

CITY OF WAYNE
CITY COUNCIL
REGULAR MEETING NO. 2008-30 - OCTOBER 7, 2008
WAYNE CITY HALL
3355 SOUTH WAYNE ROAD
8:00 P.M.

A regular meeting of the Wayne City Council was held on Tuesday, October 7, 2008, at 8:00 p.m. in the Council Chamber of Wayne City Hall, 3355 South Wayne Road.

Mayor Haidous called the meeting to order at 8:02 p.m. and led the Council and the audience in the Pledge of Allegiance to the Flag.

Members Present: Mayor Abdul Haidous, Mayor Pro Tem Donna M. McEachern, Thomas H. Kelly, Albert M. Damitio, Pamela Dobrowolski, Susan M. Rowe, Mathew P. Mulholland

Members Absent: None

Also Present: Richard S. Clark, City Attorney; John J. Zech, City Manager; Mary E. Carney, City Clerk

10-08-0483 Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve the Minutes of the Regular Meeting of September 16, 2008, as printed.

10-08-0484 Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to proclaim October 13-17, 2008 as National Business & Professional Women's Week.

At the request of the Chief of Police, the City Clerk administered the oath of office to the new Police Chaplin, Pastor Drew Gruenhagen, of St. Michael Lutheran Church of Wayne.

Mayor Haidous introduced Wayne County Commissioner Kevin McNamara, who in turn updated the Council and the audience on the state of the County.

10-08-0485 Motion by McEachern, seconded by Damitio and unanimously carried, it was resolved to proclaim the month of November as National Family Caregivers Month.

10-08-0486 Motion by McEachern, seconded by Rowe and unanimously carried, the following resolution was adopted:

RESOLUTION

WHEREAS, bids were requested by the Community Development Department for the printing, sorting and mailing of the 2009 City Calendar; and

WHEREAS, seven (7) bids were received, opened and publicly read by the Deputy City Clerk at 10:00 a.m., Tuesday, September 30, 2008, in the Council Chamber of City Hall as follows:

Dearborn Lithograph, Livonia, MI	\$10,505.00
NWC, Livonia, MI	\$11,092.92
Johnston Lithograph, Romulus, MI	\$12,323.00
The EGT Group, Madison Heights, MI	\$13,100.63
VanRees & Assoc., Muskegon, MI	\$13,168.00
Spectrum Printers, Inc., Tecumseh, MI	\$16,804.00
Hatteras Printing, Dearborn, MI	\$16,498.50

WHEREAS, the bids were sent to the Department for evaluation and recommendation has been received;

NOW, THEREFORE, BE IT RESOLVED, that the low bid received from Dearborn Lithograph in the amount of \$10,505.00, to be paid from the 2009 City Calendar Budget, be accepted in the best interest of the City.

10-08-0487 Motion by Dobrowolski, seconded by Mulholland and unanimously carried, the following resolution was adopted:

RESOLUTION

WHEREAS, bids were requested by the Department of Public Works for the painting of two dump trucks; and

WHEREAS, three (3) bids were received, opened and publicly read by the City Clerk at 9:30 a.m., Wednesday, September 17, 2008, in the Council Chamber of City Hall as follows:

	<u>Bid Per Truck</u>	<u>Total</u>
North River Truck & Trailer, Mount Clemens, MI	A. \$4,532.00	\$ 9,292.00
	B. \$5,446.00	\$10,892.00
Hawes Hydraulics, Farmington, MI	\$5,000.00	\$10,000.00
L&R Sandblasting, Brownstown, MI	A. \$5,500.00	\$11,000.00
	B. \$8,000.00	\$16,000.00

WHEREAS, the bids were sent to the Department for evaluation and recommendation has been received; and

WHEREAS, the bid submitted by Hawes Hydraulics did not include the painting of the truck cab and the "B" bid submitted by North River Truck & Trailer would include a heavy duty Epoxy sealer and Imron Industrial paint.

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted by North River Truck & Trailer in the amount of \$10,892.00, to be paid from the Department of Public Works Equipment Replacement Budget, be accepted in the best interest of the City.

10-08-0488 Motion by McEachern, seconded by Rowe and unanimously carried, the following resolution was adopted:

RESOLUTION

WHEREAS, bids were requested by the Department of Public Works for a sewer camera; and

WHEREAS, seven (7) bids were received, opened and publicly read by the City Clerk at 9:00 a.m., Wednesday, September 17, 2008, in the Council Chamber of City Hall as follows:

	<u>Base Bid</u>	<u>Total Bid</u>
Jack Doheny Supplies, Northville, MI	\$ 87,680.00	\$62,680.00
Great Lakes Service & Supplies, Petersburg, MI	\$ 57,000.00	\$66,190.00
Great Lakes Service & Supplies, Petersburg, MI	\$ 78,600.00	\$75,600.00
Jack Doheny Supplies, Northville, MI	\$112,950.00	\$87,950.00
Fredrickson Supply, Grand Rapids, MI	\$ 88,203.00	\$88,203.00
Michigan Munic & Contractor, Walled Lake, MI	\$ 93,675.00	\$89,675.00
Fredrickson Supply, Grand Rapids, MI	\$ 93,202.03	\$91,402.03

WHEREAS, the bids were sent to the Department for evaluation and recommendation has been received; and

WHEREAS, the bid submitted by Great Lakes Service & Supplies would use CUES equipment and that the bid submitted by Jack Doheny Supplies (\$62,680.00), in order to have the same capabilities as the CUES equipment, would need an additional \$9,913.00 added to the bid amount;

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted by Great Lakes Service & Supplies in the amount of \$66,190.00, to be paid from the Department of Public Works Equipment Replacement Project Budget, be accepted in the best interest of the City.

10-08-0489 Motion by Damitio, seconded by Dobrowolski and unanimously carried, it was resolved to approve the First Reading of deleting Ordinances 807 & 808: Cable Television Regulatory Commission.

10-08-0490 Motion by McEachern, seconded by Mulholland and unanimously carried, it was resolved to adopt Ordinance 2008-06, an ordinance to amend the codified ordinances of the City of Wayne, as follows:

ORDINANCE NO. 2008-06

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF WAYNE
THE CITY OF WAYNE ORDAINS:

Section 1. THAT THE CODIFIED ORDINANCES OF THE CITY OF WAYNE BE AMENDED BY THE ADDITION OR AMENDMENT TO PART TEN, STREETS, UTILITIES AND PUBLIC SERVICES

1044.00 REGULATIONS FOR FIRE HYDRANTS ON PRIVATE PROPERTY

1044.01 Purpose. It is hereby determined and declared to be necessary and proper for the regulation of the public health, safety and welfare to regulate the maintenance of those fire hydrants on private property which are connected to water lines that are connected to the City of Wayne's water system.

1044.02 Inspections. All privately owned fire hydrants shall be annually inspected by the Department of Public Works or its designee to determine the condition of each fire hydrant. The Department of Public Works or its designee may enter private premises for the purpose of testing, removing, inspecting or repairing each fire hydrant. No person shall hinder, obstruct or interfere with the inspection, care or maintenance of such fire hydrant.

1044.03 Notification. The City shall be notified by the property owner when any hydrant is out of service and upon the restoration of the service.

1044.04 Notification; Repairs. The Department of Public Works shall notify the property owner by certified mail of all necessary repairs and to effectuate said repairs within 21 days from the date of receipt of such notification. If the fire hydrants are not repaired on or before 21 days from the date of receipt of notification, the Department of Public Works or its designee shall complete all necessary repairs and charge the labor and material to the property owner as set forth herein. The property owner or contractor shall obtain the appropriate permits when required.

1044.05 Winterization. All privately owned fire hydrants shall be winterized by the property owner in the month of October each year. The property owner may perform the service themselves or contract with either a licensed contractor who specialized in winterization of fire hydrants or with the Department of Public Works or its designee. If proof of winterization is not received by the City prior to November 1st of each year, the Department of Public Works or its designee shall perform the winterization and assess charges to the owner of record pursuant to sections herein.

1044.06 Service Charges. The property owner shall be responsible for all costs associated with the inspection, repair, winterization, or maintenance of the privately owned fire hydrant. The City shall provide to the property owner a billing for services and material that shall be due and payable in full within thirty days from the date of such service. Any bill not paid within thirty days shall be considered delinquent and shall incur a ten percent (10%) late fee. If any such bill shall be delinquent for six months, the City official responsible for collection shall certify, on July 1 of each year, to the Finance Department the delinquency amount, whereupon such charges shall be entered upon the next tax roll against the property to which such charges have been rendered. All charges shall be collected and liens shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and enforcement of the lien therefore as prescribed by law. (Additional charges may be required by the City, if charges hereunder are added to the property owner's tax bill.)

1044.07 Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

1044.99 Penalty. A person who violates this section is guilty of a misdemeanor and subject to a fine of not more than \$500.00 and/or not more than 90 days imprisonment.

Section 2. That this Ordinance shall be published as required by law.

Section 3. That this Ordinance shall become effective ten days after enactment and upon publication thereof.

10-08-0491 Motion by Dobrowolski, seconded by Damitio and carried by a 6-1 vote (McEachern nay), it was resolved to approve the First Reading of a proposed amendment to Ordinance 860: Special Events.

Discussion followed concerning the proposed amendments to the ordinance, with the following action being taken by the Council.

10-08-0492 Motion by Kelly, seconded by Rowe and unanimously carried, to refer the proposed ordinance amendments back to Administration for further review and to include Don Nicholson, promoter for the Michigan Avenue Cruise, to be included in the review.

10-08-0493 Motion by Damitio, seconded by McEachern and unanimously carried, it was resolved to approve the reappointment of Sam Hicks to the Electrical Examining Board until July of 2011.

10-08-0494 Motion by McEachern, seconded by Dobrowolski and carried by a 6-1 vote (Rowe nay), it was resolved to approve the reappointment of Steve Coleman to the Electrical Examining Board until July of 2011.

10-08-0495 Motion by McEachern, seconded by Damitio and unanimously carried, it was resolved to approve the reappointment of William Copland to the Festival Commission to October 2011.

Upon the request of Mayor Haidous for comments from persons in the audience on matters not covered by the Council Agenda, the following were expressed:

Steve Johnson appeared at the podium and stated his name. Councilman Kelly asked for a point of personal privilege as for the last three meetings Mr. Johnson has made negative statements and personal attacks and should not be using the podium for campaigning.

Mayor Haidous stated that while he respected Councilman Kelly's opinion, he would allow Mr. Johnson to speak.

Steve Johnson stated that at the previous meeting Councilman Kelly had asked questions about the Downtown Development Authority in Canton Township (where Mr. Johnson resides). He stated that Canton Township has a new 317,000 sq. ft. development and has invested a great deal of money to develop the downtown area. He further stated that he has never mentioned his campaign while at the podium and in his opinion has been treated poorly because of the ideas he has brought up to develop the downtown area. He further stated that everyone that he has spoken with would like to see a change in the city.

Mayor Haidous stated that when Mr. Johnson first came to a Council meeting he said the City of Wayne was dying and that there were a great deal of vacant buildings in the downtown area. Mayor Haidous further stated that he disagrees with Mr. Johnson in that the City of Wayne has great services and many success stories from the past few years and that all cities in this Country have vacant buildings due to the economy. He stated that the City's success is due to the support of the citizens.

Mayor Haidous questioned the appearance of business owner Scott Gocaj in the audience every time Mr. Johnson attends a meeting. Mr. Gocaj stated that he is a struggling business owner and would like to see improvements in the downtown area.

Michael Reyes, 4937 Treadwell Road (a dirt road), stated that he has been a resident of the City since 1997 and also owns the home next door to his home which he rents to a friend. He stated that he recently received a ticket for not having a paved driveway at the rental home. He asked why a paved driveway was needed when the residence was on a dirt road.

City Engineer Ramzi El Gharib stated that he was not familiar with the specifics of the case, but the City Council had passed an ordinance approximately two years ago requiring paved driveways at rental homes.

City Manager Zech asked Mr. Reyes to meet with the City Attorney as the situation is basically out of the City Council's hands and is now a Court issue. He further stated that it is the City's goal to improve rental properties.

John Rhaesa, 34237 Forest Street, stated that he had good news! He stated that he is in the process of bringing back the Wayne Dispatch newspaper. He further stated that the newspaper will contain good news and positive stories. The newspaper will be published on a monthly basis and will be delivered to every home in Wayne.

Nancy Pride questioned the status of the improvements at Bee Jay's Pizza on Wayne Road.

City Engineer Ramzi El Gharib stated that the business obtained site plan approval a couple of months ago for facade improvements but when the building was inspected it was found to have structural problems so the Building Department issued a work stoppage order. A complete report will need to be submitted reporting compliance with all building codes.

Mrs. Pride also questioned why the Low Tide Restaurant was out of business, as she enjoyed their food, and further stated that it must have been because of the Michigan Avenue Reconstruction Project. She also questioned what happened to the proposed Mexican Restaurant on Michigan Avenue East.

Councilman Mulholland stated that he did not believe the Low Tide Restaurant problems were due to the Michigan Avenue Reconstruction Project and Mayor Pro Tem McEachern confirmed his statement and further stated that the problems were of a personal nature, between the owner of the building and the brother of the person operating the restaurant.

City Planner Matthew Miller stated that the Mexican Restaurant did not go forward with the project as he had entered into a land contract for the property and could not keep up the payments due to issues at his other business, Aranda's Tires.

By consensus of Council, Communications and Reports were received and filed or acted upon as indicated:

- a. Memo from the Community Development Director concerning the 2008 FRIENDS: People Helping People Project

The agenda was moved to item 6i.

- i. Memo from the Assistant Parks & Recreation Director concerning the 2008 Wheelfest
- b. Memo from the Community Development Director regarding \$1.00 HUD homes
- c. Memos from the City Manager and City Clerk concerning legal advertisements
- d. Memo from the City Attorney regarding the MDEQ Storm Water Permit Contested Case

10-08-0496 Motion by Rowe, seconded by Damitio and unanimously carried, to retain Attorney Charles Dunn of Plunkett Cooney, to represent the City regarding objections to the Michigan Department of Environmental Quality (MDEQ) storm water permits.

- e. Flyer from the Fire Chief concerning the 11th Annual Breakfast with Your Fire Fighters, which will be held on Saturday, October 11, 2008, from 9:00a.m. to 12:00 p.m., at the Fire Station
- f. Memo from the Public Works Director and a thank you note from a resident regarding the removal of a large storm damaged tree
- g. Memo from the Public Works Director regarding the results of an auction concerning surplus Public Works Department vehicles
- h. Memo from the Public Works Director regarding a question raised by a resident at the September 16, 2008, City Council Meeting concerning streetlights
- j. Memo from the Parks and Recreation Director regarding upcoming activities at the Senior Center
- k. Memo from the Assistant Parks & Recreation Director concerning the Dueling Piano Show, which will be held on Friday, October 24, 2008
- l. Memo from the Parks & Recreation Director regarding the 2008 Halloween Walk, which will be held on Tuesday, October 21, 2008 and Wednesday, October 22, 2008
- m. Memo from the Parks & Recreation Director concerning upcoming Leisure Services Programs
- n. Memo from the Parks & Recreation Director regarding Health & Wellness Programs
- o. Memo from the Parks & Recreation Director concerning a Parks & Recreation Department Survey
- p. Memo from the Public Works Director and a Letter from Mary F. Vangieson, Resource Recovery Coordinator, Land Resource Management Division, concerning a Wayne County sponsored Household Hazardous Waste Collection Event, which will be held on Saturday, November 8, 2008, from 8:00 a.m. to 2:00 p.m. at the City of Westland DPS Yard, 37137 Marquette Street, which is located between Newburgh and Wayne Roads
- q. Letter from Cynthia Cooper Vails, Deputy Director, Community Development Division, Department of Economic & Neighborhood Development, regarding the monitoring of the City's CDBG Program Funds

r. Letter from Michael F. Droze, Department Administrator, Department of the Environment, concerning the Wayne County Lending Environmental Assistance to Neighborhoods (C.L.E.A.N) Program

s. Memo from the City Manager regarding agendas and minutes on the website

10-08-0497 Motion by Damitio, seconded by Rowe and unanimously carried, it was resolved to approve the following recommendations:

1. Place the City Council Agenda on the website;
2. Place the agendas for all Boards, Commissions, Committees and Authorities on the website;
3. Place the approved minutes for all Boards, Commissions, Committees and Authorities on the website; and
4. Set up an email service wherein individuals can sign up to receive some or all City Manager Memos regarding City Council Meetings, agendas and approved minutes.

10-08-0498 Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve Weed List No. 2008-11, as follows:

018-06-0082-002	018-06-0092-000	017-08-0025-000
017-08-0017-000	022-04-0014-000	016-05-0111-000
006-11-0346-301	024-01-1179-000	013-03-0021-000
022-01-0010-001		

10-08-0499 Motion by Damitio, seconded by Mulholland and unanimously carried, it was resolved to approve declaring 4126 Winifred Street, a Hazard/Nuisance, and assess the charges to the owner of record.

10-08-0500 Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve entering into a Professional Services Agreement with JoNa Graphics, for an amount not to exceed \$4,958.00, for the production of 5,000 four-color viewers' guides, regarding Phase 2 of the Wayne History Mural, to be paid from the Downtown Development Authority (DDA) Budget.

10-08-0501 Motion by Damitio, seconded by Rowe and unanimously carried, it was resolved to approve entering into a Professional Services Agreement with LSL Planning, Inc., for an amount not to exceed \$72,000.00, for planning services concerning the Downtown Master Plan, to be paid from the Downtown Development Authority (DDA) Budget.

10-08-0502 Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to assert the right of the City Council to approve the Master Plan, Downtown Area, pursuant to Section 43(3) of the Michigan Planning Enabling Act.

10-08-0503 Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve an agreement with Ancona Controls, in the amount of \$2,180.00, to provide maintenance to the Uninterruptible Power Supply (UPS) Unit, to be paid from the Police Department Repairs & Maintenance Budget.

10-08-0504 Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve a resolution to fund the new fire pumper, from Leasing 2, Inc.

10-08-0505 Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve the buyback of a cemetery lot from Derrick and Christina Sills, in the amount of \$73.00.

10-08-0506 Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to approve Traffic Control Order No. 580, the installation of two (2) "HANDICAP CHILD IN AREA" warning signs on Biddle Street north of Clinton Street (1) and south of Forest Street(1).

10-08-0507 Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve payment to The Conference of Western Wayne, in the amount of \$4,811.00, for FY '08-'09 dues, to be paid from the City Council Memberships and Dues Budget.

10-08-0508 Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve a resolution that gives Habitat for Humanity of Western Wayne until Friday, April 3, 2009, to close on the property located at 35430 Glover Street.

Upon the request of Mayor Haidous for comments from members of the City Council on matters not covered by the City Council Agenda, the following were expressed:

Councilman Mulholland reiterated the earlier comments regarding the good work being done by members of the Department of Public Works, as he had received some good service himself. He also encouraged people in the community to support local businesses.

Councilman Mulholland also stated that he hoped no one misconstrued the intentions of the proposed amendments to the Special Event Ordinance regarding the Michigan Avenue Cruise. He stated that the City is not trying to run anyone out of town, but that if a third party brings an event to the City, the City needs a way in which to control the event and protect the citizens.

Councilman Mulholland further stated that as public servants there is a need to check emotions and politics at the door and that bickering and name calling is an embarrassment at a public meeting and looks demeaning. He stated that he hopes everyone can be held to a higher standard in the future.

Mayor Haidous stated that the citizens judge the way elected officials are doing their job and he feels that it is very healthy to have disagreements as the goal is to serve the residents of the City.

City Attorney Richard Clark stated that he had a very positive item to address, the most positive in the last two years, in that the mural would be finished the following day. He further stated that the two muralists' asked him to thank the people of Wayne for their visits, comments and support during their stay in the City.

City Attorney Clark also issued a challenge to everyone saying that there are only two people repeated on the mural, one male and one female. He encourage everyone to either email or send in their guesses and that there would be a prize.

10-08-0509 Motion by Rowe, seconded by Mulholland and unanimously carried, it was resolved to accept the Consent Calendar without exception as follows:

- a. 2020 Committee Minutes of September 24
- b. Planning Commission Minutes of September 23
- c. Building Department Report for September
- d. Building Authority Minutes of August 14
- e. Animal Control Ordinance Minutes September 24
- f. Retirement Board Minutes of September 29
- g. Recreation Advisory Board Minutes of September 3
- h. Commission on Aging Minutes of August 12
- i. Beatification Committee Minutes of September 8

10-08-0510 Motion by Rowe, seconded by Dobrowolski and unanimously carried, it was resolved to adjourn the meeting at 10:57 p.m.

Mary E. Carney
City Clerk

Abstract published October 16, 2008