

Wyandotte, Michigan February 13, 2012

Regular session of the City Council of the City of Wyandotte, the Honorable Mayor Joseph Peterson presiding.

ROLL CALL

Present: Councilpersons Browning, DeSana, Fricke, Galeski, Sabuda, Stec

Absent: None

COMMUNICATIONS MISCELLANEOUS

January 10, 2012

Mayor Peterson City of Wyandotte 3131 Biddle Ave. Wyandotte, Michigan 48192

Mayor Peterson,

Please be advised that I am resigning from the Building Board effective January 17, 2012 due to my retirement from the Wyandotte Fire Department.

Sincerely,  
Michael MacDonald, Fire Chief

PERSONS IN THE AUDIENCE

None

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

February 7, 2012

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

Gentlemen and Madam:

I am writing to request your concurrence in the appointment of Chief Jeffery Carley, 604 Emmons, Wyandotte, to the Building Code Board of Appeals. Chief Carley will fill the vacancy on the Board created by the resignation/retirement of Chief Michael MacDonald. His term will expire April 2013.

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

Sincerely,

Joseph R. Peterson, Mayor

To: Honorable Mayor and City Council  
From: Department of Legal Affairs and City Engineer  
Date: 2/7/2012  
Re: Massage Establishment Ordinance

Dear Mayor and City Council:

You have requested the undersigned to review our current massage establishment ordinance. By way of background, the city had an ordinance in place for approximately 50 years and there was a request to update it in 2007. The Michigan Supreme Court has noted that an individual's right to engage in business is subject to the state's authority pursuant to its historic police powers to enact laws that protect the public health, safety, welfare, and morals. *Grocers Dairy Company vs. Department of Agriculture Director*, 377 Mich 71. When the new ordinance that the city currently has was prepared, it was based upon a similar ordinance that was upheld in the case of *Gora vs. City of Ferndale*, 456 Mich 704 (1998) by the Michigan Supreme Court. In addition, we also reviewed the *Publication of Municipal Ordinances* (Matthews). Both the City of Ferndale ordinance and the model ordinance had a provision requiring showers and baths for hygiene reasons.

Since the adoption of this ordinance, it is my understanding after consultation with the clerk's office that one new establishment, Total Health Care, on Biddle Avenue, has opened under the new ordinance with the required shower facilities. Subsequent to the passage of our ordinance, the state law was amended in 2009 regulating massage therapy. This change in the state law now requires licensing for massage therapists through the State of Michigan and not the local municipality. However the state law does not apply to massage establishments and therefore municipal regulation is still allowed in that area.

The current definition for a massage establishment under our ordinance is any establishment engaged in the practice of massage and which has a fixed place of business where the activities defined in the ordinance are conducted. The definition includes a health club, health spa, or any physical fitness club or business that offers massages on occasion or incidental to its principal operation. There may be some establishments that primarily focus upon providing massage services as the main portion of their business and others that may offer massages on occasion or incidental to its other primary operation. Our ordinance does not apply to physicians, surgeons, chiropractors, osteopaths, physical therapists or nurses who are registered under the laws of the State of Michigan while engaged in the personal performance of the duties of their profession. In addition, for barbers and cosmetologists who are licensed under the laws of the State of Michigan while engaged in the personal performance of the duties of their profession are not regulated by the ordinance provided they massage only the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes. This provision is found in other local ordinances that we have reviewed and I would recommend maintaining it in its current form. Because the courts have ruled that a massage establishment is a pervasively regulated industry, it is subject to city inspection.

Apparently there are some entrepreneurs who are offering a massage as an occasional or incidental service to another primary operation. The following are suggestions for the City Council to consider in light of the recent request to eliminate the requirement of a shower and bath due to the cost involved:

1. Eliminate the need for a tub and shower for those massage establishments who only offer a massage as an occasional or incidental service (Example: 30% or less of gross revenues) to another primary operation; or
2. Eliminate the need for a tub and shower for all massage establishments.

I would recommend keeping the other requirements of Sec. 22-14(7) (toilet, dressing room, wash basins). New establishments must comply with the building code and therefore would need to comply with handicap accessibility.

Respectfully submitted,  
Department of Legal Affairs, LOOK, MAKOWSKI and LOOK, Professional Corporation  
William R. Look  
Mark A. Kowalewski, City Engineer

February 8, 2012

The Honorable Mayor Joseph R. Peterson And City Council  
City Hall, Wyandotte, Michigan

Dear Mayor Peterson and City Council Members:

The City has an opportunity to apply for Neighborhood Stabilization Program 3 (NSP3) Funds through Wayne County, EDGE. Wayne County was allotted \$7,839,293 in funding for NSP3. The area that Wayne County has designated in Wyandotte for NSP3 is Ford Avenue north to the City border and the Detroit River to Fort Street. The undersigned is recommending applying for the following three (3) projects:

Project #1: The rehabilitation of the home at 1749 2nd Street. This home was purchased by the City from non-payment of the taxes.

Project #2: Construction of four (4) handicap homes at the former 302 Riverbank, 496 Riverbank, 427 Riverbank and 1093-1099 8th Street. The lot sizes are 50' x 256' on Riverbank and 90' x 102' on 8th Street.

Project #3: Construction of three (3) new single family homes at former 1828 7th Street, 626 Clinton and 1522 10th Street. The City received NSP 1 Funds for the acquisition and demolition of these properties. The end use is required to be for low-to-moderate income.

The homes will be similar in design and amenities to the NSP2 homes currently being built. The homes will include geothermal. These homes will be available to buyers that are below 120% of Area Media Income (AMI).

This program is 100% funded by NSP3. However, the City is not eligible for reimbursement of administrative costs. The City is allowed Activity Delivery Cost reimbursement up to 15% of the cost of the project. Activity Delivery Cost includes soft cost to the project (i.e. architect, utility bills, energy audits and Engineering Department oversight).

These funds must be spent by March of 2014. The Engineering Department will be soliciting groups that support Veterans and Individuals with Disabilities to help market these homes.

This letter is to request your support in this in the NSP3 application to Wayne County.

Very truly yours,  
Mark A. Kowalewski, City Engineer

February 8, 2012

The Honorable Mayor Joseph R. Peterson And City Council  
City Hall, Wyandotte, Michigan

Dear Mayor Peterson and City Council Members:

In November, the City accepted an offer from Kelli Wood for the purchase of the NSP1 home at 848 Lincoln in the amount of \$65,000, which at the time, was the appraised value. Ms. Wood's mortgage company will not accept this appraised value. They valued the home at \$53,000. The City has two (2) options:

1. Reject the offer and solicit other offers. The Realtor has informed us that the appraisal from the mortgage company stays with the property for four (4) months. or
2. Amend the purchase price to the \$53,000 and proceed to closing.

National Faith Homebuyers has confirmed that the assistance of \$24,500 is adequate for this buyer to purchase the home. (See attached email.)

The undersigned recommends an Amendment to Contract to Purchase by amending the price to fifty three thousand (\$53,000.00) dollars due to the appraised value. If you concur with the recommendation the attached Resolution will authorize the Mayor and City Clerk to execute the necessary Amendment to the Purchase Agreement.

Very truly yours, Mark A. Kowalewski, City Engineer

February 7, 2012

The Honorable Joseph R. Peterson and City Council  
City Hall, Wyandotte, Michigan

Dear Mayor Peterson and Council Members:

The Engineering Department has solicited bids from Pro Excavation, Inc., 21st Century Salvage, Inc., and Homrich Incorporated which were due on January 30, 2012. We asked for bids in three (3) Sections. Please see the attached summary of bids received.

The undersigned recommends accepting the bid from Homrich Incorporated for Section 1, and Section 2 in the total amount of \$69,850.00 to be completed by April 2, 2012; and Section 3 to Pro Excavation in the amount of \$28,600.00 to be completed by March 26, 2012.

Very truly yours,  
Mark A. Kowalewski, City Engineer

February 8, 2012

The Honorable Mayor Joseph R. Peterson And City Council  
City Hall, Wyandotte, Michigan

RE: 302 Goddard Wyandotte, Michigan

Dear Mayor Peterson and Council Members:

On January 4, 2012, a Show Cause Hearing was held in the Engineering and Building Department regarding the dilapidated, dangerous, and unsafe dwelling at 302 Goddard, Wyandotte, Michigan. Attached are the minutes of the Show Cause Hearings and Property Maintenance letter dated December 20, 2010.

At the hearings it was determined and ordered that the dwelling, due to the described conditions and property maintenance violations, should be demolished. As of today's date, the order has not been complied with.

Therefore in accordance with Section PM-107.6 Filings of findings, the undersigned requests that your Honorable Body set a hearing to show cause why the dwelling should not be demolished in accordance with Section PM-107.7 Council Action, of the Wyandotte Property Maintenance Code.

Very truly yours,

Lou Parker, Hearing Officer

February 8, 2012

The Honorable Mayor Joseph R. Peterson and City Council  
City Hall, Wyandotte, Michigan

Dear Mayor Peterson and Council Members:

On February 6, 2012, proposals for File #4568 — Roof Restoration at 81 Chestnut were opened and read out loud. A tabulation of the proposals is as follows:

BIDDER	AMOUNT
LaDuke Roofing 10111 Capital Avenue Oak Park, MI 48237	\$14,750.00
Schena Roofing 28299 Kehrig Drive Chesterfield, MI 48047	\$18,900.00
Wm. Molnar Roofing 12455 Hale Riverview, MI 48193	\$26,200.00
JD Chandler 31111 Industrial Road Livonia, MI 48150	\$32,490.00

The undersigned recommends acceptance of the proposal from LaDuke Roofing of Oak Park, Michigan in the amount of \$14,750.00 as being the best bid received.

Very truly yours,

Mark A. Kowalewski, City Engineer

Application for rezoning as submitted by the Engineer on behalf of Ghazwan Atto for the property located at 98 Walnut between Biddle and First on the West side of the street.

LATE ITEM

February 13, 2012

The Honorable Mayor Joseph R. Peterson and City Council  
City Hall, Wyandotte, Michigan

Dear Mayor Peterson and City Council Members:

It has been brought to my attention that the U. S. Senate is proposing a Surface Transportation Bill S 1813 which is proposing to significantly reduce transportation funds allocated to urban areas. The current law gives local urban communities 62.5% of Surface Transportation Program Funds and 37.5 % to the State of Michigan. This favorable percentage provides us with invaluable aid to undergo projects that better our transportation system and provide a high quality of life for our residents.

However, Bill S 1813 proposes a percentage change to 50% of the funds to go to urban communities and 50% to the State of Michigan. Our community will lose much needed funding, but we also stand to lose funds for our city roads.

I encourage you to support this attached Resolution opposing this bill.

Very truly yours,

Mark A. Kowalewski City Engineer

REPORTS AND MINUTES:

Financial Services Daily Cash Receipts	February 1- February 9, 2012
Municipal Service Commission	January 24, 2012
Beautification Commission Meeting	January 11, 2012
Fire Fighter's Civil Service Commission	December 15, 2011
Fire Fighter's Civil Service Commission	January 12, 2012
Fire Fighter's Civil Service Commission	February 2, 2012

CITIZENS PARTICIPATION

None

RECESS

RECONVENING

ROLL CALL

Present: Councilpersons Browning, DeSana, Fricke, Galeski, Sabuda, Stec

Absent: None

HEARING

HEARING RELATIVE TO  
 HEARING SUGGESTIONS OR COMMENTS FOR THE  
 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
 IN THE CITY OF WYANDOTTE

RESOLUTIONS

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

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 Lawrence S. Stec  
 Supported by Councilperson James R. DeSana  
 ROLL ATTACHED

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that the communication from Michael MacDonald, Fire Chief dated January 10, 2012 submitting his resignation from the Building Board effective January 17, 2012 is hereby received and placed on file. AND BE IT FURTHER RESOLVED that Council accepts said resignation and once again thanks Michael MacDonald for his many years of dedicated service to the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec  
 Supported by Councilperson James R. DeSana  
 ROLL ATTACHED

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that Council CONCURS with the recommendation of Mayor Peterson as set forth in his communication dated February 7, 2012 to appoint Chief Jeffery Carley, 604 Emmons, Wyandotte to the Building Code Board of Appeals; due to the resignation/retirement of Chief Michael MacDonald, term to expire April 2013.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that the communication from the Department of Legal Affairs and City Engineer dated February 7, 2012 relative to the requested amendment to the massage establishment ordinance as set forth in the communication from 3152 Studio, 3152 Biddle Avenue, Wyandotte, Michigan is hereby received and placed on file. AND BE IT FURTHER RESOLVED that provided the Massage Establishment or any other business that offers massage maintain a licensed massage therapists from the State of Michigan and pays the \$500.00 per year license fee to the City Clerk's Office; and all other provisions of the ordinance including building codes are adhered to; the provision of tubs and showers shall be removed from the existing ordinance.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that the communication from the City Engineer regarding the Neighborhood Stabilization Program 3 (NSP3) Funds is hereby received and placed on file: AND BE IT FURTHER RESOLVED that Council supports the application for the Neighborhood Stabilization Program 3 (NSP3) for three (3) projects:

Project # 1 The rehabilitation of the home at 1749-2nd Street. This home was purchased by the City from non-payment of the taxes.

Project # 2 Construction of four (4) handicap accessible and adaptive homes at the former 302 Riverbank, 496 Riverbank, 427 Riverbank and 1093-1099-8th Street. The lot sizes are 50' x 256' on Riverbank and 90' x 102' on 8th Street.

Project # 3 Construction of three (3) new single family homes at former 1828-7th Street, 626 Clinton and 1522-10th Street.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Sabuda, Stec

NAYS: Councilman Galeski

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that Council CONCURS in the recommendation of the City Engineer regarding the sales price of the NSPI home at 848 Lincoln; by amending the price to \$53,000 due to the appraised value. AND BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the amendment to Contract to Purchase for the property at 848 Lincoln as presented to the City Council on February 13, 2012.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Sabuda, Stec

NAYS: Councilman Galeski

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that the communication from the City Engineer regarding contracts for demolition of various structures within the City of Wyandotte is hereby received and placed on file. AND BE IT FURTHER RESOLVED that Council accepts the proposal of Homrich Incorporated, Carleton, Michigan in the amount of \$69,850 to demolish ten (10) structures as presented to City Council on February 13, 2012 from account # 492-200-850-519; AND BE IT FURTHER RESOLVED that Council accepts the proposals of Pro Excavation, Wyandotte, Michigan in the amount of \$28,600 to demolish four (4) structures as presented to City Council on February 13, 2012 from account # 492-200-850-519.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that WHEREAS hearings have been held in the Office of the Engineer in the Department of Engineering and Building; 3131 Biddle Avenue, Wyandotte, Michigan on May 9, 2011, July 20, 2011 and January 4, 2012, and WHEREAS the property owner, or other interested parties, have been given opportunity to show cause, if any they had, why the dilapidated, dangerous and unsafe dwelling at 302 Goddard has not been repaired or demolished in accordance with the City's Property Maintenance Ordinance as ordered by the Hearing Officer; and whereas the Hearing Officer has filed a report of his findings with this Council; NOW, THEREFORE BE IT RESOLVED, that this Council shall hold a public hearing in accordance with Section PM-107.7 in the Council Chambers of the Wyandotte City Hall, 3131 Biddle Avenue, Wyandotte, on March 5, 2012 at 7:00 p.m., at which time all interested parties shall show cause, if any they have, why the dilapidated, dangerous and unsafe dwelling has not been brought up to code or demolished or why the City should not have the dwelling demolished and removed at 302 Goddard. AND BE IT FURTHER RESOLVED that the City Clerk shall give notice of said hearing ten (10) days before the hearing by certified mail, return receipt requested and first class mail, in accordance with the provisions of Section PM-107.4 of the Property Maintenance Ordinance.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that Council hereby CONCURS in the recommendation of the City Engineer regarding File # 4568-Roof Restoration at 81 Chestnut and accepts the proposal from LaDuke Roofing of Oak Park, Michigan in the amount of \$14,750.00 from account # 499-200-850-543; AND BE IT FURTHER RESOLVE that all bid bonds be returned to the unsuccessful bidder by the City Clerk and all bid checks be returned to the unsuccessful bidder by the City Treasurer.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that the application for rezoning as submitted by the City Engineer on behalf of Ghazwan Atto, for the property located at 98 Walnut Street, between Biddle Avenue and First Street on the West side of the street is hereby referred to the Planning Commission for the proper public hearing.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that the communication from the City Engineer regarding Bill S 1813 is hereby received and placed on file; AND BE IT FURTHER RESOLVED that the City Council of the City of Wyandotte does not support Bill S 1813 changes to the Surface Transportation Funds and urges our U.S. Senators to vote against this change.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that Council hereby APPROVES the proposed projects for the 2012-2013 Community Development Block Grant Program as recommended by the City Engineer and Director of Administrative/Financial Services at the February 13, 2012, public hearing; AND BE IT FURTHER RESOLVED that the Final Statement be published in the News Herald.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that the Council Meetings of February 20, 2012 and February 27, 2012 are hereby CANCELLED due to the President's Day Holiday and Presidential Primary Election.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

Wyandotte, Michigan February 13, 2012

RESOLUTION by Councilperson Lawrence S. Stec

RESOLVED by the City Council that the total bills and accounts in the amount of \$490,228.30 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

YEAS: Councilmembers Browning, DeSana, Fricke, Galeski, Sabuda, Stec

NAYS: None

ADJOURNMENT

MOTION by Councilperson Lawrence S. Stec

Supported by Councilperson James R. DeSana

That we adjourn.

Carried unanimously

Adjourned at 8:20 PM

February 13, 2012

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William R. Griggs, City Clerk