

CITY OF WAYNE  
CITY COUNCIL  
REGULAR MEETING NO. 2009-17 - MAY 19, 2009  
WAYNE CITY HALL  
3355 SOUTH WAYNE ROAD  
8:00 P.M.

A regular meeting of the Wayne City Council was held on Tuesday, May 19, 2009, at 8:00 p.m. at 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; Mary E. Carney, City Clerk

**05-09-0213** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve the minutes of the Special Meeting of May 4, 2009, as printed.

**05-09-0214** Motion by Dobrowolski, seconded by McEachern and unanimously carried, it was resolved to approve the minutes of the Regular Meeting of May 5, 2009, as printed.

**05-09-0215** Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve the minutes of the Special Meeting of May 8, 2009, as printed.

A Public Hearing was held to consider the Parks & Recreation Department Master Plan. Parks and Recreation Director Kimberly Alexander presented an overview of the proposed Master Plan.

There were no comments from members of the City Council. A member of the audience asked if projects had to be completed because they were in the plan and was informed that was not the case, that the plan was just a guideline.

**05-09-0216** Motion by Damitio, seconded by Dobrowolski and unanimously carried, it was resolved to close the Public Hearing and approve the Parks and Recreation Department Master Plan.

Item 3a was deferred until later in the meeting.

**05-09-0217** Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve the request from the Seventh-Day Adventist Church to conduct door-to-door missionary work during the months of June, July and August.

**05-09-0218** Motion by Damitio, seconded by McEachern and unanimously carried, it was resolved to approve the request from Don Nicholson Enterprises, LLC., for a Special Event Permit to hold a Car Show on Saturday, August 8, 2009, from 12:00 p.m. to 8:00 p.m. in the Community Living Services parking lot, 35425 Michigan Avenue West.

**05-09-0219** Motion by Damitio, seconded by Dobrowolski and unanimously carried, it was resolved to waive the Special Event Permit Fee for the Car Show sponsored by The Friends of Community Living Services, to be held on Saturday, August 8, 2009, in the Community Living Services parking lot.

**05-09-0220** Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve the request for a resolution honoring the Wayne Civitan Club for 50 years of dedicated service to the residents of the City of Wayne.

Mayor Haidous recognized former City Manager Tom Daily in attendance at the meeting.

**05-09-0221** Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to approve Site Plan #2009-05, Hope Clinic, 35080 Chestnut Street, 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 prior to the construction.
3. That a Certificate of Occupancy inspection shall be completed by the Building Official and Fire Marshal.
4. That the building shall be made accessible and usable to people with disabilities.
5. That the issue of the shared water service with 2951 South Wayne Road shall be addressed and resolved.
6. That the address shall be posted on the building.
7. That the Police Department information shall be submitted (business registration).
8. That all deferred general maintenance items shall be repaired.
  - a. Remove exterior extension cord and loose wiring.
  - b. Restore the grass in the berm.

9. That the signs shall be reviewed and approved by Community Development prior to the issuance of a permit.
10. That all conditions at this site shall be completed before the issuance of a Certificate of Occupancy.

Kerry Holmes and Kathy Robinson, representatives for the project, accepted the conditions without exception.

**05-09-0222** Motion by McEachern, seconded by Damitio and unanimously carried, it was resolved to approve Site Plan #2009-06, Hickory Hollow Cooperative, 5757 West Hickory Hollow Drive, 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 met before the demolition.
2. That the applicant shall obtain the necessary permits and pay the required fees from all City Departments (Building, Engineering, Fire, Water)
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 Fire Marshal prior to the construction.
4. That two sets of engineering plans shall be reviewed and approved by the City Engineer and DPW.
5. That the location of the water meter shall be approved by DPW.
6. That the existing water and sewer lines shall be inspected to confirm their condition.
7. That the building shall be made accessible and usable to people with disabilities.
8. That the pavement program be completed through out the cooperative (back fill and lawn reestablished behind the curb).
9. That the address shall be posted on the building.
10. That all conditions at this site shall be completed before the issuance of a Certificate of Occupancy.

Roy Zolno and Bob Niemczs, representatives for the project, accepted the conditions without exception.

**05-09-0223** Motion by Damitio, seconded by Dobrowolski and unanimously carried, it was resolved to approve Site Plan #2009-07, Gem Jewelry & Exchange, 4330 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)
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 Fire Marshal prior to any construction.
3. That a Certificate of Occupancy inspection shall be completed by the Building Department and Fire Marshall.

4. That the unit shall be made accessible and usable to people with disabilities.
5. That the address shall be posted on each unit (front and back).
6. That the Police Department information shall be submitted (business registration).
7. That the business shall conform to all requirements of Chapter 834 of *The Codified Ordinance of Wayne - Precious Metal and Gem Dealers*.
8. That all deferred general maintenance items shall be repaired:
  - a. Clean all leaves and debris at the rear and sides of building.
  - b. Remove all graffiti from building.
  - c. Paint west and south sides of building.
  - d. Remove vegetation along the rear wall.
  - e. Replace light fixture at the south west corner of the building.
  - f. Replace the gutter at the south west corner of the building.
  - g. Replace missing siding and aluminum fascia trim along the front lights.
  - h. Repair the dumpster enclosure gates with commercial grade fencing.
9. That the signs shall be reviewed and approved by Community Development prior to the issuance of a permit.
10. That all conditions at this site shall be completed before the issuance of a Certificate of Occupancy.

Gary Fitzner and Chet Bartosik, representatives for the project, accepted the conditions without exception.

**05-09-0224** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve Site Plan #2009-08, Dorsey School of Business, 35005 Michigan Avenue West, 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 prior to the construction.
3. That separate plans shall be reviewed and approved by the Fire Marshal for the additional fire suppression system and fire alarm system.
4. That a demolition permit shall be obtained and all requirements met prior to demolition.
5. That a Certificate of Occupancy inspection shall be completed by the Building Official and Fire Marshal.
6. That the building shall be made accessible and usable to people with disabilities.
7. That the Police Department information shall be submitted (business registration, handicapped parking enforcement letter).
8. That all deferred general maintenance items shall be repaired:
  - a. Repair and paint all bollards on the site.
  - b. Replace dumpster enclosure gates.
9. That the parking lot shall be repaired as necessary, all catch basins cleaned and brought to grade, sealed and striped and parking signs replaced in accordance with the ordinance.

- 10. That the sign shall be reviewed and approved by Community Development prior to the issuance of a permit.
- 11. That the landscape plan shall conform to Chapter 1281.
- 12. That all conditions at this site shall be completed before the issuance of a Certificate of Occupancy.

Ziad El-Baba, representative for the project, accepted the conditions without exception.

Item 3a was addressed.

**05-09-0225** Motion by Damitio, seconded by Rowe and carried by a 6-1 vote (McEachern nay), it was resolved to approve the request from the Wayne County Commission to pass a resolution supporting the efforts of the Save Our Kroc Center Coalition (SOKC).

**05-09-0226** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to adopt Ordinance 2009-09, an ordinance to amend the codified ordinances of the City of Wayne, as follows:

ORDINANCE NO. 2009-09

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 TWELVE, PLANNING AND ZONING; CHAPTER 1234, BOARD OF ZONING APPEALS

1234.12 SPECIFIC POWERS

(d) REGULATED USES

(7) No person shall hereafter establish any regulated use if the proposed regulated use will be within a 500-foot radius of a Residential District or a district zoned PDD Planned Development District which has been approved pursuant to Section 1253.10 for a residential project or within a 500-foot radius of any primary or secondary or nursery school. This prohibition shall be deemed waived upon presentation to the Board of a validated petition requesting such waiver, signed by fiftyone percent of those persons owning, residing or doing business within 500 feet of the proposed location. No waiver shall be given or obtained to permit a regulated use to locate within a 500-foot radius of any primary, secondary or nursery school. The Board shall adopt rules and regulations governing the procedure for securing any petition of consent which may be provided in this section. The rules shall provide that the circulator of the petition requesting a waiver subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with such rules, that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

(8) In conjunction with the waiver process for the establishment of any regulated use, the Board may impose any condition or limitations upon the establishment, location, construction, maintenance or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith be fulfilled.

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.

**05-09-0227** Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to adopt Ordinance 2009-10, an ordinance to amend the codified ordinances of the City of Wayne, as follows:

#### ORDINANCE NO. 2009-10

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 TWELVE, PLANNING AND ZONING; CHAPTER 1280, SIGNS;

##### 1280.04 GENERAL SIGN PROVISIONS

(a) Prohibited Signs

(4) Projecting signs except as outlined in Section 1280.04(h) or as permitted by Section 1280.04 (n).

(n) Projecting Signs

One additional two-sided projection sign is permitted for commercial buildings if it complies with all of the following condition:

- (1) Its size does not exceed 48 inches in height and 24 inches in width.
- (2) The bottom of the sign is at least 8 feet above the sidewalk.
- (3) The top of the sign is no higher than the roof of the building.
- (4) It contains a decorative or symbolical design element.
- (5) It does not contain any electrical components.
- (6) It does not obstruct any sign on adjacent property.

- (7) It does not project into a public right-of-way unless: a) that right-of-way is owned by the City of Wayne; or b) prior written approval has been obtained from the owner, such as the County of Wayne, the State of Michigan, or other official entity.
- (8) It is approved by the Community Development Department.

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.

**05-09-0228** Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve the First Reading of a proposed amendment to Ordinance 210.13: Water & Sewer.

**05-09-0229** Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve the First Reading of a proposed amendment to Ordinance 1040.29(d): Water & Sewer.

**05-09-0230** Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve the reappointment of Kathy Lawrence to the Employee Suggestion and Award Board until May of 2011.

**05-09-0231** Motion by Rowe, seconded by McEachern and unanimously carried, it was resolved to approve the appointment of Ramzi El-Gharib to the Employee Suggestion and Award Board until May of 2011.

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

Don Nicholson stated that he is getting ready to finish the program for Cruisin' US 12 in July. He further stated that he is happy to bring a car show to Community Living Services in Wayne. He stated that he is looking forward to a good summer and hopes to see everyone at these events.

Mark Blackwell stated that a while back the City Council had proclaimed Department of Public Works Week and now is concerned with the situation at the Public Works Department. He stated that in his opinion we can honor the men and women of the department by keeping maximum staffing levels as the community relies on these valuable services.

Mark Blackwell further stated that he agreed with Councilman Kelly regarding the City Manager's vehicle and the Farmer's Market and was sad to learn of Mr. English's

retirement.

Mayor Haidous stated that he appreciates when citizens supports the various City departments and believes that the City of Wayne has a great team and that everyone needs to work together to make the best of a bad situation, move forward and serve the community.

Kevin O'Brien and Josh Bradford, members of the Wayne Junior Civitan Club invited everyone to a charity bowling fundraiser to be held on Friday, May 22 at the Wayne Bowl.

Keith Butkovich stated that it was good to see four site plans presented and hoped that it was a sign of things to come. He also inquired as to why items on the agenda had not gone through the bid process and further stated that he is very concerned with the budget.

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

- a. Memo from the Police Chief and a thank you letter from the Police Department Intern, Laura Ketelhut
- b. Memo from the City Planner regarding the Opening Day of the Farmers Market, which will be held on Wednesday, May 20, 2009, in the parking lot of the State Wayne Theater from 3:00 p.m. to 7:00 p.m.
- c. Memo from the Director of the Parks & Recreation Department concerning upcoming Summer Programs
- d. Memo from the Director of the Parks & Recreation Department regarding upcoming Health & Wellness Programs
- e. Memo from the Director of the Parks & Recreation Department concerning upcoming Senior Activity Center Programs
- f. Memo from the Assistant Director of the Parks & Recreation Department regarding the Wayne Rotary Club/Parks & Recreation Department Fundraiser "Off to the Races", which was held on Friday, April 24, 2009
- g. Memo from the Public Works Director concerning the Elementary School Plastic Water Bottle Recycling Contest
- h. Memo from the City Engineer regarding the 2009 Rouge Rescue, which will be held on Saturday, June 6, 2009, from 9:00 a.m. to 1:00 p.m. in Dynamite Park

**05-09-0232** Motion by McEachern, seconded by Mulholland and unanimously carried, it was resolved to approve a three year agreement with Oakland County in the amount of \$3,313.00 per year for the maintenance of the CLEMIS Live Scan System, to be paid from the FY '09-'10 Police Department Repairs & Maintenance Budget

**05-09-0233** Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to call a Public Hearing for Tuesday, June 16, 2009, at 8:00 p.m. to consider the FY '09-'10 Downtown Development Authority (DDA) Budget.

**05-09-0234** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve the purchase of 5169 Niagara Street for \$1.00 through the U.S. Department of Housing and Urban Development (HUD)'s "\$1.00 Home Sales Program To Local Governments".

**05-09-0235** Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to approve the City's application to participate as an authorized Electronic Benefits Transfer (EBT) Agent with the State of Michigan for the Farmers Market.

**05-09-0236** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve Traffic Control Order #583, which replaces Traffic Control Order #32.

**05-09-0237** Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve Traffic Control Order #584, which replaces Traffic Control Order #40.

**05-09-0238** Motion by McEachern, seconded by Damitio and unanimously carried, it was resolved to approve Traffic Control Order #585, which replaces Traffic Control Order #493.

**05-09-0239** Motion by McEachern, seconded by Rowe and unanimously carried, it was resolved to approve a contract with Bratcher Electric in the amount of \$4,110.00 for the installation of new conduit and wiring to the Streetscape Irrigation System, to be paid from the Downtown Development Authority (DDA) Budget.

**05-09-0240** Motion by McEachern, seconded by Dobrowolski and unanimously carried, it was resolved to approve an agreement with Tae Keuk Village in which the City will pay, on an annual basis, \$500.00 for being able to connect to their electrical system and install a conduit on their property .

**05-09-0241** Motion by Damitio, seconded by Mulholland and unanimously carried, it was resolved to approve entering into a Professional Services Agreement with Russell Design, for an amount not to exceed \$2,500.00, for conceptual drawings and cost estimates for improvements to Walz Park, to be paid from the Parks & Recreation Department Professional Services Budget.

**05-09-0242** Motion by Dobrowolski, seconded by Mulholland and unanimously carried, it was resolved to approve Weed List No. 2009-2, as follows:

006-02-0016-000	013-03-0023-002	005-01-0555-000
005-01-0569-000	005-01-0587-000	010-01-0278-301
010-01-0180-000	021-01-0568-000	017-03-0046-000
003-08-0007-000	024-99-0019-000	024-99-0016-000
024-02-0001-000	006-09-0015-002	021-03-0052-000
005-01-0483-000	015-99-0013-000	017-12-0003-000
017-07-0015-000	017-07-0017-000	021-02-0698-000
024-01-1165-000	024-01-1082-000	024-01-1059-000
021-02-0840-000	021-02-0888-000	021-02-0845-000
021-04-0188-000	021-01-0429-000	021-04-0172-000
007-01-0017-000	016-03-0075-002	016-01-0329-000
002-03-0259-000	002-03-0273-000	021-03-0053-000
021-03-0093-000	024-02-0050-000	018-02-0077-001
020-01-1211-000	020-01-1212-000	020-01-1189-000
019-01-0244-000	019-01-0197-000	018-06-0084-000
018-05-0154-001	017-17-0008-000	003-08-0033-000
019-02-0606-000	024-01-1090-000	019-03-0026-000
018-09-0001-000	006-10-0022-300	018-06-0031-002
018-06-0045-000	018-04-0047-000	019-02-0871-000
018-04-0062-000	016-03-0024-000	016-05-0093-003
016-05-0093-005	016-03-0049-000	016-01-0299-002
015-02-0028-000	010-01-0407-301	010-01-0470-300
022-99-0019-000	022-02-0018-002	022-02-0010-002
017-03-0145-000	002-03-0158-000	002-03-0192-000
002-03-0261-000	021-02-0763-000	002-03-0189-000
019-05-0001-000	021-01-1216-000	019-01-0223-000
020-01-1183-000	018-09-0019-000	018-06-0261-000
016-10-0066-000	016-03-0056-000	016-01-0127-000
016-02-0015-000	024-02-0183-000	024-02-0245-000
024-01-1063-000	006-01-0320-000	017-03-0093-000

**05-09-0243** Motion by Rowe, seconded by Mulholland and unanimously carried, it was resolved to approve a Memorandum of Understanding between the City and First Step regarding the Western Wayne County Project on Domestic and Sexual Violence, wherein First Step is applying for a grant under the STOP - American Recovery and Reinvestment Act and if awarded, the City of Wayne, in its sole discretion, will turn over \$3942.00 yearly grant funds to First Step to enhance victim services.

**05-09-0244** Motion by McEachern, seconded by Mulholland and unanimously carried, it was resolved to approve a contract with Utilities Services Authority (USA) in the amount of \$72,330.00, on an emergency basis, to install a cured-in-place liner in 1,248 linear feet of sanitary sewer, to be paid from the Water & Sewer Bond.

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 as Memorial Day approaches she would like to thank those past and present that have given of themselves to ensure the freedom of this Country.

Councilwoman Dobrowolski invited everyone to attend the Memorial Day Parade to be held Sunday and this year to be in the City of Westland.

Councilman Mulholland asked to have the pamphlet that was distributed regarding the Hope Clinic placed on the website.

Councilman Mulholland further commended Parks and Recreation Director Kimberly Alexander and her staff for their hard work on the new Parks and Recreation Master Plan which contains a great deal of information and has taken approximately one year to prepare.

Councilman Mulholland further stated that he had recently attended two fundraisers, the Rotary Club and Parks and Recreation Department "Off to the Races" and for Fallen and Wounded Soldiers and was very impressed that many local businesses had donated goods in even in these difficult financial times and asked everyone to please support these local businesses.

Councilman Mulholland stated that he would be remiss if he didn't reply to a comment earlier in the meeting in which it was stated that the City has not done anything in the past few years. He cited the Farmer's Market, the mural at the State Wayne Theater, Tim Horton's, the second year of the Michigan Avenue Cruise, the Recreation Center renovations and the Boundless Playground to name a few. He continued by saying that everyone has worked very hard in making the City a better place to live. He thanked those that have donated their time to making it a better place to live.

Councilman Mulholland wished his Mother and others a Happy Mother's Day and asked everyone to remember the Veteran's and those serving our Country.

Councilwoman Rowe agreed with Councilman Mulholland's comments and stated that she was happy to see the four site plans presented earlier in the meeting.

Councilwoman Rowe thanked Don Nicholson for his work on the Michigan Avenue Cruise and the Car Show.

Councilwoman Rowe announced that the Council this evening had attended the groundbreaking for the Habitat for Humanity home that is being built in the City and encouraged everyone to visit their website to donate their time in the building process. She also thanked the City for making the building possible.

Councilwoman Rowe also stated that she had attended a SEMCOG meeting at which they were given projected population counts for 2035 and the counts indicated zero growth for the area.

Councilwoman Rowe also wished everyone a Happy Mother's Day and to be safe and enjoy your families.

Mayor Haidous thanked Councilman Mulholland for his comments stating that he shares his feelings and opinions. He continued by saying that some see the glass as half full and some see it as half empty and he feels that the glass is half full and that the City is moving forward.

**05-09-0245** Motion by Rowe, seconded by Mulholland and unanimously carried, it was resolved to accept the Consent Calendar without exception as follows:

- a. Historical Commission Minutes of May 11
- b. Commission on Aging Minutes March 10
- c. Recreation Advisory Board Minutes of May 6
- d. Library Board Minutes of April 8
- e. Ethics Committee Minutes of April 29
- f. Ethics Committee Minutes of May 6
- g. Planning Commission Minutes of May 12

**05-09-0246** Motion by Dobrowolski, seconded by Rowe and unanimously carried, it was resolved to adjourn the meeting at 9:25 p.m.

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Mary E. Carney  
City Clerk

Abstract published May 28, 2009