

Wyandotte, Michigan October 08, 2012

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

ROLL CALL

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

Absent: Councilperson Browning

COMMUNICATIONS MISCELLANEOUS

10/01/2012

City of Wyandotte
3131 Biddle Ave.
Wyandotte, MI 48192

RE: Haunted Hay Ride

Honorable Mayor and City Council,

In 2011, the Wyandotte Yacht Club sponsored a "Haunted Hay Ride" in the City of Wyandotte.

We are once again asking for your permission to hold this event on October 19th, 2012.

A trailer covered with bales of straw and pulled by a small tractor will leave the Wyandotte Yacht Club at 7:00 p.m. It will travel north on Biddle Avenue and will stop at several local businesses and return at 1:00 a.m. At no time will the tractor exceed a fast walking pace. It will remain in the far right lane and obey all traffic laws.

We will sign a hold harmless agreement and comply with any restrictions set forth by the city.

Thank you in advance for your consideration.

Sincerely,

Ken Belman

City of Wyandotte
Mayor Peterson and City Council
3131 Biddle Avenue
Wyandotte, MI 48192
October 1, 2012

Re: Demolition of Carriage House at 606 Chestnut

Dear Mayor Peterson and City Council:

My husband and I have owned the rental property at 608 and 606 Chestnut for over twenty-five years, but I had little or no involvement with the management or maintenance of the properties. With his unexpected death in July of this year, I find myself financially unable to correct the violations at both addresses. I am requesting that the city demolish the carriage house (606) at their expense so that I can afford to correct all code violations at 608.

Thank you for your consideration of this matter,

Kathryn Ferstle
23937 Huron River Drive, Rockwood, MI 48173 (734) 379-4781

PERSONS IN THE AUDIENCE

Alana Paluszewski, 2265 – 20th, Women of Wyandotte, Italian American Club, flu shots will be available, Sunday, 12-4 PM.

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

October 1, 2012

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

Dear Honorable Mayor and City Council:

This letter serves as a request for the City of Wyandotte to establish Halloween "Trick or Treat" hours from 5:30 P.M. to 7:30 P.M. on Wednesday, October 31, 2012. Upon notification of approval of "Trick or Treat" hours, Halloween Trick or Treat Safety Tips, see attached, will be requested to be placed on cable television.

If there are any additional questions, please feel free to contact my office.

Sincerely,

Daniel J. Grant, Chief of Police

October 2, 2012

Mayor Joseph Peterson and City Councilmembers
3131 Biddle Avenue
Wyandotte, Michigan 48192

Re: K of C Operating Company LLC 3530 Biddle Avenue

Dear Mayor Peterson and Councilmembers:

The attached was received by the Wyandotte City Clerk's Office ; (please see enclosed documents) due to the new law that took place in April, 2012 at the State level relative to the processing of new liquor license requests please note the following:

Request to transfer a liquor license which includes the transfer of a Class C license, Sunday Sales permit, and dance permit from (former) Jackalope's Bar & Grill Inc. 3530 Biddle Avenue to Wyandotte K C Operating Company LLC, 3530 Biddle Avenue. Said request has been forwarded to Engineering, Municipal Service, Fire, Police, Treasurer and Legal Departments.

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

Sincerely yours,
William R. Griggs City Clerk

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 8, 2012

AGENDA ITEM #5

ITEM: 95 Mulberry — Property Maintenance

PRESENTER: Mark A. Kowalewski, City Engineer

BACKGROUND: Property maintenance complaint received from City Council on October 1, 2012 regarding 95 Mulberry

STRATEGIC PLAN/GOALS: provide the finest services and quality of life to its residents

ACTION REQUESTED: Adopt a resolution receiving and placing the communication on file

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: Continue to work with the property owner

CITY ENGINEER: 10/3/12

CITY ADMINISTRATOR'S RECOMMENDATION: ok

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION

LIST OF ATTACHMENTS: Show Cause Hearing minutes of October 3, 2012

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: October 8, 2012

AGENDA ITEM #6

ITEM: Sole' Building Company Agreement, NSP2, BP-4

PRESENTER: Mark Kowalewski, City Engineer

INDIVIDUALS IN ATTENDANCE: NA

BACKGROUND: Sole' Building Company is the General Contractor for the City's NSP2 Bid Package #4. In accordance with the Contract, Sole' Building Company was to complete the homes in Bid Package #4 by April 26, 2012. The homes were not completed on time, therefore the City has two (2) options: 1) Withhold liquidate damages in the amount of \$268,000 (134 days @ \$2,000 per day). 2) Accept the Agreement attached, which deducts \$16,794.80 from the final payment due to Sole' Building Company for Bid Package #4. This Agreement was negotiated between all parties. If the City were to go with Option 1, Sole' Building Company would likely file suit against the City which would prolong expending all Grant funds by February 2013, which would violate the City's Grant Agreement. Further, the City would also incur costs to defend any court action.

STRATEGIC PLAN/GOALS: Making government more accountable and transparent to its citizens.

ACTION REQUESTED: Adopt a resolution concurring with the City Engineer's recommendation.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: Possibility of loss of Grant Funds after February 2013. Possibility of defense of future lawsuit.

IMPLEMENTATION PLAN: The resolutions and all necessary documents will be maintained on file.

CITY ENGINEER RECOMMENDATION:

CITY ADMINISTRATOR'S RECOMMENDATION: concur

LEGAL COUNSEL'S RECOMMENDATION:

MAYOR'S RECOMMENDATION

LIST OF ATTACHMENTS: Email dated October 3, 2012. Signed Agreement between the Sole' Building Company and the City of Wyandotte

REPORTS AND MINUTES:

Police Commission Meeting
Design Review Committee

September 25, 2012
October 2, 2012

CITIZENS PARTICIPATION:

None

RECESSRECONVENINGROLL CALL

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

Absent: Councilperson Browning

FINAL READING OF AN ORDINANCE:

AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND CERTAIN PORTIONS OF SECTIONS 2408,201,
2201 AND 1301 OF THE CITY OF WYANDOTTE ZONING ORDINANCE

THE CITY OF WYANDOTTE ORDAINS:

The City of Wyandotte Ordains:

Section 1. Amendment to Paragraph E "Definitions", Subparagraph (1) "Sign" of Section 2408 "Signs" of Zoning Ordinance.

2408. Signs

E. Definitions

1. Sign:

Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication to attract the attention of the public and visible from the public right-of-way or other properties. The term sign shall not include any flag, badge, or insignia of any governmental unit, nor shall include any item of merchandise normally displayed within a show window of a business.

Section 2. Amendment to Section 201 "Specific Terms" of Article II "Definitions" by Adding Paragraphs 158, 159, and 160 of Zoning Ordinance.

Article II – Definitions

201. Specific Terms

158. MURALS

A painting or graphic art or combination thereof which is professionally applied to a building wall that does not contain any brand name, product name, or abbreviation of the name of any product, company, profession or business, or any logo, trademark, trade name or other commercial message.

159. PUBLIC ART

Works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

160. GRAFFITI

Unauthorized inscribing, spraying of paint, or making symbols using chalk, dye, ink, paint, spray paint or similar materials on public or private places, structures, or other surfaces.

Section 3. Amendment to Section 2201 "General Provisions" by adding Paragraphs MM and NN of Article XXII "Special Land Uses" of Zoning Ordinance.

Article XXII — Special Land Uses

2201. General Provisions

MM. MURALS

1. Design review by the Design Review Committee (Sec. 2300) may be requested by the Planning Commission when a proposed mural is within the Design Review District.
2. A mural on private property will be reviewed and approved or denied by the Planning Commission.
3. A mural on public property will be reviewed by the Planning Commission and a recommendation made to the City Council for approval or denial.
4. A dimensioned sketch plan in color on a dimensioned wall elevation shall be provided for review.
5. Murals shall only be permitted on the side or rear walls of buildings. Permission of a building owner in writing shall be obtained

before a mural may be applied.

6. A mural shall not serve as an advertising device for any product or business.
7. Murals shall be allowed only on building walls that do not contain signs on the same wall as occupants of the building.
8. Murals depicting partially nude or seminude persons shall be prohibited.
9. Materials utilized in painting a mural shall have proven durability and shall be maintained or removed if not maintained.
10. The City may require a bond for assurance that such mural is maintained or removed.
11. Lighting of a mural may be permitted, provided it is not of an intermittent or flashing type.
12. Graffiti shall not be considered as a mural and shall not be permitted.

NN. PUBLIC ART

PUBLIC ART AS A SPECIAL USE:

1. Review of Public Art by the Design Review Committee may be requested by the Planning Commission when proposed Public Art is to be placed within the Design Review District.
2. Public Art on private property will be approved or denied by the Planning Commission.
3. Public Art on public property will be reviewed and a recommendation made to the City Council for approval or denial.
4. Public Art shall not constitute a hazard to the public.
5. Public Art shall be located so as not to hinder access on public streets or rights-of-way.
6. Public Art shall not serve as an advertising device for any product or business.
7. Public Art shall be of durable construction and shall be maintained or removed if not maintained.
8. Lighting of public art may be permitted, provided it is not of an intermittent or flashing type.
9. The City may require a bond for assurance that such public art is maintained or removed.

Section 4. Amendment to Section 1301 "Special Uses" of Article XIII – CBD Central Business District.

Article XIII – CBD Central Business District

1301. Special Uses

E. MURALS

F. PUBLIC ART

Section 5. 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 6. Effective date

This Ordinance shall be published along with the notice of adoption in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption and shall take effect fifteen (15) days after its adoption or Seven (7) days after publication, whichever is later. The notice of adoption shall include the text of the amendment, the effective date of the Ordinance, and the place and time where a copy of the Ordinance may be purchased or inspected.

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

YEAS: Councilpersons DeSana, Fricke, Galeski, Sabuda, Stec
 NAYS: None
 ABSENT: Councilperson Browning

I hereby approve the adoption of the foregoing ordinance this 8th day of October, 2012.

CERTIFICATE

We, the undersigned, JOSEPH R. PETERSON 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 8th day of October, 2012.

Dated October 8, 2012

JOSEPH R. PETERSON, Mayor WILLIAM R. GRIGGS, City Clerk

RESOLUTIONS

Wyandotte, Michigan October 8, 2012

RESOLUTION by Councilperson Daniel Galeski

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 Daniel Galeski
 Supported by Councilperson Leonard Sabuda
 ROLL ATTACHED

Wyandotte, Michigan October 8, 2012

RESOLUTION by Councilperson Daniel Galeski

RESOLVED by the City Council that the communication from Ken Belman relative to a "Haunted Hay Ride" in the City of Wyandotte on October 19th, 2012 is hereby received and placed on file. AND BE IT FURTHER RESOLVED that Council GRANTS permission to the Wyandotte Yacht Club to hold said Hay Ride on Biddle Avenue commencing at 7:00 p.m. and ending at 1:00 a.m. provided a Hold Harmless Agreement is executed as prepared by the Department of Legal Affairs. AND FURTHER that said communication be forwarded to the Chief of Police and Fire Chief for information.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Daniel Galeski

Supported by Councilperson Leonard Sabuda

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

NAYS: None

Wyandotte, Michigan October 8, 2012

RESOLUTION by Councilperson Daniel Galeski

RESOLVED by the City Council that the communication from Kathryn Ferstle, 23937 Huron River Drive, Rockwood, Michigan 48173 requesting City assistance with the demolition of her carriage house located at 606 Chestnut is hereby referred to the City Engineer for a review and report back in two (2) weeks.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Daniel Galeski

Supported by Councilperson Leonard Sabuda

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

NAYS: None

Wyandotte, Michigan October 8, 2012

RESOLUTION by Councilperson Daniel Galeski

RESOLVED by the City Council that the communication from the Chief of Police setting the times for Halloween "Trick or Treat" from 5:30 p.m. to 7:30 p.m. on Wednesday, October 31, 2012 is hereby received and placed on file. AND BE IT FURTHER RESOLVED that the Halloween Trick or Treat Safety Tips be placed on cable television.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Daniel Galeski

Supported by Councilperson Leonard Sabuda

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

NAYS: None

Wyandotte, Michigan October 8, 2012

RESOLUTION by Councilperson Daniel Galeski

RESOLVED by the City Council that Council hereby APPROVES the transfer of a liquor license which includes a Class C license, Sunday, Sales permit, and dance permit from (former) Jackalope's Bar & Grill Inc. 3530 Biddle Avenue to Wyandotte K C Operating Company LLC, 3530 Biddle Avenue, Wyandotte, Michigan 48192 Wayne County as set forth in the communication from the City Clerk.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Daniel Galeski

Supported by Councilperson Leonard Sabuda

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

NAYS: None

Wyandotte, Michigan October 8, 2012

RESOLUTION by Councilperson Daniel Galeski

RESOLVED by the City Council that the communication from the City Engineer relative to the property maintenance complaint at 95 Mulberry is hereby received and placed on file.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Daniel Galeski

Supported by Councilperson Leonard Sabuda

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

NAYS: None

Wyandotte, Michigan October 8, 2012

RESOLUTION by Councilperson Daniel Galeski

RESOLVED by the City Council that Council GRANTS permission for the City of Wyandotte to sign the Agreement with Sole Building Company to ensure compliance with the National Stabilization Program No. 2 requirements, in the amount of \$1,336,197.16; all payments previously paid by the City of Wyandotte to be deducted from this total.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Daniel Galeski

Supported by Councilperson Leonard Sabuda

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

NAYS: None

Wyandotte, Michigan October 8, 2012

RESOLUTION by Councilperson Daniel Galeski

RESOLVED by the City Council that the total bills and accounts in the amount of \$578,560.29 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Daniel Galeski

Supported by Councilperson Leonard Sabuda

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

NAYS: None

ADJOURNMENT

MOTION by Councilperson Daniel Galeski

Supported by Councilperson Leonard Sabuda

That we adjourn.

Carried unanimously

Adjourned at 7:22 PM

October 8, 2012

William R. Griggs, City Clerk