

Wyandotte, Michigan September 13, 2010

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

ROLL CALL

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

Absent: Councilperson DeSana

COMMUNICATIONS MISCELLANEOUS

Honorable Mayor and Council

Last May we had our 5th annual Festival (Spring Fling) at the Yack. Having it in this facility has worked out very well and provides Wyandotte with another great family event!

A key to our success has been the support of the Yack Staff! Fred, Theresa, Linda, Brad and Kevin do a great job and really go out of their way to help!

We wish to thank them very much!!

Rick Malechuk for all Spring Fling Chairpersons  
Wyandotte Catholic Consolidated School  
St. Joseph's - St. Patrick's  
5<sup>th</sup> Annual Spring Fling Festival  
Yack Arena, 3131 3<sup>rd</sup> Street in Wyandotte

Honorable Mayor and Council

Since 1973 I have lived on the corner of North Drive and Park Lane. Directly to the west, along Park Lane, there is a strip of grass between the curb and tracks, North Drive to Emmons.

This somewhat an extension of our yards or our neighbors, as we often view this area.

I don't know who to thank, but this year has been the best ever maintaining it.

Many years this was not cut till after Memorial weekend and I often needed to call and remind after that. This year was great! So thanks to whoever deserves it!

Rick and Terry Malechuk 155-North Drive

Dear Wyandotte City Council Members,

I am writing to express my sincere dissatisfaction with some employees of Wyandotte Shores Golf Course. On the morning of July 30, 2010, I took my seven year-old daughter to play golf at Wyandotte Shores. She is just learning the game, and my purpose that day was not to play myself; only to provide her instruction. We went in the Pro Shop and I told the woman behind the counter we wanted to play golf. She indicated that this was no problem. When I told her that it would be just my daughter playing, and not both of us, a man seated behind her told me that beginners were not allowed to play. He stated that this was a "Professional" golf course and suggested we go elsewhere. The woman then told me that all the tee times were filled, which didn't seem to be the case when she thought I would be playing too. There were approximately 10-20 vehicles in the parking lot at the time, and I could see no one playing on the first hole. I have been playing golf nearly all my life (40 years) and I know the rules and etiquette of the game. I was going to let my daughter hit a shot, move the ball up 200 yards or so, and hit another one. This way we wouldn't contribute to slow play. I was, and still am, infuriated by this event, especially since my daughter was standing next to me while these course employees were inventing reasons why we couldn't play that day. When we left, she asked me, "Daddy, why wouldn't they let us play?" Of course, I couldn't tell her the real reason: her age. (It's ironic, just the other day I saw the electronic marquee on Fort Street with something about an event for youth at Wyandotte Shores). In the end, July 30 ended up nicely because I took my daughter to the Southgate Par Three course and we had a wonderful time. I hope that the members of the Wyandotte City Council read this note and take some form of action so that this doesn't happen to another young girl or boy who wants to learn how to golf with his/her father. My family, however, will never step foot on Wyandotte Shores again, which is sad, since we live in Wyandotte.

Sincerely,

Tim Neilson 734-284-4617  
2427 18<sup>th</sup> Street, Wyandotte, MI 48192

PERSONS IN THE AUDIENCE

Bill Baud, 3310 3<sup>rd</sup>, regarding house relocation. Objects to new location on Maple Street. Should have used Chestnut Street Lot. Lot too small on Maple Street.

C. B. Clark, Republican Candidate for Wayne County Commissioner, open house on Maple during Third Friday.

Corki Benson, 404 Vinewood, regarding Nutrition Expo at Copeland Center on September 25, 2010. House at 150 Spruce to be moved tomorrow; one hundred sixteen year old house.

Representative for Candidate John Hauler (Representative in Congress 13<sup>th</sup> District) was present.

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

August 31, 2010

The Honorable Mayor Peterson And Council Members  
City Hall, 3131 Biddle Ave.  
Wyandotte, MI 48192

Dear Mayor Peterson and Council Members:

The Police Department has met with Road Runr Maintenance, Inc. in regards to extending their contract for the police and court office cleaning program in the City of Wyandotte. Road Runr Maintenance, Inc. has indicated in the attached amendment that they can perform the additional work at the unit rates set forth in the contract with the City for File #4445 – Wyandotte police & Court Office Cleaning. The conditions of the contract extension would be as set forth in the attached Amendment to Contract. Section 1.03.09 Contract Extension of the Contract Specifications allows extension of the Contract when approved by the City Council and agreed to by the Contractor.

The work will be funded from Account No. #101-301-825-420.

The undersigned recommends that this contract extension be approved.

Sincerely,  
Daniel J. Grant Chief of Police

September 9, 2010

Mayor Joseph R. Peterson  
3131 Biddle Avenue  
Wyandotte, Michigan 48192

REGARDING: Mac's Variety Pac. Inc. 375 Eureka

Dear Mayor and Council:

An application was received from the Michigan Liquor Control Commission from Mac's Variety Pac, Inc. requesting to transfer stock in 2010 SDD & SDM licensed business, located at 375 Eureka, Wyandotte, MI. 48192, Wayne County, by dropping Jason Jarjosa as stockholder through transfer of 13,000 shares to new stockholder Khery Jarjosa.

Said application was referred to the Department of Municipal Service, City Engineer, City Treasurer, Police and Fire and Legal; copies of which are attached.

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

Sincerely yours,  
William R. Griggs, City Clerk

September 9, 2010

Mayor Joseph R. Peterson  
3131 Biddle Avenue, Wyandotte, Michigan 48192

RE: The Rockery, 1175 Eureka

Dear Mayor and Council:

An application was received from the Michigan Liquor Control Commission requesting to transfer ownership of a 2010 Class C licensed business, located at 1175 Eureka, Wyandotte, Michigan 48192, Wayne County from the Estate of Joseph J. Piteo, James M. Piteo, personal representative to Norgren Restaurants, LLC (STEP 2).

Said application was referred to the Department of Municipal Service, City Engineer, City Treasurer, Police and Fire and Legal; copies of which are attached.

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

Sincerely yours,  
William R. Griggs, City Clerk

September 9, 2010

The Honorable Joseph R. Peterson, Mayor and City Council Members  
3131 Biddle Avenue  
Wyandotte, Michigan 48192

Dear Mayor Peterson and City Council Members,

A budgeted position has been open in the Fire Department since the resignation of an employee in July. Based on a review of the City's current resources, organizational structure, and staffing expectations, the filling of this position appears necessary to provide effective services to the citizens of the City of Wyandotte.

As such, the undersigned recommends concurring with the recommendation of the Police and Fire Commission to hire Brendt Frederick, who was selected from the eligibility list by Mayor Peterson on August 5, 2010.

Note that this employee has successfully passed his physical, drug screen, and psychological examinations.

Sincerely,  
Todd A. Drysdale, Director of Financial and Administrative Services

September 9, 2010

The Honorable Mayor Joseph R. Peterson And City Council  
City Hall, Wyandotte, Michigan

RE: Former 304 Vinewood/2534 3rd Street Wyandotte, Michigan  
Lot Size: 50' x 140'

Dear Mayor Peterson and City Council Members:

Attached please find a Purchase Agreement to sell the above captioned property to Barbara and Michael Bartnikowski, 1776 Moran, Lincoln Park, Michigan for \$10,000.00, to construction a new single family dwelling for their residency. The home will consist of two (2) storied approximately 2,650 square feet with 4 bedrooms, 2 baths, 600 square foot basement with backflow prevention system and emergency escape and rescue opening per the 2003 Michigan Residential Code and attached garage with the entrance off 3rd Street. The exterior of the home will be vinyl siding.

If you concur with this recommendation the attached Resolution will authorize the Mayor and City Clerk to execute the necessary sales documents.

Very truly yours,  
Mark A. Kowalewski, City Engineer  
Colleen A. Keehn, City Assessor

September 8, 2010

The Honorable Mayor Joseph R. Peterson and City Council  
City Hall, Wyandotte, Michigan

Re: Former 436 and 452 Cedar

Dear Mayor Peterson and Council Members:

Attached please find the following Purchase Agreements:

1. To sell 26.5 feet for the Former 436 Cedar to James and Laura Peck, the adjacent property owners at 428 Cedar, Wyandotte, in the amount of \$3,150.00. This includes the garage on said property. The combination of the two (2) parcels will result in one (1) parcel measuring 72.5' x 130'
2. To sell 11.5 feet of the Former 436 Cedar and 13.25 Feet of the Former 452 Cedar to Brenda Sammons, the adjacent property owner at 444 Cedar, Wyandotte, in the amount of \$2,475.00. The combination of the two (2) parcels will result in one (1) parcel measuring 62.75' x 130'.
3. To sell 24.75 feet of the former 452 Cedar to James and Jan Bunting, the adjacent property owners at 464 Cedar, Wyandotte, in the amount of \$2,475.00. The combination of the two (2) parcels will result in one (1) parcel measuring 62.75' x 130'.

If Council concurs with these sales, the attached Resolution will authorize Mayor and Clerk to execute the necessary documents.

Very truly yours,

Mark A. Kowalewski, City Engineer  
Colleen A. Keehn, City Assessor

PD Planned Development District City of Wyandotte Application for Approval for property located at 2080 Biddle Ave between Northline and Spruce on the SW side of the Street.

September 8, 2010

The Honorable Mayor Joseph R. Peterson and City Council  
City Hall  
Wyandotte, Michigan

Dear Mayor and Council Members:

Attached please find Purchase Agreements for the City to acquire the following properties:

2632 9th Street	\$19,000.00	NSP2 Funds
1841 2nd Street	\$21,000.00	TIFA Area Funds - Single Family Dwelling

If this meets with your approval, I recommend that the Department of Legal Affairs be directed to prepare the necessary sale documents and the Mayor and Clerk be authorized to execute same.

I further recommend that the undersigned be authorized to demolish same.

Very truly yours,  
Mark A. Kowalewski, City Engineer

September 9, 2010

The Honorable Joseph R. Peterson, Mayor and City Council Members  
3131 Biddle Avenue  
Wyandotte, Michigan 48192

Dear Mayor Peterson and City Council Members,

Attached you will find the 2011 Fiscal Year City Operating Budget. The first reading of the 2011 Fiscal Year Budget Ordinance is on tonight's agenda.

The final reading of the budget ordinance will be presented at the September 20, 2010 City Council meeting. After the final reading, the City Council will vote on the proposed budget ordinance.

The proposed budget is available in the City Clerk's Office for viewing by the public.

Sincerely,

Robert J. Szczechowski, Deputy Treasurer/Assistant Finance Director

REPORTS AND MINUTES

Financial Services Daily Cash Receipts	\$155,443.08
Beautification Commission	July 13, 2010
Municipal Service Commission	August 24, 2010
Fire Commission	August 12, 2010
Fire Commission	August 26, 2010
Police Commission	August 26, 2010
Police Commission	August 12, 2010
Zoning Board of Appeals	September 1, 2010
Planning Commission	August 19, 2010

CITIZEN PARTICIPATION

None

RECESS

RECONVENING

ROLL CALL

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

Absent: Councilperson DeSana

FIRST READING OF ORDINANCES

City of Wyandotte  
2011 Fiscal Year Budget Ordinance

AN ORDINANCE ENTITLED

AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE ZONING  
ORDINANCE TO REZONE THE PROPERTY FORMERLY KNOWN AS  
174 FORD AVENUE FROM TWO FAMILY RESIDENTIAL DISTRICT (RT) TO MULTIPLE  
FAMILY RESIDENTIAL DISTRICT (RM-1)

THE CITY OF WYANDOTE ORDAINS:

FINAL READING OF AN ORDINANCE

AN ORDINANCE ENTITLED  
AN ORDINANCE TO AMEND THE  
CODE OF ORDINANCES BY ADOPTING  
THE HISTORIC DISTRICT ORDINANCE

THE CITY OF WYANDOTTE ORDAINS:

SECTION 1. Adoption of the Historic District Ordinance

1.1 Short Title

This Ordinance shall be known as the "Historic District Ordinance of the City of Wyandotte".

1.2 Statement Of Purpose

Historic preservation is hereby declared to be a public purpose and the City Council of the City of Wyandotte may hereby regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the City limits. The purpose of this Ordinance is to:

1. Safeguard the heritage of the City of Wyandotte by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and surrounding areas.
3. Foster civic beauty.
4. Strengthen the local economy.
5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of Wyandotte and of the State of Michigan.

The City of Wyandotte may by Ordinance establish one or more historic districts. The historic district(s) shall be administered by the Historic District Commission and pursuant to this Ordinance.

1.3 Definitions

1. "Act" means Public Act 169 of 1970 as amended.
2. "Alteration" means work that changes the detail of a resource but does not change its basic size or shape.
3. "Certificate of Appropriateness" means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
4. "Commission" means the Historic District Commission of the City of Wyandotte.
5. "Demolition" means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
6. "Demolition by Neglect" means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
7. "Denial" means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

8. "Fire Alarm System" means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
9. "Historic District" means an area, or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
10. "Historic Preservation" means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
11. "Historic Resource" means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of the city of Wyandotte, state of Michigan, or the United States.
12. "Notice to Proceed" means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.
13. "Open Space" means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or buffer between other resources.
14. "Ordinary Maintenance" means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this Ordinance.
15. "Proposed Historic District" means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
16. "Repair" means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this Ordinance.
17. "Resource" means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.
18. "Smoke Alarm" means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.
19. "Work" means construction, addition, alteration, repair, moving, excavation, or demolition.

#### 1.4 Historic District Study Committee and the Study Committee Report

Before establishing a historic district(s), the City Council shall appoint a Historic District Study Committee. A majority of the persons appointed to the Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation. The Study Committee shall contain representation of at least one member appointed from one or more duly organized local historic preservation organizations. The Study Committee shall do all of the following:

A. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office.

B. Conduct basic research of each proposed historic district and historic resources located within that district.

C. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office.

D. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:

1. The charge of the Committee.
2. The composition of Committee membership.
3. The historic district(s) studied.
4. The boundaries of each proposed historic district in writing and on maps.
5. The history of each proposed historic district.
6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
7. Transmit copies of the preliminary report for review and recommendations to the local planning body, the State Historic Preservation Office, the Michigan Historical Commission, and the State Historic Preservation Review Board.
8. Make copies of the preliminary report available to the public pursuant to Section 399.203 (4) of Public Act 169 of 1970, as amended.

E. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.

F. After the date of the public hearing, the Committee and the City Council have not more than one year, unless otherwise authorized by the City Council, to take the following actions:

1. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the City Council as to the establishment of a Historic District(s). If the recommendation is to establish a Historic District(s), the final report shall include a draft of the proposed ordinance(s).
2. After receiving a final report that recommends the establishment of a Historic District(s), the City Council, at its discretion, may introduce and pass or reject an ordinance(s). If the City Council passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

G. A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with Public Act 442 of 1976, as amended.

#### 1.5 Establishing Additional, Modifying, or Eliminating Historic Districts

1. The City Council may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the City Council shall follow the procedures as stated in Section 399.203 (1-3) of Public Act 169 of 1970, as amended. To conduct these activities, the City Council may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved. The committee shall consider any previously written committee reports pertinent to the proposed action.
2. In considering elimination of a historic district, a committee shall follow the procedures set forth in Section 399.203 (1-3) of Public Act 169 of 1970, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:
  - a. The historic district has lost those physical characteristics that enabled the establishment of the district.
  - b. The historic district was not significant in the way previously defined.
  - c. The historic district was established pursuant to defective procedures.

#### 1.6 The Historic District Commission

The City Council hereby establishes the Historic District Commission pursuant to Public Act 169 of 1970 as amended. Each member of the Commission shall reside within the city limits. The Commission shall consist of seven (7) members. Members shall be appointed by the City Council. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed, subject to approval by city council, for a term of three (3) years, except the initial appointments of three (3) members for a term of two (2) years and two (2) members for a term of one year. Subsequent appointments shall be for three-year terms.

Members shall be eligible for reappointment. In the event of a vacancy on the Commission, interim appointments shall be made by the City Council within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan.

The City Council may prescribe powers and duties of the Commission, in addition to those prescribed in this Ordinance, that foster historic preservation activities, projects, and programs in the local unit.

#### 1.7 Historic District Commission Meetings, Recordkeeping & Rules of Procedure

1. The Historic District Commission shall meet at least quarterly or more frequently at the call of the Commission.
2. The business that the Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.
3. The Commission shall keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.

4. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this act.

#### 1.8 Delegation of Minor Classes of Work

The commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to its staff, or to another delegated authority. The Commission shall provide to its delegated authority specific written standards for issuing Certificates of Appropriateness under this subsection. The Commission shall review the Certificates of Appropriateness issued by the delegate on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

#### 1.9 Ordinary Maintenance

Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the Ordinance was enacted.

#### 1.10 Review by the Commission

The Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the City Council or unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

#### 1.11 Design Review Standards and Guidelines

1. In reviewing plans, the Commission shall follow the U.S. Secretary of Interior's Standards for Rehabilitation and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's Standards and guidelines and are established or approved by the State Historic Preservation Office.
2. In reviewing plans, the Commission shall also consider all of the following:
  - A. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
  - B. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
  - C. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
  - D. Other factors, such as aesthetic value, that the commission finds relevant.
  - E. Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

#### 1.12 Permit Applications

1. A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the building inspector. Upon receipt of a complete application, the inspector of buildings shall immediately refer the application, along with all required supporting materials that make the application complete to the commission. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a Certificate of Appropriateness or a Notice to Proceed as prescribed in this Ordinance. A commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

2. The Commission shall file Certificates of Appropriateness, Notices to Proceed, and Denials of applications for permits with the inspector of buildings. A permit shall not be issued until the Commission has acted as prescribed by this Ordinance.
3. If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the City of Wyandotte, the state of Michigan, or the nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.
4. The failure of the Commission to act on an application within sixty (60) calendar days after the date a complete application is filed with the Commission, unless an extension is agreed upon in writing by the applicant and the Commission, shall be considered to constitute approval.
5. The Commission may charge a reasonable fee to process a permit application.

#### 1.13 Denials

If a permit application is denied, the decision shall be binding on the inspector or other authority. A Denial shall be accompanied by a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for Commission review when the suggested changes have been made. The Denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board and to the circuit court.

#### 1.14 Notice to Proceed

Work within a historic district shall be permitted through the issuance of a Notice to Proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

- A. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- B. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- C. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- D. Retaining the resource is not in the interest of the majority of the community.

#### 1.15 Appeal of a Commission Decision

1. An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The State Historic Preservation Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Wayne County Circuit Court.
2. Any citizen or duly organized historic preservation organization in the City of Wyandotte, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this Ordinance may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

### 1.16 Work Without a Permit

When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may require an owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply or cannot comply with the order of the court, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the court's order. The costs of the work done shall be charged to the owner, and may be levied by the City of Wyandotte as a special assessment against the property. When acting pursuant to an order of the circuit court, the Commission or its agents may enter a property for purposes of this section.

### 1.17 Demolition by Neglect

Upon a finding by the Commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with Demolition by Neglect, the Commission may do either of the following:

1. Require the owner of the resource to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner, and may be levied by the City of Wyandotte as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

### 1.18 Review of Work in Proposed Districts

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission as prescribed in Section 12 of the Ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

### 1.19 Emergency Moratorium

If the City Council determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the City Council may by resolution declare an emergency moratorium on all such work for a period not to exceed six (6) months. The City Council may extend the emergency moratorium for an additional period not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

### 1.20 Penalties for Violations

1. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than \$5,000.00. If a court determines the penalty as set forth in this ordinance is unlawful, then the fine shall be the maximum amount allowed by law.

2. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

#### 1.21 Acceptance of Gifts or Grants

The City Council may accept state or federal grants for historic preservation purposes; may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Council may appoint the Historic District Commission to accept and administer grants, gifts, and program responsibilities.

#### 1.22 Acquisition of Historic Resources

If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if considered to be the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the City Council. Upon recommendation of the Commission, the City may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

#### 1.23 Historic Districts Designated

##### 1.23.01 I.O.O.F. Temple Historic District

- A. The boundaries of the I.O.O.F. Temple Historic District are shown on the map on file in the office of the city clerk which is incorporated into and made a part of this chapter, and is comprised of the following parcel: Lot 3 Plat of part of Wyandotte, Part 2, Block 56 T3S R11E, L57 of Deeds P5 WCR, also known as 81 Chestnut Street.

#### SECTION 2. Severability.

All Ordinances or parts of Ordinances in conflict herein are hereby repealed, only to the extent necessary to give this Ordinance full force and effect.

#### SECTION 3. Effective Date.

This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and the Ordinance or its summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. A copy of this Ordinance may be inspected or obtained at the City of Wyandotte Clerk's Office, 3131 Biddle Avenue, Wyandotte, Michigan.

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

YEAS: Councilpersons Browning, Fricke, Galeski, Sabuda, Stec

NAYS: None

ABSENT: Councilperson DeSana

I hereby approve the adoption of the foregoing ordinance this 13<sup>th</sup> day September, 2010.

#### CERTIFICATE

We, the undersigned, JOSEPH R. PETERSON and WILLIAM R. GRIGGS, respectively the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the Council of the City of Wyandotte, at a regular session thereof on Monday, the 13<sup>th</sup> day of September, 2010.

Dated: September 13, 2010

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

RESOLUTIONS

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that the reading of the minutes of the previous meeting be dispensed with and the same stand APPROVED as recorded without objection.

I move the adoption of the foregoing resolution.  
 MOTION by Councilperson Sheri M. Fricke  
 Supported by Councilperson Lawrence S. Stec  
 ROLL ATTACHED

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that the communication from the Wyandotte Catholic Consolidated Schools St. Joseph's and St. Patrick's Spring Fling Festival Chairman thanking the Staff at the Yack Arena for their assistance during their festival is hereby received and placed on file with copies forwarded to the Recreation Department.

I move the adoption of the foregoing resolution.  
 MOTION by Councilperson Sheri M. Fricke  
 Supported by Councilperson Lawrence S. Stec  
 ROLL ATTACHED

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that the communication from Rick and Terry Malechuk, 155 North Drive thanking Mayor, Council and the Departments responsible for the upkeep of the grass between the curb and tracks from North Drive to Emmons is hereby received and placed on file with copies forwarded to the City Engineer and Department of Public Service.

I move the adoption of the foregoing resolution.  
 MOTION by Councilperson Sheri M. Fricke  
 Supported by Councilperson Lawrence S. Stec  
 ROLL ATTACHED

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that the communication from Tim Neilson, 2427-18th Street regarding his experience at the Wyandotte Shores Golf Course on July 30, 2010 is hereby received and placed on file. AND BE IT FURTHER RESOLVED that Mayor and Council apologize to Mr. Neilson and his daughter on behalf of the staff at the Golf Course and that said communication be forwarded to the Recreation Director and Golf Course management to make them aware of this complaint. AND FURTHER that said communication be sent to the Recreation Commission and Superintendent of Recreation with a response back to Mayor and Council within two (2) weeks.

I move the adoption of the foregoing resolution.  
 MOTION by Councilperson Sheri M. Fricke  
 Supported by Councilperson Lawrence S. Stec  
 ROLL ATTACHED

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that the communication from the Chief of Police dated August 31, 2010 relative to an extension of a cleaning contract at the Police/Court building is hereby receive and placed on file. AND BE IT FURTHER RESOLVED that Council concurs in the recommendation of the Chief of Police to extend the contract with Road Runr Maintenance Inc. for additional work at the unit rates set forth in the contract with the City for File # 4445-Wyandotte Police/Court Cleaning. AND FURRTHER that said costs be funded from account # 101-301-825-420.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that Council CONCURS in the recommendation of the City Clerk as set forth in his communication dated September 9, 2010 and hereby APPROVES the request from Mac's Variety Pac, 375 Eureka to transfer stock in 2010 SDD & SDM licensed business by dropping Jason Jarjosa as stockholder through transfer of 13,000 shares to new stockholder Khery Jarjosa.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that Council CONCURS in the recommendation of the City Clerk as set forth in his communication dated September 9, 2010 and hereby APPROVES the request from The Rockery, 1175 Eureka to transfer ownership of a 2010 Class C licensed business, from the Estate of Joseph J. Piteo, James M. Piteo, personal representative to Norgren Restaurants, LLC (Step 2).

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that Council acknowledges receipt of the communication from the Director of Financial and Administrative Services dated September 9, 2010 regarding the Fire Fighter position at the Fire Department and hereby CONCURS with the recommendation therein and hereby declares said position vacant and authorizes the filling of such vacancy and BE IT FURTHER RESOLVED that the Council APPROVES the hiring of Brendt Frederick.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer and City Assessor as set forth in their communication dated September 9, 2010 regarding the former 304 Vinewood 2534 3rd Street; AND BE IT FURTHER RESOLVED that Council accepts the offer from Barbara and Michael Barnikowski, dated September 8, 2010 in the amount of \$10,000.00 to construct a single family two (2) story home consisting of 2,650 square feet, exterior to be vinyl siding, attached garage and 600 square foot basement with backflow prevention system and emergency escape and rescue opening per the 2003 Michigan Residential Code; AND BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute the necessary documents subject to the approval of the Department of Legal Affairs.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that Council CONCURS with the communication from the City Engineer and City Assessor dated September 8, 2010 regarding the former 436 Cedar and 452 Cedar, Wyandotte; AND BE IT FURTHER RESOLVED that Council accepts the offer from James and Laura Peck to acquire 26.5 feet of the former 436 Cedar in the amount of \$3,150.00 which includes the garage on said property; AND BE IT FURTHER RESOLVED that Council accepts the offer from Brenda Sammons to acquire 11.5 feet of the former 436 Cedar and 13.25 feet of the former 452 Cedar in the amount of \$2,475.00; AND BE IT FURTHER RESOLVED that Council accepts the offer from James and Jan Bunting to acquire 24.75 feet of the former 452 Cedar in the amount of \$2,475.00 AND BE IT FURTHER RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor and City Clerk are hereby authorized to sign said documents.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that the application for a PD Planned Development District approval for the property located at 2080 Biddle Avenue between Northline and Spruce as submitted by the City Engineer on behalf of Anthony LoDuca is hereby referred to the Planning Commission for the scheduling of the proper public hearing.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 2632-9th Street in the amount of \$19,000.00 to be appropriated from NSP2 Area Funds; AND BE IT FURTHER RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor, City Clerk and City Attorney, William R. Look, are hereby authorized to sign said documents.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that Council CONCURS with the recommendation of the City Engineer to acquire the property at 1841-2nd Street in the amount of \$21,000.00 to be appropriated from TIFA Area Funds; AND BE IT FURTHER RESOLVED that the Department of Legal Affairs is hereby directed to prepare the necessary documents and the Mayor, City Clerk and City Attorney, William R. Look, are hereby authorized to sign said documents; AND BE IT FURTHER RESOLVED that the City Engineer is directed to DEMOLISH same upon completion of the Wyandotte Historical Commission inspection of the home as it pertains to the preservation of historical and cultural items for the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Sabuda, Stec  
NAYS: Councilman Galeski

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that the communication from the Deputy Treasurer/Assistant Finance Director relative to the 2011 Fiscal Year City Operating Budget First Reading at tonight's meeting and the Public Hearing relative to same scheduled for September 20, 2010 is hereby received and placed on file.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

Wyandotte, Michigan September 13, 2010

RESOLUTION by Councilperson Sheri M. Fricke

RESOLVED by the City Council that the total bills and accounts in the amount of \$2,523,386.44 as presented by the Mayor and City Clerk are hereby APPROVED for payment.

I move the adoption of the foregoing resolution.

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
YEAS: Councilmembers Browning, Fricke, Galeski, Sabuda, Stec  
NAYS: None

ADJOURNMENT

MOTION by Councilperson Sheri M. Fricke  
Supported by Councilperson Lawrence S. Stec  
That we adjourn.  
Carried unanimously.  
Adjourned at 8:00 PM  
September 13, 2010

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William R. Griggs, City Clerk