

**CITY OF WYANDOTTE**  
**REGULAR CITY COUNCIL MEETING**

A Regular Session of the Wyandotte City Council was held in Council Chambers, on Monday, December 18, 2017, 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.

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Present: Councilpersons Robert Alderman, Christopher Calvin, Robert DeSana, Megan Maiani, Leonard Sabuda, and Donald Schultz; Mayor Joseph R. Peterson

Absent:

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

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**PRESENTATIONS**

- Presentation by Brian Webb of the Zombie Pub Crawl to the “Yes, Ma’am” program

**PRESENTATION OF PETITIONS**

None

**APPROVAL OF AGENDA**

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

**2017-565 SHED REMOVALS/ALLEY EASEMENTS – DEPT. RESPONSES**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED that Council directs the City Engineer to send letters to 32 owners to remove structures in City easements by June 1, 2018, and notify one (1) owner to obtain proper permit for shed on their property.

Motion carried.

YEAS: Alderman, DeSana, Maiani, Schultz

NAYS: Calvin, Sabuda

**CALL TO THE PUBLIC**

None

**CONSENT AGENDA**

**2017-566 CONSENT AGENDA APPROVALS**

By Councilperson DeSana, supported by Councilperson Maiani

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

2. Approval of Council Meeting Minutes – December 11, 2017
3. Christmas Tree Collection Schedule

Motion unanimously carried.

**2017-567 MINUTES**

By Councilperson DeSana, supported by Councilperson Maiani

RESOLVED that the minutes of the meeting held under the date of December 11, 2017, be approved as recorded, without objection.

Motion unanimously carried.

**2017-568 CHRISTMAS TREE COLLECTION SCHEDULE**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED By Mayor and City Council that Waste Management will collect Christmas Trees beginning January 2, 2018, until February 1, 2018 on the following days:

Tuesdays - North of Vinewood

Thursdays - South of Vinewood

BE IT FURTHER RESOLVED that Ornaments, decorations, tree stands and plastic bags MUST BE REMOVED to permit composting.

Motion unanimously carried.

**NEW BUSINESS****2017-569 WATER DEPT. VEHICLE PURCHASE – FORD F-150 XL**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED by the Wyandotte City Council, a majority of its members thereto concurring with the Wyandotte Municipal Services Commission, authorizing the purchase of a 2018 Ford F-150 XL 4x2 Super Cab Pickup w/ 6'5" bed for the Water Department utilizing the MiDeal bid contract for an amount not to exceed \$ 25,890, as recommended by WMS management.

Motion carried.

YEAS: Calvin, DeSana, Maiani, Sabuda, Schultz

NAYS: None

ABSTAIN: Alderman

**2017-570 WATER DEPT. VEHICLE PURCHASE – TRANSIT CARGO VAN**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED by the Wyandotte City Council, a majority of its members thereto concurring with the Wyandotte Municipal Services Commission authorizing the purchase of a 2018 Ford Transit 250 Cargo Van for the Water Department utilizing the MiDeal bid contract for an amount not to exceed \$ 26,013, as recommended by WMS management.

Motion carried.

YEAS: Calvin, DeSana, Maiani, Sabuda, Schultz

NAYS: None

ABSTAIN: Alderman

**2017-571 SALE OF PORTION OF 333-339 ANTOINE**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED that Council concurs with the communication from the City Engineer regarding the sale of 24 feet of the Former 333-339 Antoine, Wyandotte; AND

BE IT FURTHER RESOLVED that Council accepts the offer from Southtown Acquisitions, LLC to acquire the 24 feet of the Former 333-339 Antoine in the amount of \$3,528.00; AND

BE IT FURTHER RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor and Clerk are hereby authorized to sign said Documents.

Motion carried.

YEAS: Alderman, Calvin, DeSana, Sabuda, Schultz

NAYS: None

ABSTAIN: Maiani

**2017-572 CENTRAL FIRE STATION INTERIOR/EXTERIOR RENOVATION**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED that Council concurs with the recommendation of the City Engineer and Fire Chief to award the bid for File No. 4171 Wyandotte Central Fire Station Interior/Exterior Renovations to MIG Construction, Detroit, in the amount of \$2,525,111.00 with acceptance of Bid Alternatives #1, #3, #6, #7, #10, #11, #13, #15, #16, #19 and #20, this includes the acceptance of a deduction of \$38,000 for a generator with a factory shroud; and acceptance of value engineering deductions of lighting package (\$20,000.00), gutters/downspouts (\$14,000.00), value engineering mark up (\$3,570.00) and removal of utility costs of \$17,000.00.

BE IT RESOLVED that Council hereby directs the return all bid bonds/bid checks; AND

BE IT RESOLVED that the Mayor and City Council are authorized to execute the necessary Contracts with MIG Construction; AND

BE IT FURTHER RESOLVED that the City Administrator provides a budget amendment.

Motion unanimously carried.

**2017-573 CDBG PROGRAM – 2017-2022**

By Councilperson DeSana, supported by Councilperson Maiani

BE IT RESOLVED that Council hereby approves the Sub-Recipient Agreement for the Community Development Block Grant (CDBG) 2017-2022 and authorizes the Mayor and City Clerk to execute same.

Motion unanimously carried.

**2017-574 #1458: SEC. 25-7 MINOR IN POSSESSION OF ALCOHOLIC LIQUOR**

By Councilperson DeSana, supported by Councilperson Maiani

**AN ORDINANCE ENTITLED**

**AN ORDINANCE TO AMEND SEC. 25-7 "PURCHASE, CONSUMPTION OR POSSESSION OF ALCOHOLIC LIQUOR BY A MINOR" OF THE CODE OF ORDINANCES OF THE**

**CITY OF WYANDOTTE**

**THE CITY OF WYANDOTTE ORDAINS:**

**Section 1.** Amendment of Sec. 25-7.

Sec. 25-7 Purchase, Consumption or Possession of alcoholic liquor by a Minor.

1). A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol

content, except as provided in this section. A minor who violates this subsection is responsible for a municipal civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in MCL 436.1909. "Minor" as used in this ordinance means a person less than twenty-one (21) years of age.

a). For the first violation, the minor is responsible for a municipal civil infraction and shall be fined not more than \$100.00. A court may order a minor under this ordinance to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). A minor may be found responsible or admit responsibility only once under this ordinance.

b). If a violation of this ordinance occurs after 1 prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this ordinance is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, by a fine of not more than \$200.00, or both. A court may order a minor under this ordinance to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

c). If a violation of this ordinance occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this ordinance is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, by a fine or not more than \$500.00, or both, as applicable. A court may order a minor under this ordinance to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

2). An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (1), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

3). If an individual who pleads guilty to a misdemeanor violation of subsection (1) (b) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (1)(b), the court, without entering a judgment of guilt in a criminal proceeding or determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (1)(c), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this ordinance in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this ordinance is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only 1 discharge and dismissal under this ordinance. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this ordinance. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this ordinance. These records shall be furnished to any of the following:

a. To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already utilized this subsection.

b. To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

i. At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

ii. The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

- 4). A misdemeanor violation of subsection (1) successfully deferred, discharged, and dismissed under subsection (3) is considered a prior judgment for the purposes of subsection (1) ( c ).
- 5). A court may order an individual found responsible for or convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (1) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.
- 6). The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of a second or subsequent violation of subsection (1) or of violating subsection (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.
- 7). A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a municipal civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
- 8). A law enforcement agency, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722. 6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, posses, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The law enforcement agency may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.
- 9). This ordinance does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by state law, by the liquor control commission, or by an agent of the liquor control commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- 10). The following individuals are not considered to be in violation of subsection (1):
- a. A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.
  - b. A minor who accompanies an individual who meets both of the following criteria:
    - i. Has consumed alcoholic liquor.
    - ii. Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation for sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.
  - c. A minor who initiates contact with a peace officer or emergency medical service personnel for the purpose of obtaining medical assistance for a legitimate health care concern.
- 11). If a minor who is less than 18 years of age and who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (10), the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.
- 12). This ordinance does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent or employee for violation of this ordinance.
- 13). The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this ordinance if the purpose of the consumption is solely educational and is a requirement of the course.
- 14). The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this ordinance.

15). Subsection (1) does not apply to a minor who participates in either or both of the following:

a. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

b. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the liquor control commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the liquor control commission, or the local police agency and was not part of the undercover operation.

16). The state police, the liquor control commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 701(1), or section 801(2) of the liquor control code of the state of Michigan.

17). In a prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

18). As used in this ordinance:

a. "Any bodily alcohol content" means either of the following:

i. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

ii. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

b. "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

c. "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

d. "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

i. This ordinance or section 701 or 707 of the liquor control code of the state of Michigan, MCL 436.1701 and 436.1707.

ii. Section 624a, 624b, or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b and 257.625.

iii. Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

iv. Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

#### Section 2. Severability.

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

#### Section 3. Effective Date.

This Ordinance is deemed an emergency ordinance and shall take effect January 1, 2018. This ordinance is necessary for preservation of the public, peace, property and safety and for the daily operation of the Wyandotte police Department. A summary of this ordinance shall be published in a newspaper circulated in the City of Wyandotte within ten (10) days after the adoption. A copy of this ordinance may be inspected or obtained at the City Clerk's Office during regular business hours at 3200 Biddle Avenue, Wyandotte, MI.

Motion unanimously carried.

### **BILLS & ACCOUNTS**

#### **2017-575 BILLS & ACCOUNTS**

By Councilperson DeSana, supported by Councilperson Maiani

RESOLVED that the total bills and accounts of \$2,046,674.20 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

Motion unanimously carried.

**REPORTS & MINUTES**

Daily Cash Receipts

December 8, 2017

Wyandotte Municipal Services

December 13, 2017

**REMARKS OF THE MAYOR, COUNCIL, & ELECTED OFFICIALS**


None

**ADJOURNMENT****2017-576 ADJOURNMENT**

By Councilperson DeSana, supported by Councilperson Maiani

RESOLVED, that this regular meeting of the Wyandotte City Council be adjourned at 8:39 p.m.

Motion unanimously carried.

  
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Lawrence S. Stec, City Clerk