



Minutes - February 2, 2009

Wyandotte, Michigan February 2, 2009

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

ROLL CALL

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

COMMUNICATIONS MISCELLANEOUS

To Whom It May Concern:

My name is Pastor Ron Arnold. The reason for this letter is in regards to this year, National Day of prayer. It may seem like it's a little early to plan, however May will be upon us before we know. I would like permission once again to use the outside stage like last year. Also invite the Mayor and his counsel members.

We plan if approved to have this event on Thursday May 7th 2009 in Bishop Park, 12 noon till 1p.m... We will be inviting all City Officials and hope that they attend. Our nation is in a terrible time with job loss and foreclosures. We believe that this year is very important.

I can be reach at) (cell #734-431-3622) (Office # 734- 282-8432) (Fax: # 734-282-8493) I will be waiting to hear from you so that I can pull this event together.
Thank you;

Reverend Ron Arnold, Working For The Lord Ministry
1/22/2009 Wyandotte Ministerial Association, 2009 National Day of Prayer
Thursday, May 7th

PERSONS IN THE AUDIENCE

Chris Calvin, 466 Sycamore, regarding Wyandotte Kiwanis and the Jay Stewart Scholarship Fundraiser to be held Saturday, February 21, 2009.

Jeffery Dahlstrom, 489 Spruce, regarding snow removal at railroad tracks.

COMMUNICATIONS FROM CITY & OTHER OFFICIALS

January 27, 2009
The Honorable Mayor James R. DeSana and City Council
City Hall, Wyandotte, Michigan 48192

RE: PUBLIC HEARING PC#120908

Dear Mayor DeSana and Council Members:

Attached is a copy of a resolution duly adopted by the Planning Commission held on Thursday, January 15, 2009.

In its resolution, the Commission recommends that the request from 4560 GDMD, Inc., Geralddean Dow (Owner and Appellant) to rezone the property known as 4560 Biddle, Wyandotte, be DENIED for rezoned from I-I (Industrial District) to B-2 (General Business District).

Also attached is a copy of the transcript of the public hearing. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,
PLANNING COMMISSION, Elizabeth A. Krimmel, Chairperson

January 27, 2009

Mayor and City Council City of Wyandotte
3131 Biddle Avenue Wyandotte, MI 48192

Dear Honorable Mayor and City Council:

Attached you will find two (2) invoices from OEM MICRO Solutions for the purchase of two (2) in car computers and two (2) in car digital video systems. Please note that OEM MICRO Solutions is the current provider of such equipment for the Wyandotte Police Department. If approved, these items will be paid for by a COPS grant obtained through the Downriver Community Conference. The total amount of the items is \$20,000.00 (twenty thousand dollars).

Thank you for your consideration in this matter.

Sincerely,

WYANDOTTE POLICE DEPARTMENT
Daniel J. Grant, Chief of Police

January 30, 2009

The Honorable Mayor James DeSana And Council Members
City Hall, Wyandotte, Michigan

Dear Mayor DeSana and Council Members:

The Department of Engineering has met with G's Trees Inc. in regards to extending their contract for the tree cutting program in the City of Wyandotte. William Gomez, of G's Trees Inc has indicated in the attached amendment that they can perform the additional work at the unit rates set forth in the contract with the City for File # 4442 - Tree Cutting & Stump Removal. The conditions of the contract extension would be as set forth in the attached Amendment to Contract. Section 1.03.09 Contract Extension of the Contract Specifications allows extension of the Contract when approved by the City Council and agreed to by the Contractor.

The work will be funded from Account No. 492-200-850-528.

The undersigned recommends that this contract extension be approved.

Very truly yours,

Mark A. Kowalewski, City Engineer

January 29, 2009

The Honorable James R. DeSana and City Council Members

3131 Biddle Avenue
Wyandotte, Michigan 48192

Dear Mayor DeSana and City Council Members,

Effective December 27, 2007, the City Treasurer is now required under new state law to make quarterly investment reports to the City Council. More specifically, the state of Michigan amended Public Act 20 of 1943 to include Public Act 213 of 2007.

Attached for your review is the Quarterly Investment Report for the fourth quarter of the 2008 calendar year. If you should have any questions, comments or concerns, please do not hesitate to contact me.

Sincerely,

Robert Szczechowski, Deputy Treasurer/Assistant Finance Director
January 27, 2009
The Honorable Mayor James R. DeSana And City Council
City Hall, Wyandotte, Michigan

Dear Mayor James R. DeSana and City Council Members:

The Engineering and Building Department has solicited quotes for covering the raised stage in the auditorium at the Masonic Temple. The following are said quotes:

Bidder

Eric Beach Carpentry, LLC
48977 Ashbury Drive
Belleville, MI 48111
Jabro Carpetone Floor & Home 13460 Northline Road
Southgate, MI 48195 Amount \$3,480.00

\$3,735.09

The undersigned recommends the acceptance of the proposal from Eric Beach Carpentry, LLC of Belleville, Michigan in the amount of \$3,480.00 as being the best bid received.

Very truly yours,
Mark A. Kowalewski City Engineer

January 29, 2009
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: 835 Plum \$7,500.00 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

LATE ITEM
January 30, 2009
The Honorable City Council, City of Wyandotte

3131 Biddle Avenue, Wyandotte, MI 48192

RE: APPOINTMENT OF ALTERNATE HEARING OFFICER

Gentlemen and Madam:

The BOCA National Property Maintenance Code stipulates that "a hearing officer shall be appointed by the Mayor and approved by the City Council to serve at his/her pleasure. The hearing officer shall be a person who has expertise in housing matters including but not limited to an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as hearing officer."

I am recommending that Louis Parker, 518 Mulberry Street, Wyandotte, be appointed as Alternate Hearing Officer. Mr. Parker is currently one of our code enforcement inspector. Because of his extensive background, I believe Mr. Parker is qualified to serve as Alternate Hearing Officer.

Sincerely,

James R. DeSana, Mayor

CITIZEN PARTICIPATION

None

RECESS

RECONVENING

ROLL CALL

Present: Councilpersons Browning, Peterson, Ptak, Sutka

Absent: Councilpersons Fricke, Kolakowski

FINAL READING OF ORDINANCE

AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES BY AMENDING
SECTION 21.290 "DEFINITIONS" AND ADDING SECTION 21.291 "PROHIBITION OF
NUDITY ON LICENSED PREMISES"

THE CITY OF WYANDOTTE ORDAINS:

Section I . Amendment of Sec. 21-290 Definitions".

Sec. 21-290. Definitions.

Alcohol means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

Alcoholic liquor means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half 1/2 of one (1) per cent or more of alcohol by volume which are fit for use for beverage purposes as defined and classified by the commission according to alcoholic content as belonging to one (1) of the varieties defined in the Michigan Liquor Control Code of 1998 as

amended.

Class C license means a place licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises.

Commission means the liquor control commission provided for and created by state law.

Nudity means:

"Nudity" shall be defined to be the exposure by view of persons, of any of the following body parts, either directly or indirectly, including but not limited to exposure, see-through clothing articles or body stockings:

1. The whole or part of the public
2. The whole or part of the anus;
3. The whole or part of the buttocks;
4. The whole or part of the genitals;
5. The breast area including nipple, or more than one-half of the area of the breast.

Nuisance means:

(a) Violation of the building, zoning, health, fire prevention, and maintenance codes or ordinances of the City.

(b) A pattern of patron conduct in the surrounding neighborhood of the licensed establishment which is in violation of the law and/or disturbs the peace, order and tranquility of the neighborhood.

(c) Failure to maintain the grounds and exterior of the licensed establishment, including litter, debris or refuse blowing or being deposited on adjoining properties.

(d) Entertainment without a permit and/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 or to disobedience of rules, ordinances or laws, or which contributes to the disruption of normal activities of those in the neighborhood of the licensed establishment.

(f) Operation of the licensed premises while in violation of existing ordinances, codes and regulations.

(g) Failure to adequately address problems resulting from the operation and management of the licenses premises including but not limited to inadequate parking, unruly patrons, and excessive noise.

Patron means a person who is a guest, invitee, or customer of the licensed premises.

For the purposes of this article, the words and phrases used in this article have the meaning ascribed to them in the Michigan Liquor Control Code of 1998, as amended, unless the context requires otherwise or unless modified by the terms of this ordinance. Any definitions contained in the said code which are not defined in this ordinance are adopted herein by reference.

Sec. 21.291. Prohibition of Nudity on Licensed Premises.

(a) No person, while appearing in a state of nudity as defined by this section, shall frequent, loiter, work for or perform in any establishment licensed or subject to licensing by the Michigan Liquor Control Commission. No owner, proprietor or operator of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this

section. Any violation of this section is a municipal civil infraction. In addition, if the owner, proprietor or operator of the premises violates this section or allows any person to violate this section, the City may revoke the Certificate of Occupancy and/or Certificate of Conformity for the premises and may request the Liquor Control Commission to revoke and/or not renew the liquor license for the premises. In addition, the City may seek to enforce the terms of this section through injunctive relief and all other remedies as allowed by law.

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 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, Peterson, Ptak, Sutka

NAYS: None

ABSENT: Councilpersons Fricke, Kolakowski

I hereby approve the adoption of the foregoing ordinance this 2nd day of February, 2009.

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 2nd day of February, 2009.

Dated: February 2nd, 2009

JAMES R. DESANA, Mayor

WILLIAM R. GRIGGS, City Clerk

RESOLUTIONS

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

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 Joseph Peterson

Supported by Councilperson Todd Browning

ROLL ATTACHED

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby GRANTS permission to Reverend Ron Arnold of the Ministerial Association for the utilization of Bishop Park and the Show Mobile for the National Day of Prayer to take place Thursday, May 7, 2009 from 12:00 noon to 1:00 p.m. AND BE IT FURTHER RESOLVED that said resolution be forwarded to the Recreation Department and Department of Public Service for coordination of same.

I move the adoption of the foregoing resolution.
MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
ROLL ATTACHED

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation as set forth by the Planning Commission in their communication dated January 27, 2009 to DENY the request from 4560 GDMD, Inc. Geralddean Dow (Owner and Appellant) to rezone the property known as 4560 Biddle, Wyandotte from I-1 (Industrial District) to B-2 (General Business District).

I move the adoption of the foregoing resolution.
MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilmembers Browning Peterson Ptak Sutka
NAYS: None

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that the communication from the Chief of Police dated January 27, 2009 relative to the purchase of equipment for Police vehicles is hereby received and placed on file. AND BE IT FURTHER RESOLVED that Council hereby GRANTS permission for the purchase of two (2) in car computers and two (2) in car digital video systems with funds to be utilized from a COPS grant obtained through the Downriver Community Conference in the amount of \$20,000.00.

I move the adoption of the foregoing resolution.
MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilman Browning, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the City Engineer to amend File # 4442-Tree Cutting & Stump Removal contract with G's Trees, Inc. as set forth in the Amendment to Contract for this work, and further authorizes the Mayor and City Clerk to sign said amendment. AND BE IT FURTHER RESOLVED that said work will be funded from account # 492-200-850-528.

I move the adoption of the foregoing resolution.
MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilmembers Browning Peterson Ptak Sutka

NAYS: None

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council acknowledges the 2008 4th Quarter Investment Report as set forth by the Deputy Treasurer/Assistant Finance Director in his communication dated January 29, 2009 and hereby receives it and places it on file.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

ROLL ATTACHED

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the City Engineer regarding quotes to cover the raised stage in the auditorium at the Masonic Temple and hereby accepts the proposal of Eric Beach Carpentry, LLC, Belleville, Michigan in the amount of \$3,480.00 from account # 499-200-850-517.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson

Supported by Councilperson Todd Browning

YEAS: Councilmembers Browning, Peterson, Ptak, Sutka

NAYS: None

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 835 Plum in an amount not to exceed \$7,500.00 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 FURTHER 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 Joseph Peterson

Supported by Councilperson Todd Browning

YEAS: Councilmembers Browning, Peterson, Ptak, Sutka

NAYS: None

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council that Council CONCURS in the recommendation of Mayor DeSana as set forth in his communication dated January 30, 2009 to appoint Louis Parker, 518 Mulberry Street, Wyandotte as an Alternate Hearing Officer for the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilmembers Browning, Peterson, Ptak, Sutka
NAYS: None

Wyandotte, Michigan February 2, 2009

RESOLUTION by Councilperson Joseph Peterson

RESOLVED by the City Council the total bills and accounts in the amount of \$347,494.63 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Joseph Peterson
Supported by Councilperson Todd Browning
YEAS: Councilmembers Browning, Peterson, Ptak, Sutka
NAYS: None

ADJOURNMENT

MOTION by Councilman Joseph Peterson
Supported by Councilman Todd Browning
That we adjourn
Carried unanimously.
Adjourned at 7:40 p.m.
February 2, 2009

Maria Johnson, Deputy City Clerk
