



Minutes - November 17th, 2008

Wyandotte, Michigan November 17, 2008

Regular session of the City Council of the City of Wyandotte, the Honorable Mayor James R. DeSana presiding.

ROLL CALL

Present: Councilpersons Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

Absent: None

COMMUNICATIONS MISCELLANEOUS

November 6, 2008

Honorable Mayor James R. DeSana & City Council
City Hall, 3131 Biddle Avenue, Wyandotte, MI 48192

Dear Honorable Mayor and City Council Members,

I am contacting you regarding the Sound Frequency Disturbance Cadon Plating has been identified as the establishment subjecting a multitude of Wyandotte Citizens to.

It is apparent there is a faulty piece of equipment which is in dire need of repair or replacement. The sound disturbance began in late February 2008. This matter has been brought to City Council's attention by two (2) Wyandotte residents at meetings held March 17th by Michael Sura, 3827 15th Street and March 31' by Vick Nevin, 501 Plum Street. The Company generates this disturbance 24 hours daily. Between the hours of 4:30 am and 11:30 pm the disturbance generated is significantly louder. This loud disturbance permeates and penetrates through walls and windows preventing many of your working class citizens and their families from sleeping adequately enough to remain awake and functioning at performance levels required at their place of employment or educational institutions. Personal alarm clocks must be set louder and still my not be heard, white noise machines do not work, and fans can no longer be used to cancel out some of the sound due to seasonal change. There is no means citizens can take to cancel out this sound in their homes and by no means should be expected or subjected to.

Neither the City nor Cadon Plating may have given consideration as to how this disturbance is creating a safety hazard for citizens. The sound masks other emergency sirens used by BASF, Atofina and the City's general alarm systems. We citizens of Wyandotte would appear not reacting due to apathy or complacency in taking the proper precautions required by these independent alarm systems. In reality it would be because we are unable to hear or possibly distinguish between the alarms or that our minds are now conditioned only to hear and focus on that distinct sound disturbance generated by Cadon Plating.

Further more, fatigued citizens while working have their physical well being, efficiency and exemplary work ethic compromised. Fatigued citizens have the increased potential while behind the wheel of a moving vehicle for accidents to occurring because their realization or reaction time is compromised. Fatigued Students have their scholastic performance compromised.

Complaints cannot be filed through the Police Department as I have been informed that as long as an establishment is conducting business they are able to generate any disturbing sounds what so ever which in no way violates the ordinance or law for Disturbing the Peace yet is allowed to violate a citizen's right to take refuge and enjoy quiet in their home. This noise inhibits our right to come home to de-stress, refresh and reenergize and ready ourselves for the next day. Instead we become agitated and irritable as a result of being subjected to this unrelenting disturbance.

I request on behalf of myself and the multitude of other disrupted citizens of Wyandotte that this grievous matter be addressed and remedied for our welfare and well being. This noise did not exist prior to February, 2008 which indicates the sound disturbance is avoidable and can be remedied since Cadon Plating has been in it's present location and operating for at least the 26 years that I have been a Wyandotte resident.

Sincerely,

Marie R. Douglass, 857 Plum Street, Wyandotte, MI 48192

TO: The Mayor and City Council of the City of Wyandotte

RE: Recommendations and proposed usage of the Wyandotte Art Center presently known as the Wyandotte Masonic Lodge building

FROM: Nancy Pitel and Maureen Riley

The following pages contain a proposal for the management of the Wyandotte Art Center building as well as recommendations for its usage and the creation of the Art Center Management Group.

Included in the package are the results of the written surveys taken at the September 24th public open house of the building.

For further information please contact Nancy Pitel at 734-282-2049 or email at npitel@aol.com.

Thank you for your time and consideration of this proposal package,

Nancy Pitel

PERSONS IN THE AUDIENCE

- No response.

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

- November 12, 2008

The Honorable City Council City of Wyandotte
3131 Biddle Avenue
Wyandotte MI 48192

Gentlemen and Madam:

A communication from Nancy Pitel will appear on the agenda for our November 17, 2008 meeting, submitting a proposal for the creation and operation of an art center at the Masonic Temple Building.

I am writing to recommend that a committee be created as soon as possible to review this and other proposals that may be submitted for this purpose. I would suggest that some of the people that have already been involved in discussions and working with J.E. Johnson be appointed to the committee: on the City-side, Todd Drysdale, Jody Chansuolme and Mark Kowalewski, and from the art community, Patt Slack, Karen Thomas and Gloria Dunn. Patt, Karen and Gloria were instrumental in organizing the very successful open house that was held at the Masonic Temple building in September.

Certainly, I welcome your suggestions of others who may be interested in serving on this committee. The number of people on the committee is not limited – the important thing is to have a good representation of people from various walks of life who are able to make a contribution to this project.

Thanking you in advance for your support of this recommendation, I remain

Very truly yours,

James R. DeSana, Mayor

- November 13, 2008

Mayor James R. DeSana and City Councilmembers 3131 Biddle Avenue
Wyandotte, Michigan 48192

Dear Mayor and Councilmembers:

An application was received from the Michigan Liquor Control Commission requesting to transfer ownership of 2008 Class C Licensed Business with Entertainment permit, located in escrow at 3515 Caniff, Hamtramck, Michigan 48212, Wayne County from Motor LLC to G.D. Celia, Inc.; and transfer Location (Governmental Unit) (MCL 436.1531 91) to 2356 Biddle Avenue; Wyandotte, Michigan 48192, Wayne County.

Said application was referred to the Department of Municipal Service, City Engineer, City Treasurer, Police, Fire and Legal; copies of which are attached.

In view of the above, said application is being forwarded to you for your consideration.

Sincerely yours,

William R. Griggs, City Clerk

November 13, 2008

The Honorable Mayor James R. DeSana and City Council
City Hall
Wyandotte, Michigan

Dear Mayor and Council Members:

Attached please find Purchase Agreements for the City to acquire the following property:

547 Forest \$19,900.00 TIFA Area Funds — Single Family Dwelling

If this meets with your approval, I recommend that the Department of Legal Affairs be directed to prepare the necessary sale documents and the Mayor and Clerk be authorized to execute same. I further recommend that the undersigned be authorized to demolish same.

Very truly yours,

Mark A. Kowalewski City Engineer

REPORTS AND MINUTES AND CASH RECEIPTS

Financial Services Daily Cash Receipts	November 10-November 11, 2008
Beautification Commission	October 14, 2008
Fire Fighter's Civil Service Commission	October 15, 2008
Downriver Joint Management Committee	September 11, 2008
Southgate/Wyandotte Relief Drains Minutes	September 26, 2008

CITIZEN PARTICIPATION

- None

-

-

RECESS

-

RECONVENING

-

ROLL CALL

-

Present: Councilpersons Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

Absent: None

FINAL READING OF ORDINANCE

AN ORDINANCE ENTITLED
AN ORDINANCE TO RESCIND SECTION 4-28 ENTITLED "VICIOUS ANIMALS" AND TO ADOPT SECTION 4-28
ENTITLED "DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS"

THE CITY OF WYANDOTTE ORDAINS:

Section 1. Rescission of Sec. 4-28 Entitled "Vicious Animals" and Adoption of Sec. 428 "Dangerous Dogs and Potentially Dangerous Dogs".

Sec. 4-28 Entitled "Vicious Animals" is Rescinded and Replaced with Sec. 4-28 Entitled "Dangerous Dogs and Potentially Dangerous Dogs".

SEC. 4-28. DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.

Sec. 4-28.1. Purpose and Intent:

It is the intent of the City of Wyandotte to protect the health and safety of the public against the risks that dangerous and potentially dangerous dogs pose to persons and other animals in the City. Further, it is the intent of the City of Wyandotte to afford dog owners due process when the owner's animal is classified as a dangerous or potentially dangerous dog.

Sec. 4-28.2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them below:

- (a) "Animal Review Official" means the animal control officer. If the animal control officer is not available, the Chief of Police shall designate the official to conduct the investigations under this ordinance.
- (b) "Authorized enforcement officer" means a police officer or animal control officer.
- (c) "City" means the City of Wyandotte.
- (d) "Dangerous Dog" means a dog that bites or attacks a person or causes a serious injury to a person or domestic animal, or a dog that bites or attacks and causes serious injury or death to another dog or domestic animal while the other dog or domestic animal is on the property or under the control of its owner. However, a dangerous dog does not include any of the following:
 - i. A dog that bites or attacks a person who is knowingly trespassing on the property of the dog's owner;
 - ii. A dog that bites or attacks a person who provokes or torments the dog; or
 - iii. A dog that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
- (e) "Enclosure" means secure confinement indoors or secure confinement in a locked pen, a structure with secure sides, top and bottom, or a yard which is suitable to prevent the entry of young children, and is designed to prevent the dog from escaping from the owner's property.
- (f) "Suitable leash" means both (1) that the dog is attached to a leash that is not more than ten (10) feet in length (provided

the dog has not been determined to be "potentially dangerous") and of such material that the leash is capable of restraining, and does restrain the type and size of dog to which it is attached; and (2) that such a leash is continuously held by a person who is reasonably able to and does restrain and prohibit the dog from being out of the person's physical control. A leashed dog that chases a person or domesticated animal a greater distance than ten (10) feet, or that bites a person or domesticated animal constitutes prima facie evidence that such dog is not kept on a suitable leash.

(g) "Owner" means any person, firm, corporation or organization that owns, possesses, harbors, keeps, or has an interest in, or has control or custody of the dog.

(h) "Provoke" and "provocation" means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog.

(i) "Potentially dangerous dog" means a dog that poses a threat to public safety as demonstrated by any of the following behaviors:

i. Causing an injury to a person or domestic animal that is less severe than a serious injury;

ii. Without provocation, chasing or menacing a person or domestic animal in an aggressive manner; or

iii. Running at large and picked up or impounded by an animal control agency three (3) or more times within any 12-month period.

(j) "Serious injury" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person. Any dog bite requiring stitches to the victim (person or animal) is prima facie evidence of a serious injury.

(k) "Torment" means an act or omission that causes unjustifiable pain, suffering, and distress to a dog, or causes mental and emotional anguish in the dog as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

Sec. 4-28.3. Determination of a Potentially Dangerous Dog.

(a) Upon receipt of a complaint submitted to the Animal Review Official, the Animal Review Official shall review the complaint and submit a request to the local prosecuting attorney for issuance of a Municipal Civil Infraction if said official believes that the dog is a potentially dangerous dog. Upon approval of the local prosecuting attorney, the Animal Review Official or Police Officer shall serve the municipal civil infraction upon the owner of the dog. In the event that the Animal Review Official or Police Officer personally observes a potentially dangerous dog then he shall serve a municipal civil infraction upon the owner of the dog.

(b) Upon entry of a judgment on the civil infraction if the owner does not appear or contest the municipal civil infraction, or after a hearing, if the Court determines or finds the owner responsible for having a potentially dangerous dog, the Defendant is responsible for a municipal civil infraction and shall pay a fine of not less than \$100 and not more than \$500 together with court costs.

(c) If any person owns a dog that has been determined to be potentially dangerous pursuant to paragraph (b), the owner has ten (10) day from the date of being found responsible to comply with the following:

1. Register the dog with the Wyandotte Police Department as a potentially dangerous dog and pay a registration fee of \$75.00 annually.

2. Maintain the dog at all times in a proper enclosure.

3. Post the premises where the dog is kept with a clearly visible sign warning that the dog on the premises is potentially dangerous to others. The lettering on the sign shall be visible for a distance of 40 feet or more.

(d) Responsibilities of owner. It shall be a violation to:

1. Keep a potentially dangerous dog without a valid certificate of registration required by this ordinance.

2. Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person and restrained by a chain or leash, not exceeding 4 feet in length.

3. Fail to notify the Animal Review Official or Police Department immediately if the potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being, has died, has been sold, or has been given away. If the potentially dangerous dog has been sold or given away, the owner shall also provide the Animal Control Officer with the name, address, and telephone number of the new owner of the potentially dangerous dog.

4. Fail to surrender the potentially dangerous dog to the Animal Review Official for safe confinement pending a disposition of the case when there is a reason to believe that the potentially dangerous dog poses a threat to public safety; or failure to comply with any special security or care requirements for a potentially dangerous dog that the Animal Review Official may determine is necessary for public safety.

Sec. 4-28.4. Determination of a Dangerous Dog.

(a) Upon receipt of a complaint and after conducting an investigation, the Animal Review Official is authorized to make a determination whether a dog is dangerous based upon the factors listed in Section 1(d) and shall present findings and a recommendation to the prosecuting attorney for the City requesting issuance of a summons and complaint if he determines the dog to be dangerous.

(b) Upon a sworn complaint that a dog is dangerous and the dog has caused serious injury or death to a person or has caused serious injury or death to an animal, a district court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.

(c) Upon the filing of a sworn complaint as provided in subsection (b), the court or magistrate shall order the owner to immediately turn the dog over to a proper dog control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the dog. The owner shall notify the person who retains the dog under this section of the complaint and order. The expense of the boarding and retention of the dog is to be borne by the owner. The dog may not be returned to the owner until it has a current rabies vaccination, a license as required by ordinance, and upon order of the court that the dog should be returned.

(d) After a hearing, the magistrate or court shall order the destruction of the dog, at the expense of the owner, if the dog is found to be a dangerous dog that caused serious injury or death to a person or animal. After a hearing, the court may order the destruction of the dog, at the expense of the owner, if the court finds the dog is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous dog.

(e) If the court or magistrate finds that a dog is a dangerous dog but has not caused serious injury or death to a person or animal, the court or magistrate shall notify the animal control authority for the City in which the complaint was filed of the finding of the court, the name of the owner of the dangerous dog, and the address at which the dog was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that dog to do 1 or more of the following:

i. If the dog that has been found to be dangerous dog is of the *canis familiaris* species, have an identification number tattooed upon the animal or inject a microchip, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the dog by the Michigan Department of Agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

ii. Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or non-authorized individuals cannot enter the premises.

iii. Have the animal sterilized.

iv. Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the dog.

v. Take any other action appropriate to protect the public.

(f) If the Court after a hearing determines the dog is not dangerous, but determines the dog is a potentially dangerous dog, then the provisions of this ordinance concerning a potentially dangerous dog shall apply.

Sec. 4-28.5. Transfer of Ownership or Possession.

Upon the transfer of ownership or possession of any dangerous dog or potentially dangerous dog, the transferor shall immediately provide the police chief with the name, address and telephone numbers of the new owner of the dog and the effective date of the transfer. Any transferee of a dangerous dog or potentially dangerous dog shall be presumed to have notice of the dog's classifications as such.

Sec. 4-28.6. Removal of Potentially Dangerous Dog Classification.

The owner of a dog that has been determined to be a potentially dangerous dog shall be given the opportunity to request that the classification of the dog as a potentially dangerous dog should be reconsidered and removed, which request may be granted by the district court or Animal Review Official, as applicable, if the owner demonstrates that the dog has been incident free for two years, the dog and owner have successfully completed obedience training, the dog has been issued and maintained a canine good citizenship certificate by a certified tester pursuant to the standards of the American Kennel Club, and the owner has complied in all respects with the provisions of this chapter of the code and any applicable court orders.

Sec. 4-28.7. Violation.

Any person who violates any provision is responsible for a municipal civil infraction.

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 shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and this ordinance or a summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption.

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

YEAS: Councilpersons Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

ABSENT: None

I hereby approve the adoption of the foregoing ordinance this 17th day of November, 2008.

CERTIFICATE

We, the undersigned, JAMES R. DESANA and WILLIAM R. GRIGGS, respectively the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the Council of the City of Wyandotte, at a regular session thereof on Monday, the 17th day of November, 2008.

Dated: November 17, 2008

JAMES R. DESANA, Mayor

WILLIAM R. GRIGGS, City Clerk

RESOLUTIONS

-

Wyandotte, Michigan November 17, 2008

RESOLUTION by Councilperson Johnny Kolakowski

RESOLVED by the City Council that the reading of the minutes of the previous meeting be dispensed with and the same stand APPROVED as recorded without objection.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny Kolakowski
Supported by Councilperson Patrick Sutka
ROLL ATTACHED

Wyandotte, Michigan November 17, 2008

RESOLUTION by Councilperson Johnny Kolakowski

RESOLVED by the City Council that the communication from Marie R. Douglass, 857 Plum Street, Wyandotte dated November 6, 2008 relative to the alleged noise disturbance coming from Cadon Plating is hereby referred to Cadon Plating for a response and report back to Council and to the City Engineer and Police Department to set up a noise detection machine at 857 Plum Street for one (1) week to register the decibels of noise coming from Cadon Plating with a report back to Council as soon as the data can be compiled.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny Kolakowski
Supported by Councilperson Patrick Sutka
ROLL ATTACHED

Wyandotte, Michigan November 17, 2008

RESOLUTION by Councilperson Johnny Kolakowski

RESOLVED by the City Council that the communication from Nancy Pitel and Maureen Riley is hereby referred to Todd Drysdale for presentation to the Committee being formed to consider the proposal for the creation and development of the Masonic Temple into an Art Center.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny Kolakowski
Supported by Councilperson Patrick Sutka
ROLL ATTACHED

Wyandotte, Michigan November 17, 2008

RESOLUTION by Councilperson Johnny Kolakowski

RESOLVED by the City Council that Council CONCURS in the recommendation of Mayor DeSana as set forth in his communication dated November 12, 2008 to form a committee consisting of City Representatives: Councilman Kolakowski, Todd Drysdale, Jody Chansuolme and Mark Kowalewski and Private Sector Representatives: Patt Slack, Karen Thomas, Gloria Dunn and Karen Tavernier to assist in the proposed management and development of the Masonic Temple into an Art Center.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny Kolakowski
Supported by Councilperson Patrick Sutka
ROLL ATTACHED

Wyandotte, Michigan November 17, 2008

RESOLUTION by Councilperson Johnny Kolakowski

RESOLVED by the City Council that Council CONCURS in the recommendation of the City Clerk as set forth in his communication dated November 13, 2008 to APPROVE the transfer of ownership of a 2008 Class C Licensed Business with entertainment permit, located in escrow at 3515 Caniff, Hamtramck, Michigan 48212, Wayne County from Motor LLC to G.D. Celia, Inc; and transfer location (Governmental Unit) (MCL 436.1531 91) to 2356 Biddle Avenue; Wyandotte, Michigan 48192, Wayne County.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny Kolakowski
Supported by Councilperson Patrick Sutka
YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan November 17, 2008

RESOLUTION by Councilperson Johnny Kolakowski

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the

property at 547 Forest in the amount of \$19,900.00 to be appropriated from TIFA Area Funds; AND BE IT FURTHER RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor , City Clerk and City Attorney, William R. Look, are hereby authorized to sign said documents; and 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.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny Kolakowski

Supported by Councilperson Patrick Sutka

YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

Wyandotte, Michigan November 17, 2008

RESOLUTION by Councilperson Johnny Kolakowski

RESOLVED by the City Council that the Council Meetings of November 24, 2008 and December 1, 2008 are hereby cancelled due to the Thanksgiving Day Holiday.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny Kolakowski

Supported by Councilperson Patrick Sutka

YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

Wyandotte, Michigan November 17, 2008

RESOLUTION by Councilperson Johnny Kolakowski

RESOLVED by the City Council that the bills and accounts in the amount of \$1,736,598.80 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Johnny Kolakowski

Supported by Councilperson Patrick Sutka

YEAS: Councilmembers Browning, Fricke, Kolakowski, Peterson, Ptak, Sutka

NAYS: None

ADJOURNMENT

MOTION by Councilperson Johnny Kolakowski

Supported by Councilperson Patrick Sutka

That we adjourn

Carried unanimously.

Adjourned at 7:30 p.m.

November 17, 2008

William R. Griggs, City Clerk