

RESOLVED that the total bills and accounts of \$1,228,099.32 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

2016-471 ADJOURNMENT

By Councilperson Galeski, supported by Councilperson Schultz

RESOLVED that this regular meeting of the Wyandotte City Council be adjourned at 10:02 p.m.

Motion unanimously carried.

A handwritten signature in dark ink, appearing to read 'Lawrence S. Stec', is written over a horizontal line.

Lawrence S. Stec, City Clerk

User: ktrudell

Post Date from 09/27/2016 - 09/27/2016 Open Receipts

DB: Wyandotte

Receipt #

Date

Cashier

Wkstn

Received Of
Distribution

Amount

Description

O	458188	09/27/2016	ktrudell	F2	MIDWESTERN AUDIT		
XT			101-000-001-000		101-000-041-021	A/R MW AUDIT-RESCUE	33.33 CITY CHECK 19758

RESCUE COLLECTIONS AUGUST 2016
REC# 897880

O	458189	09/27/2016	ktrudell	F2	CITY OF WYANDOTTE		
EP			731-000-001-000		731-000-392-040	Res. Police & Fire Employe	681.44 CITY CHECK 124138

POLICE DEFINED BENEFIT
REC# 897882

Total of 2 Receipts

714.77

User: ktrudell

Post Date from 09/27/2016 - 09/27/2016 Open Receipts

DB: Wyandotte

Receipt #	Date	Cashier	Wkstn	Received Of	Amount
Description				Distribution	

*** TOTAL OF CREDIT ACCOUNTS ***

101-000-041-021 A/R MW AUDIT-RESCUE

33.33

731-000-392-040 Res. Police & Fire Employee Contrib

681.44

TOTAL - ALL CREDIT ACCOUNT 714.77

*** TOTAL OF DEBIT ACCOUNTS ***

101-000-001-000 Cash

33.33

731-000-001-000 Cash

681.44

TOTAL - ALL DEBIT ACCOUNTS 714.77

*** TOTAL BY FUND ***

101 General Fund

33.33

731 Retirement System Fund

681.44

TOTAL - ALL FUNDS: 714.77

*** TOTAL BY BANK ***

GEN GENERAL OPERATING FUND

Tender Code/Desc.

(CCK) CITY CHECK 33.33

TOTAL: 33.33

RETIR WYANDOTTE EMPLOYEES RETIREMENT SYSTEM

(CCK) CITY CHECK 681.44

TOTAL: 681.44

TOTAL - ALL BANKS: 714.77

*** TOTAL OF ITEMS TENDERED ***

Tender Code/Desc.

(CCK) CITY CHECK 714.77

TOTAL: 714.77

*** TOTAL BY RECEIPT ITEMS ***

(1) EP: PD EMPLOYEE PENSION CONTR

681.44

(1) XT: A/R MW AUDIT-RESCUE

33.33

TOTAL - ALL RECEIPT ITEMS: 714.77

09/28/2016 04:52 PM

User: ktrudell

DB: Wyandotte

Receipt #

Description

Date

Cashier

Wkstn

RECEIPT REGISTER FOR CITY OF WYANDOTTE

Post Date from 09/28/2016 - 09/28/2016 Open Receipts

Page: 1/2

Received Of
Distribution

Amount

O	458628	09/28/2016	ktrudell	F2	DCAC-DOWNRIVER CENTRAL ANIMAL CONTRO		
SH			101-000-001-000		101-303-925-998	DCACA SHELTER REVENUE	2,226.85
AC			101-000-001-000		101-000-257-078	Reserve-Animal Care	59.43
							<hr/> 2,286.28
							2,266.28 CITY CASH
							<hr/> 20.00 CITY CHECK 1098
							2,286.28
RECEIPTS FROM 11/29/16-1/21/16							
#3816-3891 TOTALING \$2842.00							
OLD RECEIPTS - CASH IS SHORT							
Total of 1 Receipts							<hr/> 2,286.28

09/28/2016 04:52 PM

User: ktrudell

RECEIPT REGISTER FOR CITY OF WYANDOTTE

Page: 2/2

DB: Wyandotte

Post Date from 09/28/2016 - 09/28/2016 Open Receipts

Receipt #	Date	Cashier	Wkstn	Received Of	Amount
Description				Distribution	

*** TOTAL OF CREDIT ACCOUNTS ***

101-000-257-078 Reserve-Animal Care 59.43
 101-303-925-998 DCACA SHELTER REVENUE 2,226.85

TOTAL - ALL CREDIT ACCOUNT 2,286.28

*** TOTAL OF DEBIT ACCOUNTS ***

101-000-001-000 Cash

2,286.28
 TOTAL - ALL DEBIT ACCOUNTS 2,286.28

*** TOTAL BY FUND ***

101 General Fund

2,286.28
 TOTAL - ALL FUNDS: 2,286.28

*** TOTAL BY BANK ***

GEN GENERAL OPERATING FUND

Tender Code/Desc.	
(CCA) CITY CASH	2,266.28
(CCK) CITY CHECK	20.00
TOTAL:	2,286.28
TOTAL - ALL BANKS:	2,286.28

*** TOTAL OF ITEMS TENDERED ***

Tender Code/Desc.	
(CCA) CITY CASH	2,266.28
(CCK) CITY CHECK	20.00
TOTAL:	2,286.28

*** TOTAL BY RECEIPT ITEMS ***

(1) AC: RESERVE-ANIMAL CARE/POUND 59.43
 (1) SH: DCACA SHELTER REVENUE 2,226.85

TOTAL - ALL RECEIPT ITEMS: 2,286.28

User: ktrudell

Post Date from 09/29/2016 - 09/29/2016 Open Receipts

DB: Wyandotte

Receipt #	Date	Cashier	Wkstn	Received Of	Amount
Description				Distribution	

O	458826	09/29/2016	ktrudell	F2	27TH DIST COURT	
MZ			101-000-001-000	101-448-825-430	Garage-Police Vehicle Main	576.60 CITY CHECK 1456

RESTITUTION FOR REPAIRS TO POLICE

VEHICLE-2015 CHEVY TAHOE

REC# 897883

O	458827	09/29/2016	ktrudell	F2	WAYNE COUNTY TREAS	
MZ			202-000-001-000	202-000-202-000	A/P - ACCRUED	6,399.03 CITY CHECK 2414756

TRAFFIC SIGNAL ENERGY CREDITS

JULY-SEPT 2016

REC# 897884

O	458830	09/29/2016	ktrudell	F2	SAFWAY SERVICES INC	
MZ			290-000-001-000	290-448-825-491	Compost Tipping Fee	12,022.50 CITY CHECK 874055

REFUND FOR CK#123613 PAID TO THEM IN

ERROR-SHOULD BE REGULATED RESOURCE

REC# 897885

Total of 3 Receipts

18,998.13

User: ktrudell

Post Date from 09/29/2016 - 09/29/2016

Open Receipts

DB: Wyandotte	Receipt #	Date	Cashier	Wkstn	Received Of	Amount
	Description				Distribution	

*** TOTAL OF CREDIT ACCOUNTS ***						
101-448-825-430	Garage-Police Vehicle Maintenance					576.60
202-000-202-000	A/P - ACCRUED					6,399.03
290-448-825-491	Compost Tipping Fee					12,022.50
TOTAL - ALL CREDIT ACCOUNT						18,998.13

*** TOTAL OF DEBIT ACCOUNTS ***						
101-000-001-000	Cash					576.60
202-000-001-000	Cash					6,399.03
290-000-001-000	Cash					12,022.50
TOTAL - ALL DEBIT ACCOUNTS						18,998.13

*** TOTAL BY FUND ***						
101	General Fund					576.60
202	Major Street Fund					6,399.03
290	Solid Waste Disposal Fund					12,022.50
TOTAL - ALL FUNDS:						18,998.13

*** TOTAL BY BANK ***						
GEN	GENERAL OPERATING FUND					
Tender Code/Desc.						
(CCK) CITY CHECK						576.60
TOTAL:						576.60

SPEC	SPECIAL REVENUE FUNDS					
(CCK) CITY CHECK						18,421.53
TOTAL:						18,421.53
TOTAL - ALL BANKS:						18,998.13

*** TOTAL OF ITEMS TENDERED ***						
Tender Code/Desc.						
(CCK) CITY CHECK						18,998.13
TOTAL:						18,998.13

*** TOTAL BY RECEIPT ITEMS ***						
(3)	MZ: MISC CASH/VARIOUS					
						18,998.13
TOTAL - ALL RECEIPT ITEMS:						18,998.13

September 7, 2016

Wyandotte Municipal Services Commission
Regular Meeting Minutes

A regular session of the Municipal Service Commission of the City of Wyandotte, Michigan was held at the office of the Commission on Wednesday, September 7, 2016 at 5:00 PM.

Roll Call: Present: Commissioner-Gerald P. Cole-Excused
Robert K. Alderman
Bryan Hughes
Michael Sadowski
Leslie Lupo

General Manager& Secretary- Rod Lesko

Also Present- Paul LaManes
Valerie Hall
Amber Sutphin
Steve Timcoe
David Fuller
Steve Colwell- CATV

Approval of Minutes

MOTION by Commissioner Hughes and seconded by Commissioner Sadowski to approve the August 24, 2016 regular session meeting minutes of the Municipal Services Commission.

Commissioner Alderman asked that the roll be attached. No objections were made to approve the regular session meeting minutes.

MOTION by Commissioner Hughes and seconded by Commissioner Sadowski to approve the August 24, 2016 working session meeting minutes of the Municipal Services Commission.

Commissioner Alderman asked that the roll be attached. No objections were made to approve the regular session meeting minutes.

Hearing of Public Concerns

None

Resolution # 9-2016-01

WHEREAS, Wyandotte Municipal Services revenue is designed to cover the cost of providing service to local customers in a competitive manner; and

WHEREAS, Wyandotte Municipal Services completed a Cable Fund cost of service review in conjunction with preparation of the Fiscal 2017 budget; and

WHEREAS, based on the results of this review and revenue projections, certain modifications to cable billing for the pass through of cost adjustments for programming royalties is recommended to keep the utility in sound financial condition; and

September 7, 2016

Wyandotte Municipal Services Commission
Regular Meeting Minutes

WHEREAS, it is desired to streamline internet packages and remove billing variances for certain cable equipment through appropriate recovery of technological upgrade capital costs; now therefore

BE IT RESOLVED, by the Wyandotte Municipal Services Commission, a majority of its members thereto concurring, to pass through programming royalty cost adjustments of \$ 4.50/month for Digital Basic Plus service with ongoing isolation and review of programming costs measured by periodic programmer royalty adjustments in the future for all service levels so that additional cost adjustments for programming are implemented and recovered when necessary and implement internet service and cable equipment billing adjustments effective with service rendered on or after October 1, 2016, as recommended by WMS management.

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to the Honorable Mayor and Wyandotte City Council to be received and placed on file.

Commissioner Alderman asked that the roll be called.

YEAS: Commissioner Alderman, Hughes, Sadowski and Lupo

NAYS: None

Resolution # 9-2016-02

MOTION by Commissioner Hughes and seconded by Commissioner Sadowski to approve the FY2017 Electric and Cable Department Operating and Capital Budgets as presented in the Working Session at 4PM on September 7, 2016 and as recommended by WMS Management.

Commissioner Alderman asked that the roll be called.

YEAS: Commissioner Alderman, Hughes, Sadowski and Lupo

NAYS: None

Reports and Communications

None

Approval of Vouchers

MOTION by Commissioner Sadowski and seconded by Commissioner Hughes that the vouchers be paid as submitted.

#5304 - \$325,446.16

Commissioner Alderman asked the roll to be called for approval of the vouchers.

YEAS: Commissioner Alderman, Hughes, Sadowski, and Lupo

NAYS: None

Late Items

Commissioner Leslie Lupo would like to thank Bill Weirich and his Department for completing the request for a landscape clean-up near the substation at McKinley and Clark.

September 7, 2016

Wyandotte Municipal Services Commission
Regular Meeting Minutes

Next Regular Meeting - Wednesday, September 28, 2016 at 5 PM

Motion by Commissioner Sadowski and seconded by Commissioner Hughes to now adjourn at 5:04PM. Roll attached no objections to adjournment of meeting.

X



Roderick Lesko
General Manager/Secretary

September 28, 2016

Wyandotte Municipal Services Commission
Regular Meeting Minutes

A regular session of the Municipal Service Commission of the City of Wyandotte, Michigan was held at the office of the Commission on Wednesday, September 28, 2016 at 5:00 PM.

Roll Call: Present: Commissioner-Gerald P. Cole-Excused
Robert K. Alderman
Bryan Hughes
Michael Sadowski
Leslie Lupo

General Manager& Secretary- Rod Lesko

Also Present- Paul LaManes
Valerie Hall
Amber Sutphin
Bill Weirich
David Fuller
Steve Colwell- CATV

Approval of Minutes

MOTION by Commissioner Hughes and seconded by Commissioner Sadowski to approve the September 7, 2016 regular session meeting minutes of the Municipal Services Commission.

Commissioner Alderman asked that the roll be attached. No objections were made to approve the regular session meeting minutes.

MOTION by Commissioner Hughes and seconded by Commissioner Sadowski to approve the September 7, 2016 working session meeting minutes of the Municipal Services Commission.

Commissioner Alderman asked that the roll be attached. No objections were made to approve the regular session meeting minutes.

Hearing of Public Concerns

None

Resolution # 9-2016-03

MOTION by Commissioner Sadowski and seconded by Commissioner Hughes to approve the write off of all bad debt from 9/30/2013 and prior not previously written off in the amount of \$241,980.21, as recommend by WMS management.

Commissioner Alderman asked that the roll be called.

YEAS: Commissioner Alderman, Hughes, Sadowski and Lupo

NAYS: None

September 28, 2016

Wyandotte Municipal Services Commission
Regular Meeting Minutes

Reports and Communications

- a. Fiscal year 2015/2016 City Services/Shared Staffing Payment
- b. Fiscal year 2015/2016 Franchise Fee Payment
- c. Fiscal year 2015/2016 Pension System Payment
- d. Fiscal year 2015/2016 Dumpster/Toter Fee Payment
- e. Fiscal year 2015/2016 Sewer Payment
 - Monthly Subscriber Reports-August 2016

MOTION by Commissioner Sadowski and seconded by Commission Hughes to receive and place on file the Fiscal Year 2015/2016 payments to the City and monthly Subscriber Counts for August 2016. Roll attached no objections to motion to receive and place on file.

Approval of Vouchers

MOTION by Commissioner Sadowski and seconded by Commissioner Hughes that the vouchers be paid as submitted.

#5305 - \$ 918,290.56

#5306- \$ 547,675.37

Commissioner Alderman asked the roll to be called for approval of the vouchers.

YEAS: Commissioner Alderman, Hughes, Sadowski, and Lupo

NAYS: None

Late Items

Commissioner Alderman would like to show recognition to Valerie Hall and her Customer Assistance Team for continuing to provide excellent customer service to the City of Wyandotte. Commissioner Alderman referenced his experience and observations made during the recent property tax payment period.

Next Regular Meeting - Wednesday, October 12, 2016 at 5 PM

Motion by Commissioner Sadowski and seconded by Commissioner Hughes to now adjourn at 5:04PM. Roll attached no objections to adjournment of meeting.

X 

Roderick Lesko

General Manager/Secretary

WYANDOTTE RECREATION COMMISSION

A meeting of the Wyandotte Recreation Commission was called to order on Tuesday, September 13, 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
Commissioner Ron Adams
Commissioner Rob DeSana

Excused:

Commissioner Ed Ronco

Also Present:

Sup't of Recreation Justin N. Lanagan
Recreation Secretary Aimee Garbin

A motion was made by Commissioner DeSana and supported by Vice President Loya to approve the minutes of the previous meeting.

PERSONS IN THE AUDIENCE:

None

CORRESPONDENCE:

1. Thank you card from the Meet Up and Eat Up team, United Way for Southeastern Michigan thanking Superintendent Lanagan for ensuring Wyandotte children had access to healthy and nutritious meals during the summer months through the Greenbox Program.
2. Thank you letter from The Salvation Army thanking Superintendent Lanagan for the Surplus Food donation during the month of August 2016.

INTERDEPARTMENTAL:

None

COUNCIL RESOLUTIONS:

1. Council Resolution dated August 15, 2016 approving the Contract for the FY 2017 Municipal Credit and Community Credit contract with SMART.
2. Council Resolution dated August 29, 2016 accepting the resignation of Lori Shiels, Recreation Commission Secretary.

REPORTS AND MINUTES:

Arena Report August 2016: \$30.00 Ice Rental - \$60.00 Concession - \$170.00
Skating Lessons - \$250.00 Sign Rentals - \$2,100.00 Summer Rentals
Account Breakdown Pay Period ending 8/7/2016 & 8/21/2016
Tele-care Report August 2016
Golf Report August 2016.....\$52,361.25
Open Swimming Pool Report June 20, 2016 – August 12, 2016

SPECIAL ORDER:

Commission discussed with Superintendent Lanagan:

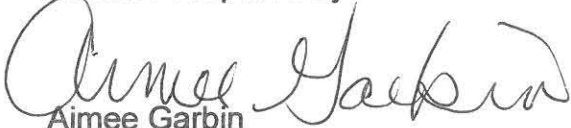
- Superintendent Lanagan and Commission welcomed New Commissioner Ron Adams.
- Superintendent Lanagan updated commission on the sea wall repair at the Wyandotte Shores Golf Course Hole #9 Tee Box. During the winter of 2015 part of the sea wall eroded and a section of land fell into the river (approximately 50ft). BASF brought in divers to analyze the damage and determined the wood pilings under the old boat docking area had

weakened and started to rot, causing the collapse. BASF determined through their inspections that roughly 225 feet of wood pilings along the sea wall needed to be replaced. The job should start approximately this Fall.

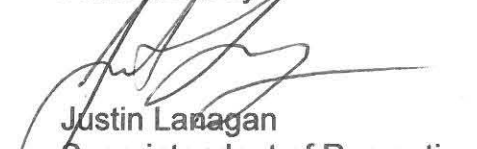
- Superintendent Lanagan stated he was notified by the President of the WFSC about a therapy dog that one of their members has been bringing to the Yack the past few years. She inquired as to whether or not we have an animal policy for the building. It is not a service dog, rather a therapy dog for one of the young skaters belonging to the Figure Skating Club. Superintendent Lanagan and Commission discussed the issue and realize there is a need for Therapy Dogs, but at the same time also acknowledge that some people may be allergic to dogs or could be afraid of dogs. Commission discussed various guidelines for Therapy dogs in Recreation Buildings including designating a specific area in the building for the animal, animals would not be allowed in the bleachers, near the concession or bathrooms, animals must be muzzled to ensure there would be no harm to other patrons, and if the therapy dog is at the Yack on more than one occasion we will request a doctor's note. We will also require the dog owner to sign a hold harmless agreement. Superintendent Lanagan spoke with Bill Look and Mr. Look provided information that therapy dogs/animals are not protected under federal law the same way as Service Animals are. Superintendent Lanagan will draft a set of guidelines and Commission will discuss them at the next meeting.
- Superintendent Lanagan stated the Viviani Competition was a huge success for the WFSC and had over 100 more competitors than the 2015 competition. Superintendent Lanagan stated while the WFSC is doing well, the WWAHA organization is struggling to keep teams (lost 3 teams from last season) and are renting less ice this season. Superintendent Lanagan stated he has advertised ice for sale times on websites tradeice.com and rentmyrink.com, however it appears a lot of cities and neighboring rinks also have ice they are trying to sell.
- Superintendent Lanagan stated it is time for his evaluation and forms would be emailed to each Commissioner to fill out and return to President Merritt for final review.

There being no further business to discuss, a motion was made by Vice President Loya and supported by Commissioner Adams to adjourn the meeting at 8:16 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

October 11th

November 15th Special Exception

December 13th