

CITY OF WAYNE
CITY COUNCIL
REGULAR MEETING NO. 2009-06 - FEBRUARY 17, 2009
WAYNE CITY HALL
3355 SOUTH WAYNE ROAD
8:00 P.M.

A regular meeting of the Wayne City Council was held on Tuesday, February 17, 2009, 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 8:00 p.m. and led the Council and the audience in the Pledge of Allegiance.

Members Present: Mayor Abdul H. 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; Jennifer Wagner, Deputy City Clerk

02-09-0054 Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve the minutes of the Regular Meeting of February 3, 2009, as printed.

02-09-0055 Motion by Dobrowolski, seconded by Mulholland and unanimously carried, it was resolved to approve the minutes of the Special Meeting of February 9, 2009, as printed.

02-09-0056 Motion by Rowe, seconded by Mulholland and unanimously carried, it was resolved to approve the minutes of the Special Meeting of February 11, 2009, as printed.

A Public Hearing was held to consider a grant application through the Land Water and Conservation Fund for Dynamite Park. Parks and Recreation Director Kimberly Alexander presented an overview of the proposed project.

Councilwoman Rowe inquired as to what would happen to the project if the matching funds were not available. Director Alexander stated that the project could be postponed or another option to match the funds could be considered. Mayor Haidous stated that the match in funds would be a small amount.

02-09-0057 Motion by Kelly, seconded by Rowe and unanimously carried, it was resolved to approve a grant application through the Land Water & Conservation Fund for Dynamite Park with a 50% match in funds in the amount of \$30,000.00.

The request by Kids Now Learning & Development Center to be recognized as a nonprofit organization in Wayne was deferred until the meeting of February 17, as no representative was present.

02-09-0058 Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve the request by the Greyhounds of Eastern Michigan to be recognized as a nonprofit organization in Wayne.

Discussion was held regarding the Relay for Life Event, which will be held in the City of Westland Jaycee Park on May 30-31, 2009, from 10:00 a.m. to 10:00 a.m.

02-09-0059 Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve Site Plan #2009-01, Wayne County RESA, 33500 Van Born Road, subject to the following conditions which have been approved by the Planning Commission and shall be implemented prior to the issuance of a Site Development Permit.

1. That the applicant shall obtain the necessary permits and pay the required fees from all City Departments (Building, Engineering, Fire, Water).
2. That four sets of fully dimensioned, drawn to scale, building and engineering plans that show room dimensions and use shall be reviewed and approved by the Building Official and City Engineer prior to the construction.
3. That four separate sets of plans shall be submitted to the Fire Marshal's Office for any changes to the fire suppression systems or fire alarm.
4. That prior to any shut down or demolition of the fire suppression system or fire alarm, a fire watch shall be initiated and maintained when fire protection is compromised.
5. That all means of egress shall be kept clear during construction.
6. That a Certificate of Occupancy inspection shall be required.
7. That the renovations shall be made accessible and usable to people with disabilities.
8. That the following deferred maintenance items shall be completed:
 - a. The parking lot repaired as marked by City Engineer.
 - b. The concrete sidewalk and ramp adjacent to the handicap parking area on the north side of the building be replaced.
 - c. Repair the catch basin in the west parking lot.
 - d. Secure the gate to the satellite compound.
 - e. Reset the fire hydrant on the west end of the building to the proper grade.
9. That all conditions at this site shall be completed before the issuance of a Certificate

of Occupancy.

Mr. Rick Crosby and Mr. George Rogers, representatives for the project, accepted the conditions without exception.

02-09-0060 Motion by Rowe, seconded by Mulholland and unanimously carried, it was resolved to approve Site Plan #2009-02, Tim Hortons, Michigan Avenue (the site of the former Bonanza Restaurant), subject to the following conditions which have been approved by the Planning Commission and shall be implemented prior to the issuance of a Site Development Permit.

1. That a demolition permit shall be obtained and all conditions of the permit met prior to any construction.
2. That the applicant shall obtain the necessary permits and pay the required fees from all City Departments (Building, Engineering, Fire, Water) and other agencies (Wayne County and MDOT).
3. That four sets of fully dimensioned, drawn to scale building and engineering plans that show room dimensions and use shall be reviewed and approved by the Building Official and City Engineer prior to the construction.
4. That four separate sets of plans shall be submitted to the Fire Marshal's Office for the installation of fire suppression systems and fire alarms.
5. That the applicant shall coordinate with the Fire Marshal for a new address assignment.
6. That a complete set of plans shall be reviewed by the DPW. The location of all taps and meters shall be coordinated with the DPW and all fees paid prior to the installation.
7. That all required easements are secured and recorded by the developer.
8. That the plans will be subject to review by Hydro Designs, Inc., for any cross connections.
9. That the building shall be made accessible and usable to people with disabilities.
10. That all parking requirements shall be met, including handicapped space location, dimensions, signage and vehicular encroachments.
11. That all Police Department information shall be submitted (business registration, towing authorization letter and uniform traffic devices).
12. That the signs shall be reviewed and approved by Community Development prior

to the issuance of a permit.

13. That a landscape plan shall be reviewed and approved by the Community Development Department.
14. That all conditions at this site shall be completed before the issuance of a Certificate of Occupancy.

Mr. Mark Kellenberger, representative for the project, accepted the conditions without exception.

The agenda was moved to Item 7f.

02-09-0061 Motion by Kelly, seconded by Rowe and unanimously carried, the following resolution was approved:

RESOLUTION

WHEREAS, a lot split is being requested for parcel #55-017-01-0621-001, property located at 34435 Michigan Avenue East; and

WHEREAS, the parcel split will create two parcels for the construction of a new business on the west parcel and an auto dealership on the east parcel; and

WHEREAS, the Parent Parcel is as follows:

PARENT PARCEL #55-017-01-0621-001

LEGAL DESCRIPTION

1.261 ACRES

A part of Lot 621, SUPERVISOR'S NANKIN PLAT NO. 13, of Lots 16 to 19, both inclusive, Lots 50 to 57, both inclusive of O'Connor's Addition of Wayne and part of the Southeast $\frac{1}{4}$ of Section 28 and part of the Northeast $\frac{1}{4}$ of Section 33, Town 2 South, Range 9 East, Nankin Township (now City of Wayne), Wayne County, Michigan, according to the plat thereof in Liber 65, Page 86 of Plats, Wayne County Records, being more particularly described as beginning at a point on the south line of Michigan Avenue, also being the north line of Lot 621 distant north 83 degrees 31 minutes 35 seconds east 125.00 feet from the northwest corner of said Lot 621 north 83 degrees 31 minutes 35 seconds east 230.85 feet; thence along the east line of Lot 621 south 11 degrees 59 minutes 34 seconds east 232.01 feet; thence along the south line of Lot 621 south 84 degrees 18 minutes 18 seconds west 248.75 feet; thence north 07 degrees 35 minutes 26 seconds west 227.59 feet to the point of beginning.

Also described as follows:

Situated in the State of Michigan, County of Wayne, City of Wayne, and being part of Lot 621 of Supervisor's Nankin Plat No. 13, as shown for record in Liber 65, Page 86 of Plats,

(all references used in this description refer to Wayne County Records), and containing 1.261 acres of land, more or less, and being all of that tract of land conveyed to Jeff Benson Enterprises, LLC of record in Liber 30267, Page 2675, said 1.261 acre tract being more particularly described as follows:

Beginning, for reference, at Wayne County Monument F-11, being the southwest corner of the southeast Quarter of Section 28, Township 2 South, Range 9 East;

Thence South 2°39'53" East, a distance of 70.07 feet to a ¾ inch iron pipe in concrete found at the northwesterly corner of said Lot 621, also being in the southerly right of way line of Michigan Avenue (U.S. Route 12);

Thence with the northerly line of said Lot 621, also being the southerly right of way line of said Michigan Avenue, North 83°31'35" East, a distance of 125.00 feet to an iron pipe set at the northwesterly corner of said Jeff Benson Enterprises tract, said iron pipe marking the true point of beginning of the herein described 1.261 acre tract;

Thence continuing with the northerly line of said Lot 621, also being the southerly right of way line of said Michigan Avenue, North 83°31'35" East, a distance of 230.85 feet to an iron pipe set at the northeasterly corner of said Lot 621, also being the northeasterly corner of said Jeff Benson Enterprises tract, also being the northwesterly corner of Lot 622 of said Supervisor's Nankin Plat No. 13;

Thence with the easterly line of said Lot 621, also being the easterly line of said Jeff Benson Enterprises tract, also with the westerly line of said Lot 622, South 11°59'34" East, a distance of 232.00 feet to a ½ inch rebar found at the southeasterly corner of said Lot 621, also being the southeasterly corner of said Jeff Benson Enterprises tract, also being the southwesterly corner of said Lot 622, also being the southeasterly corner of Lot 620 of said Supervisor's Nankin Plat No. 13;

Thence with the southerly line of said Lot 621, also being the northerly line of said Lot 620, South 84°18'18" West, a distance of 248.75 feet to an iron pipe set at the southwesterly corner of said Jeff Benson Enterprises tract;

Thence with the westerly line of said Jeff Benson Enterprises tract, North 7°35'26" West, a distance of 227.59 feet to the point of beginning.

Containing 1.26 acres of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The southerly right of way line of Michigan Avenue was assigned a bearing of North 83°31'35" East, as shown for record on Supervisor's Nankin Plat No. 13, Liber 65, Page 86 of Plats, Wayne County Record's.

NOW, THEREFORE, BE IT RESOLVED THAT THE RESULTING PARCELS WILL BE AS FOLLOWS:

PARCEL A

LEGAL DESCRIPTION

0.657 ACRE

Situated in the State of Michigan, County of Wayne, City of Wayne, and being part of Lot 621 of Supervisor's Nankin Plat No. 13, as shown for record in Liber 65, Page 86 of Plats, (all references used in this description refer to Wayne County Records), and containing 0.657 acre of land, more or less, and being all out of that tract of land conveyed to Jeff Benson Enterprises, LLC of record in Liber 30267, Page 2675, said 0.657 acre tract being more particularly described as follows:

Beginning, for reference, at Wayne County Monument F-11, being the southwest corner of the southeast Quarter of Section 28, Township 2 South, Range 9 East;

Thence South 2°39'53" East, a distance of 70.07 feet to a ¾ inch iron pipe in concrete found at the northwesterly corner of said Lot 621, also being in the southerly right of way line of Michigan Avenue (U.S. Route 12);

Thence with the northerly line of said Lot 621, also being the southerly right of way line of said Michigan Avenue, North 83°31'35" East, a distance of 240.36 feet to an iron pipe set at the true point of beginning of the herein described 0.657 acre tract;

Thence continuing with the northerly line of said Lot 621, also being the southerly right of way line of said Michigan Avenue, North 83°31'35" East, a distance of 115.49 feet to an iron pipe set at the northeasterly corner of said Lot 621, also being the northeasterly corner of said Jeff Benson Enterprises tract, also being the northwesterly corner of Lot 622 of said Supervisor's Nankin Plat No. 13;

Thence with the easterly line of said Lot 621, also being the easterly line of said Jeff Benson Enterprises tract, also with the westerly line of said Lot 622, South 11°59'34" East, a distance of 232.00 feet to a ½ inch rebar found at the southeasterly corner of said Lot 621, also being the southeasterly corner of said Jeff Benson Enterprises tract, also being the southwesterly corner of said Lot 622, also being the southeasterly corner of Lot 620 of said Supervisor's Nankin Plat No. 13;

Thence with the southerly line of said Lot 621, also being the southerly line of said Jeff Benson Enterprises tract, also with the northerly line of said Lot 620, South 84°18'18" West, a distance of 133.35 feet to an iron pipe set;

Thence with a new division line, across and through said Lot 621, North 7°35'26" West, a distance of 229.16 feet to the point of beginning.

Containing 0.657 acre of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The southerly right of way line of Michigan Avenue was assigned a bearing of North 83°31'35" East, as shown for record on Supervisor's Nankin Plat No. 13, Liber 65, Page 86 of Plats, Wayne County Record's.

PARCEL B

LEGAL DESCRIPTION

0.605 ACRE

Situated in the State of Michigan, County of Wayne, City of Wayne, and being part of Lot 621 of Supervisor's Nankin Plat No. 13, as shown for record in Liber 65, Page 86 of Plats, (all references used in this description refer to Wayne County Records), and containing 0.605 acre of land, more or less, and being all out of that tract of land conveyed to Jeff Benson Enterprises, LLC of record in Liber 30267, Page 2675, said 0.605 acre tract being more particularly described as follows:

Beginning, for reference, at Wayne County Monument F-11, being the southwest corner of the southeast Quarter of Section 28, Township 2 South, Range 9 East;

Thence South 2°39'53" East, a distance of 70.07 feet to a ¾ inch iron pipe in concrete found at the northwesterly corner of said Lot 621, also being in the southerly right of way line of Michigan Avenue (U.S. Route 12);

Thence with the northerly line of said Lot 621, also being the southerly right of way line of said Michigan Avenue, North 83°31'35" East, a distance of 125.00 feet to an iron pipe set at the northwesterly corner of said Jeff Benson Enterprises tract, said iron pipe marking the true point of beginning of the herein described 0.605 acre tract;

Thence continuing with the northerly line of said Lot 621, also being the southerly right of way line of said Michigan Avenue, North 83°31'35" East, a distance of 115.36 feet to an iron pipe set;

Thence with a new division line, across and through said Lot 621, South 7°35'26" East, a distance of 229.16 feet to an iron pipe set in the southerly line of said Lot 621, also being the northerly line of Lot 620 of said Supervisor's Nankin Plat No. 13;

Thence with the southerly line of said Lot 621, also being the northerly line of said Lot 620, South 84°18'18" West, a distance of 115.40 feet to an iron pipe set at the southwesterly corner of said Jeff Benson Enterprises tract;

Thence with the westerly line of said Jeff Benson Enterprises tract, North 7°35'26" West, a distance of 227.59 feet to the point of beginning.

Containing 0.605 acre of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The southerly right of way line of Michigan Avenue was assigned a bearing of North 83°31'35" East, as shown for record on Supervisor's Nankin Plat No. 13, Liber 65, Page 86 of Plats, Wayne County Record's.

All iron pipes set are $\frac{3}{4}$ inch inside diameter by 30 inches in length.

02-09-0062 Motion by Damitio, seconded by Rowe and unanimously carried, it was resolved to approve the appointment of Patrick Currier, 35224 Chestnut Street, to the Festival Commission, until October of 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:

David Cossey, 3070 Gloria, addressed the Council regarding a peace disturbance problem with his neighbor. He stated that he has reported incidents to the police on numerous occasions but the City ordinance does not state a time of day or night for peace disturbances. Administration informed him that the situation will be looked into.

Carol Goachee and Marcia Clum, 35240 Michigan Avenue West, expressed their displeasure with many building issues at the Newberry Square Apartment Complex. Administration informed them that the situation will be looked into.

Patrick Currier introduced Jackie Kasic, the new owner of the Papa Romano's/Mr. Pita restaurant.

Sherrie Pryor stated that she had attempted to obtain a draft copy of minutes and was informed that the minutes are not available until after they are approved, but that she would like a draft copy of the minutes prior to approval.

City Manager Zech informed her that the City Council had decided not to place meeting minutes on the website prior to approval. He further stated that as a policy, minutes are not usually faxed. Councilman Mulholland inquired as to whether or not a draft copy of minutes could be made available on the website and was informed that it was the pleasure of the Council. Councilman Damitio stated that he wanted only minutes that had been approved to be placed on the website. City Attorney Clark stated that only the City Council can take action on minutes. Sherrie Pryor asked what time and date meeting minutes would be available. City Attorney Clark informed her that the various Boards and Commissions are responsible for having minutes that are correct, and that they are approved (corrected) at the next meeting of the Board or Commission. Sherrie Pryor stated that the minutes are not available for persons that work 8-5. Councilman Mulholland asked if a draft copy could be made available. Keith Butkovich, 4424 Second Street, stated that the last meeting was not posted on the website. City Manager Zech stated that Administration will look into the situation.

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

- a. Memo from the Fire Chief regarding the Community Emergency Response Team (CERT) Program
- b. Memo from the Finance Director concerning the schedule for the 2009 Board of Review
- e. 2009 Neighborhood Ratio Study prepared by the Wayne County Assessment and Equalization Division and the City of Wayne Finance Department
- c. Memo from the Parks & Recreation Director regarding auditions for the Wizard of Oz, which will be held February 23-25, 2009 at the State Wayne Theater
- d. Memo from the Parks & Recreation Director concerning Health & Wellness Programs
- f. Memo from the Assistant City Manager and a letter from Sharon Carney of the Michigan Suburbs Alliance (MSA) regarding the Millennial Mayors Congress
- g. Memo from the City Engineer concerning auctioning two cars from the Building and Engineering Department

02-09-0063 Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve a change order with Independent Carpet One, in the amount of \$793.16, for additional tile, to be paid from the Department of Public Works Equipment Replacement Budget for the Building & Engineering Department Building.

02-09-0064 Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to approve change order #1 with Cornerstone Painting, in the amount of \$1,050.00, for additional repairs and painting services, to be paid from the Department of Public Works Equipment Replacement Budget for the Building & Engineering Department Building.

02-09-0065 Motion by McEachern, seconded by Mulholland and unanimously carried, it was resolved to approve a payment to Russell Design, in the amount of \$1,238.68, for their work on the Parks & Recreation Master Plan, to be paid from the Parks & Recreation Department Professional Services Budget.

The 3rd year of a possible 5-year contract with B & B Landscaping, in the amount of \$55,836.00, for the mowing of Glenwood Cemetery and various other city properties, to be paid from the City Properties, Cemetery and Downtown Development Authority (DDA) Budgets, was deferred to a future meeting.

02-09-0066 Motion by Rowe, seconded by Dobrowolski and unanimously carried, it was resolved to approve a resolution of support in order to secure a 2003 Enhancement Grant from the Michigan Department of Transportation (MDOT) for improvements along the eastside of South Wayne Road between Annapolis Avenue and Harroun Parkway.

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

Mayor Pro Tem McEachern stated that she and her husband had enjoyed the classic movie shown on Valentine's Day and that the carnation given to her added a special touch.

Mayor Pro Tem McEachern also congratulated Councilwoman Dobrowolski on her retirement from Wayne County.

Councilman Mulholland recognized the hard work of City Planner Matthew Miller and Community Development Director Peter McInerney on bringing a Tim Horton's franchise to the City of Wayne. He stated that for the franchise to come to Wayne shows that the city is a desirable location for businesses. He continued by saying that it was the hard work and foresight of installing the decorative light poles and brick pavers to bring this type of business to the city.

Councilman Mulholland also stated that the website committee of himself, Mayor Pro Tem McEachern and Councilman Damitio know that the website has come a long way which is a great thing. He continued by saying that there will be a volunteer section of the website and he also encourages feedback from residents.

Councilwoman Rowe stated that on February 12 the Civitan Club celebrated its 50 year anniversary as a Charter Club. There will be a celebration in May.

Councilwoman Rowe further stated that the Grand Giveaway will be on Friday, March 6 at the Community Center. The cost is \$200.00 per couple and that she and Dick Clark have tickets for sale. She encouraged everyone to attend an evening of fun for a good cause.

02-09-0067 Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to accept the Consent Calendar without exception as follows:

- a. Commission on Aging Minutes of October 14
- b. Building Department Monthly Report for January
- c. Library Board Minutes of January 14
- d. Planning Commission Minutes of February 10
- e. Development Area Citizens Council Minutes of February 12

f. Housing Commission Minutes of January 14

02-09-0068 Motion by Dobrowolski, seconded by Mulholland and carried by a 6-1 roll call vote, it was resolved to recess to a Closed Session at 10:00 p.m., to discuss labor negotiations.

ROLL CALL

AYES: McEachern, Damitio, Dobrowolski, Rowe, Mulholland, Haidous

NAYS: Kelly

The regular open meeting was reconvened by the City Council at 11:16 p.m.; doors were unlocked and opened, and the meeting was open to the public.

02-09-0069 Motion by Kelly, seconded by Dobrowolski and unanimously carried, it was resolved to approve a 2.8% multiplier for 1-25 years and 25 years of service and out for the Supervisors.

02-09-0070 Motion by Rowe, seconded by Mulholland and unanimously carried, it was resolved to approve a 2.8% multiplier for 1-25 years and 25 years of service and out for Department Heads.

02-09-0071 Motion by Dobrowolski, seconded by Damitio and unanimously carried, it was resolved to approve a 2.8% multiplier for 1-25 years and 25 years of service and out for the General Employees.

02-09-0072 Motion by Mulholland, seconded by Rowe and unanimously carried, it was resolved to approve a 2.8% multiplier for 1-25 years for Fire.

02-09-0073 Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to approve a 2.8% multiplier for 1-25 years for COAM.

02-09-0074 Motion by Rowe, seconded by Mulholland and unanimously carried, it was resolved to approve a 2.8% multiplier for 1-25 years for the POAM.

02-09-0075 Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to approve a 2.8% multiplier for 1-25 years for TPOAM.

02-09-0076 Motion by Mulholland, seconded by Rowe and unanimously carried, it was resolved to approve a 2.8% multiplier for 1-25 years for the Dispatchers.

02-09-0077 Motion by Rowe, seconded by Dobrowolski and unanimously carried, it was resolved to approve a Health Insurance schedule as follows:

10-15 years	50%
15-20 years	75%
20-25 years	100%

02-09-0078 Motion by Kelly, seconded by Rowe and unanimously carried, it was resolved to adjourn the meeting at 11:22 p.m.

Jennifer Wagner
Deputy City Clerk

Abstract published February 26, 2009