

CITY OF WAYNE  
CITY COUNCIL  
REGULAR MEETING NO. 2009-27 - SEPTEMBER 15, 2009  
WAYNE CITY HALL  
3355 SOUTH WAYNE ROAD  
8:00 P.M.

A regular meeting of the Wayne City Council was held on Tuesday, September 15, 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 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

A moment of silence was held for Mary Jones, mother of Mark Blackwell.

**09-09-0432** Motion by McEachern, seconded by Mulholland and unanimously carried, it was resolved to approve the minutes of the Regular Meeting of September 1, 2009, as printed.

Presentation of a resolution was made to the 2009 Diamond of the Community Award recipient, Phyllis Stein.

The agenda was moved to Item 8f.

Memo from the Parks & Recreation Director regarding the 2009 Senior Olympics

**09-09-0433** Motion by McEachern, seconded by Damitio and unanimously carried, it was resolved to approve Site Plan #2009-16, Republic Services, 5400 Cogswell 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), State of Michigan and Wayne County.
2. That four sets of fully dimensioned, drawn to scale building, engineering and utility plans that show room dimensions and use shall be reviewed and approved prior to any construction.

3. That the building shall be made accessible and usable to people with disabilities.
4. That any alterations to the fire alarm shall be approved prior to installation and the current system shall be inspected, brought to code and tested.
5. That the Police Department information shall be submitted (bus. registration, handicapped enforcement and abandoned vehicle).
6. That a Knox Box shall be installed in the building.
7. That a posted fire lane shall be maintained around the entire building.
8. That all deferred general maintenance items shall be repaired:
  - a. The south drive approach shall be replaced.
  - b. Scrape and paint all loose or peeling paint.
  - c. Repair the parking lot as marked by the City Engineer.
9. That the MDEQ wetland mitigation requirements are met.
10. That the applicant shall contact Hydro Design to register with the Cross Connection/Back Flow Prevention Program.
11. That the signs shall be reviewed and approved by Community Development prior to the issuance of a permit.
12. That all conditions at this site shall be completed before the issuance of a Certificate of Occupancy.

Kevin Kendall and Mark Tucker, representatives for the project, accepted the conditions without exception.

**09-09-0434** Motion by Dobrowolski, seconded by McEachern and unanimously carried, it was resolved to approve Site Plan #2009-17, Karma Coffee Shop, 3015 South Wayne 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) and Wayne County.
2. That four sets of fully dimensioned, drawn to scale building plans that show room dimensions and use shall be reviewed and approved prior to any construction.
3. That a Certificate of Occupancy inspection shall be completed by the Building Official and Fire Marshal.
4. That the address shall be posted on the front and rear of the building.
5. That the building shall be made accessible and usable to people with disabilities.
6. That the Police Department information shall be submitted (bus. registration).
7. That the applicant shall contact Hydro Design to register with the Cross Connection/Back Flow Prevention Program.
8. That the signs shall be reviewed and approved by Community Development prior to the issuance of a permit.
9. That all conditions at this site shall be completed before the issuance of a Certificate of Occupancy.

David & Jennifer Romero, representatives for the project, accepted the conditions without exception.

**09-09-0435** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve Site Plan #2009-18, Computer Sciences Corporation, 32500 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 prior to any construction.
3. That the permitted work shall be made accessible and usable to people with disabilities.
4. That any changes or modifications to the sprinkler system or fire alarm shall be submitted to the Fire Marshal prior to the work.
5. That the applicant shall certify that the fire alarm and sprinkler system has been tested within a one year period and is fully operational
6. That the Police Department information shall be submitted (bus. registration and traffic enforcement letter).
7. That all deferred general maintenance items shall be repaired:
  - a. Scrape and paint the building where loose paint is present.
  - b. Remove all overgrowth along the fence line.
  - c. Restore landscape areas, remove weeds and mulch.
  - d. Remove all standing water in truck wells.
8. That the applicant shall coordinate a parking lot repair plan with the Building & Engineering Department.
9. That the applicant shall contact Hydro Design to register with the Cross Connection/Back Flow Prevention Program.
10. That the signs shall be reviewed and approved by Community Development prior to the issuance of a permit.
11. That all conditions at this site shall be completed before the issuance of a Certificate of Occupancy.

Andy Gutman, Craig Varady and Tim Jones, representatives for the project, accepted the conditions without exception.

**09-09-0436** Motion by McEachern, seconded by Rowe and unanimously carried, the following resolution was adopted:

#### RESOLUTION

WHEREAS, bids were requested for the demolition of 4642 S. Wayne Road; and

WHEREAS, four (4) bids were received, opened and publicly read by the Deputy Clerk at 2:00 p.m., Tuesday, September 8, 2009, in the Council Chamber of City Hall as follows:

Blue Star Inc., Warren, MI	\$ 9,300.00
TSP Environmental, Livonia, MI	\$ 9,988.00
Able Demolition, Shelby Twp., MI	\$10,750.00
One Way Service, Detroit, MI	\$13,400.00

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

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted by Blue Star, Inc., in the amount of \$9,300.00, to be paid from the Downtown Development Authority Budget (DDA), be accepted in the best interest of the City.

**09-09-0437** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve the transfer of the 2009 Class C Liquor License located at 32036 Michigan Avenue, from JP of Michigan, Inc., to Luther Enterprises of Michigan, Inc.

**09-09-0438** Motion by McEachern, seconded by Damitio and unanimously carried, it was resolved to approve the request for a new SDM License for Wayne’s Red Apple, Inc., located at 32711 Michigan Avenue, to be held in conjunction with their 2009 Class C Resort Liquor License with Dance Permit & Official Permit (food).

**09-09-0439** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to adopt Ordinance 2009-14, an ordinance to amend the codified ordinances of the City of Wayne, as follows:

ORDINANCE NO. 2009-14

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 ADDITIONS OR AMENDMENTS TO PART TEN, STREETS, UTILITIES AND PUBLIC SERVICES, CHAPTER 1040, WATER AND SEWERS.

1040.25

(D) Water Taps. Maintenance and/or repair of a private water service line from the building to the water shutoff (curb box) which shall be located near the property or easement line shall be the responsibility of the property owner. The city shall not be responsible for the maintenance or repair of any private water service. The city shall be responsible for the water shutoff (curb box) and the service line between water shutoff and the main.

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.

**09-09-0440** Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to approve the appointment of Helen Braun, 35290 Stellwagen Street, to the Commission on Aging until July of 2011.

**09-09-0441** Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve the appointment of Nancy Wojewski-Noel as the City's liaison to the Senior Alliance.

**09-09-0442** Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve the appointment of Nathan Adams as the City's alternate liaison to the Senior Alliance.

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

Fire Chief Mel Moore informed the Council of an incident in which a woman came to the Fire Station looking for assistance in retrieving her purse which she had left on a SMART bus. The Firefighters on duty were able to contact SMART and make arrangements for her to retrieve her purse. Mayor Haidous commended the fire personnel. Councilwoman Rowe requested a letter of thanks be sent to the SMART dispatcher and bus driver.

Mike Makowski, 31631 Grant Street, addressed the Council regarding his neighbor who had addressed the Council regarding the condition of his property. He stated that he did have several issues but they have been taken care of. He stated that he does not appreciate his neighbor constantly taking issue with his property. James Harper, a neighbor of Mr. Makowski, stated that Mr. Makowski is a good neighbor and that he also has had problems with the neighbor.

John Rhaesa thanked everyone on behalf of the Jennings family for their support of the Chicken BBQ at Wheelfest to help with the expenses incurred with Alissa's illness. He stated that Alissa had taken a turn for the worse and asked everyone to send cards of encouragement. Mayor Haidous stated that she is in everyone's prayers.

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

- a. Memo from the Police Chief regarding a question raised by Mayor Pro Tem McEachern at the September 1, 2009 City Council Meeting concerning the Cell Phones for Soldiers Program
- b. Memo from the Fire Chief regarding the 2009 Pancake Breakfast with Your Fire Fighters, which will be held on Saturday, October 10, 2009 from 9:00 a.m. to 12:00 p.m. at the Fire Station

- c. Flyer from the Library Director concerning the Friends of the Library Book Sale, which will be held October 1-3, 2009 at the Library
- d. Memo from the City Planner regarding upcoming events at the Farmers Market
- e. Memo from the Parks & Recreation Director concerning the Touch-A-Truck Fundraiser for the After School Recreation Program, which will be held on Saturday, October 10, 2009 in the Community Center Parking Lot from 12:00 p.m. to 5:00 p.m.
- g. Memo from the Parks & Recreation Director concerning auditions for "Seussical", which will be held on October 5<sup>th</sup> & 6<sup>th</sup> at 7:00 p.m. at the Theater
- h. Memo from the Parks & Recreation Director regarding upcoming programs
- i. Memo from the City Engineer concerning a question raised by Councilwoman Rowe at the September 1, 2009 City Council Meeting regarding BeeJay's Kitchen, 3103 S. Wayne Road
- j. Memo from the Community Development Director regarding the Wayne Post Office

**09-09-0443** Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve Weed List No. 2009-10, as follows:

024-01-1179-000	016-03-0049-000	020-99-0002-000
012-99-0003-000	010-01-0360-002	024-02-0058-000
020-01-1216-000	021-01-0429-000	

**09-09-0444** Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to approve declaring 3996 S. John Hix Road a Hazard/Nuisance, on an emergency basis, and assess the charges to the owner of record.

**09-09-0445** Motion by Dobrowolski, seconded by Damitio and unanimously carried, it was resolved to approve a proposal with Stantec Consulting of Michigan, Inc., for an amount not to exceed \$2,300.00 to perform a scour analysis on the John Hix Road Bridge, the Newburgh Road Bridge and the Second Street Bridge, to be paid from the Major Streets Budget.

**09-09-0446** Motion by Damitio, seconded by McEachern and unanimously carried, it was resolved to approve an amendment to the contract with Wolverton Transport, in the amount of \$7.50 per cubic yard, to haul leaves during the 2009 Leaf Season.

**09-09-0447** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to call a Public Hearing for Tuesday, October 20, 2009 at 8:00 p.m. to consider the proposed changes to the Regulated Uses Section of the Zoning Ordinance.

**09-09-0448** Motion by Dobrowolski, seconded by McEachern and unanimously carried, it was resolved to approve the buyback of a cemetery lot from Robert Barnhart, in the amount of \$173.00.

**09-09-0449** Motion by McEachern, seconded by Mulholland and unanimously carried, it was resolved to approve transferring the titles of two decommissioned Police Cars: #449, 2000 Ford Crown Victoria and #442, 2002 Ford Crown Victoria, to Howard's Towing, 35830 Van Born Road.

**09-09-0450** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve a request to proclaim October 4-10, 2009, as Fire Prevention Week.

**09-09-0451** Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve entering into a Professional Services Agreement with Dearborn Lithograph Inc., for an amount not to exceed \$10,825.00, for the 2010 calendar, to be paid from City Calendar Budget.

**09-09-0452** Motion by Damitio, seconded by McEachern and carried by a 6-1 vote (Rowe nay), it was resolved to approve the relocation of the Senior Center staff to offices in the Community Center.

**09-09-0453** Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve the sale of 4270 Adams Circle in the amount of \$29,900.00 to Jesse Brown.

**09-09-0454** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve entering into a Professional Services Agreement with R. J. Montgomery and Associates, Inc., for an amount not to exceed \$8,400.00, to provide auctioning services for the personal property located at 35400 Michigan Avenue East and 35545 Michigan Avenue West, to be paid from the Finance Department Professional Services Budget.

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:

Councilwoman Dobrowolski stated that the Farmer's Market just keeps getting better and thanked everyone for doing a great job.

Councilwoman Dobrowolski also stated that by having three site plans at the meeting indicates that the City is moving forward.

Councilman Damitio stated that the 2020 Committee has received suggestions from the Council and will be reviewing them at the next meeting.

Mayor Pro Tem McEachern stated that she likes the new “Welcome to Wayne” signs as they are quite attractive and look great.

Councilman Mulholland stated that he had attended the Planning Commission meeting when Karma Coffee was present and was very excited for the business. He further stated that the business will be at the Farmer’s Market with samples and invited everyone to welcome them to town.

Councilman Mulholland also asked everyone to not forget that school is back in session and it is everyone’s duty to watch out for children.

Councilman Mulholland also stated that he has some friends that utilize the tennis courts and feel that the resurfacing has made them just as good or better. He thanked Juan Bradford for a job well done.

Mayor Haidous stated that sometimes residents of the city question the way money is spent, but that we need to keep the city moving forward and not just stop growth as it is the key to the city’s success.

Mayor Haidous further stated that the City Council has always been interested in how to make things better in the city for the citizens, not by playing politics.

**09-09-0455** Motion by Rowe, seconded by Mulholland and unanimously carried, it was resolved to accept the Consent Calendar without exception as follows:

- a. Planning Commission Minutes of September 8
- b. Commission on Aging Minutes of June 9
- c. Building Department Monthly Report for August
- d. Library Board Minutes of July 8

**09-09-0456** Motion by Rowe, seconded by Mulholland and unanimously carried by a roll call vote, it was resolved to adjourn to the Closed Session at 9:45 p.m. to discuss specific pending litigation.

ROLL CALL

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

NAYS:None

ABSENT: None

---

Mary E. Carney, City Clerk